

KENTUCKY TRANSPORTATION CABINET

Department of Highways
Office of Program Planning and Management
Office of Project Development
Office of Project Delivery
Office of Transportation Delivery
Office of Human Resource Management
Office for Civil Rights and Small Business Development
Department of Aviation
Public Transportation
Department of Vehicle Regulation



TRANSPORTATION CABINET

Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

June 15, 2012

Ms. Lorrie Hawkins
Division of Financial Audit
209 St. Clair Street
Frankfort, KY 40601

Subject: Kentucky Transportation Cabinet's Title VI Implementation Plan Update and Compliance Report

Dear Ms. Hawkins:

Enclosed please find the Kentucky Transportation Cabinet's Title VI Implementation Plan Update and Compliance Report. A copy of the entire Title VI Implementation Plan Update has been submitted because changes and/or updates were made to the plan in addition to the requirements to update specific subsections.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyra L. Redus".

Tyra L. Redus, Esq.
Executive Director
Office for Civil Rights & Small Business Development

TLR/

cc: Mike Hancock, P.E., Secretary, Kentucky Transportation Cabinet
Geri Grigsby, Chief of Staff, Kentucky Transportation Cabinet



Title VI Compliance Status Report
KENTUCKY TRANSPORTATION CABINET
 (July 1, 2011 - June 30, 2012)

	<u>Yes</u>	<u>No</u>
1. Services from this facility are provided to clients without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An employee has been appointed to serve as Title VI Coordinator for this agency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Minorities are represented on the advisory board if at least 5% of the population in the geographic service area are minority persons.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Title VI posters (where possible) are prominently displayed and used to emphasize the Title VI program and complaint opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Contracts between this agency and another party include the formal Title VI "Statement of Compliance" clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. All physical facilities and physical areas are made available to every client without regard to race, color, or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NOTE: This form DOES NOT substitute for the **actual update** that may need to be completed.

Title VI Implementation Plan Update

[July 1, 2011 - June 30, 2012]



Michael Hancock, Secretary
Tyra L. Redus, Esq., Executive Director
Melvin Bynes, Branch Manager
Office for Civil Rights and Small Business Development



TABLE OF CONTENTS

I. Glossary/Definitions.....3

II. Overview.....6

III. Scope of Title VI Applicability to Programs and Activities.....6

IV. Responsible Official.....7

V. Statement of Assurances.....10

VI. Programs or Activities Subject to Title VI.....15

 Research...Department of Highways.....15

 Planning.....21

 Consultant...Professional Services.....23

 Design.....26

 Environmental Analysis.....28

 Right of Way.....28

 Construction ..Procurement.....32

 Transportation Delivery.....33

 Office of Human Resource Management.....34

 Civil Rights and Small Business Development.....36

VII. Complaint Procedures.....37

VIII. Compliance/Noncompliance Reporting.....46

IX. Agency Training Plan.....47

X. Evaluation Procedures of Title VI Plan.....48

XI. Public Notice and Outreach.....49

XII. Recordkeeping and Reporting.....50

XIII. Minority Representation on Planning and/or Advisory Boards.....51

XIV. Limited English Proficiency (LEP).....52

XV. Appendix.....53

 A. Demographics of Kentucky Transportation Committee.....54

 B. Kentucky Transportation, Cabinet, Federal Programs
 Coverages and Beneficiaries.....57

 C. KYTC Title VI Brochure.....59

 D. Title VI Survey Report.....61

I. GLOSSARY/DEFINITIONS

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

African Americans: people whose origins are from any of the Black racial groups of Africa.

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

Asian-Indian Americans: people whose origins are from India, Pakistan, and Bangladesh.

Asian-Pacific Americans: people whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, The Philippines, Samoa, Guam, the United States Trust Territories of the Pacific, and the Northern Marianas.

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

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

Black: (see *African Americans* above.)

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

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

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

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

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

Disadvantaged business: a small business concern at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

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

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

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

Federal assistance: Includes

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

Federal Highway Administration or FHWA: the administrative subdivision of the United States Department of Transportation with authority for the administration of certain federal financial assistance involving highway construction and related activities.

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

Hispanic or Hispanic Americans: people of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin.

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

Limited English Proficiency or LEP: a term used to describe people who do not speak English as their primary language and who also may have limited ability to read, write, or understand English.

Metropolitan Planning Organization or MPO: Regional policy body, required in urbanized areas with populations over 50,000, and designated by local officials and the governor of the state. Responsible, in cooperation with the state and other transportation providers, for carrying out the metropolitan transportation planning requirements of federal highway and transit legislation (23 USC 134, 23 USC 135 and 49 USC 5303).

Minority: A person or groups of persons differing from others in some characteristics who may be subjected to differential treatment on the basis of race, color, or national origin. Includes African Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and Asian-Indian Americans.

Native Americans: American Indians, Eskimos, Aleuts, or native Hawaiians.

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

Non-minority or non-minority group people: Caucasians

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

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

Program: includes any highway, project, or activity that provides services, financial aid, or other benefits to individuals, including education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

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

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

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

Statewide Transportation Improvement Program or STIP: a prioritized program of transportation projects to be implemented statewide in appropriate stages over several years. This program is to be consistent with the statewide long-range plan and the metropolitan transportation improvement programs (TIP). This document is prepared by the State.

Statewide Transportation Plan or STP: a long-range transportation plan for all areas of the State that considers all modes of transportation. It must cover a period of at least twenty years.

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

Transportation Improvement Programs or TIP: a prioritized program of transportation projects to be implemented in appropriate stages over several years. This program is required as a condition for a locality to receive federal transit and highway grants. This document is prepared by the MPO and the State.

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

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

II. OVERVIEW

Title VI of the Civil Rights Act of 1964 is a non-discrimination statute. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d). Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, federal personnel, or any federal agreement contract is authorized and directed to effectuate the provisions of Section 2000d of this title.

The Kentucky Transportation Cabinet works to ensure nondiscriminatory transportation in support of our mission to provide a safe, secure, reliable, highway system that ensures the efficient mobility of people and goods, thereby enhancing both the quality of life and the economic vitality of the Commonwealth.

III. SCOPE of TITLE VI APPLICABILITY to PROGRAMS and ACTIVITIES

Title VI of the Civil Rights Act of 1964 states that "no person shall be denied or excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance. Specifically prohibited discriminatory practices in federally assisted programs include, but not limited to, the following:

- Denial to an individual of any service or benefit provided under the program.
- Distinctions in quality, quantity, or manner in which the benefit is provided.
- Disparate impact or separate treatment in any of the programs providing services to individuals.
- Different standards or requirements for benefits or participation in services provided.
- Discrimination in any activities/programs conducted in a facility built in whole or in part with Federal financial assistance.
- Methods of administration which directly or through contractual relationships would defeat or substantially impair the accomplishment of effective nondiscrimination.

IV. RESPONSIBLE OFFICIAL

Each Title VI program area has designated a Title VI Liaison to assist in their department's compliance efforts. Program areas are responsible for the collection and maintenance of beneficiary participation.

The following tables identify KYTC personnel primarily responsible for monitoring Title VI programmatic implementation.

TITLE VI PROGRAM AREAS - KYTC CENTRAL OFFICE 200 MERO STREET, FRANKFORT, KY 40622				
DEPARTMENT/ DIRECTOR	CONTACT	EMAIL	LOCATION/ PHONE NO.	PROGRAM AREA
Office for Civil Rights & Small Business Development Tyra Redus, Esq. Executive Director (African American Female)	Alvin Q. Wilson Title VI Coordinator (African American Male)			Periodic review of program area compliance; Title VI Plan/Update Education and Training
	Melvin Bynes Small Business Development Branch Manager (African American Male)	Tyra.Redus@ky.gov Alvin.Wilson@ky.gov <u>Melvin.Bynes2@ky.gov</u>	Sixth Floor 502/564-3601	
Office of Transportation Delivery Vickie Bourne, Executive Director [Caucasian Female]	Eric Perez Project Manager/ [Hispanic Male]			Public and Federal Transit
	Gail Mayeux Project Manager/Internal Analysis [Caucasian Female]	Vickie.Bourne@ky.gov Eric.Perez@ky.gov Gail.Mayeux@ky.gov	Third Floor 502/564-7433	
Office of Construction and Operations (OCO) Division of Construction Steve Criswell, Director [Caucasian Male]			Third Floor 502/564-4780 ext. 3790	Construction
OCO - Division of Construction Procurement Ryan Griffin, Director [Caucasian Male]	Gwen Haggard Affirmative Action Compliance Officer [Caucasian Female]	Steve.Criswell@ky.gov Ryan.Griffin@ky.gov Gwen.Haggard@ky.gov	Fourth Floor 502/564-3500	Contract Administration
Department of Highways Steve Waddle, State Highway Engineer [Caucasian Male]	Steve Waddle State Highway Engineer [Caucasian Male]	Steve.Waddle@ky.gov	Sixth Floor 502/564-3730 ext. 3133	Research
Office of Project Development (OPD) Kevin Damron Highway Engineer [Caucasian Male]	Kevin Damron Executive Director [Caucasian Male]	Kevin.Damron@ky.gov	Sixth Floor 502/564-3388	Preconstruction

OPD - Division of Environmental Analysis David Waidner, Director [Caucasian Male]	Ann Perkins Administrative Secretary [Caucasian Female]	David.Waldner@ky.gov Ann.Perkins@ky.gov	Fifth Floor 502/564-7250 ext. 3310	Environmental Analysis
OPD - Division of Highway Design Jeff Jasper, Director [Caucasian Male]	Joette Fields Administrative Section Supervisor [African American Female]	Jeff.Jasper@ky.gov Joette.Fields@ky.gov	Fifth Floor 502/564-3280	Design
Office of Program Planning and Management (OPPM) Division of Professional Services Mike Hill, Director [Caucasian Male]	Melanie Young Administrative Specialist III [Caucasian Female]	Mike.Hill@ky.gov Melanie.Young@ky.gov	Third Floor 502/564-4555	Consultant
OPPM - Division of Planning Keith Damron, Director [Caucasian Male]	Keith Damron Director [Caucasian Male]	Keith.Damron@ky.gov	Fifth Floor 502/564-7183	Planning

TITLE VI PROGRAM AREAS - KYTC DISTRICT OFFICES

DISTRICT	DIRECTOR	CONTACT	EMAIL	ADDRESS
1	James Lefevre Executive Director [Caucasian Male]	Kennita Roy Administrative Coordinator [Caucasian Female]	Jim.Lefevre@ky.gov Kennita.Roy@ky.gov	5501 Kentucky Dam Road Paducah, KY 42003-9322 270/898-2431
2	Kevin McClearn Executive Director [Caucasian Male]	Karen Cunningham Administrative Coordinator [Caucasian Female]	Kevin.McClearn@ky.gov Karen.Cunningham@ky.gov	1840 N. Main Street P. O. Box 600 Madisonville, KY 42431-0600 270/824-7080
3	Greg Meredith Executive Director [Caucasian Male]	Jill Harmon Administrative Coordinator [Caucasian Female]	Greg.Meredith@ky.gov Jill.Harmon@ky.gov	900 Morgantown Road P. O. Box 599 Bowling Green, KY 42102-0599 270/746-7898
4	Patty Dunaway Executive Director [Caucasian Female]	Tom Pedigo Administrative Coordinator [Caucasian Male]	Patty.Dunaway@ky.gov Tom.Pedigo@ky.gov	634 E. Dixie Highway P. O. Box 309 Elizabethtown, KY 42702-0309 270/766-5066
5	Matt Bullock Executive Director [Caucasian Male]	Jennifer Woods Administrative Coordinator [Caucasian Female]	Matt.Bullock@ky.gov Jennifer.Woods@ky.gov	8310 Westport Road P. O. Box 22100 Louisville, KY 40242-3042 502/367-6411 800/903-5844
6	Robert Hans Executive Director [Caucasian Male]	Candace Link Administrative Coordinator [Caucasian Female]	Robert.Hans@ky.gov Candace.Link@ky.gov	421 Buttermilk Pike P. O. Box 17130 Covington, KY 41017-0130 859/341-2700
7	James Ballinger Executive Director [Caucasian Male]	Jerry Ravenscraft Administrative Coordinator [Caucasian Male]	James.Ballinger@ky.gov Jerry.Ravenscraft@ky.gov	763 W. New Circle Road Bldg. 2 P. O. Box 11127 Lexington, KY 40512-0127 859/246-2355

8	Rodney Little Executive Director [Caucasian Male]	Kenny Isaacs Administrative Coordinator [Caucasian Male]	Rodney.Little@ky.gov Kenny Isaacs@ky.gov	1660 S. Highway 27 P. O. Box 780 Somerset, KY 42502-0780 606/677-4017
9	Bart Bryant Executive Director [Caucasian Male]	Troy Shrout Administrative Coordinator [Caucasian Male]	Bart.Bryant@ky.gov Troy.Shrout@ky.gov	822 Elizaville Avenue P. O. Box 347 Flemingsburg, KY 41041-0347 606/845-2551
10	Corbett Caudill Executive Director [Caucasian Male]	Elizabeth Miller Administrative Coordinator [Caucasian Female]	Corbett.Caudill.@ky.gov Elizabeth.Miller@ky.gov	473 Hwy. 15 South P. O. Box 621 Jackson, KY 41339-0621 606/666-8841
11	Cass Napier Executive Director [Caucasian Male]	Mark Hoskins Administrative Coordinator [Caucasian Male]	Cass.Napier@ky.gov Mark.Hoskins@ky.gov	Railroad Avenue P. O. Box 250 Manchester, KY 40962-0250 606/598-2145
12	Mary Westfall Holbrook, Executive Director [Caucasian Female]	Paul Thompson Administrative Coordinator [Caucasian Male]	Maryw.Holbrook@ky.gov Paul.Thompson@ky.gov	109 Loraine Street Pikeville, KY 41501-2486 606/433-7791

V.

