



**TITLE VI PROGRAM PLAN**

**Big Sandy Area Development District**

**October 1, 2018 – September 30, 2019**

Ben Hale, Executive Director  
Terry Trimble, Deputy Director

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## Article 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 Big Sandy Area Development District.

**Deputy Director:** The BSADD Deputy Director has the authority to appoint the Title VI Designee(s).

**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).

**Federal Transit Administration or FTA:** agency within the U.S. Department of Transportation that provides financial and technical assistance to local public transportation systems.

**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.

**Indo-European:** of or relating to a group of languages spoken in Europe, the parts of the world colonized by Europe and in parts of Asia.

**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; and use of

family members, friends, and other customers/passengers as interpreters.

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

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

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

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

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

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

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

**Persons:** Where designation of persons by race, color or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native."

Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

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

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

**Program:** includes any highway, project, or activity that provides services, financial aid or other benefits to individuals, including education or training, work opportunities, health, welfare,

rehabilitation, housing or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient (i.e. Planning, Environment, Design, Right-of-Way, Construction, Safety, & Research).

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

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

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

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

**Statewide Transportation Plan or STP:** a long-range transportation plan that provides for the development and implementation of the multimodal transportation system (including transit, highway, bicycle, pedestrian and accessible transportation) for the State. This plan must identify

How the transportation system will meet the State’s economic, transportation, development and sustainability goals for at least a 20-year planning horizon.

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

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

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

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

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

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



## Article II. **Overview & Policy Statement**

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.

### **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)

### **Article III. Responsible Officials**

#### **Deputy Director**

The Deputy Director is responsible for the Big Sandy Area Development District (BSADD)'s adherence and compliance with Title VI regulations via program implementation and policy development.

#### **Title VI Program Coordinator**

The Title VI Program Coordinator is responsible for the oversight and coordination of the BSADD's compliance with Title VI and all related statutes, regulations and directives including the review and processing of complaints. General responsibilities of the Title VI Program Coordinator include but are not limited to the following:

- Coordinating Title VI program development with BSADD staff, Local Public Agencies (LPAs), and division managers.
- Establishing procedures for processing Title VI program reviews and/or sub-recipient reviews (if any).
- Coordinating Title VI training for BSADD staff, sub-recipients (if any), and stakeholders.
- Developing a complaint process and attempting to resolve complaints of discrimination against BSADD.
- Implementing procedures for the prompt processing of Title VI complaints.
- Preparing required reports.
- Providing guidance and advice on the Title VI Program to BSADD staff, LPAs and sub-recipients (if any) using a multi-year approach.
- Assisting in the annual update of BSADD's Title VI Program Plan.

BSADD assures that no person shall on the basis of race, color, national origin, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency.

BSADD further agrees to the following responsibilities with respect to its programs and activities:

- Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient's Chief Executive Officer or authorized representative.
- Issue a policy statement signed by the Deputy Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statements shall be circulated throughout the BSADD organization and to the general public. Such information shall be published where appropriate in languages other than English.
- Participate in training offered on the Title VI and other nondiscrimination requirements.
- If reviewed by any state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) days and have a process to collect racial and ethnic data on persons impacted by the agency's programs.

## Title VI Program Liaison

BSADD must designate a Liaison for Title VI issues within the organization. The Liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

- Maintaining knowledge of Title VI requirements.
- Attending training on Title VI and other nondiscrimination authorities when offered by KYTC or any other regulatory agency.
- Participating in the design, development, and dissemination of Title VI information to the public via the Notification to Beneficiaries.
- Disseminating Title VI information to the public including in languages other than English, when necessary.
- Developing a process to collect data related to race, gender, and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Coordinating the annual update of BSADD's Title VI Program Plan.
- Assisting in providing guidance and advice on the Title VI Program to BSADD staff, LPAs and sub-recipients (if any) using a multi-year approach.
- Assisting in the implementation of procedures for the prompt processing of Title VI complaints.
- Assisting in the prompt processing of Title VI complaints.

Title VI Coordinator:

Spradlin  
Data Specialist  
606-886-2374  
110 Resource Court  
Prestonsburg, KY 41653  
Jody.spradlin@bigsandy.org

Title VI Liaison: Jody

Terry Trimble  
Deputy Director  
606-886-2374  
110 Resource Court  
Prestonsburg, KY 41653  
terry.trimble@bigsandy.org

**BIG SANDY AREA DEVELOPMENT  
ORGANIZATIONAL CHART  
31-Dec-19**

- BOARD OF DIRECTORS**  
*Executive Committee*  
**Aging Advisory Council**  
**Finance Committee**  
**Transportation Committee**  
**Water Supply Planning Council**

- FISCAL MANAGEMENT**  
**Greg Salyers - Team Leader**  
 Financial Director - Greg Salyers-MW  
 Accountant - Sandra Justice-FW  
 Kevin Shelton - CDO Accountant-MW

**EXECUTIVE DIRECTOR**  
*Ben Hale - MW*

**COMMUNITY AND REGIONAL PLANNING AND DEVELOPMENT**

**DEPUTY DIRECTOR**  
*Terry Trimble - FW*

- INTERNAL RESOURCE MANAGEMENT AND INFORMATION**  
 Communications Coordinator - Janice Prater-FW  
 Building Mechanic -Chris Shepherd PT -MW  
 Computer Systems Manager - Densil Baker-MW  
 Sharon May - Executive Assistant - FW

- COMMUNITY & ECONOMIC DEVELOPMENT**  
 Project Administrator - Eric Ratliff-MW  
 Project Developer - Brandon Montgomery-MW  
 Water Mgmt Coord - Brandon Montgomery-MW  
 GIS Specialist - Jamie Pinson-MW  
 Projects Administrator - Brenda Powers P/T-FW  
 Joe Jacobs - Economic Development Specialist - MW

