



**July 1, 2021 – June 30, 2022**

# **TITLE VI PROGRAM PLAN**

Bowling Green-Warren County  
Metropolitan Planning Organization  
922 State Street, Suite 200  
Bowling Green, KY 42101

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## Glossary/Definitions

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

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

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

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

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

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

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

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

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

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

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

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

**Discrimination:** involves any act or inaction, whether intentional or unintentional in any program or activity of a federal aid recipient, sub recipient, or contractor, which results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on

race, color, sex, national origin, age, disability or in the case of disability, failing to make a reasonable accommodation.

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

***Executive Directors:*** The Executive Director oversees planning and staff activities for the City-County Planning Commission. The Executive Director reports to the Planning Commission Board and works collaboratively with City of Bowling Green and Warren County governments.

***Federal Assistance:***

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

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

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

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

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

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

***Kentucky Transportation Cabinet or KYTC:*** the agency of Kentucky charged by its laws with

the responsibility for all modes of transportation.

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

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

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

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

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

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

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

**Primary recipient:** KYTC or any department, division, or agency authorized to request federal assistance on behalf of sub-recipients and to distribute financial assistance to sub-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.

**Public participation:** an open process in which the rights of the community to be informed to provide comments to the Government and to receive a response from the Government are met

through a full opportunity to be involved and to express needs and goals.

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

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

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

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

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

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

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

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

**Transportation Improvement Programs or TIP:** plan developed by Metropolitan Planning Organization cooperation with the State and public transit providers detailing a list of upcoming transportation projects, covering a period of at least four years. It should include capital and non-capital surface transportation projects, bicycle and pedestrian facilities and other transportation enhancements, Federal Lands Highway projects and safety projects included in the

State's Strategic Highway Safety Plan. The TIP should include all regionally significant projects receiving FHWA or FTA funds, or for which FHWA or FTA approval is required.

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



## **Title VI 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 Bowling Green–Warren County MPO works so that local people and governments are represented in a fair and impartial setting in the transportation planning process. In order to ensure these efforts are met, the MPO works with local, state, and federal governments; including the Federal Highway Administration (FHWA), Federal Transit Authority Administration (FTA), Kentucky Transportation Cabinet (KYTC), GO bg Transit, Western Kentucky University, area stakeholders and the community at large. With a rapidly growing population representing diverse demographics, it is crucial for the MPO to involve local agencies and stakeholders, while also informing the public on relevant transportation issues and planning endeavors.

## **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)



## Title VI Policy Statement

The Bowling Green-Warren County MPO, as provided by Title VI of the Civil Rights Act of 1964 (49 CFR Part 21), the Executive Order on Environmental Justice, the Americans with Disabilities Act, and other directives, ensures that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program receiving federal funds. The Civil Rights Restoration Act of 1987 further clarified the intent of Title VI to include all programs and activities of Federal aid recipients and contractors whether those programs and activities are federally funded or not. The Bowling Green-Warren County MPO assures a collaborative effort will be implemented to avert the occurrence of discrimination in all of its programs and activities. Upon any distribution by the MPO of federal-aid funds to another governmental entity, the MPO will include Title VI language in all written agreements and will monitor for compliance.

This policy shall be posted in the City-County Planning Commission office and on the MPO's website, under the Title VI section.

**THIS ASSURANCE** is given in consideration of and for 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.

Ben Peterson

Print

6/21/2022

Date

*Benjamin D. Peterson*

6/21/2022

Benjamin Peterson, CCPC Executive Director

Date

# **1. Responsible Officials**

## **Executive Director**

The Executive Director is responsible for the oversight and coordination of all functions of the CCPC and MPO, along with the agency's compliance with the programs and internal operations related to regulations and directives set forth in this plan. General responsibilities of the CCPC Executive Director may include but are not limited to reviewing the update of this plan and providing assistance to the Title VI liaison/coordinator.

Key responsibilities of the Executive Director include, but are not limited to:

- Oversight and coordination of all functions of the CCPC and MPO.
- Ensure compliance with the programs and internal operations related to regulations and directives set forth for Title VI initiatives.
- Review the update(s) of this plan and provide assistance to the Title VI liaison/coordinator, as needed.

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

The Title VI Program Coordinator/Liaison is responsible for the oversight and coordination of the City-County Planning Commission (CCPC) and Bowling Green-Warren County MPO's compliance with Title VI and all related statutes, regulations and directives. The CCPC and Bowling Green-Warren County MPO must designate a coordinator/liaison for Title VI issues and complaints within the organization. The coordinator/liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance.

The CCPC and Bowling Green-Warren County MPO further agree 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 Executive Director or authorized representative.
- Issue a policy statement signed by the Executive Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the CCPC organization and made available to the general public through publishing on the MPO website.
- Develop a complaint process and attempt to resolve complaints of discrimination against the CCPC and Bowling Green-Warren County MPO.
- Participate in training offered on 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, not to exceed ninety (90) days and have a process to collect racial and ethnic data on persons impacted by the agency's programs.

Key responsibilities of the Title VI Coordinator/Liaison include, but are not limited to:

- Maintain knowledge of Title VI requirements.
- Attend training on Title VI and other nondiscrimination authorities when offered by KYTC or any other regulatory agency.
- Disseminate Title VI information to the public including in languages other than English, when necessary.
- Develop 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.
- Implement procedures for the prompt processing of Title VI complaints.

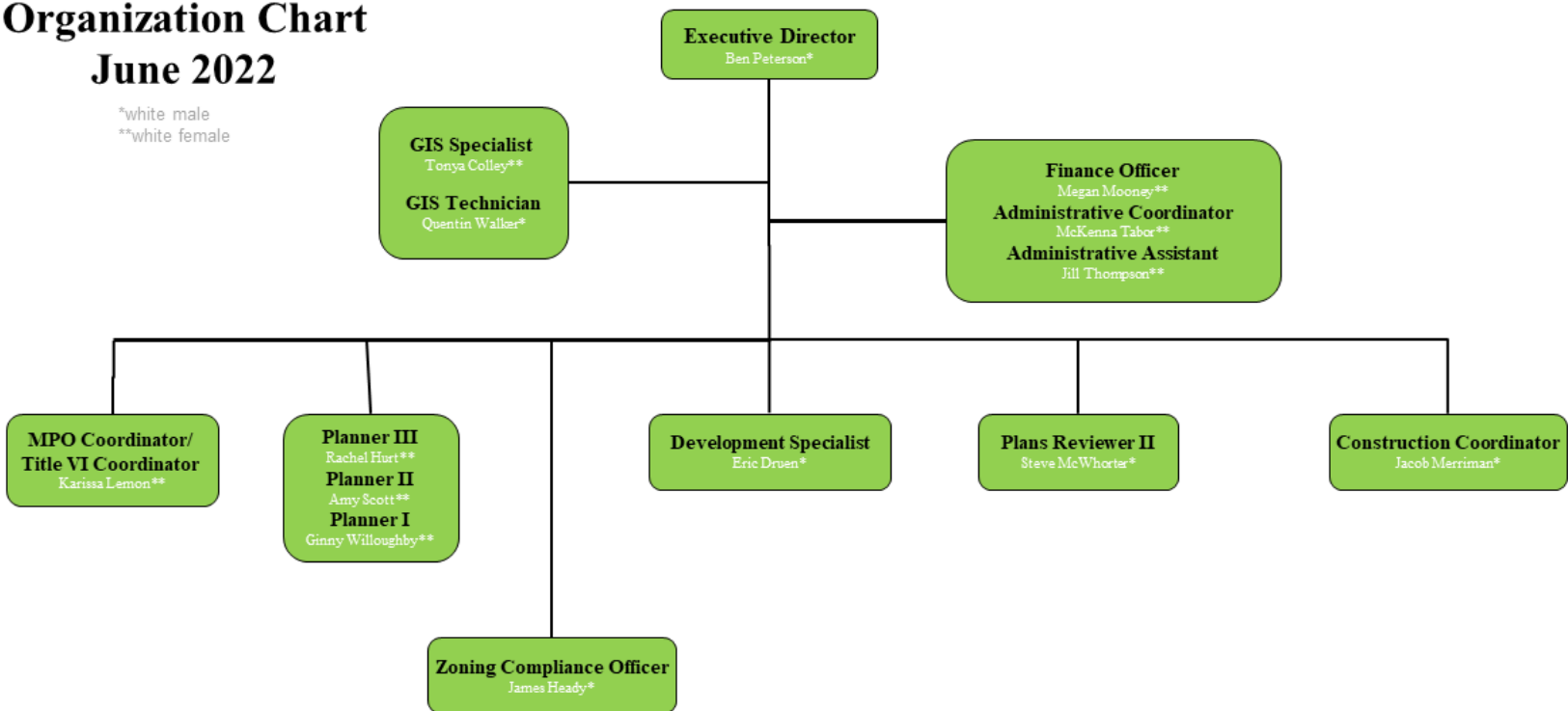
## Agency Organizational Chart

All employees listed below in the organizational chart report to the Executive Director.

