

Cumberland Valley Area Development District



Title VI Program Plan January 1, 2021 to December 31, 2021

Dan Mosley, CVADD Board of Directors Chair

Whitney Chesnut, Executive Director

Jessica Blankenship, Title VI Coordinator

Title VI Plan Activity Log

Date	Activity (Review/Update/Addendum/ Adoption/Distribution)	Concerned Person (Signature)	Remarks
12/16/2016	Adopt Title VI Plan	CVADD Board of Directors	Approved at 12/2016 CVADD Board of Directors Meeting
2/13/2018	Plan approved by KYTC Office for Civil Rights & Small Business Development	Letter Attached	Vincent Thomas & Caisey Ramsey-Johnson sent letter
2/21/2018	Review, Update, & Adopt 2018 Title VI Plan for CVADD	Signature on Title VI Plan	Approved at 2/21/2018 CVADD Board of Directors Meeting
2/21/2018	Provide Title VI Training at CVADD Board of Directors Meeting to Board Members	Sign-In Sheet Attached	Training Completed 2/21/2018 CVADD Board of Directors Mtg
2/21/218	Provide Title VI Training at CVADD Board of Directors Meeting to Staff Members & new hires	Sign-In Sheet Attached	Training completed 2/21/2018 & upon hiring new employees
3/5/2018	Complete KYTC Title VI Training & Online Test		Training completed 3/5/2018 by Jessica Blankenship & Whitney Chesnut
6/19/2018	Title VI On-Site Review with KYTC Office for Civil Rights & Small Business Development		On-Site Review at CVADD with Caisey Ramsey-Johnson & Vincent Thomas
5/7/2019	Provide Title VI Training at CVADD to Staff Members	Sign-in Sheet Attached	Training completed 5/7/2019 & upon hiring new employees
10/16/2019	Provide Title VI Training at CVADD Board of Directors Meeting to Board Members & Staff	Sign-In Sheet Attached	Training completed 10/16/2019
10/16/2019	Review, Update, & Adopt 2019 Title VI Plan for CVADD	Signature on Title VI Plan	Approved at 10/16/2019 CVADD Board of Directors Mtg
10/21/2020	Complete KYTC Title VI Training		Training completed 10/21/2020 by Jessica Blankenship
12/16/2020	Provide Title VI Training at CVADD Board of Directors Meeting to Board Members & Staff	Sign-In Sheet Attached	Training completed 12/16/2020
12/16/2020	Review, Update, & Adopt 2020 Title VI Plan for CVADD	Signature on Title VI Plan	Approved at 12/16/2020 CVADD Board of Directors Mtg
12/18/2021	Provide Title VI Training at CVADD Board of Directors Meeting to Board Members & Staff	Sign-In Sheet Attached	Training completed 12/18/2021
12/18/2021	Review, Update, & Adopt 2021 Title VI Plan for CVADD	Signature on Title VI Plan	Approved at 12/18/2021 CVADD Board of Directors Mtg

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1.1 Overview and Policy Statement

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

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

The Cumberland Valley Area Development District continues commitment to a workplace compliant with Title VI of the Civil Rights Act of 1964.

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)

1.2 CVADD Title VI Policy Statement

Chairman
 Judge Executive
 Dan Mosley
 Bell County

Vice Chairman
 Judge Executive
 Shane Gabbard
 Jackson County

2nd Vice Chairman
 Ms. Maureen "Cookie" Henson
 Jackson County



Cumberland Valley Area Development District
 P.O. Box 1740
 342 Old Whitley Road
 London, KY 40743-1740

Secretary
 Ms. Maureen "Cookie" Henson
 Clay County

Treasurer
 Mr. John Ed Pennington
 Clay County

Executive Director
 Ms. Whitney Chesnut

Cumberland Valley Area Development District Title VI Policy Employee Acknowledgement Form

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of Race, Color, National Origin, Sex, Age (Over 40), Religion, Sexual Orientation, Gender Identity, Veteran Status, Disability, Limited English Proficiency, or Low Income, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance (42 U.S.C.2000d).

Pursuant to Title VI of the Civil Rights Act of 1964, it is the policy of the Cumberland Valley Area Development District will not exclude participation in, deny the benefits of, or subject to discrimination any individual on the grounds of Race, Color, National Origin, Sex, Age (Over 40), Religion, Sexual Orientation, Gender Identity, Veteran Status, Disability, Limited English Proficiency, or Low Income.

All Cumberland Valley Area Development District employees are expected to consider, respect, and observe this policy in their daily work responsibilities and interactions with other employees, clients, and the public. Cumberland Valley Area Development District employees should work to prevent and alleviate any barriers to service or public use that would restrict public access or usage and take prompt and reasonable action to avoid or minimize discrimination incidences. If another employee, client, or citizen approaches with a question, concern, or complaint regarding discrimination, please refer them to Cumberland Valley Area Development District's Title VI Coordinator.

This policy shall be prominently posted in all personnel offices, EEO offices, and on the Cumberland Valley Area Development District's internal website.

Signed and approved this 15th day of November, 2021.


 Whitney Chesnut, Executive Director
 Cumberland Valley Area Development District

****Employee & board member signature on the attached form confirms receipt and understanding of Title VI Plan, Policy, and completion of Title VI Plan training.**

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 Auxiliary aids/services are available when requested three business days in advance.
 www.cvadd.org

1.3 CVADD Standard Title VI Assurance

Chairman
Judge Executive
Dan Mosley
Harlan County

Vice Chairman
Judge Executive
Shane Gabbard
Jackson County

2nd Vice Chairman
Ms. Maureen "Cookie" Henson
Clay County



Cumberland Valley Area Development District
P.O. Box 1740
342 Old Whitley Road
London, KY 40743-1740

Secretary
Mayor Scott Madon
City of Pineville

Treasurer
Mr. John Ed Pennington
Clay County

Executive Director
Ms. Whitney Chesnut

The Cumberland Valley Area Development District (CVADD) (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 U.S.C.2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, (49 CFR, Part 21) Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, no person in the United States shall, on the grounds of Race, Color, National Origin, Sex, Age (Over 40), Religion, Sexual Orientation, Gender Identity, Veteran Status, Disability, Limited English Proficiency, or Low Income, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

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

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

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, col-

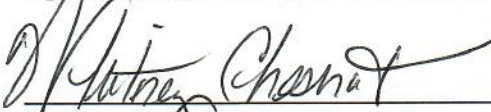
Serving Bell · Clay · Harlan · Jackson · Knox · Laurel · Rockcastle · Whitley Counties
Phone: (606) 864-7391 | Fax: (606) 878-7361 | Email: cvadd@cvadd.org
TDD-Voice to TDD 1-800-648-6057 | TDD to Voice 1-800-648-6056

or, or national origin in consideration for an award.

3. That the Recipient shall insert one of these nondiscrimination clauses in every contract subject to the Act and the Regulations.
4. That the Recipient shall also insert into every relevant contract a clause stating that the contractors will not discriminate against any employee or applicant for employment because of Race, Color, National Origin, Sex, Age (Over 40), Religion, Sexual Orientation, Gender Identity, Veteran Status, Disability, Limited English Proficiency, or Low Income.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, these assurances shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of real property, these assurances shall extend to rights to space on, over, or under such property.
7. That these assurances obligate the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property, or real property, or interest therein, or structures, or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
8. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the delegated authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the programs administered by the Recipient and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Signed and approved this 15th day of November, 2021.


 Whitney Chesnut, Executive Director
 Cumberland Valley Area Development District

11/1/2021
 Date

2.0 Introduction & Description of Services

CVADD submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012.

CVADD is a sub-recipient of FTA and Regional Transportation Funds and provides service in the Kentucky Counties of Bell, Clay, Harlan, Jackson, Knox, Laurel, Rockcastle, and Whitley, also known as the Cumberland Valley Area.