- TRANSPORTATION PLANNING**  
 Planner - Barry Davis-MW

- KENTUCKY WORKS PROGRAM**  
**Retha Mullins - Program Director-FW**  
 Sharlet Butler -Program Assistant-FW  
 Lisa Dye - Clerk - FW
- Employment Specialists & their respective supervisors**  
**Peggy Thompson - Regional Planner-FW**  
 Michael Browning-MW  
 Vicky Cordell-FW  
 Shea Meadows-FW  
 Janice Myers-FW  
 Missy Skinner-FW  
 Patches Middleton-FW  
**Dan Gillum - Regional Planner-MW**  
 Sandi Carter-FW  
 Sandy Crum-FW  
 Desiree Stone - FW  
 Joelle Kiser - FW  
 Gina Dicks-FW  
 Tammy Reynolds-FW  
 Joe Stockham-MW  
 Camrie Travers-FW  
 Elizabeth Whiting-FW  
**Cody Branham - Regional Planner-MW**  
 Carolyn Johnson-FW  
 Paula Bailey-FW  
 Danielle Sizemore-FW  
 Dana Elam-FW  
 Melissa Hunt-FW  
 Suzan Maddin-FW  
 Krissy McIntosh-FW  
 Lanette Pinson-FW  
 Mistie Kincer - FW

- AREA AGENCY ON AGING**  
**Liz Hamilton/Steve Jones- Team Leader**
- Aging Co-Planners**  
 Elizabeth Hamilton-FW  
 Steve Jones-MW
- Aging Program Assistant**  
 Lois Lawson-FW
- Data Programing/Analysis**  
 Jody Spradlin-MW
- AGING PROGRAMS**
- Case Management**  
 Stacy Little, Lead CM-FW  
 Derrick Fannin-MW  
 Vacant
- SHIP Coordinator**  
 AngelaSlone-FW
- CDO Support Broker**  
 Peggy McKenzie, Supervisor-FW  
 Kristy Hunt-FW  
 Kristy Boyd-FW  
 Amanda Lawson-FW  
 Amanda Cornett- FW  
 Tara Campbell-Hatcher-FW
- In-Home Services/Homecare Professionals**  
 Darlene Walker, Supervisor -FW  
 10 Homecare Aides-all FW
- Long Term Care Ombudsman**  
 Tara Little -FW
- UMWA Contract**  
 Kim R. Hampton, Social Worker-FW  
 Tiffany Burke, RN-FW
- ADRC Coordinator**  
 Jeff Little - MW
- Family Services Specialist**  
 Tammy Hunter-FW  
 Ocie Maynard-FW
- CDO Financial Manager**  
 Kevin Shelton-MW

- HC AIDES**
- Cantrell, Mable - FW  
 Caudill, Crystal - FW  
 Collins, Vickie - FW  
 Crum, Frances - FW  
 Hannah Slone - FW  
 Hazelett, Evelyn - FW  
 Kirk, Lucy - FW  
 Miller, Carol - FW  
 Rose, Cathy-FW  
 Genevie Spears-FW

## **Standard Title VI Assurances**

### **General Assurances**

The Big Sandy Area Development District (BSADD) provides administrative support to local governments and nonprofit organizations through its Transit Coordinated Plan. As recipient and administrator of federal grant monies, BSADD is subject to Title VI of the Civil Rights Act and is responsible for monitoring Title VI compliance of all sub-recipients. In coordination with the Kentucky Transportation Cabinet, BSADD works to ensure nondiscriminatory transportation in support of our mission to provide safe, secure and reliable regional transportation services thereby enhancing both the quality of life and the economic vitality of Eastern Kentucky. BSADD is committed to a workplace compliant with Title VI of the Civil Rights Act of 1964.

BSADD further agrees to the following responsibilities with respect to its programs and activities:

1. Designate both a Title VI Coordinator and Title VI Liaison with responsible positions within the organization and access to the recipient's Chief Executive Officer or authorized representative.
2. Issue a policy statement signed by the Deputy Director of authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the BSADD organization and to the general public. Such information shall be published where appropriate in language other than English.
3. Develop a complaint process and attempt to resolve complaints of discrimination against BSADD.
4. Participate in training offered on Title VI and other nondiscrimination requirements.
5. If reviewed by any state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety(90) days.
6. Have a process to collect racial and ethnic data on persons impacted by the agency's programs.

The Big Sandy Area Development District (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving federal financial assistance from the U.S. Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S. C. 2000d to 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 (CFR Part 21) Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives to the end that no person in the United States shall, on the grounds of race, color, or 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 applicant receives federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that it will promptly take any necessary measures to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

### **Specific Assurances**

More specifically and without limiting the above general assurance, the Sponsor hereby gives the following specific assurances with respects to its grants:

1. Each "program" and "facility" (as defined in subsections 21.23(b) and 21.23 (e) of the Regulations) will be conducted or operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
- 2 It will insert the following notification in all solicitations for bids, requests for proposals for work, or material subject to 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 BSADD in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations of the U.S. Department of Transportation (49 CFR, Part 21), issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the grounds of race, color, or national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.

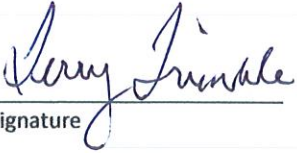
### **Agreements for Other Services**

1. Compliance with Regulations: The Consultant shall comply with the regulations of the BSADD relative to nondiscrimination in Federally Assisted programs of the Transportation Cabinet, Department of Highways (49 CFR, Part 21) which are herein incorporated by reference and made part of this contract.
2. It shall insert one of these nondiscrimination clauses on every contract subject to the Act and the Regulations.
3. It 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, or national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.
4. Where federal financial assistance is received to construct a facility, or part of a facility, these assurances shall extend to the entire facility and facilities operated in connection therewith.
5. Where federal financial assistance is in the form of, or for the acquisition of real property or an interest in real property, these assurances shall extend to rights to space on, over, or under such property.
6. These assurances obligate the Sponsor for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of personal property, real property, or interest therein or structures or improvements thereon, in which case the assurances obligate the Sponsor or any transferee for the longer of the following periods:
  - a. The period during which the property is used for a purpose for which federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or
  - b. The period during which the Sponsor retains ownership or possession of the property.
7. It shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the delegated authority, to give reasonable guarantee that it, other sponsors, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants or federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and these assurances.
8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

