

LEXINGTON AREA MPO FISCAL YEAR 2020 TITLE VI PROGRAM PLAN



Adopted: January 22, 2020

Reporting Period: July 1, 2018 – June 30, 2019

Director: Max Conyers

Title VI Coordinator: Kenzie Gleason

LEXINGTON AREA MPO TITLE VI PROGRAM PLAN

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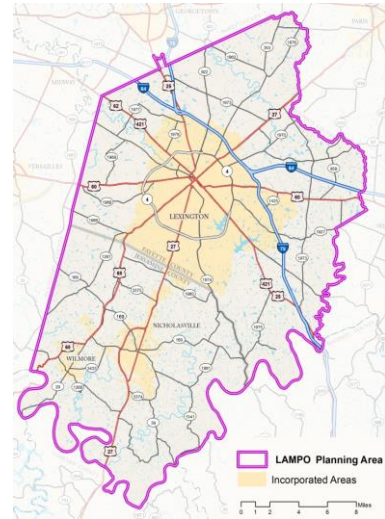
INTRODUCTION

This Title VI Program Plan for the Lexington Area Metropolitan Planning Organization (MPO) outlines how the MPO provides equal access to the transportation planning process and ensures its policies and programs are non-discriminatory and do not negatively impact minority and low-income individuals.

ABOUT THE MPO

Federal law requires all urbanized areas with populations greater than 50,000 people to designate a Metropolitan Planning Organization (MPO) to develop transportation plans for the region. The Lexington Area MPO consists of Fayette and Jessamine County and the cities of Lexington, Nicholasville and Wilmore. The 2010 U.S. Census also designated a small portion of Scott County as part of the Urbanized Area and thus part of the MPO planning area.

A core function of the MPO is to ensure that local people and governments are represented in an impartial setting in the transportation planning process. To that end, each MPO works with federal, state and local governments, transit agencies, stakeholders and the public to ensure transportation policies, plans, projects and programs move the region forward based upon mutually agreed goals.



- Avoiding, minimizing or mitigating disproportionately high and adverse health or environmental effects on minority and low-income populations;
- Ensuring full and fair participation by all potentially affected communities in the transportation decision-making process; and
- Preventing the denial, reduction or significant delay in the receipt of benefits by minority populations and low-income communities.

[Executive Order 13166](#): *Improving Access to Services for Persons with Limited English Proficiency*. This Executive Order states that people who speak limited English should have meaningful access to federally conducted and federally funded programs and activities. It requires that all federal agencies identify any need for services to those with limited English proficiency and develop and implement a system to provide access to those services.

A list of all general and transportation-related non-discrimination authorities include:

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.)
- Section 162 (a) of the Federal Aid Highway Act of 1973 (23 USC 324)
- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Americans With Disabilities Act of 1990
- Civil Rights Restoration Act of 1987
- 49 CFR Part 21
- 23 CFR Part 200
- U.S. DOT Order 1050.2
- Executive Order #12898 (Environmental Justice)
- Executive Order #13166 (Limited-English-Proficiency)

TITLE VI POLICY STATEMENT

Pursuant to and consistent with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), U.S Department of Transportation (DOT), Subtitle A, Office of the Secretary, (49 CFR, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964:

It is the policy of the Lexington Area Metropolitan Planning Organization (MPO) to afford equal opportunity to all persons to the end that no persons in the United States shall, on the grounds of race, color, sex, disability, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the Lexington Area Metropolitan Planning Organization.

Any person or persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the MPO. The Title VI complaint procedure and example complaint form is found in Appendix A of this Plan. This policy shall be prominently posted in the Lexington Area MPO offices and on the MPO's website at www.lexareampo.org.



**LEXINGTON AREA METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION PLANNING FOR FAYETTE AND JESSAMINE COUNTIES**

Phone: 859-258-3160
Fax: 859-258-3163
101 East Vine Street Suite 700
Lexington, KY 40507

Title VI Policy Statement

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This Policy Statement shall be posted at the MPO's offices located at 101 East Vine Street, Lexington, KY 40507 and on the MPO's website at www.lexareampo.org.

A handwritten signature in black ink that reads "Max D. Conyers". The signature is written over a horizontal line.

Max D. Conyers, Director
Lexington Area Metropolitan Planning Organization (MPO)

6-19-2019
Date

RESPONSIBLE OFFICIALS

The Executive Director is responsible for administering the federally required duties of the MPO. As such, the Director is responsible for the MPO's adherence to and compliance with Title VI program implementation and policy development.

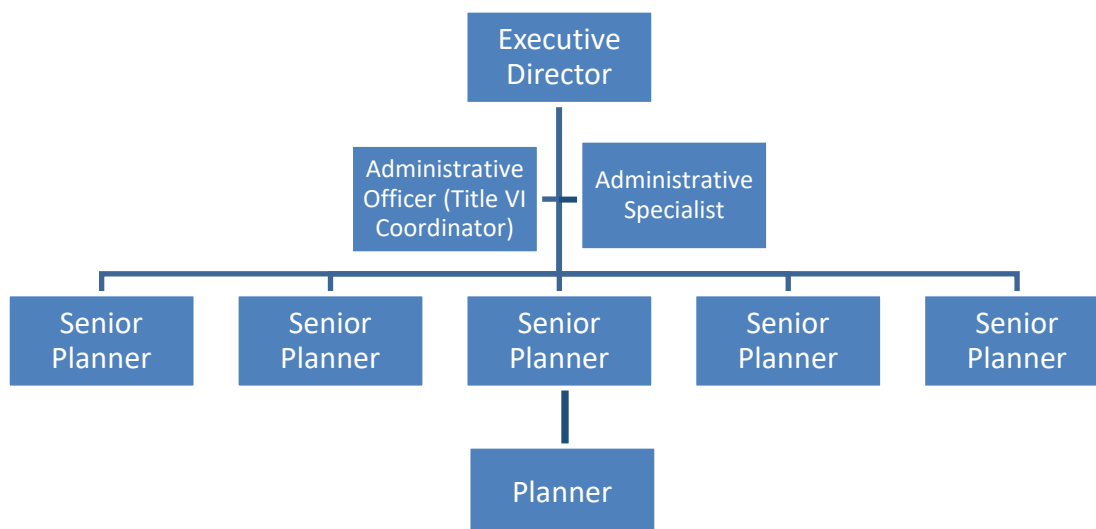
The Title VI Coordinator role for the MPO is the Administrative Officer who is responsible for the day to day direct oversight of the MPO's compliance with Title VI. The Title VI Coordinator shall have direct access to the Executive Director. General responsibilities of the Title VI Coordinator include but are not limited to:

- Coordinating Title VI program development within the MPO and with Local Public Agencies (LPAs) within the MPO's jurisdiction.
- Establishing procedures for processing Title VI program reviews and/or sub-contractor reviews.
- Coordinating Title VI training for MPO staff, sub-contractors and stakeholders.
- Preparing required reports.
- Providing guidance and advice on the Title VI Program to MPO staff and LPAs.
- Annually reviewing and updating the MPO's Title VI Program Plan as needed.

Inquiries regarding the MPO's Title VI activities should be directed to the following contacts:

Max Conyers, Executive Director
Lexington Area MPO
101 East Vine Street, Lexington, KY 40507
maxc2@lexingtonky.gov
859.258.3167

Kenzie Gleason, Title VI Coordinator
Lexington Area MPO
101 East Vine Street, Lexington, KY 40507
kgleason@lexingtonky.gov
859.258.3605



PROGRAM REVIEW PROCEDURES

The MPO provides equal access to the transportation planning process and ensure its policies and programs are non-discriminatory and do not negatively impact minority and low-income individuals. To that end, the MPO utilizes the following program review procedures to ensure compliance with Title VI:

- Collecting and analyzing data on minority and low-income populations to determine the potential impact of proposed plans, programs and projects
- Ensuring all contract documents contain the appropriate Title VI provisions
- Consulting with the Title VI Officer, Coordinator or Liaison and the KYTC Office for Civil Rights & Small Business Development's Executive Director when complaints are received or issues arise
- Ensuring that all people are treated equitably regardless of race, color or national origin
- Monitoring Title VI accomplishments, notifying the KYTC Title VI Officer, Coordinator or Liaison of problem areas and summarizing activities for inclusion in the Title VI Plan Update
- Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of projects and activities
- Ensuring that all business pertaining to the selection, negotiation, and administration of consultant contracts and agreements is accomplished without discrimination based on race, color or national origin
- Ensuring that efforts are made to include minority and women owned businesses in consideration for contracts
- Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference
- Providing reasonable accommodations, information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons

See "[Monitoring & Reporting](#)" for details on how the MPO will evaluate and report compliance with Title VI.