# CITY COUNTY PLANNING COMMISSION

## Organization Chart June 2022

\*white male  
\*\*white female

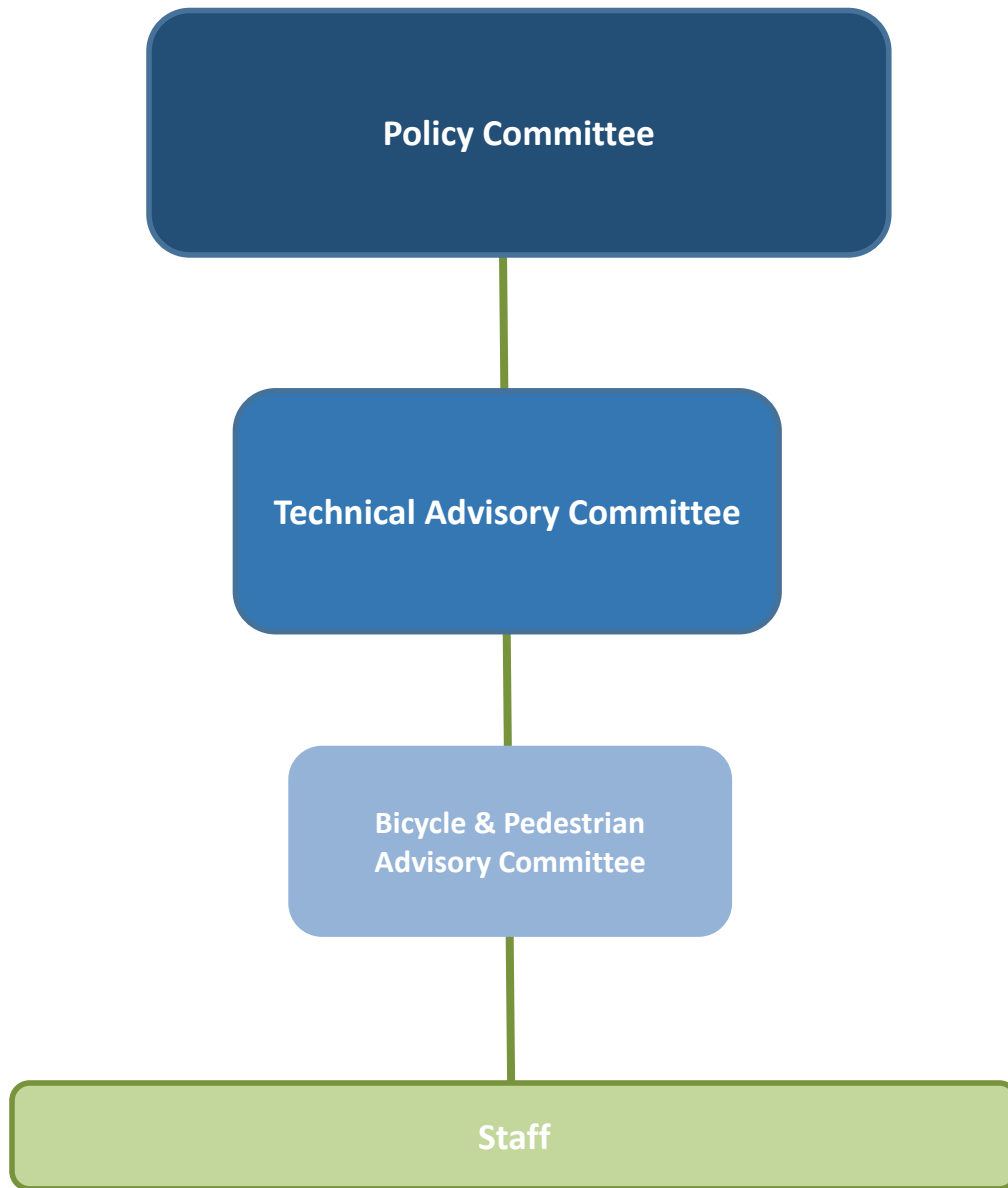


Short / Long Range Planning & Zoning

Development Review, Permitting & Code Compliance

Subdivision Review

## MPO Organizational Chart





## 2. STATEMENT OF ASSURANCES

CCPC and the Bowling Green-Warren County MPO (hereinafter referred to as the Sponsor) hereby agree that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 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") to the end 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 otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

- 1) Each "program" and "facility" (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
- 2) It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
- 3) Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
- 4) Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
- 5) It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:
  - a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and
  - b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
- 6) This assurance obligates 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 or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:

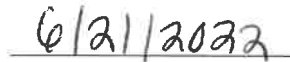


- a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b) the period during which the Sponsor retains ownership or possession of the property.
- 7) It will provide for such methods of administration for the program as are found by the Secretary of transportation of the official to whom he delegates specific authority to give reasonable guarantees that it, other sponsors, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the act, the Regulations, and this assurance.
- 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.

**THIS ASSURANCE** is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.



Signature of Authorized Official



Date



## **Program Review Procedures**

CCPC and the Bowling Green-Warren County MPO 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 KYTC OCSBD Executive Director and/or KYTC Office of Transportation Delivery (OTD) 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

## **Contractors and Subcontractors**

CCPC and the Bowling Green-Warren County MPO are responsible for ensuring that contractors are in compliance with Title VI requirements. Contractors may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. CCPC and the Bowling Green-Warren County MPO 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.

## **Nondiscrimination Clauses**

During the performance of a contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “Contractor”) must agree to the following clauses:

- 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, “USDOT”) 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 during the contract, shall not discriminate on the basis 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 the Regulations.
- 3) **Solicitations for Subcontractors, 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 Regulations or 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 Kentucky Transportation Cabinet, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the Kentucky Transportation Cabinet, the Federal Highway Administration, Federal Transit Administration, Federal

Aviation Administration, and/or the Federal Motor Carrier Safety Administration as appropriate, and shall 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, CCPC and the Bowling Green-Warren County MPO shall impose contract sanctions as appropriate, including, but not limited to:
  - a) withholding of 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 (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as CCPC and the Bowling Green-Warren County MPO, Kentucky Transportation Cabinet, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

## **Special Emphasis Program Areas**

At this time CCPC and the Bowling Green-Warren County MPO have 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. Should special emphasis areas be identified, the MPO will seek to provide proper education and additional training to mitigate any of the deficient areas.

## **Sub-Recipient Review Procedures**

CCPC and the Bowling Green-Warren County MPO, and the Title VI Coordinator ensure the sub-recipients are implementing programs that comply with Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations by requiring the annual training and compliance understanding be done by all employees. 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. This process may include, but is not limited to, reviewing consultant contracts to ensure compliance with Title VI initiatives.

### 3. Title VI Investigations, Complaints, and Lawsuits

#### Title VI Complaint Process

- 1) **Complaint Submittal:** A written complaint may be submitted to the Bowling Green-Warren County MPO by any person who believes he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, sexual orientation, income, LEP status, or disability. The complaint must include the following items:
  - a) Written complaint form and signed by the complainant(s). In the case that the complainant is unable or incapable of producing a written statement, the MPO Coordinator will interview the complainant to convert his/her verbal complaint into a formal written complaint. Regardless of circumstances, the complaint must be signed by the complainant or his/her representative. Written complaints may also be submitted to the KYTC OCRSBD, FHWA, FTA or the Department of Justice (DOJ).
  - b) The complainant shall include his/her name, address, phone number, email and date of the alleged act of discrimination. The submitted complaint shall describe in detail the alleged discriminatory act that violates Title VI. Any known names and job titles of those individuals perceived as parties involved in the discriminatory acts shall also be included in the complaint.
  - c) Federal and state law requires the complaint be filed within 180 calendar days of the alleged incident.
- 2) **Complaint Processing:** Upon receiving the complaint, the MPO Coordinator will determine its jurisdiction, acceptability, need for additional information, and investigate the legitimacy of the complaint. The initial report will be forwarded to KYTC within seven (7) working days.
- 3) **Investigation:** The complainant will be contacted within five (5) working days upon receipt of a signed complaint to acknowledge the received report and/or to set up an interview with the MPO Coordinator, should an interview be necessary. If an interview is deemed necessary by the MPO Coordinator, the complainant has a legal right to have a witness or representative present. Based upon the relevancy of evidence provided, the MPO Coordinator will determine if there is any additional information needed for further review. The investigation should last no more than forty-five (45) working days. At the conclusion of the investigation, the complainant will be given the opportunity to submit a rebuttal statement.
  - a) Should a complainant fail to provide sufficient evidence or additional information within the prescribed amount of time, it may be considered as a failure to cooperate with the investigation, therefore closing the complaint.
  - b) The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

- 4) **Final Report and Resolution:** Upon completion of the investigation, a written notification of disposition will then be sent to KYTC, the alleged discriminatory party, and the complainant within sixty (60) working days of filing the complaint. The notification will advise the complainant of his/her appeal rights with federal agencies if he/she is dissatisfied with the final decision rendered by the MPO. A copy of this letter, along with the report of findings, will be forwarded to all necessary agencies.
- 5) **Appeal Procedures:** If the complainant wishes to appeal the decision, he/she has 45 days after the date of the notification of disposition to do so. Appeals shall be submitted to the Metropolitan Planning Organization at 922 State Street, Suite 200, Bowling Green, KY 42101.