The Big Sandy Area Development District (BSADD) provides administrative support to local governments and nonprofit organizations through its Transit Coordinated Plan. As recipient and administrator of federal grant monies, BSADD is subject to Title VI of the Civil Rights Act and is responsible for monitoring Title VI

compliance of all sub-recipients. In coordination with the Kentucky Transportation Cabinet, BSADD works to ensure nondiscriminatory transportation in support of our mission to provide safe, secure and reliable regional transportation services thereby enhancing both the quality of life and the economic vitality of Eastern Kentucky. BSADD is committed to a workplace compliant with Title VI of the Civil Rights Act of 1964.

THIS ASSURANCE is given in consideration of the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the agency.

  
Signature

09/30/19  
Date

Terry Trimble  
(Typed Name of Sponsor's Designated Official Representative)

Deputy Director  
(Typed Title of Sponsor's Designated Official Representative)

#### **Article IV. Program Review Procedures**

Each division within BSADD and all of its departments and program areas are responsible for the following under Title VI where applicable:

- Collecting and analyzing data on minority and low income populations to determine the potential impact of proposed plans, programs and projects;
- Ensuring all applicable contract documents contain the appropriate Title VI provisions;
- Consulting with the Title VI Coordinator or Liaison and the Deputy Director when complaints are received or issues arise during a public hearing/meeting;
- Ensuring that all people are treated equitably regardless of race, color or national origin;
- Monitoring Title VI accomplishments, notifying the Title VI Coordinator or Liaison of problem areas and summarizing applicable 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 applicable 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 where applicable;
- Providing reasonable accommodations, information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons;

#### **Programs or Activities Subject To Title VI**

BSADD program areas with Title VI responsibilities include the following BSADD departments/divisions/office:

- Public Administration and Community Services – Sub-recipient compliance reviews to be coordinated with the Office of Local Programs

#### **Special Emphasis Program Areas<sup>1</sup>**

The assessments conducted by BSADD in FY19 revealed that BSADD needs additional support in the area of Title VI compliance review and outreach. BSADD has included a Title VI Liaison to assist in all related areas of Title VI and public outreach.

<sup>1</sup> See page 55 “Compliance and Noncompliance reporting” for details regarding KYTC’s procedures for identifying special emphasis program areas and how non-compliance is addressed.



## **Article V. Agency Title VI Training Plan**

BSADD's Title VI Training Program is composed of an Internal and External component.

Internally BSADD will provide written notice and annual in-person training to all current employees concerning BSADD's commitment to assuring compliance with Title VI and for new employees there will be a Title VI review during New Employee Orientation. The Title VI Coordinator or Liaison will attend the annual training and subsequently disseminate the benefit of the training to pertinent BSADD staff and program office heads. Some BSADD staff will further their education by attending the Title VI trainings offered by the Transportation Cabinet as well as other departments of government.

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

## **Article VI. Notice to the Public**

### **Notice Requirements**

Recipients must notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI Plan. The notice must include:

- A statement that the agency operates programs without regard to race, color and national origin;
- A description of the procedures members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations; and
- A description of the procedure members of the public should follow in order to file a discrimination complaint against grantee.
- A sample of the Title VI notice in both English and Spanish are found in **Appendix F**.

### **Notice Posting Locations**

Notices informing the public and employees that BSADD complies with Title VI of the Civil Rights Act of 1964 will be displayed in several prominent locations. At a minimum, the notice will be posted in the following areas:

- Lobby of the BSADD office;
- Employee area of the BSADD office; and
- BSADD's website at [www.BSADD.org](http://www.BSADD.org).

## **Article VII. Complaint Procedures**

### **Synopsis**

Any person who believes he or she has been discriminated against on the basis of race, color or national origin by Big Sandy Area Development District (BSADD) may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form found in Appendix G. BSADD investigates complaints received no more than 180 days after the alleged incident. BSADD will process complaints that are complete.

Once the complaint is received, BSADD will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing him or her whether the complaint will be investigated by our office.

- BSADD has ninety (90) calendar days to investigate the complaint. If more information is needed to resolve the case, BSADD may contact the complainant.
- The complainant then has ten (10) business days from the date of the letter to send requested information to the investigator assigned to the case.
- If the investigator is not contacted by the complainant or does not receive the additional information within ten (10) business days, BSADD can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.
- After the investigator reviews the complaint, he or she will issue one of two letters to the complainant:
  - A closure letter: a closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed; or
  - A letter of finding (LOF): a LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, he or she has seven (7) business days to do so from the time he or she receives the closure letter or the LOF. *(The Complaint Form is included as Appendix G)*

### **Record Retention and Reporting Policy**

BSADD's Title VI Plan will be submitted to all applicable State and Federal Agencies as required. Compliance records and all Title VI related documents will be retained for a minimum of three (3) years and reported to the primary recipient annually.

### **Contractors and Subcontractors**

BSADD (the Sponsor) is responsible for ensuring that contractors are in compliance with Title VI requirements. Contractors may not discriminate in the selection and retention of any subcontractors. BSADD contractors and subcontractors may not discriminate in their employment practices in connection with federally assisted projects. Contractors and subcontractors are not required to prepare or submit a Title VI Plan. Appropriate staff members will routinely confirm that guidelines provided to consultants, contractors, and sub-recipients include Title VI language, provisions and related requirements, where applicable.

1. **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to

nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.

**2. Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of 49 CFR Part 21.

**3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the subcontractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.

