

**TITLE VI PROGRAM PLAN**  
**Purchase Area Development District**

**July 1, 2023 – June 30, 2024**

**Jeremy Buchanan, Executive Director**  
**Christy Henley, Human Resources Manager & Title VI Coordinator**

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## I. GLOSSARY/DEFINITIONS

**Area Development Districts (ADD):** focus on developing and sustaining the fundamental building blocks for state, regions and local communities in today's rapidly changing global marketplace. Including but not limited to traditional emphasis on strategic planning and project funding for clean and safe drinking water systems, health care facilities, affordable housing, small business development and transportation improvements.

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

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

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

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

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

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

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

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

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

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

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

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

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

***Executive Directors:*** The PADD Executive Director is responsible for Title VI activities in accordance with KYTC policies and directives as well as state/federal statute/law and state/federal administrative regulations and have the authority to appoint Title VI Designee(s) for the PADD.

***Federal Assistance:***

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

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

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

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

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

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

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

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

***Metropolitan Planning Organization or MPO:*** policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all Urbanized Areas (UZA) of populations over 50,000, as determined by the US Census. MPOs are designated by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law. When submitting the transportation improvement program (described below), to the State for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.

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

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

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

***Non-minority or non-minority group people:*** Caucasians

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

***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-recipient’s contracts for carrying out a program.

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

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

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

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

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

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

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

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

**Title VI Officer, Coordinator or Liaison:** refers to the responsible ADD official in matters relating to Title VI. The Title VI Officer, Coordinator or Liaison reports to and assists the Executive Director of the ADD in carrying out the required Title VI responsibilities.

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

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

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

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

## 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 make the provisions of Section 2000d of this title.

The PADD Board of Directors is the governing body of Purchase Area Development District. As a recipient of federal funds through grant program(s), the PADD is subject to Title VI of the Civil Rights Act of 1964. The PADD works to ensure that nondiscriminatory services are offered throughout the region thereby enhancing both the quality of life and the economic vitality.

### Non-Discrimination Authorities

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



## Purchase Area Development District

1002 Medical Drive  
P.O. Box 588  
Mayfield, Kentucky 42066-0588  
(270) 247-7171  
Fax: (270) 251-6110  
Purchase.ADD@PurchaseADD.org

### **Purchase Area Development District**

### **TITLE VI “STATEMENT OF POLICY”**

The Purchase Area Development District (PADD) is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities – delivery of equitable and accessible transportation services. PADD recognizes its responsibilities to the communities in which it operates and to the society it serves. It is PADD’s policy to utilize to its best efforts to assure their “Statement of Policy” is accomplished.

#### **Statement of Policy:**

PADD as a federal grant recipient, is required by the Federal Transit Administration (FTA) to conform to Title VI of the Civil Rights Act of 1964 and its amendments. Section 601 of Title VI of the Civil Rights Act of 1964 requires that “No person in the United States, on the grounds 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.” Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency.

PADD is committed to enforcing the provisions of Title VI and protecting the rights and opportunities of all persons associated with the agency. PADD’s commitment includes following all applicable laws and regulations that affect the Region and those organizations, both public and private, which participate and benefit through our programs.

PADD will take positive and realistic affirmative steps to ensure that all persons and/or firms wishing to participate in its programs are given an equal and equitable chance to participate.

PADD’s sub-recipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services.

PADD is responsible for providing leadership, direction and policy to ensure compliance with Title VI of the 1964 Civil Rights Act in respect to its transit services. Any person(s) who feels that they

have been discriminated against is encouraged to report such violations in writing to the local transit authority's office:

**PADD's objective is to:**

- A. Encourage local transit agencies to provide that the level and quality of public transportation service is provided in a nondiscriminatory manner;
- B. Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;
- C. Make efforts to provide meaningful access to programs and activities by persons with limited English proficiency;
- D. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- E. Work to prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations and to notify beneficiaries of protections available under Title VI;
- F. Adhere to the Title VI reporting requirements of the Federal Transit Administration through the annual Certification and Assurance module in TEAM and provide written Title VI policy documentation every three years as required in as required in FTA circular 4702.1A;
- G. Provide public notification of Title VI protections in all public places where PADD conducts business or operations.

The responsibility for carrying out PADD's commitment to this program has been delegated to Christy Henley, a Title VI Compliance Officer who will receive and investigate Title VI complaints which come through the complaint procedure. However, all managers, supervisors and employees share in the responsibility for making PADD's Title VI Program a success. Additional information concerning PADD's obligations and the complaint procedure can be found on the PADD's web site [www.purchaseadd.org](http://www.purchaseadd.org) or by calling 270-247-7171.



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### Purchase Area Development District

#### Title VI Policy Statement

It is the policy of the Purchase Area Development District (PADD) 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. Government.

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 Reauthorization & Reform Act of 2015, the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle and Safety Act of 1966, leases of real property and the grant of permits, licenses, easements and rights of way covering real property, Urban Mass Transportation Research Programs, and other grants for the support of basic scientific research.

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

Signed and approved this 22<sup>nd</sup> day of April 2024.

  
\_\_\_\_\_  
Jeremy Buchanan  
Executive Director

### **III. GENERAL REPORTING**

#### **TITLE VI NOTICE TO THE PUBLIC**

See next page for the notice that is posted in all PADD administrative reception areas and transfer centers. The text is printed on all route and schedule guides and is stated on the PADD website.



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### **Notifying the Public of Rights Under Title VI**

### **Purchase Area Development District (PADD)**

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

To request or receive additional information on PADD's civil rights program and the procedures and/or to file a complaint, please contact the person listed below:

Christy Henley, Title VI Coordinator  
Purchase Area Development District  
P.O. Box 588, 1002 Medical Drive  
Mayfield, Kentucky 42066

Telephone: 270-247-7171 TTY 800-648-6057  
Email Address: [christy.henley@purchaseadd.org](mailto:christy.henley@purchaseadd.org)

Visit website: [www.purchaseadd.org](http://www.purchaseadd.org)

To file a discrimination complaint, the written complaint must be filed to the address above within 180 days of the alleged discrimination. Written complaints may also be filed with the U.S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA. **Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE Washington, DC 20590. Written complaints may also be filed with the KYTC Office of Transportation Delivery Project Manager or Title VI Coordinator, Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, KY 40622.** To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address.

If information is needed in another language, contact PADD at 270-247-7171.



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### Notificación al público de los derechos bajo el Título VI

#### Purchase Area Development District (PADD)

PADD opera sus programas sin tener en cuenta la raza, el color y origen nacional de acuerdo con el Título VI de la Ley de Derechos Civiles. Cualquier persona que crea que ella o él ha sido agraviada por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja ante PADD.

Para más información sobre el programa de derechos civiles de PADD y los procedimientos para presentar una queja, comuníquese con el PADD a:

Christy Henley, Coordinador Título VI  
Distrito de desarrollo del área de compra  
Correos Caja 588, 1002 Medical Drive  
Mayfield, Kentucky 42066

Teléfono: 270-247-7171 TTY 800-648-6057  
Dirección de correo electrónico: [christy.henley@purchaseadd.org](mailto:christy.henley@purchaseadd.org)

Visite el sitio web: [www.purchaseadd.org](http://www.purchaseadd.org)

Para presentar una queja por discriminación, la queja por escrito debe presentarse a la dirección antes mencionada dentro de los 180 días de la supuesta discriminación. Las quejas por escrito también se pueden presentar ante el Departamento de Transporte de los EE. UU. / Administración Federal de Tránsito (FTA) a más tardar 180 días después de la fecha de la supuesta discriminación, a menos que el FTA prorrogue el plazo de presentación. **Atención: Coordinador del Programa Título VI, Edificio Este, 5to Piso-TCR, 1200 New Jersey Ave., SE Washington, DC 20590. También se pueden presentar quejas por escrito ante el Gerente del Proyecto de Entrega de la Oficina de Transporte de KYTC o Coordinador del Título VI, Gabinete de Transporte de Kentucky, 200 Mero Street, Frankfort, KY 40622.** Para dar cabida a personas con conocimientos limitados de inglés, las quejas orales que deben documentarse y / o traducirse también pueden presentarse en la dirección anterior.

