



TITLE VI PROGRAM PLAN

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I. INTRODUCTION

KYTC is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). All Recipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities. This Implementation Plan describes how KYTC accomplished nondiscrimination in the delivery of its federally assisted programs, services, and activities. The Plan includes the structure of the Department's Title VI program as well as the policies, procedures, and practices the Department uses to comply with nondiscrimination requirements. The Plan is intended to be a living document, regularly monitored, and updated by the Department to meaningfully reflect the program as it changes and grows.

Anyone wishing to provide input into the Department's Title VI Program Implementation Plan is encouraged to contact the Title VI Program Manager, Tiffany Squire, at 502-782-5566 or by writing to the Department's Civil Rights Office at 200 Mero Street, Frankfort, KY 40622.

II. TITLE VI STANDARD ASSURANCE

In accordance with USDOT Order 1050.2A, a copy of DOT's Title VI Nondiscrimination Assurances signed by KYTC's Secretary is located at Appendix A.

III. ORGANIZATION AND STAFFING OF THE CIVIL RIGHTS OFFICE

KYTC Office for Civil Rights oversees the KYTC's Title VI Implementation Plan and meets the terms of FHWA's implementing guidance. The KYTC's Title VI responsibilities are described below (see Organizational Chart in Appendix B).

Responsible Officials

Secretary

The Governor of Kentucky appoints the Kentucky Transportation Cabinet's Secretary. The Secretary is responsible for organizing and administering the KYTC. The Office for Civil Rights Title VI program has a designated Title VI Coordinator to assist in KYTC department's compliance efforts. The Office for Civil Rights is responsible for the collection and maintenance of sub-recipient participation.

Title VI Officer, Office for Civil Rights and Small Business Development

The Title VI Officer is responsible for the Cabinet's adherence and compliance with Equal Opportunity, Title VI, and Small Business Development (Disadvantaged Business Enterprise Program) via program implementation and policy development.

The Office for Civil Rights and Small Business Development is responsible for the following:

- Monitoring Equal Employment Opportunity programs, including enforcement of Titles VI and VII of the Civil Rights Act
- Investigating all complaints of discrimination based on race, color, national origin, sex, religion, disability, age, sexual orientation, veteran status, income level or Limited English Proficiency (LEP)
- Counseling at-risk employees and employees facing disciplinary action or identified as having difficulties that may interfere with or jeopardize employment (EEO)
- Administering, coordinating support, and monitoring the progress of the Disadvantaged Business Enterprise (DBE) Program and Supportive Services/On-the-Job Training Programs (DBE/OJT)
- Publishes directory of certified firms
- Certifies small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women, who participate in U.S. DOT-assisted contracts in accordance with 49 Code of Federal Regulations 26 (49 CFR Part 26) (DBE)

Civil Rights Administrative Branch Manager

The Civil Rights Branch Manager/Affirmative Action Compliance Officer (AACO) is responsible for the oversight and coordination of KYTC's compliance with the affirmative action programs and internal equal employment opportunity investigations and all related statutes, regulations, and directives. General responsibilities of the Civil Rights Branch Manager/AACO include but are not limited to updating the KYTC's Affirmative Action Plan, the State Employment Practice Report, and providing district directors with data on hiring accomplishments and areas of opportunity.

The KYTC Office for Civil Rights can be contacted by phone (502-782-5566), email (kytc.equity@ky.gov), or postal mail at:

Office for Civil Rights & Small Business Development
200 Mero Street, 6th Floor
Frankfort, KY 40622

IV. INTERNAL REVIEW PROCEDURES

Scheduling

The internal monitoring program is designed to reach, at a minimum, the public facing KYTC federal program areas on a three-year cycle. This means that each program area will undergo an assessment for compliance with Title VI obligations at least once every three years. The cycle is currently structured as follows:

- Year One: Planning
- Year Two: Environmental Analysis
- Year Three: Construction and Right of Way

The schedule is flexible based on the factors outlined below:

- Complaints
- Staffing changes
- Changes in protocol/rollout of projects
- Patterns indicating noncompliance
- Any additional factors

Procedure

Programs scheduled for review will be notified in writing at least 60 days in advance to coordinate a date that ensures the attendance of the Executive Director. The notice of review will include a compliance review questionnaire that programs are required to complete in writing and return 30 days prior to the scheduled on-site review.

The Title VI staff will review the response to the questionnaire during the desk review process in advance of the on-site review. The on-site review will be conducted over a period of up to five days. It will consist of an entrance conference, a review of files and documentation, staff interviews, and an exit conference.

A Determination of Findings will be issued within a 30-day period following the exit conference. A copy of the findings will be provided to the Executive Director of the program being reviewed. No action on the part of the program will be required on findings of compliance unless a condition of compliance is specified. However, programs found out of compliance will result in the development of a Corrective Action Plan (CAP) to overcome any deficiencies noted in the Determination of Finding within a period not to exceed 90 days. If it is determined that the matter cannot be resolved voluntarily, by informal means, action will be taken to effectuate compliance, up to and including notice to the Secretary.

Methodology

The assessment process is designed to give KYTC Title VI staff an opportunity to understand the

business practices of each program area and to identify areas of improvement and corresponding corrective actions. This is accomplished through the following methods:

Desk Audits

By requesting and reviewing the documents used by KYTC's program areas, the Title VI staff can determine the extent to which Title VI activities are woven into the activities of those units. This review looks primarily for the presence of standard Title VI assurance language, as needed. This is also an opportunity for KYTC's Title VI staff to identify opportunities for Title VI data gathering and/or training opportunities.

Interviews

KYTC's Title VI staff relies on in-person interviews of program area staff to determine the extent of compliance with Title VI obligations. These interviews reach both managerial and frontline staff. The interviews are used to ensure all staff understand the importance of Title VI activities and the resources available to address Title VI concerns.

Shadowing

This describes instances where KYTC's Title VI staff will accompany program area staff on their business activities in order to better understand the nature of the work (and possible Title VI risk factors therein) as well as monitor staff for compliance with Title VI obligations.

Technical Assistance

KYTC's Title VI staff provides technical assistance on Title VI compliance across the agency. This can include identifying language needs in impacted communities, informing reasonable accommodation interactive process, developing new methods of data collection and analysis, and providing recommendations on new Title VI related questions and issues. Oftentimes, this technical assistance is prompted by the direct request of program area staff. These instances provide Title VI staff with an opportunity to gauge current levels of Title VI compliance throughout the agency as well as areas for improvement.

Attendance at Public Outreach Events

By attending public outreach events, such as public hearings, meetings, and information sessions, KYTC's Title VI staff can observe program area staff in their direct interactions with members of the public. This gives the Title VI staff an opportunity to identify any needs or additional training and to ascertain the effectiveness of Title VI related request processes (such as language services and reasonable accommodations). Attending these sessions also provides an opportunity to learn of project-level community concerns that may be Title VI related.

Outcome

The internal assessment process culminates in the development of tailored Title VI work plans designed to illuminate possible deficiencies and identify areas of improvement in the Title VI activities of KYTC's programs, with specific timeframes for deliverables and action items.

KYTC's Title VI staff drafts these tailored work plans immediately following the close of assessment activities. Once developed, an exit interview with the Executive Director (and staff as needed) is arranged. These sessions afford the opportunity for Title VI staff to explain the content/purpose of work plans as well as schedule technical assistance sessions and establish cycles and methodologies for program areas to report on and demonstrate their progress to address all work plan items.

The intervening years between assessments consist of Title VI staff providing both planned and ad hoc technical assistance and training, meeting regularly with program leadership and staff to track progress on work plan items, and monitoring the programs, services, and activities of program areas for Title VI compliance.

Program Areas

KYTC's mission is to provide a safe, efficient, environmentally sound, and fiscally responsible transportation system that delivers economic opportunity and enhances the quality of life in Kentucky. KYTC has a comprehensive transportation program, each area of which is essential to achieving the mission through KYTC core values. To measure the effectiveness of the program and ensure mission advancement, KYTC will monitor and collect program data related to transportation issues. The following describes the various program areas, the activities conducted, and the data reviewed for nondiscrimination.

General Guidelines

The cornerstone of Title VI compliance in all KYTC programs is outreach and public involvement. KYTC strives to provide early, continuous, and extensive outreach to all communities, but particularly to ensure that project selection does not subject populations to disparate, adverse effects based on race, color, or national origin. Each division uses a manual which describes how the division complies with Title VI requirements. Each division reports annually to the KYTC Title VI Coordinator, who reviews each report for compliance.

KYTC uses a process to annually review Title VI activities to ensure nondiscrimination. The Title VI Coordinator examines data for nondiscrimination, which may include, but not be limited to:

- Collecting and analyzing data on minority and low-income populations to determine the potential impact of proposed plans, programs, and projects.
- Sampling of contracts to ensure inclusion of required nondiscrimination provisions as well as nondiscrimination in the selection of consulting firms.
- Ensuring that all people are treated equitably regardless of race, color, or national origin.
- Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of projects and activities.
- Sampling of public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language and to ensure that such outreach is conducted in other languages as appropriate.
- Interviewing district staff to identify emerging issues and needs.
- Sampling environmental documents to ensure Community Impact Assessments

appropriately identify underserved communities and discuss avoidance, minimization, and mitigation of potentially disproportionate, adverse impacts.

- Choosing media outlets and other disbursement networks to ensure access to traditionally underserved and LEP customers.
- Ensuring that meetings, hearings, and other public involvement events are held in accessible locations and at times to garner the best representation of the impacted community; and/or
- Collecting questions, concerns, comments, or complaints from the public, ensuring they are appropriately addressed and forwarding potential discrimination concerns to the appropriate official.

Division of Planning

KYTC understands that transportation touches everyone's lives in a very personal way daily. Transportation is critical to our state's economic vitality and our quality of life, which is why KYTC engages in a forward-thinking planning process that encourages community and stakeholder participation in transportation investment decisions.

The Division of Planning is made up of six sections (generally referred to as branches): Customer Service, Transportation Systems, Strategic Planning, Modal Programs, Traffic and Equipment Management, and Data Management.

Strategic Planning is responsible for major corridor studies and the development and plan adoption of urban freeway corridor improvements in Kentucky as well as data analysis.

The Division of Planning makes Title VI brochures available, created by the KYTC Office for Civil Rights and Small Business Development, at all conducted public meetings. The division also provides this information to any contractors or vendors used for public involvement via project-specific Public Outreach and Public Involvement Plans. The division will continue to provide hard copies of the Title VI brochures division-wide to staff, consultants/contractors, and to the public at all Division of Planning public meetings.

Activities to ensure nondiscrimination:

- The Department strives to provide early, continuous, and extensive outreach to all communities, particularly to ensure project selection does not subject any populations to disparate, adverse effects based on race, color, or national origin.
- KYTC (through the Department of Highways), along with MPOs and/or Area Development Districts (ADDs), scrutinize planning projects, screening them to identify and categorize the various impacts and enhancements of planned projects.
- KYTC will triennially review planning activities to ensure nondiscrimination. Title VI reviews are conducted by the Title VI Coordinator, who may issue a request for information, perform a desk audit, and/or conduct an onsite visit, then issue an approved finding and oversee compliance with a corrective action plan, if any. As part of the review process, the coordinator examines data for nondiscrimination, which may include, but not be limited to:
 - Sampling contracts to ensure the inclusion of required nondiscrimination

- provisions.
- Sampling public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language.
 - Reviewing Title VI annual reports searching for possible trends of discrimination in planning.
 - The process or strategies used to ensure Title VI issues are addressed in the planning process. This includes written procedures as well as implementation of those procedures, specifically examining the following:
 - Monitor the utilization of demographic information that identifies populations and evaluate the equitable distribution of the benefits/burdens of the transportation plans and activities, as well as transportation system investments, on these populations.
 - Information regarding project prioritization procedures for MPOs as well as rural projects
 - Review the process by which projects are selected.
 - Ensure that formal and informal public comments are incorporated into the transportation decision-making process.
 - Interviewing District, MPO, and/or ADD planning staff to identify emerging issues and needs; and
 - Reviewing Certifications of MPO Planning Process Consistency with Title VI of the Civil Rights Act documents to ensure MPOs are current with nondiscrimination submissions.

Division of Environmental Analysis

The Environmental Analysis Division oversees all environmental programs within KYTC. This group ensures that local, state, and federal environmental laws are complied with during the development, construction, and operation of KYTC projects.

The Environmental Analysis Division integrates environmental considerations into all KYTC activities to achieve environmental compliance. The division manages environmental programs, works to streamline the environmental process, and monitors changing laws and regulations.

The Environmental Analysis Division houses a diverse group of environmental specialists who research, analyze, and monitor the effects transportation projects have on the environment. They include air, noise, hazardous materials, and water quality specialists; biologists, archaeologists, environmental engineers, social analysts, and National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) experts.

A contract with standard terms and conditions is submitted with all Requests for Proposals, which includes the required Title VI language. Additionally, contracts with consultants are compiled using standard templates which have standard contract language regarding Title VI as part of the General Terms and Conditions. All consultant contracts include the standard contract clauses and also include a provision that says that any subcontracts must include these same provisions.

The Environmental Analysis Division's procedures are focused on preparing environmental documentation for projects and the processes for approving that document. They discuss how Title VI should be incorporated into the environmental process and environmental documentation.