STATEMENT OF ASSURANCES



TRANSPORTATION CABINET
Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

TITLE VI POLICY STATEMENT

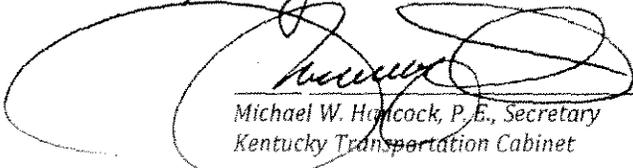
OFFICIAL ORDER 107328

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, sex, disability, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the U. S. Department of Transportation.

Program 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 Relocation Assistance Act of 1987, 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.

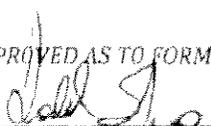
This policy shall be prominently posted in all personnel office, EEO offices, and on the Cabinet's internal website.

Signed and approved this 10th day of February, 2012.



Michael W. Hancock, P.E., Secretary
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY



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

I have read this policy statement and understand the provisions contained within and acknowledge the receipt of this policy.

Signature Date

Social Security Number





Steven L. Beshear
Governor

TRANSPORTATION CABINET
Frankfort, Kentucky 40622
www.transportation.ky.gov/

Michael W. Hancock, P.E.
Secretary

Official Order 107477

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 U. S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, (49 CFR, Part 21) Nondiscrimination in Federally Assisted Program of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that it will promptly take any necessary measures to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

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



An Equal Opportunity Employer M/F/D

Construction Proposals

The Kentucky Transportation Cabinet, Department of Highways in accordance with the provisions of the Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations of the Federal Department of Transportation (49 CFR, Part 21), issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the grounds of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.

Agreements for Other Services

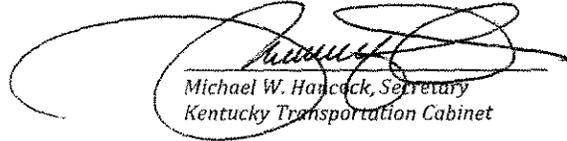
Compliance with Regulations: The Consultant shall comply with the regulations of the Transportation Cabinet, Department of Highways, relative to nondiscrimination in Federally Assisted Programs of the Transportation Cabinet, Department of Highways (49 CFR, Part 21) which are herein incorporated by reference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

3. That the Recipient shall insert one of these nondiscrimination clauses in every contract subject to the Act and the Regulations.
4. That the Recipient shall also insert into every relevant contract a clause stating that contractors will not discriminate against any employee or applicant for employment because of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, these assurances shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of real property, these assurances shall extend to rights to space on, over, or under such property.
7. That these assurances obligate the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, real property or interest therein or structures or improvement 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.

8. The recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the delegated authority, to give a reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations and these assurances.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and these assurances.

These assurances are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts, and/or other Federal financial assistance extended after the date hereof, to the Recipient by the U. S. Department of Transportation under the Federal-aid Highway Program. The person whose signature appears below is authorized to sign these assurances on behalf of the Recipient.

Signed and approved this 15th day of May, 2012.


Michael W. Hancock, Secretary
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY


Rebecca W. Goodman
Office of Legal Services

VI. PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

The KYTC currently receives funds from the U.S. Department of Transportation (U.S.D.O.T.) Federal Highway Administration (FHWA). As a recipient of federal funds the KYTC, pursuant to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, 49 CFR Part 21 – U.S.D.O.T. Title VI Regulations, and 23 CFR 200 – FHWA Title VI Regulations, is required to ensure that no person be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination on the grounds of race, color or national origin under any program or activity receiving Federal financial activity assistance from the U.S.D.O.T.

KYTC program areas with Title VI responsibilities include the KYTC's Department of Highways - (Research); Office of Program Planning and Management - (Planning; Consultant); Office of Project Development - (Design; Environmental Analysis; Right of Way); Office of Project Delivery - (Construction, Contract Administration); Office of Transportation Delivery - (Transportation Delivery); Office of Human Resource Management - (Education and Training), and Office for Civil Rights and Small Business Development (Administration).

The following information describes the KYTC Title VI program area accomplishments during this reporting period (July 1, 2011 – June 30, 2012).

DEPARTMENT OF HIGHWAYS

<http://transportation.ky.gov/highways/>

I. Program(s)

Kentucky Transportation Cabinet Research and Development Management Plan

POLICY

It is the policy of the Department of Highways (the Department) to implement and maintain a viable research and development program designed to meet short and long-range problems on behalf of the Kentucky Transportation Cabinet (the Cabinet). The Department cooperates to the fullest with U. S. Department of Transportation, Federal Highway Administration (FHWA), the Kentucky Transportation Center (KTC), and others to achieve research and development objectives. The research and development program is primarily a problem-solving service to the Department and the entire Cabinet staff. It is the Department's ultimate goal that research and development results are used and pay dividends to the Commonwealth's highway program as a whole. The Department's research and development program is implemented and maintained in accordance with the following procedures and guidelines.

A. Kentucky Cooperative Transportation Research Program (KCTRP)

The KCTRP provides for the development and conduct of a comprehensive research program in cooperation with the FHWA for federal-aid research projects. The majority of the Cabinet's research is conducted under this program. The KTC staff, acting as an arm of the University of Kentucky Research Foundation (UKRF), performs most of the KCTRP activities. In addition to federal-aid research, KTC performs other services for the Cabinet on an as needed basis. The scope of these services includes activities such as research studies and special investigations of various engineering and operational activities.

The Department’s long-term basic agreement for the conduct of the KCTRP is with the UKRF. Each biennium the UKRF and the Cabinet will execute a supplemental agreement to and in full conformity with the terms and requirements of the basic agreement for the KCTRP to continue the program. The supplemental agreement is to be approved by all parties by July 1 of each biennium. The basic agreement was last updated in state fiscal year 2010.

KTC operates primarily as a non-academic department at the University of Kentucky, College of Engineering. It partners with appropriate academic departments, and other universities and entities, when necessary. The KCTRP is devoted to comprehensive applied research in the specific area of transportation. Research is proposed, conducted and reported on behalf of the Cabinet and other state, federal and private agencies that sponsor research studies.

The breakdown of the KTC staff (by job title, ethnicity and gender) is as follows:

POSITION	EMPLOYEE GROUP	ETHNICITY	GENDER
Administrative Service Assistant	Staff	Caucasian	Female
Administrative Staff Officer II	Staff	Caucasian	Female
Administrative Support Associate	Staff	Caucasian	Female
Administrative Support Associate	Staff	Caucasian	Female
Administrative Support Associate	Staff	Black/African American	Female
Conference Coordinator	Staff	Caucasian	Female
Conference Coordinator	Staff	Caucasian	Female
Conference Coordinator	Staff	Caucasian	Female
Data Coordinator Senior	Staff	Caucasian	Female
Engineer Assoc. Program Mgr I/Res	Staff	Caucasian	Male
Engineer Assoc. Program Mgr I/Res	Staff	Caucasian	Female
Engineer Assoc. Program Mgr II/Res	Staff	Caucasian	Male
Engineer Assoc. Program Mgr II/Res	Staff	Caucasian	Male
Engineer Assoc. Program Mgr II Res	Staff	Caucasian	Male
Engineer Associate II Research	Staff	Caucasian	Male
Engineer Associate II Research	Staff	Caucasian	Male
Engineer Associate II Research	Staff	Asian	Male
Engineer Associate III Research	Staff	Caucasian	Male
Engineer Associate III/Research	Staff	Caucasian	Male
Engineer Associate III Research	Staff	Asian	Male
Engineer Associate III Research	Staff	Caucasian	Male
Engineer Associate III Research	Staff	Asian	Male
Engineer Associate IV Research	Staff	Caucasian	Male
Engineer Associate IV Research	Staff	Caucasian	Male
Engineer Associate IV Research	Staff	Caucasian	Male
IS Technical Support Specialist	Staff	Caucasian	Male
Library Technician Senior	Staff	Caucasian	Female
Technical Administrator I	Staff	Caucasian	Male
Technology Coordinator	Staff	Caucasian	Female
Temporary Professional Non-Admin	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male

Transportation Technician V	Staff	Caucasian	Male
Transportation Program Manager	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Female
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Graduate Research Assistant	Student	Caucasian	Male
Engineer Associate II/Research	Staff	Caucasian	Male
Conference Coordinator	Staff	Caucasian	Female
Transportation Technician V	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Asian or Pacific Island	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Male
Temporary Technical/Paraprofessional	Staff	Caucasian	Female
Graduate Research Assistant	Students	Asian	Female
Graduate Research Assistant	Students	Caucasian	Male
Graduate Research Assistant	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Female
Student/Non-Work Study	Students	Caucasian	Female
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Female
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Asian	Female
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Male
Student/Non-Work Study	Students	Caucasian	Female
Student/Non-Work Study	Students	Caucasian	Male

B. Management Committee

The Management Committee facilitates an orderly research and development program and shall consist of the following members:

- Research Coordinator; Chairperson
- Deputy Secretary of Transportation
- Commissioner, Department of Highways

- State Highway Engineer
- Deputy State Highway Engineer, Office of Project Delivery
- Deputy State Highway Engineer, Office of System Preservations & Operations
- Deputy State Highway Engineer, Office of Project Development
- FHWA Division Administrator (Advisory)
- FHWA Research Coordinator (Advisory)
- Director, Kentucky Transportation Center (Advisory)

The Management Committee shall provide direction to the research and development programs. The Management Committee will meet at the direction of the State Highway Engineer, Commissioner, or the Research Coordinator who will determine the agenda and conduct meetings. The two primary concerns of the committee will be the development of an annual research program and implementation of research recommendations. After consideration of ongoing studies and the proposals for new studies, the committee, within budget limitations, approves the annual program.

The Management Committee shall review the recommendations of the Study Advisory Committees, and others, as to implementation of research recommendations and shall assign implementation activities to appropriate personnel. The Research Coordinator shall track implementation progress.

C. Research Coordinator

The State Highway Engineer shall name an engineer within the Department of Highways to serve as the Department's Research Coordinator and another employee to serve as an administrative assistant to the Research Coordinator. In the event the Research Coordinator is not a Professional Engineer, the State Highway Engineer shall name a Professional Engineer to provide oversight of the Research Program in addition to the Research Committee.

The Research Coordinator shall work with the KTC to develop an annual work program, monitor progress, ensure implementation, oversee the administrative duties in regard to the research and development program and serve as a liaison to AASHTO, TRB, and FHWA on research oriented activities. The Research Coordinator shall approve the initiation of all research studies and give overall direction to the research activities.

D. Research Study Advisory Committees

A Study Advisory Committee (SAC) shall oversee and monitor research activities for each major study. The SAC will be operational from the time of appointment until the final report for the study has been approved and an implementation plan submitted to the Research Coordinator and Management Committee. The Management Committee will appoint a Chair and Vice Chair for each SAC.

The SAC Chair shall nominate SAC members as soon as possible. There is no mandatory number of members, and new members may be added as necessary at any time. Depending on the complexity of the study, range, and scope of the research, a good mix of personnel from several stakeholder districts, divisions, or other entities is advisable. This will ensure that a variety of views and perspectives are incorporated into the study and enhance the probability of implementing recommendations. Where possible the team should include someone who would be a potential user of the study recommendations. The team must include representation of the FHWA for all federal-aid studies, and the Principal Investigator (PI) assigned by KTC. The FHWA Research Coordinator will appoint the FHWA representative.