Si necesita información en otro idioma, comuníquese con PADD al 270-247-7171.

## **Title VI Program Coordinator or Liaison**

Jeremy Buchanan, Executive Director, has overall responsibility for implementation, compliance and reporting with respect to Title VI. Inquiries related to these activities should be directed to:

Executive Director  
Jeremy Buchanan  
P.O. Box 588  
Mayfield, KY 42066  
(270) 247-7171  
(270) 251-6110

[jeremy.buchanan@purchaseadd.org](mailto:jeremy.buchanan@purchaseadd.org)

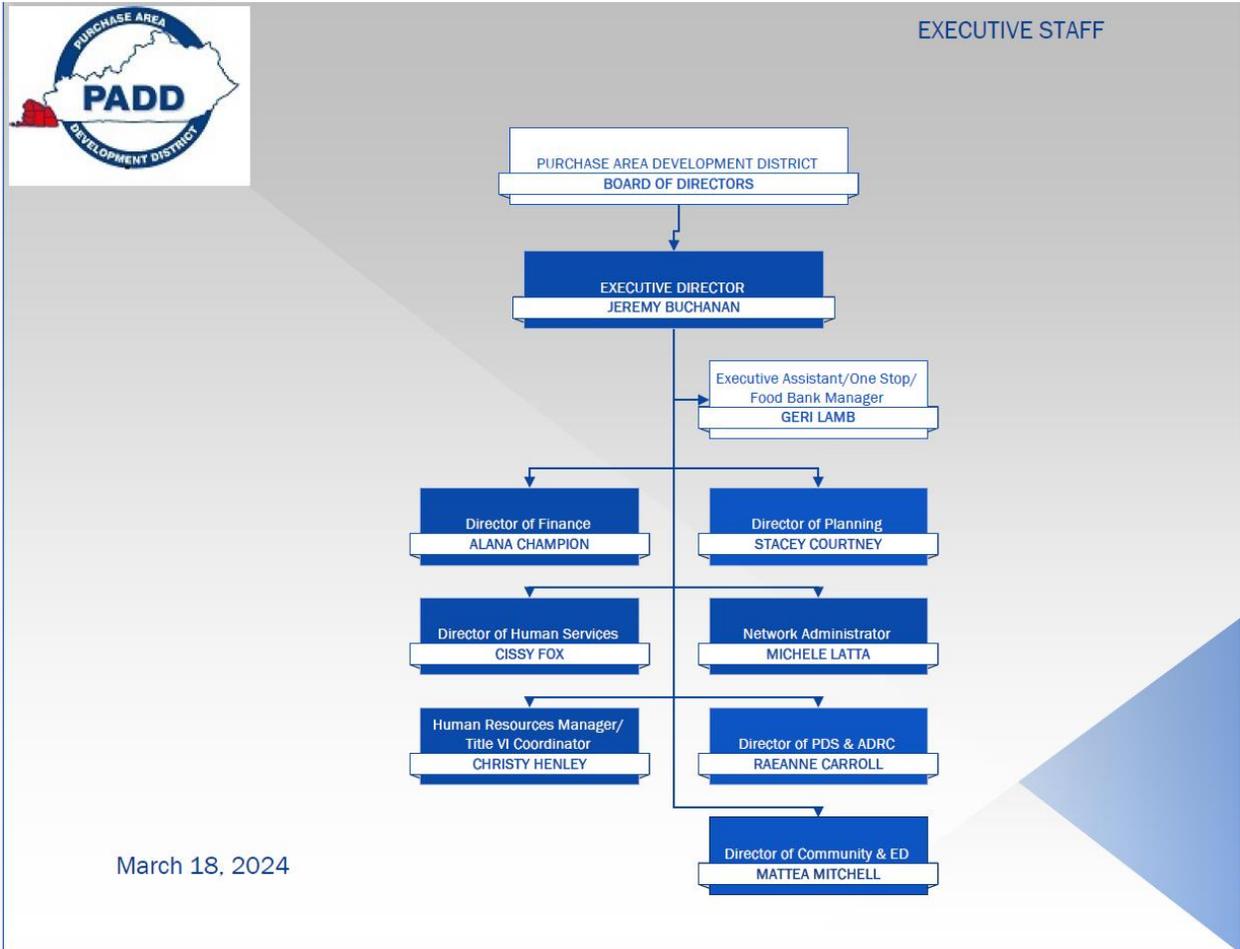
Title VI Coordinator  
Christy Henley  
P.O. Box 588  
Mayfield, KY 42066  
(270) 247-7171  
(270) 251-6110

[christy.henley@purchaseadd.org](mailto:christy.henley@purchaseadd.org)

Christy Henley is designated as the Title VI Coordinator and is responsible for the oversight and coordination of PADD's compliance with Title VI and all related statutes, regulations and directives. The Title VI Coordinator has direct access to the PADD's Executive Director. General responsibilities of the Title VI Coordinator include but are not limited to the following:

- Coordinating Title VI program development with Metropolitan Planning Organizations (MPOs), Local Public Agencies (LPAs) and PADD managers and staff
- Establishing procedures for processing Title VI program reviews and/or sub-recipient/contractor reviews
- Coordinating training Title VI training for PADD staff, sub-recipients/contractors and stakeholders
- Preparing required reports
- Providing guidance and advice on the Title VI Program to PADD staff
- Annually updating PADD's Title VI Program Plan

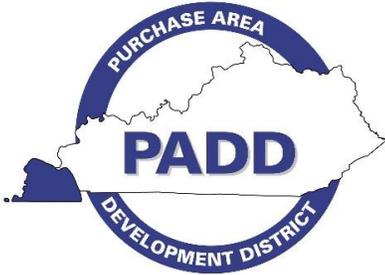
# PURCHASE AREA DEVELOPMENT DISTRICT TITLE VI ORG CHART



The summary of race and national origin for Purchase Area Development District employees is as follows:

RACE/NATIONAL ORGIN	NUMBER	PERCENTAGE
White Females	43	65%
White Males	16	23%
African American Females	5	8%
African American Males	-	-
Hispanic Females	1	2%
Hispanic Males	-	-
Other Females	1	2%-
Other Males	-	-
<b>Total</b>	<b>66</b>	<b>100%</b>

## IV. STATEMENT OF ASSURANCES



### Purchase Area Development District

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#### STANDARD TITLE VI ASSURANCE

##### Purchase Area Development District

The Purchase Area Development District, (hereinafter referred to as the “Subrecipient”) 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, 78Stat. 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, 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 give assurance that it will promptly take any necessary measures to effectuate the 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 specifies assurances with respects 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 21.23I of the Regulations and 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 of the Regulations made in connection with the Federal-aid Highway Program and, in an adapted form in all proposals for negotiated agreements.

### Construction Proposals

The Purchase Area Development District, 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 Purchase Area Development District and the Department of Highways, relative to nondiscrimination in Federally Assisted Programs of the PADD, 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 the 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 Recipients 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 of 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 benefit; 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, obtaining 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 22<sup>nd</sup> day of April 2024.