The CVADD Executive Director is responsible for the Cabinet's adherence and compliance with Equal Opportunity, Title VI and Small Business Development (Disadvantaged Business Enterprise Program) via program implementation and policy development.

CVADD Executive Director
Whitney Chesnut
P.O. Box 170
342 Old Whitley Road
London, Kentucky 40743
Phone: 606-864-7391

CVADD must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance.

Key responsibilities of the Title VI Liaison include:

- ◆ Maintain knowledge of Title VI requirements.
- ◆ Attend training on Title VI and other nondiscrimination authorities when offered by KYTC or any other regulatory agency.
- ◆ Participating in the design, development, and dissemination of the Title VI information to the public via the Notification of Beneficiaries
- ◆ 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.
- ◆ Preparing required reports
- ◆ Annually updating the CVADD Title VI Program Plan
- ◆ Implement procedures for the prompt processing of Title VI complaints.

Title VI Liaison/Coordinator
Jessica Blankenship
P.O. Box 170
342 Old Whitley Road
London, Kentucky 40743
Phone: 606-864-7391

2.1 Program Review Procedures

The CVADD Title VI Liaison is 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 KYTC Title VI Officer, Coordinator or Liaison and the OCRSBD Executive Director when complaints are received or issues arise during a public hearing/meeting
- ◆ Ensuring that all people are treated equitably regardless of Race, Color, National Origin, Sex, Age (Over 40), Religion, Sexual Orientation, Gender Identity, Veteran Status, Disability, Limited English Proficiency, or Low Income
- ◆ Monitoring Title VI accomplishments, notifying the KYTC 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, National Origin, Sex, Age (Over 40), Religion, Sexual Orientation, Gender Identity, Veteran Status, Disability, Limited English Proficiency, or Low Income
- ◆ 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

The KYTC Title VI Officer, Coordinator or Liaison will review all ADDs and MPOs triennially using FHWA's Non-discrimination/Title VI Review Guidelines. The KYTC Title VI Officer, Coordinator or Liaison will collaborate with Program Area Title VI Liaisons to conduct periodic pre-grant and post-grant reviews of select sub-recipients of FHWA funds or other federal funds for other roadway projects (i.e. bridges) to ensure adherence to Title VI requirements. Sub-recipients are selected using a risk-based method; reviews use a combination of desk audits and onsite. 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.

2.2 Programs or Activities Subject to Title VI

CVADD program areas with Title VI responsibilities include the following departments.

- ◆ Section 5304 Public Transportation Planning Program
- ◆ Regional Transportation Planning Program

2.3 Title VI Special Emphasis Areas

The Kentucky Transportation Cabinet has continued to provide and monitor Title VI training for all of CVADD employees and Board of Directors. The Cumberland Valley Area Development District conformed to the assessment provided by KYTC in 2015 and has continued to conduct annual Title VI training in 2016, 2017, 2018, 2019, 2020 and 2021.

One-hundred percent of the Cumberland Valley Area Development District employees and Board of Directors completed the required annual Title VI training during 2021. The next annual Title VI training will be conducted in 2022.

Cumberland Valley Area Development District employees are still required to undergo Title VI training during new employee orientation. The Title VI Coordinator will be providing an in-person and video teleconference training at the CVADD Board of Directors Meeting on 12/18/2021. This training is directed toward CVADD employees and Board of Directors.

Title VI Special Emphasis Areas

- Planning
- Professional Services

These two special emphasis areas were chosen as those are the services provided by CVADD employees. Trends and patterns of discrimination will be monitored through socioeconomic analysis, as well as environmental justice analysis in each area while working on projects in the CVADD service area.

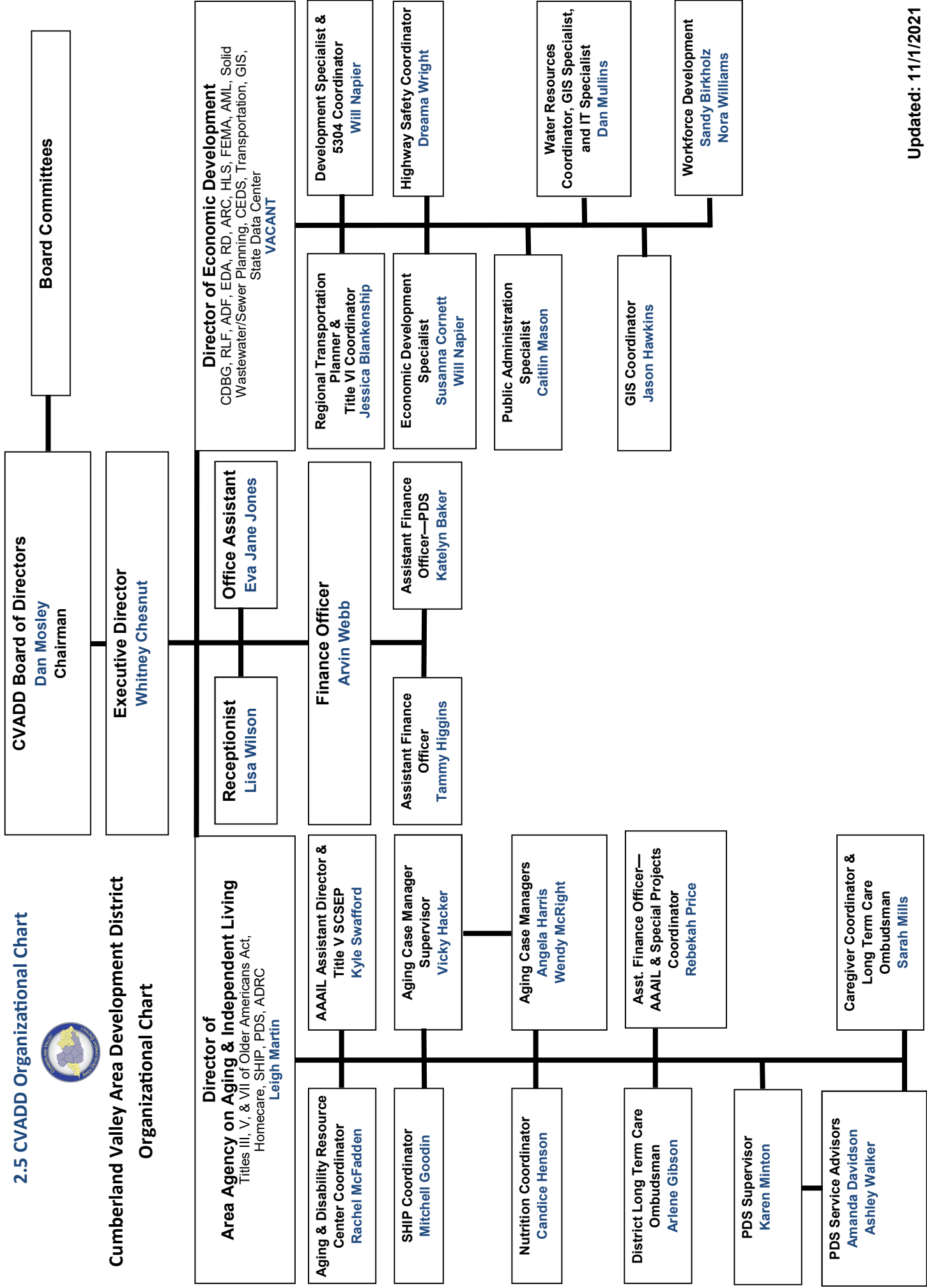
2.4 Sub-Recipient Review Procedures

The Cumberland Valley Area Development District does not currently have any sub-recipients, but if CVADD were to have any sub-recipients, CVADD would ensure that on-site monitoring visits would be completed.

2.5 CVADD Organizational Chart



Cumberland Valley Area Development District Organizational Chart



2.6 First Time Applicant Requirements

FTA Circular 4702.1B, Chapter III, Paragraph 3: Entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency.

