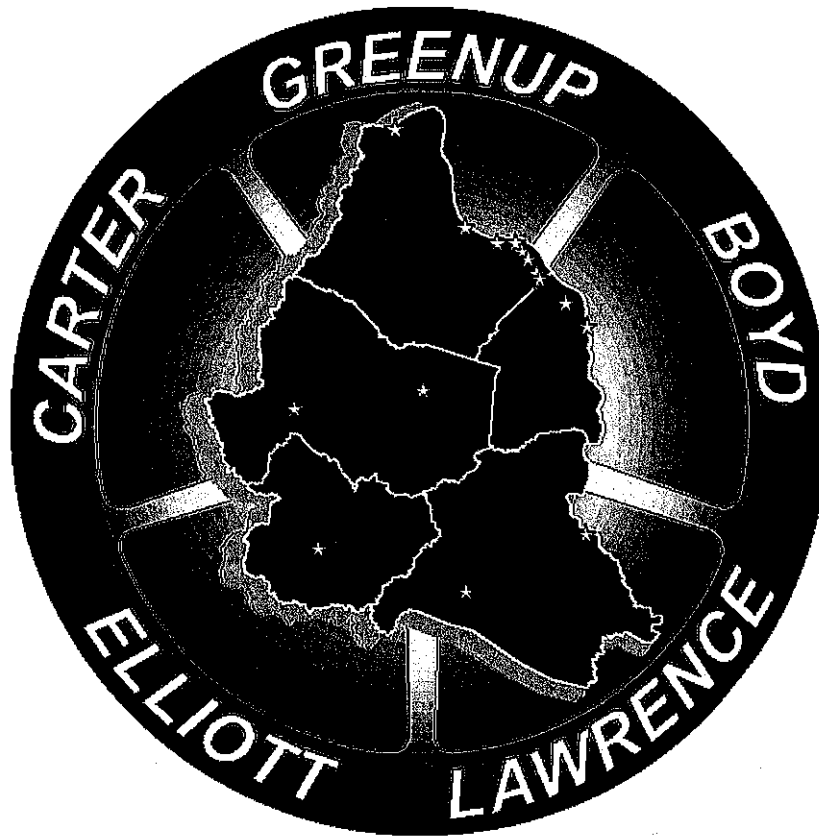


TITLE VI IMPLEMENTATION PLAN



FIVCO AREA DEVELOPMENT DISTRICT

July 1st, 2017 – June 30th, 2018

Sherry McDavid, Executive Director

Joy Chapman, Human Resources, Title VI Coordinator

Luke Stapleton, Regional Transportation Planner, Title VI Coordinator

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TABLE OF CONTENTS

1. Glossary / Definitions.....	4
2. Overview.....	8
3. Title VI Policy Statement.....	9
4. Standard Title VI Assurances.....	10
5. Responsible Official.....	12
4. Organizational Chart.....	13
5. Statement of Assurances.....	14
6. Program Review Procedures.....	15
7. Programs or Activities Subject to Title VI.....	16
8. Complaint Procedures.....	18
9. Compliance.....	22
10. Training.....	23
11. Goals and Accomplishments.....	24
12. Public Notification.....	25
13. Data Collection/Reporting/Analysis.....	26
14. Minority Representation.....	28
15. Record of Complaints.....	29
16. Language Access Plan.....	31
17. Environmental Justice.....	37
16. Appendices.....	38

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 FIVCO Area Development District.

Executive Director: The FIVCO ADD Executive Director has authority to appoint 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

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 that includes many of the languages spoken in Europe, in the parts of the world colonized by Europeans, 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
- Use of family members, friends, and other customers/passengers as interpreters

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.

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-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.

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.

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

Sub-recipient: 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.

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 FIVCO ADD in carrying out the Title VI responsibilities of the FIVCO Area Development District.

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.