  
\_\_\_\_\_  
Jeremy Buchanan  
Executive Director

## V. PROGRAM REVIEW PROCEDURES

Each division within PADD and all its departments and program areas are responsible for the following under Title VI:

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

### Special Emphasis Program Areas

The PADD does not currently have any “Special Emphasis Program Areas.” Based on the information collected through program review procedures, the Title VI Coordinator will determine whether a program area will be identified as a “Special Emphasis Program Area.” If a “Special Emphasis Program Area” is identified, a plan will be drafted on how best to remedy the trend or pattern of discrimination. The Title VI Coordinator will notify the Executive Director of the PADD, who will ensure that the program area complies with the remediation plan.

### Sub-Recipient Review Procedures

Each sub-recipient of federal funds under grants administered by the PADD shall have a Title VI plan which shall be available for review by PADD staff. The PADD shall periodically review all programs funded through federal assistance for those sub-recipients who have been found by the PADD to be in non-compliance with Title VI. Reviews will use a desk audit, self-survey, and/or onsite inspections. Employees or grant sub-recipients who refuse to voluntarily comply with Title VI or to take corrective actions required by the PADD shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the contractual relationship with the PADD. Any trends, patterns of discrimination, or complaints filed against a sub-recipient will automatically trigger the review process.

## **VI. PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI**

- A. U.S. Housing and Urban Development's Community Development Block Grant (CDBG), U.S. Federal Highway Administration funding, U.S. Department of Labor's Workforce Innovation and Opportunity Act (WIOA), funding and U.S. Health and Human Services, Administration for Community Living programs. Funds are designated for the following program areas:

- Housing
- Community Projects
- Public Services
- Public Facilities
- Economic Development
- Community Emergency Relief Fund
- U.S. Department of Labor WIOA
- Transportation
- Aging

The U.S. Department of Housing and Urban Development (HUD) funded Community Development Block Grant (CDBG) program for DLG, Federal Highway Administration, Department of Labor, WIOA, and Health and Human Services, Administration for Community Living to provide assistance to communities for use in revitalizing neighborhoods, expanding affordable housing and economic opportunities, providing infrastructure and/or improving community facilities, providing workforce development to the Purchase region, and the provision of services for our Senior Citizens.

- B. The Land and Water Conservation Fund (LWCF) provides federal grant funds to protect important natural areas, to acquire land for outdoor recreation and to development or renovate public outdoor recreation facilities such as campgrounds, picnic areas, sports & playfields, swimming facilities, boating facilities, fishing facilities, trail, natural areas and passive parks.

Potential Beneficiaries: Cities and counties, state and federal agencies are eligible to apply for funding. The maximum grant amount is \$250,000. The minimum amount is \$12,500. It is a 50% matching reimbursement program.

- C. The Recreational Trails Program provides grant funds to develop and renovate recreation trails for both motorized and non-motorized use. It does not fund equipment such as mowers and gators.

Potential Beneficiaries: Eligible applicants are city and county governments, state and federal agencies, and non-profit organizations.

- D. The ARC is a federal-state economic development program. To assist in the economic development of Appalachia through a diversity of projects in the areas of public infrastructure (water, sewer, solid waste, housing, and telecommunications), human resource development (education/workforce development, affordable/accessible healthcare, and leadership development) and business/entrepreneurial development.

Potential Beneficiaries Local governments, special districts, and non-profit entities that include Kentucky's 51 most eastern and south-central Counties are eligible to apply for the grant dollars. Thirty-two "distressed" counties also have access to a separate restricted allocation of funds.

- E. The National Forest Receipt-Sharing Payments program provides "pass-through" funds to counties. The State Local Finance Officer receives notice of wire transfer from the US Department of Agriculture Forest Service for funds to be distributed annually to various counties.

Potential Beneficiaries: Counties.

The Flood Control Receipts program provides "pass-through" funds to counties. The State Local Finance Officer receives a check annually from the US Army Corps of Engineers. The check is deposited with the KY State Treasurer, authorization for payment to Counties is processed and checks are then prepared to send this money to the Counties in accordance with the statement from the federal government which was enclosed with the check.

Potential Beneficiaries: Counties.

The Kentucky Infrastructure Authority administers two federal grant programs from the Environmental Protection Agency:

1. Capitalization Grants for Clean Water State Revolving Funds provides assistance for: (1) construction of publicly owned wastewater treatment works; and (2) nonpoint source management activities. Funds are loaned to local government entities.
2. Capitalization Grants for Drinking Water State Revolving Funds provides assistance for infrastructure improvement projects that are needed to achieve or maintain compliance with Safe Drinking Water Act requirements, protect public health, and assist systems with economic need. Funds are loaned to local government entities.

## **VII. COMPLIANCE**

- A. The PADD shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance.
- B. Upon a finding by the PADD of noncompliance, PADD shall take the following actions with regard to:

### 1. Processing

The compliance officer shall immediately notify the Responsible Official in writing of the violations held to constitute noncompliance with Title VI and of the steps necessary to correct these violations.

### 2. Reporting

The compliance officer shall notify the sub-recipient or employee found to be in noncompliance, in writing within 30 days of the compliance officer's report of noncompliance, of the violations and corrective measures necessary to remedy the violations.

### 3. Resolution

The PADD shall attempt to secure voluntary compliance with Title VI. In the event that efforts to secure voluntary compliance are not secured within a reasonable period of time, the compliance officer will notify the Responsible Official, in writing, of the recommended corrective action.

### 4. Enforcement of corrective actions

The Responsible Official shall implement corrective actions within thirty (30) days of receipt and acceptance of the notification of recommended corrective action.

Employees or grant sub-recipients who refuse to voluntarily comply with Title VI or to take corrective actions required by the PADD shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the contractual relationship with PADD.

### 5. Monitoring of programs

The PADD shall undertake to periodically monitor all programs funded through federal assistance for those sub-recipients who have been found by the PADD to be in non-compliance with Title VI.

## **VIII. ENVIRONMENTAL JUSTICE (EJ)**

Executive Order (E.O. 12898) was issued to focus federal attention on the environmental and human health conditions in minority and low-income communities to promote non-discrimination in federal programs substantially affecting human health and the environment and to provide minority and low-income communities access to public information on and an opportunity for public participation in matters relating to human health or the environment. The PADD will utilize the US Census Bureau data, the American Community survey data, and the following checklist to identify targeted populations:

- Make a list of potential demographic groups to consider for the region or start with the required EJ populations defined by the Executive Order and supportive guidance
- Consider groups that are underrepresented in typical public involvement and transportation decision making processes, have limited access to the full benefits of the transportation system or have encountered disproportionate impacts from past transportation decisions
- Decide on the level of detail required for identifying groups spatially and identifying data sources to use to conduct a spatial demographic profile
- Engage leaders and representatives of demographic groups to help identify target populations, spatially and non-spatially

## **IX. AGENCY TITLE VI TRAINING PLAN**

All PADD staff will be provided with the Title VI plan and will be educated on procedures and services available. Each employee is required annually to receive and document Title VI training and acknowledge that it is the employee's responsibility to abide by the Title VI plan and seek clarification, if necessary. This information will also be part of the PADD's staff orientation process for new hires. Annual employee training will be conducted in April and/or May of 2024. Each employee will view the training at their individual workstation. Employees will sign an acknowledgement (see example at Appendix F) that they have understood the Title VI training and have the responsibility of abiding by the Title VI nondiscrimination plan. Those training records will be on file at the PADD. The PADD transportation planner, Jim LeFevre, attended the October 18, 2023 statewide transportation planning meeting with a presentation/training by KYTC's Office for Civil Rights and Small Business Development on FHWA Title VI Audit Interpretations..