SUBRECIPIENT REVIEW PROCEDURES

The MPO makes every effort to regulate, monitor, review and report on federal programs to ensure compliance using FHWA's Nondiscrimination/Title VI Guidelines. The MPO's Title VI Coordinator works with program staff (Title VI liaisons) to conduct periodic pre-grant and post-grant reviews of select subrecipients of FHWA funds or other federal funds to ensure adherence to Title VI requirements; reviews use a combination of desk and onsite audits. Appropriate program staff members routinely update the Title VI guidelines provided to consultants, contractors and subrecipients including Title VI language, provisions and other related requirements.

Upon a finding by MPO of noncompliance by a subrecipient, the Title VI Coordinator, or his/her designee shall immediately notify the Responsible Official in writing of the violations held to constitute noncompliance with Title VI and of the steps necessary to correct these violations. The Responsible Official shall implement corrective actions within thirty (30) days of receipt and acceptance of the notification of recommended corrective action.

If an attempt to secure voluntary compliance with Title VI does not occur within thirty (30) days, or a reasonable period of time, the Responsible Official may, in the case of grant subrecipients, face termination or suspension of the contractual relationship with MPO.

SPECIAL EMPHASIS PROGRAM AREAS

There are several ways Title VI and Environmental Justice considerations interface with the Lexington Area MPO's transportation planning process including in the MPO's public outreach efforts and in the programming of federal funds for transportation improvement projects through the MPO's short and long-range regional transportation plans.

The MPO assesses the implications for Title VI and EJ in the planning process through four main functions: the Participation Plan, Identifying Title VI, EJ & LEP Communities, Assessing Impacts & Environmental Justice and Engaging Title VI, EJ & LEP Persons.

RELATIONSHIP OF TITLE VI PLAN TO PARTICIPATION PLAN

Many of the MPO's Title VI responsibilities are achieved through implementing the MPO's Participation Plan (PP). The PP the framework for the MPO's public engagement process and is the official policy for how the MPO will disseminate information to the public and to stakeholders, to ensure there is adequate time for them to provide input, and to engage them in the process.

Through implementing the PP the Lexington Area MPO is committed to:

- Inform and involve the public/stakeholders including citizens, businesses, institutions and non-profits regarding the plans, projects and decisions that impact them.
- Provide frequent, comfortable and meaningful experiences for effective feedback.
- Provide continuing and timely public information and outreach.
- Provide equal access to information that is relevant to a diverse audience and strives to reach under-represented populations.
- Evaluate the participation processes and procedures on a periodic basis to assess and improve effectiveness.

The following sections are reiterated in the MPO's Participation Plan for the Lexington Area including: an assessment of Title VI, EJ and LEP populations; strategies to better engage these individuals in the transportation planning process; and ways to evaluate and ensure MPO plans do not result in any disparate impacts upon those communities.

IDENTIFYING TITLE VI, EJ & LEP COMMUNITIES

An understanding of community demographics is needed to ensure the MPO's planning and participation efforts reach all segments of the population. A demographic summary of the Lexington Area MPO follows including age, income, race/ethnicity, language and disability. Figure 1 shows the total number and percentage of the population that identifies with a minority race/ethnic group in Fayette County, Jessamine County, the MPO Region and the Commonwealth of Kentucky. Figure 2 displays demographical data to identify traditionally underserved and/or under-represented residents.

Counties	Total Population	Black/ African American		Asian American/ Pacific Islander		American Indian/ Alaskan Native		Hispanic		Total Racial/Ethnic Minorities	
Kentucky	4,411,989	350,242	7.94%	59,668	1.35%	9,052	0.21%	146,945	3.33%	606,581	13.75%
Fayette	311,529	45,319	14.55%	11,020	3.54%	1022	0.33%	21,322	6.84%	87,220	28.00%
Jessamine	51,015	1,914	3.75%	707	1.39%	168	0.33%	1,534	3.01%	4,791	9.39%
Region	362,544	47,233	13.03%	11,727	3.23%	1,190	0.33%	22,856	6.30%	92,011	25.38%

Figure 1 2016 ACS Minority Table for Lexington MPO Counties, Region and the Commonwealth of KY

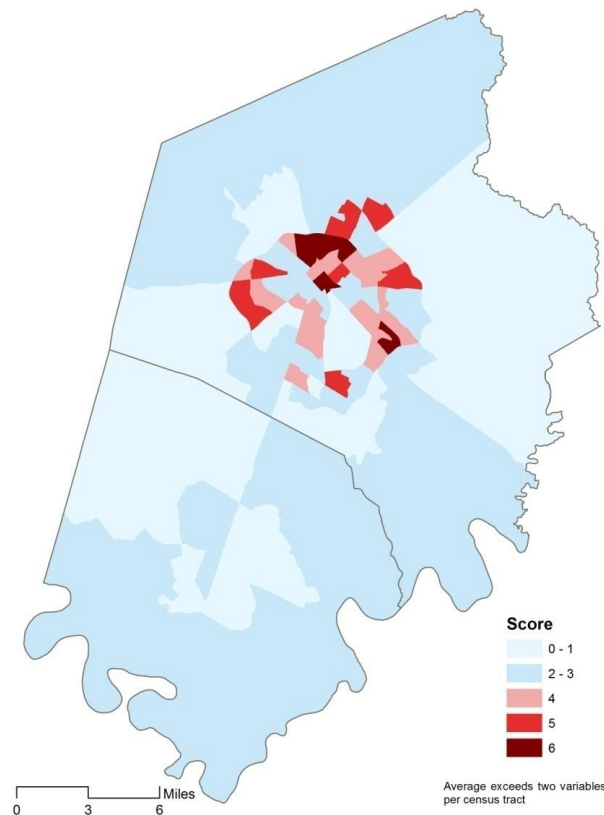
Counties	Total Population	Individuals in Poverty		Elderly		Occupied Units With No Vehicles		Total Disabled		Speak English Less than "Very Well"	
Kentucky	4,411,989	804,139	18.23%	653,000	14.80%	133,316	3.02%	745,988	16.91%	88,659	2.01%
Fayette	311,529	56,444	18.12%	36,302	11.65%	10,138	3.25%	34,681	11.13%	16,219	5.21%
Jessamine	51,015	9,139	17.91%	7,400	14.51%	928	1.82%	7,932	15.55%	1,176	2.31%
Region	362,544	65,583	18.09%	43,702	12.05%	11,066	3.05%	42,613	11.75%	17,395	4.80%

Figure 2 - 2016 ACS Socioeconomic Table for Lexington MPO Counties, Region and the Commonwealth of KY

ASSESSING IMPACTS & ENVIRONMENTAL JUSTICE (FEDERAL HIGHWAY FUNDS)