All notices are placed on the KYTC website as are project documents referenced in the notice. KYTC's social media is used to disseminate meeting notices. All notices placed in newspapers are placed in the regular body of the paper and not the Legal Notices Section. If they are published in an identified area, ethnic newspapers and radio stations are included in the noticing effort. Community facilities such as churches, community centers and commercial businesses are approached to post notices of the meeting.

Sources of outreach efforts to encourage public involvement include, but are not limited to:

- Publications
- Radio
- Depending upon the project location and potential impacts, other smaller newspapers and "neighborhood" papers.

When warranted, mailings to property owners are multilingual. Language interpreters are available at KYTC public meetings upon request. Community advisory councils or boards are made aware of the meeting and if requested, project representatives make a separate presentation to those bodies. NEPA documents are made available at local libraries, affected city or county offices, and at KYTC District offices. Copies of documents are available upon request and may be translated as needed.

For individuals who may lack transportation, KYTC policy provides meetings to be held close to a project area to facilitate involvement. Transit routes are also included on notices if they directly serve or are in close proximity to a meeting venue.

As part of a given environmental study, identifying the demographic composition and any affected populations in the project's study area is a specific task. Based on the results of this research, outreach methods are established to most effectively involve potentially affected neighborhoods or potential project users. Post-meeting reviews are held to determine the effectiveness of all aspects of the meeting and to make recommendations for future meetings.

Activities to ensure nondiscrimination:

- As with all KYTC programs, public involvement is the cornerstone of Title VI compliance. KYTC strives to provide early, continuous and extensive outreach to all communities, but particularly to ensure that project selection does not subject any populations to adverse, disparate impacts. The Highway Design Manual includes chapters on both public involvement and Title VI compliance.
- KYTC uses an Environmental Analysis Manual which describes how KYTC complies with environmental requirements in project development.
- The Environmental Analysis Division uses a review process to annually review environmental activities to ensure nondiscrimination. Title VI reviews shall be conducted by the Title VI Coordinator who requests relevant information, performs a desk audit,

and/or conducts an onsite visit, then issues an approved finding and oversees compliance with a corrective action plan, if any. As part of the review, the Coordinator examines data for nondiscrimination, which may include, but not be limited to:

- Sampling of consultant contracts to ensure inclusion of required nondiscrimination provisions as well as help ensure nondiscrimination in selection of consulting firms.
- Sampling of public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language, including:
 - Community involvement and participation is considered in the design of projects for all affected populations;
 - Data and information regarding the demographics of public meeting participation, including comparisons to the relevant population for each project;
 - Number of public hearings/informational meetings held, the meeting location, and the representative participation based on the affected populations within the project area;
 - Demographic breakdown of attendees in public meetings/public involvement activities; and,
 - Sampling of public involvement materials including meeting notices, project flyers, and other similar documents to ensure appropriate nondiscrimination language.
- Reviewing Title VI Annual Reports analyzing data for possible trends of discrimination.
- Interviewing District staff to identify emerging issues and needs.
- Sampling environmental documents to ensure Community Impact Assessments appropriately identify underserved communities and discuss avoidance, minimization, and mitigation of disproportionately high or adverse impact.
 - The number and types of environmental reviews.
 - Summary of any EA or EIS where any populations were disproportionately impacted by race, color, or national origin and any mitigating measures taken as a result.
 - Monitor procedures for the identification of SEE impacts through the use of KYTC's Environmental Evaluation Checklist or other forms, including potential impacts on minority populations for:
 - Air quality
 - Noise
 - Community cohesion
 - Relocations
 - Community services
 - Mitigation measures
- Identify what mitigative measures have been employed in the location studies and project alternative analysis when there is the potential for disproportionate or discriminatory impacts.
- Review and ensure the validity of socioeconomic data, specifically:
 - The methods for identifying populations for Title VI purposes.
 - The study area selection and consider community impacts.

Division of Construction

The Construction Division has an essential function and responsibility within the department to assist in meeting the overall mission, goals, and values.

Our goal is to provide the resources necessary to ensure the quality of construction projects by improving decisions made in the field, making information available for training and to maintain statewide consistency. The highway construction program is ever changing, and it is imperative that relevant up to date resources are available for the stakeholders involved in the construction process.

The Construction Division will assure that highway construction practices adhere to Title VI requirements. KYTC Construction Division ensures that any firm interested in working on construction projects are able to do so without regard to race, color or national origin.

Activities to ensure nondiscrimination:

- Monitor prime and subcontracting to ensure disadvantaged and small business opportunities to receive Department work.
- Ensure project information is adequately distributed to stakeholders and the public, following the Department's public involvement procedures and LEP plan.
- Ensure that all mitigation measures during construction are effectively implemented to reduce health and environmental hazards to the public, e.g., work zone safety, measures to reduce noise and air impacts, and erosion control measures.
- Carefully review project activities to avoid disproportionately high or adverse impacts on underserved communities during the construction phases.
- Regularly check all contracts and random subcontracts to ensure appropriate nondiscrimination language and required contract inclusions.
- The Title VI Coordinator reviews documents and other project activities for nondiscrimination.
- The Department uses its review process to annually review activities to ensure nondiscrimination. Title VI reviews shall be conducted by the Title VI Coordinator who requests relevant information, performs a desk audit, conducts an onsite visit, issues an approved finding, and oversees compliance with a corrective action plan, if any. As part of the review, the Coordinator examines data for nondiscrimination, which may include but not be limited to:
 - Sampling of construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions;
 - Sampling of construction public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language;
 - Reviewing Title VI annual reports searching data for possible trends of discrimination;
 - Interviewing District Construction staff to identify emerging issues and needs;
 - Sampling Contract Compliance Reviews to ensure adequacy and consistency of the process;

- Examining consistent administration of testing and specifications regardless of race, color, or national origin. Nondiscrimination in the approval of material suppliers and sources;
- Examining uniformity in the assessment of sanctions, liquidated damages, withholding payments, suspension, termination of contracts and decertification;
- Data and information regarding mitigation commitments made during the environmental process and progress toward completion of the commitments.
- Data and information regarding temporary traffic and pedestrian routing during construction, as well as a demographic profile of the project area.

Division of Right of Way & Utilities

The Right of Way & Utilities has the responsibility of assuring that all Right-of-Way functions and the results of those activities are executed in accordance with Title VI.

The Division ensures the equitable treatment of businesses and persons displaced by highway projects, regardless of race, color, or natural origin by operating under the Federal Code of Regulations (49 CFR Part 24) to address the requirements established by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended.

Activities to ensure nondiscrimination:

- Ensure that procedures are in place to collect and review statistical data pertaining to all beneficiaries or persons affected by negotiations, relocation, and property management to ensure ROW activities do not have a disproportionate or adverse effect on traditionally underserved populations. Data collected using the “Nondiscrimination Survey” score card shall include race, color, and national origin.
- Establish controls to ensure the objectiveness, quality, and equity of appraisals, property management, relocation assistance, and payments to impacted persons and property owners.
- ROW will use interpreters and translators as necessary to ensure that those with LEP needs receive meaningful access to the Department’s services.
- The Title VI Coordinator will periodically review appraisals, acquisition, relocation, and other documentation for nondiscrimination.
- All projects have a ROW plan that is monitored for compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as well as for Title VI compliance.
- KYTC will use a review process to triennially review ROW activities to ensure nondiscrimination. Title VI reviews shall be conducted by the Title VI Coordinator who requests relevant information, performs a desk audit, conducts an onsite visit, issues an approved finding, and oversees compliance with a corrective action plan, if any. As part of the review, the Coordinator examines data for nondiscrimination, which may include but not be limited to:
 - Sampling of appraisal contracts to ensure inclusion of required nondiscrimination provisions as well as ensuring nondiscrimination in selection of consulting firms;
 - Sampling of ROW public materials including information notices, relocation

- assistance documents and other similar materials to ensure appropriate nondiscrimination language is included and materials are offered in alternative languages as required by the KYTC LEP Plan;
- Ensure equitable treatment of all businesses and persons displaced by highway projects (i.e., property valuations, negotiations, and relocation benefits were conducted/calculated in a nondiscriminatory manner), specifically examining the following:
 - Sampling project ROW documents to ensure appraisal values, acquisitions, and relocation assistance do not show trends and patterns of discrimination, opportunities to purchase excess property, in particular, discrimination whether intentional or unintentional against persons based on race, color, or national origin;
 - Data and information related to the appraisal process, including just compensation offers and supporting documentation;
 - Data and information related to the demographics of relocatees and other beneficiaries of the Right-of-Way Division. This includes persons and businesses that receive relocation counseling and who attend informational meetings;
 - Concerns raised by persons who were relocated and what action was taken to address concerns; and,
 - Whether the determination to condemn a property is done in a nondiscriminatory fashion based on who was affected by the condemnation and whether the property owner was aware of his/her rights during the process.
 - Reviewing Title VI annual reports searching data for possible trends of discrimination, including equitable treatment without regard to race, color, and national origin;
 - Interviewing District ROW staff to identify emerging issues and needs;
 - Sampling project right-of-way documents to ensure appraisals, acquisitions and relocation assistance do not show discriminatory trends based on race, color, or national origin; and/or,
 - Conducting interviews with members of the public impacted by acquisition and relocation.

V. EXTERNAL REVIEW PROGRAM

KYTC is required to monitor its subrecipients to ensure those entities are in compliance with Title VI and related nondiscrimination statutes. KYTC has determined that any subrecipient receiving federal financial assistance through KYTC for the purpose of administering programs and activities requires monitoring. The Subrecipients that receive federal financial assistance through KYTC for the purpose of administering programs and activities include local public agencies; area development districts, metropolitan and regional transportation planning organizations; and transit grantees. KYTC has taken a three-step approach (described on page 26) to monitor those subrecipients that qualify for monitoring under the Title VI program.

Subrecipients of Federal aid in Kentucky include area development districts, metropolitan planning organizations, councils of governments, local governments, universities, private for-profit and non-profit agencies, transit grantees, airport authorities and contractors/consultants.

Area Development Districts

Barren River ADD
Big Sandy ADD
Bluegrass ADD
Buffalo Trace ADD
Cumberland Valley ADD
FIVCO ADD
Gateway ADD
Green River ADD
Kentucky River ADD
KIPDA ADD
Lake Cumberland ADD
Lincoln Trail ADD
Northern Kentucky ADD
Pennyrile ADD
Purchase ADD

Metropolitan Planning Organizations

Ashland MPO
Bowling Green MPO
Clarksville MPO
Evansville MPO
KYOVA MPO
Lexington MPO
OKI MPO
Owensboro MPO
Radcliff-Elizabethtown MPO

Urban County Government

Lexington-Fayette

Fiscal Court

Madison County

The Commonwealth of Kentucky is comprised of 120 counties and approximately 417 cities. The Kentucky Transportation Cabinet has 12 Districts, of which is equipped with a Chief District Engineer (CDE) who has access to the Title VI Officer, Coordinator or Liaison.

Subrecipient Review Selection Procedures

The coordinator will review all ADDs and MPOs triennially using FHWA’s Nondiscrimination/Title VI Review Guidelines. The coordinator will collaborate with ADDs/MPOs to conduct periodic pre-grant and post-grant reviews of select sub-recipients of FHWA funds or other federal funds for other roadway projects (i.e., bridges) to ensure adherence to Title VI requirements. Reviews use a combination of desk and onsite audits. Appropriate staff members will routinely confirm that guidelines provided to consultants, contractors, and sub-recipients include Title VI language, provisions, and related requirements, where applicable.

KYTC will also identify Subrecipients for which an onsite review will be conducted based on the assessment of the risk of non-compliance and the potential magnitude of the impact of non-compliance. KYTC identifies those Subrecipients based on the following criteria:

- KYTC knows of or has received (formal or informal) complaints regarding the Subrecipient.
- KYTC staff have identified Subrecipients with known Title VI issues/concerns.
- The Subrecipient has submitted problematic responses to the Title VI compliance questionnaire and/or submitted incomplete Title VI documentation following the questionnaire.

- The Subrecipient receives a large amount of funding from KYTC relative to other Subrecipients.
- The Subrecipient is new to KYTC, receives a large amount of funding from KYTC and requires Title VI training.

KYTC Title VI Onsite Review Work Plan

- **FY23** – Barren River ADD, Kentuckiana Regional Planning & Developmental Agency (KIPDA), Pennyrite ADD, OKI MPO, Purchase ADD
- **FY24** – Kentucky River ADD, Gateway ADD, Lake Cumberland ADD, Lexington MPO, Big Sandy ADD, Madison County Fiscal Court
- **FY25** – Bowling Green-Warren County MPO, Buffalo Trace ADD, Clarksville MPO, Cumberland Valley ADD, FIVCO ADD, Green River ADD
- **FY26** – Bluegrass ADD, Evansville-Henderson MPO, Lexington Fayette Urban County Government (LFUCG), KYOVA/Greenup-Boyd County Riverport Authority MPO, Lincoln Trail ADD, Northern KY ADD,

Subrecipient Review Procedures

Each year KYTC allocates a portion of its FHWA funding to [15] Area District Developments, [9] Metropolitan Planning Organizations (MPOs), and [114] Local Public Agencies (LPAs) in the form of direct funding or grants/awards to be used for transportation planning and construction projects at the metropolitan, area district and/or local level.