## **Acceptance and/or Dismissal of a Complaint**

After reviewing the complaint, the CCPC Executive Director and/or Title VI Coordinator may recommend dismissal of a complaint for any of the following reasons:

1. The complaint filed in an untimely manner
2. The complaint does not allege a basis covered by the statutes for which the MPO/CCPC is responsible
3. The complaint does not allege any harm with regard to covered programs or statutes
4. The complainant requests the withdrawal of the complaint
  - a. Contact the MPO/CCPC Office
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint
6. The complainant cannot be located after reasonable attempts
7. The complainant fails to accept a reasonable resolution. Reasonableness to be determined by the Headquarters Civil Rights (HCR) Office via the FHWA Division Office
8. The complainant has filed a legal action in Federal District Court with the same basis and issue(s) involved in the complaint
9. The same complaint's allegations have been filed with another federal, state, or local agency

Acceptance of a complaint will be determined by the following:

1. Timely filing of the complaint
2. If the allegations involve a covered basis such as race, color, sex, age, national origin, disability, or retaliation

3. If the allegations involve a program or activity of a federal aid recipient, sub - recipient, or contractor

All complaints received by MPO/CCPC will be logged for tracking purposes.

## **Title VI Investigations, Complaints and Lawsuits**

The following list maintains documentation of allege discrimination on the basis of race, color, or national origin. These include:

- Active investigations conducted by FTA or FHWA, and other entities;
- Lawsuits; and
- Complaints naming the recipient.

	<b>Date</b>	<b>Summary (basis of complaint)</b>	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>	-	-	-	-
<b>Lawsuits</b>	-	-	-	-
<b>Complaints</b>	-	-	-	-

- ❖ The Bowling Green-Warren County MPO is not currently involved in any investigations, complaints or lawsuits related to Title VI.

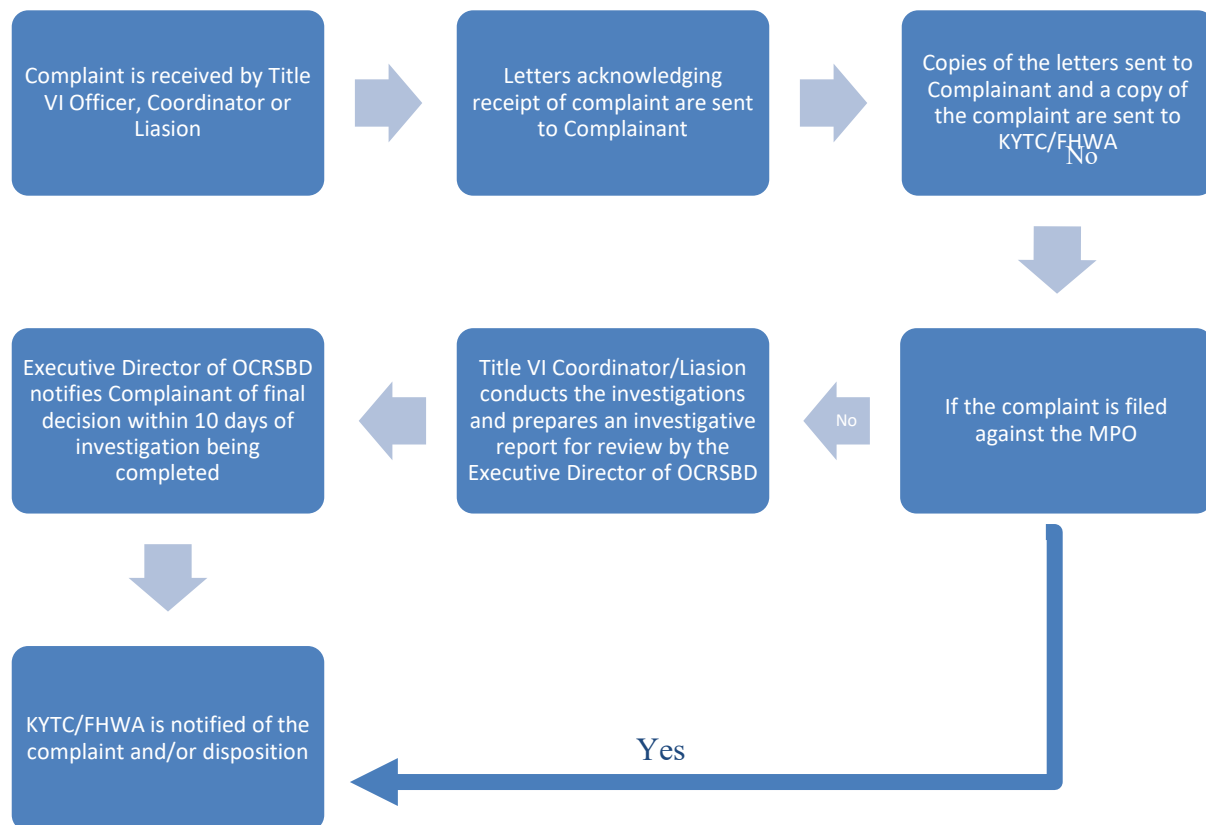
## 4. Program Review Procedures

### Complaint Process Overview

Any person who believes he or she has been discriminated against on the basis of race, color or national origin by the CCPC or Bowling Green-Warren County MPO may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. Forms can be submitted directly to the CCPC-MPO office or to the Kentucky Transportation Cabinet. Complaint forms are provided in Appendix B and on the MPO's website at: [www.bgareampo.org](http://www.bgareampo.org).

All complaint procedures will be made available to the public at: [www.bgareampo.org](http://www.bgareampo.org).

### Title VI Complaint Process Flow Chart



## 5. Public Participation Plan

The intent of the Bowling Green-Warren County MPO is to be committed to a proactive approach for engaging all interested parties in meaningful participation throughout the transportation planning process. The MPO shall offer sufficient opportunities for public review and comment associated with the planning process. As stated in the Bowling Green-Warren County Participation Plan (PP), the goals and objectives are to *invite, inform, involve, and improve* all communities within the MPO area through public engagement. Please refer to the Participation Plan (PP), as listed on the Bowling Green-Warren County website, for more information regarding public involvement and outreach opportunities.

Notice of nondiscrimination policy is included in all MPO documents, public notices, and public meetings. Additionally, the MPO shall inform the FTA and KYTC of any Title VI investigations, complaints, or lawsuits. The MPO's Title VI Notice to the Public is posted at the MPO office.

The PP can be viewed on the MPO website at: [www.bgareampo.org](http://www.bgareampo.org).

### Current Outreach Efforts

The CCPC and Bowling Green-Warren County MPO are required to submit a summary of public outreach efforts made over the last three (3) years. The following is an overview of recent, current, and planned outreach activities. **Appendix E** provides a more detailed description of Title VI related accomplishments over a four-year period.

- Conduct local or regional public / information meetings as requested
- Utilize the MPO website to reach, educate and inform the public on various programs/issues
- Conduct meetings with local officials and interested community leaders
- Use e-mail lists and quarterly newsletters to provide information and other materials to interested persons and agencies
- Use advisory committees/groups to include a diverse group of individuals and representation of the region.
- Utilize the MPO website to post projects/information/comments and providing a link for public feedback
- Address civic groups, chamber meetings, government meetings
- Attend fiscal court and city council meetings (CCPC)
- Conduct public meetings at meaningful and accessible locations
- Utilize local access to radio and television stations
- Use surveys in newsletters, mail-outs, e-mails, etc. to gain public input
- Maintain social media accounts to reach the public



## 6. Data Collection & Analysis

Statistical data on race, color, national origin, sex, age, disability, and LEP of participants in and beneficiaries of the programs related to the Bowling Green-Warren County MPO, (i.e., affected populations, and participants) will be gathered and analyzed 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. Analysis of the data collected by the program emphasis areas (of which the MPO currently does not have) may include any of the following:

- 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

## Environmental Justice (EJ)

Executive Order (E.O. 12898) was issued to focus federal attention on the environmental and human health conditions in minority and low-income communities to promote non-discrimination in federal programs substantially affecting human health and the environment and to provide minority and low-income communities access to public information on and an opportunity for public participation in matters relating to human health or the environment.

The CCPC and Bowling Green-Warren County MPO 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

## Limited English Proficiency (LEP) – Four Factor Analysis

### *Limited English Proficiency (LEP) Plan & Demographics of Bowling Green-Warren County*

On August 11, 2000 President William Clinton issued Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.” In conjunction with Title VI guidelines, this Executive Order sought to improve the accessibility of federally funded services to eligible persons with Limited English Proficiency (LEP). Under this Executive Order, federal agencies are required to examine the services they provide, while developing and implementing a system that ensures those persons of LEP have access to the services provided by federal agencies. These actions are taken to erode and avoid the existence of a language barrier that often prevents individuals from accessing services and benefits. All federally funded agencies are expected to provide meaningful access and opportunities for participation in their programs and activities to LEP participants. Any person who does not speak English as his/her primary language, and has a limited ability to read, speak, write or understand English can be deemed limited English proficient (LEP). Because of the language barrier for these individuals to understand English, they may be entitled to language assistance with respect to a particular type of service, benefit, or encounter at no cost to them.