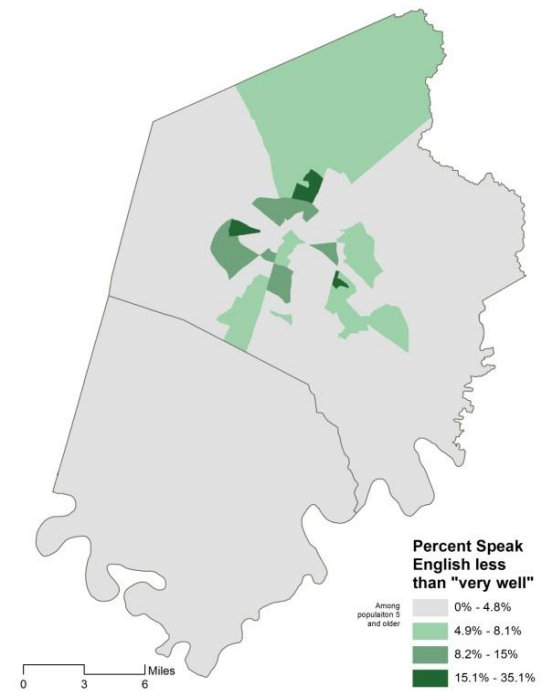
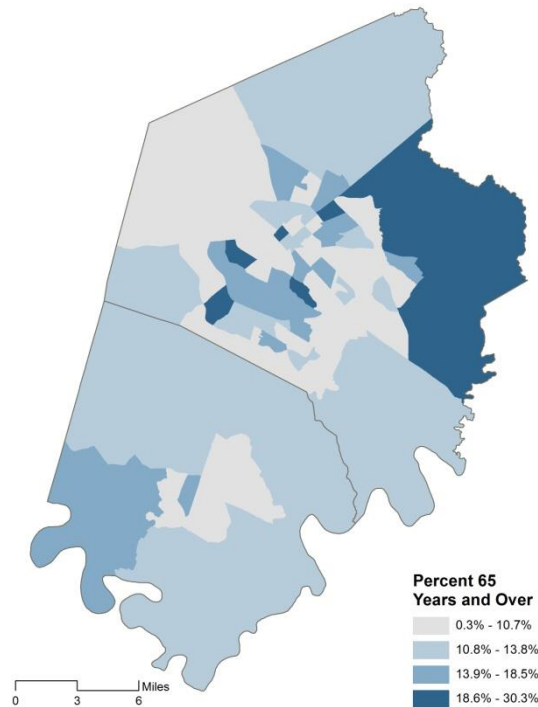
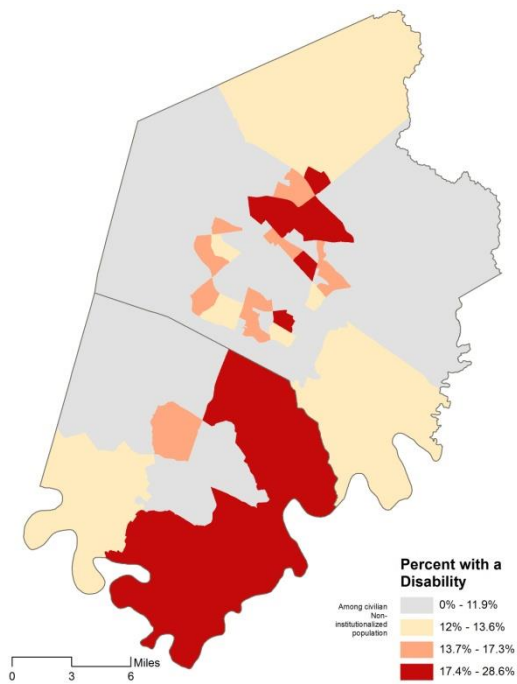
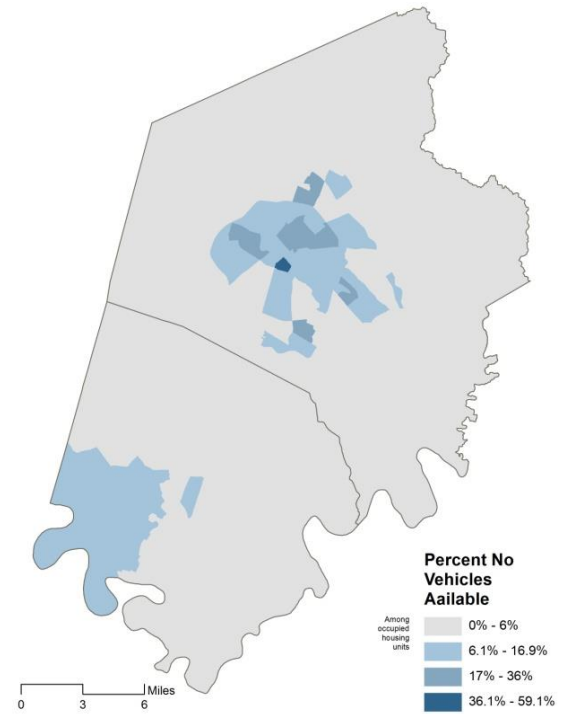
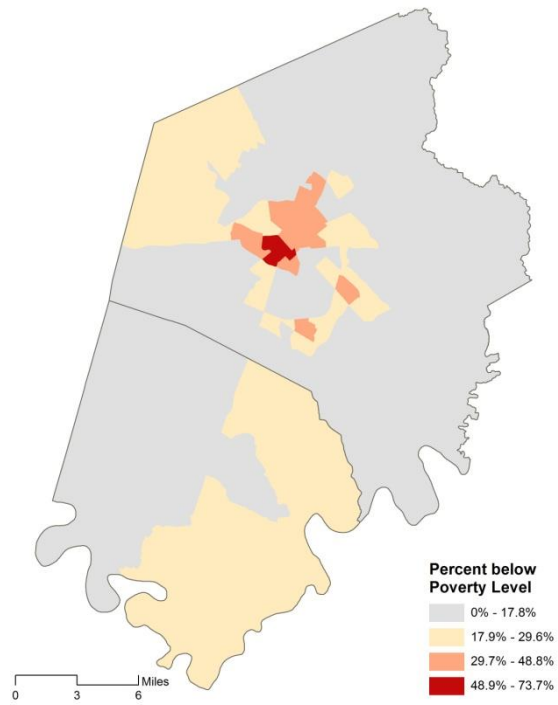
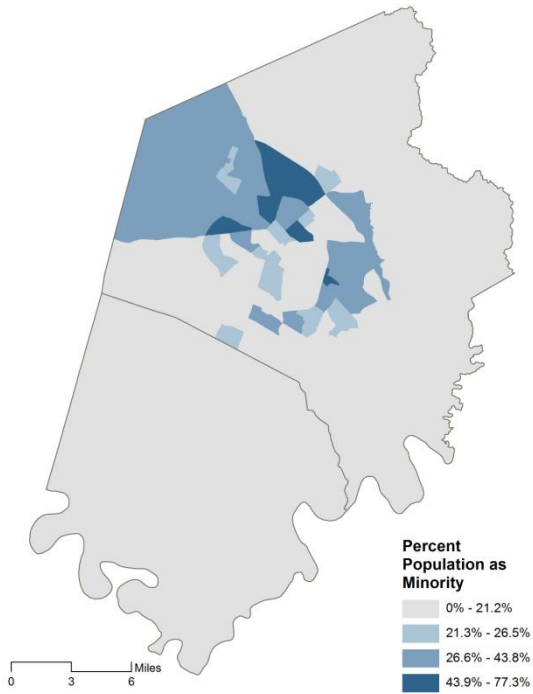
The Equity Target Area (ETA) Maps were developed from US Census data to identify communities in the Lexington Area MPO that are protected by national non-discrimination acts. Identifying Equity Target Areas helps the MPO ensure that there is an equitable distribution of transportation services, facilities and resources within the community without regard to income, race, age, ability and other socio-economic factors; and to ensure that there are not disproportionate negative impacts or burdens on

minority and low-income populations. It also enables the MPO recognize that additional and focused outreach may be necessary in these target areas.



To identify these ETAs, a regional average for certain socio-economic demographics was established utilizing the 2008-2012 American Community Survey 5 year Estimates. A regional "threshold" was identified and census tracts that exceeded that threshold were identified as a targeted equity area. For example, the average percentage of the population in the Lexington Area that is living below the poverty level is 17.8%. Census tracts that meet or exceed this threshold were then mapped. A compilation of Equity Target Areas was generated to demonstrate the greatest concentrations of EJ-sensitive populations. Darker areas on the map to the left indicates a greater concentration of various EJ populations.

All updates to the MPO's long range Metropolitan Transportation Plan (MTP) and short range Transportation Improvement Program (TIP) will include a map of proposed projects overlaying these Equity Target Areas in order to assess any benefits and burdens on EJ populations. The presence of EJ populations in the vicinity of proposed projects are also weighted in the project scoring/selection process. A synopsis of this analysis is included in the adopted TIP and/or MTP.