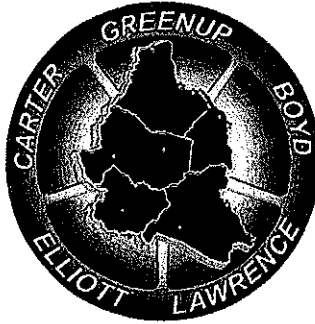
Implementation plan means the Title VI implementation plan developed and maintained by FIVCO Area Development District to ensure compliance with 42 U. S. C. § 2000d et. seq. and KRS 344.015.

Responsible Official means the person identified in Section IV, *infra*.

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



Title VI Policy Statement

FIVCO Area Development District

32 FIVCO Court, Grayson, KY 41143

www.fivco.org

Pursuant to and consistent with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4, 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

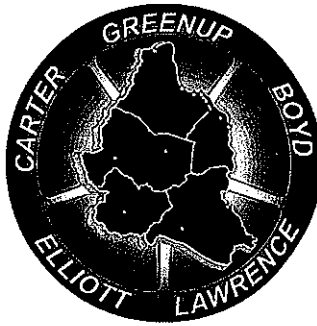
It is the policy of the FIVCO Area Development District that no person, on the grounds of race, color, national origin, sex, age and disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the FIVCO Area Development District, regardless of whether those programs and activities are Federally funded or not.

Sherry McDavid

Sherry McDavid, Executive Director

3/14/18

Date



Standard Title VI Assurances

FIVCO Area Development District

The FIVCO Area Development District (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, or any other Federal agency, it will comply with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation. Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin 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 Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Highway Program as well as any other federally funded program:

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

Construction Proposals

The FIVCO ADD 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, religion, sexual orientation, gender identity, veteran status, or disability.

Agreement for Other Services

Compliance with Regulations: The Consultant shall comply with the regulation of the FIVCO ADD relative to nondiscrimination in Federally Assisted Programs of the FIVCO ADD 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 Regulations.
4. That the Recipient shall also insert into every relevant contract a clause stating that the contractor will not discriminate against any employee or applicant for employment because of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, 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, and under such property.
7. That these assurances obligate the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance was extended, or for another purpose involving the provision of similar services or 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, contracts, sub-contracts, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations, and these assurances.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and these assurances.

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

Signed and approved this 14th day of March, 2018



Sherry McDavid, Executive Director

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, and under such property.

7. That these assurances obligate the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance was extended, or for another purpose involving the provision of similar services or 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, contracts, sub-contracts, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations, and these assurances.

9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and these assurances.

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

Signed and approved this _____ day of _____, 2018

Sherry McDavid
Executive Director
FIVCO ADD

RESPONSIBLE OFFICIAL

The Executive Director is responsible for the FIVCO ADD's adherence and compliance with Equal Opportunity and Title VI via program implementation and policy development.

The Executive Director is responsible for the following:

- Monitoring Equal Employment Opportunity programs, including enforcement of Titles VI and VII of Civil Rights Act
- Investigating all complaints of discrimination based on race, color, national origin, sex, religion, disability, age, sexual orientation, veteran status, income level or Limited English Proficiency (LEP)
- Counseling at-risk employees and employees facing disciplinary action or identified as having difficulties that may interfere with or jeopardize employment (EEO)

Joy Chapman and Luke Stapleton are designated as the Title VI Coordinators and are responsible for the oversight and coordination of FIVCO ADD's compliance with Title VI and all related statutes, regulations and directives. The Title VI Coordinator has direct access to the FIVCO ADD's Executive Director. General responsibilities of the Title VI Coordinator include but are not limited to the following:

- Coordinating Title VI program development with Area Development District's (ADDs), Metropolitan Planning Organizations (MPOs), Local Public Agencies (LPAs) and division managers
- Establishing procedures for processing Title VI program reviews and/or sub-recipient reviews
- Coordinating training Title VI training for KYTC staff, sub-recipients, and stakeholders
- Preparing required reports
- Providing guidance and advice on the Title VI Program to KYTC staff, MPOs, LPAs and ADDs using a multi-year approach
- Participating in the design, development, and dissemination of Title VI information to the public via the Notification to Beneficiaries
- Annually updating KYTC's Title VI Program Plan