As a requirement of a federally funded agency, steps are taken to provide meaningful opportunities for participation in the programs and activities of the Bowling Green-Warren County MPO. The MPO is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The MPO assures that no person shall on the grounds of race, color, national origin, age, gender or disability be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any MPO services, program, or activity. The MPO also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. The MPO will continue the commitment to ensure effective communication amongst LEP populations and stakeholders representing the LEP populations. The MPO coordinates translation services and other outreach efforts through the City of Bowling Green's International Communities Liaison. These services may include, but are not limited to, the use of a needs assessment, written language services, access to interpreters, community-based organizations/volunteers, and the monitoring of access to language assistance.

These steps have been initiated to ensure the Bowling Green-Warren County MPO does not exclude individuals with limited English proficiency. The MPO ensures the consideration of the following four-factor analysis:

#### **Four-Factor Analysis:**

##### **Factor 1) The number/percentage of LEP persons in the study/service area**

- a) See *Appendix C* for analysis and distribution of LEP persons.

##### **Factor 2) The frequency with which LEP individuals come in contact with the program**

- b) LEP persons may come into contact with the MPO's activities, services, and personnel in a variety of ways. The locations, programs, activities, and services where LEP persons most frequently come in contact with the MPO include, but are not limited to:
  - i) Public meetings/legal notices/newspaper articles
  - ii) Website
  - iii) CCPC/MPO Office
  - iv) Community Events (that the CCPC or MPO is a participant)

##### **Factor 3) The nature and importance of the service/activity provided by the program**

- c) The MPO oversees transportation planning efforts in Bowling Green and Warren County. The CCPC deals with a variety of land use planning and zoning services for Bowling Green and Warren County. Transportation and land use planning has an important role in the lives of the LEP population and the citizens of Bowling Green and Warren County. LEP individuals and minority communities are typically the populations that experience the greatest impact when transportation decisions are made. The CCPC and MPO is dedicated to providing safe and dependable services to

the LEP populations it serves and to the citizens of Bowling Green and Warren County.

**Factor 4) The resources available to the recipient**

- d) It is recognized that developing English-Spanish (and other languages) would provide a valuable resource for the LEP population.
- i) All CCPC and MPO meeting agendas are posted on the CCPC and MPO websites, at [www.warrenpc.org](http://www.warrenpc.org) and [www.bgareamopo.org](http://www.bgareamopo.org), respectively.

All public notices include language accommodating for people requiring special assistance.

***LEP Analysis***

According to the 2019 U.S. Census Bureau<sup>1</sup> estimates, approximately 5.9% of Warren County residents could speak English less than “very well.” English is the most commonly spoken language at home, with Spanish being the second at approximately 4.2% of the Warren County population.

MPO public participation efforts have been targeted in LEP populated areas. The MPO does not collect socioeconomic data at public events, nor does the MPO receive demographic analyses on social media reaches. Additionally, the MPO participates in a number of community-based events that target the school-aged population through event handouts (bicycle and pedestrian safety). It is not known if any of the students receiving information are of the LEP population. The MPO shall strive to make a more proactive approach of engaging persons with limited English proficiency to be involved with the transportation planning process.

As outlined in the MPO Participation Plan, federal and state regulations require the MPO to offer convenient and meaningful public involvement opportunities. Though the plans and projects implemented by the MPO are funded through federal dollars and thus important in the transportation planning process, involvement from the public in these planning endeavors is entirely voluntary. MPO staff is open to public comment at any time and welcomes Warren County residents to participate in the planning process.

In particular, the MPO advertises through various public media entities the release of the planning documents listed below for public review and comment.

- Unified Planning Work Program (UPWP) – updated annually

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<sup>1</sup> Table ID:S1601 | U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

- Transportation Improvement Program (TIP) – updated at least once every 4 years
- Metropolitan Transportation Plan (MTP) – updated every 4-5 years

In addition, two public forums shall be held upon each update of the Metropolitan Transportation Plan (MTP). Public forums allow residents to ask questions, analyze maps, and review content included in the MTP. Along with the public forums, the MPO often distributes Transportation Questionnaires to the public through social media, email correspondence, advertisements in the local newspaper and other media outlets, and by distributing copies to GO bg Transit and various local agencies.

While the draft plans of the abovementioned documents are available at the Warren County Public Library, the Bowling Green City Hall, the Kentucky Transportation Cabinet District 3 Office, and the MPO Office, the MPO also posts all plans, programs, and studies on the MPO website for the public and other officials to review in draft form. Opportunity to comment is made available by contacting the MPO Coordinator, or by the comment tab on the website. Once finalized, the plans, programs, and studies are posted on the MPO website. Additionally, all agendas and meeting notes are posted on the website, as the meetings are open to the public.

Currently, there are no MPO staff members who speak another language besides English. The MPO will communicate with the Community Services Specialist/International Communities Liaison for interpretation services. The Community Services Specialist/International Communities Liaison can be contacted at:

*Community Services Specialist/International Communities Liaison  
City of Bowling Green Neighborhood & Community Services  
Phone: (270) 393-3766*

This analysis should help determine which language assistance services should be appropriately addressed to identify the needs of the LEP population of the Bowling Green-Warren County MPO service area. More information regarding services and outreach strategies as well as identification of LEP individuals within the MPO area are included in the Bowling Green-Warren County MPO Participation Plan.

## **Language Assistance Plan**

The Language Assistance Plan (LAP) has been prepared to address the Bowling Green-Warren County MPO'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 as LEP. The MPO 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. The MPO has

utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP. The MPO will continually work to provide language assistance as needed.

## **Safe Harbor Provision**

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

## 7. Agency Title VI Training Plan

Internally, all CCPC and Bowling Green-Warren County MPO staff will participate in a training video upon being hired, during orientation, and every three-years to show the agency's continued commitment to assuring compliance with Title VI. The MPO initiated training in FY 2018 and will encourage additional training opportunities annually. Online training materials are offered through FTA's Office of Equal Opportunity at: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/title-vi-training>. All staff members listed in the organizational chart on page 10 have completed this training. Some staff including the MPO will further their education by attending the Title VI trainings offered by the KYTC, or by other departments of government. These trainings will be done annually and documented both internally and in submission to KYTC. The latest staff-wide online training (FHWA and FTA training materials) was completed in August 2020.

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

## **8. Compliance/Noncompliance Reporting**

Throughout the year, the Title VI Officer, Coordinator or Liaison periodically corresponds with the KYTC Office for Civil Rights & Small Business Development (OCRSBD) and/or the KYTC Office of Transportation Delivery (OTD) to review the policies and procedures relative to Title VI. This includes, but is not limited to, a review of files and statistics of complaints received for investigation and services offered to recipients and beneficiaries of the CCPC and/or MPO's services.

The OCRSBD and/or OTD will also conduct onsite reviews and assessments on a triennial basis. Instances of which the onsite and/or survey reveals that the agency or one or more of its programs is not in compliance with Title VI an investigation will be conducted by the Title VI Officer/Coordinator/Liaison. Records of the self-survey and efforts put forth to bring the agency into compliance will be maintained. These will include correspondence, resolution and corrective actions.

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





## APPENDIX A | Title VI Notice to the Public

The following pages identify the MPO's public notice regarding Title VI obligations and complaint procedures. Notices are placed at public meetings and/or events hosted by the MPO and the following notices are placed in the employee kitchen/common area of the City-County Planning Commission office at 922 State Street, Suite 200, Bowling Green, KY 42101.

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The Bowling Green-Warren County Metropolitan Planning Organization (MPO) operates its programs and services without regard to race, color, and national origin. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the MPO.

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

Karissa Lemon  
MPO Coordinator / Title VI Coordinator  
Metropolitan Planning Organization  
922 State Street, Suite 200  
Bowling Green, Kentucky 42101  
Telephone: (270) 842-1953  
Email Address: [karissa.lemon@bgky.org](mailto:karissa.lemon@bgky.org)  
Website: <http://www.warrenpc.org/mpo/index.php>

To file a discrimination complaint, the written complaint must be filed to the address above within 180 days of the alleged discrimination. Written complaints may also be filed to the U.S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the FTA, at the following address: Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590 To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address. If information is needed in another language, contact (270) 842-1953. Si se necesita información en otro idioma, comuníquese con: (270) 842-1953.



## YOUR CIVIL RIGHTS UNDER TITLE VI

The City-County Planning Commission adheres to the Civil Rights Act of 1964 which states: “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 subjected to discrimination under any program or activity receiving Federal financial assistance.” For more information on the Title VI transit obligations, please see the contact information below.