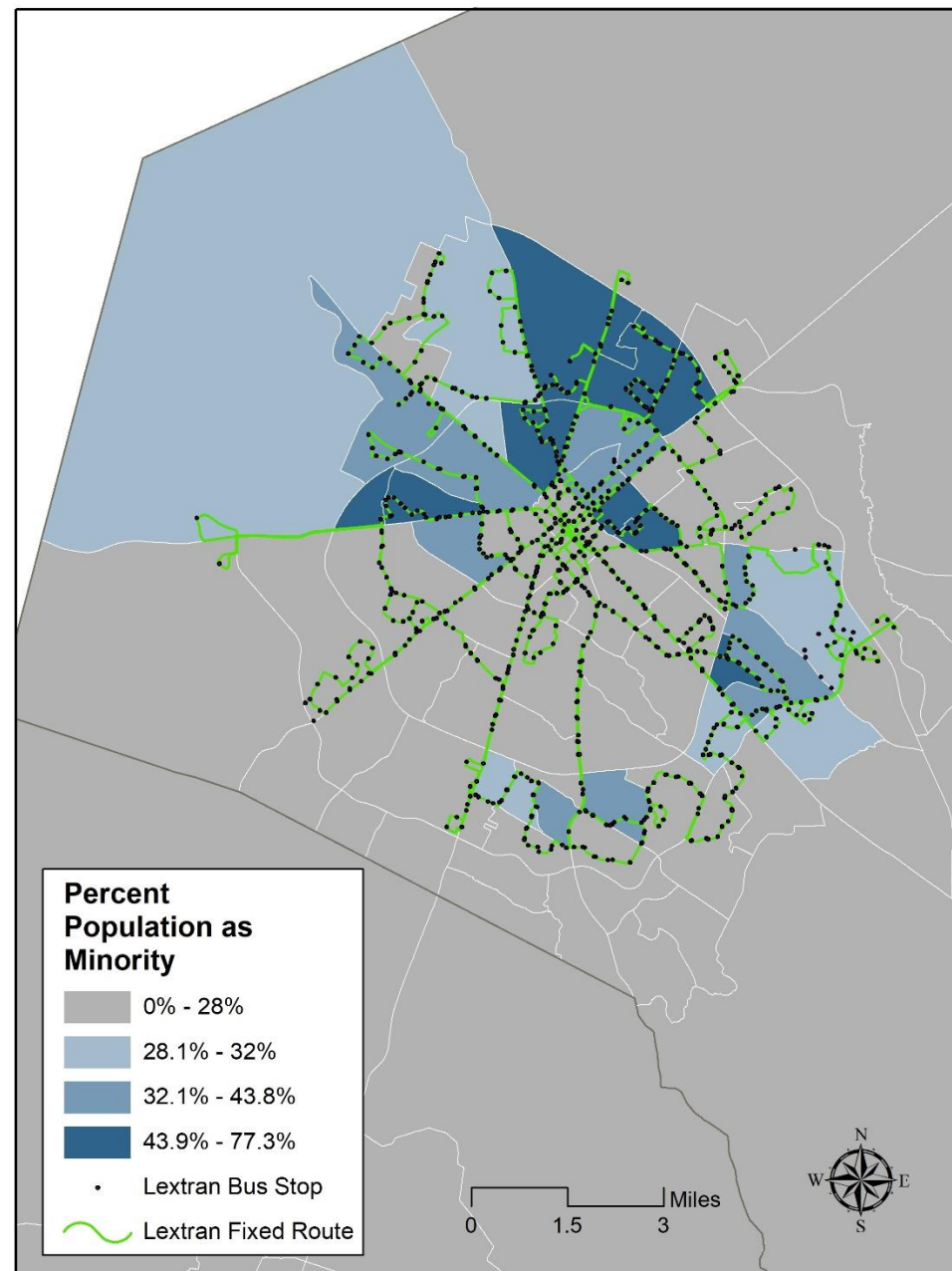
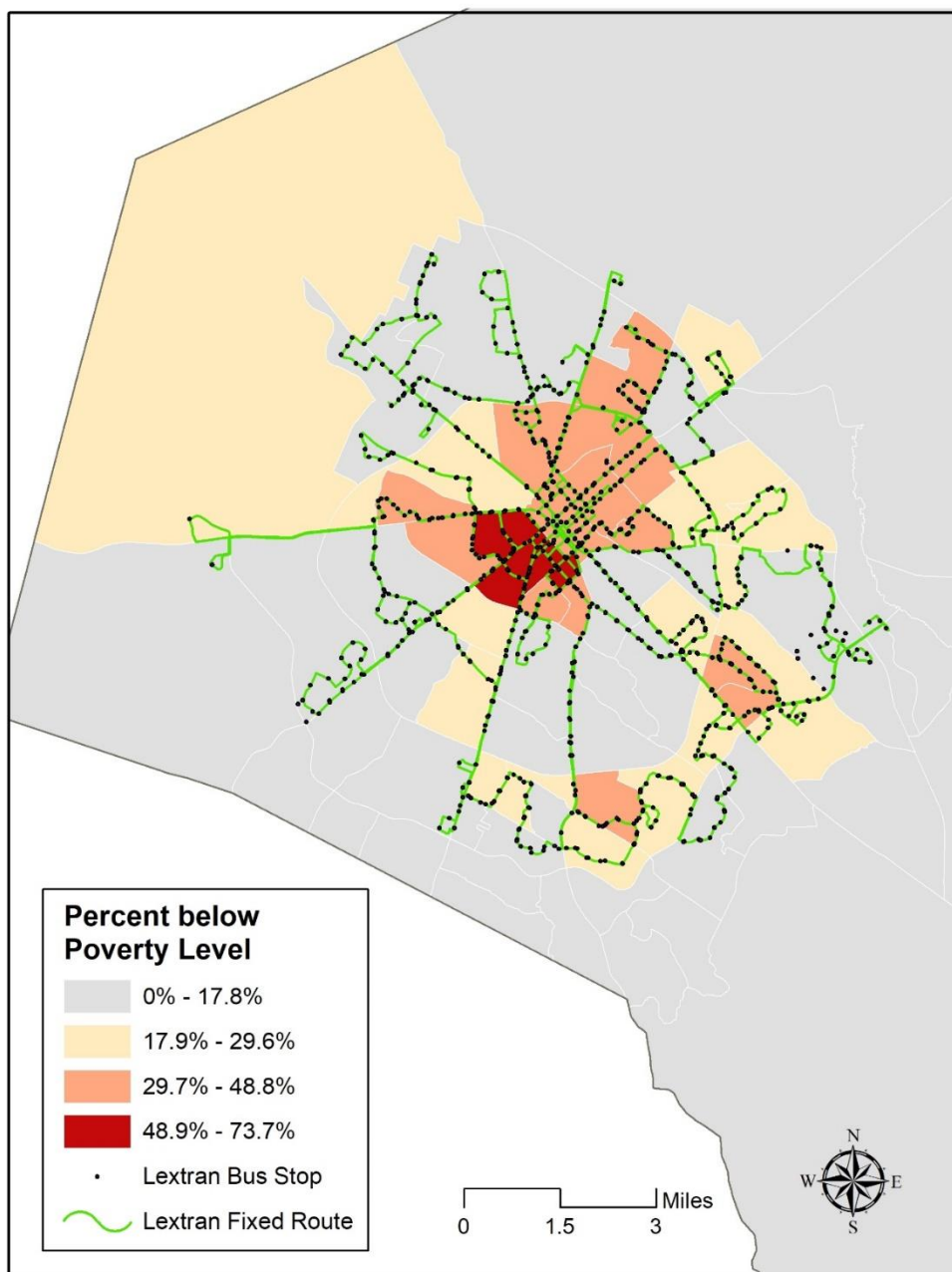
ASSESSING IMPACTS & ENVIRONMENTAL JUSTICE (FEDERAL TRANSIT FUNDS)

The Lexington Area MPO also utilized the equity target area maps and demographic data to assess the distribution of Federal Transit Administration (FTA) funds in lower-income and/or higher-minority areas of the community. Maps found on subsequent page 12 show the location of bus routes and stops operated by the Lexington Transit Authority (Lextran) overlaid with Census tracts that exceed the average poverty and minority rates in the Lexington area.

The MPO compared the average percentage of county residents living in poverty and those who self-identified as racial minorities to the percentage of Lextran bus stops that serve areas that have higher rates of poverty and/or higher rates of minority residents. The data shows that 67% of stops fall within the higher poverty tracts and 51% of stops fall within the minority tracts.

Poverty in Lex Area MPO		Minority in Lex Area MPO	
Average Population Living in Poverty	Lextran Stops in Areas Exceeding Poverty Average	Average Minority Population	Lextran Stops in Areas Exceeding Minority Average
18%	67%	28%	51%

Additionally, Lextran continually self-assesses the distribution of services and funds within the community. In 2015, they carried out a detailed [Transit Service and Fare Equity Analysis](#) to analyze the impacts of the distribution of state and federal funds in the aggregate for public transportation purposes. This included areas that benefit from FTA 5303 funded planning activities that are carried out by the MPO. The analysis reviewed survey and demographic data and the extent to which members of minority, non-minority groups and low-income individuals may be affected by Lextran transit services and fares. The study concluded that "Lextran offers service to all populations, specifically including minority, non-minority, and low-income populations. This service is offered without regard to race, color, or national origin and is, therefore, in compliance with the Title VI and Environmental Justice regulations." A detailed summary is available in Lextran's "Service & Fare Equity Analysis" available at: <http://www.lextran.com/files/download/1174> and Lextran's Title VI Program Plan available at <http://www.lextran.com/files/download/1427>.



ENGAGING TITLE VI, EJ & LEP PERSONS

The MPO's Participation Plan outlines strategies to inform and engage the public and stakeholders to provide opportunities for direct input into the transportation planning process. The Lexington Area MPO utilizes many different methods include advisory committees, the MPO website, e-newsletter, social media, targeted marketing campaigns including radio, television and newsprint ads, public service announcements (PSAs) and in-person interviews. In addition, the PP outlines steps the Lexington Area MPO takes to further target outreach activities to reach low income and minority populations, people who are elderly, have disabilities or low English proficiency:

- Maintain and periodically update a database of organizations, places of worship and businesses that may be conduits to targeting these individuals. See Participation Plan [Appendix D](#).
- Direct outreach to Council Members, Neighborhood and Community Organizations in priority focus areas. This includes timely notices by electronic or postal mail.
- Direct communication with these individuals and representatives including presentations to community leaders, advocacy groups, organizations and coalitions that serve and/or are associated with target populations.
- Post flyers or other displays as appropriate in high-volume locations including social activity centers such as ethnic grocery stores, churches and community centers;
- Attend festivals or other periodic community events with surveys or displays.
- Engage in public outreach activities conducted by Lextran including public meetings regarding services, routes changes and attending Lextran board meetings where public input is summarized and presented. This enables the MPO to gain a better understanding of transit users' needs and concerns, particularly transit-dependent users who are often lower income individuals without access to a vehicle or people with disabilities who cannot drive.
- Provide documents in large text (upon request). Include a function on the MPO website that allows a user to increase the font size of the webpage.
- Provide sign language interpreters at public meetings (with advanced request).
- Provide closed captioning for all TPC meetings held in Lexington (70% of TPC meetings) per a service provided by LFUCG.
- Utilize LFUCG's language translation services as needed and as requested to communicate with individuals with low English proficiency.
- Maintain a record of interactions and participation by these targeted populations when possible [i.e. request demographic information in surveys, note the number of targeted persons that attend public meetings (informally), note presentations made to targeted groups, etc].