CONTACT INFORMATION:

Sherry McDavid, Executive Director

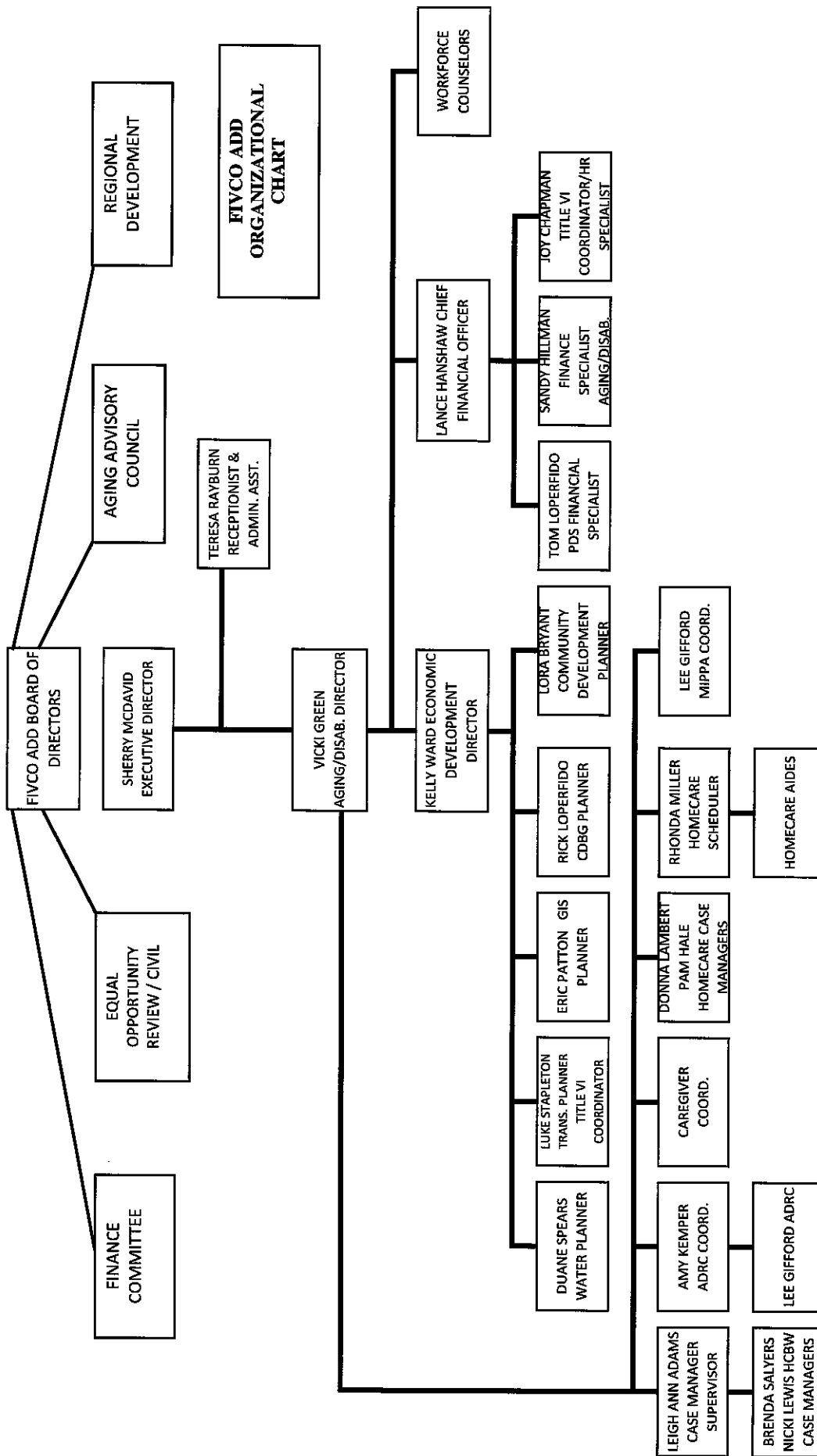
32 FIVCO Court
Grayson, KY 41143
(606) 929-1366
sherry@fivco.org