### MAKING A TITLE VI COMPLAINT

Any person who believes he/she has been subjected to discrimination in the delivery of or access to public transportation services on the basis of race, color, or national origin, may file a complaint with the City-County Planning Commission (CCPC). Such complaint must be filed in writing with (CCPC) no later than 180 days after the alleged discrimination. For information on how to file a complaint, contact (CCPC) as listed below.

Karissa Lemon, MPO Coordinator, 922 State Street, Suite 200, Bowling Green, KY 42101 (270) 842-1953

Email Address: [karissa.lemon@bgky.org](mailto:karissa.lemon@bgky.org) Website: [www.bigareampo.org](http://www.bigareampo.org)

Written complaints may also be submitted to the Project Manager or Public Transit Branch Manager at the Kentucky Transportation Cabinet at (502) 564-7433.

Written complaints may also be filed with the U. S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, at the following address: Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address. If information is needed in another language, contact (270) 842-1953. Si se necesita información en otro idioma, comuníquese con: (270) 842-1953.



## SUS DERECHOS CIVILES BAJO EL TÍTULO VI

La Comisión de Planificación Ciudad-Condado de la ciudad se adhiere a la Ley de Derechos Civiles de 1964 que establece: "Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, será excluida de la participación en, se les negarán los beneficios de, o serán objeto de discriminación en virtud de cualquier programa o actividad que reciba asistencia financiera federal." Para obtener más información sobre las obligaciones de tránsito del Título VI, consulte la información de contacto a continuación.

### HACER UN TÍTULO VI COMPLAINT

Cualquier persona que crea que ha sido objeto de discriminación en la prestación o acceso a los servicios de transporte público por motivos de raza, color u origen nacional, puede presentar una queja ante la Comisión de Planificación Ciudad-Condado (CCPC). Dicha queja debe presentarse por escrito con (CCPC) a más tardar 180 días después de la supuesta discriminación. Para obtener información sobre cómo presentar una queja, póngase en contacto con (CCPC) como se indica a continuación.

**Karissa Lemon, Coordinadora de MPO, 922 State Street, Suite 200, Bowling Green, KY 42101, (270) 842-**

**Dirección de correo electrónico:** [karissa.lemon@bgky.org](mailto:karissa.lemon@bgky.org)

**Las quejas escritas también se pueden presentar al Gerente de Proyectos o Al Gerente de la Subdivisión de Tránsito Público en el Gabinete de Transporte de Kentucky al (502) 564-7433.**

Las quejas escritas también se pueden presentar ante el Departamento de Transporte de los Estados Unidos/Administración Federal de Tránsito (FTA) a más tardar 180 días después de la fecha de la supuesta discriminación, en la siguiente dirección: Oficina de Derechos Civiles, Atención: Coordinador del Programa Título VI, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. Para acomodar a personas con dominio limitado del inglés, las quejas orales que se documenten y/o traduzcan también se pueden presentar en la dirección anterior. Si se necesita información en otro idioma, póngase en contacto con (270) 842-1953. Si se necesita información en otro idioma, comunión: (270) 842-1953.



## APPENDIX B | Title VI Complaint Form (English and Spanish)

### TITLE VI COMPLAINT FORM (ENGLISH)

#### Complainant's Information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

#### Name of Agency, Department or Program that you believe discriminated against you

Agency/Department: \_\_\_\_\_

Name of Individual: \_\_\_\_\_

**Which of the following best describes the reason you believe the discrimination took place? Check all that apply.**

☐ Race (Specify) \_\_\_\_\_ ☐ Color (Specify) \_\_\_\_\_ ☐ Religious Status  
☐ National Origin (Specify) \_\_\_\_\_ ☐ Disability ☐ Age ☐ Other (explain) \_\_\_\_\_  
 Date of Alleged Discrimination (MM/DD/YYYY): \_\_\_\_\_

**Please explain, as clearly as possible, what happened and why you believe you were discriminated against, and who you believe was responsible. Include all persons involved and if names are known, please list those persons. You may attach additional pages, if needed.**

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**List the names and contact information (telephone number, email address, or mailing address) of persons who may have knowledge of the alleged discrimination:**

Name: \_\_\_\_\_ Contact Information: \_\_\_\_\_

Name: \_\_\_\_\_ Contact Information: \_\_\_\_\_

Name: \_\_\_\_\_ Contact Information: \_\_\_\_\_

**Have you filed this complaint with any other Federal, state, or local agencies, or with any Federal or state courts? Check all that apply.**

☐ Federal Agency      ☐ Federal Court

☐ State Agency      ☐ State Court

☐ Local Agency

**Please provide contact information at the agency and/or court where the complaint was filed:**

Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

**Please sign and date below. You may attach any materials and/or other information you think to be relevant to the alleged discrimination event(s).**

\_\_\_\_\_  
**Complainant Signature**

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

**Please submit this form, completed and signed, as well as any additional materials to:**

Karissa Lemon MPO Coordinator / Title VI Coordinator

City-County Planning Commission

922 State Street, Suite 200 Bowling Green, Kentucky 42101

Email: [karissa.lemon@bgky.org](mailto:karissa.lemon@bgky.org)

Phone: (270) 842-1953



## FORMULARIO DE QUEJA EN ESPAÑOL

<b>Sección I:</b>				
<b>Nombre:</b>				
<b>Dirección:</b>				
<b>Teléfono (Hogar):</b>			<b>Teléfono (Trabajo):</b>	
Dirección de correo electrónico:				
¿Requisitos de formato accesible?	Impresión grande		<b>Cinta de audio</b>	
	Tdd		<b>Otro</b>	
<b>Sección II:</b>				
¿Está presentando esta queja en su propio nombre?			Sí*	No
*Si respondió "sí" a esta pregunta, vaya a la Sección III.				
Si no es así, proporcione el nombre y la relación de la persona por la que se queja:				
Por favor, explique por qué ha presentado una solicitud para un tercero:				
Confirme que ha obtenido el permiso de la parte agraviada si está presentando en nombre de un tercero.			Sí	No

**Sección III:**

Creo que la discriminación que experimenté se basó en (marque todo lo que corresponda):

☐ Raza ☐ Color ☐ Origen nacional ☐ Edad

☐ Discapacidad ☐ Estado familiar o religioso ☐ Otro (explique)

Fecha de supuesta discriminación (mes, día, año): \_\_\_\_\_

Explica lo más claramente posible lo que sucedió y por qué crees que fuiste discriminado. Describa a todas las personas que participaron. Incluya el nombre y la información de contacto de la(s) persona(s) que le discriminaron (si se conocen), así como los nombres y la información de contacto de cualquier testigo. Si se necesita más espacio, utilice la parte posterior de este formulario.

**Sección IV**

¿Ha presentado previamente una queja del Título VI ante esta agencia?

Sí

No

**Sección V**

¿Ha presentado esta queja ante cualquier otra agencia federal, estatal o local, o ante algún tribunal federal o estatal?

☐ Sí ☐ No

En caso afirmativo, marque todas las que correspondan:

☐ Agencia Federal: \_\_\_\_\_

☐ Tribunal Federal ☐ Agencia Estatal \_\_\_\_\_

☐ Tribunal del Estado ☐ Agencia Local \_\_\_\_\_



Proporcione información sobre una persona de contacto en la agencia/tribunal donde se presentó la queja.

**Nombre:**

**Título:**

**Agencia:**

**Dirección:**

**Teléfono:**

**Sección VI**

El nombre de la queja de la agencia está en contra de:

**Persona de contacto:**

**Título:**

**Número de teléfono:**

Puede adjuntar cualquier material escrito u otra información que considere relevante para su queja.

Firma y fecha requeridas a continuación

Fecha de firma





Por favor envíe este formulario en persona a la siguiente dirección, o envíe lo presente por correo a:

ATTN: Karissa Lemon, Coordinadora de MPO  
La Comisión de Planificación Ciudad-Condado (CCPC)  
922 State Street, Suite 200  
Bowling Green, KY 42101  
[Karissa.lemon@bgky.org](mailto:Karissa.lemon@bgky.org)

## APPENDIX C | Demographic Analysis

### Demographics of the Bowling Green-Warren County MPO Region

The policies and programs of the Bowling Green/Warren County MPO should avoid disproportionately negative impacts on minority and low-income populations. Within the context of the region, the transportation infrastructure and public transit system should provide for an equitable distribution of benefits to all areas and population groups. Where needed, the transportation system should provide equal access to the benefits of employment, education, and community. Prior to determining the overall policies and programs of the MPO, a demographic analysis had to be conducted to evaluate the current demographics for the region.