Part of PADD's Title VI plan is deciding what level of staff training is needed. It is important that staff members, especially those having contact with the public, know their obligation to provide meaningful access to information and services for Title VI covered persons. Even staff members who do not interact regularly with Title VI covered persons should be aware of and understand the Title VI plan. Properly training staff is a key element in the effective implementation of the Title VI plan.

Staff and Operations staff are trained to recognize when a Title VI covered person is in need of assistance. This awareness training, which is delivered by video, is included in Reservations Orientation and Initial On-The-Job Training.

## **X. DATA COLLECTION/REPORTING/ANALYSIS**

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

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

## **XI. PADD TITLE VI COMPLAINT PROCEDURE**

These procedures cover all complaints under Title VI of the Civil Rights Act of 1964, Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (1964), and Executive Order 13166 “Improving Access to Services for Person with Limited English Proficiency” (2000), for alleged discrimination in any program or activity administered by Purchase Area Development District.

Any person who believes she/he 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, or national origin by Purchase Area Development District (hereinafter referred to as “PADD”) may file a written complaint in accordance with the following procedure:

### **Who can file?**

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

### **Where can one file?**

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

### **When must one file?**

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

### **What should a complaint look like?**

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

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

### **How are complaints routed?**

FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency. With this understanding, complaints should be routed in the following ways:

- All complaints should be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against PADD.
- Complaints filed with PADD will be forwarded to KYTC, KYTC will forward the complaint to Kentucky's FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with KYTC, then the KYTC will forward the complaint to Kentucky's FHWA Division Office, which should forward the complaint to HCR.
- PADD and KYTC must log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the Kentucky FHWA Division Office, KYTC, and PADD.

Complaints may be sent to:  
Kentucky Transportation Cabinet  
Office for Civil Rights  
200 Mero Street, 6<sup>th</sup> Floor  
Frankfort, KY 40622

And/Or

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

And/Or

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

Additionally, complaints may be filed with the U.S. Department of Justice at:

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

### **What are the potential outcomes for processing a complaint?**

There are four potential outcomes for processing complaints:

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

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

### **What are the timeframes for investigations?**

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance. If KYTC is delegated an investigation from FHWA, 23 CFR §200.9(b)(3) provides that KYTC must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

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

## A. PADD TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

*FTA Circular 4702.1B, Chapter III, Paragraph 7: In order to comply with the reporting requirements of 49 CFR 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations ....; lawsuits, and complaints naming the recipient.*

In accordance with 49 CFR 21.9(b), PADD must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by PADD in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to Kentucky Transportation Cabinet.

PADD has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years of calendar years 2021, 2022 and 2023. A summary of these incidents is recorded in Table 1.

**Table 1: Summary of Investigations, Lawsuits, and Complaints**

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

## **XII. PUBLIC PARTICIPATION PLAN**

### **Public Involvement Plan/Community Outreach**

The Public Participation Plan for PADD was developed to ensure that all members of the public, including minorities, disabled, low income, LEP populations, are encouraged to participate in the decision-making process. The public outreach strategies described in the Plan are designed to provide public with effective access to information about PADD services and to provide means for considering public comment.

Community Outreach is a requirement of Title VI. Recipients and sub-recipients shall seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach. Recipients have wide latitude to determine what specific measures are most appropriate and should make this determination based on the composition of the affected population, the public involvement process, and the resources of the recipient.

As an agency receiving federal financial assistance, we have made the following community outreach efforts:

- Conduct local or regional public / information meetings as requested
- Utilizing PADD Monthly Updates to reach educate and inform the public on various programs
- Conducting meetings with local officials and interested community leaders
- Using e-mail distribution lists to provide information to interested persons and agencies
- Committee reports during the monthly PADD Board of Director's meetings
- Using the PADD Web Site, Facebook and Instagram to post projects/information/comments and providing a link for public feedback
- Address civic groups, chamber meetings, government meetings
- Attending fiscal court and city council meetings
- Utilize existing services / programs at the PADD to distribute information (i.e. Housing, Aging, Workforce Investment)
- Use surveys in newsletters, mail-outs, emails, Survey Monkey, etc. to gain public input

#### **Third Party Groups**

The PADD will seek to increase public outreach to the underserved populations by contacting third party groups and asking for their assistance in creating public awareness concerning transportation related issues. The agencies, groups or people that wish to provide assistance can be utilized to distribute materials pertaining to the statewide planning process. The members may be able to utilize their brochures, newsletters, word of mouth, etc. concerning public meetings, announcements of public review and comment periods for statewide planning documents by sharing and distributing the information with the populations they service. These groups may include, but not be limited to the following:

Senior citizen centers  
Public libraries  
Public health departments  
Public transit authorities  
NAACP  
Housing authorities  
Post offices  
County or city clerk's office  
United Way  
Churches  
Migrant education programs  
Adult education programs  
Chamber of commerce  
Community based services  
Human relations commissions  
State government agencies  
Disabled American Veterans

### **Public Meetings**

The PADD will hold local or regional public information/input meetings as requested to provide additional opportunities for public comments.

### **Newspapers**

Information can be sent to the local newspapers in the region. While none are identified as targeting specific traditionally underserved audiences, all have the potential to have traditionally underserved subscribers. Information can be distributed to the newspapers relating to media releases with announcements of meeting dates and locations, announcements of documents available for public review and comment, and information about the statewide planning process.

### **Radio**

Information can be sent to radio stations that serve the region. None are identified as targeting specific traditionally underserved audiences, but all have the potential to have traditionally served underserved listeners. Public meeting invitations can be sent to the stations along with media releases with announcements of meeting dates and locations and information about the statewide planning process or statewide documents available for public review and comment.

### **Television**

Information can be sent to television stations that serve the region. This could include regular network broadcast stations as well as local cable access channels that may be available throughout the region. These channels can also be utilized in creating public awareness.

### **Traveling Exhibits**

Traveling exhibits may be used to display information about public meetings, review of statewide documents and the statewide planning process. The following locations may be utilized to display information:

Public libraries  
Post offices

County courthouses  
City halls  
Community centers, meeting halls, churches  
Chamber of commerce  
KYTC Highway District 1 office  
Purchase Area Development District office  
Schools  
Public housing authorities  
Senior citizen centers or housing  
Malls, restaurants, shopping centers  
Special event locations  
Other identified locations through planning process

### **Coordinated Public Transit-Human Services Transportation Plan (Coordinated Plan)**

The two year transportation authorization entitled Fixing America's Surface Transportation (FAST) Act as amended by Federal and State Grants under Section 5311 Rural Area Formula Program, Appalachian Development Transportation Assistance, Commonwealth Veterans Transportation Program and JARC (Job Access and Reverse Commute) Programs under the Federal Transit Act of 1964, as amended funds would be used for capital equipment and transit operations. Under the requirements of Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) and the Enhanced Mobility of Senior and Individuals with Disabilities Program (5310) meetings are and will be held to make improvements on a local coordinated plan for public transit.

### **Public Notification.**

The PADD 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 others interested in the planning process and decisions of the PADD. The PADD will discuss and/or distribute Title VI information using mass media including, but not limited to the following:

- Policy statements
- Inclusion of Title VI language in contracts
- New employee orientation
- Federal EEO posters
- PADD website
- Standard procedures manual
- Significant publications, i.e., newspapers, brochures, and written literature
- Mailings
- Meetings open to the public
- Events

Further notices informing the public and all employees that the PADD complies with Title VI of the Civil Rights Act of 1964 will be displayed in a prominent place.

### **Customer Complaint Process**

Citizens may call the PADD at 270-247-7171 to lodge a complaint or comment. All complaints/comments are input into a database and then distributed to the relevant manager who researches the complaint and responds back to the citizen.