**4. Information and Reports:** The Contractor shall provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor, the Kentucky Transportation Cabinet 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 Sponsor, the Kentucky Transportation Cabinet 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 the Contractor's noncompliance with the nondiscrimination provisions of this contract, BSADD shall impose contract sanctions as it, the Kentucky Transportation Cabinet, or the Federal Highway Administration may determine appropriate, including, but not limited to:

- a. withholding payments to the Contractor under the contract until the contractor complies, and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

**6. Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs one (1) through six (6) 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 shall take such action with respect to any subcontract or procurement as BSADD, the Kentucky Transportation Cabinet or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions or 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 Sponsor to enter into any litigation to protect the interests of the Sponsor. In addition, the contractor may request the United States enter into the litigation to protect the interests of the United States.

**Special Emphasis Program Areas**

At this time, BSADD has not identified any Special Emphasis Program Areas. A program area is designated as a “special emphasis area” if during the previous year’s review process the program area shows deficiencies in how it complies with Title VI requirements.

**Sub-Recipient Review Procedures**

The BSADD Title VI Coordinator and Title VI Liaison shall ensure the sub-recipients (if any) are implementing programs that comply with Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations by requiring that the annual training is conducted and follow-up materials are disseminated and reviewed. Additionally, the Title VI Coordinator or Liaison will collaborate with sub-recipient to conduct periodic pre-grant and post-grant reviews to ensure adherence to Title VI requirements. Reviews will use a combination of desk and onsite audits. Appropriate staff members will routinely confirm that guidelines provided to consultants, contractors, and sub-recipients include Title VI language provisions and related requirements, where applicable.

The Big Sandy Area Development District does not have any sub-recipients during this plan year.

**Investigations, Complaints and Lawsuits**

In accordance with 49 CFR 21.9(b), BSADD 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 the Big Sandy Area Development District (BSADD) 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 KYTC.

BSADD 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. A summary of these incidents is recorded in Table 1.

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

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

## **Article VIII. Public Participation Plan**

### **Data Collection/Reporting/Analysis**

The Statistical data collected on race, color, national origin, sex, age, disability, and LEP participants in and beneficiaries of the programs in the BSADD region, (i.e. affected populations and participants) will be gathered, analyzed, and maintained to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of Title VI program administration. Data will be collected from the U.S. Census Bureau's American Community Survey (ACS) which is an ongoing survey that provides important community based statistics on an annual basis. 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;
- Strategies to disseminate information; and
- The present or proposed membership, by race, color, national origin, sex, disability and age, in any planning or advisory body which if an integral part of the problem.

### **Environmental Justice (EJ)**

Executive Order 12898 (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 and an opportunity for public participation in matters relating to human health or the environment.

BSADD will utilize the U.S. 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; and
- Engage leaders and representatives of demographic groups to help identify target populations, spatially and non-spatially.

### **Article IX. Language Assistance Plan**

The Language Assistance Plan (LAP) has been prepared to address the Big Sandy Area Development District's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals who have a limited ability to read, write, speak or understand English are defined LEP. According to data from the U.S. Census Bureau, there are 64,623 residents in the BSADD region who are over the age of 5. Of those residents, 1.32% describes them as speaking English less than "very well". BSADD is federally mandated (E.O. 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. BSADD has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP. **The LAP is included in this Title VI Plan as Appendix I.**

## Article X. Equity Analysis

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, the Big Sandy Area Development District (BSADD) will ensure the following:

1. BSADD 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. BSADD 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.
2. When evaluating locations of facilities, BSADD 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.
3. If BSADD determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, BSADD 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. BSADD must demonstrate and document how both tests are met. The BSADD 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.

BSADD has not recently constructed any facilities nor does it currently have any facilities in the planning stage. Therefore, BSADD does not have any Title VI Equity Analysis reports to submit with this Plan. BSADD will utilize the demographic maps included in the Transit Public Participation Plan found in Appendix H, for future Title VI analysis.

Article XI. **Review of STA Directives**

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

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

The table below is a list of internal and external manuals that include procedures and directives used by BSADD:

DIVISION	PROCEDURES, MANUAL, DIRECTIVE
Human Resources	Personnel Policies and Procedures Manual (Revised 3/2013)
Public Administration and Community Development	Title VI Program Plan (Revised 9/2018)

**APPENDIX A: Title VI Assurances**

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: Title VI Assurances**

***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,** BSADD 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 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>

#### **APPENDIX C: Title VI Assurances**

##### ***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.
  2. 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>

- B. 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>

**APPENDIX D: Title VI Assurances**

***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>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

<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

<sup>4</sup> See footnote 2

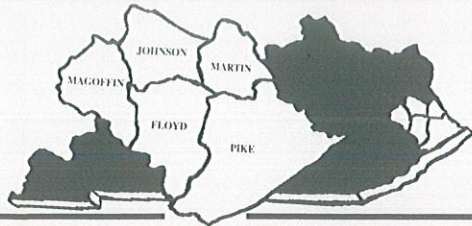
<sup>5</sup> Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI

<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: Title VI Assurances

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 *ETseq.*).



**BIG SANDY**  
**AREA DEVELOPMENT DISTRICT, INC.**  
 110 RESOURCE COURT  
 PRESTONSBURG, KY 41653

**APPENDIX F: Title VI Notice to the Public**

**TITLE VI NOTICE OF PROTECTION AGAINST DISCRIMINATION**

The Big Sandy Area Development District operates their programs without regard to race, color and national origin. To request or receive additional information on its discrimination obligations, including its complaint procedures, please contact the person listed below:

Jody Spradlin  
 Title VI Coordinator  
 606-886-2374  
 110 Resource Court  
 Prestonsburg, KY 41653  
 Jody.spradlin@bigsandy.org

To file a discrimination complaint, the written complaint must be filed to the address above within 180 days of the alleged discrimination. To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address. Written complaints may also be filed with the United States 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.