CVADD is not a first time applicant for FTA/KYTC funding. The following is a summary of CVADD's current and pending federal and state funding.

Current and Pending FTA Funding

FTA Section 5304, FY 2021, \$30,000 Federal + \$7,500 Local

FTA Section 5304, FY 2022, \$30,000 Federal + \$7,500 Local

Regional Transportation Planning, FY 2021 \$78,067 State + \$8,674 Local

Regional Transportation Planning, FY 2022 \$78,067 State + \$8,674 Local

2.7 Annual Certifications and Assurances

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances. Primary recipients will collect Title VI assurances from sub-recipients prior to passing through FTA funds.

CVADD will remain in compliance with this requirement by annual submission of certifications and assurances as required by all applicable State and Federal Agencies.

2.8 Title VI Plan Concurrence and Adoption

This Title VI Plan received KYTC concurrence on **November 16, 2020 UPDATE DATE**. The Plan was approved and adopted by CVADD's Board of Directors during a meeting held on December 18, 2021. A copy of this adoption is in Appendix H.

3.0 Title VI Notice to the Public

FTA Circular 4702.1B, Chapter III, Paragraph 5: Title 49 CFR 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

3.1 Notice to the Public

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

- ◆ A statement that the agency operates programs without regard to race, color and national origin
- ◆ A description of the procedures members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations
- ◆ A description of the procedure members of the public should follow in order to file a discrimination complaint against the grantee

A copy of the Notice to the Public is located in [Appendix B](#).

3.2 Notice Posting Locations

The Notice to Public will be posted at many locations to apprise the public of CVADD's obligations under Title VI and to inform them of the protections afforded them under Title VI. At a minimum, the notice will be posted in public areas of CVADD's office including the reception desk and on the CVADD's website at www.cvadd.org.

4.0 Title VI Procedures and Compliance

FTA Circular 4702.1B, Chapter III, Paragraph 6: All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to member of the public.

4.1 Complaint Procedure

Any person who believes that he/she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, national origin, sex, age, religion, sexual orientation, gender identity, Veteran status, disability, limited English proficiency, or low income may file a written complaint. The complaint may be filed by the affected individual or a representative.

Timeframe for Filing Complaints and Contact Information:

Complaints should be filed within 180-calendar days from the date of the alleged discriminatory act. Complaints should be submitted in writing and signed and may be filed via mail, fax, in person, or email (which includes a copy of the signed/dated complaint as an attachment); for any person requiring a reasonable accommodation to the contact address listed below:

Executive Director
Cumberland Valley Area Development District
P.O. Box 1740
342 Old Whitley Road
London, KY 40743
Phone: 606-864-7391
Fax: 606-878-7361

Allegations of discrimination received by fax or e-mail will be acknowledged and processed.

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

Submitting Complaints and Receipt of Complaints

Complaints should be submitted in the following format with the listed information:

- ◆ A signed (by the complainant or the complainant's representative) written explanation of what has happened
- ◆ The complainant's contact information
- ◆ Identification of the respondent, e.g. agency/organization alleged to have discriminated
- ◆ Sufficient information regarding the facts that led the complainant to believe that discrimination has occurred
- ◆ Date (s) of the alleged discriminatory act (s)
- ◆ Signature of the complainant or the complainant's representative

After receipt of the complaint, the Title VI Coordinator shall acknowledge the receipt in writing to the complainant. The acknowledgement shall include notification that an investigation will be conducted within 10

business days. A copy of the complaint and the acknowledgment will then be forwarded to the Kentucky Transportation Cabinet (KYTC) ADA/Title VI Program Coordinator. Once the complaint is received, CVADD will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing him/her whether the complaint will be investigated by our office.

The Title VI Coordinator shall conduct a full investigation, when warranted, and furnish a preliminary written report, including recommendations for resolution to CVADD Executive Director for a final determination. Personnel trained in compliance investigations will conduct investigations.

CVADD Executive Director shall notify the complainant of the final decision within 10 business days of completion of the investigation and a copy of the decision will be forwarded to the KYTC ADA/Title VI Program Coordinator.

CVADD Executive Director shall further notify the complainant of his or her right to appeal the decision to the KYTC ADA/Title VI Program Coordinator if the decision is not acceptable. Appeals should be made in writing and forwarded to the address below:

Attn: ADA/Title VI Program Coordinator
Office for Civil Rights and Small Business Development (OCRSBD)
200 Mero Street, Sixth Floor West
Frankfort, KY 40622
Phone: 800-928-3079 or 502-564-3601
Fax: 502-564-1491

The entire procedure as outlined shall be completed within 60 days.

Records pertaining to complaints, inquires and investigations will maintained by the Cumberland Valley Area Development District.

B. Agencies Authorized to Receive Complaints

Complaints may be submitted to Cumberland Valley Area Development District (CVADD), Federal Highway Administration (FHWA), Kentucky Transportation Cabinet (KYTC), the United States Department of Transportation (U.S. DOT), and the U.S. Department of Justice (U.S. DOJ).

C. Processing Complaints

Complaints filed with the CVADD in which CVADD is named as the Respondent, shall be forwarded to KYTC to the attention of: ADA/Title VI Program Coordinator for processing within three (3) days of receipt.

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

In accordance with the regulations at 23 CFR 200.9(b)(3), a copy of the complaint, together with a copy of CVADD report of the investigation, shall be forwarded to the KYTC ADA/Title VI Program Coordinator within

60 days of the date the complaint was received by CVADD. An extension of an additional 60 days may be granted by the KYTC for justifiable reasons. KYTC will forward the complaint, through the FHWA Division Office, for review and issuance.

D. Acceptance and/or Dismissal of Complaints

When any element of CVADD receives an inquiry, comment, or complaint, which alleges or implies discrimination as addressed by Title VI of the Civil Rights Act of 1964, a copy is forwarded immediately to the KYTC ADA/Title VI Program Coordinator. The original document will be forwarded to KYTC ADA/Title VI Program Coordinator, which is responsible for logging in the document and maintaining the required statistical data.

The CVADD Executive Director and KYTC ADA/Title VI Program Coordinator, or his designee in the Civil Rights office will discuss the matter to determine if it constitutes a Title VI complaint. If it is determined that the issues do not meet a Title VI complaint, the CVADD Executive Director will submit the appropriate response to KYTC ADA/Title VI Program Coordinator.

If it is determined that the issues constitute a Title VI complaint, the CVADD Executive Director or the Title VI Coordinator will determine responsibility and the need for additional information. CVADD may request additional information and/or clarification. CVADD shall maintain a log of complaints filed with and investigated by CVADD.

The CVADD Executive Director will respond in writing, acknowledging receipt of complaint within 10 days from date of receipt. After reviewing the complaint,

The OCRSBD Executive Director may recommend dismissal of a complaint for any of the following reasons:

1. The complaint filed in an untimely manner
2. The complaint does not allege a basis covered by the statutes for which KYTC is responsible
3. The complaint does not allege any harm with regard to covered programs or statutes
4. The complainant requests the withdrawal of the complaint
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint
6. The complainant cannot be located after reasonable attempts
7. The complainant fails to accept a reasonable resolution. Reasonableness to be determined by the 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 CVADD will be logged for tracking purposes.

E. Withdrawal of a Complaint

The complainant may withdraw his or her complaint at any time after filing and prior to the issuance of a determination or resolution by the CVADD. The complainant must submit a signed written withdrawal to the following:

Whitney Chesnut, Executive Director
 Cumberland Valley Area Development District
 P.O. Box 1740
 342 Old Whitley Road
 London, KY 40743
 Phone: 606-864-7391
 Fax: 606-878-7361

F. Appeal Process

If a complaint cannot be resolved by the CVADD to the satisfaction of the complainant, the complainant may appeal, in writing, to the following:

Attn: ADA/Title VI Program Coordinator
 Office for Civil Rights and Small Business Development (OCRSBD)
 200 Mero Street, Sixth Floor West
 Frankfort, KY 40622
 Phone: 800-928-3079 or 502-564-3601
 Fax: 502-564-1491

Discrimination complaints may be filed with the KYTC before, during, or after the complaint has been filed with the CVADD.