For some studies, it may be desirable to appoint a member from another state agency or from local government.

The SAC will review the proposed work plan developed by KTC to ensure:

- The study has a clearly defined scope of work,
- The estimated cost is reasonable for the intended scope of work.
- That an activity timetable is included and adhered to.
- That comments, recommended revisions, or approvals of the proposal have been furnished to the Research Coordinator.

The SAC may change the scope and direction when necessary with the approval of the Research Coordinator. The Research Coordinator must also approve any justified time extension or budget increase. The SAC shall monitor costs of the study to prevent overruns. The SAC Chair shall also obtain approval from the FHWA Research Coordinator via the FHWA SAC member for changes in scope, schedule or budget on federal-aid projects.

The SAC Chair will hold meetings when necessary. Typically a meeting will be held at the beginning of the study to define the study objectives, then subsequent meetings to update the progress of the study. At all meetings the PI will give a presentation on the study focusing on progress to date and any problems being experienced. The SAC Chair should advise the Research Coordinator of all meeting schedules. It is the SAC Chair's responsibility to ensure that minutes are taken and distributed to the SAC and the Research Coordinator (this is usually delegated to the PI). The FHWA Research Coordinator must also be notified of meetings and be provided minutes for all federal-aid studies. Any committee member (including the PI) may request a meeting through the committee Chair, but the sole responsibility for calling meetings lies with the Chair.

The SAC Chair shall maintain a project file with all pertinent correspondence. KTC is required to maintain the "official" project file.

The Research Coordinator will obtain approval from the SAC Chair for work that has progressed when KTC sends an invoice for that work. The SAC Chair will be responsible for obtaining approvals from appropriate personnel responsible for the project funding. The Research Coordinator will be responsible for payment and tracking of the invoices through MARS.

The SAC Chair shall coordinate a review of all reports (draft, interim and final) prepared by KTC and provide comments and suggested revisions to the PI in a timely manner, usually within 15 working days. Inaction connotes lack of objection. When the SAC Chair approves the final report, the PI and the Research Coordinator should be promptly advised. FHWA approval must also be obtained on federal-aid studies prior to publication.

Upon completion of the final report, the SAC chair shall recommend an implementation plan to the Management Committee through the Research Coordinator. In the event the results are not recommended for implementation, the SAC Chair shall document that the study was completed and that the findings are not recommended at this time, and the reason why they should not be implemented. The implementation plan should be prepared prior to the printing of the final report. In the event that there are special instructions or needs for implementation activities these should be discussed with the Research Coordinator.

The SAC Chair shall coordinate with the Research Coordinator throughout the study. The Research Coordinator should be contacted as soon as possible in the event of problems that cannot readily be resolved by the team.

On some studies, the scope may include seminars that are to be given for Cabinet personnel. These sessions should be directed toward application of the results of the research effort.

II. Accomplishment(s)

- A. There are approximately 125 active KYTC research projects/programs underway.

III. Goal(s)

- A. Incorporate Title VI information in published research reports. (Title VI) (On-going)

OFFICE OF PROGRAM PLANNING AND MANAGEMENT

<http://transportation.ky.gov/highways/programs.asp>

Responsible for the development and monitoring of long-range transportation plans, including the Six-Year Highway Plan and Statewide Transportation Plan. Other functional responsibilities include the establishing of funding for projects undertaken from those plans each year, as well as the constant monitoring of cash flows and project priorities. Within the Office of Program Planning and Management, there are two Title VI program areas (divisions):

Division of Planning (<http://www.planning.kytc.ky.gov/>)

Division of Program Performance (<http://transportation.ky.gov/progperform/>)

Division of Planning

I. Program(s)

The Division of Planning is responsible for carrying out the continuing, cooperative and comprehensive transportation planning process through the nine metropolitan areas of Kentucky as well as in all non-metropolitan areas. The nine Metropolitan Planning Organizations (MPOs), 15 Area Development Districts (ADDs), and 12 Highway District Offices (HDOs) develop and update regional and/or urban transportation plans and maintain transportation committees for their respective areas.

II. Accomplishment(s)

- A. The Division of Planning, through the Annual Work Program for the ADDs, requested, reviewed and implemented Public Involvement Plans which included a specific component to identify and specifically address methods to address the needs of the traditionally underserved populations in each region. These plans included specific tools/methods to reach these groups in their region and provide the opportunity for all population groups to present their transportation needs.

- B. Some examples of tools and methods developed to reach the underserved populations included:
- i. Posting notices and involvement opportunities on public transportation busses
 - ii. Posting notices and opportunities for involvement in Shopping and grocery Stores frequented by the general public
 - iii. Posting notices in local restaurants frequented by the general population.
 - iv. Speaking engagements at Senior Citizen Centers in areas where the elderly constitute large populations groups
 - v. Utilization of Hispanic newspapers for public notices.
 - vi. Surveys in County Libraries regarding highway priorities in the area.
- C. The Division of Planning actively discusses Title VI issues with the ADD, MPO, and HDO Planning staff at meetings held four times a year. Specifically, the following topics were discussed at the meetings dates indicated below:
- i. July 20, 2011 – Participants discussed the prioritization process including methods for encouraging participation and Public Involvement, as well as possible solutions to increasing Regional Committee Meeting attendance.
 - ii. October 19, 2011 and January 19, 2011 – Participants were presented with information regarding NEPA and its requirements for public involvement and provided opportunity for question and answer session.
 - iii. January 18, 2012 – Participants discussed ideas stemming from participation in a series of webinars from the American Planning Association called “Communications Boot Camp” revolving around communication with and engagement of citizens through various means.
 - iv. April 18, 2012 - Participants were presented with changes and trends regarding the 2010 Census and what those changes may mean for their public involvement populations. Participants were also presented with information regarding KYTC policy on Social Media usage for public involvement as well as some social media techniques used by the Lexington Metropolitan Planning Organization.
- D. The ADDs, MPOs and HDOs continually work to identify and correct deficiencies in the public involvement process, the membership of the Transportation Committees, and public outreach programs. The MPOs and ADDs are required through their work programs to regularly collect, update and analyze the socioeconomic data for their area and to develop public involvement/participation plans and attempt to broaden committee membership as appropriate. The MPOs and ADDs prepare quarterly or monthly progress reports wherein all public outreach activities must be documented. The MPOs and ADDs also have developed committee by-laws which include specific committee membership requirements in an attempt to develop broad-based membership and input.
- Information concerning the committee membership demographics for and public meetings held by the MPOs and ADDs are available for review in the Division of Planning and Office for Civil Rights and Small Business Development.
- E. The Division of Planning conducted 7 public meetings this past year. Demographic data of those attending the meetings were not tracked; however, names, and/or other contact information was obtained. The meetings with dates and locations were as follows:
- o Mt. Sterling Sub-Area Transportation Study – August 2011 – Courthouse Annex in Mt. Sterling

- KY 321 Programming Study in Johnson County – August 2011 - Johnson County Board of Education Office
- US 41A Study in Webster and Hopkins Counties – August 2011 – Economic Development Office in Madisonville
- Guthrie Intersection Study in Todd County – September 2011 – Elkhorn Bank & Trust in Guthrie
- KY 44 Study in Bullitt and Spencer Counties – November 2011 – Spencer County Elementary School in Taylorsville
- US 41A Study in Webster and Hopkins Counties – December 2011 – KYTC D2 Office in Madisonville
- KY 321 Programming Study in Johnson County – March 2012 – Johnson County Board of Education Office

F. The Division of Planning did not advertise for Consultants Services for individual projects this fiscal year, but did select three consulting firms for the Statewide Transportation Planning Services contract.

G. Two Environmental Justice Reports were conducted for planning or corridor studies this past fiscal year. The purpose of these reports was to identify potential minority, low income, or other traditionally underserved populations in project areas. These studies are as follows:

- US 41A Study in Webster and Hopkins Counties

III. Goal(s)

- A. Identify training opportunities for ADDs, MPOs and HDO Planners. This training will be designed to assist the planners in researching, analyzing and applying the demographic data for their region and assist them in the development of public outreach programs/plans to address Limited English Proficiency (LEP), Title VI, and Environmental Justice (EJ) requirements.
- B. Evaluate ADD and MPO Participation Plans on a regular basis to identify areas of improvement.
- C. Continue to emphasize improved outreach techniques, including those that reach the traditionally underserved populations, so that the needs of all segments of society are incorporated into the transportation planning processes. This will occur at the meetings held four times annually with ADD, MPO, and HDO Planning staff. Schedules and agendas for said meetings are provided to the Office of Business and Occupational Development.

Division of Professional Services

I. Program(s)

The Division of Professional Services is responsible for the acquisition and administration of qualified professional consultant services. The division is located within the Department of Highways, Office of Program Planning and Management.

Selection Committee

The Selection Committee Chair changes with each Consultant selection. The following chart identifies the Selection Committee membership and minority representation.

**Minority Representation – Title VI
KYTC - Consultant Selection Committees
(May, 2011 through April, 2012)**

ETHNICITY	MALE	FEMALE	TOTAL/ PERCENTAGE
Caucasian	191 (76%)	42 (17%)	233 (93%)
African American	0 (0%)	0	0 (0%)
Other	0 (0 %)	16 (7%)	16 (7%)
TOTAL	191 (76%)	58 (24%)	249 (100%)

The Engineering and Engineering-related Services Selection Committee created in the KYTC shall consist of six (6) or more members selected in the manner specified in each paragraph:

- A. Two (2) engineers. The Secretary of the Transportation Cabinet shall appoint a pool of six (6) engineers who are employees of the Cabinet. At least three (3) of the engineers shall be merit employees of the Cabinet. The Secretary, or his designee, shall randomly select engineers from the pool. The first employee selected shall be placed on the Selection Committee. If the first employee selected is a merit employee, the second employee selected shall be placed on the Selection Committee. If the first employee selected is a non-merit employee, the Selection Committee process shall continue until a merit employee is selected. That merit employee shall be placed on the Selection Committee;
- B. Two (2) engineers who are merit employees of the User Division appointed by the head of that division to serve for the duration of the Selection Committee's participation in the project for which they were appointed by the User agency. However, if two (2) User divisions have approximately equal responsibilities or separate responsibilities for the project, each User division head shall appoint one (1) member to the Selection Committee;
- C. An individual. The Kentucky Society of Professional Engineers and the American Council of Engineering Companies of Kentucky (ACEC-KY) shall together nominate nine (9) individuals, and the Governor shall appoint three (3) of these individuals to serve in the pool from which the Secretary of the Cabinet, or his designee, shall randomly select one (1) individual to serve on the Committee; and
- D. One (1) or more merit employees of the Auditor of Public Accounts, appointed by the Auditor, who may, at the discretion of the Auditor, serve as non-voting members of the Committee. If one (1) employee is appointed, then that employee may attend any Committee proceedings. If more than one (1) employee is appointed, then either of the employees may attend any Committee proceeding.

II. Accomplishment(s)

- A. Selected ninety-five (95) consultant contracts from fifty-two (52) advertisements during this reporting period. Sixteen (16) of the advertisements contained a Disadvantaged Business Enterprise (DBE) Participation Plan. In order to increase DBE participation, the division modified its procurement policy in January 2006 to require the inclusion of a DBE Participation Plan. The reporting period for the above bulletin announcements was from May 2011 to April 2012.
- B. Maintains a current listing of thirty-two (32) DBE consultants. This listing is appropriately distributed throughout the KYTC and published on the Division of Professional Services' web site <http://transportation.ky.gov/progperform/address.pdf>
- C. The Division of Program Performance has not received any Title VI complaints during this reporting period.
- D. Reviewed consultant agreements to ensure contract Title VI language is included in every contract.
- E. Reviewed compliance procedures for sub-recipients to ensure their awareness and to accent their responsibility under contract Title VI language is attached to every contract. Met with the American Counsel of Engineering Companies (ACEC-KY) Consultant community and related that every contract must have Title VI language included and they are responsible for this.
- F. Met with representatives from the Finance Cabinet, Office of EEO/Contract Compliance to develop procedures pursuant to the Kentucky EEO Act, KRS 45.550 to 45.640. Any contract valued at more than \$500,000 requires EEO approval. We will continue to work with this office to ensure all contracts comply with the Act.