  
 Terry Trimble, Deputy Director

9/30/19  
 Date

**APPENDIX G: Title VI Complaint Form**

**Big Sandy Area Development District**  
Title VI Complaint Form

<b>Section I:</b>			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
<b>Section II:</b>			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party: _____			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
<b>Section III:</b>			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Age
<input type="checkbox"/> Disability	<input type="checkbox"/> Family or Religious Status	<input type="checkbox"/> Other (explain) _____	
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.			
<b>Section IV</b>			
Have you previously filed a Title VI complaint with this agency?		Yes	No

<b>Section V</b>	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
<b>Name:</b>	
<b>Title:</b>	
<b>Agency:</b>	
<b>Address:</b>	
<b>Telephone:</b>	
<b>Section VI</b>	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone	

**TÍTULO VI AVISO DE PROTECCIÓN CONTRA LA DISCRIMINACIÓN**

El Distrito de Desarrollo del Área Norte de Kentucky opera sus programas sin tener en cuenta la raza, el color y el origen nacional. Para solicitar o recibir información adicional sobre sus obligaciones de discriminación, incluyendo sus procedimientos de quejas, por favor comuníquese con la persona indicada a continuación:

Jody Spradlin Coordinadora del  
Título VI 110 Resource Ct.  
Prestonsburg, KY 41653

Teléfono: 606-886-2374  
Dirección de Correo electrónico: jody.spradlin@BSADD.org

Para presentar una queja por discriminación, la queja escrita debe ser presentada a la dirección arriba dentro de los 180 días de la presunta discriminación. Para dar cabida a individuos con dominio inglés limitado, las quejas orales que se documentarán y/o traducidas también pueden ser dadas en la dirección arriba indicada. Las quejas por escrito también pueden presentarse ante el Departamento de transporte de los Estados Unidos, la administración federal de tránsito (FTA) a más tardar 180 días después de la fecha de la presunta discriminación, a menos que el tiempo de presentación sea extendido por el

FTA.Nombre del Reclamante: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad:Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_ Teléfono de la Casa: \_\_\_\_\_ Teléfono del Trabajo: \_

Correo Electrónico: \_\_\_\_\_

Información de la persona discriminada, si no es la que está haciendo la queja:

Nombre: \_\_\_\_\_ Dirección: \_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_ Teléfono de la Casa: \_\_\_\_\_ Teléfono del Trabajo: \_\_\_\_\_

Explique de la manera más breve y clara posible lo que sucedió y cómo fue discriminado. Indique quién estuvo involucrado. Asegúrese de incluir cómo otras personas, si las hubo, fueron tratadas de manera diferente a usted. Usted puede adjuntar cualquier material escrito u otra información que considere relevante.

Fecha del supuesto incidente: \_\_\_\_\_

Hay algún testigo?  Sí  No

Si es así, proporcione la información de contacto de los testigos:

Nombre: \_\_\_\_\_ Dirección: \_\_\_\_\_  
Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_ Número Telefónico: \_\_\_\_\_

Nombre: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_ Número Telefónico: \_\_\_\_\_



Presentó esta queja con otra agencia federal, estatal o local, o con un tribunal federal o estatal?

- Sí  No

Si la respuesta es sí, marque cada agencia en donde fue presentada:

- Corte Estatal
- Corte Federal
- Agencia Local
- Agencia del Estado
- Agencia Federal
- Otro

Por favor proporcione la información de contacto de la persona en la agencia en donde también presentó la queja:

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código Postal: \_\_\_\_\_

Fecha en la que presentó la queja: \_\_

Firme la queja en el espacio de abajo. Adjunte todos los documentos que usted cree que apoyan su reclamo.

Firma del Reclamante: \_\_\_\_\_ Fecha: \_\_\_\_\_

Por favor envíe esta forma por correo:

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

Signature and date required below:

\_\_\_\_\_

Signature

Date

Please submit this form in person at the address below, or mail this form to: Jody Spradlin  
Big Sandy Area Development District 110  
Resource Court  
Prestonsburg, Kentucky 41653

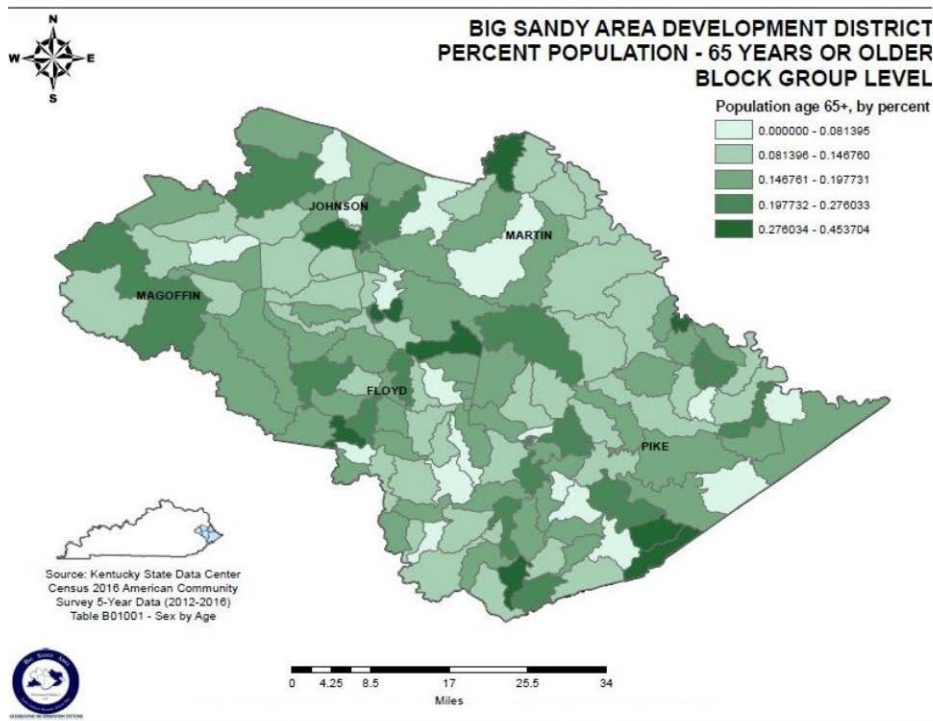
**APPENDIX H: Public Participation Plan**