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

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

G. Final Agency Reports

The Headquarters Civil Rights (HCR) Office via the FHWA Division Office will issue all Final Agency Decisions (FADs) and dismissals. KYTC will forward, through the FHWA Division Office, the investigative report, investigative file, and a recommended decision to the Chief, Investigations, and Adjudications.

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

4.1 Complaint Procedure (SPANISH VERSION)

Cualquier persona que crea que él o cualquier clase específica de personas ha sido objeto de discriminación o represalia prohibida por cualquiera de las autoridades de Derechos Civiles, basado en la raza, color, origen nacional, sexo, edad, religión, orientación sexual, identidad de género, estado de veterano, discapacidad, dominio limitado del inglés, o bajos ingresos puede presentar una queja por escrito. La queja puede ser presentada por la persona afectada o un representante.

Plazo para presentar quejas e información de contacto:

Las quejas deben presentarse en un plazo de 180 días a partir de la fecha del presunto acto discriminatorio. Las quejas deben presentarse por escrito y firmadas y pueden presentarse por correo, fax, en persona o correo electrónico (que incluye una copia de la queja firmada/fechaada como archivo adjunto); para cualquier persona que requiera una adaptación razonable a la dirección de contacto que se indica a continuación:

Director Ejecutivo
 Distrito de Desarrollo del área del valle de Cumberland
 Caja P.O. 1740
 342 Old Whitley Road
 Londres, KY 40743
 Teléfono: 606-864-7391
 Fax: 606-878-7361

Las denuncias de discriminación recibidas por fax o correo electrónico serán reconocidas y procesadas.

Las denuncias recibidas por teléfono se reducirán a por escrito y se proporcionarán al reclamante para su confirmación o revisión antes de procesarlas.

Presentación de quejas y recepción de quejas

Las reclamaciones deben presentarse en el siguiente formato con la información indicada:

- Una explicación escrita firmada (por el reclamante o el representante del reclamante) de lo que ha sucedido
- Información de contacto del denunciante
- Identificación del demandado, por ejemplo, agencia/organización presuntamente discriminada
- Información suficiente sobre los hechos que llevaron al reclamante a creer que se ha producido discriminación
- Fecha(s) del presunto acto (s) discriminatorio(s)
- Firma del reclamante o del representante del reclamante

Después de recibir la queja, el Coordinador del Título VI deberá confirmar el recibo por escrito al reclamante. El reconocimiento incluirá la notificación de que se llevará a cabo una investigación dentro de 10 días. Cualquier persona que crea que él / ella o cualquier clase específica de personas ha sido objeto de discriminación o represalia prohibida por cualquiera de las autoridades de derechos civiles, basado en la raza, color, origen nacional, sexo, edad, religión, orientación sexual, identidad de género, estado de veterano, discapacidad, dominio limitado del inglés, o bajos ingresos puede presentar una queja por escrito. La queja puede ser presentada por la persona afectada o un representante.

Plazo para presentar quejas e información de contacto:

Las quejas deben presentarse en un plazo de 180 días a partir de la fecha del presunto acto discriminatorio. Las quejas deben presentarse por escrito y firmadas y pueden presentarse por correo, fax, en persona o correo electrónico (que incluye una copia de la queja firmada/fechaada como archivo adjunto); para cualquier persona que requiera una adaptación razonable a la dirección de contacto que se indica a continuación:

Director Ejecutivo
 Distrito de Desarrollo del área del valle de Cumberland
 Caja P.O. 1740
 342 Old Whitley Road
 Londres, KY 40743
 Teléfono: 606-864-7391
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- Información de contacto del denunciante
- Identificación del demandado, por ejemplo, agencia/organización presuntamente discriminada
- Información suficiente sobre los hechos que llevaron al reclamante a creer que se ha producido discriminación
- Fecha(s) del presunto acto (s) discriminatorio(s)
- Firma del reclamante o del representante del reclamante

Después de recibir la queja, el Coordinador del Título VI deberá confirmar el recibo por escrito al reclamante. El acuse de recibo incluirá la notificación de que se llevará a cabo una investigación en un plazo de 10 días hábiles. Una copia de la queja y el acuse de recibo se enviarán al Coordinador del Programa ADA/Título VI del Gabinete de Transporte de Kentucky (KYTC). Una vez recibida la queja, CVADD la revisará para determinar si nuestra oficina tiene jurisdicción. El reclamante recibirá una carta de acuse de recibo informándole si la queja será investigada por nuestra oficina.

El Coordinador del Título VI llevará a cabo una investigación completa, cuando esté justificado, y presentará un informe escrito preliminar, incluidas recomendaciones para su resolución al Director Ejecutivo de la CVADD para que lo decida definitivamente. El personal capacitado en investigaciones de cumplimiento llevará a cabo investigaciones.

El Director Ejecutivo de la CVADD notificará al reclamante la decisión final dentro de los 10 días hábiles siguientes a la finalización de la investigación y se enviará una copia de la decisión al Coordinador del Progra-

ma ADA/Título VI de KYTC.

El Director Ejecutivo de la CVADD notificará además al reclamante su derecho a apelar la decisión al Coordinador del Programa ADA/Título VI de KYTC si la decisión no es aceptable. Las apelaciones deben hacerse por escrito y enviarse a la siguiente dirección:

Attn: Coordinador del Programa ADA/Título VI
 Oficina de Derechos Civiles y Desarrollo de Pequeñas Empresas (OCSBD)
 200 Mero Street, Sexto Piso Oeste
 Frankfort, KY 40622
 Teléfono: 800-928-3079 o 502-564-3601
 Fax: 502-564-1491

Todo el procedimiento descrito se completará en un plazo de 60 días.

Los registros relacionados con quejas, consultas e investigaciones serán mantenidos por el Distrito de Desarrollo del área del Valle de Cumberland.

B. Agencias autorizadas para recibir quejas

Las quejas se pueden presentar al Distrito de Desarrollo del área del Valle de Cumberland (CVADD), a la Administración Federal de Carreteras (FHWA), al Gabinete de Transporte de Kentucky (KYTC), al Departamento de Transporte de los Estados Unidos (U.S. DOT) y al Departamento de Justicia de los Estados Unidos (DOJ de los Estados Unidos).

C. Procesamiento de quejas

Las reclamaciones presentadas ante la CVADD en las que la CVADD sea nombrada como demandada, se remitirán a KYTC a la atención de: Coordinador del Programa ADA/Título VI para su procesamiento dentro de los tres (3) días posteriores a la recepción.

En casos especiales que justifiquen la intervención para garantizar la justicia, la FHWA puede asumir jurisdicción y completar u obtener servicios para revisar o investigar un asunto. Los materiales ya obtenidos por los investigadores del Estado pueden ser invocados o complementados o el asunto puede ser investigado de nuevo.

De conformidad con la normativa de 23 CFR 200.9(b)(3), se enviará una copia de la queja, junto con una copia del informe de la CVADD de la investigación, al Coordinador del Programa KYTC ADA/Título VI dentro de los 60 días siguientes a la fecha en que CVADD recibió la queja. KYTC puede conceder una prórroga de 60 días adicionales por razones justificables. KYTC remitirá la queja, a través de la Oficina de la División de FHWA, para su revisión y emisión.

D. Aceptación y/o despido de quejas

Cuando cualquier elemento de la CVADD recibe una consulta, comentario o queja, que alega o implica discriminación según lo abordado por el Título VI de la Ley de Derechos Civiles de 1964, una copia se remite inmediatamente al Coordinador del Programa ADA/Título VI de KYTC. El documento original se remitirá al Coordi-

nador del Programa KYTC ADA/Title VI, que es responsable de registrar el documento y mantener los datos estadísticos requeridos.