### **General Awareness and Phone Surveys**

On behalf of all Purchase Area Public Transportation Providers, PADD conducts an annual survey to identify service needs. This survey is distributed via mail to all known transportation providers and human service agencies serving the region. Additionally, it is available through Survey-Monkey and Facebook. All comments received are shared with the appropriate transportation agency.

### **Bilingual Outreach**

Upon request PADD provides Spanish-speaking guests with information on public transit services in Spanish. Staff will assist with outreach programs and public meetings as requested.

PADD submits an annual Section 5304 request to the Kentucky Transportation Cabinet and as part of this process a regional coordination meeting is conducted. All meetings will seek to incorporate minority, individuals with disabilities and LEP individuals' and their ability to provide feedback.

Practices which will be included:

- a. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities
- b. Coordinating with community and faith-based organizations, education institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- c. Providing opportunities for public participation through means other than written communications, such as personal interviews or use of audio or video recording devices to capture oral comments.

### **Mobility Needs of Minorities**

PADD seeks to identify the mobility needs of minority populations during the transportation planning and programming process through early and continuing public outreach to minority populations to obtain their input, and through data and GIS analysis of the location of minority population concentrations relative to existing and planned jobs and services and their travel patterns. The Title VI and environmental justice considerations are incorporated into PADD's planning and programming process.

### **XIII. LANGUAGE ACCESS PLAN**

PADD has taken excerpts from “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers” as prepared by The Federal Transit Administration Office of Civil Rights, dated April 13, 2007.

PADD recognizes the need to provide equal service opportunities for all individuals in the service area. Most individuals living in the United States read, write, speak, and understand English. There are many individuals, however, for whom English is not their primary language. The 2020 census shows that 40.5 million individuals speak Spanish and over 10.8 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or “LEP.”

Language for LEP individuals can potentially hinder some individuals from arranging transportation services needed. The Federal Government funds an array of services that can be made meaningfully accessible to otherwise eligible LEP persons. The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (page 5).

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons (Pages 5-6).

The U.S. DOT published revised guidance for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) and that recipients should use DOT LEP Guidance to determine how best to comply with statutory

and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP (page 6).

The FTA references the DOT LEP guidance in its Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines for FTA Recipients,” which was published on April 13, 2007. Chapter IV, Part 4 of this Circular reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and suggests that FTA recipients and sub-recipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP guidance (page 6).

In accordance with the Executive Order, the U.S. Department of Transportation issued Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons, which is modeled after DOJ’s guidance. As described in the guidance, DOT recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

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

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets. The intent of DOT’s guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments. After completing the above four-factor analysis, recipients can determine the appropriate “mix” of LEP services required. Recipients have two main ways to provide language services: oral

interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a motor vehicle department or an emergency hazardous material cleanup team in a largely Hispanic neighborhood may need immediate oral interpreters available and decide to hire full-time bilingual staff. In contrast, there may be circumstances where the importance and nature of the activity and number or proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high in which pre-arranged language services for the particular service may not be necessary. The languages spoken by the LEP individuals with whom the recipient has frequent contact often determine the languages into which documents will be translated and the types of interpreters provided.

## **Plan for Assisting Persons of Limited English Proficiency**

### **How to Identify an LEP Person Who Needs Language Assistance?**

Below are tools to help identify persons who may need language assistance:

1. Examine records requests for language assistance from past scheduled transportation needs to anticipate the possible need for assistance at upcoming appointments;
2. When PADD sets up at events, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
3. Staff should keep lists of individuals seeking language assistances on telephones, in office and on vehicles;
4. Post a notice of available language assistance on PADD vehicles, subcontractor vehicles and reception area.
5. Persons who do not speak English as their primary language and who have a limited ability to read, speak write or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit or encounter.

Title 49 CFR, Appendix C, Section (3)(iv) requires that "the location of projects requiring land acquisition and the displacement of persons from their residences and business may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as they are considered transit amenities. It also does not include transit stations, power substations, or any other project evaluated by the National Environmental Policy Act (NEPA) process. Facilities included in the provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations, PADD will ensure the following:

PADD will complete a Title VI equity analysis for any facility during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Purchase Area Development District will engage in outreach to persons potentially impacted by the siting of the facility. The Title VI equity analysis must compare

the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

When evaluating locations of facilities, PADD will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group level where appropriate to ensure that proper perspective is given to localized impacts.

If PADD determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, PADD may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. PADD must demonstrate and document how both tests are met. PADD will consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

## **MEANINGFUL ACCESS FOUR FACTOR ANALYSIS**

**(1) THE NUMBER OR PROPORTION OF LEP PERSONS ELIGIBLE TO BE SERVED OR LIKELY TO BE ENCOUNTERED BY A PROGRAM, ACTIVITY OR SERVICE OF THE RECIPIENT:**

***FROM THE U.S. CENSUS BUREAU 2019 ACS 5-YEAR ESTIMATES, 58.5 MILLION PEOPLE OF THE U.S. POPULATION WERE HISPANIC OR LATINO ORIGIN MAKING PEOPLE OF HISPANIC ORIGIN THE NATION'S LARGEST ETHNIC OR RACIAL MINORITY. 40.7 MILLION IS THE NUMBER OF U.S. RESIDENTS 5 AND OLDER WHO SPEAK SPANISH AT HOME IN. THIS IS A 135 PERCENT INCREASE SINCE 1990 WHEN IT WAS 17.3 MILLION. THOSE WHO SPEAK SPANISH AT HOME CONSTITUTED 12.5 PERCENT OF U.S. RESIDENTS 5 AND OLDER. MORE THAN HALF OF THESE SPANISH SPEAKERS SPOKE ENGLISH "VERY WELL."***

Kentucky Demographics: According to the U.S. Census Bureau, the American Community Survey 5-Year Estimate indicated that Kentucky was ranked 39 out of 50 by percent of population Age 5+ Spanish Speaking. The total number of Spanish Speaking in Kentucky was 113,336 out of a total population of 4,526,154 Age 5+. According to these statistics 2.5% of Kentucky Residents Age 5+ are Spanish Speaking.

PADD has attached the U. S. Census Bureau 2017-2021 American Community Survey 5-Year Estimate data (see page 43) for the Purchase Area Counties of Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall and McCracken as well as the Purchase Region.

**(2) THE FREQUENCY WITH WHICH LEP INDIVIDUALS COME IN CONTACT WITH THE PROGRAM,ACTIVITY, OR SERVICE:**

The numbers are clearly showing an increase in the number of foreign-born residents in Kentucky as well as an increase in the number of Spanish Speaking residents. PADD will continue to monitor changes in demographics as they become available through Census and Studies. PADD will also work closely with local agencies in an effort to monitor developments in the region.

PADD will monitor the frequency with which LEP individuals come in contact with the program and services. PADD will report all encounters with LEP persons on the OTD Section 5304 Monthly Report. Reporting accuracy will improve with ongoing training and tracking measures implemented.

**(3) THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE PROVIDED BY THE PROGRAM:**

PADD was originally organized to provide general planning services to local government in the eight county Purchase Region. PADD understands they play an important role in the lives of our community. The individuals utilizing public transportation services in the region need this mobility to maintain a continued quality of life. A LEP person's inability to use public transit may hinder their ability to access health care, education or employment. PADD will continue to outreach to all individuals and promote their efforts. This will increase their need to promote their services for individuals to realize the service is available. When they speak to groups, they make them aware they will assist any individual with LEP.

PADD works with local transportation providers to ensure the availability of lift-equipped vehicles for wheelchair users. PADD strives to promote affordable and efficient community transportation services through this coordination effort. PADD coordinates efforts with local transit agencies to access new equipment for fleet upgrades and to increase services. These services are available to EVERYONE in the general population of the service area and are likely to be sought by LEP persons.