**Demographic Information**

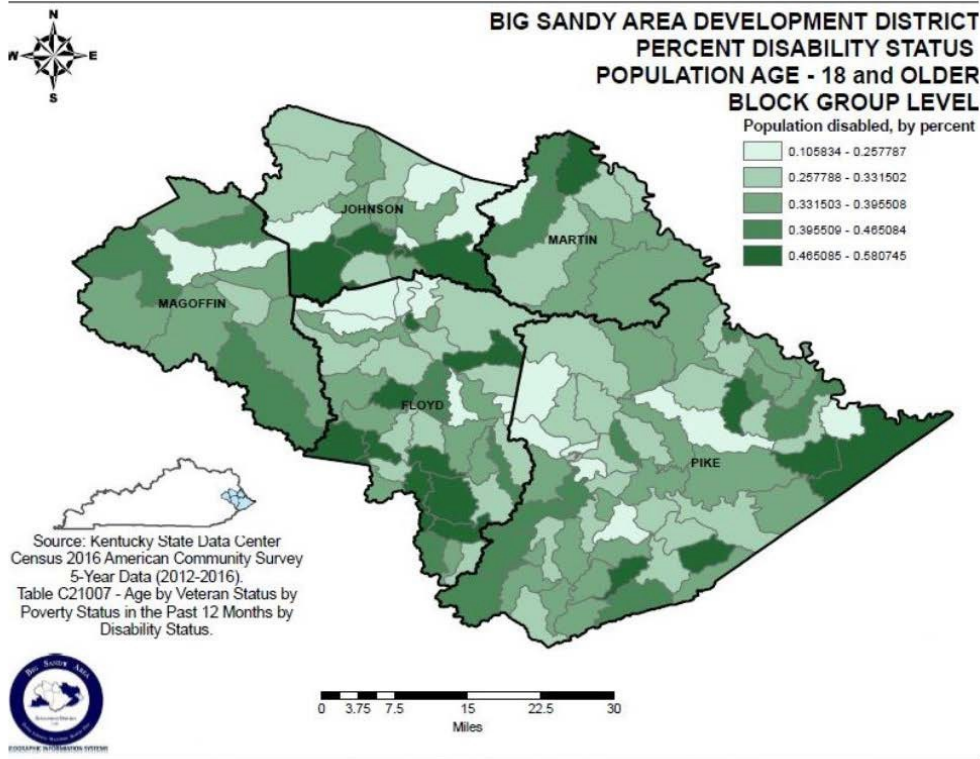
The Big Sandy Area Development District is composed of five rural counties: Floyd, Johnson, Magoffin, Martin and Pike. The below maps provide information on the following potential underserved populations in the BSADD region:

- 1. Minority
- 2. Elderly
- 3. Poverty
- 4. Disabled

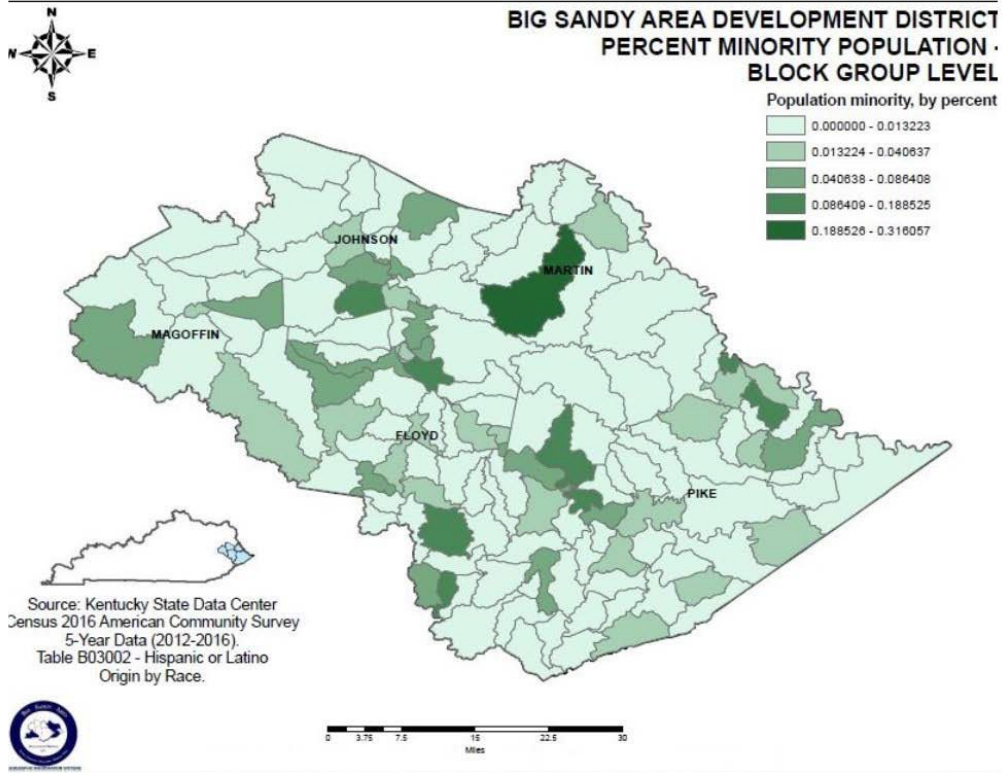
Population Over Age 65



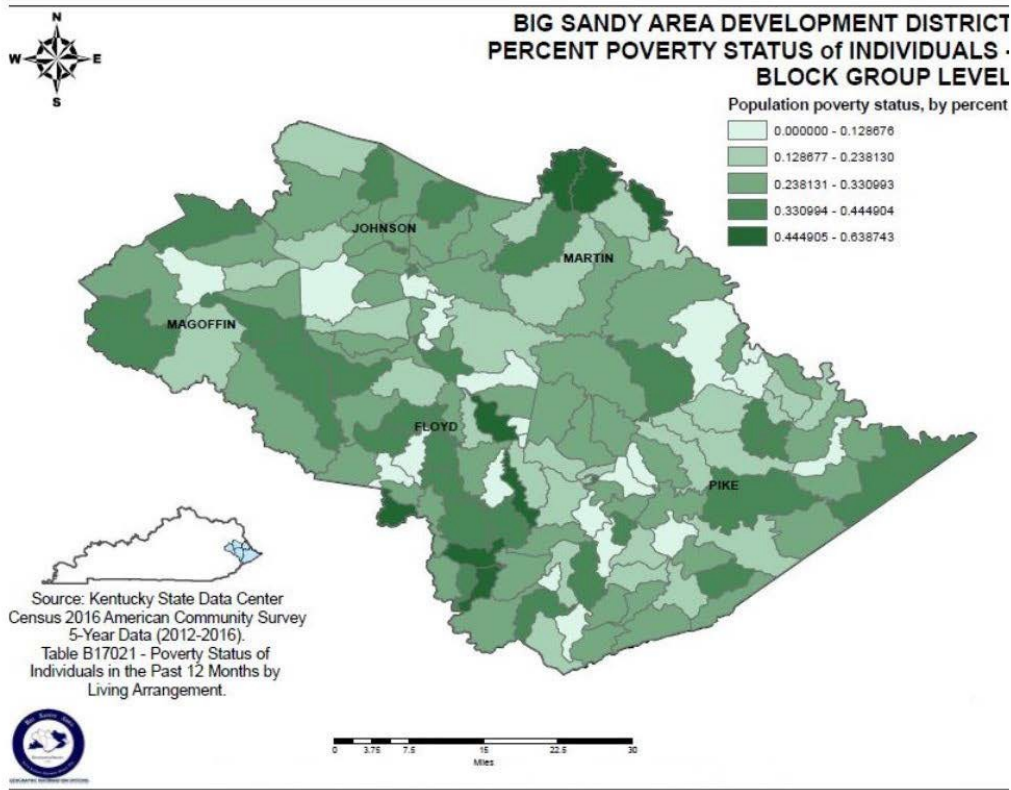
Population Age 18 & Older with Disability



Minority Population by Race



Population Poverty Status



This Public Participation Plan will be updated annually to ensure the potentially underserved populations are being accurately represented in the creation of the Big Sandy Area Development District's Transit Coordinated Plan and ensure their inclusion in the planning process. As the size of these populations increase BSADD will amend their outreach efforts to reflect the fluctuations and ensure inclusion from all members of the community.

## Big Sandy Area Development District Language Assistance Plan – Transit FY 2019

### Introduction

The Big Sandy Area Development (BSADD) coordinates a transit system within Floyd, Johnson, Magoffin, Martin and Pike Counties. The Language Assistance Plan (LAP) has been prepared to address BSADD’s responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In the BSADD service area there are 1,111 residents or 1.6% who describe themselves as not able to communicate in English “very well” (Source: US Census). BSADD is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. BSADD has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP.

The U.S. Department of Transportation Handbook, titled “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers, (April 13, 2007)” (hereinafter “Handbook”), states that 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 the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance (Handbook, page 5). The Handbook further adds that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (Handbook, page 5).

Executive Order 13166 of August 16, 2000 states that recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons (Handbook, page 6). Additionally, recipients should use the 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 (Handbook, page 6). These provisions are included in FTA Circular 4702.1B in Paragraph 9 of Chapter III (pages III-6 to III-9).

BSADD does not have a public transit system, however BSADD is committed to taking reasonable steps to ensure meaningful access for LEP individuals to this agency’s services in accordance with Title VI.

This plan will demonstrate the efforts that BSADD undertakes to make its service accessible to all persons without regard to their ability to communicate in English. The plan addresses how services will be provided through general guidelines and procedures including the following:

- Identification: Identifying LEP populations in service areas
- Notification: Providing notice to LEP individuals about their right to language services
- Interpretation: Offering timely interpretation to LEP individuals upon request
- Translation: Providing timely translation of important documents
- Staffing: Identifying BSADD staff to assist LEP customers
- Training: Providing training on LAP to responsible employees.

#### Four Factor Analyses

The analysis provided in this report has been developed to identify LEP populations that may use BSADD services and identify needs for language assistance. This analysis is based on the “Four Factor Analysis” presented in the Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, dated April 13, 2007, which considers the following factors:

A. Factor 1: The number and proportion of LEP persons serviced or encountered in the eligible service population

For determining the LEP population, BSADD utilized the U.S. Census Bureau Language Use data (ACS-DP02) for Language Spoken at Home and English-Speaking Ability by County.

The total combined (2016) Population over 5 years of age in Floyd, Johnson, Magoffin, Martin and Pike Counties is **64,623**. The below table outlines the language spoken at home for the service area population according to the U.S. Census Bureau.