El Director Ejecutivo de la CVADD y el Coordinador del Programa KYTC ADA/Título VI, o su designado en la oficina de Derechos Civiles discutirán el asunto para determinar si constituye una queja del Título VI. Si se determina que las cuestiones no cumplen con una queja del Título VI, el Director Ejecutivo de la CVADD presentará la respuesta apropiada al Coordinador del Programa ADA/Título VI de KYTC.

Si se determina que las cuestiones constituyen una queja del Título VI, el Director Ejecutivo de la CVADD o el Coordinador del Título VI determinarán la responsabilidad y la necesidad de información adicional. La CVADD puede solicitar información y/o aclaraciones adicionales. La CVADD mantendrá un registro de las denuncias presentadas e investigadas por la CVADD.

El Director Ejecutivo de CVADD responderá por escrito, reconociendo la recepción de la queja en un plazo de 10 días a partir de la fecha de recepción. Después de revisar la queja,

El Director Ejecutivo de la OCRSBD puede recomendar la desestimación de una queja por cualquiera de las siguientes razones:

1. La queja presentada de manera intempescionada
2. La reclamación no alega una base cubierta por los estatutos de los que KYTC es responsable
3. La queja no alega ningún daño con respecto a los programas o estatutos cubiertos
4. El reclamante solicita la retirada de la queja
5. El reclamante no responde a las reiteradas solicitudes de información adicional necesarias para tramitar la queja
6. El reclamante no puede ser localizado después de intentos razonables
7. El reclamante no acepta una resolución razonable. La razonabilidad será determinada por la Oficina de Derechos Civiles de la Sede (HCR) a través de la Oficina de la División de la FHWA
8. El reclamante ha presentado una acción legal en el Tribunal Federal de Distrito con la misma base y la(s) cuestión(es) involucrada(s) en la queja
9. Las mismas denuncias de queja se han presentado ante otra agencia federal, estatal o local

La aceptación de una queja se determinará por lo siguiente:

1. Presentación oportuna de la queja
2. Si las denuncias implican una base cubierta como raza, color, sexo, edad, origen nacional, discapacidad o represalias
3. Si las acusaciones involucran un programa o actividad de un receptor de ayuda federal, sub-receptor, o contratista

Todas las quejas recibidas por CVADD se registrarán con fines de seguimiento.

E. Retiro de una queja

El reclamante puede retirar su queja en cualquier momento después de la presentación y antes de la emisión de una determinación o resolución por parte de la CVADD. El reclamante debe presentar una retirada firmada por escrito a lo siguiente:

Whitney Chesnut, Directora Ejecutiva
Distrito de Desarrollo del área del valle de Cumberland
Caja P.O. 1740
342 Old Whitley Road
Londres, KY 40743
Teléfono: 606-864-7391
Fax: 606-878-7361

F. Proceso de apelación

Si una queja no puede ser resuelta por la CVADD a satisfacción del reclamante, el reclamante puede apelar, por escrito, a lo siguiente:

Attn: Coordinador del Programa ADA/Título VI
Oficina de Derechos Civiles y Desarrollo de Pequeñas Empresas (OCSBD)
200 Mero Street, Sexto Piso Oeste
Frankfort, KY 40622
Teléfono: 800-928-3079 o 502-564-3601
Fax: 502-564-1491

Las quejas por discriminación pueden presentarse ante el KYTC antes, durante o después de que la queja haya sido presentada ante la CVADD.

Este procedimiento no priva al denunciante de su derecho a presentar una queja ante:

- El Departamento de Transporte de los Estados Unidos: www.dot.gov
- El Departamento de Justicia de los Estados Unidos: www.usdoj.gov
- Administración Federal de Carreteras: www.fhwa.dot.gov

G. Informes finales de la Agencia

La Oficina de Derechos Civiles de la Sede (HCR) a través de la Oficina de la División de la FHWA emitirá todas las Decisiones y despidos del Organismo Final (FAD). KYTC remitirá, a través de la Oficina de la División de la FHWA, el informe de investigación, el expediente de investigación y una decisión recomendada al Jefe, Investigaciones y Adjudicaciones.

La División de Derechos Civiles del Departamento de Justicia considera que una constatación del Título VI de violación o ninguna violación es una decisión federal que no se puede delegar. Aunque un receptor estatal puede llevar a cabo una investigación del Título VI de sus subreceptores o contratistas y hacer una recomendación a la autoridad federal de toma de decisiones, KYTC debe presentar sus disposiciones propuestas a FHWA para una Decisión Final de la Agencia. El HCR podrá solicitar que se lleve a cabo una investigación adicional si el expediente de las pruebas es incompleto.

4.2 Record Retention and Reporting Policy

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

4.3 CVADD Title VI Training Plan

CVADD will provide written notice to all current employees and Board of Directors concerning the CVADD's commitment to assuring compliance with Title VI. For new employees, there will be a Title VI module conducted during New Employee Orientation. The CVADD Title VI Coordinator will attend and subsequently disseminate the benefit of the training to CVADD staff.

As a part of the Sub-recipient Monitoring Program the KYTC Title VI Officer, Coordinator, or Liaison will conduct reviews and CVADD will be provided with explanatory materials and technical assistance as necessary to ensure their knowledge of, and compliance with Title VI requirements.

To aid in these efforts the OCRSBD developed the Title VI/Nondiscrimination Reference Guide for Sub-recipients. The guide serves as a point of reference and provides guidance for sub-recipients to better comprehend and comply with Title VI and the related nondiscrimination laws and regulations which are applicable to federal financial assistance that is awarded through KYTC.

Moving forward CVADD plans to continue its training efforts by implementing and providing in person training to employees, sub-recipients, and stakeholders.

During the December 18, 2021, CVADD Board of Directors Meeting, training was held for staff members and members of the Board. This training is to be held annually via in person and video teleconferencing. A link to the YouTube video on Title VI requirements will also be shared to all staff members and Board of Directors for their review.

4.4 Contractors and Subcontractors

CVADD is responsible for ensuring that contractors are in compliance with Title VI requirements. Contractors may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. CVADD 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.

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, CVADD 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 the CVADD, 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.

5.0 Title VI Investigations, Complaints, and Lawsuits

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

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

CVADD has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years of calendar years 2019, 2020, or 2021. A summary of these incidents is recorded in Table 1.

Table 1: Summary of Investigations, Lawsuits, and Complaints in 2019, 2020, and 2021

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1. None Filed	None Filed	None Filed	None Filed	None Filed
2.				
Lawsuits				
1. None Filed	None Filed	None Filed	None Filed	None Filed
2.				
Complaints				
1. None Filed	None Filed	None Filed	None Filed	None Filed
2.				

6.0 Public Participation Plan

FTA Circular 4702.1B, Chapter III, Paragraph 4.a.4: Every Title VI Plan shall include the following information: A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Plan submission. A recipient's targeted public participation plan of minority populations may be part of efforts that extend more broadly to include constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.

The Public Participation Plan (PPP) for CVADD was developed to ensure that all members of the public, including minorities, disabled, low income and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for CVADD. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about CVADD services and to provide a means for considering public comment. The PPP is included as Appendix D to this Title VI Plan.

Current Outreach Efforts

CVADD is required to submit a summary of public outreach efforts made over the last three (3) years. The following is a list and short description of CVADD's recent, current, and planned outreached activities.