III. Goal(s)

- A. Assure that employees have specific orientation regarding their obligations and rights under Title VI. (On-going)
- B. Seek additional opportunities to recruit new DBE consultants. (On-going)
- C. Inform existing consultants with regards to their roles and responsibilities under DBE and Title VI requirements. (On-going)

OFFICE OF PROJECT DEVELOPMENT

The Office of Project Development is responsible for projects in the development phase, including planning, bridge and highway design, environmental components, consultant prequalification and selection, right of way acquisition, and utility relocation. Within the office are five divisions:

Division of Structural Design <http://transportation.ky.gov/bridges/>
Division of Highway Design <http://transportation.ky.gov/design/design.asp>
Division of Environmental Analysis <http://transportation.ky.gov/EnvAnalysis/>
Division of Right of Way and Utilities <http://transportation.ky.gov/Row/>
Division of Program Performance <http://transportation.ky.gov/progperform/>

Division of Highway Design

I. Program(s)

The Division of Highway Design (DHD) is one of five divisions under the responsibility of the Deputy State Highway Engineer. The DHD, in conjunction with the district design offices, is responsible for the required design activities for the KYTC’s Six-Year Highway Plan projects. This responsibility includes conducting the studies, computations, and analyses necessary to support the preparation, assembly, and reproduction of the construction plans for a project’s award.

The breakdown of the DHD program area staff (by job title, ethnicity and gender) is as follows:

<u>TITLE</u>	<u>ETHNICITY/GENDER</u>
Transportation Engineering Director	Caucasian Male
Assistant Director	Caucasian Male
Administrative Branch Manager	Caucasian Male
Administrative Branch Manager	Caucasian Male
Administrative Section Supervisor	African American Female
Administrative Specialist III	Caucasian Female
Administrative Specialist I	African American Female
Transportation Engineering Branch Manager	Caucasian Male
Transportation Engineering Branch Manager	Caucasian Male
Transportation Engineering Branch Manager	Caucasian Male
Transportation Engineering Branch Manager	Caucasian Male
Transportation Engineering Branch Manager	Caucasian Male
Transportation Engineering Branch Manager	Other Female
Transportation Engineering Technologist III	(Vacant)
Transportation Engineering Technologist III	(Vacant)
Transportation Engineering Technologist III	Caucasian Female
Transportation Engineering Technologist III	Caucasian Female
Transportation Engineering Technologist III	Caucasian Male
Transportation Engineering Technologist III	Caucasian Male
Transportation Engineering Technologist III	Caucasian Male
Transportation Engineering Technologist III	Caucasian Male
Transportation Engineering Technologist III	Caucasian Male
Transportation Engineering Technologist III	Caucasian Male
Transportation Engineering Technologist III	Caucasian Male
Transportation Engineering Technologist II	Caucasian Male
Transportation Engineering Technologist II	Caucasian Male
Transportation Engineering Technologist II	(Vacant)
Transportation Engineering Technologist I	African American Female
Transportation Engineering Specialist	Caucasian Female
Transportation Engineering Specialist	Caucasian Male

Transportation Engineering Specialist	Caucasian Male
Transportation Engineering Specialist	(Vacant)
Engineer-in-Training II	Caucasian Male
Engineer-in-Training II	Other Male
Transportation Engineer I	Caucasian Male
Transportation Engineer I	Caucasian Female
Transportation Engineer I	(Vacant)
Transportation Engineer I	(Vacant)
Program Coordinator	Caucasian Female
Geoprocessing Specialist III	Caucasian Male
System Consultant IT	Caucasian Male
System Consultant IT	Caucasian Male

II. Accomplishment(s)

During this reporting period the KYTC held 29 public meetings/public hearings. Public meetings notices are published on the DHD's web site at <http://www.kytc.state.ky.us/design/publicmeetings/publicmeetings.asp>.

At a minimum, these meetings/hearings were advertised in newspapers with local circulation in relation to the project location on two occasions prior to the meeting/hearing date. There are other methods used at times, such as radio spots, letters to property owners, flyers posted at local shopping areas, message boards, etc. However, each project is handled differently depending on the scope of work, location of project, etc. The KYTC district offices are responsible to get the notification to as many as possible.

All public meetings/hearings were conducted in a barrier free environment.

III. Goal(s)

- A. The development of a way to collect statistical data has been discussed within the Highway Department and we have come to the conclusion that this would not be a practical way to gather data and whatever data would be collected would be very sporadic or inconsistent. Should we add demographic questions to our sign-in sheets for public meetings/hearings, the fields would be strictly optional. Also many people who become involved in the public meeting process submit written comments, however they did not attend the meeting. For these reasons, we do not feel that any data collected would be open to consider other thoughts to collect ethnicity and gender information.

Division of Environmental Analysis

I. Program(s)

The Division of Environmental Analysis (DEA) studies and addresses Socioeconomic Impacts on highway projects, which include compliance with Title VI.

The DEA is responsible for providing environmental guidance to KYTC employees, to contractors, and to the general public concerning KYTC projects and activities. The DEA facilitates the KYTC's mission of performing in an environmentally sound manner by ensuring that planning, design, construction, operation, and maintenance projects and activities that have potential to impact the social, economic, or physical environment are identified and evaluated and their impacts minimized based upon informed decisions and sound environmental policies.

The DEA performs these responsibilities through the review, preparation, and procurement of environmental documents, contracts, or actions as made necessary by state and federal environmental laws and regulations. The DEA also provides a single point of contact to the general public and to KYTC employees for environmental guidance, information, and concerns.

II. Accomplishment(s)

- A. The Division continues to make revisions to its socioeconomic project review policies and procedures. Publication of new guidelines to update that section of the DEA Procedures Manual are anticipated during FY 2013.
- B. Implementation of measures to address community impacts of the Newton Pike Extension Project in Lexington began in 2007 in accordance with mitigation provisions included in the Record of Decisions for the project.
- C. The Division completed the development of procedures for small scale projects to address minority and disadvantaged populations protected under the Environmental Justice Executive Order.

III. Goal(s)

- A. Continue efforts to increase distribution of informational materials targeted toward Limited English Proficiency (LEP) communities, as appropriate to increase involvement of these audiences in public meetings and hearings. (On-going)
- B. Continue full implementation of the newly developed Environmental Justice Policy for small scale projects and make revisions as experience dictates to be appropriate.

Division of Right-of-Way and Utilities

I. Right of Way Acquisition Programs

The of Right-of-Way Section is responsible for managing and coordinating the appraisal and acquisition of real property for transportation needs, the management of excess properties, and Relocation Assistance Services.

The Right-of-Way Section functions under the statutes outlined in the Code of Federal Regulations, 23 CFR and 49 CFR. Title VI information is continually captured yet not specifically outlined as such. The Right-of-Way process is included in the Planning process. Once the design process is complete and plans are prepared, the right-of-way acquisition process is initiated.

- 1) All affected property owners are fully apprised of the right-of-way acquisition process, including relocation assistance.
- 2) All owners are told how the proposed acquisition will affect their remaining property and they are furnished a written offer for the property to be acquired.
- 3) All eligible displacees receive relocation assistance.
- 4) No person is displaced unless or until adequate replacement housing has been provided.
- 5) All replacement housing is available without regard to race, color, sex, age, disability or national origin.
- 6) Displacees who are in disagreement with relocation eligibility or amount of relocation payment are afforded the opportunity to appeal.

II. Accomplishment(s)

- A. The Right-of-Way Section disseminates informational brochures pertaining to frequently asked questions and relocation in both English and Spanish. The Division also used an interpreter, provided through the UK Transportation Center, when needed.
- B. Assisted a demolition contractor in obtaining DBE certification.
- C. The Right of Way Section has not received any Title VI complaints during this reporting period.
- D. Reviewed consultant and appraiser agreements to ensure Title VI language is included in all contracts.

III. Goals

- A. Revise Acquisition Survey Form in order to capture the Title VI Program documentation. (continuing)
- B. Seek additional opportunities to recruit new DBE consultants, appraisers and vendors. (on-going)
- C. Assist consultants, appraisers and vendors associated with the Division in obtaining DBE certification. (on-going)
- D. Ensure that employees have specific orientation regarding their obligations and rights under Title VI. (on-going)
- E. Ensure that consultants, appraisers and vendors are informed of their roles and responsibilities with regard to DBE and Title VI requirements.

Utilities & Rails Branch

I. The Utilities and Rails Branch

The Division of Right-of-Way and Utilities is responsible for three programs: the Utility Relocation Program, the Rail Coordination Program, and the Section 130 Rail Safety Program. These programs are dynamic and individualized; therefore each program will be discussed specifically herein.

II. Utility Relocation Program

The Utility Relocation Program is the mechanism used to facilitate and fund the relocation of utility company facilities on behalf of a KYTC road project. This program is the repository of the steps necessary to successfully clear a road project of conflicting utilities, from utility identification, cost estimating, contract writing, reimbursements, and ultimately overseeing the construction activity needed to move the utility.

The Utility Relocation Program functions under 23 CFR 645. The Utilities & Rails Branch does not track Title VI information as all agreements that the Cabinet enters into are with the Utility Companies with facilities in need of relocation due to an impending Transportation Cabinet construction project. What follows is an abbreviated listing of tasks specific to this program.

- 1) Review and update cost estimates to establish a Utility relocation budget,
- 2) Formally request the project funding,
- 3) Contact pertinent Utility companies, provide plans, assist, and direct,
- 4) Review Utility company proposals to ensure the work is necessary and addresses the needs of the Highway project,
- 5) Inspect utility work onsite to ensure quality and applicability,
- 6) Coordinate work with other Divisions, Agencies, and FHWA to ensure the utility work is incorporated into the Cabinet's plans and proposal package,
- 7) Maintain project files, close out projects upon completion, store and archive completed projects,
- 8) Write and interpret State Utilities policy.

III. Rail Safety (Section 130) Program

The Rails Safety Program involves monitoring and updating information about all public Rail-Roadway intersections in the Commonwealth. This information is used to identify the crossings that have the greatest need for safety improvements.

The Rails Safety Program functions under 23 CFR 646. The funding is primarily Federal with a percentage of the participation by the Railroad Company. The goal of the Rail Safety Program is to upgrade safety devices at targeted Rail-Roadway crossings with the ultimate goal of preventing train-automobile collisions. What follows is an abbreviated listing of tasks specific to this program.

- 1) Responsible to inventory all public at-grade railway-roadway crossings in the state and update that every 3 years,
- 2) Maintain the statewide public at-grade rail crossing database which tracks the physical characteristics of the road, railroad, and protective devices in situ,
- 3) Review the annual Section 130 budget and prioritize the projects,
- 4) Coordinate the Railroad company's safety device improvement construction,

- 5) Review and approve Railroad company plans and proposals to ensure appropriateness and cost effectiveness.
- 6) Write agreements with Railroad companies, process invoices, close out projects, store and archive project records, and update inventory database information when work is complete.

IV. Highway Construction Rail Coordination Program

The Rail Coordination Program is managed by the Utilities & Rails Branch. This function was transferred to the Utilities & Rails Branch from Division of Highway Design in 2005. The program involves coordinating highway construction projects with railroad companies which own facilities that will be in conflict with those projects.

The Coordination involves acquiring construction easements on railroad rights of way, acquiring flagging services from railroad companies, and upgrading safety devices at highway-railroad crossings that will be affected by highway construction. What follows is an abbreviated listing of tasks specific to this program.

- 1) Inform Railroad companies of upcoming projects and deliver plans,
- 2) Coordinate requests for construction easement deeds,
- 3) Draft agreements with Railroad companies, initiate work, and process invoicing,
- 4) Maintain files, close out projects, store and archive completed project files.

V. Accomplishment(s)

- The Utility Relocation Program writes and distributes an average of approximately 300 agreements per year along with permits for non-reimbursable work to be performed by Utility companies.
- The Utilities and Rails personnel are cross-trained to assist on multiple programs.
- The Section 130 program has effectively utilized the allocated funds, successfully expending the Section 130 funds over the last three years.
- The Rail Coordination Program managed two years of the state's largest aggregate bidding and kept rail coordination up to date.

VI. Goals

- The Utilities and Rails Branch is working towards the production of a Draft Utilities & Rails Manual by end of calendar year.
- The Utilities & Rails Branch is serving on a committee to develop a software program, RWUMS, which will assist with the Utility relocation process.
- The Utilities & Rails Branch is working towards training District Utilities Agents to help in crossing inspection and inventory duties in order to meet FRA mandated 3 year inspection cycle.
- The Utilities & Rails Branch is working to keep project coordination up to date so no projects are rescheduled due to railroad coordination issues.