Each of the ADDs, MPOs, and all of the LPAs with 50 or more employees develop a Title VI Plan that describes implementation, reporting, and complaint procedures. LPAs with fewer than 50 employees will have the option to use KYTC’s Title VI Program process as a template and administer the Title VI program in a similar manner as resources allow.

Annually, KYTC establishes a schedule for Title VI Program reviews of ADDs, MPOs and LPAs using the criteria below. The review may consist of a desk audit or an on-site review. The Office for Civil Rights annual goal is to conduct desk audits on five (5) to six (6) local agencies per year.

Review Criteria and Process

KYTC’s website offers a comprehensive checklist, document samples, and other pertinent information regarding the implementation of a Title VI Program to ensure that all federal-aid recipients are actively working to prevent discrimination within their organization. Examples and checklists are online at transportation.ky.gov.

LPAs are Subrecipients of federal financial assistance and must implement policies and procedures prohibiting discrimination. KYTC’s Title VI Coordinator is responsible to monitor Title VI plans and program implementation. Agencies receiving federal funding must make the appropriate recommended corrections if KYTC finds noncompliance. The Title VI Coordinator uses a combination of DOT’s Pre-award Assurance Checklist, along with a 25-point review process to examine for compliance with civil rights regulations. As part of his/her regular duties, the Title VI

Coordinator will work with Subrecipients to help them implement a Title VI program and will train local officials and Title VI Liaisons to help them understand the requirements of a Title VI Program and how to make effective implementation efforts.

In the event that KYTC takes on a new Subrecipient and before receiving federal financial assistance, Subrecipients will be required to complete KYTC's Pre-Award Checklist that seeks to understand if the local has the necessary information for compliance (e.g., data on employee demographics, public outreach, Title VI policies and policy statements, etc.). The Pre-Award Checklist is online at: [<https://transportation.ky.gov/Organizational-Resources/Forms/TC 63-64.docx>].

The ADDs and MPOs are responsible for the transportation planning process within their urbanized areas and by means of a Memorandum of Understanding relating to transportation planning with KYTCs and mutual agreement of Federal funding in support of area development district and metropolitan planning and project activities: As a result, each ADD and MPO must develop a:

- 3-year Transportation Improvement Program (TIP);
- Long-range transportation plan; and
- Unified Planning Work Program (UPWP) annually.

KYTC's Division of Planning assists the ADDs and MPOs with transportation planning activities that he/or she must require Title VI compliance. In coordination with the Civil Rights Office, the Division of Planning also advises ADDs and MPOs on Title VI Program issues. The Division of Planning oversees the Area Development District and Metropolitan Planning Organizations by monitoring, as follows:

- Reviewing the Unified Planning Work Program (UPWP) approval, administration, and oversight;
- Evaluating the Transportation Improvement Program (TIP);
- By providing general assistance and or any guidance;
- Ensuring Title VI Program compliance; and
- Assisting with ADD and MPO Federal/State reviews.

The Division of Planning, the Office for Civil Rights, the Title VI Coordinator, and the Title VI Liaisons will monitor the ADD's and MPO's overall strategies and goals of the transportation planning process to ensure Title VI Program compliance. KYTC utilizes the Title VI review criteria as outlined above to decide the level of review required. A review will evaluate the outreach efforts employed by the ADD and MPO during the 3-year planning period. One of the review functions will be to compare the demographics of attendees at planning meetings, and then perform an analysis of available documents to determine if the planning process includes underserved and underutilized populations, those with Limited English proficiency. KYTC staff will examine marketing and advertising samples, as well as marketing and email communications, and check the disposition of complaints filed against the ADD and MPO during the same period. KYTC will complete the analysis and provide a report on any identified deficiencies. If necessary, KYTC will provide a corrective action plan for the planning process that will aim to improve the participation of underutilized and underserved populations.

KYTC's Title VI Coordinator will oversee, monitor, and provide training to ADDs and MPOs as follows:

- Review Limited English Proficiency (LEP, E.O. 13166) compliance to ensure utilization of demographic information. Ensure the ADDs and MPOs use the data to identify potential LEP populations, and that the ADDs and MPOs assess distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor Title VI compliance to ensure utilization of demographic information. Ensure the ADDs and MPOs use the data to identify potential disparately impacted populations, and that the ADDs and MPOs assess distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor public involvement processes to improve effectiveness and reduce participation barriers for populations based on race, color, and national origin; and
- Evaluate ADD and MPO annual accomplishments and goals.

Pursuant to 23 CFR 450.334, all ADDs and MPOs undergo a triennial FHWA/FTA joint review, which includes a Title VI Program compliance assessment. Should the USDOT Operating Administration identify a program deficiency, within 90 days the Department will voluntarily develop an agreed upon Corrective Action Plan (CAP) with the modal agency to address the deficiencies.

Review Steps

Notice of Compliance Review

When a compliance review commences, the Title VI program staff will send a notice of compliance review providing the reason for the review and a request for documents to the Subrecipient. The Subrecipient will be given an initial thirty (30) day time period to produce the requested documentation. This period may be extended when a reasonable request for extension is made and at the discretion of KYTC staff. Any Subrecipient who fails to respond to a notice of compliance review, including the request for information, within the prescribed deadline shall receive written notification of his or her deficiency status from the Title VI program staff (see preliminary findings below).

Desk Review

Information received from the subrecipient is reviewed in the office by the Title VI staff and a telephone call may be scheduled to discuss the preliminary deficiencies observed and to request additional information as necessary.

The following factors will play a role in determining whether an on-site review is necessary:

- Deficiencies are directly related to improvements being constructed or maintained by the Subrecipient.
- Deficiencies include missing entire program components or are otherwise considered major deficiencies.
- The Subrecipient's program coordinator or representative has not been identified and/or

does not appear to have the support of the executive leadership of the agency in ensuring program compliance.

- The review is based upon the receipt of a complaint.

Preliminary Findings

Following the conclusion of the desk review and/or on-site review, the reviewer shall provide the Subrecipient with a written report of preliminary findings which shall:

- Document any deficiencies observed and direct the Subrecipient to come into compliance by their scheduled deadline.
- Require that any deficiencies which cannot possibly be resolved by the deadline shall be reflected in a compliance plan submitted to KYTC for approval within the 90-day period and shall include dates by which compliance will be achieved and specific action steps with identified task ownership. In addition, it is the Subrecipient's responsibility to notify KYTC that it has achieved its approved compliance plan goals. Failure to provide such notice will place them in deficiency status.

Failure to Comply

If the Subrecipient does not voluntarily comply by the required deadline given by KYTC, KYTC will issue a Notice of Noncompliance. If the Subrecipient fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, KYTC will issue a noncompliance letter and forward a copy to FHWA and may then take or participate in other legally available action against the Subrecipient for failure to comply, such as withholding payment on a contract, and/or suspending or terminating the contract.

At the conclusion of the review period, KYTC may do any of the following:

- Certify the current Subrecipient compliant and eligible to receive funds;
- Identify the current Subrecipient as deficient but on an approved corrective action plan; or
- Issue a Notice of Noncompliance.

VI. DATA COLLECTION AND ANALYSIS

General

KYTC is required by federal regulations to collect statistical data on the race, color, and national origin of participants in and beneficiaries of its programs. *See 23 CFR § 200.9(b)(4)*. KYTC civil rights staff works with program area staff (environmental analysis, planning, right of way, etc.) on collecting and analyzing data. This requirement is also addressed in KYTC's Title VI [procedures memorandum].

Data collection efforts specific to each program area are described on an annual basis in KYTC's Goals and Accomplishment Report to FHWA. The following is a brief description of data

collection efforts conducted by KYTC:

Right of Way: During the interview/intake process, KYTC ROW staff will ensure that demographic information is collected voluntarily and inform impacted person of the reasons for collecting the demographic data. Additionally, ROW staff will disseminate Customer Service Surveys that include demographic information questions to all relocatees and persons impacted by ROW activities. More information regarding data assemblage procedures can be found in section 603 of the Right of Way Manual.

Environmental Planning: KYTC collects and analyzes U.S. Census and other data as a part of the environmental justice analysis, regarding populations expected to be impacted by KYTC projects. Demographic data is collected during the environmental review process. KYTC's process for identifying possibly disparately impacted populations is described in chapter 9.15 of the KYTC NEPA Manual, which is available at [link]. Additionally, Environmental staff will collect voluntary demographic data during public meetings.

Statewide Planning: As part of the Statewide Planning Process, KYTC staff analyze demographic maps that include median income levels per county, racial/ethnic makeup at the U.S. Census block level, when available, and trends regarding transportation equity. Additionally, demographic data will be collected at all public meetings hosted.

Language Assistance: The Division of Planning, Division of Environmental Analysis, Division of Construction and Division of Right-of-Way & Utilities will send the Office for Civil Rights and Small Business Development the number of occasions KYTC staff has provided translation or interpretation services to members of the public. This data is included in the Title VI Goals and Accomplishments report.

Public Involvement: KYTC developed a major data collection tool: the Public Participation Survey, used to gather demographic data on the participants of public meetings/hearings. The intent is to gather a sufficient pool of data to determine whether KYTC is reaching all population groups and receiving input in the transportation decision-making process. The surveys will be scanned into a database and displayed on a spreadsheet or directly entered on a spreadsheet. The data for each category is transferred onto a data table report. U.S. Census Bureau, and American Fact Finder data files are collected at city level, if available, county level, or service area for other meeting/hearings. The data of the participants is compared to the US Census data for the project area to help identify underserved populations in each category.

Statistical data on race, color, and national origin of participants in and beneficiaries of the KYTC's programs, (i.e., affected populations, and participants) will be gathered, analyzed, and maintained by the Cabinet to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. Each of the Cabinet's Program Areas will maintain data relative to their programs and activities. Data gathering procedures will be reviewed regularly to ensure the sufficiency of the data in meeting the requirements of Title VI program administration. Analysis of the data collected by the program emphasis areas may include:

- The race, color, national origin, sex, age, disability, income and LEP of the population

eligible to be served.

- Socioeconomic Assessment to evaluate project's potential impacts on the human environment.
- Persons to include in the decision-making process.
- Percent of benefits allocated to persons below the poverty line vs. persons above the poverty line.
- Distribution of benefits (dollars, facilities, systems, projects) to groups and communities
- Projected population increases versus planned facilities and types of facilities.
- Language needs assessment.
- Transportation needs of all persons within the boundaries of plans or projects.
- Strategies to address impacts.
- The manner in which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination.
- The location of existing or proposed facilities connected with the program and related information for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination.
- The present or proposed membership, by race, color, national origin, sex, disability and age, in any planning or advisory body which is an integral part of the program.
- Strategies to disseminate information.

VII. TRAINING

The KYTC's Title VI Training Program has transitioned from the developmental phase to the implementation phase. The Title VI Training Program is composed of an Internal and External component.

Internally the KYTC will provide written notice to all current employees concerning the KYTC's commitment to assuring compliance with Title VI and for new employees there will be a Title VI module conducted during New Employee Orientation. The Title VI Officer, Coordinator or Liaison will attend and subsequently disseminate the benefit of the training to pertinent KYTC staff, Title VI Liaisons, and program office heads.

The external component consists of training KYTC's sub-recipients and beneficiaries (if any). As a part of the Subrecipient Monitoring Program the Title VI Officer, Coordinator or Liaison will conduct reviews and the subrecipients are provided with explanatory materials and technical assistance as necessary to ensure their knowledge of, and compliance with Title VI requirements.

To aid in these efforts the OCRSBD continues to provide the Title VI/Nondiscrimination Reference Guide for Subrecipients. The guide serves as a point of reference and provides guidance for sub-recipients to better comprehend and comply with Title VI and the related nondiscrimination laws and regulations, which are applicable to federal financial assistance awarded through KYTC.

VIII. COMPLAINT DISPOSITION PROCEDURES

Who can file?

Any person who believes they—or with a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a Federal-aid Recipient may file a Title VI complaint.

Where can one file?

Complaints may be filed with KYTC, FHWA Division Offices, the FHWA Headquarters Office of Civil Rights, the United States Department of Transportation (USDOT) Departmental Office of Civil Rights, or the U.S. Department of Justice.

When must one file?

According to U.S. DOT regulations, 49 CFR § 21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the investigating agency.

What should a complaint look like?

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the agency and provide the allegations by telephone, and the agency will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. A complaint should contain at least the following information:

- A written explanation of what has happened;
- A way to contact the complainant;
- The basis of the complaint (e.g., race, color, national origin);
- The identification of a specific person/people and the respondent (e.g.) agency/organization) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s). Complaint should indicate if the alleged discrimination is on-going.

How are complaints routed?

FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

- All complaints should be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or Subrecipients of Federal financial assistance.
- Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with a Subrecipient City, that receiving agency should forward the complaint to the State DOT, which should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with a State DOT, then the State DOT should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR.
- State DOTs and Subrecipients must log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, State DOT, and Subrecipient (where applicable).

Complaints may be sent to:

Kentucky Transportation Cabinet
Office for Civil Rights and Small Business Development
200 Mero Street, 6th Floor West
Frankfort, KY 40622

And/Or

US Federal Highway Administration Kentucky Division
John C Watts Federal Building
330 W Broadway St Ste 264,
Frankfort, KY 40601
Attention: Civil Rights Specialist

And/Or

Federal Highway Administration Headquarters - Office of Civil Rights
1200 New Jersey Avenue, SE HCR-40, Room E81-101
Washington, DC 20590
202-366-0693 or Fax: 202-366-1599
TTY: 202-366-5751

Additionally, complaints may be filed with the U.S. Department of Transportation (USDOT) Departmental Office of Civil Rights at:

Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Ave, S.E.