- ◆ Conduct local or regional public/information meetings as requested
- ◆ Utilizing the CVADD newsletter to reach, educate and inform the public on various programs
- ◆ Conducting meetings with local officials and interested community leaders
- ◆ Using e-mail lists to provide information materials to interested persons and agencies
- ◆ Using advisory committees/groups to include a more diverse group of individuals and representation of the region.
- ◆ Utilizing the CVADD Website and Facebook to post projects/information/comments and providing a link for public feed back
- ◆ Address civic groups, chamber of commerce, tourism, and government meetings
- ◆ Attending fiscal court and city council meetings
- ◆ Utilizing local newspapers to help reach more sectors of the public
- ◆ Conduct public meetings at county courthouse, city hall, or local community centers
- ◆ Utilize existing services/programs at the CVADD to distribute information (i.e. Child Care, Housing, Aging) this could provide more opportunities to reach low-income, minority, and elderly populations
- ◆ Utilize local county and city access radio stations
- ◆ Use surveys in newsletters, mail-outs, e-mails, etc. to gain public input

7.0 Language Assistance Plan

FTA Circular 4702.1B, Chapter III, Paragraph 9: Recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient (LEP).

CVADD conducts regional planning within the Cumberland Valley Area of Eastern Kentucky. The Language Assistance Plan (LAP) has been prepared to address CVADD's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In the CVADD service area there are 233,419 residents with 0.39 percent that speak a language other than English or who describe themselves as not able to communicate in English very well (Source: US Census 2017 American Community Survey 5 Year Data 2013-2017 Table B16004 Age by Language Spoken at Home by Ability to Speak English for Population 5 Years and Older). CVADD 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 CVADD has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four factor analysis to develop LAP. The LAP is included in this Title VI Plan as Appendix E.

8.0 Data Collection/Reporting/Analysis

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

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

8.1 Environmental Justice

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

The CVADD 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

8.2 Categorical Exclusion

Per 40 C.F.R 1508.4 categorical exclusion means a category of actions, which do not individually or cumulatively have a significant effect on the human environment and for which, therefore neither an environmental assessment nor an environmental impact statement, is required.

Categorical exclusions (CEs) are actions which meet the definition contained in 40 CFR 1508.4, and based on experience with similar actions do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area, do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns and do not otherwise, either individually or cumulatively have any significant environmental impacts (23 C.F.R. 771.117(a)).

Any action normally classified as a CE, but could involve unusual circumstances, will require the Administration, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include (23 CFR 771.117(b)):

- Significant environmental impacts
- Substantial controversy on environmental grounds
- Significant impact on properties protected by Section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act
- Inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action

A specific list of CEs that normally do not require any NEPA documentation or FHWA approval is set forth in 23 CFR 771.117(c). Other projects, pursuant to 23 CFR 771.117(d), may also qualify as CEs if appropriately analyzed, documented and approved by FHWA at the Division level.

9.0 Transit Planning and Advisory Bodies

FTA Circular 4702.1B, Chapter III, Paragraph 10: Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

The CVADD Board consists of 49 members appointed by the appropriate elected official. CVADD will make efforts to encourage minority participation on the committee. These efforts are made by distributing information about the participation on the committee at public meetings and throughout the transit system.

Table 2: Population by Race in CVADD Service Area and Transportation Committee in 2020

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Service Area Population	95.72%	1.14%	1.54%	0.28%	0.36%	0.77%
Transportation	98%	0.0%	2%	0.0%	0.0%	0.0%

10.0 Title VI Equity Analysis

FTA Circular 4702.1B, Chapter III, Paragraph 4.a.8: If the recipient has constructed a facility, such as vehicle storage, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.

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

1. CVADD will complete a Title VI equity analysis for any facility during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. CVADD will engage in outreach to persons potentially impacted by the siting of the facility. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
2. When evaluating locations of facilities, CVADD will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group level where appropriate to ensure that proper perspective is given to localized impacts.
3. If CVADD determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, CVADD may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. CVADD must demonstrate and document how both tests are met. CVADD will consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

The CVADD has not recently constructed any facilities nor does it currently have any facilities in the planning stage. Therefore, CVADD does not have any Title VI Equity Analysis reports to submit with this Plan. Your Community Transit will utilize the demographic maps included in Appendix F for future Title VI analysis.

11.0 Review of STA Directives

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

The KYTC's Title VI Implementation Plan is designed to comply with the statues and requirements under the law and as directed by FHWA to accomplish the goals of the Title VI Act of 1964. The table below is a list of internal and external manuals that include procedures and directives used by the Kentucky Transportation Cabinet that pertain to the CVADD Regional Transportation Planning and Section 5304 Transit Planning programs.

DIVISION/OFFICE	PROCEDURES, MANUAL, DIRECTIVE
Environmental Analysis	Information, Procedures, and Guidance Manual
Highway Design	Access Management Manual (Revised 3/2017)
Highway Design	Guidelines for Pedestrian & Bicycle Accommodations (Revised 3/2017)
OCRSBD	DBE Program Policy Statement (Revised 6/2016) KYTC Title VI/Nondiscrimination Guidebook for Sub-recipients (Revised 6/2017)
Office of Local Programs	Transportation Enhancement, Transportation Alternatives Program, Transportation Community and System Preservation
Office of Transportation Delivery	Oversight and implementation of various statewide public transit grants. Transportation grants offer general public transit services and assist in the mobility for the elderly, low income, and persons with disabilities
Professional Services	Professional Services Guidance Manual (Revised 3/2017)

Training Resources

Fundamentals of Title VI/Environmental Justice: Presents a framework for using a variety of approaches and tools for accomplishing environmental justice goals in federal aid programs and other transportation projects. National Highway Institute (NHI) <http://www.nhi.fhwa.dot.gov/default.aspx>

Preventing Discrimination in the Federal-Aid Program: Participants learn how to apply Title VI, as well as how to integrate law and regulation implementation in each federal aid highway project from an interdisciplinary approach. FHWA Resource Center <http://www.fhwa.dot.gov/resourcecenter/teams/civilrights/index.cfm>

Federal-aid Essentials

Offers a central online library of informational videos and resources, designed specifically for local public agencies. <http://www.fhwa.dot.gov/federal-aidessentials/index.cfm>

12.0 Compliance/Noncompliance Reporting

Throughout the year, the CVADD Title VI Officer, Coordinator or Liaison, Liaison or Officer, CVADD Executive Director periodically meets with the directors and the division heads of CVADD 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 CVADD's services.

The CVADD offices, departments, divisions who receive federal funds continually collect program data, although it is not always documented to denote such. The OCRSBD 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 or 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, CVADD will make every effort to attain full compliance.

The Title VI Officer, Coordinator or Liaison shall notify the appropriate program head in the event a complaint investigation, compliance review or self-survey indicates noncompliance. The notification shall state the condition of noncompliance, recommended approach to correct the situation, and the period for the response and corrective action. The Title VI Officer, Coordinator or Liaison may conduct an interview to consult with the program head regarding the correct approach to remedy noncompliance.

12.0 Appendices

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APPENDIX A
General Reporting Requirements

Every three years, on a date determined by Federal Transit Administration (FTA), each recipient is required to submit the following information to the FTA as part of their Title VI Program. Sub-recipients shall submit the information below to their primary recipient (the entity from whom the sub-recipient receives funds directly), on a schedule to be determined by the primary recipient.

General Requirements

All recipients must submit:

- ◆ Title VI Notice to the Public, including a list of locations where the notice is posted
- ◆ Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- ◆ Title VI Complaint Form
- ◆ List of transit-related Title VI investigations, complaints, and lawsuits
- ◆ Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- ◆ Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- ◆ A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- ◆ Primary recipients shall include a description of how the agency monitors its sub-recipients for compliance with Title VI, and a schedule of sub-recipient Title VI Program submissions
- ◆ A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- ◆ A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- ◆ Additional information as specified in Chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

APPENDIX B
Title VI Notice to Public

Chairman
Judge Executive
Dan Mosley
Harlan County

Vice Chairman
Judge Executive
Shane Gabbard
Jackson County

2nd Vice Chairman
Ms. Maureen "Cookie" Henson
Clay County



Cumberland Valley Area Development District
P.O. Box 1740
342 Old Whitley Road
London, KY 40743-1740

Secretary
Mayor Scott Madon
City of Pineville

Treasurer
Mr. John Ed Pennington
Clay County

Executive Director
Ms. Whitney Chesnut

Notifying the Public of Rights under Title VI

Cumberland Valley Area Development District (CVADD)

- ◆ CVADD operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with CVADD.
- ◆ For more information on CVADD's civil rights program, and the procedures to file a complaint, contact the CVADD at:

Mailing Address: P.O. Box 1740, London, KY 40743
Physical Address: 342 Old Whitley Road, London, KY 40741
Phone: 606-864-7391
TDD-Voice to TDD 1-800-648-6057
TDD to Voice 1-800-648-6056
Email: cvadd@cvadd.org
For more information, visit www.cvadd.org.