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

The MPO is committed to making all reasonable efforts to provide Limited English Proficiency (LEP) individuals meaningful access to all of the MPO's programs and activities. LEP individuals do not speak English as their primary language and have a limited ability to read, write, speak or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit or encounter. The MPO utilizes various measures to provide citizens with LEP access to MPO resources in consideration of the following four questions.

FOUR-FACTOR ANALYSIS

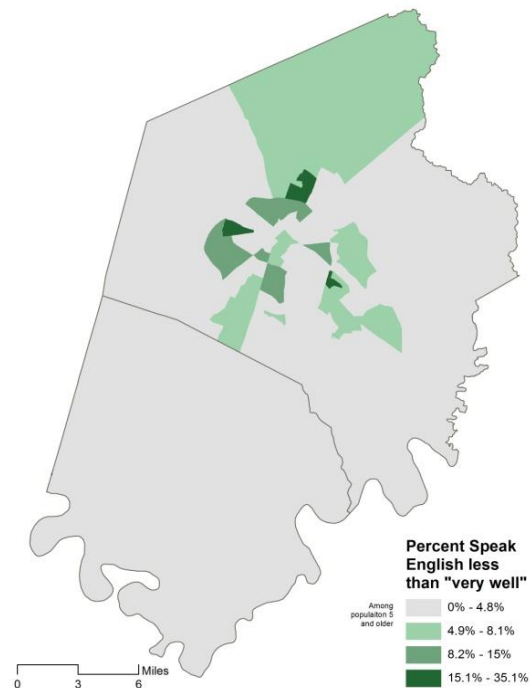
Four flexible, fact-dependent factors are required to be considered in developing language materials and a Limited English Proficiency plan.

1. The number or portion of LEP persons eligible to be served or likely encountered through its federally funded programs.

For determining the LEP population, the MPO utilizes the U.S. Census Bureau Language Use data for Language Spoken at Home and English- Speaking Ability. Nearly 10% of the MPO population speaks a language other than English as their primary language. Of those individuals, close to 5% speak English less than very well, with 3% of those being Spanish-speaking individuals.

Languages other than English spoken in the Lexington Area MPO			Speak English Less Than Very Well	
	Number	Percent	Number	Percent
Spanish	16,094	5.14%	9,118	2.91%
Chinese	1,983	0.63%	1,207	0.39%
Japanese	1,593	0.51%	1,044	0.33%
French	1,317	0.42%	409	0.13%
Arabic	1,112	0.35%	473	0.15%
Other Languages	8,327	2.66%	2,626	0.84%
Total all languages	30,426	9.71%	14,877	4.75%

The Hispanic population is the primary LEP group the Lexington Area MPO is likely to engage with due to their size. Information with respect to Title VI and public notices are currently translated into Spanish. The Lexington Area MPO offers translation services upon request to any LEP individual. The only other LEP groups that meet the Safe Harbor Provision threshold are the LEP Chinese and Japanese groups. The MPO is in the process of exploring translating vital documents for these LEP groups upon request.



2. The frequency with which LEP individuals come in contact with the designated federal programs.

The MPO conducts public outreach as part of the transportation planning process. Contact with LEP persons is uncommon but may occur during periods of public comment during major plan updates or during special studies. To date, the MPO has not encountered any LEP person at a public meeting, nor by phone or email.

3. The nature and importance of the program, activity or service provided by the federal programs.

The MPO does not provide direct transportation services to individuals nor manage the design or construction of transportation projects. However, the MPO is responsible for informing how federal transportation funds are expended which directly affects all members of the public. It is important for the needs and desires of LEP persons are heard in that planning process. The planning process is often the first of multiple points of contact and opportunities for public input in the project development process.

4. The resources available to the recipient and the cost. There are two types of assistance service – oral (interpretation) and written (translation).

The MPO provides both written and oral assistance services, upon request, but the MPO does not have the resources to translate all documents and provide translation services at all public meetings as a regular course of business. The MPO will make available, upon request, translations of its major documents. If there is a consistent need for translations, the MPO will consider additional appropriate measures to serve the language access needs of those persons.

Language Assistance Resources immediately available include an in-office Spanish interpreter. There is also a Language Line subscription available to the MPO and LEP persons through the LFUCG 311 Lexcall call center.

The MPO has also traditionally translated or offered translation services for any public surveys distributed as part of major plan update as well as flyers for public meeting notices.

After review of the four-factor analysis, the following plan was developed by the Lexington Area MPO to ensure there are no barriers for LEP persons wanting access to information.

1. The Title VI Public Notice of Protections against Discrimination is posted at the receptionist desk at the MPO offices in English and Spanish.
2. If anyone enters the office that is LEP, then "I speak cards" from the 2010 Census will be shown to determine their primary language.
3. Language Assistance Resources immediately available include an in-office Spanish interpreter. There is also a Language Line subscription available to the MPO and LEP persons through the LFUCG 311 Lexcall call center.
4. If notified in advanced that the LEP person plans to attend an MPO meeting or is coming to the MPO offices, an interpreter will be made available for the meeting or visit at no cost to the LEP person.
5. At all times the LEP person will be informed and aware that there is no cost for these services to them.

MONITORING & REPORTING

TITLE VI & PARTICIPATION PLAN REVIEW

The Lexington Area MPO annually evaluates the Title VI Program Plan in conjunction with the annual review of the MPO's Participation Plan. Changes in the Title VI Plan are provided to MPO employees and committees and are forwarded to KYTC as necessary.

PUBLIC INVOLVEMENT REVIEW

This annual review of the MPO's Participation Plan and Title VI Plan includes an "Evaluation of Public Involvement" as outlined in the PP and copied below. The MPO estimates and/or tracks the number of individuals reached, in attendance and/or who respond to various outreach methods that represent targeted populations for equity, diversity and inclusion.

Outreach Method	Objectives & Measures of Effectiveness
Interagency Coordination	Stakeholders are well informed and coordinated. Projects and plans are implemented on a timely and cost-effective basis.
TPC and Committee Meetings	Membership, attendance and the frequency and nature of stakeholder and public comments received at meetings.
Public Meetings/Focus Groups	Number of attendees and comments received.
Surveys	Number of respondents.
Digital Maps	Number of views/comments.
Branding	Individuals are aware of the MPO, its activities and products.
Marketing (paid)	Frequency and reach of messaging through TV, radio, social media, etc. Number of website hits and points of contact with the MPO as a result.
Media Outreach (legal & press releases)	Number of media outlets that receive and subsequently distribute the information. Number of responses or points of contact with the MPO as a result.
Website	Number of site visitor and page views.
Social media	Number of page followers, views, interactions and impressions.
Traveling Exhibits/Displays	Number of attendees at the event and interactions with the MPO.
Newsletters	Number of newsletters distributed and the email open and click rate (tracked by the emailing tool)

COMPLIANCE/NONCOMPLIANCE REPORTING

The MPO will continue to report Title VI, ADA and EJ activities in MPO Quarterly Reports submitted to the KYTC Division of Planning. The MPO will report to the KYTC's Office for Civil Rights and Business Development as requested in order to demonstrate compliance, or progress towards compliance, in a timely fashion. The MPO utilizes the "Kentucky Transportation Cabinet Title VI Survey Report" to conduct a self-survey of all applicable Title VI compliance areas and correct any deficiencies identified.

The MPO responds to and investigates any Title VI complaints within the established timeframe and in accordance with the established procedures including notification of the complaint to appropriate parties.

The MPO ensures that any subcontractor acting on behalf of the MPO is made aware of all Title VI requirements. Currently, the only contracts the MPO oversees or administers are consultant services for special planning studies and an annual marketing campaign.

REVIEW OF MPO DIRECTIVES

The MPO does not issue directives such as internal or external design or procedural manuals.