Washington, DC 20590

Or with the U.S. Department of Justice at:

Federal Coordination and Compliance Section - NWB Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

What are the potential outcomes for processing a complaint?

There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is timely filed (see “**When must one file?**” above), contains sufficient information to support a claim under Title VI, and concerns matters under FHWA’s jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not timely filed (see “**When must one file?**” above), is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
- **Referral/Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to the primary Recipient State DOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but the State DOT will conduct all data requests, interviews, and analysis. The State DOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI. All Letters of finding issued by FHWA are administratively final.

What are the timeframes for investigations?

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA

strives to complete all tasks within 180 days from the date of acceptance. For State DOTs that have been delegated an investigation from FHWA, 23 CFR §200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

Investigation files are confidential and will be maintained by KYTC. The contents of such files will only be disclosed to appropriate KYTC personnel and federal authorities in accordance with Federal and State laws. KYTC will retain files in accordance with records retention schedules and all Federal guidelines.

Title VI Complaint Form

See Appendix H.

IX. COMPLIANCE AND ENFORCEMENT PROCEDURES

Throughout the year, the Title VI Officer, Coordinator or Liaison periodically meets with the directors and the division heads of KYTC to review the policies and procedures relative to Title VI. This includes, but is not limited to, a review of files and statistics of complaints received for investigation and services offered to recipients and beneficiaries of KYTC's services.

The KYTC offices, departments, and divisions who receive federal funds continually collect program data, although it is not always documented to denote such. Self-surveys are periodically sent to sub-recipients and sub-grantees. These self-surveys examine all facets of the programs offered by the agency surveyed. The OCRSBD will also conduct onsite reviews and assessments on a triennial basis. Instances of which the onsite and/or survey reveals that the agency or one or more of its programs is not in compliance with Title VI an investigation will be conducted by the Title VI Officer, Coordinator or Liaison. Records of the self-survey and efforts put forth to bring the agency into compliance will be maintained. These will include correspondence, resolution, and corrective actions.

In the event of noncompliance with this plan, or applicable regulations and laws are determined via a complaint investigation or through the self-survey process, KYTC will make every effort to attain full compliance.

The Title VI Officer, Coordinator or Liaison shall notify the appropriate program head in the event a complaint investigation, compliance review or self-survey indicates noncompliance. The notification shall state the condition of noncompliance, the recommended approach to correct the situation, and the period for the response and corrective action. The Title VI Officer, Coordinator or Liaison may conduct an interview to consult with the program head regarding the correct approach to remedy noncompliance.

Affecting Compliance

Departmental Programs: When the KYTC program area refuses to cooperate or comply with Title VI, the Title VI Specialist will elevate the matter to the Office for Civil Rights Director and the Kentucky Transportation Cabinet Secretary, after which, the matter may be referred to the FHWA Civil Rights Program Manager or responsible USDOT Operating Administration (OA).

Subrecipients: When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report:

- The Subrecipient moves from a “deficiency status” to noncompliance;
- KYTC will submit two copies of the case file to FHWA with a recommendation that the sub- recipient be found in noncompliance; and/or,
- KYTC may, with the concurrence of FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.

X. REVIEW OF STA DIRECTIVES

State Procedures, Manuals, and Directives Applicable to the Federal Highway Administration (FHWA) programs

The KYTC’s Title VI Implementation Plan is designed to comply with the statues and requirements under the law and as directed by FHWA to accomplish the goals of the Title VI Act of 1964.

The table below is a list of internal and external manuals that include procedures and directives used by the Cabinet.

DIVISION/OFFICE	PROCEDURES/MANUALS/DIRECTIVES
Construction	Construction Guidance Manual (Revised 12/2019)
Construction Procurement	Construction Procurement Guidance Manual (Revised 12/2018)
Environmental Analysis	Information, Procedures, and Guidance Manual
Highway Design	Access Management Manual (Revised 3/2017)
Highway Design	Guidelines for Pedestrian & Bicycle Accommodations (Revised 3/2017)
Maintenance	Field Guidance Manual (Revised 6/2019)
Maintenance	Maintenance Guidance Manual (Revised 6/2019)
OCRSBD	DBE Program Policy Statement (Revised 6/2016)
Office of Human Resource Management	General Administration & Personnel Manual (Revised 5/2018)

Office of Local Programs	Transportation Enhancement, Transportation Alternatives Program, Transportation Community, and System Preservation
Office of Transportation Delivery	Oversight and implementation of various statewide public transit grants. Transportation grants offer public transit services and assists in the mobility for the elderly, low income, and persons with disabilities.
Materials	Aggregate Source Book (Revised 7/2016)
Professional Services	Professional Services Guidance Manual (Revised 3/2019)
Right of Way	Right of Wat Guidance Manual (Revised 1/2019)
Right of Way	Relocation Assistance Program (Revised 1/2019)
Traffic Operations	Traffic Operations Guidance Manual (Revised 5/2018)

The Title VI Staff employs several processes to review KYTC directives, policies, and practices:

- The Title VI Staff reviews environmental documents and public meetings to ensure staff is aware of any potential Title VI issues.
- The Director serves on decision-making committees as a Civil Rights Advisor to ensure KYTC directives are in accordance with the federal and state nondiscrimination laws, rules, and regulations; and,
- The Title VI Staff, cooperatively with FHWA Division Civil Rights staff, implement federal nondiscrimination directives.
- The Title VI Staff will provide Title VI training for legal staff reviewing all directives and policies presented by KYTC.

XI. PUBLIC INVOLVEMENT

It is KYTC’s policy and commitment to foster public involvement in all projects. KYTC welcomes everyone, regardless of race, color, or national origin (including LEP individuals), to participate in and benefit from its public involvement activities. Special efforts need to be made to engage stakeholders from all demographic groups. KYTC will disseminate Title VI Program information to employees, contractors, subrecipients, and beneficiaries, as well as to the public. A variety of public notification and participation procedures will be used to encourage the early and continuous involvement of citizens, communities and others interested in the planning process and decisions of the KYTC.

Efforts to involve these affected stakeholders in public participation activities can include both general measures, such as placing public notices in public areas (e.g., libraries, transit stations, or vehicles), as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent such populations from effectively and meaningfully participating in the decision-making process.

The KYTC will discuss and/or distribute Title VI information using mass media including, but not limited to the following:

- Policy statements
- Inclusion of Title VI language in contracts
- New employee orientation
- Federal EEO posters
- KYTC website: <http://transportation.ky.gov/Pages/default.aspx> and intranet: <https://intranet.kytc.ky.gov/Pages/Home.aspx>
- Standard procedures manual
- Significant publications, i.e., newspapers, brochures, and written literature
- Mailings
- Meetings open to the public
- Events

Policy Statements: A written “policy statement,” “assurance,” or “contractual agreement” signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with Title VI and Civil Rights laws and regulations.

Plan Public Meetings: Determine an effective number of Public Meetings to hold in strategically significant areas and at appropriate times to reach the greatest number of customers. Determine the method for and communicate news of the Public Meeting(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above.

Publicize Proposed Changes: Determine how to communicate the news of the proposed change(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above. This news should be communicated in an accessible and inclusive manner (including foreign language translations, if necessary) that promotes effective public participation and is free of linguistic, cultural, economic, or historical barriers.

Conduct the Public Meetings: Ensure that reasonable time is provided for attendees to provide comments regarding the proposed change(s).

Review and Analysis: At the conclusion of the outreach effort, review the comments and analyze the impacts to all customers (regardless of a customer’s race, color, or national origin) regarding their ability to access the facilities/services both prior to the proposed change(s) and following the proposed change(s). This analysis is required to be sufficiently detailed so that the ultimate conclusion as to how the proposed change(s) will impact customers is well-documented.

Written Report: Prepare a detailed record to capture all aspects of the outreach effort.

Submission to FHWA: Submit the record to FHWA. Please note that FHWA reserves the right to offer comments as deemed appropriate following a review of the record.

Implement the change(s).

Monitor Feedback: Monitor customer communications for a period of time (i.e., six months, one year) for reactions to the change.

Re-Evaluate: Be prepared to adjust the change(s) as appropriate dependent upon the actual impact to customers.

Adjust: Adjust the change(s) as appropriate dependent upon the actual impact to customers.

Notification of Title VI Program Protections: Notify beneficiaries of protections available to them under the Title VI Program. Notify the public of procedures for filing a Title VI complaint. Further notices informing the public and all employees that the KYTC complies with Title VI of the Civil Rights Act of 1964 will be displayed in a prominent place.

Title VI Officer, Coordinator or Liaison for the KYTC:

Tiffany Squire -Title VI Coordinator & EEO Liaison
Kentucky Transportation Cabinet
Office for Civil Rights and Small Business Development
200 Mero Street, Frankfort, KY 40622
Phone: 800-928-3079 or 502-782-5566
Fax: 502-564-2114

LIST OF ATTACHMENTS

- **APPENDIX A:** Standard USDOT Title VI Assurances
- **APPENDIX B:** Organizational Chart
- **APPENDIX C:** Title VI Policy Statement
- **APPENDIX D:** Title VI Notice to the Public
- **APPENDIX E:** Sample Questions for Program Area Reviews
- **APPENDIX F:** Sample Questions for Subrecipient Reviews
- **APPENDIX G:** Checklist for Subrecipient Reviews
- **APPENDIX H:** Title VI Complaint Forms
- **APPENDIX I:** Limited English Proficiency (LEP)
- **APPENDIX J:** Demographic Survey for Public Meetings

Appendix A



Andy Beshear
GOVERNOR

TRANSPORTATION CABINET

200 Mero Street
Frankfort, Kentucky 406 01

Jim Gray
SECRETARY

Official Order 113356

STANDARD TITLE VI ASSURANCE

Kentucky Transportation Cabinet Standard Title VI Assurances

The Kentucky Transportation Cabinet, (hereinafter referred to as the "Recipient") **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- 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);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"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 DOT, including the FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted **Federal Highway Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **Federal Highway Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

Construction Proposals

“The Kentucky Transportation Cabinet, Department of Highways, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

Agreements for 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 made a part of this contract.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and


- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. 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, or 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 is 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.
 9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
 10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, The Kentucky Transportation Cabinet also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Kentucky Transportation Cabinet gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **Federal Highway Program**. This ASSURANCE is binding on Kentucky, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Highway Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

7/27/2023

Signed and approved this _____ day of _____ 2023.

DocuSigned by:

 JIM GRAY / 78382828
 Jim Gray, Secretary
 Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY


 Todd Snipp, Esq., Special Assistant, Office of Legal Services

Appendix A-1

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:

1. **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.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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.

Appendix A-2

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] (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].

Appendix A-3

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:
 - a. 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.
- 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.

Appendix A-4

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.
- 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.

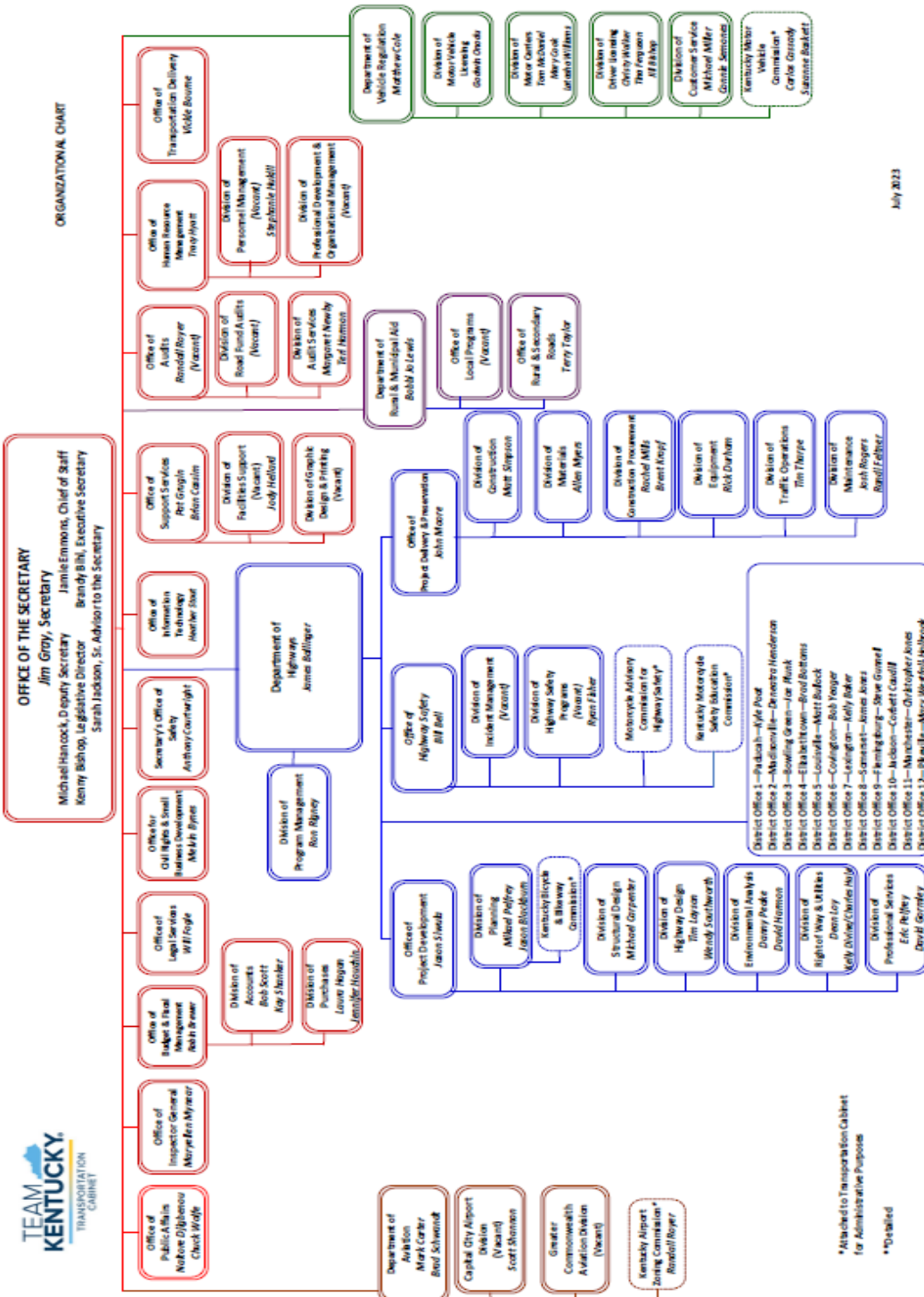
Appendix A-5

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 B



Appendix C



Andy Beshear
GOVERNOR

TRANSPORTATION CABINET

200 Mero Street
Frankfort, Kentucky 40601

Jim Gray
SECRETARY

TITLE VI POLICY STATEMENT

OFFICIAL ORDER


113425

It is the policy of the Kentucky Transportation Cabinet ("Cabinet") to afford equal opportunity to all persons to the end that 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 receiving federal financial assistance from the U.S. Department of Transportation.