- ◆ If information is needed in another language, contact 606-864-7391. Una versión traducida de este documento puede estar disponible a petición.

Serving Bell · Clay · Harlan · Jackson · Knox · Laurel · Rockcastle · Whitley Counties
Phone: (606) 864-7391 | Fax: (606) 878-7361 | Email: cvadd@cvadd.org
TDD-Voice to TDD 1-800-648-6057 | TDD to Voice 1-800-648-6056
Auxiliary aids/services are available when requested three business days in advance.
www.cvadd.org

Chairman
Judge Executive
Dan Mosley
Harlan County

Vice Chairman
Judge Executive
Shane Gabbard
Jackson County

2nd Vice Chairman
Ms. Maureen "Cookie" Henson
Clay County



Cumberland Valley Area Development District
P.O. Box 1740
342 Old Whitley Road
London, KY 40743-1740

Secretary
Mayor Scott Madon
City of Pineville

Treasurer
Mr. John Ed Pennington
Clay County

Executive Director
Ms. Whitney Chesnut

Notificación al público de derechos bajo el título VI

Distrito de área de desarrollo del Valle de Cumberland (CVADD)

- ◆ CVADD opera sus programas y servicios sin tener en cuenta la raza, el color y el origen nacional de acuerdo con el título VI de la ley de derechos civiles. Cualquier persona que crea que ella o él ha sido agraviada por cualquier práctica discriminatoria ilegal bajo el título VI puede presentar una queja ante CVADD.
- ◆ Para más información sobre el programa de derechos civiles de CVADD y los procedimientos para presentar una queja, comuníquese con el CVADD a:

Dirección postal: P.O. Box 1740, London, KY 40743
 dirección física: 342 Old Whitley Road, London, KY 40741
 teléfono: 606-864-7391
 TDD-voz a TDD 1-800-648-6057
 TDD a voz 1-800-648-6056
 email: cvadd@cvadd.org
 para más información, visite www.cvadd.org.

- ◆ Si necesita información en otro idioma, comuníquese con 606-864-7391.

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 Phone: (606) 864-7391 | Fax: (606) 878-7361 | Email: cvadd@cvadd.org
 TDD-Voice to TDD 1-800-648-6057 | TDD to Voice 1-800-648-6056
 Auxiliary aids/services are available when requested three business days in advance.
www.cvadd.org

APPENDIX C
Title VI Complaint Form

Chairman
 Judge Executive
 Dan Mosley
 Harlan County

Vice Chairman
 Judge Executive
 Shane Gabbard
 Jackson County

2nd Vice Chairman
 Ms. Maureen "Cookie" Henson
 Clay County



Cumberland Valley Area Development District
P.O. Box 1740
342 Old Whitley Road
London, KY 40743-1740

Secretary
 Mayor Scott Madon
 City of Pineville

Treasurer
 Mr. John Ed Pennington
 Clay County

Executive Director
 Ms. Whitney Chesnut

**Cumberland Valley Area Development District (CVADD)
 Title VI Complaint Form**

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Require-	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Age (Over 40) <input type="checkbox"/> Religion <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Gender Identity <input type="checkbox"/> Veteran Status <input type="checkbox"/> Disability <input type="checkbox"/> Limited English Proficiency <input type="checkbox"/> Low Income <input type="checkbox"/> Other _____				
Date of Alleged Discrimination (Month, Day, Year):				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
Section IV				
Have you previously filed a Title VI complaint with this agency?			Yes	No

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 Phone: (606) 864-7391 | Fax: (606) 878-7361 | Email: cvadd@cvadd.org
 TDD-Voice to TDD 1-800-648-6057 | TDD to Voice 1-800-648-6056
 Auxiliary aids/services are available when requested three business days in advance.
 www.cvadd.org

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes No

If yes, check all that apply:

Federal Agency Federal Court State Agency State Court Local Agency

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI

Name of agency complaint is against: _____

Contact person: _____

Title: _____

Telephone number: _____

Section VII

Do you have an attorney regarding this matter? If yes, please provide attorney's contact information.

Name of Law Firm _____

Name of Representing Attorney _____

Mailing Address _____

City, State, Zip _____

Phone _____

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

We cannot accept an unsigned complaint. Please sign and date the complaint form below.

Complainant's Signature

Date

Please submit this form in person at the address below, or mail/fax this form to:

Whitney Chesnut, Executive Director
Cumberland Valley Area Development District
P.O. Box 1740
342 Old Whitley Road
London, Kentucky 40743
Fax: 606-878-7361

FOR OFFICE USE ONLY

Date Complaint Received: _____

Case # _____

Processed By: _____

Date Referred: _____

Referred To: KYTC Other _____

Chairman
 Judge Executive
 Dan Mosley
 Harlan County

Vice Chairman
 Judge Executive
 Shane Gabbard
 Jackson County

2nd Vice Chairman
 Ms. Maureen "Cookie" Henson
 Clay County



Cumberland Valley Area Development District
 P.O. Box 1740
 342 Old Whitley Road
 London, KY 40743-1740

Secretary
 Mayor Scott Madon
 City of Pineville

Treasurer
 Mr. John Ed Pennington
 Clay County

Executive Director
 Ms. Whitney Chesnut

**Distrito de Desarrollo del Área del Valle de Cumberland(CVADD)
 Plan del Título Seis**

Seccion uno				
Nombre:				
Habla a:				
Teléfono (Casa):			Teléfono (Trabajo):	
Dirección de correo electrónico:				
¿Se requiere formato accesible?	Letra grande		Cinta de audio	
	TDD		Otra	
Seccion Dos:				
¿Está presentando esta queja en su propio nombre?			Si*	No
*Si respondió "sí" a esta pregunta, vaya a la Sección tres.				
De lo contrario, proporcione el nombre y la relación de la persona por la cual se está quejando:				
Explique por qué ha presentado una solicitud para un tercero:				
Confirme que ha obtenido el permiso de la parte perjudicada si está presentando una solicitud en nombre de un tercero.			Si	No
Seccion Tres:				
Creo que la discriminación que experimenté se basó en (marque todo lo que corresponda):				
<input type="checkbox"/> Carrera <input type="checkbox"/> Color <input type="checkbox"/> Origen nacional <input type="checkbox"/> Sexo <input type="checkbox"/> Edad (más de cuarenta) <input type="checkbox"/> Religión <input type="checkbox"/> Orientación sexual <input type="checkbox"/> Identidad de género <input type="checkbox"/> estatus de veteran <input type="checkbox"/> Discapacidad <input type="checkbox"/> Dominio limitado del inglés <input type="checkbox"/> De bajos ingresos <input type="checkbox"/> Otra				
Fecha de presunta discriminación (mes, día, año):				
Explique lo más claramente posible qué sucedió y por qué cree que fue discriminado. Describa a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de las personas que lo discriminaron (si se conoce), así como los nombres y la información de contacto de cualquier testigo. Si necesita más espacio, utilice el reverso de este formulario.				
Seccion Cuatro				
¿Ha presentado previamente una queja de Título seis ante esta agencia?			Si	No

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 Phone: (606) 864-7391 | Fax: (606) 878-7361 | Email: cvadd@cvadd.org
 TDD-Voice to TDD 1-800-648-6057 | TDD to Voice 1-800-648-6056
 Auxiliary aids/services are available when requested three business days in advance.
www.cvadd.org