OFFICE OF PROJECT DELIVERY

<http://transportation.ky.gov/highways/construction.asp>

I. Program(s)

The Office of Project Delivery is responsible for formulating and implementing all construction phases of highway projects, as well as maintenance, traffic control, and equipment utilization for Kentucky's highways. Within the office, there are three divisions:

Division of Construction <http://transportation.ky.gov/construction/>

Division of Materials <http://transportation.ky.gov/materials/>

Division of Construction Procurement <http://transportation.ky.gov/contract/>

The Division of Construction consists of Road Construction, Bridge Construction and Contract Administration. The division is responsible for administering all awarded transportation related contracts until final acceptance of the project(s).

The Division of Materials is primarily responsible for testing and approval of all ingredient materials used in the construction and maintenance of Kentucky's highways and bridges.

Division of Construction Procurement

The Division of Construction Procurement is responsible for prequalification, letting of highway projects, awarding and issuance of work orders on state and federal administered projects and compliance.

The Division of Construction Procurement is also responsible for scheduling and conducting contractor compliance reviews, and monitoring the contractor compliance inspections conducted by the EEO Aides in KYTC District Offices.

Additionally the division formally investigates all complaints of alleged discrimination and will, in collaboration with Equal Employment Opportunity Officers from the Division and/or Regional Officers of the Federal Highway Administration, conduct special reviews as required.

The Division of Construction Procurement External EEO staff consists of one Administrative Branch Manager, full time (Caucasian male); one Program Coordinator, full time (Caucasian female); one Affirmative Action Compliance Officer (AACO), full time (Caucasian male), and one Administrative Specialist II (Caucasian female) and one vacant AACO position at this time.

II. Accomplishment(s)

A. Currently there are 493 contractors prequalified by the KYTC. One (1) EEO review was conducted, 70 Federal Wage & Hour reviews were conducted, and 40 State Wage & Hour reviews were conducted. No firms were monitored during this reporting period.

B. The Branch Manager, Administrative Section Supervisor, and AACOs have attended training seminars pertaining to Civil Rights. Additionally, employees have an annual 6-hour training requirement established by the KYTC.

OFFICE OF TRANSPORTATION DELIVERY

<http://transportation.ky.gov/otd/>

I. Program(s)

The Human Service Transportation Delivery Branch is responsible for the oversight of the Human Service Transportation Delivery (HSTD) program. The HSTD program consolidates transportation services previously provided by various state governmental agencies. The former transportation delivery process was fragmented, increasingly costly, and vulnerable to fraud and abuse. In addition, transportation services were not easily accessible in some rural areas.

Under the HSTD program, transportation services for the Department for Medicaid Services, Department for the Blind, and the Department of Vocational Rehabilitation are now coordinated by the KYTC Office of Transportation Delivery.

The Public Transit Branch of the Office of Transportation Delivery (OTD) had been designated as the administrator of all Federal Transit Administration (FTA) public transit programs affecting small urban and rural areas and the FTA planning grants for the metropolitan areas of the state. KYTC/OTD is responsible for the administration of 49 U.S.C. §5303, §5313, one (1) §5307 (50,000-200,000 in population) §5309, §5310, §5311, §5311(b)(3), §5316, and §5317 programs and administration of the state match for the 49 U.S.C. §5307 program.

Transit systems provide assistance for people who have Limited English Proficiency (LEP) by disseminating information, such as posters and bus information, in other languages. Many also have staff to interpret and assist with LEP individuals when needed. Transit systems also utilize various interpretive websites and local educational institutions to help with translating material and service information.

OTD and the transit systems must integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of construction projects and/or purchase of property. Environmental Justice is also considered on decisions regarding planning, capital and fare and service changes. As statistics and services are analyzed, benefits and burdens are reviewed.

OTD has been awarded a nationally-competitive Veterans Transportation Community Living Initiative Grant (VTCLD). This is a joint initiative of the Federal Interagency Coordinating Council on Access and Mobility (CCAM) and the Department of Defense which supports President Obama's directive to care for and support our military families. As the White House noted in its January, 2011 report entitled, "Strengthening Our Military Families: Meeting America's Commitment," the resources and expertise across the Federal Government should come together to improve the quality of military family life and help communities more effectively support military families. Providing access to affordable housing, developing career and educational opportunities and reducing barriers to employment, especially to our veterans with disabilities, is a priority of this initiative. OTD will expand its HSTD Call Center to include and, thus, enable veterans, their families, the military, wounded warriors as well as the elderly, persons with disabilities and low income to have access and transportation to the quality of life services they require. OTD has also applied for VTCLI II which will expand services to the above groups and add disadvantage youth to the populations needing these services. Efforts will also be made by the Commonwealth's rural transit system to employ the above targeted populations, especially veterans.

The Office of Transportation Delivery makes available to all interested parties a current Public Transportation Directory of certified Disadvantaged Business Enterprise (DBE) firms who participate in the KYTC DBE Program. OTD has several facility renovation and construction projects in which DBE participation will be a requirement for prime contractors.

II. Accomplishment(s)

- A. Minorities and females are well represented in the workforce of the twenty-five subrecipient transit systems that receive financial assistance through the Office of Transportation Delivery. There are 1,309 persons employed by these sub grantees. Minorities represent 11.54 % percent and females represent 42.40% percent of the total number of employees.
- B. The transit board/commission makeup of these transit agencies reflects a minority participation of 7.73 % and a female participation of 43.48%.
- C. The breakdown of the Office of Transportation Delivery staff is 82.35% female and 17.65% minority and consists of the following:

(1) Executive Director	Caucasian Female
(1)Administrative Branch Manager	Caucasian Male
(1)Administrative Branch Manger	Hispanic Male
(2) Administrative Specialists	Caucasian Females
(7)Internal Policy Analysts	Caucasian Females
(1)Internal Policy Analyst	Caucasian Male
(2)Medicaid Specialists	African American Females
(2)Medicaid Specialists	Caucasian Females

III. Refer to Kentucky Transportation Cabinet, Federal Programs, Coverages and Beneficiaries on Page 57.

IV. Goal(s)

The Office of Transportation Delivery's goal is to continue to provide direction and assistance to Section 5311 region coordinators and to expand the training and technical assistance offered to all transportation providers in their areas, including the private sector. (Ongoing).

OFFICE OF HUMAN RESOURCE MANAGEMENT

<http://dot/webpages/person/pdom/indexPDOM.htm>

Division of Professional Development and Organizational Management

I. Program(s)

The Office of Human Resource Management (OHRM), Division of Professional Development and Organizational Management, is responsible for the following provisions governing the training activities of recipients receiving federal-aid highway assistance, including internal education and training programs and third-party contracts of KYTC. The OHRM is organizationally located under the KYTC Office of the Secretary.

The breakdown of the Division staff (by job title, ethnicity and gender) is as follows:

Assistant Director	Caucasian male
Administrative Branch Manager	Caucasian Female
Cabinet Education & Training Coordinator	Caucasian Female
Training Development Specialist II	Caucasian Male
Program Coordinator	Caucasian Female
Program Coordinator	African American Female
Administrative Branch Manager	Caucasian Male
Resource Management Analyst III	Caucasian Male
Human Resource Administrator	Caucasian Female
Administrative Specialist II	Latin Female

All materials received by the KYTC on training and education opportunities are made available to ALL employees, which include all information on federally funded training, such as courses provided by the National Highway Institute (NHI).

Every training course that the KYTC offers is open to ALL qualified employees whose positions require specific training in their discipline. Women and minorities are included in all KYTC announcements and invitations with the first line supervisor being primarily responsible for seeing that everyone has equal opportunity to attend required training.

The Office of Human Resource Management has received no civil rights complaints concerning training and educational opportunities during this reporting period.

II. Accomplishment(s)

A. The following National Highway Institute (NHI) training session was held.

<u>CLASS</u>	<u>NO. OF ATTENDEES</u>	<u>NO. OF FEMALES</u>
BINS -- Bridge Inspection Non-Destructive Showcase	22	3
CACC -- Contract Administration Core Curriculum	40	12
Interchange Improvement	34	3
CACC -- Contract Administration Core Curriculum	40	12
Access Management	29	7

III. Goal(s)

- A. Collaborate with the Office for Civil Rights and Small Business Development in providing Title VI training to program area office heads and Title VI liaisons. (on-going)
- B. Provide the additional NHI training for agency staff to attend during the next reporting period.

OFFICE FOR CIVIL RIGHTS AND SMALL BUSINESS DEVELOPMENT

<http://transportation.ky.gov/Civil-Rights-and-Small-Business-Development>

I. Program(s)

The Office for Civil Rights and Small Business Development is responsible for coordinating the overall day-to-day administration and implementation of the KYTC's Title VI Program, Plan, and assurances. The Office for Civil Rights and Small Business Development is organizationally located under the Office of the Secretary.

II. Accomplishment(s)

- A. Conducted reviews of all Transportation Cabinet Title VI Program Areas of the Division of Construction, Division of Professional Services, Division of Vehicle Regulation, Division of Transportation Delivery, Division of Right of Way and the Division of Research.
- B. Conducted on-site reviews of all ADD's and MPO's that receive funds from the KYTC.
- C. Set the Kentucky Transportation Cabinet Disadvantaged Business Enterprise (DBE) participation goal at 7.9%.
- D. Provided assistance to more than three hundred and twelve DBE's and applicants. Eighty-nine applications for initial certification were received and processed. Sixty-six firms had their certifications renewed and one hundred and forty seven firms obtained their yearly updates from this office.

III. Goal(s)

- A. Update pertinent data relative to the capabilities of certified DBE's in order to establish the DBE Participation goals for the Cabinet.
- B. Conduct Title VI training for all ADD's and MPO personnel.
- C. Conduct on-site Title VI reviews of Kentucky colleges and universities that receive funds from the KYTC.

VII. COMPLAINT PROCEDURES

SYNOPSIS

This Title VI Implementation (Plan) requires immediate notification of top management of any complaint or allegation of discrimination, and assigns the responsible program office with the primary responsibility for evaluation and resolution of a complaint. The Title VI Coordinator and general counsel staff provide assistance to the KYTC Office of the Secretary.

The investigative file, investigative report and recommended decision are forwarded to the Federal Highway Administration (FHWA), Headquarters Civil Rights (HCR) via the FHWA Division Office for final disposition. All Final Agency Decisions (FAD) and dismissals will be issued by HCR. Investigators and other KYTC personnel will seek to informally resolve the complaint at every opportunity during the investigation.

This Plan is for acknowledging and investigating an inquiry, comment or complaint of discrimination received by the KYTC or, when requested to do so by the FHWA.

PURPOSE

To specify the process to be employed by the KYTC and its recipients to investigate complaints, while ensuring due process for complainants. The process does not preclude the responsible office or other authorized KYTC personnel from attempting to informally resolve complaints.

APPLICABILITY

The complaint procedures outlined herein apply to the KYTC and its recipients in the administration of the Federal-aid highway program.

NONDISCRIMINATION AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000, section 601, provides:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (PROHIBITS DISCRIMINATION IN IMPACTS, SERVICES, AND BENEFITS OF, ACCESS TO, PARTICIPATION IN, AND TREATMENT UNDER A FEDERAL-AID RECIPIENT'S PROGRAMS OR ACTIVITIES)

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790, provides:

"No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal Financial assistance." (PROHIBITS DISCRIMINATION BASED ON PHYSICAL OR MENTAL HANDICAP)

The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101, provides:

"No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (PROHIBITS DISCRIMINATION BASED ON AGE)

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, provides:

“For the fair and equitable treatment of persons displaced as direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.” (PROVIDES FOR FAIR TREATMENT OF PERSONS DISPLACED BY FEDERAL AND FEDERAL-AID PROGRAMS AND PROJECTS)

The 1973 Federal-aid Highway Act, 23 U.S.C. 324, provides:

“No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Title or carried on under this title.” (PROHIBITS DISCRIMINATION ON THE BASIS OF SEX)

The Civil Rights Restoration Act of 1987, P.L. 100-209, provides:

Clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (RESTORES THE BROAD, INSTITUTION-WIDE SCOPE AND COVERAGE OF THE NONDISCRIMINATION STATUTES TO INCLUDE ALL PROGRAMS AND ACTIVITIES OF FEDERAL-AID RECIPIENTS, SUB RECIPIENTS, AND CONTRACTORS, WHETHER SUCH PROGRAMS AND ACTIVITIES ARE FEDERALLY ASSISTED OR NOT)

The Uniform Relocation Act Amendments of 1987, P.L. 101-246, provides:

“For fair, uniform, and equitable treatment of all affected persons; ... (and) minimizing the adverse impact of displacement... (to maintain)..the economic and social well-being of communities; and...to establish a lead agency and allow for State certification and implementation.” (UPDATED THE 1970 ACT AND CLARIFIED THE INTENT OF CONGRESS IN PROGRAMS AND PROJECTS WHICH CAUSE DISPLACEMENT)

The Americans with Disabilities Act of 1990, P.L. 101-336, provides:

“No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or local government.” (PROVIDED ENFORCEABLE STANDARDS TO ADDRESS DISCRIMINATION AGAINST PERSONS WITH DISABILITIES)

The Civil Rights Act of 1991, in part, amended Section 1981 of 42 U.S.C. by adding two new sections that provided:

“(b) For the purposes of this section, the term ‘make and enforce contracts’ includes the making, performance, modification, and termination of contracts and the enjoyment of all benefits, privileges, terms and conditions of the contractual relationship.