Joy Chapman, HR. Director, Title VI Coordinator

32 FIVCO Court
Grayson, KY 41143
(606) 929-1366
joy@fivco.org

Luke Stapleton, Regional Transportation Planner, Title VI Coordinator

32 FIVCO Court
Grayson, KY 41143
(606) 929-1366
luke@fivco.org
(FLOW CHART)





STATEMENT OF ASSURANCES

The FIVCO ADD, its Staff, any sub-recipients of federal funds under grants administered by the FIVCO ADD and all other parties involved with such grants are in compliance with all provisions of Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d).

A. Each sub-recipient of federal funds under grants administered by the FIVCO ADD shall have agreed in writing to adopt FIVCO ADD's Title VI plan, or

B. If the sub recipient's Title VI plan differs from the FIVCO ADD's plan, the sub-recipient's Title VI plan shall be available for review from the Responsible Official.

PROGRAM REVIEW PROCEDURES

The FIVCO ADD is responsible for the following under Title VI:

- Each division within the FIVCO ADD and all of 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 OCRSBD Executive 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 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

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
- Administration for Community Living

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 Bluegrass 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 \$75,000. The minimum amount is \$5,000. 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 Receipts 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.

COMPLAINT PROCEDURES

1. How a complaint shall be filed:

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed using the forms attached in the Appendix. If an individual refuses to submit a written complaint, the compliance officer shall record the information orally from the individual and shall provide a copy to the individual with a request that the information be confirmed by the complainant. A complaint may be filed by anyone who believes that the FIVCO ADD has discriminated against a participant, beneficiary, or a class of beneficiaries on the basis of race, color, or national origin. Complaints must be filed within one hundred eighty (180) days of the activity which prompts the filing of the complaint.

2. Where to file a complaint:

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed with the FIVCO ADD's Title VI compliance officer and/or the Title VI Coordinator:

Sherry McDavid	Joy Chapman	Luke Stapleton
32 FIVCO Court	32 FIVCO Court	32 FIVCO Court
Grayson, KY 41143	Grayson, KY 41143	Grayson, KY 41143
(606) 929-1366	(606) 929-1366	(606) 929-1366
sherry@fivco.org	joy@fivco.org	luke@fivco.org

3. Time frame within which the complaint shall be processed by the agency; and upon receipt of a written complaint, the compliance officer shall review the complaint and shall file, within seven (7) days, a concise statement with the Responsible Official regarding the nature of the complaint and the steps to be taken to investigate or resolve the complaint

4. Withdrawal of a complaint;

A complainant may withdraw a complaint at any time before final action by filing with the compliance officer a written statement of his or her desire to withdraw the complaint.

B. INVESTIGATIONS, REPORT OF FINDINGS, HEARINGS AND APPEALS.

1. Investigations

Upon receipt of the complaint by an individual or at the time the compliance officer becomes independently aware of actions which may constitute a violation of Title VI, the compliance officer and/or the Title VI Coordinator shall take necessary action within thirty (30) days to

investigate and recommend specific actions to resolve the complaint. A report shall be filed by the compliance officer with the Responsible Official within that period.

2. Report of Findings

The complainant shall be notified in writing of the results of the investigation and any actions taken.

The FIVCO ADD shall attempt to maintain the confidentiality of the complaint and the name of the complainant.

The complainant shall be notified in writing, within 30 days of the resolution of a complaint, by the Responsible Official or the Title VI compliance officer of the resolution of a complaint. A statement of corrective action shall include specific statements of actions to be taken or prohibited actions and shall include a timetable for implementation.

3. Hearings and Appeals

A complainant may file a written appeal from the Responsible Official's resolution of the complaint within 30 days of the receipt of the written notice of resolution. Appeals shall be directed to the FIVCO ADD Executive Director and shall be set forth in writing. The complainant shall be notified of the final resolution of the complaint within 60 days of the Executive Director's receipt of the appeal.