Programs and activities to which this policy applies include, but are not limited to, the use of grants in connection with federal-aid highway systems, the Surface Transportation and Reauthorization & Reform Act of 2015, the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle and Safety Act of 1966, leases of real property and the grant of permits, licenses, easements and rights of way covering real property, Urban Mass Transportation Research Programs, and other grants for the support of basic scientific research.

This policy shall be prominently posted in all personnel offices, EEO offices, and on the Cabinet's internal website.

Signed and approved this day of 9/18/2023 , 2023

DocuSigned by:


Jim Gray, Secretary
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY


Todd Shipp, Esq., Special Assistant
Office of Legal Services

Appendix D



Andy Beshear
GOVERNOR

TRANSPORTATION CABINET

200 Mero Street
Frankfort, Kentucky 40601

Jim Gray
SECRETARY

KYTC TITLE VI NOTICE TO THE PUBLIC

The Kentucky Transportation Cabinet (KYTC) hereby gives notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related Nondiscrimination authorities in all programs and activities. It is KYTC's policy that no person in the United States of America shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities receiving Federal financial assistance.

Any person who believes they have been subjected to discrimination under the Title VI and related Nondiscrimination authorities has the right to file a complaint.

To request or receive additional information on its discrimination obligations, including its complaint procedures the person listed below or visit the administrative office at the address listed below:

Kentucky Transportation Cabinet
Office for Civil Rights and Small Business Development Title VI Coordinator
200 Mero Street - Frankfort, KY 40622
Telephone: 502-564-3601
Website: <https://transportation.ky.gov/Civil-Rights-and-Small-Business-Development/Pages/Civil-Rights.aspx>

To file a discrimination complaint, the written complaint must be submitted to the address above within 180 days of the alleged discrimination. Written complaints may also be submitted to the U.S. Department of Transportation/Federal Highway Administration (FHWA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the FHWA at the following address: Office of Civil Rights, Attention: Title VI Coordinator, Federal Highway Administration, 1200 New Jersey Avenue, 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.



Andy Beshear
GOBERNADOR

TRANSPORTATION CABINET

200 Mero Street
Frankfort, Kentucky 40601

Jim Gray
SECRETARIO

AVISO AL PÚBLICO DE KYTC RESPECTO DEL TÍTULO VI

Kentucky Transportation Cabinet (KYTC) (Gabinete de Transporte de Kentucky) por la presente notifica que es política del organismo asegurar el cumplimiento total del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de los Derechos Civiles de 1987 y las autoridades relacionadas de No Discriminación en todos los programas y actividades. Es política de KYTC que ninguna persona en los Estados Unidos de América sea excluida de la participación, se le nieguen los beneficios o sea discriminada por motivos de raza, color u origen nacional en nuestros programas o actividades que reciben asistencia financiera federal.

Cualquier persona que considere que ha sido objeto de discriminación en virtud del Título VI y otras autoridades de no discriminación relacionadas tiene derecho a presentar una queja.

Para solicitar o recibir información adicional sobre sus obligaciones contra la discriminación, incluidos los procedimientos de denuncia, contacte a la persona que se indica a continuación o visite la oficina administrativa en la dirección que se indica abajo:

Kentucky Transportation Cabinet
Office for Civil Rights and Small Business Development Title VI Coordinator
200 Mero Street - Frankfort, KY 40622
Teléfono: 502-564-3601

Sitio web: <https://transportation.kv.gov/Civil-Rights-and-Small-Business-Development/Pages/Civil-Rights.aspx>

Para presentar una queja por discriminación, debe hacerse por escrito y enviarse a la dirección antes mencionada dentro de los 180 días de la presunta discriminación. Las quejas por escrito también pueden presentarse ante U.S. Department of Transportation/Federal Highway Administration (FHWA) (Administración Federal de Carreteras del Departamento de Transporte de EE. UU.) a más tardar 180 días después de la fecha de la presunta discriminación, a menos que la FHWA extienda el plazo de presentación, en la siguiente dirección: Office of Civil Rights, Attention: Title VI Coordinator, Federal Highway Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590. Para atender a personas con dominio limitado del inglés, las quejas orales que requieran ser documentadas y/o traducidas también pueden presentarse en la dirección mencionada anteriormente.

Appendix E

Sample Questions for Program Area Review: Division of Planning

1. Are the Title VI Assurances/Appendices included in all leases, deeds, and contracts?
2. What training has the Division of Planning staff been given on nondiscrimination?
3. How are those impacted by Division of Planning activities informed of their rights?
4. Does Division of Planning conduct any public meetings? If so, how are attendance and demographics of attendees documented?
5. What efforts are taken to overcome language barriers in all places of the Division of Planning process? How is the Division of Planning staff made aware of limited English proficiency issues?
6. Is demographic data collected on Division of Planning activities that impact members of the public?
7. Have any specific civil rights complaints been received in regard to Division of Planning projects? How are they documented? How are they handled?
8. In what instances do members of the Division of Planning staff interact directly with or solicit feedback from members of the public? What documentation exists to memorialize these interactions? Is demographic data included?

Appendix F



As a recipient of Federal grant funding, the Kentucky Transportation Cabinet (KYTC) is required to ensure that all subrecipients are in compliance with Title VI of the Civil Rights Act of 1964 (“Title VI”), rules, regulations, and Executive Orders, which govern Title VI on federally funded projects. To ensure that subrecipients of Federal Highway Administration funding are in compliance with these requirements, we ask that you complete the following information:

Title VI Administration

1. Name, title, and phone number of Title VI Coordinator: _____

2. Has the Title VI Coordinator participated in any form of training with specific reference to Title VI?

Yes ___ No ___

If YES, what type of training? Describe and provide a date: _____

3. Board of Directors or Advisory Board (Self-identification by Board Members is preferred):

A. Total Numbers of Members: _____ % of Minority Representation: _____

B. Ethnic/Racial Composition:

Ethnicity (Board Members May Choose One)

Hispanic of Latino: _____

Not Hispanic or Latino: _____

Race (Board Members May Select One or More)

White: _____

Black or African American: _____

Asian: _____

American Indian or Alaskan Native: _____

Native Hawaiian or Other Pacific Islander: _____

4. Has the agency signed the Title VI Assurances (USDOT 1050.2A)?

Yes _____ No _____

5. Are posters prominently displayed within the facility concerning Title VI information?

Yes _____ No _____

6. Does your organization insert the Title VI/Nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances into all solicitations for bids and requests for proposals?

Yes _____ No _____

7. Has the MPO/ADD been reviewed by any governmental agencies (such as Federal Transit Administration [FTA], Department of Labor, Department of Justice, Federal Highway Administration [FHWA], etc.) for compliance with Title VI?

Yes _____ No _____

8. Have any formal or informal complaints alleging violations of the Title VI of the Civil Rights of 1964 been lodged against the MPO/ADD during the previous three years?

Yes _____ No _____

If YES, please provide a statement on the nature of the complaint and the status of the complaint.

Public Involvement

1. What efforts are made to notify the public of meetings, workshops, special sessions, etc.?

2. What efforts are made to ensure minorities, disabled, and persons with Limited English Proficiency (LEP) are aware of MPO/ADD meetings?

3. Are accommodations for translation services or special needs included in notices to the public?

4. Does the MPO/ADD include minority or non-English (other languages) media in all notification processes for public meetings or public review of agency documents?

Yes ____ No ____

5. Where are public meetings held? Please describe the meeting locations, time, days of the week. Is the atmosphere conducive for public involvement?

6. Are meetings held where bus or rail service is provided?

Yes ____ No ____

7. What is your process for providing access to persons whose primary language is not English?

8. Are persons traditionally underrepresented by transportation systems, such as minority or LEP population, actively sought out for involvement in MPO/ADD processes?

Yes ____ No ____

If YES, what methods are used? _____

9. Are contacts with minority or LEP groups or leaders used to identify information needs and planning/programming issues or concerns?

Yes ____ No ____

10. Are limited English proficient persons made aware that they can receive translation services at no cost to them?

Yes ____ No ____

If YES, identify how. _____

11. What efforts are being made to collect demographic data, such as race, color, and national origin, at public meetings? (i.e., surveys, photos of attendees)

504/ADA Disability Assurance of Compliance

1. Do you have a 504/ADA Coordinator? If so, who?

Name _____

Title _____ Phone _____

- | | YES | NO | N/A |
|---|--------------------------|--------------------------|--------------------------|
| 2. Do you have an internal grievance procedure that allows for quick and prompt solutions for any complaints based on alleged noncompliance with 504/ADA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Do you have a policy that provides for notifying participants, applicants, employees, unions, and professional organizations holding collective bargaining or professional agreements that you do not discriminate on the basis of disability? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Have you notified these individuals of your nondiscrimination policy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Do you provide ongoing staff training to ensure that staff fully understand your policy of nondiscrimination on the basis of disability and can take all appropriate steps to facilitate the participation of individuals with disabilities in agency programs and activities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Program Access


- | | YES | NO | N/A |
|---|--------------------------|--------------------------|--------------------------|
| 1. Do you notify the public and other interested parties that agency meetings, board of director meetings, hearings, conferences, public appearances by elected officials, and interviews will be held in accessible locations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you notify the public and other interested parties that auxiliary aids (sign language interpreters, readers) will be provided, upon request, to participants with disabilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Do you have a Teletypewriter (TTY), or do you use the statewide Telecommunications Relay Service to facilitate communication with individuals who use TTYs for communication purposes? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4. Do you provide ongoing training to familiarize appropriate staff with the operation of the TTY (or Relay Service) and other effective means of communicating over the telephone with people with disabilities?
5. Do you make available, upon request, written material in alternate formats for people who have disabilities? (Alternative formats include large print, Braille, and audiocassette tapes.)
6. Are printed posters, announcements, and printed materials (including graphics) clearly legible and placed in physically accessible locations where print can be read from a wheelchair?
7. If you have a mailing list for the purposes of information dissemination, does it include various disability groups?
8. Are your TTY number and procedures for accessing your services printed on all material distributed to the public?
9. Do you have a policy and procedure for safe emergency evacuation of people with disabilities from your facility(s)?

Appendix G

Title VI Program Implementation Plan Checklist	Yes	No	Comments
1. <u>POLICY STATEMENT</u> : Does the Plan have a Title VI Program Policy Statement signed by the CEO?			
2. <u>STANDARD DOT ASSURANCES</u> : Does the Plan include a signed copy of the DOT Standard Title VI Assurances with Appendices “A” “B” “C” “D” “E”?			
3. <u>ORGANIZATION & STAFFING</u> : Does the Plan identify the Title VI Coordinator who has easy access to the head of the agency? Is there an organizational chart that identifies a Civil Rights Unit and its place in the agency?			
4. <u>PROGRAM REVIEW PROCEDURES</u> : Does the Plan describe the nature of the recipient’s program areas and include procedures for conducting reviews of pertinent program areas?			
5. <u>SPECIAL EMPHASIS PROGRAM AREAS</u> : Does the Plan describe the process the STA uses to identify their special emphasis program areas and how they address identified trends or patterns of discrimination in those areas?			
6. <u>SUBRECIPIENT REVIEW PROCEDURES</u> : Does the Plan describe the process for conducting reviews of subrecipients?			
7. <u>DATA COLLECTING/REPORTING/ANALYSIS</u> : Does the Plan contain a process for collecting and reporting Title VI data?			
8. <u>TITLE VI TRAINING</u> : Does the Plan address Title VI training of staff members and subrecipients?			
9. <u>COMPLAINT PROCEDURES</u> : Does the Plan contain complaint procedures which describe a prompt process for investigations and disposition of Title VI complaints?			
10. <u>DISSEMINATION OF TITLE VI INFORMATION</u> : Does the Plan contain community outreach and public education procedures (making the public aware of their rights under Title VI program authorities)?			
11. <u>LIMITED ENGLISH PROFICIENCY (LEP)</u> : Does the Plan communicate how the STA implements the Title VI Program requirements of Limited English Proficiency (LEP)?			
12. <u>ENVIRONMENTAL JUSTICE (EJ)</u> : Does the Plan communicate how the STA implements the Title VI Program requirements of Environmental Justice to include a public participation plan and outreach plan?			
13. <u>REVIEW OF STA DIRECTIVES</u> : Does the Plan describe how the STA reviews directives to determine if there are Title VI implications and interprets how directives impact Title VI program areas?			
14. <u>COMPLIANCE AND ENFORCEMENT PROCEDURES</u> : Does the Plan outline Title VI Program compliance and enforcement procedures to eliminate and address discrimination, resolve deficiencies, etc., when noncompliance occurs?			