PADD is taking steps in to increase outreach efforts to LEP language groups. For example, PADD has included Google Translate on the agency website.

**(4) THE RESOURCES AVAILABLE TO THE RECIPIENT AND FOR LEP OUTREACH, AS WELL AS THE COSTS ASSOCIATED WITH THAT OUTREACH:**

These additional language assistance tools will be utilized to assist LEP individuals at no additional cost:

[www.freetranslation.com](http://www.freetranslation.com) is used to translate Transportation Committee agendas and other documents as necessary.

With adequate notice PADD will use Murray State University's Institute for International Studies interpreters to provide information in other languages. The ESL contact person is Weihong Gao and may be contacted at 270/809-4103. An alternate contact for translation services is Vince Medlock and he can be reached at 270/293-8315.

The University of Tennessee Martin provides a third translation option through their Office of International Affairs. The contact person is Ms. Lori Jackson and she can be contacted at 731/881-3582. Karli Smith is a Program Resource Specialist and she can be reached at 731/881-7420. The International Admissions office can be reached at 731/881-7344.

The US Census 2000 Language Identification Flashcard is available to assist staff in assessing LEP needs.

A Google Translation Browser has been added to the PADD website, so all posted documents are available in multiple languages.

## **IMPLEMENTATION PLAN**

### **Staff Training**

Part of PADD's LEP plan is determining what level of staff training is needed. It is important for staff members, especially those having frequent contact with the public, to understand the obligation to provide meaningful access to information and services for LEP persons. Likewise, staff members who are less likely to interact with LEP persons should also be aware of and have a level of understanding of the resources available to PADD for assisting LEP persons. Properly training staff is key in the effective implementation of a LEP plan. Staff will be trained annually to recognize when a LEP person is in need of language assistance and respond by providing information in a format that the LEP person can understand.

### **LANGUAGE ASSISTANCE MEASURES**

1. Staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
2. The following resources will be available to accommodate LEP persons:
  - a. A list of volunteer Spanish Language interpreters will be maintained and will provide within a reasonable time period.
  - b. Language interpretation will be accessed for all languages through a telephone interpretation service for critical need situations.
3. Network with local human service organizations that provide services to LEP individuals and seek opportunities to provide information about the transit program and services.
4. Include "Spanish" on all job recruitment notices.
5. Incorporate an option for machine translation into multiple languages for PADD's website ([www.purchaseadd.org](http://www.purchaseadd.org)).

### **Outreach Techniques**

When the staff prepares a document or schedules a meeting for which the target audience is expected to include LEP individuals, the documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population. Interpreters will be available as requested.

## Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. As such, it is important to consider whether new documents and services need to be made accessible for LEP persons, and also to monitor changes in demographics and types of services, and to update the LEP plan when appropriate. At a minimum, the PADD will follow the Title VI program update schedule for the LEP plan.

Each update should examine all plan components such as:

1. How many LEP persons were encountered?
2. Were their needs met?
3. What is the current LEP population in the OTO region?
4. Has there been a change in the types of languages where translation services are needed?
5. Determine whether local language assistance programs have been effective and sufficient to meet the need.
6. Determine where PADD’s fully complies with goals of this LEP Plan
7. Determine whether complaints have been received concerning the failure to meet the needs of LEP individuals
8. Maintain a Title VI complaint log, to include LEP issues and basis of complaints.

## Safe Harbor Provision

DOT has adopted the Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

SPEAK ENGLISH “LESS THAN VERY WELL”  
TOTALS BY COUNTY

County	Total Pop 5 years and Older	Speaks English Less Than Very Well	Percentage (%)
Ballard	7,442	89	1.2
Calloway	35,530	427	1.2
Carlisle	4,508	8	0.2
Fulton	6,140	47	0.8
Graves	34,352	825	2.4
Hickman	4,316	39	0.9
Marshall	30,036	104	0.3
McCracken	63,305	726	1.1
Region	185,629	2,751	1.5

American Community Survey 5-Year Estimates (2017-2021)

As outlined in the previous chart, no Purchase Area county contains a LEP group of over 1,000. PADD will provide good faith efforts to meet the needs of the LEP population, if and when necessary. PADD may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.

#### **XIV. MINORITY REPRESENTATION**

Title 49 CFR Section 21 5(b)(1)(vii) states that a recipient may not, on the grounds of race, color or national origin, “deny a person the opportunity to participate as a member of a planning, advisory or similar body which is an integral part of the program.” Recipients that have transit-related, nonelected planning board, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committee.

The PADD governing body consists of 33 board members which include local officials and representatives from business and citizens. The board elects a chair, vice-chair, secretary and treasurer every two years. The vice-chair is the chair of the Personnel and Finance Committee.

The board consists of thirty-three members, twenty-five (25) men and eight (8) women with twenty-nine (29) Caucasians and four (4) African Americans.

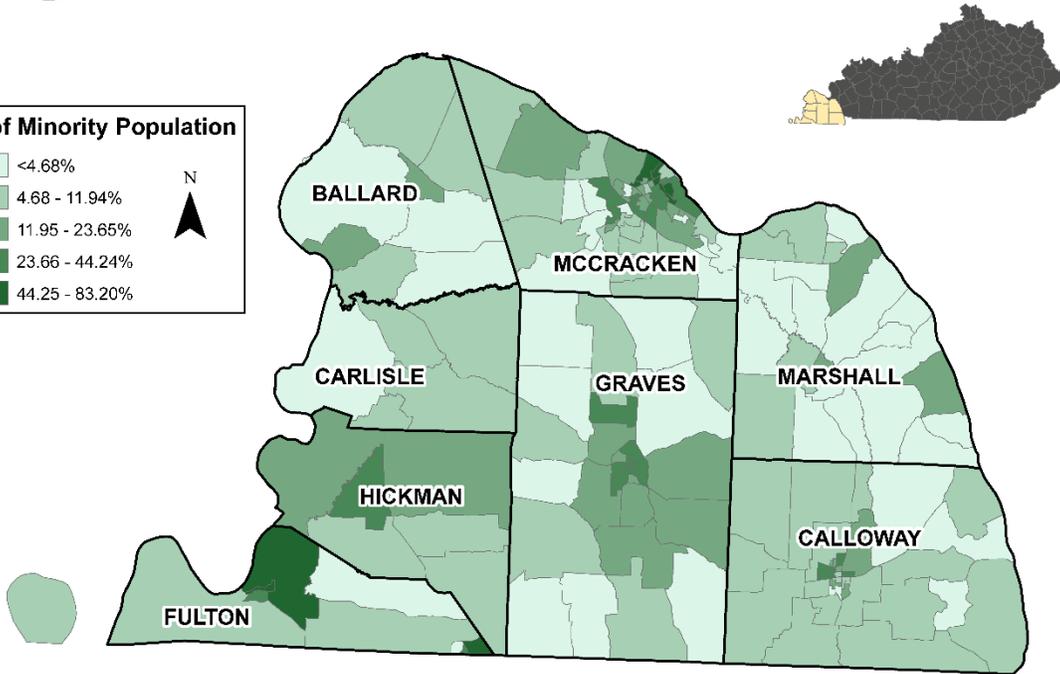
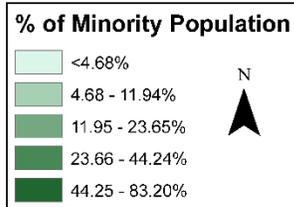
COUNTY	TOTAL	WHITE	M	F	AFRICAN AMERICAN	M	F
Ballard	3	3	2	1	0		
Calloway	4	4	3	1	0		
Carlisle	3	3	2	1	0		
Fulton	5	4	5		1	1	
Graves	6	5	3	3	1		1
Hickman	4	3	3	1	1		1
McCracken	4	3	4		1	1	
Marshall	4	4	3	1	0		

PADD is committed to meeting the needs of the region’s citizens and ensuring that no person is excluded from participation in or denied the benefits of its services. Efforts to encourage participation of minorities on the board are a mission of the board of directors. As well, PADD strives to ensure that the composition of the other relevant board members reflects a representation of minority participation. PADD will continue to encourage these groups to consider a minority member to the board.