(c) The rights protected by this section are protected against impairment by non-governmental discrimination and impairment under color of State law.”

The National Environmental Policy Act of 1969, 42 U.S.C. 4321

Requires the consideration of alternatives, including the “no-build” alternative, consideration of social, environmental and economic impacts, public involvement, and use of a systematic interdisciplinary approach at each decision-making state of Federal-aid project development.

Title IX of the Education Amendments of 1972

Makes financial assistance available to institutions of higher education to: (1) strengthen, improve and, where necessary, expand the quality of graduate and professional programs leading to an advanced degree; (2) establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and (3) assist in strengthening undergraduate programs of instruction in certain instances.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C 790, provides:

“(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.” (PROHIBITS DISCRIMINATION BASED ON PHYSICAL AND MENTAL HANDICAP)

NONDISCRIMINATION EXECUTIVE ORDERS

E.O. 12250 - DOJ Leadership and Coordination of Nondiscrimination Laws

E.O. 12259 - HUD Leadership and Coordination of Federal Fair Housing Programs

E.O. 12292 - Amended E. O. 12259, in part and addressed leadership and coordination in Federal Fair Housing Programs. It affirmatively furthers fair housing in all Federal programs and activities relating to housing and urban development throughout the United States

E.O. 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations

E.O. 13160 - Nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs

E.O. 13166 - August 11, 2000 – requires Federal agencies and their recipients to improve access to federally sponsored programs for persons with limited English proficiency

E.O. 13175 - Consultation and Coordination with Indian Tribal Governments

NONDISCRIMINATION REGULATIONS

23 CFR Part 200 - FHWA's Title VI Program Implementation and Review Procedures

23 CFR Part 420.121(h) - the part of FHWA’s planning regulations that specify the applicability of Title VI of the 1964 Civil Rights Restoration Act of 1987 to FHWA funded planning and research activities

23 CFR Part 450 - FHWA’s and FTA’s Statewide and Metropolitan Planning Regulations

23 CFR Part 450.316(b) (2) and (3) - requires the metropolitan planning process to be consistent with Title VI of the 1964 Civil Rights Act and the recipient’s Title VI Assurances

23 CFR Part 633, Subpart A - specifies required contact provisions to be included in all Federal-aid construction contracts, including Title VI and other proscriptions included in Form FHWA 1273

23 CFR Part 633, Subpart B, Appendix A - specifies the types of contracts to which Title VI of the Civil Rights Act of 1964 applies

23 CFR Part 771.105(f) - FHWA Policy on Title VI – expands on 23 CFR 200.7 and names categories covered with wording similar to Title VI of the Civil Rights Act of 1964 – race, color, national origin, age, sex, and handicap

23 CFR Part 1235 - FHWA and National Highway Transportation Safety Association (NHTSA) joint regulation governing Uniform System for Parking for Persons with Disabilities

28 CFR Part 35 - The Department of Justice's (DOJ) regulations governing Nondiscrimination on the basis of disability in State and local government services

28 CFR Part 36 - DOJ regulations governing nondiscrimination on the basis of disability in public accommodations and commercial facilities

28 CFR Part 41 - requires the Department of Justice (DOJ) to coordinate the implementation of Section 504 of the Rehabilitation Act (Provides guidelines for determining discretionary practices).

28 CFR Part 42, Subpart C - DOJ's regulation implementing Title VI of the Civil Rights Act of 1964

28 CFR Part 42.00, Subpart D - "Nondiscrimination in Federally-assisted Programs – Implementation of Section 815 (c) (1) of the Justice System Improvement Act of 1979" – Also implements Executive Order 12138

28 CFR Part 50.3 - DOJ's Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964

49 CFR Part 21 - DOT's Implementing Regulations of Title VI of the Civil Rights Act of 1964

49 CFR Part 24 - DOT's regulation implementing the Uniform Relocation and Real Property Acquisition for Federal and federally assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders

49 CFR Part 25 - DOT's implementation of Title IX of the Education Amendments Act of 1972

49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in DOT Financial Assistance Programs

49 CFR Part 27 - DOT's regulation implementing Section 504 of the Rehabilitation Act of 1973 as amended

49 CFR Part 28 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation

49 CFR Part 37 - Transportation Services for Individuals with Disabilities, implementing the transportation and related provisions of Title II and III of the ADA

NONDISCRIMINATION DIRECTIVES AND GUIDANCE

DOT ORDER 1000.12 - Implementation of the DOT Title VI Program

DOT ORDER 1050.2 - Standard Title VI Assurances

DOT ORDER 5610.2 - USDOT Order on Environmental Justice

FHWA ORDER 4710.1 - Right-of-Way Title VI Review Program

FHWA ORDER 4710.2 - Civil Rights Compliance Reviews of Location Procedures

FHWA ORDER 4720.6 - Impacts of the Civil Rights Restoration Act of 1987 on FHWA Programs
September 2, 1992

Joint FHWA/FTA Memo dated October 7, 1999 (published in the Federal Register May 19, 2000) -
providing guidance on implementing Title VI in Metropolitan and Statewide Planning

DOT Policy Guidance Document dated December 14, 2005 - Policy Guidance Concerning Recipients'
Responsibilities to Limited English Proficient (LEP) persons – Federal Register Vol. 70 No. 239 (DOT's
initial LEP guidance regarding recipients' obligation was released on January 22, 2001)

DOT Policy Guidance Document dated October 26, 2001 - Memo re: E.O. 13166, Improving Access
to Services to Persons with Limited English Proficiency

DOJ Policy Guidance Document dated January 11, 2002 - Memo re: E.O. 13166, Improving Access
to Services to Persons with Limited English Proficiency

DOJ Policy Guidance Document dated April 18, 2002 - Guidance to Federal Financial Assistance
Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited
English Proficient Persons – Federal Register Vol. 67, No. 75

NONDISCRIMINATION MANUALS AND REPORTS

DOJ's Title VI Legal Manual (<http://www.usdoj.gov/crt/cor/cord/vimanual.pdf>). DOJ's Investigation
Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI
and Other Nondiscrimination Statutes (<http://www.usdoj.gov/crt/cor/Pubs/manuals/complain.pdf>)

Federal Title VI Enforcement to Federally-assisted Programs, June 1996 Report of the U.S.
Commission on Civil Rights

FILING OF COMPLAINTS

Persons Eligible to File

Any person who believes that he or she or any specific class of persons has been subjected to
discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex,
age, national origin, or disability may file a written complaint. The complaint may be filed by the
affected individual or a representative and must be reduced to writing.

Time of Filing and Contact

The affected person shall, within 180 days after the alleged discriminatory action, outline orally or in
writing the facts and circumstances surrounding the complaint and contact:

Alvin Q. Wilson, Title VI Coordinator
Kentucky Transportation Cabinet
Office for Civil Rights and Small Business Development
(OCRSBD)
200 Mero Street, Sixth Floor, West Wing
Frankfort, KY 40622
Phone: 800-928-3079 or 502/564-3601
Fax: 502/564-1491 or 502/564-2114
Email: Alvin.Wilson@ky.gov

A complaint must outline the following:

- The date of the alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or
- where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

After receipt of the complaint, the Title VI Coordinator shall acknowledge the receipt in writing to the complainant. The acknowledgement shall include notification that an investigation will be conducted within ten business days. A copy of the complaint and the acknowledgement will then be forwarded to the Federal Highway Administration (FHWA).

The Title VI Coordinator shall conduct a full investigation, when warranted, and furnish a preliminary written report, including recommendations for resolution to KYTC Secretary for a final determination.

KYTC Secretary shall notify the complainant of the final decision within ten business days of completion of the investigation and a copy of the decision will be forwarded to the FHWA.

KYTC Secretary shall further notify the complainant of his or her right to appeal the decision to the FHWA if the decision is not acceptable. Such appeal should be made in writing and forward to the Kentucky Division Federal Highway Administration, Office of Civil Rights, P. O. Box 536, Frankfort, KY 40601.

The entire procedure as outlined shall be completed within 90 days.

Records pertaining to complaints, inquiries and investigations will maintained by the Office of Civil Rights & Small Business Development (OCRSBD).

FORM OF COMPLAINTS

Complaints shall be in writing and signed by the person(s) or representative and include the complainant's name, address and telephone number. Allegations of discrimination received by fax or e-mail will be acknowledged and processed.

Allegations received by phone will be reduced to writing and provided to the complainant for confirmation or revision before processing.

Agencies Authorized to Receive Complaints

Complaints may be submitted to FHWA, KYTC, the United States Department of Transportation (USDOT), and the U.S. Department of Justice (USDOJ).

PROCESSING COMPLAINTS

Complaints filed with KYTC in which KYTC is named as the Respondent, shall be forwarded to FHWA, ATTN: HCR for processing.

Complaints received by HCR filed against Federal-aid sub recipients and contractors will be sent to KYTC for investigation.

Complaints filed with KYTC against its recipients shall be processed by KYTC in accordance with FHWA approved procedures as required pursuant to 23 CFR 200.

Complaints filed with a recipient shall be forwarded to KYTC within three (3) days of receipt.

RECIPIENTS

Complaints filed with a recipient shall be forwarded to KYTC, OCRSBD, Attn: Title VI Coordinator, for processing.

In special cases warranting intervention to ensure justice, the FHWA may assume jurisdiction and either complete or obtain services to review or investigate a matter. Materials already obtained by State investigators may be relied upon or supplemented or the matter may be reinvestigated.

In accordance with the regulations at 23 CFR 200.9(b)(3), a copy of the complaint, together with a copy of KYTC report of the investigation, shall be forwarded to the FHWA Division Office within 60 days of the date the complaint was received by KYTC. An extension of an additional 60 days may be granted by the FHWA for justifiable reasons. KYTC will forward the complaint, through the FHWA Division Office, to HCR for review and issuance.

RECEIPT AND ACCEPTANCE

When any element of KYTC receives an inquiry, comment, or complaint, which alleges or implies discrimination as addressed by Title VI of the Civil Rights Act of 1964 and its progeny, a copy will be forwarded immediately to the OCRSBD Executive Director and the FHWA Division Administrator. The original document will be forwarded to OCRSBD, which have responsibility for logging in the document and maintaining statistical data required concerning the matter.

The OCRSBD Executive Director and FHWA Division Administrator or his designee in the Civil Rights office will discuss the matter to determine whether or not it constitutes a Title VI complaint. If it is determined that the issues do not meet a Title VI complaint, the OCRSBD Executive Director will submit the appropriate response to HCR, thru the FHWA Division Office.

If it is determined that the issues constitute a Title VI complaint, the OCRSBD Executive Director or the Title VI Coordinator will determine responsibility and whether there is the need for additional information. KYTC or the FHWA Division Administrator or his designee may request additional information and/or clarification. KYTC shall maintain a log of complaints filed with and investigated by KYTC.

The OCRSBD Executive Director will respond in writing acknowledging receipt of complaint within 10 days from date of receipt. After reviewing the complaint, The OCRSBD Executive Director may recommend dismissal of a complaint for any of the following reasons:

1. The complaint is untimely filed;
2. The complaint does not allege a basis covered by the statutes for which KYTC is responsible;
3. The complaint does not allege any harm with regard to covered programs or statutes;
4. The complainant requests the withdrawal of the complaint;
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint;
6. The complainant cannot be located after reasonable attempts;
7. The complainant fails to accept a reasonable resolution. Reasonableness to be determined by the HCR;
8. The complainant has filed a legal action in Federal District Court with the same basis(es) and issue(s) involved in the complaint; and
9. The same complaint allegations have been filed with another Federal, State, or local agency.

Acceptance of a complaint will be determined by:

1. whether the complaint is timely filed;
2. whether the allegations involve a covered basis such as race, color, sex, age, national origin, disability, or retaliation; and
3. whether the allegations involve a program or activity of a Federal-aid recipient, sub recipient, or contractor. All complaints received by KYTC will be logged for tracking purposes.