A complainant filing a written appeal may request an in-person hearing before the FIVCO ADD Executive Director. Such request shall be set forth in writing and shall be submitted contemporaneously with the written appeal. The complainant shall be notified of the date, time and place of the hearing within 15 days of the FIVCO ADD's receipt of the request.

FIVCO ADD Title VI Complaint Form

The **FIVCO Area Development District** Title VI Complaint Procedure is made available in the following locations:

- ☐ Agency website, either as a reference in the Notice to Public or in its entirety
- ☐ Hard copy in the central office

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
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
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Color <input type="checkbox"/> Low-Income <input type="checkbox"/> Limited English Proficiency (LEP) <input type="checkbox"/> National Origin				
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.				

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
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.		
Name: _____		
Title: _____		
Agency: _____		
Address: _____		
Telephone: _____		
Section VI		
Name of agency complaint is against: _____		
Contact person: _____		
Title: _____		
Telephone number: _____		

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:

FIVCO ADD Title VI Coordinator

32 FIVCO Court

Grayson, KY 41143

COMPLIANCE

- A. The FIVCO ADD shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance.
- B. Upon a finding by the FIVCO ADD of noncompliance, FIVCO ADD 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 FIVCO ADD 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 FIVCO ADD shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the contractual relationship with FIVCO ADD.

5. Monitoring of programs

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

TRAINING

The Title VI implementation plan will be disseminated to all FIVCO ADD employees along with complaint procedures. Sub-recipients of federal grants will be notified of the Title VI implementation plan and complaint procedures at the time of any grant award.

The FIVCO ADD will hold Title VI training seminars annually for all employees. Supervisors will be trained semi-annually. All new employees shall receive a copy of FIVCO ADD's Title VI plan as part of the orientation process. As with all policies they will be encouraged to direct questions to their supervisor or the Human Resources Director.

GOALS AND ACCOMPLISHMENTS

The FIVCO ADD endeavors to reevaluate its Title VI goals on an annual basis, as part of the process of reviewing the agency's Title VI plan. The plan shall, each year, set forth FIVCO ADD's current goals and the process for evaluating and revising those goals and the agency's progress towards those goals.

A. Goals

1. Report compliance activities in a timely manner.
2. Respond to and investigate all complaints within the timeframe and in accordance with the procedures outlined in Section VII.
3. Obtain information from employees to determine if the plan is adequate to address their needs and the requirements of Title VI.

B. Evaluation of Goals

1. The Advisory Committee shall, at each meeting, review the agency's goals and its progress towards these goals, and evaluate the effectiveness of the plan's provisions as they relate to these goals.
2. The Advisory Committee shall, at each meeting, establish a timeline for achievement of goals, and implement a process for monitoring the progress towards these goals.
3. The Advisory Committee shall, at each meeting, promulgate a written report of the agency's progress towards the identified goals.
4. The Advisory Committee shall, at each meeting, discuss and evaluate whether any corrective procedures are necessary to bring the FIVCO ADD closer to its accomplishments.

PUBLIC NOTIFICATION

The FIVCO ADD 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 FIVCO ADD. The FIVCO ADD 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
- FIVCO ADD website: fivco.org
- 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 FIVCO ADD complies with Title VI of the Civil Rights Act of 1964 will be displayed in a prominent place.

Title VI Coordinator,
Joy Chapman, Human Resources, Title VI Coordinator
Luke Stapleton, Regional Transportation Planner, Title VI Coordinator
FIVCO ADD
32 FIVCO Court
Grayson, KY 41143
Phone: (606) 929-1366

Three groups of people will receive notification of FIVCO ADD's Title VI plan, complaint forms, nondiscrimination policy, and programs and services: 1) FIVCO ADD employees who will receive copies of the implementation plan and the complaint procedures; 2) federal grants applicants and sub-recipients of federal grants who will be notified of Title VI requirements at the time of application and at the time of any grant award; and 3) members of the general public who request information via phone, fax, or email.