Appendix H

	KENTUCKY TRANSPORTATION CABINET Office for Civil Rights and Small Business Development	TC 18-16 Rev. 08/2018 Page 1 of 2			
TITLE VI COMPLAINT					
Instructions: Complete and sign this form, and then mail or fax it to the Kentucky Transportation Cabinet.					
Address: Kentucky Transportation Cabinet Office for Civil Rights & Small Business Development 200 Mero Street, 6 th Floor West Frankfort, KY 40622	Fax: Kentucky Transportation Cabinet Office for Civil Rights & Small Business Development Attn: Discrimination Complaint Coordinator (502) 564-2114				
SECTION 1: COMPLAINANT INFORMATION					
FIRST NAME	MI	LAST NAME	PHONE	ALTERNATE PHONE	EMAIL ADDRESS
MAILING ADDRESS (<i>street</i>)			CITY	STATE	ZIP
SECTION 2: COMPLAINT DETAILS					
Please indicate the basis of your complaint:					
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin					
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.					
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. (<i>Attach additional pages if necessary.</i>)					
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. (<i>Attach additional pages if necessary.</i>)					
Names of individuals, agency, or department responsible for the discriminatory action(s):					
<u>Name:</u>		<u>Address:</u>		<u>Phone:</u>	
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____



TITLE VI COMPLAINT

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.)*

	<u>Name:</u>	<u>Address:</u>	<u>Phone:</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

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

Photographs submitted with complaint? Yes No

SECTION 3: ACTIONS

Have you filed, or do you intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. *(Check all that apply.)*

<input type="checkbox"/> U.S. Department of Transportation _____	<input type="checkbox"/> Office of Federal Contract Compliance Programs _____
<input type="checkbox"/> Federal Highway Administration _____	<input type="checkbox"/> U.S. Equal Employment Opportunity Commission _____
<input type="checkbox"/> Federal Transit Administration _____	<input type="checkbox"/> U.S. Department of Justice _____
<input type="checkbox"/> Other _____	

Have you discussed the complaint with any KYTC representative? Yes No
If yes, provide the name, position, and date of discussion.

Name of KYTC Representative	Position of Representative	Date of Discussion

Do you have an attorney regarding this matter? Yes No
If yes, please provide attorney's contact information.

Name of Law Firm	Name of Representing Attorney
Mailing Address	Phone

Briefly explain what remedy or action you are seeking for the alleged discrimination.

We cannot accept an unsigned complaint. Please sign and date the complaint form below.

Complainant's Signature _____	Date _____
-------------------------------	------------

FOR OFFICE USE ONLY

Date Complaint Received: _____	Case #: _____
Processed by: _____	Date Referred: _____
Referred to: <input type="checkbox"/> U.S. DOT <input type="checkbox"/> FHWA <input type="checkbox"/> FTA <input type="checkbox"/> OFCCP <input type="checkbox"/> Other _____	

RECLAMO POR TÍTULO VI

Instrucciones: Complete y firme este formulario, y luego envíelo por correo o fax al Gabinete de Transporte de Kentucky.

Dirección:
Kentucky Transportation Cabinet
Office for Civil Rights & Small Business Development
200 Mero Street, 6th Floor West
Frankfort, KY 40622

Fax:
Kentucky Transportation Cabinet
Office for Civil Rights & Small Business Development
Attn: Discrimination Complaint Coordinator
(502) 564-2114

SECCIÓN 1: INFORMACIÓN SOBRE EL RECLAMANTE

NOMBRE	SEGUNDO NOMBRE	APELLIDO	TELÉFONO	TELÉFONO ALTERNATIVO	DIRECCIÓN DE CORREO ELECTRÓNICO
DIRECCIÓN POSTAL (calle)			CIUDAD	ESTADO	CÓDIGO POSTAL

SECCIÓN 2: INFORMACIÓN DEL RECLAMO

Indique el fundamento de su reclamo:

- Raza
- Color
- Nacionalidad

Proporcione la fecha y los lugares de las presuntas acciones discriminatorias. Incluya la primera fecha y la fecha más reciente en las que ocurrió la discriminación.

¿De qué manera lo discriminaron? Describa la naturaleza de la acción, la determinación o las condiciones de la presunta discriminación. Explique lo más claramente posible lo que sucedió y por qué considera que su condición protegida (fundamento) fue un factor en la discriminación. Incluya de qué manera se trató a otras personas de manera diferente a cómo lo trataron a usted. *(Agregue hojas adicionales si es necesario).*

La ley prohíbe intimidación y represalias contra cualquier persona por haber actuado o participado en una acción para asegurar los derechos protegidos por estas leyes. Si considera que ha sido víctima de represalias, aparte de la supuesta discriminación anteriormente mencionada, explique las circunstancias. Indique qué acción tomó que considera que fue la causa de la supuesta represalia. *(Agregue hojas adicionales si es necesario).*

Nombres de las personas, la agencia o el departamento responsable de las acciones discriminatorias:

	Nombre:	Dirección:	Teléfono:
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

RECLAMO POR TÍTULO VI

Nombre de las personas (testigos, compañeros de trabajo, supervisores u otros) con quienes podemos comunicarnos para obtener información adicional para respaldar o aclarar su reclamo: *(Agregue hojas adicionales si es necesario).*

	<u>Nombre:</u>	<u>Dirección:</u>	<u>Teléfono:</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

Proporcione cualquier información adicional o fotografías, si corresponde, que considere que podrían ayudar en una investigación. *(Agregue hojas adicionales si es necesario).*

¿Se presentaron fotografías junto con el reclamo? Sí No

SECCIÓN 3: ACCIONES

¿Ha presentado o tiene la intención de presentar un reclamo con respecto al asunto planteado con alguna de las siguientes instituciones? En caso afirmativo, indique las fechas de presentación. *(Seleccione todas las opciones que correspondan)*

- | | | | |
|--|-------|---|-------|
| <input type="checkbox"/> Departamento de Transporte de EE. UU. | _____ | <input type="checkbox"/> Oficina de Programas de Cumplimiento de Contratos Federales | _____ |
| <input type="checkbox"/> Administración Federal de Carreteras | _____ | <input type="checkbox"/> Comisión de Igualdad de Oportunidades de Empleo de los EE. UU. | _____ |
| <input type="checkbox"/> Administración Federal de Transporte | _____ | <input type="checkbox"/> Departamento de Justicia de los EE. UU. | _____ |
| <input type="checkbox"/> Otro | _____ | | |

¿Ha analizado el reclamo con algún representante del Gabinete de Transporte de Kentucky (KYTC)? Sí No
De ser así, proporcione el nombre, el cargo y la fecha de análisis.

Nombre del representante de KYTC	Cargo del representante	Fecha del análisis

¿Cuenta con algún abogado para su caso? Sí No

En caso afirmativo, proporcione la información de contacto del abogado.

Nombre del bufete de abogados	Nombre del abogado representante
Dirección postal	Teléfono

Explique brevemente qué recurso o acción está buscando para la presunta discriminación.

No podemos aceptar un reclamo sin firmar. Firme y escriba la fecha del reclamo a continuación.

Firma del reclamante	Fecha
ÚNICAMENTE PARA UNO INTERNO	
Fecha en que se recibió el reclamo:	Caso n.º:
Procesado por:	Fecha de la derivación:
Derivado a: <input type="checkbox"/> Departamento de Transporte de EE. UU. (DOT)	<input type="checkbox"/> Programa de Carreteras en Territorios Federales (FHWA)
<input type="checkbox"/> Administración Federal de Transporte (FTA)	<input type="checkbox"/> Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP)
<input type="checkbox"/> Otro _____	

Appendix I

The KYTC is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The KYTC assures that no person shall on the grounds of race, color, national origin, age, gender or disability be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any KYTC services, program or activity.

The KYTC also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. Therefore, in accordance with Presidential Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency, the KYTC will take reasonable steps to provide meaningful access to services for persons with LEP.

The KYTC has an on-going commitment to ensure effective communication by developing and implementing policies and procedures for identifying and assessing the language needs of its LEP applicants/clients; and provide for a range of language assistance options, which include, but are not limited to the following:

- Conduct needs assessment
- Kentucky Relay Service – TDD/Voice Users
- “I Speak” cards
- Written language service
- Qualified Bilingual staff
- Access to qualified interpreters
- Community-based organizations/volunteers
- Develop written assessment
- Monitor and evaluation access to language assistance

Executive Order 13166 directs recipients of federal financial assistance to make reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services. The following chart displays KYTC’s Division and Program areas and Title VI Program activities in relation to LEP services.

Activity	KYTC Divisions/Programs	Title VI
Assessing and addressing the needs of eligible persons	X	
Ensuring reasonable steps are taken to receive meaningful access to programs, activities, or services	X	
Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	
Compliance, monitoring, and oversight	X	X
Providing technical assistance and guidance		X
Reporting of goals and accomplishments	X	

Complying with Limited English Proficiency (LEP) – Four Factor Analysis

A person who does not speak English as their primary language and has the limited ability to read, speak, write or understand English are limited English Proficient (LEP). LEP persons may be entitled to language assistance depending on the type of service, program or activity. Individuals that identify themselves as speaking English less than “very well” are considered to be Limited English Proficient based upon their self-identified limited ability to read, write, speak or understand English, therefore it can be inferred that it is difficult for LEP individuals to have meaningful access to programs and services that are offered by KYTC.

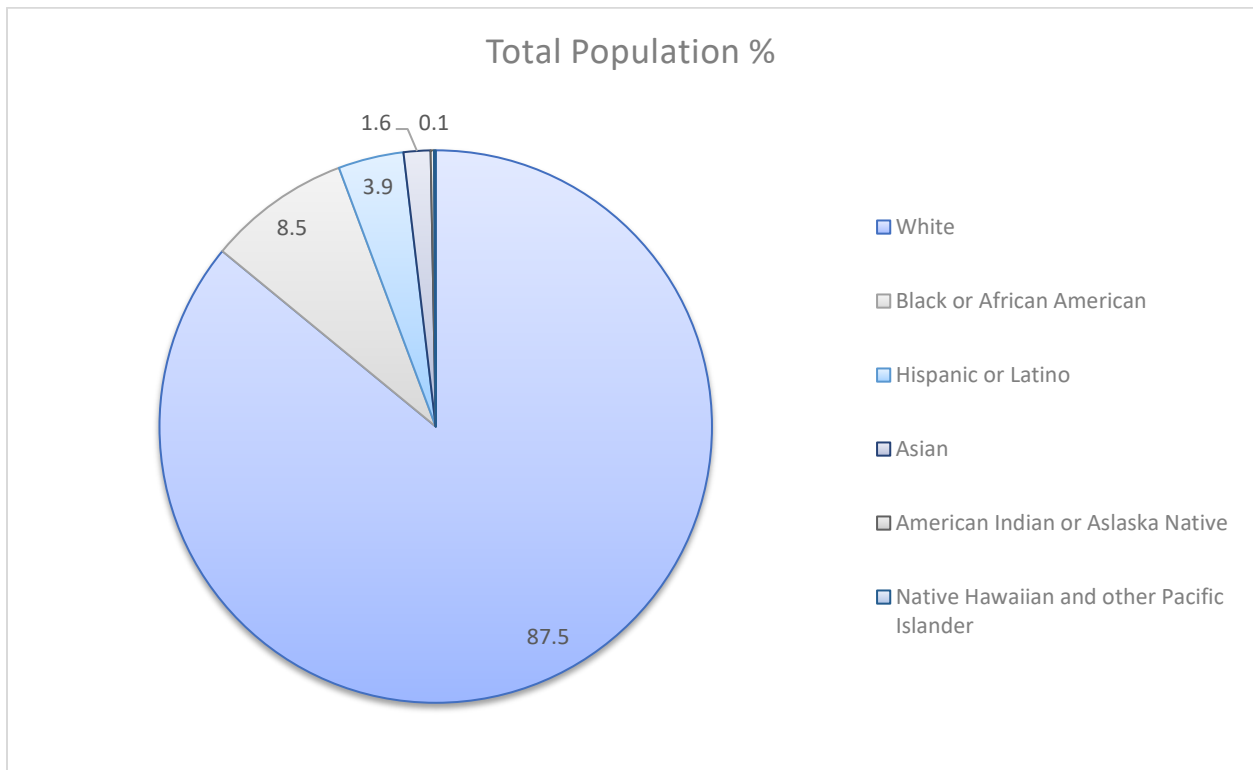
In order to determine if written or oral communication must be translated and what languages they must be translated to a four-factor analysis is used. The four-factor analysis considers the following:

1. The number or proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP individuals come in contact with the program, activity, or service.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available to the recipient and costs.