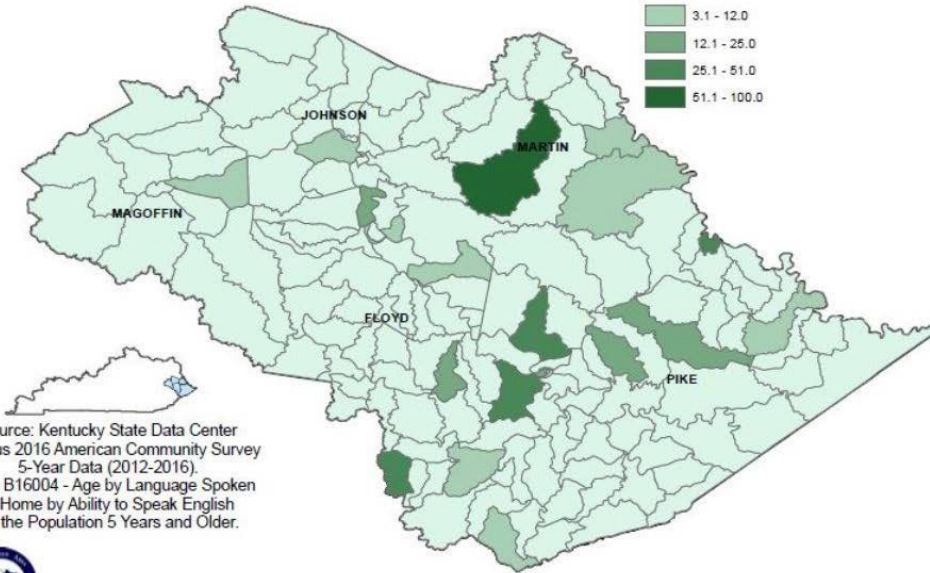
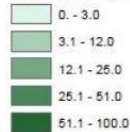
Subject	Population 5 y.o. & over	Percent of Population 5 y.o. & over	Speaks English Less than "Very Well" Number (#)	Speaks English Less Than "Very Well" Percentage %
Speaks only English	62,653	96.95%	-----	-----
Speaks a language other than English	1,970	3.05%	850	1.32%
Spanish	1,633	2.53%	740	1.15%
Other Indo-European languages	240	0.37%	71	0.11%
Asian and Pacific Islander languages	48	0.07%	24	0.04%
Other languages	49	0.08%	15	0.02%

Source: U.S. Census Bureau American Factfinder. Table DP02: Selected Social Characteristics In The United States 2016 ACS 5-Year. Accessed August 20, 2018.



**BIG SANDY AREA DEVELOPMENT DISTRICT  
PERCENT SPEAK ENGLISH "LESS THAN VERY  
WELL" 5 YEARS AND OLDER -  
BLOCK GROUP LEVEL**

Population speaks english LTVW, by percen



Source: Kentucky State Data Center  
Census 2016 American Community Survey  
5-Year Data (2012-2016).  
Table B16004 - Age by Language Spoken  
at Home by Ability to Speak English  
for the Population 5 Years and Older.



B. Factor 2: The frequency with which LEP persons come in contact with BSADD programs, activities or services.

BSADD supports transit planning services in our five rural counties: Floyd, Johnson, Magoffin, Martin and Pike, but does not provide direct transit assistance to individuals. Direct providers are county governments or nonprofit agencies. Therefore, these are the only areas in which LEP persons might come in contact with BSADD supported transit services or programs. However, during periods of public comment, some citizen participation may be directed to BSADD.

C. Factor 3: The nature and importance of programs, activities or services provided by BSADD to the LEP population.

Transit services are very important to the populations in our rural areas. BSADD supports transit planning services in our five rural counties: Floyd, Johnson, Magoffin, Martin, and Pike but does not provide direct transit assistance to individuals. Direct providers are county governments or nonprofit agencies. Therefore, these are the only areas in which LEP persons



might come in contact with BSADD supported transit services or programs. However, during periods of public comment, some citizen participation may be directed to the BSADD.

D. Factor 4: The resources available to BSADD and overall costs to provide LEP assistance

Given the resources currently available to BSADD, the LAP measures appear reasonable. LAP measures include written translation if requested. If there is a consistent need for translations, by LEP populations, BSADD will consider additional appropriate measures to serve the language access needs of those persons.

**Language Implementation Plan**

A. Element 1: Identifying LEP Individuals Who Need Language Assistance

For determining the LEP population, BSADD utilized the U.S. Census Bureau Language Use data (ACS-DP02) for Language Spoken at Home and English-Speaking Ability by County. BSADD may identify language assistance need for an LEP group by:

1. Working with public and private agencies that assist LEP persons. Interview staff to solicit information about the locations and needs of LEP persons they serve.
2. Continue to compile demographic information from the U.S. Census and other sources to identify concentration of LEP persons, and the type of language barriers that exist.

B. Element 2: Language Assistance Measures

BSADD supports transit planning services in our five rural counties: Floyd, Johnson, Magoffin, Martin and Pike, but does not provide direct transit assistance to individuals. Direct providers are county governments or nonprofit agencies. Therefore, these are the only areas in which LEP persons might come in contact with BSADD supported transit services or programs. However, during periods of public comment, some citizen participation may be directed to BSADD and BSADD will provide written translations when requested.

C. Element 3: Training Staff

Pertinent staff will participate in future Title VI trainings provided by KYTC, the FTA and other organizations.

D. Element 4: Providing Notice to LEP Persons

When an LEP language group meets the required limits, BSADD will provide written notice in the primary language of the LEP language group of the right to receive either oral or written interpretation, at the discretion of BSADD, of those written materials, free of cost. Citizens, public agencies and other interested parties will have reasonable and timely access to information and records relating to the LAP. All public records will be made accessible to interested individuals and groups pursuant to Open Records Statute KRS 61.870-884.

E. Element 5: Monitoring and Updating the Plan

All agencies receiving federal transit funds administered through the BSADD program will report as requested by KYTC on services provided to LEP persons. Agencies will review their respective plans each year to evaluate their effectiveness and to make any needed changes. BSADD will assist agencies in finding appropriate translation resources, and disseminate translated notices,

brochures, posters and other documents.

BSADD will monitor the delivery of any required language assistance on an ongoing basis. It will review the LAP, evaluate the effectiveness of its implementation, and update the LAP, on an annual basis, in order to ensure continued responsiveness to community needs.

The LAP evaluation will consist of:

- i. Revision of the LAP, as necessary, by monitoring changes in demographics and services provided, updating available resources and tools, modifying methods of implementation and addressing any issues of concerns.
- ii. Analysis of language assistance usage, including the amount of language service requests, surveying the languages most frequently encountered, identifying the primary modes of communication, and costs associated with services rendered.

### **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 the five percent (5%) trigger, the recipient is not required to translate vital written materials, but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

The Big Sandy Area Development District (BSADD) service area does not have LEP populations which qualify for the Safe Harbor Provision. As shown on page 52, the BSADD does not have LEP groups which speak English less than “very well” which exceed either 5.0% or 1,000 persons.

**APPENDIX J: Plan Approval**