The FIVCO ADD Title VI Plan and LEP are available for review at the FIVCO ADD office. Information is also available on the website: fivco.org. Title VI application forms and checklists for sub-recipients are also available at the FIVCO ADD office and the website.

DATA COLLECTION/REPORTING ANALYSIS

Statistical data on race, color, national origin, sex, age, disability, and LEP of participants in and beneficiaries of the FIVCO ADD's programs, (i.e., affected populations, and participants) will be gathered, analyzed, and maintained by the FIVCO ADD to determine the 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. 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

A. Complaints

1. The Title VI Coordinator will maintain a log of all complaints filed with the FIVCO ADD.
2. Grant personnel will certify annually that all sub-recipients have been notified of the Title VI implementation plan and complaint procedures.
3. The Title VI Coordinator will maintain copies of complaint forms and will ensure that they are available for use.

B. Reporting

1. Changes in the Title VI implementation plan will be provided to employees and sub-recipients as changes are made.
 2. Changes in the Title VI implementation plan will be forwarded to the KYTC and other appropriate Cabinets as necessary, as changes are made.
 3. Grant personnel will maintain records of all sub-recipients in order that the FIVCO ADD can determine if eligible parties are participating in the grants.
- C. The changes made in sections VIII and IX of this plan are incorporated herein as part of FIVCO ADD's recordkeeping and reporting procedures.

MINORITY REPRESENTATION

A. Minority representation on Boards/Committees

BOARD/COMMITTEE	MEMBERS	MINORITY REPS	PERCENTAGE
FIVCO ADD	25		
WHITE MALES	25		100%
WHITE FEMALES	0		
BLACK MALES	0		
BLACK FEMALES	0		

B. Special Emphasis Program Area:

The FIVCO ADD continues to attempt to identify and employ qualified minority applicants. Where minority representation in particular areas of the agency is low, the FIVCO ADD endeavors to fill vacant positions with qualified minorities. Whenever a planning or advisory body, such as a board or committee is an integral part of FIVCO ADD's programs, the FIVCO ADD shall take such steps as are necessary to ensure that minorities are notified of the existence of such bodies and are provided equal opportunity to participate as members. Where members of a board or committee are appointed by the FIVCO ADD and where minorities comprise at least 5% of the affected area or the surrounding community, the facility or agency must appoint a minority representative to serve on the board or committee.

The FIVCO ADD has also created a Title VI advisory committee to review and make recommendations regarding this implementation plan and to identify areas where improvement is needed. The advisory committee is currently composed of three (3) people. The advisory committee shall meet at least once each year.

C. The summary of race and national origins for FIVCO ADD employees includes the following employees:

RACE/NATIONAL ORIGIN	NUMBER	PERCENTAGE
White Females	34	76%
White Males	11	24%
Black Females		
Black Males		
Hispanic Females		
Hispanic Males		
American Indian Females		
American Indian Males		
Other Females		
Other Males		
Total	45	100%

RECORD OF COMPLAINTS

July 1st 2017 – June 30th 2018

Case Number	Investigator	Complainant	Respondent	Type of Complaint	Date Open	Preliminary Report Sent	Final Report	Decision

**FIVCO Area Development District
32 FIVCO Court
Grayson, KY 41143
Phone: (606) 929-1366**

Report of Investigation

I, _____, representing the FIVCO ADD, have investigated the complaint filed on _____, 20__ by _____ alleging that discrimination occurred which was in violation of the provisions of Title VI of the Federal Civil Rights Act.

The results of the investigation were as follows:

- ____ A. The agency or person was found to be in violation of Title VI.
____ B. The agency or person was not found to be in violation of Title VI.
____ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) _____

If the agency or person was found to be in violation of Title VI, a brief description of the remedial action taken to assure future compliance follows:

Signed: _____ Date: _____

LANGUAGE ACCESS PLAN

FIVCO Area Development District

Language Access Plan (LAP)

for persons with Limited English Proficiency (LEP) March 2018

The FIVCO Area Development District, (FIVCO ADD), has established this policy as means to take reasonable steps in ensuring meaningful access to agency services, programs and activities for persons who have limited English proficiency. This plan applies to the federally-funded programs provided through FIVCO ADD.