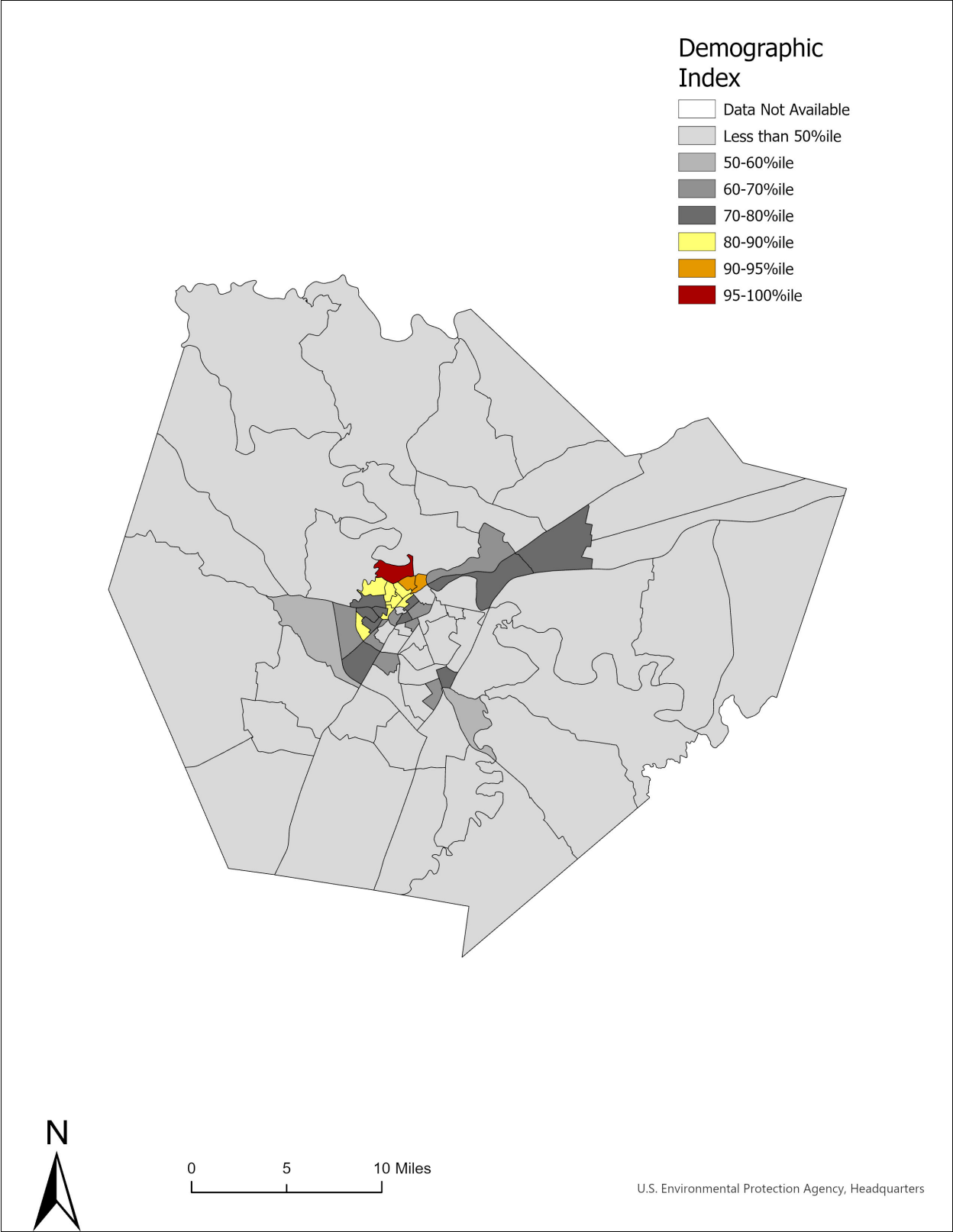
The U.S. Census Bureau's 2020 population<sup>2</sup> estimates Warren County's total population at 134,554 – an 18.2% population growth from 2010. The County's population is 9.1% foreign born, with 50 (+) languages spoken in the county's public school system and 35 nationalities represented. The table below further explores the race and ethnic demographics of Warren County.

The figures below and on the following pages show the demographics for traditionally underserved populations for Warren County by census tract populations. Data is derived from U.S. Census Bureau American Community Survey 2019 5-year estimates.

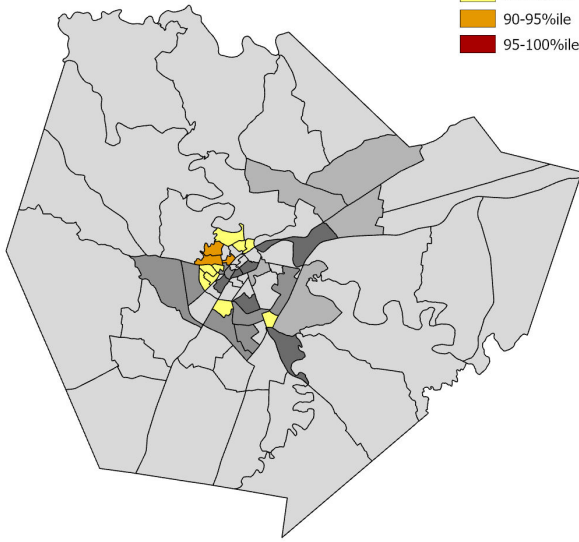
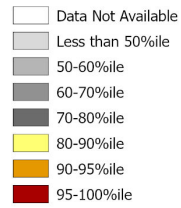
WARREN COUNTY POPULATION – RACE AND ORIGIN							
WARREN COUNTY TOTAL	WHITE	BLACK / AFRICAN AMERICAN	AMERICAN INDIAN / ALASKA NATIVE	ASIAN	NATIVE HAWAIIAN / PACIFIC	HISPANIC OR LATINO	TWO OR MORE RACES
131,264	80.7%	8.8%	0.3%	4.3%	0.4%	5.4%	3.7%

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<sup>2</sup> U.S. Census Bureau, 2020 Census of Population and Housing, updated every 10 years. [Decennial Census by Decades](#)



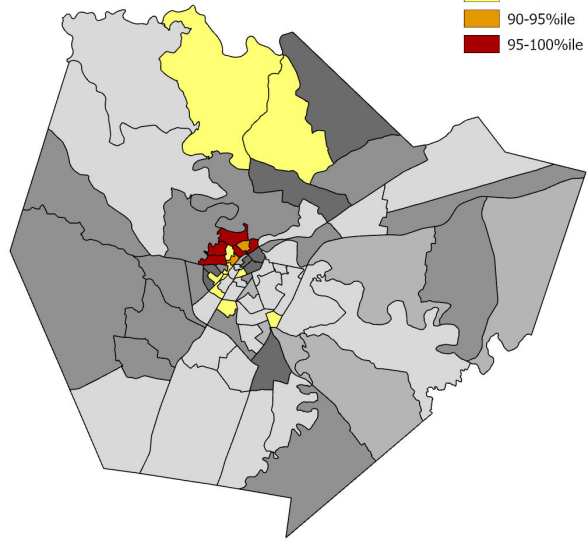
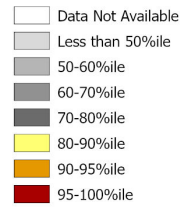
### Linguistically Isolated



0 5 10 Miles

U.S. Environmental Protection Agency,  
Headquarters

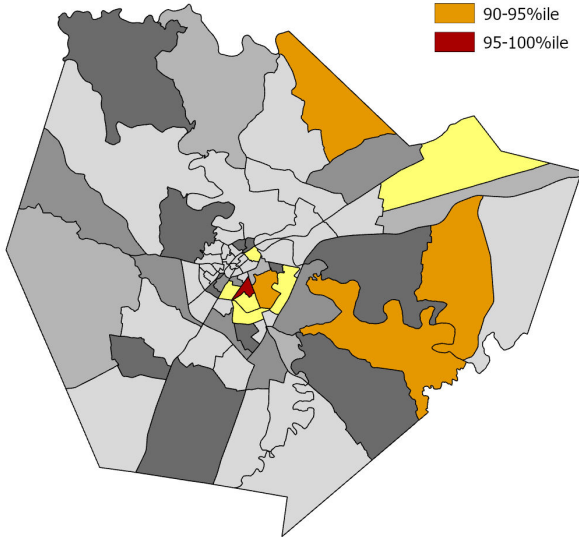
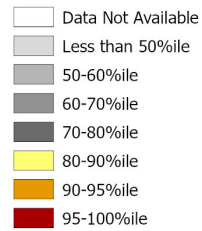
### Less Than High School Education



0 5 10 Miles

U.S. Environmental Protection Agency,  
Headquarters

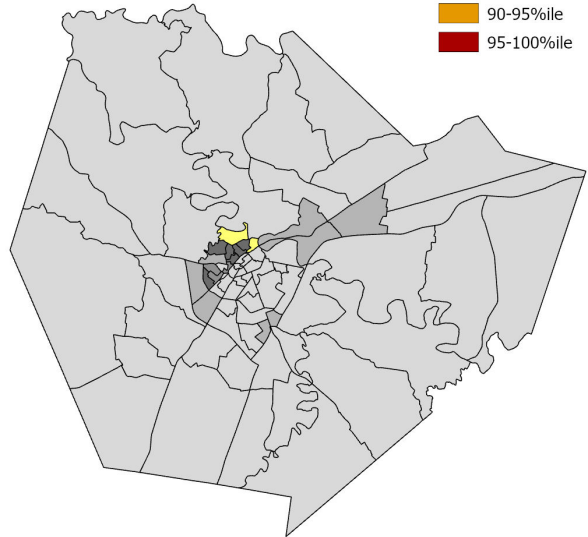
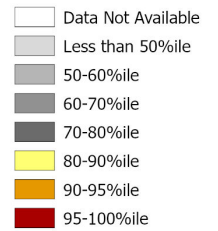
### Over Age 64