WITHDRAWAL

The complainant may withdraw his or her complaint at any time after filing of complaint and prior to the issuance of determination or resolution by the KYTC. The complainant must submit withdrawal in writing to the Executive Director, Office for Civil Rights and Small Business Development (OCRSBD), 200 Mero Street, Sixth Floor West Wing, Frankfort, KY 40622.

APPEAL

If the complaint cannot be resolved by the KYTC to the satisfaction of the complainant, the complainant may appeal, in writing, to the Kentucky Federal Highway Administration Division, Office of Civil Rights, P. O. Box 536, Frankfort, KY 40601. Discrimination complaints may be filed with the FHWA, before, during or after the complaint has been filed with the KYTC.

This procedure does not deprive the complainant his or her right to file a complaint with:

- The U.S. Department of Transportation at: www.dot.gov
- The U.S. Department of Justice at: www.usdoj.gov
- Federal Highway Administration at: www.fhwa.dot.gov

FINAL AGENCY REPORTS

All Final Agency Decisions (FADs) and dismissals will be issued by the HCR. KYTC will forward, through the FHWA Division Office, the investigative report, investigative file, and a recommended decision to the Chief, Investigations and Adjudication.

The Department of Justice's Civil Rights Division takes the position that a Title VI finding of violation or no violation is a Federal decision that cannot be delegated. Although a State recipient can conduct a Title VI investigation of its sub recipients or contractors and make a recommended finding to the Federal decision-making authority, KYTC must submit its proposed dispositions to FHWA for a Final Agency Decision. The HCR may request that further investigation be undertaken if the record of evidence is incomplete.

VIII. COMPLIANCE/NONCOMPLIANCE REPORTING

Throughout the year the Title VI Coordinator periodically meets with various directors and division heads of KYTC to review the policies and procedures relative to Title VI. This may include, but not be 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/Divisions who receive federal funds continually capture program compliance, although oftentimes it is not documented as such. Self-surveys will periodically be 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 on-site reviews and assessments on an annual basis. In instances in which the on-site 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 Coordinator. Records of the self-survey and efforts expended to bring the agency into compliance will be maintained. These will include correspondence, resolution and corrective actions.

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

The Title VI Coordinator 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, recommended approach to correct the situation, and the time period for the response and corrective action. The Title VI Coordinator may conduct an interview to consult with the program head regarding the correct approach to remedy noncompliance.

IX. AGENCY TRAINING PLAN

In-service training programs for employees will continually apprise appropriate staff of their responsibility to render high quality services to all clients regardless of their race, color or national origin.

The KYTC will provide written notice to all current employees concerning the KYTC's commitment to assuring compliance with Title VI and include a Title VI module in its new employee orientation program.

During this reporting period the KYTC conducted several Title VI training sessions. Refer to "Accomplishment(s)" by the Division of Planning on Page 22, II., C.

Should additional training become available, the Title VI Coordinator will attend and disseminate the benefit of the training to pertinent KYTC staff, Title VI Liaisons and program office heads. Sub-recipients and beneficiaries (if any) shall be provided with explanatory materials and technical assistance as necessary to ensure their knowledge of, and compliance with, Title VI requirements.

X. EVALUATION PROCEDURES OF TITLE VI PLAN

Goals are established in relation to deficiencies found during reviews and to enhance Title VI program operations. Progress on the accomplishment of goals will be assessed during subsequent reviews.

The KYTC will measure its goals through the following activities. Where appropriate, the timeframe for achieving the goal is indicated.

- Utilize self-surveys, progress reports and on site program reviews of recipients and sub recipients to determine compliance with Title VI.
- Provide Title VI information to all current KYTC employees and incorporate Title VI information in new employee orientation training. (On-going)
- Maintain Title VI Implementation Plan, Plan Updates and progress reports on file. (On-going)
- Update and disseminate Title VI policies and procedures. (On-going)

Refer to "VIII. Compliance/Noncompliance Reporting" on Page 46 regarding describing corrective procedures.

XI. PUBLIC NOTICE AND OUTREACH

The KYTC will disseminate Title VI Program information to employees, contractors, sub recipients 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 other interests in the planning process and decisions of the KYTC.

The KYTC will discuss and/or distribute Title VI information using a variety of avenues including:

- policy statements
- inclusion of Title VI language in contracts
- new employee orientation
- federal EEO posters
- KYTC web site (<http://transportation.ky.gov/>) and intranet (available to all employees)
- standard procedures manual
- significant publications, e.g., newspapers, brochures and written literature
- mailings
- meetings open to the public
- events

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.

XII. RECORDKEEPING AND REPORTING

The Title VI Coordinator is responsible for the documentation and receipt of complaints. Each program area may receive and resolve complaints and forward that information to the Title VI Coordinator, who maintains a comprehensive listing.

Copies of all complaints, surveys, reports, retention records and Title VI Implementation Plan updates are kept on file by the Title VI Coordinator. Complaint forms will be available from the Title VI Coordinator.

Program areas are responsible for the collection and maintenance of beneficiary participation. Sub recipients attached to the KYTC and program areas with activities subject to Title VI compliance will complete and submit an annual self-survey, compliance status report and narrative update to the Title VI Coordinator forty-five (45) days before June 1 of each year. Any Title VI Implementation Plan updates required will also be forwarded to the Title VI Coordinator. The program area office heads shall submit Title VI complaint reports quarterly to KYTC's Title VI Coordinator.

The program area office heads and designated Title VI liaisons will collaborate with the Office of Civil Rights and Small Business Development (OCRSBD) to be trained in determining the required procedures in collecting data to be analyzed and reported.

Refer to "VIII. Compliance/Noncompliance Reporting" on Page 46 regarding updated changes.

XIII. MINORITY REPRESENTATION ON PLANNING AND/OR ADVISORY BOARDS

The KYTC recognizes its responsibility to abide by the provisions of Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Kentucky Civil Rights Act and any Executive Order issued by the Governor of the Commonwealth of Kentucky. Further, the KYTC affirms its commitment to the affirmative action plan for Kentucky state government as adopted by Executive Order.

As of December 31, 2011, the KYTC had 4,706 employees. Of that number 4,412 (93.75%) are Caucasian, 223 (4.73%) are African American, 11 (0.19%) are Hispanic, 19 (0.40%) are Asian, 6 (0.12%) are Indian, and 28 (0.59%) are unidentified.

Whenever a planning or advisory body, such as a board or a committee, is an integral part of the KYTC's program, the agency will take such steps as are necessary to ensure that minorities are notified of the existence of such bodies and are provided equal opportunity to participate as members. (See "Title VI Policy Statement" on Page 11.)

For KYTC committee composition see Appendix titled "Kentucky Transportation Committee/ Demographics" on Page 54.

In urbanized areas (population over 500,000) the Area Development District personnel coordinate community participation. This responsibility includes encouraging the formation of the Citizen Advisory Committee. The Citizen Advisory Committee is appointed by Policy. The Citizen Advisory Committees are encouraged to include minorities and work with minority organizations and civic groups. The Bluegrass ADD and KIPDA meet the population criteria and comply with this mandate.

Information concerning the committee membership demographics for and public meetings held by the MPOs and ADDs are available for review in the KYTC's Division of Planning and Office for Civil Rights and Small Business Development.

XIV. LIMITED ENGLISH PROFICIENCY (LEP)

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 Proficiency*, the KYTC will take reasonable steps to provide meaningful access to services for persons with LEP.

Goal(s)

- A. The KYTC will 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: (On-going)
 - Kentucky Relay Service – TDD/Voice Users
 - “I Speak” cards to identify languages
 - Written language service
 - Qualified Bilingual staff
 - Qualified interpreters
 - Community-based organizations/volunteers
- B. The KYTC will establish an LEP Committee whose mission will be to examine systems, procedures, methodologies, best practices and challenges facing the LEP Program in the KYTC.
- C. The KYTC’s Division of Planning will formulate training to be provided to ADDs, MPOs and HDO Planners. This training will be designed to assist the planners in researching, analyzing and applying the demographic data for their region and assist them in the development of public outreach programs/plans to address Limited English Proficiency (LEP), Title VI, and Environmental Justice (EJ) requirements. (Annually)

Accomplishment(s)

- A. Under the KYTC’s Human Service Transportation Delivery Program the Transit systems have provided assistance for LEP persons by disseminating information, such as posters and bus information, in other languages. They have also hired staff employees to interpret if needed.
- B. Transportation services for the Department for Medicaid Services, Department for the Blind, and the Department of Vocational Rehabilitation are now coordinated by the KYTC Office of Transportation Delivery.
- C. The KYTC’s Division of Right-of-Way and Utilities disseminated informational brochures pertaining to frequently asked questions and relocation in both English and Spanish. The Division also used an interpreter, provided through the UK Transportation Center, when needed.
- D. The Kentucky State Police Department provided KYTC with translated driver’s license study manuals in Spanish for dissemination to its clients.

XV. APPENDIX

The Appendix contains KYTC demographics, KYTC Federal Programs Coverages and Beneficiaries, Title VI brochure and the Title VI Survey Report.

KENTUCKY TRANSPORTATION CABINET

COMMITTEE	DEMOGRAPHICS
Audit Review Committee for Professional and Engineering Related Services	<ul style="list-style-type: none"> • 66.67% Caucasian female • 33.33% Caucasian male
Transportation Advisory Committee	<ul style="list-style-type: none"> • 80% Caucasian male • 20% Caucasian female
Awards Committee	<ul style="list-style-type: none"> • 100% Caucasian male
Cabinet Executive Committee	<ul style="list-style-type: none"> • 63.15% Caucasian male • 31.57% Caucasian female • 5.26% African American female
Consultant Prequalification Committee	<ul style="list-style-type: none"> • 80% Caucasian male • 20% Caucasian female
Consultant Selection Committee	<ul style="list-style-type: none"> • 87% Caucasian male • 8.0% Caucasian female • 1.0% African American male • 4.0% Other
Disadvantaged Business Enterprise (DBE) Certification Committee	<ul style="list-style-type: none"> • 100% Caucasian male

DISTRICT OFFICE PROPERTY LOSS CONTROL COMMITTEE

District 1	<ul style="list-style-type: none"> • 50% Caucasian male • 50% Caucasian female
District 2	<ul style="list-style-type: none"> • 66.67% Caucasian male • 33.33% Caucasian female
District 3	<ul style="list-style-type: none"> • 28.57% Caucasian female • 71.43% Caucasian male
District 4	<ul style="list-style-type: none"> • 50% Caucasian male • 50% Caucasian female
District 5	<ul style="list-style-type: none"> • 66.66% Caucasian male • 22.22% Caucasian female • 11.11% Other male

District 6	<ul style="list-style-type: none">• 80% Caucasian female• 20% Caucasian male
District 7	<ul style="list-style-type: none">• 100% Caucasian male
District 8	<ul style="list-style-type: none">• 71.4% Caucasian male• 28.5% Caucasian female
District 9	<ul style="list-style-type: none">• 85.71% Caucasian male• 14.28% Caucasian female
District 10	<ul style="list-style-type: none">• 62.5% Caucasian male• 37.5% Caucasian female
District 11	<ul style="list-style-type: none">• 100% Caucasian male
District 12	<ul style="list-style-type: none">• 62.5 % Caucasian male• 37.5 Caucasian female

COMMITTEE	DEMOGRAPHICS
Employee Suggestion System Evaluation Committee	<ul style="list-style-type: none"> • 50% Caucasian female • 50% Caucasian male
Equipment Committee	<ul style="list-style-type: none"> • 75% Caucasian male • 25% Caucasian female
Appraisal Prequalification Committee	<ul style="list-style-type: none"> • 100% Caucasian male
Appraisal Selection Committee	<ul style="list-style-type: none"> • 100% Caucasian male
External Audit Review Committee for Railroad Utilities or Engineering Contractors	<ul style="list-style-type: none"> • 66.67% Caucasian male • 33.33% Caucasian female
Good Faith Committee	<ul style="list-style-type: none"> • 75% Caucasian male • 25% African American male
Internal Audit Committee	<ul style="list-style-type: none"> • 80% Caucasian male • 20% Caucasian female
New Product Review Committee	No information provided during this reporting period.
Prequalification Committee for Construction	<ul style="list-style-type: none"> • 100% Caucasian male
Research Management Committee	<ul style="list-style-type: none"> • 60% Caucasian male • 40% Caucasian female
Transportation and Tourism Interagency Committee	<ul style="list-style-type: none"> • 50% Caucasian male • 33.33% Caucasian female • 16.67% African American male
Governor's Executive Committee on Highway Safety	<ul style="list-style-type: none"> • 76% Caucasian male • 20% Caucasian female • 4.0% Hispanic male