Overview

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with Limited English Proficiency (LEP persons). The FIVCO ADD is a recipient of federal funds through the U.S. Department of Housing and Urban Development (HUD), the Federal Highway Administration (FHWA), the Department of Labor, (DOL), and Health and Human Services (HHS) for a portion of its programs and, thus, is obligated to reduce language barriers that can preclude meaningful access by LEP persons to DLG programs.

Definitions

For the purposes of this plan:

- a. *Grantee* means the FIVCO ADD.
- b. *Recipient* means the FIVCO ADD. This means any entity that receives any federal HUD assistance, directly from FIVCO ADD or from another Recipient. This includes, but is not limited to, any unit of local government, public housing authority, community housing development organization, public or private nonprofit agency, developer, private agency or institution, mortgagor, limited dividend sponsor, builder, property manager, resident management corporation, resident counsel or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the respective federal grant program.
- c. *LEP* means Limited English Proficiency. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit or encounter.
- d. *LAP* means Language Access Plan.

Four-Factor Analysis

There are four (4) flexible, fact-dependent factors to be considered in developing language materials and a Limited English Proficiency plan. The following four-factor analysis will serve as the guide for determining which language assistance measures will be undertaken to guarantee access to FIVCO ADD's federally funded programs by LEP persons. Additionally, all future recipients of federal assistance are required to use the same four-factor analysis prior to the release of funds.

1. The number or portion of LEP persons eligible to be served or likely encountered through its federally funded programs.
 - a. For determining the LEP population, FIVCO ADD utilized the U.S. Census Bureau Language Use data (ACS-DP02) for Language Spoken at Home and English- Speaking Ability by State (See Appendix A).
2. The frequency with which LEP individuals come in contact with the designated federal programs.
 - a. FIVCO ADD does not provide direct assistance to individuals. All FIVCO ADD funds are awarded to units of local government, certified contractors or nonprofit agencies. As a result, LEP persons rarely come into contact with the respective federal grant program at this level. However, during periods of public comment, some citizen participation may be directed to the FIVCO ADD.
3. The nature and importance of the program, activity or service provided by the federal programs.
 - a. FIVCO ADD does not provide direct assistance to individuals. All FIVCO ADD funds are awarded to units of local government, certified contractors or nonprofit agencies. As a result, LEP persons rarely come into contact with the respective federal grant program at the state level. However, during periods of public comment, some citizen participation may be directed to the FIVCO ADD.
4. The resources available to the recipient and the cost. There are two types of assistance service – oral (interpretation) and written (translation).
 - a. It is recognized that developing English-Spanish materials would provide a valuable resource for the LEP population. All language assistance tools are provided at no cost to the recipient.
 1. FIVCO ADD Will post agendas for meetings on its website (www.fivco.org). All meetings are open to the public.
 2. The FIVCO ADD website provides language translation through Google Translate TM.
 3. The following text shall be included in all public notices:
"Alternative formats will be made available upon request; a 7-day notice is required for alternative formats. If you have any questions or comments contact FIVCO ADD at 606-929-1366."

Types of Language Assistance to be Provided by FIVCO ADD

As stated previously, although LEP persons rarely come into contact with FIVCO ADD programs at the regional level, some citizen participation matters are directed to the FIVCO ADD, particularly during periods of public comment. Therefore, FIVCO ADD has determined it will make available, upon request, translations of its federal grants action plans and amendments. If there is a consistent need for translations, by populations of LEP Kentuckians, FIVCO ADD will consider additional appropriate measures to serve the language access needs of those persons.