0 5 10 Miles

U.S. Environmental Protection Agency,  
Headquarters

### People of Color



0 5 10 Miles

U.S. Environmental Protection Agency,  
Headquarters

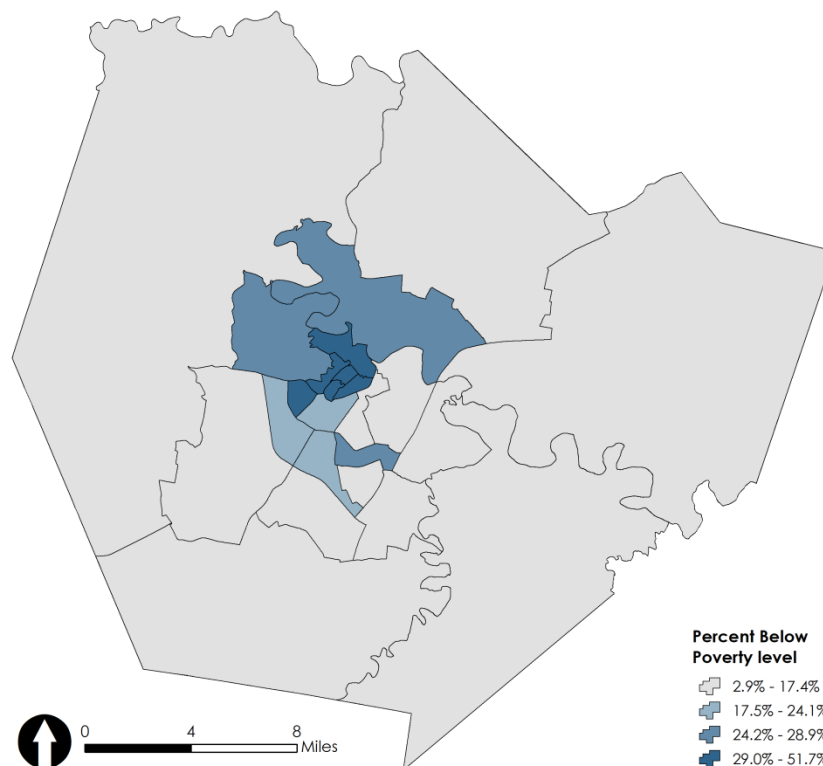
## Age

Warren County's median age was 32.8 years with 22.7% under the age of 18 and 12.7% 65 years or older, leaving the majority of the population between 18 and 64 years old. Bowling Green and Warren County have a relatively even distribution of ages, with the highest percentage of age cohorts ranging from 20 to 24 years (11.0%), followed by the cohort of age 15 to 19 (9.3%) and age 25 to 29 (7.3%).<sup>3</sup>

## Income and Poverty

The median household income in Warren County in 2019 estimates was \$52,270. These estimates show that 13.1% of families in Warren County and 17.4% of the population for whom poverty status is determined were living under the poverty level.<sup>4</sup> **Figure 2** below represents percentages of the population by census tracts that are below the poverty level.

**Figure 2 – Percent of Population below Poverty for Warren County**



<sup>3</sup> Source: **Table ID: S0101** | U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

<sup>4</sup> Source: **Table ID: S1903, S1702, and S1701** | U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

## Transportation

According to the American Community Survey 2019 5-year estimates, the mean travel time to work for Warren County was 20.8 minutes. Approximately 0.1% of Warren County workers used public transportation to commute to work. The majority of Warren County workers commuted using a car, truck, or van to get to work (91.9%). Of this 91.9% traveling by car, truck, or van, 80.5% drove alone. According to these estimates, workers walking to work made up 3.1% of the working population and those who biked to work made up approximately 0.1%. The working population using Taxicab, motorcycle, or Other means made up 1.8% and those working at home made up 3%. In general, the closer that people live to the city center, the less time they have to travel to work and the fewer number of vehicles they own.<sup>5</sup>

## 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.

In the MPO region, an estimated 3.1% of households are limited English-speaking. Asian and Pacific Island and Other languages signify the greatest percentage of limited English-speakers, at 36.2% and 36.3%, respectively.<sup>6</sup> The table below further explores the language categories, as provided by the 2019 5-Year Estimates.








Language by Household <sup>7</sup>	Total Households		LEP Households	
	Estimate	Percent	Estimate	Percent
All Households	48,224	-	1,504	3.1%
Spanish	2,016	4.2%	452	22.4
Other Indo-European Languages	1,623	3.4%	368	22.7%
Asian and Pacific Island Languages	1,232	2.6%	446	36.2%
Other Languages	655	1.4%	238	36.3%

<sup>5</sup> Source: **Table ID: S0801** | U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

<sup>6</sup> Source: **Table ID: S1601** | U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

<sup>7</sup> Source: **Table ID: S1602** | U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

## APPENDIX D | Title VI Activity Log

Date	Activity (Review/Update/ Adoption/Distribution)	Concerned Person (Signature)	Remarks
January 11, 2016	Adopted Title VI Plan		MPO Policy Committee approval; submitted to KYTC
July 30, 2018	Adopted FY18 Title VI Program Plan		CCPC Executive Director approval
July 30, 2018	Adopted FY19 Title VI Program Plan		CCPC Executive Director approval
June 20, 2019	Updated Title VI Program Plan for FY20		CCPC Executive Director approval
June 26, 2020	Updated Title VI Program Plan for FY21		CCPC Executive Director approval
June 15, 2021	Updated Title VI Program Plan for FY22		CCPC Executive Director approval
June 21, 2022	Updated Title VI Program Plan for FY23		CCPC Executive Director approval

## **APPENDIX E | Title VI MPO Accomplishments**

### **FY 2015 Bowling Green-Warren County MPO:**

MPO staff worked with various stakeholders and coordinated with KYTC Division of Planning to update the 2016-2020 TIP and 2016-2040 MTP. These draft documents were made available for public review and comment periods with notices posted on the MPO website and listed in the Bowling Green Daily News. Additionally, draft documents for both the TIP and MTP were available for review at the BG-WC MPO office, the City of Bowling Green and Warren County government offices and the KYTC District 3 office. Two public forums were held for the update of the MTP, with notices sent to the local media outlets and posted on the MPO website. All draft and final documents associated with the transportation planning process have been posted on the MPO website and comments are actively welcome. MPO staff is currently working to draft a Title VI public notice, complaint procedure, and report.

### **FY 2016 Bowling Green-Warren County MPO:**

A public advertisement in the Daily News for the 2016-2020 TIP update was published and the draft TIP was available at various locations in the MPO area, as listed in the Participation Plan. A 30-day public review and comment period for the 2016-2020 TIP and 2040 MTP updates was made available and notification letters were sent to local, state and federal planning partners to obtain any comments from these agencies. Staff worked with GO bg Transit and WKU Topper Transit to develop a scope of work for the transit realignment study, which focused on low-income, minority populations that utilize transit as their only form of transportation. Staff worked on the West End Walk & Ride Plan, which mapped and analyzed existing facilities (sidewalks, greenways, transit routes/stops) and gaps in the system. Public meetings were held in the targeted neighborhood, along with coordination with local stakeholders working with Title VI populations. Compiled and completed the MPO's Title VI public notice and complaint procedure, and posted necessary documentation on the MPO website. Collected socioeconomic data of Title VI populations to begin creating maps to distribute to interested parties. Created and published quarterly MPO Newsletters; distributed to MPO Committees, Greenways Committee, WKU Faculty and Staff, and City's International Liaison.

### **FY 2017 Bowling Green-Warren County MPO**

- TIP Amendment 2017.01 – public participation efforts including email distribution to planning agency partners, advertisement in local newspaper, posted on MPO website, and 15-day review and comment period.
- Worked with local officials to apply for a TAP grant improving pedestrian connections in an area of Bowling Green with the highest population of cultural diversity and minority persons reside – where walking, biking and transit are often the primary means of transportation.
- Participated in the City of Bowling Green's development of the ADA Transition Plan by attending the public open house.