TITLE VI TRAINING PLAN JULY 1, 2018 – JUNE 30, 2019

At least one MPO staff member, typically the Title VI Coordinator attends Title VI training semi-annually. The Title VI Coordinator is responsible for ensuring all members of the Lexington Area MPO staff are familiar with the Title VI plan and complaint procedures. On an annual basis, the Coordinator conveys to all staff, including new employees, an overview of federal regulations and requirements, a summary of the MPO's Title VI responsibilities, a review of the Public Notice and Complaint procedures and the process to follow in case of a complaint. The last Title VI staff training took place on February 5th 2019. This is done informally by meeting with individual staff members, via reports/presentations at regular staff meetings or through a formal training class. Sub-contractors of federal grants are notified of the Title VI plan and complaint procedures at the time of any grant or contract award.

APPENDIX A – LEXINGTON AREA MPO STATEMENT OF ASSURANCES



LEXINGTON AREA METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION PLANNING FOR FAYETTE AND JESSAMINE COUNTIES

Phone: 859-258-3160
Fax: 859-258-3163
101 East Vine Street Suite 700
Lexington, KY 40507

STANDARD TITLE VI ASSURANCE

The Lexington Area Metropolitan Planning Organization (hereinafter referred to as the Recipient) hereby agrees that as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 U.S.C.2000d-4 42 U.S.C.2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the (Name of Appropriate Administration), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the programs administered by the Recipient

1. That the Recipient agrees that each "program" and each "facility" as defined in sub-sections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all programs administered by the Recipient and in adapted form in all proposals for negotiated agreements:

Construction Proposals:

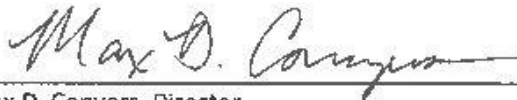
The Lexington Area Metropolitan Planning Organization, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, individuals and business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age (over 40) religion, sexual orientation, veteran status or disability in consideration for an award.

For all other services:

Compliance with Regulations: The Consultant shall comply with the regulations of the Transportation Cabinet, Department of Highways, relative to nondiscrimination in Federally Assisted Programs of the Transportation Cabinet, Department of Highways (49 CFR, Part 21) which are herein incorporated by reference and were made a part of this contract.

3. That the Recipient shall insert one of these nondiscrimination clauses in every contract subject to the Act and Regulations.
4. That the Recipient shall also insert into every relevant contract a clause stating that the contractor will not discriminate against any employee or applicant for employment because of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, this assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of real property, this assurance shall extend to rights to space on, over, and under such property.
7. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance was extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
8. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the delegated authority, to give a reasonable guarantee that it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations and this assurance.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.



Max D. Conyers, Director
Lexington Area Metropolitan Planning Organization (MPO)

6-19-2019
Date

TITLE VI NOTICE OF PROTECTIONS AGAINST DISCRIMINATION

Lexington Area Metropolitan Planning Organization

The Lexington Area Metropolitan Planning Organization (MPO) operates its programs without regard to race, color and national origin in accordance with the Title VI of the Civil Rights Act. Any person who believes she or he has been subjected to discrimination prohibited under Title VI may file a complaint with the Lexington Area MPO.

To request or receive additional information on the MPO's Title VI obligations, policies and procedures to file a complaint, please visit <http://www.lexareampo.org/public-involvement-page-detail> or contact the person listed below:

Max Conyers, Director
Lexington Area Metropolitan Planning Organization
101 East Vine Street, Suite 700
Lexington, KY 40507

Telephone: 859-258-3167
Email Address: maxc2@lexingtonky.gov
Website: www.lexareampo.org

To file a discrimination complaint, the written complaint must be filed to the address above within 180 days of the alleged discrimination. Written complaints may also be filed with the U.S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA/USDOT. **Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC 20590.** To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address. If information is needed in another language, contact Lexington Area MPO at 859-258-3162.

Si se necesita información en otro idioma, comuníquese con: 859-258-3162

TÍTULO VI AVISO DE PROTECCIONES CONTRA LA DISCRIMINACIÓN

Organización de planificación metropolitana del área de Lexington

La Organización de Planificación Metropolitana del Área de Lexington (MPO) opera sus programas sin respecto a la raza, el color y el origen nacional de conformidad con el Título VI de la Ley de Derechos Civiles. Cualquier persona que crea que ha sido objeto de discriminación prohibida por el Título VI puede presentar una queja ante el MPO del área de Lexington. Para solicitar o recibir información adicional sobre las obligaciones, políticas y el Título VI de la MPO procedimientos para presentar una queja, visite <http://www.lexareampo.org/public-involvementpage-detail> o comuníquese con la persona que figura a continuación:

Max Conyers, Director

Lexington Area Metropolitan Planning Organization

101 East Vine Street, Suite 700

Lexington, KY 40507

Teléfono: 859-258-3167

Email: maxc2@lexingtonky.gov

Sitio Web: www.lexareampo.org

Para presentar una queja por discriminación, la queja por escrito debe presentarse a la dirección anterior dentro de los 180 días de la supuesta discriminación. Las quejas por escrito también se pueden presentar ante el Departamento de Transporte de los Estados Unidos / Administración Federal de Tránsito (FTA) a más tardar 180 días después de la fecha de la supuesta discriminación, a menos que el FTA / USDOT extienda el tiempo de presentación. **Atención: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC 20590.** Si se necesita información en otro idioma, comuníquese con: 859-258-3162

APPENDIX C - TITLE VI COMPLAINT PROCEDURE

The Lexington Area Metropolitan Planning Organization (MPO) is committed to a policy of non-discrimination in the operation of its programs and services without regard to race, color and national origin. Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color or national origin by the Lexington Area MPO is encouraged to report a Title VI complaint within 180 days of the alleged discrimination to:

Max Conyers, Director
Lexington Area Metropolitan Planning Organization
101 East Vine Street, Suite 700
Lexington, KY 40507

At the complainant's discretion, the complaint may be filed with the Lexington Area MPO and/or the Kentucky Transportation Cabinet, the Kentucky Commission on Human Rights and the Secretary of the US Department of Transportation.

Submission of Complaints

All complaints, written or verbal, shall be accepted. In the event a complainant sets forth the allegations verbally and refuses to reduce such allegations to writing, the person to whom the complaint is made shall reduce the complaint to writing.

Complaints should contain the following information, ideally utilizing the MPO Title VI Complaint Form:

1. Name, address, and telephone number of the complainant.
2. The basis of the complaint; i.e., race, color, or national origin.
3. The date or dates on which the alleged discriminatory event or events occurred.
4. The nature of the incident that led the complainant to feel discrimination was a factor.
5. Names, addresses and telephone numbers of persons who may have knowledge of the event.
6. Other agencies or courts where complaint may have been filed and a contact name.
7. Complainant's signature and date.

If information is needed in another language, contact (859) 258-3162.

Si se necesita informacion en otro idioma, comuniquese con (859) 258-3162.

Determination of Jurisdiction

The complaint will be reviewed to determine if the Lexington Area MPO has jurisdiction. The complainant will receive an acknowledgement letter from the MPO informing her/him if the complaint is being investigated by our office or if the case has been referred to the MPO's Legal Counsel, the Kentucky Transportation Cabinet, the Secretary of the US Department of Transportation, or other appropriate agency.

Investigation, Requests for Additional Information & Administrative Closure

The MPO has 90 days to investigate the complaint. If additional information is needed to resolve the case the MPO may contact the complainant. The complainant has 45 business days from the date of the request to provide any additional information that has been requested. If the investigator is not

contacted by the complainant, or does not receive additional information within 45 business days, the MPO can administratively close the case. A case may also be administratively closed if the complainant no longer wishes to pursue their case.

Notice of Disposition/Appeal to Other Agencies

The complainant will be notified in writing of the disposition of the complaint. In cases where the complainant is dissatisfied with the resolution by the Lexington Area MPO the complaint may be submitted to the Kentucky Transportation Cabinet, the Kentucky Commission on Human Rights and/or the Secretary of the US Department of Transportation. See contact information below.

Kentucky Transportation
Cabinet
Title VI Coordinator
200 Mero Street
Frankfort, KY 40622
1-800-928-3079

KY Commission on Human
Rights
332 W. Broadway, Suite 700
Louisville, Kentucky 40202
1-800-292-5566

U.S Department of
Transportation
400 7th Street SW
Washington, DC 20590
(202) 366-4648

Lexington Area Metropolitan Planning Organization

Title VI Complaint Form

Section I: Please Write Legibly				
1. Name:				
2. Address:				
3. Telephone:			Secondary Phone (optional):	
4. Email Address:				
5. Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
6. Are you filing this complaint on your own behalf?			YES*	NO
*If you answered "yes" to #6 go to Section III.				
7. If you answered "no" to #6, what is the name of the person for whom you are filing this complaint? Name:				
8. What is your relationship with this individual:				
9. Please explain why you have filed for a third party:				
10. Please confirm that you have obtained permission of the aggrieved party to file on their behalf.			YES	NO
Section III:				
11. I believe the discrimination I experienced was based on (check all that apply): <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Race</div> <div style="width: 50%;"><input type="checkbox"/> Color</div> <div style="width: 50%;"><input type="checkbox"/> National Origin</div> <div style="width: 50%;"><input type="checkbox"/> Limited English Proficiency (LEP)</div> <div style="width: 50%;"><input type="checkbox"/> Age</div> <div style="width: 50%;"><input type="checkbox"/> Gender</div> <div style="width: 50%;"><input type="checkbox"/> Disability</div> <div style="width: 50%;"><input type="checkbox"/> Low Income</div> </div>				
12. Please provide the date and place(s) of the alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.				
13. How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently than you. (Attach additional pages if necessary.)				