# XV. DEMOGRAPHIC MAPS OF PADD SERVICE AREA



## Purchase Area Development District % of Minority Population By Census Block Group

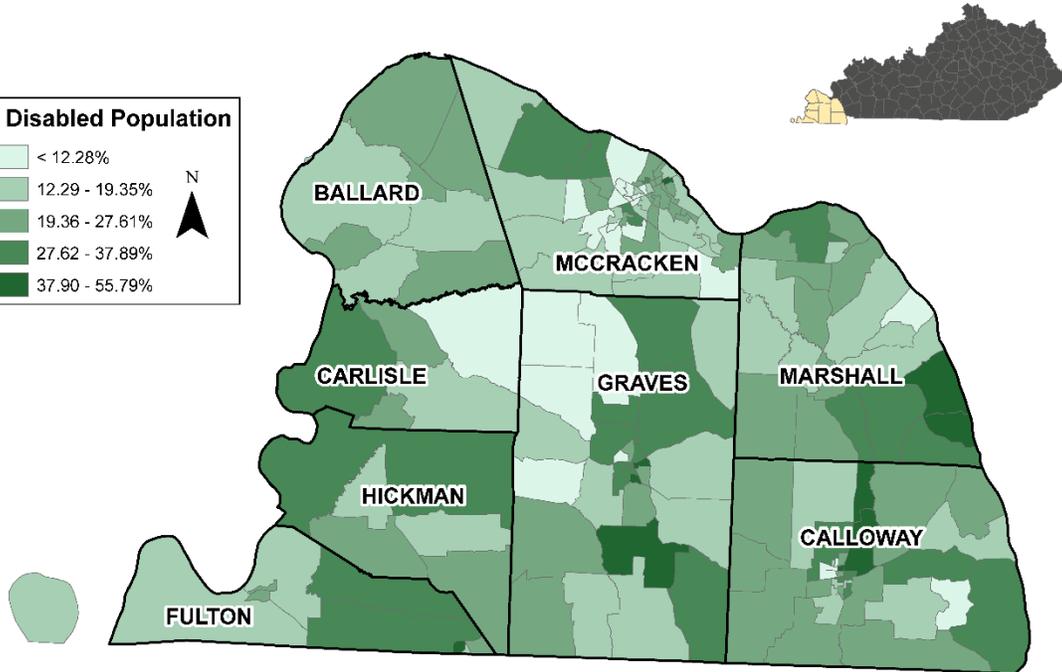
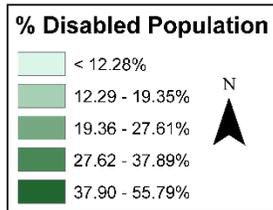


Source: Kentucky State Data Center  
Census 2021 American Community Survey 5 Year Data (2017-2021)  
Table B03002 Hispanic or Latino Origin by Race

This map was produced in cooperation  
with the Kentucky Transportation Cabinet  
June 2023.



# Purchase Area Development District % of Adult Population with a Disability By Census Block Group



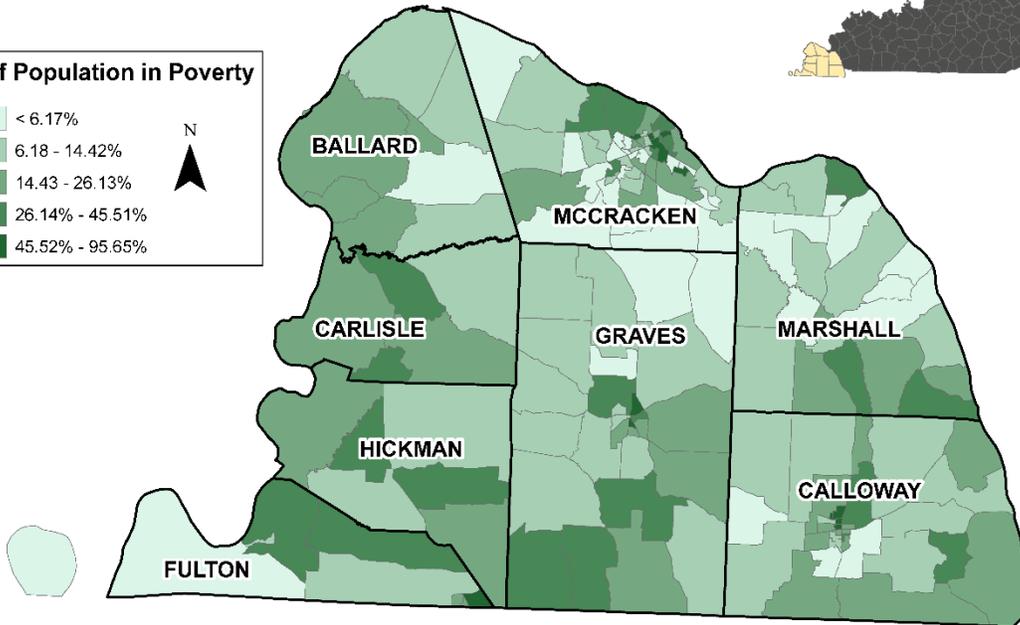
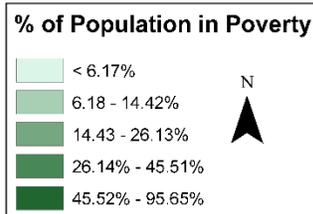
Source: Kentucky State Data Center  
Census 2021 American Community Survey 5 Year Data (2017-2021)  
Table C21007 Age by Veteran Status by Poverty Status in the Past 12 Months by Disability Status for the Civilian Population 18 Years and Over

This map was produced in cooperation  
with the Kentucky Transportation Cabinet  
June 2023.



# Purchase Area Development District

## % of Population in Poverty Status By Census Block Group



Source: Kentucky State Data Center  
Census 2021 American Community Survey 5 Year Data (2017-2021)  
Table B17021 Poverty Status of Individuals in the Past 12 Months by Living Arrangement