- Developed Planning Agreement between the MPO, KYTC, and GO bg Transit.
- Developed and published MPO quarterly newsletters, which were distributed to MPO committees, the City of Bowling Green, the International Communities Council, Western Kentucky University, and were available on the MPO website.
- Supported “road diet” on Gordon Avenue to increase safety of all users, particularly pedestrians and cyclists. This project was in response to a fatality which occurred in FY 2016, where many low-income and/or minority persons live and commute.
- Collected 2000 and 2010 Census data, and 2015 American Community Survey data to analyze various existing demographics and population change in Warren County. Staff analyzed areas not served by transit, and areas lacking safe pedestrian and cycling facilities.
- Collected and compiled data to map healthy food sources in the MPO area and identify accessibility gaps surrounding the food sources. Activity was for informational purposes only.
- Provided staff assistance by working with GO bg and WKU Transit Services to provide coordinated transportation services to meet the mobility needs of residents in the Bowling Green and Warren County area. Met with and communicated with GO bg, as needed, to obtain ridership data, updates to the route system, and future planning efforts, among other relevant issues.
- Provided presentation to the International Communities Advisory Council about the MPO and an overview of the transportation system, and invited them to participate in the Multimodal Plan survey. Staff prepared a PowerPoint and several maps displaying crash counts, traffic counts, and the distribution of the foreign born population.
- Utilized social media to share news and updates on multimodal planning in Bowling Green-Warren County.
- Drafted and submitted a grant application for a shared-use path through Durbin Estates Habitat for Humanity Development located in the lower income, west end of Bowling Green.
- Participated in the Warren County Services Fair to teach international and refugee children basic bicycling skills through a bike rodeo and safety skills clinic.

#### **FY 2018 Bowling Green-Warren County MPO**

- TIP Amendment 2018.01 and 2018.02 – public participation efforts including email distribution to planning agency partners, advertisement in local newspaper, posted on MPO website, and 15-day review and comment period.
- Participated in project team meeting for the awarded TAP grant project in the West End of Bowling Green – the area of the community with the highest population of cultural diversity and minority populations.
- Developed and published MPO quarterly newsletters, which were distributed to MPO committees, the City of Bowling Green, the International Communities Council, Western Kentucky University employees, and posted on the MPO website.
- Assisted GO bg Transit with mapping their updated transit route system. Provided other administration assistance to GO bg Transit, as deemed necessary.
- Participated in on-site review with KYTC Title VI officer to review all necessary Title VI procedures and requirements.

- Reviewed and updated the Participation Plan; published the draft Participation Plan update for a 45-day public review and comment period.
- Attended presentation for city employees on the Bosnia-Herzegovina War in the early 1990s. The presentation was intended to provide a better cultural understanding of the Bosnian population in Bowling Green for city employees.
- Initiated use of social media by host agency, City-County Planning Commission, which will also serve to announce and publish information regarding the MPO's public participation efforts.
- Hosted and participated in several public meetings for transportation studies (Plano Road Study and Fairview Avenue Study). Notified the public through email announcements and press releases, and several articles were published in the local newspaper discussing the studies.
- Participated in event fair for school-aged children to promote bike safety.
- Worked on developing a new MPO website (still under construction), which will also include all necessary Title VI language and provide a more efficient medium to communicating plans and documents to the public.

### **FY 2019 Bowling Green-Warren County MPO**

In an effort to continue supporting the public involvement, participation, and consultation throughout FY 2019, BGMPO has conducted or participated in the following tasks, activities and events:

- Participated in project team meetings for the awarded TAP grant project in the West End of Bowling Green – the area of the community with the highest population of cultural diversity and minority populations.
- Developed and published MPO quarterly newsletters, which were distributed to MPO committees, the City of Bowling Green, the International Communities Council, Western Kentucky University employees, and posted on the MPO website.
- Use of social media by host agency, City-County Planning Commission, which will also serve to announce and publish information regarding the MPO's public participation efforts. Launched social media campaign for BikeWalkBG, the MPO's efforts for promoting bicycle and pedestrian activity throughout the community.
- Participated in event fair for school-aged children to promote bike safety.
- Coordinated with KYTC's Office for Civil Rights & Small Business Development to submit the MPO's Title VI plan.
- Participated in numerous public events with Title VI populations promoting BikeWalkBG, such as BGGov2Go pop-up community block parties, community events/fairs, bike rodeos, and speaking engagements with school-aged children about bicycle and pedestrian safety.
- MPO staff attended a meeting of all regional transportation providers to identify opportunities and barriers to serving low income, disabled and elderly individuals in the rural counties surrounding the MPO area.

## **FY 2020 Bowling Green-Warren County MPO**

- In an effort to continue supporting the public involvement, participation, and consultation throughout FY 2020, BG-WC MPO has conducted or participated in the following tasks, activities and events:
- Participated in project team meetings for the awarded TAP grant project in the West End of Bowling Green – the area of the community with the highest population of cultural diversity and minority populations.
- Developed and published MPO quarterly newsletters, which were distributed to MPO committees, the City of Bowling Green, the International Communities Council, Western Kentucky University employees, and posted on the MPO website.
- Use of social media by host agency, City-County Planning Commission, and BikeWalkBG, which also serves to announce and publish information regarding the MPO's public participation efforts. Use of the BikeWalkBG social media platforms to distribute information about biking and walking in the Bowling Green area.
- Coordinated with KYTC's Office for Civil Rights & Small Business Development and Office of Transportation Delivery to submit the MPO's respective Title VI plans.
- Participated in numerous public events with Title VI populations promoting BikeWalkBG, such as BGGov2Go pop-up community block parties, community events/fairs, bike rodeos, and speaking engagements with school-aged children about bicycle and pedestrian safety.
- MPO staff attended a meeting of all regional transportation providers to identify opportunities and barriers to serving low income, disabled and elderly individuals in the rural counties surrounding the MPO area.
- Obtained Title VI-related socioeconomic data to use for mapping purposes.
- Attended adult education classes at South-Central Kentucky Community and Technical College, composed primarily of international population participants, to speak about the 2045 MTP update and gather input on transportation issues and obstacles faced by the international populations.

## **FY 2021 Bowling Green-Warren County MPO**

- Participated in project team meetings for the awarded TAP grant project in the West End of Bowling Green – the area of the community with the highest population of cultural diversity and minority populations.
- Developed and published MPO quarterly newsletters, which were distributed to MPO committees, the City of Bowling Green, the International Communities Council, Western Kentucky University employees, and posted on the MPO website.
- Use of social media by host agency, City-County Planning Commission, and BikeWalkBG, which also serves to announce and publish information regarding the MPO's public participation efforts. Use of the BikeWalkBG social media platforms to distribute information about biking and walking in the Bowling Green area.
- Coordinated with KYTC's Office for Civil Rights & Small Business Development to submit the MPO's Title VI Plan.

- Participated in public events with Title VI populations promoting BikeWalkBG, such as (mostly virtual) community events/fairs, bike rodeos, and speaking engagements with school-aged children about bicycle and pedestrian safety.
- Organized and attended grand opening/ribbon cutting event for newly constructed Jennings Creek-Creekwood Greenway, which is located in a low-income area.
- Evaluated Title VI practices alongside the update of the 2045 MTP.
- Recorded videos introducing the 2045 MTP update, the US 31W Road Diet Feasibility Study, and DIY bike rodeos – all were published on the MPO website and distributed via email to the MPO’s newsletter list.
- Watched Title VI training presentation from FTA’s website
- Oversight of transit service development plan and public involvement process. The study’s intent was to analyze ways to maximize service in the community, provide service efficiencies, and establish planning efforts over the short-term.

## **FY 2022 Bowling Green-Warren County MPO**

- Participated in project team meetings for the awarded TAP grant project in the West End of Bowling Green – the area of the community with the highest population of cultural diversity and minority populations.
- Assisted City of Bowling Green in development of new TAP projects.
- Assisted with disaster recovery efforts in aftermath of December 11 tornados.
- Worked with City of Bowling Green staff and Warren County Public Schools leaders to develop proposal for outdoor classroom along greenway, located behind Jennings Creek Elementary and Moss Middle Schools. This location was hardest hit by the December tornados and is home to many international residents.
- Developed and published MPO quarterly newsletters, which were distributed to MPO committees, the City of Bowling Green, the International Communities Council, Western Kentucky University employees, and posted on the MPO website.
- Use of social media by host agency, City-County Planning Commission, and BikeWalkBG, which also serves to announce and publish information regarding the MPO’s public participation efforts. Use of the BikeWalkBG social media platforms to distribute information about biking and walking in the Bowling Green area.
- Coordinated with KYTC’s Office for Civil Rights & Small Business Development to submit the MPO’s Title VI Plan.
- Participated in public events with Title VI populations promoting BikeWalkBG and bike/ped safety. Events included, but were not limited to community events/fairs, bike rodeos, and community bike rides.
- Organized and attended 2nd Annual Greenway Celebration at Jennings Creek, which is located in a low-income area.
- Organized and attended community events with target audience in socially vulnerable areas and/or for persons with disabilities.
- Evaluated Title VI practices alongside the update of the 2045 MTP and the Bicycle and Pedestrian Master Plan update.

- Coordinated with transit provider, GO bg Transit, to assist with transit planning endeavors and update transit performance measure targets.
- Researched alternative GIS-compatible datasets to use in-lieu of ACS 2020 data for Title VI/Social Vulnerability Index updates.
- Drafted and published public survey for the Bicycle and Pedestrian Master Plan update. Provided flyers about survey at community events that were hosted in socially vulnerable areas, distributed via Facebook, and emailed survey opportunity through email distribution.

## APPENDIX F

### ***CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY***

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

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

#### ***(HABENDUM CLAUSE)***

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

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

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

## APPENDIX G

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



## **APPENDIX H**

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

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

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

## APPENDIX I

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

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

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