14. The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances. Tell what action you took which you believe was the cause for the alleged retaliation. (Attach additional pages if necessary.)

15. Names of individuals, agency, or department responsible for the discriminatory action(s):

	Name:	Address:	Phone:
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

16. Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attach additional pages if necessary.)

	Name:	Address:	Phone:
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

17. Please provide any additional information and/or photographs, if applicable, that you believe will assist with an investigation. (Attach additional pages if necessary.)

18. Photographs submitted with complaint? ____ Yes ____ No

Section IV:

19. Have you previously filed a Title VI complaint with Federated Transportation Services of the Bluegrass, Inc.?	YES	NO
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Section V:

20. Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court?

☐ YES* ☐ NO

If yes, check all that apply:

☐ Federal Agency _____ ☐ State Agency _____
☐ Federal Court _____ ☐ Local Agency _____
☐ State Court _____

21. If you answered “yes” to #20, provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	Email:
Section VI:	
Name of Transit Agency complaint is against:	
Contact Person:	
Telephone:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date are required below to complete form:

Signature: _____

Date: _____

Submit form and any additional information to:

Max Conyers, Director
Lexington Area Metropolitan Planning Organization
101 East Vine Street, Suite 700
Lexington, KY 40507
Phone: 859-258-3167
Maxc2@lexingtonky.gov

Formulario De Queja Por Discriminacion Por Origen Nacional
(National Origin Discrimination Complaint Form-Spanish)

Instrucciones: Complete y firme este formulario y el formulario de consentimiento de divulgación adjunto, luego envíelo por correo electrónico O envíelo por correo a la oficina del oficial del Organización de planificación metropolitana del área de Lexington (LAMPO) a:

Max Conyers
Maxc2@lexingtonky.gov
101 East Vine Street, Suite 700
Lexington, KY 40507

Sec.1. INFORMATION DEL DENUNCIANTE

Nombre: _____ e-mail: _____

Dirección: _____

Código Postal _____

Celular: (____) _____ # Trabajo: (____) _____

Persona(s) discriminada(s), si es diferente a la de arriba:

Nombre: _____ e-mail: _____

Dirección: _____

Código Postal _____

Celular: (____) _____ # Trabajo: (____) _____

Por favor explique su relación con esta (s) persona (s). _____

Sec. 2. DETALLES DE LA QUEJA

(a) Departamento, programa, o agencia subcontratada o programa causante de la discriminación:

Nombre: _____

Dirección: _____

Código Postal _____

Celular: (____) _____ # Trabajo: (____) _____

(b) ¿Su queja es por discriminación en el acceso a un programa o en la prestación de servicios o por otras acciones discriminatorias por parte de un departamento de LAMPO, o una agencia subcontratada en su trato hacia usted u otras personas? Si es así, indique abajo la(s) razón(es) por la(s) que considera que se tomaron estas acciones discriminatorias.

Raza/Origen étnico: _____

Origen nacional: _____

Sexo: _____

Religión: _____

Edad: _____

Discapacidad: _____

(c) ¿Cuál es la hora y el lugar más convenientes para que nos comuniquemos con usted sobre esta queja? _____

(d)¿En qué fecha (s) tuvo lugar la discriminación?_____

Si corresponde, fecha del primer incidente de discriminación: _____

Fecha del incidente de discriminación más reciente: _____

(e) Las quejas por discriminación deben presentarse por lo general, en un periodo de 180 días a partir de la presunta discriminación. Si el incidente de discriminación más reciente, que se menciona anteriormente, ocurrió hace más de 180 días, puede solicitar una exención de la solicitud de presentación. Si desea solicitar dicha exención, explique la razón por la que esperó hasta ahora para presentar su queja, y el Organización de planificación metropolitana del área de Lexington (LAMPO) evaluará la explicación y decidirá si una exención es apropiada.

(f) Explique por favor, de la manera más clara y detallada posible, lo qué sucedió, dónde y cuándo sucedió, la razón por la que cree que sucedió y cómo ocurrió la discriminación. Indique quién estuvo involucrado. Asegúrese de indicar la manera en que otras personas recibieron un trato diferente al suyo o a las personas en cuestión. **(Utilice hojas adicionales si es necesario y adjunte una copia de los materiales escritos pertinentes relacionados con su caso).**

(g) El Título VI de la Ley de Derechos Civiles de 1964, 42 U.S.C. §§ 2000d - 2000d7 y la sección relativa a la no discriminación en la Ley Ómnibus de Control de Delitos y de Calles Seguras de 1968, 28 USC§ 3789d (c), prohíbe que los beneficiarios de fondos federales intimiden o tomen represalias en contra de cualquier persona debido a que él o ella ha tomado medidas o ha participado en una acción para garantizar los derechos protegidos por estas leyes. Si usted cree que ha sido objeto de represalias (además de la discriminación denunciada en el # 10), explique abajo, de la manera más clara y detallada posible, las circunstancias. Asegúrese de explicar qué acciones tomó que cree que fueron la base de la presunta represalia.

(h) Por favor indique a continuación cualquier persona (testigos, compañeros de trabajo, supervisores u otros), si los conoce, a quienes podamos contactar para obtener información adicional para respaldar o aclarar su queja.

Nombre

Dirección

Código Posta/Teléfono

(i) ¿Tiene alguna otra información que considere pertinente para nuestra investigación sobre su queja por discriminación?

(j) Que solución sugiere?

(k) ¿Ha presentado usted (o la persona discriminada) la misma o cualquier otra queja ante otras oficinas del Organización de planificación metropolitana del área de Lexington o en otras agencias federales?

Si____, No____

Si es así, ¿recuerda el número de la denuncia?

¿En contra de qué agencia, departamento o programa se presentó dicha queja?

Dirección: _____

Código Postal_____

Teléfono: (_____) _____

Fecha de presentación _____ Presentada en contra de:

Nombre de la persona que recibió la queja: _____

Brevemente, ¿en qué consistía la queja?

¿Cuál fue el resultado?

(I) * No podemos aceptar una queja que no está firmada. Firme y feche este Formulario de queja a continuación.

(Firma)

(Fecha)

Necesitaremos su consentimiento para revelar su nombre, si fuera necesario, en el transcurso de cualquier investigación. Por favor firme y feche el formulario de consentimiento. (Si está presentando esta denuncia en nombre de una persona que, usted alega que ha sido discriminada, en la mayoría de los casos necesitaremos un Formulario de Consentimiento firmado por esa persona). Por favor envíe por correo o correo electrónico el formulario de la denuncia por discriminación relleno y firmado y el formulario de consentimiento firmado, como es indicado arriba (haga una copia de cada uno para sus registros).

¿Cómo se enteró de que podía presentar esta queja?

FORMULARIO DE CONSENTIMIENTO / AUTORIZACION DE DIVULGACION

Nombre del denunciante _____

E-mail: _____ Dirección: _____

Número (s) de denuncia (s): si lo(s) conoce)

Por favor, lea la siguiente información, marque la casilla correspondiente y firme el formulario.

He leído el Aviso sobre usos de Información Personal para efectos de investigación, Publicado por LAMPO. Como denunciante, entiendo que en el curso de una investigación puede ser necesario que LAMPO revele mi identidad a personas en la organización o institución que se encuentra bajo investigación. También estoy consciente de las obligaciones que tiene LAMPO de cumplir con las peticiones de la Ley de Libre Acceso a la Información. Entiendo que puede ser necesario que LAMPO divulgue información que ha sido recopilada como parte de su investigación de mi denuncia, la cual incluye detalles que pueden revelar la identidad personal. Además, entiendo que, como denunciante, estoy protegido por los reglamentos en contra la intimidación o las represalias por haber tomado medidas o participado en acciones para garantizar los derechos protegidos por los estatutos de no discriminación.

CONSENTIMIENTO / DIVULGACIÓN

☐

CONSENTIMIENTO OTORGADO - He leído y entiendo la información previamente presentada y autorizo a LAMPO a revelar mi identidad a personas en la organización o institución que se encuentra bajo investigación. Por la presente autorizo a LAMPO a recibir material e información que se utilizarán para actividades autorizadas para hacer valer y cumplir con los derechos civiles. Además, entiendo que no estoy obligado a autorizar esta divulgación, y que lo hago voluntariamente.