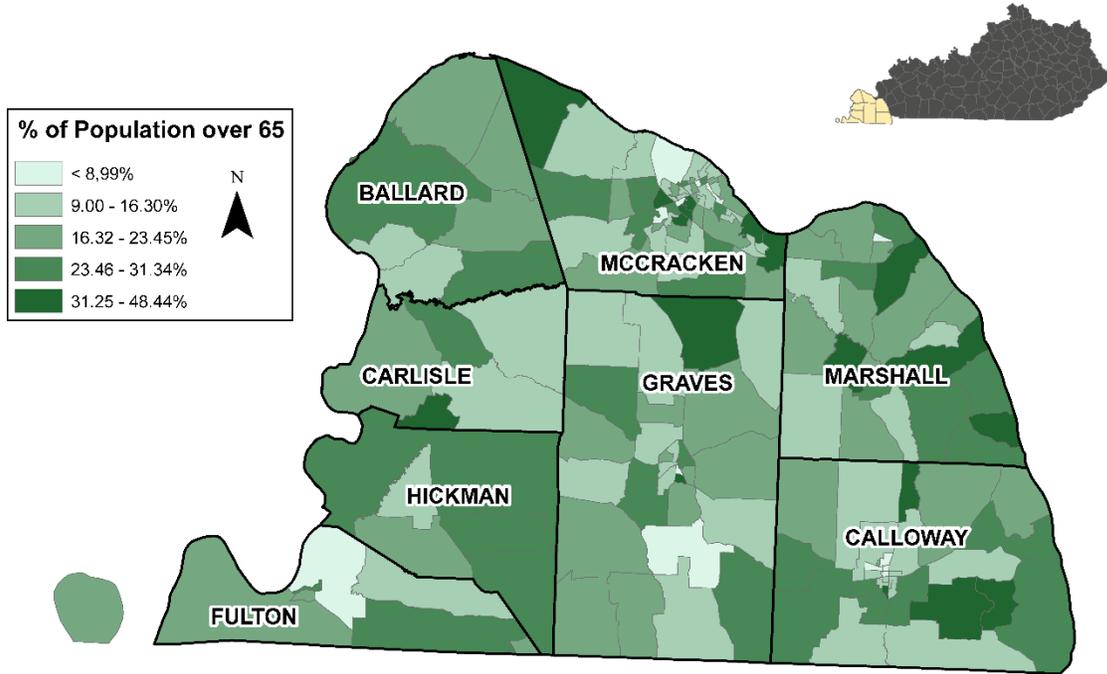
This map was produced in cooperation  
with the Kentucky Transportation Cabinet  
June 2023.



# Purchase Area Development District

## % of Population Over 65 Years of Age

### By Census Block Group

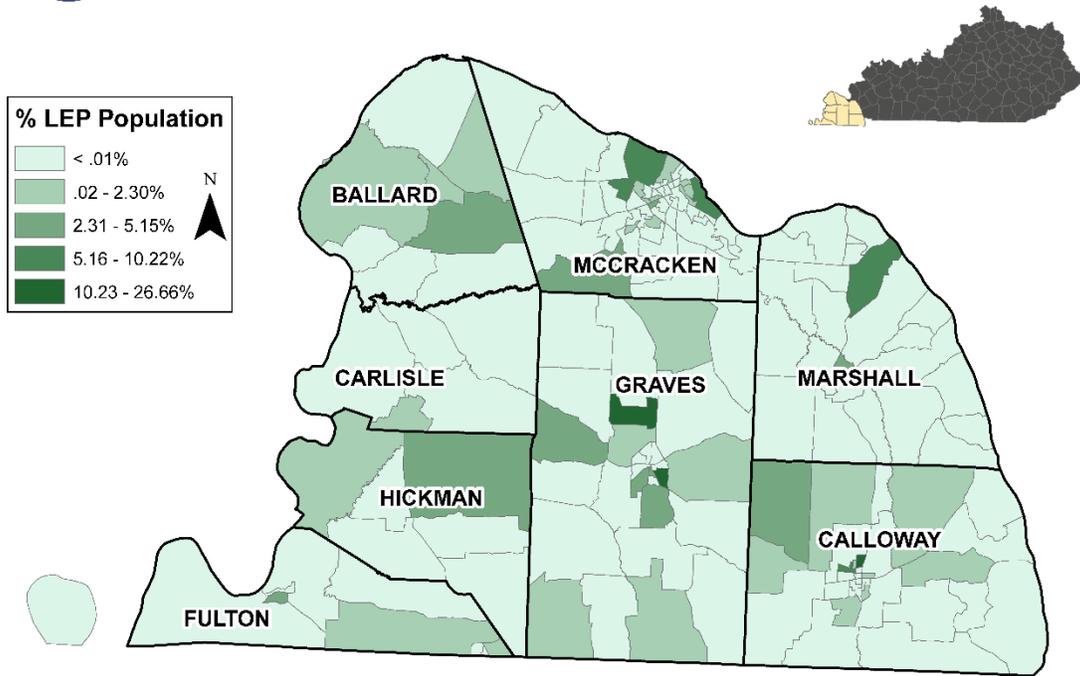


Source: Kentucky State Data Center  
Census 2021 American Community Survey 5 Year Data (2017-2021)  
Table B01001 Sex by Age

This map was produced in cooperation  
with the Kentucky Transportation Cabinet  
June 2023.



# Purchase Area Development District % of Population with Limited English Proficiency (LEP) By Census Block Group



Source: Kentucky State Data Center  
Census 2021 American Community Survey 5 Year Data (2017-2021)  
Table B16004 Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

This map was produced in cooperation  
with the Kentucky Transportation Cabinet  
June 2023.

## XVI. REVIEW OF STA DIRECTIVES

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

The table below is a list of resources that include laws, procedures, directives, plans and/or guidance used by the PADD to develop and administer Title VI implementation.

DIVISION/OFFICE	PROCEDURES, MANUAL, DIRECTIVE
KYTC	Official Order 110248: Standard Title VI Assurance (6/27/2016)
KYTC	Official Order 110249: Title VI Policy Statement (6/27/2016)
KYTC	Title VI Program Plan (10/1/2021 – 9/30/2022)
KYTC	Language Access Plan (LAP) (10/1/2020 – 9/30/2021)
FHWA	Title VI Implementation Plan Checklist
FWHA (Video)	Overview of Civil Rights Program Requirements for Local Public Agencies
United States Code	Title VI 1964 Civil Rights Act

## **XVII. COMPLIANCE/NONCOMPLIANCE REPORTING**

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

In the event of noncompliance with this, plan or applicable regulations and laws are determined via a complaint investigation or through the self-survey process; the PADD 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.

## **XVIII. APPENDICES<sup>1</sup>**

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<sup>1</sup> Appendices A-E contain the U.S. DOT Order No. 1050.2A

## APPENDIX A

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

- 1. Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- 2. Nondiscrimination:** The contractor with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.
- 4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate and will set forth what efforts it has made to obtain the information.
- 5. Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

**6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

The (*Title of Recipient*), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]<sup>2</sup> (2) that the (*Title of Recipient*) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be

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<sup>2</sup> Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI

amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].<sup>3</sup>

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<sup>3</sup> Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI

## APPENDIX C

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

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
  1. In the event facilities are constructed, maintained or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (*Title of Recipient*) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.<sup>4</sup>
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (*Title of Recipient*) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (*Title of Recipient*) and its assigns.<sup>5</sup>

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<sup>4</sup> See footnote 9

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

## APPENDIX D

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.) in the event of breach of any of the above nondiscrimination covenants, (Title of Recipient) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.<sup>6</sup>
- C. With respect to deeds in the event of breach of any of the above nondiscrimination covenants, (Title of Recipient) will there upon revert to, vest in and become the absolute property of (Title of Recipient) and its assigns.

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<sup>6</sup> Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI

## APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 ET seq).

## APPENDIX F

Active employees will complete the training and sign an acknowledgement (example below) that they understand the training and will abide by the Title VI nondiscrimination plan in accordance with the training.

### PURCHASE AREA DEVELOPMENT DISTRICT

#### TITLE VI ANNUAL TRAINING

*I confirm that I listened, and understood the Title VI training, also I understand that as an employee, it is my responsibility to abide by the Title VI nondiscrimination plan, in accordance with the training.*

*If I have questions about the plan, or materials presented I understand it is my responsibility to seek clarification.*

**Employee Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print name** \_\_\_\_\_

**XVIII. BOARD POLICY APPROVAL**

POLICY APPROVAL BY THE GOVERNING BOARD

Final governing Board Approval for the TITLE VI "STATEMENT OF POLICY"  
is made this 22 day of April 2024.

Rita Dotson, Chairman

Purchase Area Development District

  
Chairman Signature

4-22-2024  
Date