**KENTUCKY TRANSPORTATION CABINET, FEDERAL PROGRAMS,
COVERAGES AND BENEFICIARIES**

Fiscal Year 2012 (July 1, 2011 through June 30, 2012)

CFDA Number	Federal Program Name	Federal Grantor Name	Grant Name	Type of Assistance	Delivery	Coverage	Potential Beneficiary (ies)
20.205	Highway Planning and Construction	U.S. Department of Transportation	Planning and Research	Financial	Personnel, equipment, travel, and contracts	Statewide	All citizens of the Commonwealth
			Highway Construction				
			Test and Eval of Rebars				
			Priority Tech Program				
			Garvee Bonds				
			Trans Operations Cntr				
20.605	Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons	U.S. Department of Transportation	Drive Smart KY	Financial	Personnel, equipment, training, public service announcements, ADD districts, AAADIP program, Child Passenger Safety, Education, Travel, Conferences and Vehicles	Statewide	All citizens of the Commonwealth
20.513	Capital Assistance Program for Elderly Persons and Persons with Disabilities	U.S. Department of Transportation	Capital Assistance Program	Capital	Purchase equipment/provide transportation to elderly and disabled populations	Urban and Rural Areas	Statewide transit agencies/elderly and disabled populations
20.106	Airport Improvement Program	U.S. Department of Transportation	5010 Airport Inspections	Financial	Personnel, equipment, travel, and contracts	Statewide	All citizens of the Commonwealth
			GPS Study Grant				
20.218	National Motor Carrier Safety	U.S. Department of Transportation	Perform Reg Info Sys	Financial	Personnel, equipment, travel, and contracts	Statewide	All citizens of the Commonwealth
			Intelligent Trans System				
			Comm Veh Info Sys Net				
			DVR ITS/CVO Study				
			CDL				

CFDA Number	Federal Program Name	Federal Grantor Name	Grant Name	Type of Assistance	Delivery	Coverage	Potential Beneficiary (ies)
20.500	Federal Transit-Capital Investment Grants	U.S. Department of Transportation	Federal Transit Administration	Capital	purchase of bus equipment/ construction of transit facilities	Statewide	All citizens of the Commonwealth
20.505	Federal Transit Metropolitan Planning Grants	U.S. Department of Transportation	Technical Studies	Technical and Planning	Work plans; studies	Metropolitan Areas	MPOs/Urban Transit Agencies
20.507	Federal Transit - Formula Grants	U.S. Department of Transportation	Capital Assistance Program	Capital	Purchase equipment; provide public transit	Urban Areas	Urban transit agencies; general public
20.509	Formula Grants for Other than Urbanized Areas	U.S. Department of Transportation	Non-Urbanized Public Grant	Operating Capital/Training	Operational cost; purchase	Rural Areas	Rural transit agencies; general public
20.601	Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants	U.S. Department of Transportation	KY Highway Safety Management Program	Financial	Personnel, equipment, travel, and contracts	Statewide	All citizens of the Commonwealth
97.089	Real ID Program	Department of Homeland Security	Real ID Pilot Program	Financial	Personnel, equipment, travel, and contracts	Statewide	All citizens of the Commonwealth
97.077	Domestic Nuclear Detection - Southeast Transportation Corridor Pilot Program	Department of Homeland Security	DNDO	Financial	Personnel, equipment, travel, and contracts	Statewide	All citizens of the Commonwealth
10.614	NHTSA	American Association of Motor Vehicle Administrators	Motor Vehicle Licensing Drivers License	Financial	Personnel, equipment, travel, and contracts	Statewide	All citizens of the Commonwealth

DID YOU KNOW?...

As a recipient of federal funds received from the United States Department of Transportation (USDOT), including the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet (KYTC) is committed to ensure and enforce nondiscrimination in its programs, services, and activities, and to promote and engage the participation of all people regardless of race, color, national origin, sex, age, disability and socioeconomic status.

The KYTC conducts Title VI reviews of cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds.

Specific program activities which require review by the KYTC are: Planning, design, project development, contract negotiation, relocation assistance, appraisal, demolition, grave removal, research programs, transportation improvement programs and projects, education and training, public involvement process, right-of-way



including preparation for title work, construction, including bid process and award.

TITLE VI ENVIRONMENTAL JUSTICE (EJ)

"Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate,

disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994

EJ applies to all transportation decisions. The KYTC actively identifies and addresses the effects of all its programs, policies, and activities on "minority populations and low-income populations."

The KYTC makes every attempt to consider the needs of minority and low-income populations when beginning a planning process for a transportation project, so that adverse environmental effects do not occur. Adverse effects include, but are not limited to:

1. Destruction or disruption of community cohesion or a community's economic vitality.
2. Destruction or disruption of the availability of public and private facilities and services.
3. Displacement of persons, businesses, farms, or nonprofit organizations.
4. Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.
5. The denial of, reduction in, or significant delay in the receipt of benefits of KYTC programs, services or activities.

LIMITED ENGLISH PROFICIENCY (LEP)

Title VI regulations and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" requires KYTC to examine the services it provides and take reasonable steps to ensure that LEP persons have meaningful

access to important federally conducted programs, services, activities and benefits.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

These individuals may be entitled to language assistance services with respect to a particular type of service or benefit.

PROHIBITED DISCRIMINATORY ACTS

Under Title VI a recipient of Federal financial assistance may not, based on race, color or national origin:

- Deny services, financial aid or other benefits provided as a part of programs, services or activities.
- Provide a different service, financial aid or other benefit, or provide them in a different manner from those provided to others under the program.
- Segregate or separately treat individuals in any matter related to the receipt of any service, financial aid or other benefit....

HOW CAN I FILE A COMPLAINT WITH KYTC?

Any person or group protected by Title VI who believes they have been discriminated against may file a signed written complaint with the KYTC within 180 days of the date of the alleged discrimination.

For information on how to file a complaint of discrimination, or to obtain information of a civil rights nature, contact:

Alvin Q. Wilson, Title VI Coordinator
Office of Civil Rights and Small Business Development (OCR-SBD)
200 Mero Street, Sixth Floor West
Frankfort, KY 40622
Phone: 502.564.3601 or 800.928.3079
Fax(es): 502.564.2114 or 502.564.1491
Email: Alvin.Wilson@ky.gov
Kentucky Relay Service:
TDD users: 1.800.648.6056
Voice users: 1.800.648.6057

A signed written complaint should include:

- Your name, address, telephone number and signature.
- The name and address of the program or department you believe discriminated against you.
- How, why, and when you believe you were discriminated against, and the names of those involved, if known. Include as much background information as possible about the alleged act(s) of discrimination.
- The names of any persons that the Coordinator can contact for additional information to support or clarify your allegations.

explore
<http://transportation.ky.gov/OBOD/>

ADDITIONAL CONTACT INFORMATION

Federal Highway Administration (FHWA)
Office of Human Environment
400 Seventh Street, SW, HEPH-40
Washington, DC 20590
Phone: 202.366.0106
<http://www.fhwa.dot.gov/environment/index.htm>

Federal Transit Administration (FTA)
Office of Planning
400 Seventh Street, SW, TPL-10
Washington, DC 20590
Phone: 202.366.6385
<http://www.fta.dot.gov/about/offices/hq/>

OTHER NONDISCRIMINATION AUTHORITIES

- ✓ 49 Code of Federal Regulations (CFR) 21
- ✓ 42 United States Code (USC) 4601 to 4655
- ✓ Title VIII of the Civil Rights Act of 1968, amended 1974
- ✓ 23 USC 109(h)
- ✓ 23 USC 324
- ✓ Federal-Aid Highway Transportation Act
- ✓ 23 CFR 200
- ✓ Executive Order (E.O.) 12250



TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

“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 otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance.”

42 United States Code (USC) 2001



For information on resources, publications, and KYTC contracts,

Kentucky Transportation Cabinet Title VI Survey Report for Metropolitan Planning Organizations (MPO) & Area Development Districts (ADD)

Name: _____
Title: _____
Entity: _____
Date: _____

Organization, Staffing, & Training

1. Does your organization have an Equal Employment Opportunity/Affirmative Action (EEO/AAP) Plan? Please Circle Yes No
If yes, please attach a copy of the plan.
2. Who has been designated as the Title VI Coordinator? What are their roles and responsibilities?

3. Describe your organization's staffing structure including the name, ethnicity, gender, title, and description of each employee. Provide an organizational chart. Note any changes anticipated for the upcoming year.

4. Has your staff received formal or informal training regarding Title VI of the Civil Rights Act of 1964 and/or Environmental Justice Executive Orders in the past 12 months? If Yes, please indicate names and date of courses attended.

5. Provide a copy of your Title VI complaints procedure. How is your community and stakeholders made aware of this process? Include a copy of your agency's Title VI brochures/handouts distributed to the public.

Complaints

1. What are your organizational procedures for processing and responding to complaints and concerns from the public?

Limited English Proficiency (LEP)

1. Are public meeting announcements made available in languages other than English, according to the affected minority population(s)? If yes, please list.

2. Are accommodations for translation services or special needs included in notices to the public? If yes, please discuss.

3. Has your organization received any request for information in an alternative format such as Braille, Audio, or non-English? If yes, please discuss.

4. Are limited English proficient persons made aware that they can receive translation services at no cost to them? If yes, identify how.

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

Public Involvement

1. Does your company include minority media in all notification processes for public meetings or public review of agency documents? If yes, identify the media resources used by name.

2. Are accessible locations (geographically and structurally), appropriate time, and translation services being planned/provided during public hearings?

Please Circle Yes No

3. The number of public meetings/hearings held during the reporting period.

4. What statistics are kept on public hearings participation by race, religion, color, national origin, and sex (by visual identification)?

5. Describe how community value issues, social issues, neighborhood issues, environmental justice and civil rights issues are normally addressed by your organization.

6. Where are public meetings held? Are the meetings locations, times, day of week, and atmosphere conducive for public involvement (was consideration given to accessibility for persons with disabilities, not using religious facilities or funeral homes, schedule around traditional 9am – 5pm work hours)?

7. Are persons traditionally underrepresented by transportation systems, such as low income or minority, actively sought out for involvement in processes?

8. Are contacts with minority groups or leaders used to identify information needs and planning/programming issues or concerns? If yes, identify those individuals contacted during the reporting period.

Americans with Disabilities Act

1. Are facilities and meetings areas fully accessible to the disabled?

2. Does your organization have a telecommunication device; teletypewriter (TTY or does your organization promote the use of the Kentucky Relay Service) for communicating with individuals with impaired speech or hearing? If yes, fill in which device or service is used.

3. Is the TTY number posted on materials such as newsletters, websites, or other published materials?

Subcontracts/Procurement of Contracts

1. How are the Request for Proposals (RFP) solicited? What are the requirements for submitting RFP's?

2. What kind of participation do DBE firms have in the RFP process? Are there goals or are goals included? Do you meet them?

3. How many federally funded projects did you manage during the last fiscal year? Provide dollar amount for each one of them. How much of that money went to consultant contracts? DBE's?

4. How does the planning organization monitor consultant's adherence with Title VI requirements?

5. How does the planning organization promote the participation of qualified minority/women consultants?

6. Please discuss any problems, complaints, or concerns by minority and female consultants.

7. Did your organization award any subcontracts to assist with a KYTC contract during the reporting period? If yes, identify the following:

- Total dollar amount of contract awarded:
- Total dollar amount awarded to DBE firms:

Environmental Justice

1. Do you have procedures for the identification of environmental impacts? How do you approach environmental issues in minority/disadvantaged communities? Explain.

2. Identify and discuss any environmental justice issues that arose during the reporting period.

3. Does your organization order or conduct Environmental Impact Studies? If yes, provide a list of studies and locations completed in the last year.

Other/Service Equity

1. Has your organization been reviewed by any governmental agencies for compliance with Title VI and other laws and regulations? If yes provide a copy of the letter identifying the review findings?

2. Identify all individuals by name and title that are anticipated to attend a Title VI compliance review.

3. Discuss examples of planning related tools/methodology or programs sensitive to Title VI, Environmental Justice, and/or Americans with Disabilities Act adherence (a special, or unique effort and/or involvement where a protected class receives benefits).

- Handicap ridership/transit needs
- Impacts of reverse commute on protected groups
- Welfare to work initiatives
- Inter-city vs. suburban development impacts