Factor 1 – The Number or Portion of LEP Persons served or encounter in the eligible service population

Based on data from the U.S. 2020¹ census, Kentucky’s total population is estimated to be 4,509,394; the breakdown of the total population is as follows:

- White – 87.5%
- Black or African American – 8.5%
- Hispanic or Latino – 3.9%
- Asian – 1.6%
- American Indian or Alaska Native – 0.2%
- Native Hawaiian and Other Pacific Islander – 0.1%

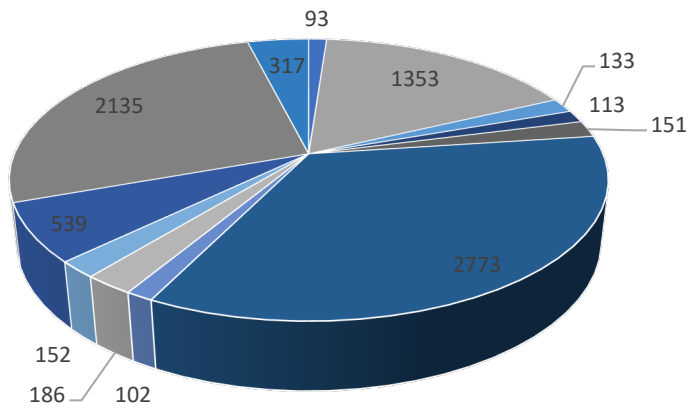


According to the data from the U.S. Census Hispanics or Latinos make up approximately four percent of Kentucky’s total population, therefore since it is the state’s largest LEP demographic KYTC will focus its analysis on this group. Language assistance is available to other LEP speaking individuals the need presents itself.

Kentucky has 120 counties the following charts show the LEP breakdown of the population that speaks Spanish.

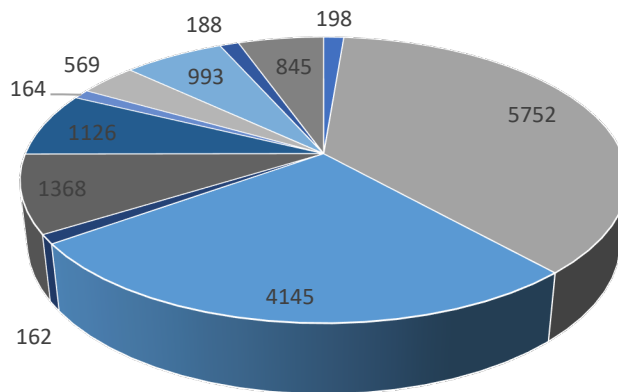
¹ Source: U.S. Census Bureau, Table QT-P3 - Race and Hispanic or Latino Origin 2020 (data Set 2020 Census Summary File 1)

District 1
 Estimate; Total: - Spanish: - Speak English less than "very well"



- Ballard County, Kentucky
- Calloway County, Kentucky
- Carlisle County, Kentucky
- Crittenden County, Kentucky
- Fulton County, Kentucky
- Graves County, Kentucky
- Hickman County, Kentucky
- Livingston County, Kentucky
- Lyon County, Kentucky
- Marshall County, Kentucky
- McCracken County, Kentucky
- Trigg County, Kentucky

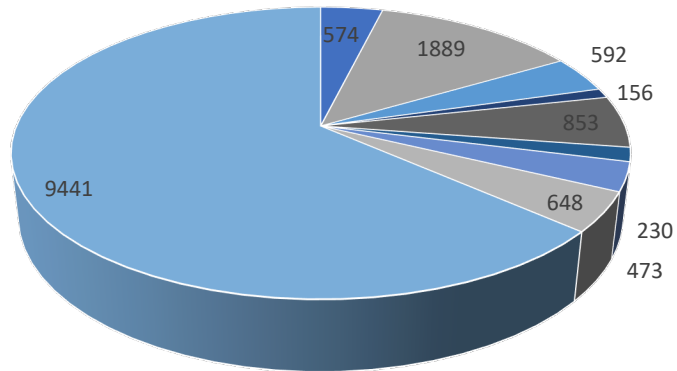
District 2
 Estimate; Total: - Spanish: - Speak English less than "very well"



- Caldwell County, Kentucky
- Christian County, Kentucky
- Daviess County, Kentucky
- Hancock County, Kentucky
- Henderson County, Kentucky
- Hopkins County, Kentucky
- McLean County, Kentucky
- Muhlenberg County, Kentucky
- Ohio County, Kentucky
- Union County, Kentucky
- Webster County, Kentucky

District 3

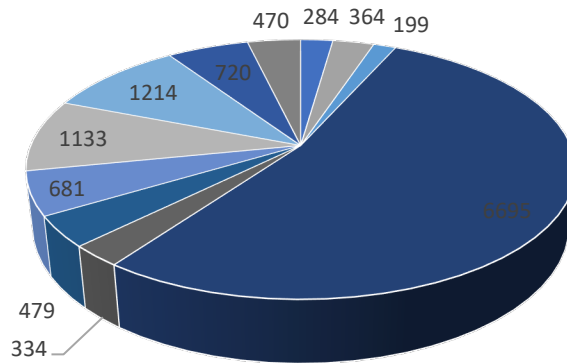
Estimate; Total: - Spanish: - Speak English less than "very well"



- Allen County, Kentucky
- Barren County, Kentucky
- Butler County, Kentucky
- Edmonson County, Kentucky
- Logan County, Kentucky
- Metcalfe County, Kentucky
- Monroe County, Kentucky
- Simpson County, Kentucky
- Warren County, Kentucky

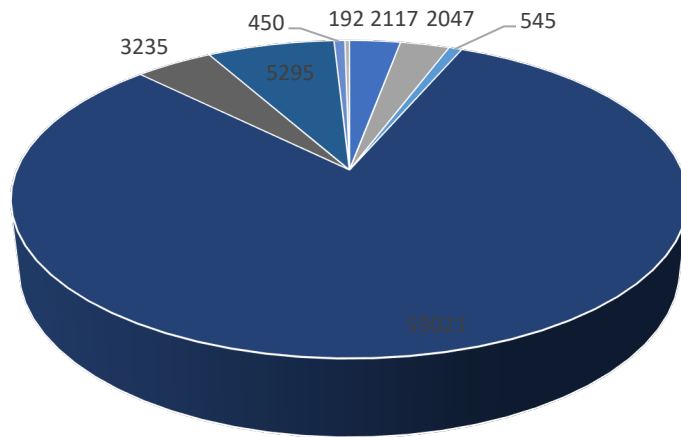
District 4

Estimate; Total: - Spanish: - Speak English less than "very well"



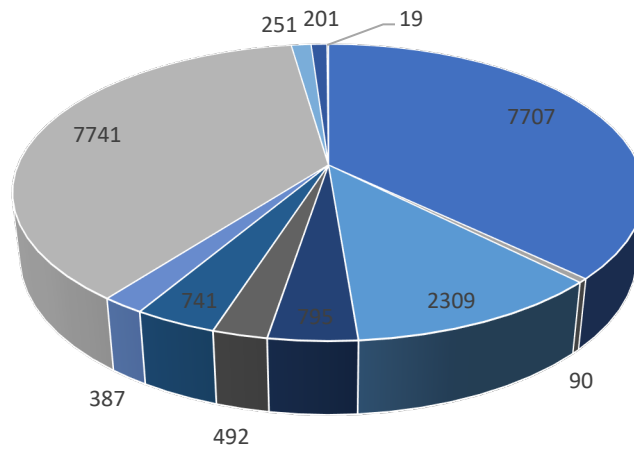
- Breckinridge County, Kentucky
- Grayson County, Kentucky
- Green County, Kentucky
- Hardin County, Kentucky
- Hart County, Kentucky
- Larue County, Kentucky
- Marion County, Kentucky
- Meade County, Kentucky
- Nelson County, Kentucky
- Taylor County, Kentucky
- Washington County, Kentucky

District 5
 Estimate; Total: - Spanish: - Speak English less than "very well"



- Bullitt County, Kentucky ■ Franklin County, Kentucky ■ Henry County, Kentucky
- Jefferson County, Kentucky ■ Oldham County, Kentucky ■ Shelby County, Kentucky
- Spencer County, Kentucky ■ Trimble County, Kentucky

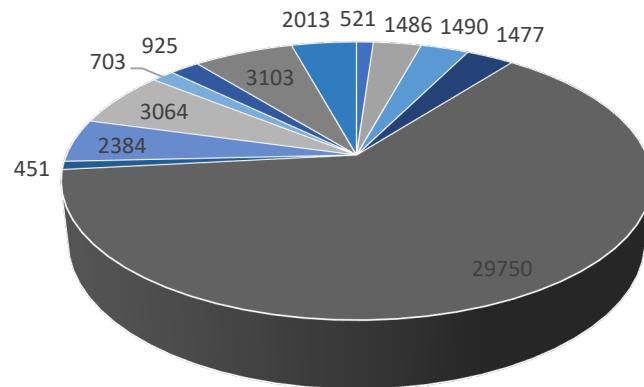
District 6
 Estimate; Total: - Spanish: - Speak English less than "very well"



- Boone County, Kentucky ■ Bracken County, Kentucky ■ Campbell County, Kentucky
- Carroll County, Kentucky ■ Gallatin County, Kentucky ■ Grant County, Kentucky
- Harrison County, Kentucky ■ Kenton County, Kentucky ■ Owen County, Kentucky
- Pendleton County, Kentucky ■ Robertson County, Kentucky

District 7

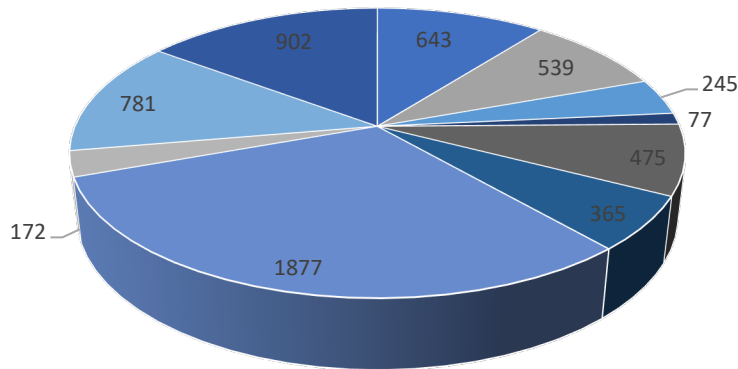
Estimate; Total: - Spanish: - Speak English less than "very well"



- Anderson County, Kentucky
- Bourbon County, Kentucky
- Boyle County, Kentucky
- Clark County, Kentucky
- Fayette County, Kentucky
- Garrard County, Kentucky
- Jessamine County, Kentucky
- Madison County, Kentucky
- Mercer County, Kentucky
- Montgomery County, Kentucky
- Scott County, Kentucky
- Woodford County, Kentucky

District 8

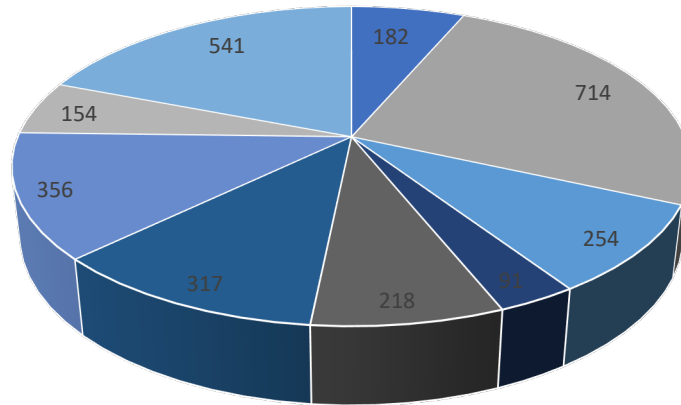
Estimate; Total: - Spanish: - Speak English less than "very well"



- Adair County, Kentucky
- Casey County, Kentucky
- Clinton County, Kentucky
- Cumberland County, Kentucky
- Lincoln County, Kentucky
- McCreary County, Kentucky
- Pulaski County, Kentucky
- Rockcastle County, Kentucky
- Russell County, Kentucky
- Wayne County, Kentucky

District 9

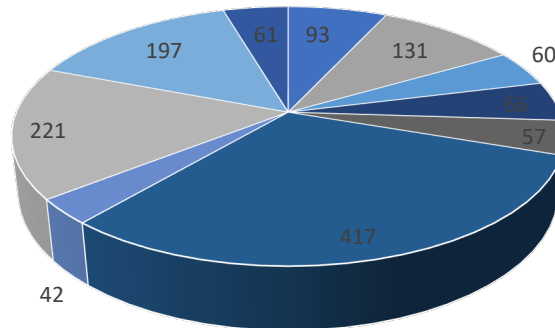
Estimate; Total: - Spanish: - Speak English less than "very well"