☐

CONSENTIMIENTO DENEGADO - He leído y entiendo la información previamente presentada y no quiero que LAMPO revele mi identidad a la organización o institución que se encuentra bajo investigación, ni que revise, hable o reciba copias, material e información sobre mí que sean pertinentes a la investigación de mi queja. Entiendo que esta acción probablemente impida que se realice la investigación de mi queja y que pueda resultar en el cierre de la investigación.

FIRMA

FECHA

FEDERAL HIGHWAY AUTHORITY COMPLAINT LOG

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LIST OF THE MPO's TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1				
2				
Lawsuits				
1				
2				
Complaints				
1				
2				

APPENDIX E – STANDARD TITLE VI ASSURANCES

STANDARD ASSURANCES - APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

Nondiscrimination: The contractor with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.

Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate and will set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of a contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
1. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the

Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

STANDARD ASSURANCES – APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the (Title of Recipient) will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of Federal Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Title of Recipient) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (Title of Recipient) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (Title of Recipient), its successors and assigns.

The (Title of Recipient), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]¹ (2) that the (Title of Recipient) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].²

¹ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI

STANDARD ASSURANCES – APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits or similar instruments entered into by the (Title of Recipient) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (Title of Recipient) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.³
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (Title of Recipient) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (Title of Recipient) and its assigns.⁴

⁴ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI

STANDARD ASSURANCES – APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by (Title of Recipient) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.) in the event of breach of any of the above nondiscrimination covenants, (Title of Recipient) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.⁵
- C. With respect to deeds in the event of breach of any of the above nondiscrimination covenants, (Title of Recipient) will there upon revert to, vest in and become the absolute property of (Title of Recipient) and its assigns.

⁵ Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI

STANDARD ASSURANCES GLOSSARY– APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to the following:

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR Part 21;

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);

Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;

The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);

Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin or sex);

The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin and sex);

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and resulting agency guidance, national origin

discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 ET seq).

APPENDIX F – MINORITY REPRESENTATION ON MPO COMMITTEES

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Population	74%	6%	13%	3%	0%	3%
Transportation Policy Committee	92%	0%	8%	0%	0%	0%
Transportation Technical Committee	85%	4%	4%	4%	0%	4%
Congestion Management Committee	77%	4%	0%	15%	0%	4%
Bicycle/Pedestrian Advisory Committee	83%	17%	0%	0%	0%	0%

APPENDIX G – GLOSSARY AND DEFINITIONS

Affirmative Action: a good-faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.

African American (Black): A person having origins in any of the black racial groups of Africa.

American Indian or Alaska Native: a person having origins in any of the original peoples of North and South America (including Central America) who maintains cultural identification through tribal affiliation or community attachment.

Applicant: an eligible public entity or organization that submits an application for financial assistance under a program administered on behalf of the State.

Asian: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

Assurance: a written "policy statement" or "contractual agreement" signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Beneficiary: any person or group of people (other than states) entitled to receive benefits, directly or indirectly, from any federally assisted program (i.e., relocated persons, impacted citizens, communities, etc.).

Complaint: a verbal or written allegation of discrimination that indicates that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color or national origin.

Compliance: a satisfactory condition wherein an applicant, recipient, or sub recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good-faith effort toward achieving this end has been made.

Contract: a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and obligating the buyer to pay for them. Throughout this document, a lease is considered a contract.

Contractor: any person, corporation, partnership, organization, or incorporated association that participates, through a contract or subcontract, in any program or activity covered by this plan including lessees.

Discrimination: involves any act or inaction, whether intentional or unintentional in any program or activity of a federal aid recipient, sub recipient, or contractor, which results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, sex, national origin, age, disability or in the case of disability, failing to make a reasonable accommodation.

Division: one of the administrative subdivisions of an office of the Kentucky Transportation Cabinet. The term district should be considered equivalent to division as an administrative subdivision of an office of the KYTC.

Executive Directors: In accordance with KRS 12.040, the departmental heads of the Kentucky Transportation Cabinet (KYTC) are responsible to the KYTC Secretary for the direction of their respective divisions and have authority to appoint Title VI Designee(s) within their divisions.

Federal Assistance:

- Grants and loans of federal funds
- The grant or donation of federal property and interests in property
- The detail of federal personnel
- The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without
- Consideration or with nominal consideration, or with consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient
- Any federal agreement, arrangement, or other contract that has, as one of its purposes, the provision of assistance

Federal Highway Administration or FHWA: agency within the U.S. Department of Transportation that supports State and local governments in the design, construction and maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program).

Grantee: any public or private agency, institution or organization to whom federal financial assistance is intended for any program.

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race.

Interpretation: The process of listening to something in one language and orally interpreting it in another. The mix of LEP services under the Oral Languages Services is as follows:

- Hiring bilingual staff
- Hiring staff interpreters
- Using telephone interpreter lines
- Using community volunteers
- Use of family members, friends, and other customers/passengers as interpreters

Kentucky Transportation Cabinet or KYTC: the agency of Kentucky charged by its laws with the responsibility for all modes of transportation.

Limited English Proficiency or LEP: Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient.

Metropolitan Planning Organization or MPO: policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all Urbanized Areas (UZA) of populations over 50,000, as determined by the US Census. MPOs are designated by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures

established by applicable State or local law. When submitting the transportation improvement program (described below), to the State for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.

Minority: A person or groups of persons differing from others in some characteristics who may be subjected to differential treatment based on race, color or national origin. Includes African Americans, Hispanics or Latinos, American Indian or Alaska Native, Asians and Native Hawaiian or Other Pacific Islander.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Non-compliance: the condition wherein a recipient has failed to meet prescribed requirements and has shown a lack of good-faith effort in implementing all of the Title VI requirements.

Non-minority or non-minority group people: Caucasians

Persons: Where designation of persons by race, color or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

Public participation: an open process in which the rights of the community to be informed to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Primary recipient: KYTC or any department, division, or agency authorized to request federal assistance on behalf of sub-recipients and to distribute financial assistance to sub-recipients' contracts for carrying out a program.

Program: includes any highway, project, or activity that provides services, financial aid or other benefits to individuals, including education or training, work opportunities, health, welfare, rehabilitation, housing or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient (i.e. Planning, Environment, Design, Right-of-Way, Construction, Safety, & Research).

Program area officials: the officials who are responsible for carrying out technical program responsibilities.

Recipient: Kentucky or any political subdivision or instrumentality thereof or any public or private agency, institution, or organization or other entity; or any individual in Kentucky to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program. Examples of recipients include MPOs, Council of Governments (COG), towns, cities, counties, school districts or any sub recipient.

Secretary: The chief administrative officer of the Kentucky Transportation Cabinet or KYTC.

Statewide Transportation Improvement Program or STIP: statewide transportation improvement program (STIP) for all areas of the State covering a period of at least four years. The STIP is a staged, multi-year, statewide intermodal program of transportation projects, consistent with the statewide transportation plan and planning processes as well as metropolitan plans, transportation improvement programs (TIP), and planning processes. The STIP must be developed in cooperation with the metropolitan planning organizations (MPO), public transit providers, and any Regional Transportation Planning Organizations (RTPO) in the State and must be compatible with the TIPs for the metropolitan areas in the State.

Statewide Transportation Plan or STP: a long-range transportation plan that provides for the development and implementation of the multimodal transportation system (including transit, highway, bicycle, pedestrian and accessible transportation) for the State. This plan must identify how the transportation system will meet the State's economic, transportation, development and sustainability goals for at least a 20-year planning horizon.

Sub-grantee: Any public or private agency, institution, or organization to whom federal financial assistance is intended (through another recipient) for any program.

Translation: Translation is the replacement of a written text from one language into an equivalent written text in another language.

Transportation Improvement Programs or TIP: plan developed by Metropolitan Planning Organization cooperation with the State and public transit providers detailing a list of upcoming transportation projects, covering a period of at least four years. It should include capital and non-capital surface transportation projects, bicycle and pedestrian facilities and other transportation enhancements, Federal Lands Highway projects and safety projects included in the State's Strategic Highway Safety Plan. The TIP should include all regionally significant projects receiving FHWA or FTA funds, or for which FHWA or FTA approval is required.

Title VI Officer, Coordinator or Liaison: refers to the responsible KYTC official in matters relating to Title VI. The Title VI Officer, Coordinator or Liaison reports to and assists the Executive Director of OCRSBD in carrying out the Title VI responsibilities of the Kentucky Transportation Cabinet.

Title VI Program: the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. When appropriate, the phrase "Title VI Program" also refers to the civil rights provisions of other federal non-discrimination authorities to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, age and disability, including income level and Limited English Proficiency in programs or activities receiving federal financial assistance.

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.