Requirements for Recipients

Recipients of federal funds awarded or drawn through FIVCO ADD are required to ensure that meaningful access to services is assured for their LEP clients. Recipients must provide language assistance services that result in timely, accurate, and effective communication at no cost to LEP clients and/or their beneficiaries. Such language assistance services are to be provided in accordance with the guidelines set forth in the U.S. Department for Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination in Federally-Assisted Programs of the Department of Transportation effectuation of Title VI of the Civil Rights Act of 1964. FIVCO ADD is available to assist Recipients in identifying and developing appropriate language assistance measures.

If an application is funded, the local government or nonprofit agency will be required to conduct a four-factor analysis, develop a LAP, if necessary, and provide a description of outreach efforts during the Letter of Conditional Commitment stage. Particular attention will be given to plan details for projects including acquisition and/or relocation, housing rehabilitation, and/or water/sewer hookups.

In order to determine if language assistance is required by recipients of federal funds through FIVCO ADD, all Recipients are required to follow the measures outlined below.

1. Conduct the four-factor analysis prior to advertising for application public hearing.
2. If the four-factor analysis reveals there are 1,000 or more LEP persons, or 5 percent or more LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by: 1) translating all vital documents; 2) posting notices of application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken; and 3) providing translation services at public hearings, if requested to do so by LEP persons.

3. If the four-factor analysis reveals there are less than 50 LEP persons but 5 percent or more LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by: 1) posting notices of application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken; and 3) providing translation services at public hearings, if requested to do so by LEP persons.
4. If the four-factor analysis reveals there are less than 50 LEP persons and less than percent LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by: 1) providing translation services at public hearings, if requested to do so by LEP persons.

If a LAP is required, the Recipient's LAP will include certifications that LAP has been developed, adopted, and will be implemented for all Federally-funded projects. The Recipient's LAP will include an identification of all LEP populations exceeding 1,000 or five percent of total jurisdiction population, whichever is less, the identification of materials to be made available to LEP persons, the means by which the materials will be made available to LEP persons, and the identification of any other translation services which may be necessary. Recipients will be monitored for implementation of their LAPs.

Monitoring, Evaluation and Updating

All agencies receiving federal funds through the FIVCO ADD will report annually on services provided to LEP persons. Agencies will review their respective plans each year to evaluate their effectiveness and to make any needed changes. FIVCO ADD will assist agencies in finding appropriate translation resources, and disseminate translated HUD notices, brochures, posters and other documents.

FIVCO ADD 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:

- 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.
- 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.

- Assessment of response to requests by LEP individuals and Recipients regarding the delivery of language assistance services.

Availability and Access

The FIVCO ADD LAP is available to the public on our website at www.fivco.org. This information is available in a form accessible to persons with disabilities, and others, upon written request to: Executive Director, FIVCO ADD, 32 FIVCO Court, Grayson, KY 41143.

Citizens, public agencies and other interested parties will have reasonable and timely access to information and records relating to the LAP. All public records under KRS Statute 61.870-884 will be made accessible to interested individuals and groups during normal working hours.

Complaints

At any time, citizens may submit complaints related to the LAP by writing the Executive Director, FIVCO ADD, 32 FIVCO Court, Grayson, KY 41143

The FIVCO ADD will provide a written response to every written citizen complaint that relates to the FIVCO ADD LAP within 15 working days.

LEP Persons in the FIVCO Area:

County	Total Households	Spanish	Other Indo-European Languages	Asian and Pacific Island Languages	Other Languages
Boyd	19,386	140	129	60	0
Carter	10,647	75	26	0	11
Elliott	2,624	62	0	1	0
Greenup	14,289	152	81	28	2
Lawrence	6,142	53	33	12	34

Source: United States Census. Data Retrieved From:

https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_16_5YR_S1602&prodType=table

Environmental Justice

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 FIVCO ADD 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

APPENDICES

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]¹ (2) that the (Title of Recipient) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be

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

amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].²

² 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.³
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **(Title of Recipient)** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **(Title of Recipient)** and its assigns.⁴

APPENDIX D

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

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

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

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;