- Bath County, Kentucky ■ Boyd County, Kentucky ■ Carter County, Kentucky
- Elliott County, Kentucky ■ Fleming County, Kentucky ■ Greenup County, Kentucky
- Mason County, Kentucky ■ Nicholas County, Kentucky ■ Rowan County, Kentucky

District 10

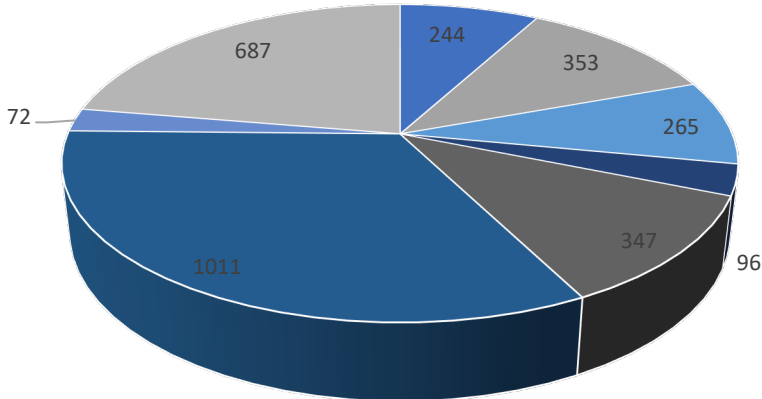
Estimate; Total: - Spanish: - Speak English less than "very well"



- Breathitt County, Kentucky ■ Estill County, Kentucky ■ Lee County, Kentucky
- Magoffin County, Kentucky ■ Menifee County, Kentucky ■ Morgan County, Kentucky
- Owsley County, Kentucky ■ Perry County, Kentucky ■ Powell County, Kentucky
- Wolfe County, Kentucky

District 11

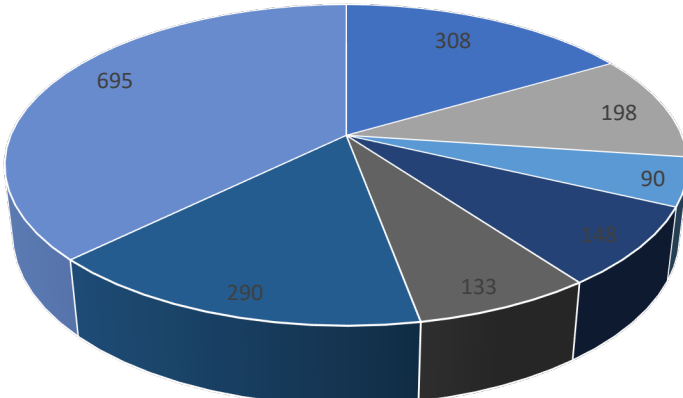
Estimate; Total: - Spanish: - Speak English less than "very well"



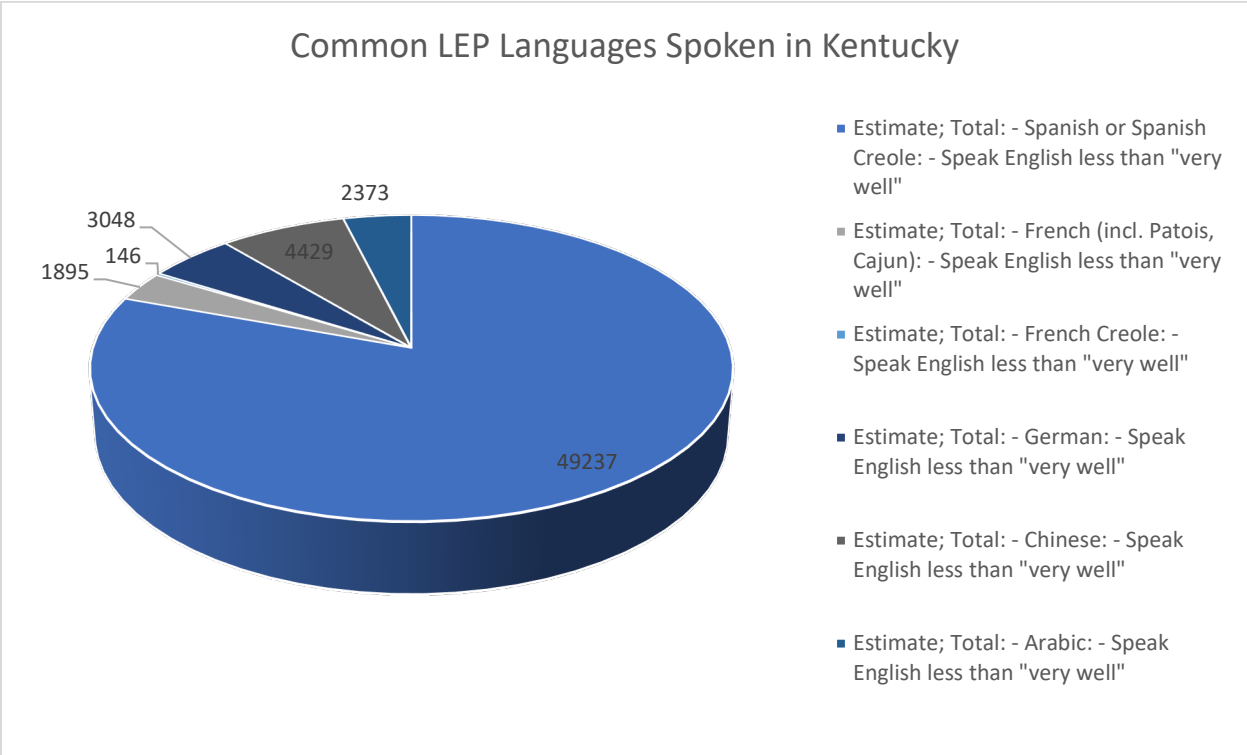
- Bell County, Kentucky ■ Clay County, Kentucky ■ Harlan County, Kentucky
- Jackson County, Kentucky ■ Knox County, Kentucky ■ Laurel County, Kentucky
- Leslie County, Kentucky ■ Whitley County, Kentucky

District 12

Estimate; Total: - Spanish: - Speak English less than "very well"



- Floyd County, Kentucky ■ Johnson County, Kentucky ■ Knott County, Kentucky
- Lawrence County, Kentucky ■ Letcher County, Kentucky ■ Martin County, Kentucky
- Pike County, Kentucky



Factor 2 – Frequency with which LEP Individuals come in contact with KYTC Programs, Activities or Services.

According to data collected from assessments conducted in the area of LEP utilization, KYTC’s Department of Vehicle Regulation has had contact with LEP individuals. A survey was sent to managers within the departments requesting their department’s assistance with assessing KYTC’s frequency with LEP individuals.

The survey was sent to KYTC’s Department of Vehicle Regulation, the employees were asked to “please indicate with a ‘X’ in the table below the frequency of which you communicate with members of the public that are LEP person(s). The languages below are the commonly spoken languages in Kentucky. If you have interactions with individuals who speak other languages, please indicate what language (if you can identify the language), if you are unable to identify the language spoken, please indicate by using the ‘all other languages’ box.” Below are the employee’s responses to the survey.

Frequency of Contact with LEP Persons

Language	Most Days ²	At Least Once a Week	At Least Once a Month	At Least Once a Year	Never
Spanish	34	8	4	3	3
German	4		5	7	21
Chinese	6	9	5	6	9
French	8	2	13	4	15
Arabic	1	11	11	4	9
Serbian	1	1	3	4	23
Croatian		1	2	4	22
Bosnian	1	1	2	5	21
French Creole (Haitian Creole)	6	3	5	5	18
Persian	1	1	1	8	21
Gujarati		2	2	3	23
All other languages	6	6	4	5	11

A couple of the participants that indicated “other” wrote in that they interact with LEP individuals that spoke Ukrainian, Bosnian, Serbian and Croatian (at least once a month).

The participants held various positions within KYTC, such as administrative positions whose responsibilities ranged from investigation of fraud to processing vehicle tax payments. The varying positions also provided for various responses regarding how the participants interacted with LEP individuals. KYTC employees who participated in the survey indicated that their interactions with LEP persons were via email, telephone, or in person.

² Numbers in chart represent number of participant responses (i.e. two participants responded indicating that they interact with Spanish speakers on “most days.”)

Factor 3 – The Nature and Importance of the Programs, Activities, or Services Provided by KYTC to the LEP Population

Transportation has an important role in the lives of the LEP population and the citizens of the Commonwealth of Kentucky. LEP individuals and minority communities are typically the populations that experience the greatest impacted when transportation decisions are made. KYTC is dedicated to providing safe and dependable services to the LEP populations it serves as well as the people of the Commonwealth of Kentucky.

KYTC’s critical services are those that provide customer service to the public, such as public transportation, right of way procurements, public involvement, and safety regarding construction, as well as allowing access to file a complaint.

KYTC will continue to monitor this area by communicating with community organizations that serve LEP individuals as well as with LEP persons.

Factor 4 – Resources Available to the KYTC and Overall Cost

With respect to KYTC’s resources, KYTC is currently in the planning phase of implementing the use of department employee volunteers. KYTC is looking into having their department employee volunteers certified. The Commonwealth of Kentucky has a contract with a translation and interpreter service company, the KYTC is currently researching the company to determine if the services provided effectively and efficiently meet the needs of KYTC’s LEP populations based upon the various departments who come in contact with LEP individuals, such as the Department of Vehicle Regulation. Some of the survey participants from the Department of Vehicle Regulation provided suggestions regarding having written and oral translation services to enhance LEP person’s customer experience with KYTC.

The use of professional translation and interpreter services will be utilized should a situation occur in which department employees are unable or should not offer translation services, such as, an unfamiliar language or dialect, a legal matter or need for expert testimony. Payment for these professional services is expended when services are rendered.

Employee LEP Frequency Survey

The Kentucky Transportation Cabinet (KYTC), as a recipient of federal financial assistance from the Federal Highway Administration (FHWA) is required to provide the appropriate measures to ensure that Limited English Proficiency (LEP)⁴ persons have meaningful language access to the programs, services and information provided by KYTC and KYTC’s sub-recipients. In order to determine if written or oral communication must be translated and what languages they must be translated to a four-factor analysis is used. The four-factor analysis considers the following:

- The number or proportion of LEP persons served or encountered in the eligible service population.
- The frequency with which LEP individuals come in contact with the program, activity, or service.
- The nature and Importance of the program, activity, or service provided by the program.
- The resources available to the recipient and costs.

The Office for Civil Rights & Small Business Development (OCSBD) is requesting your assistance with completing the four-factor analysis, if you would please take a moment and complete the attached questions and return them to:

Tiffany Squire-Administrative Branch Manager
Office for Civil Rights and Small Business Development
200 Mero Street
Frankfort, KY 40622
(502) 782-5566
tiffany.squire@ky.gov

If you could please return completed survey to the OCSBD by the close of business on () by mail or by email.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Tiffany Squire

1. What is your job title?

2. What are your job duties/responsibilities?

3. Please indicate with a “X” in the table below the frequency of which you communicate with members of the public that are LEP person(s). The languages below are the commonly spoken languages in Kentucky. If you have interactions with individuals who speak other languages, please indicate what language (if you can identify the language), if you are unable to identify the language spoken, please indicate by using the “all other languages” box.

Frequency of Contact with LEP

Language	Most Days	At Least Once a Week	At Least Once a Month	At Least Once a Year	Never
Spanish					
German					
Chinese					
French					
Arabic					
Serbian					
Croatian					
Bosnian					
French Creole (Haitian Creole)					

Persian					
Gujarati					
All other languages					

4. What is your method of communication when you are communicating with LEP person(s)?
 Example: “I Speak” cards, Qualified Bilingual Staff, and/or Kentucky Relay Service – TDD/Voice Users?

5. Please provide suggestions on ways in which KYTC can improve communication efforts with LEP persons as it relates to your job duties/responsibilities. (Optional)

APPENDIX J



Demographic information:

Please fill out the information below. This will help us to ensure that we are reaching the communities that are affected by our planning and projects. If you have questions or need assistance, please email kytc.equity@ky.gov or call 502-782-5566. Thank you.

What categories best describe you?

Mark all boxes that apply. You may report more than one group.

White

- English Irish German
- Italian Scottish French
- Other (please print below)

Hispanic, Latino, or Spanish

- Mexican Mexican American
- Cuban Dominican Puerto Rican
- Other (please print below)

Black or African American

- African American Jamaican
- Nigerian Ghanaian Ethiopian
- Other (please print below)

Middle Eastern or Northern African

- Egyptian Iraqi Lebanese
- Israeli Iranian Moroccan
- Other (please print below)

Asian

- Chinese Filipino Asian Indian
- Korean Japanese Vietnamese
- Other (please print below)

American Indian or Alaskan Native

- Navajo Aztec Sioux
- Cherokee Shawnee Mayan
- Other (please print below)

Native Hawaiian or Other Pacific Islander

- Native Hawaiian Samoan
- Fijian Tongan Marshallese
- Other (please print below)

Some Other Race or Ethnicity

Do you speak a language other than English?

- Spanish French Arabic
- Chinese Swahili German
- Other (please print below)

Age

- Under 18 18-40
- 41-64 65+

Do you consider yourself to have a disability?

- YES (*For assistance with reasonable accommodation, please email kytc.equity@ky.gov.)*)
- NO