Distrito de Desarrollo del Área del Valle de Cumberland(CVADD)
Plan del Título Seis
Página 2

Sección 5
¿Ha presentado esta queja ante alguna otra agencia federal, estatal o local, o ante algún tribunal federal o estatal? <input type="checkbox"/> Si <input type="checkbox"/> No En caso afirmativo, marque todo lo que corresponda: <input type="checkbox"/> Agencia Federal <input type="checkbox"/> Corte federal <input type="checkbox"/> Agencia del estado <input type="checkbox"/> Tribunal estatal <input type="checkbox"/> Agencia local Proporcione información sobre una persona de contacto en la agencia / tribunal donde se presentó la queja.
Nombre:
Título:
Agencia:
Habla a:
Teléfono:
Seccion seis
El nombre de la queja de la agencia es contra:
Persona de contacto:
Título:
Número de teléfono:
Seccion siete
¿Tiene un abogado con respecto a este asunto? En caso afirmativo, proporcione la información de contacto del abogado.
Nombre de la firma de abogados:
Nombre del Abogado Representante:
Dirección de envío:
Código postal:
Teléfono:

**Puede adjuntar cualquier material escrito u otra información que considere relevante para su queja.
 No podemos aceptar una queja sin firmar. Firme y feche el formulario de queja a continuación.**

Firma del demandante

Fecha

Envíe este formulario en persona a la dirección que figura a continuación o envíe este formulario por correo o fax a:

Whitney Chesnut, Executive Director
 Cumberland Valley Area Development District
 P.O. Box 1740
 342 Old Whitley Road
 London, Kentucky 40743
 Fax: 606-878-7361

SÓLO PARA USO DE OFICINA

Fecha de recepción de la queja: _____ Caso # _____

Procesado por: _____ Fecha de referencia: _____

Referido a: KYTC Otra _____

APPENDIX D
Public Participation Plan

Introduction

The Cumberland Valley Area Development District (CVADD) will provide public involvement opportunities to allow all persons to be involved in the planning process and provide an avenue for the public voice to be heard by the key decision makers. This action will provide opportunity for all persons and interest groups to participate in the identification, evaluation, and recommendation of needs within the region. The CVADD will make every effort to include the disadvantaged and under-served populations (i.e. elderly, minority, low-income and disabled populations as well as all other effected populations in the region) on committees and/or in public meetings held for the purpose of soliciting input for plans, issues and/or projects.

The CVADD public participation plan will use a broad-brush approach because there is no overwhelming population center for the traditionally underserved, and the size of these populations is relatively small. Third party group members will be identified across the service area to aid in the outreach efforts of the traditionally underserved. The widespread use of newspapers, radio, and television can be used to potentially reach the underserved. Traveling exhibits may also be utilized during local events and strategically placed locations throughout the region to reach the underserved populations.

List of Resources

In order to expand participation opportunities, the CVADD has initiated a list of resources for general and targeted outreach methods for the region. All of the items listed may not be used at the same time or may not be used at all, but could be used in the future by the CVADD to include those persons who have been traditionally underserved by the existing transportation system and for the general participation procedures. The CVADD maintains a detailed listing of contact information and may be obtained by contacting the CVADD.

1. Third Party Groups

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

- ◆ Senior Citizen Centers
- ◆ Public Libraries
- ◆ Public Health Departments
- ◆ Public Transit Authorities
- ◆ NAACP
- ◆ Housing Authorities
- ◆ U.S Post Offices
- ◆ County/City Clerk's Office
- ◆ United Way
- ◆ Churches
- ◆ Migrant Education Programs
- ◆ Adult Education Programs
- ◆ Chambers of Commerce
- ◆ Community Based Services
- ◆ Human Relations Commissions
- ◆ State Government Agencies
- ◆ Disabled American Veterans
- ◆ University of Kentucky Extension Service
- ◆ Historical Societies
- ◆ Local Tourism Groups

2. Public Meetings

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

3. CVADD Website & Facebook Page

The CVADD Website is located at www.cvadd.org and the CVADD Facebook page is located at www.facebook.com/cumberlandvalleyadd. Both are updated on a regular basis to provide information that is vital for the public participation process. Further commitments to providing information will continue in an effort to make documents and forms electronically accessible formats for easy viewing.

4. Newspapers

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

5. Radio

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

6. Television

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

7. Traveling Exhibits

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

- ◆ Public Libraries
- ◆ U.S. Post Offices
- ◆ County Court Houses
- ◆ City Halls
- ◆ Local Community Centers
- ◆ Meeting Halls
- ◆ Churches
- ◆ Chambers of Commerce
- ◆ KYTC Highway District Office
- ◆ Area Development District
- ◆ Schools
- ◆ Public Housing Authorities
- ◆ Senior Citizens Centers/Housing
- ◆ Malls & Shopping Centers
- ◆ Special Event Locations
- ◆ Historical Societies
- ◆ Local Museums
- ◆ Other Identified Locations through Planning Process

APPENDIX E
Language Assistance Plan

I. Introduction

CVADD provides planning services in the Cumberland Valley Region of Eastern Kentucky. The Language Assistance Plan (LAP) has been prepared to address CVADD's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In the CVADD service area there are 237,117 residents with 0.39 percent that speak a language other than English or who describe themselves as not able to communicate in English very well (Source: US Census). CVADD 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. CVADD has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP.

The U.S. Department of Transportation Handbook, titled "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers, (April 13, 2007) " (hereinafter "Handbook"), states that Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance (Handbook, page 5). The Handbook further adds that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (Handbook, page 5).

CVADD has an on-going commitment to ensure effective communication by developing and implementing policies and procedures for identifying and assessing the language needs of its LEP applicants/clients; and provide for a range of language assistance options, which include, but are not limited to the following:

- Conduct needs assessment
- Kentucky Relay Service—TDD/Voice Users
- "I Speak" Cards
- Written Language Service
- Qualified Bilingual staff
- Access to Qualified Interpreters
- Community-based organizations/volunteers
- Develop Written Assessment
- Monitor and Evaluation Access to Language Assistance

Executive Order 13166 of August 16, 2000 states that recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

II. Four Factor Analysis

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

1. The number and proportion of LEP persons in the service area who may be served or are likely to encounter a CVADD program, activity, or service.

2. The frequency with which LEP persons come in contact with CVADD programs, activities, or services.
3. The nature and importance of programs, activities, or services provided by CVADD to the LEP population.
4. The resources available to the CVADD and overall cost to provide LEP assistance.

Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

- a. Factor 1: The number and proportion of LEP persons in the service area who may be served or are likely to encounter a CVADD program, activity, or service.

The Cumberland Valley Area Development District is composed of eight counties: Bell, Clay, Harlan, Jackson, Knox, Laurel, Rockcastle, and Whitley. The CVADD is comprised of 5.28% of the state's population and according to census data is made up of 96.49% white, 1.57% Black, 0.29% Asian, 0.29% American Indian-Alaskan Native, and 1.03% Hispanic. The CVADD region is noted to have 0.39% of the population 5 years of age and older that speak English less than "very well". In addition, 1.31% of this population speaks a language other than English. The data has shown that the percentages of LEP in the area are low but are expected to increase over the next several years.

The table below shows the populations and data in each of CVADD's counties:

**Cumberland Valley Area Development District Population Facts
2019: ACS 5-Year Estimates**

CVADD 8 County Region	Total Population	Elderly Ages 65+	No Vehicle Available	Disable Aged 5 Years +	Speak English Less Than Very Well	Caucasian	African American	American Indian Alaskan Native	Asian	Two or More Race Groups	Hispanic	Persons Below Poverty Level
Bell	26,791	6,918	1,203	7,963	46	25,531	742	60	45	377	285	35.50%
Clay	20,368	4,126	1,013	5,343	81	19,055	799	25	-	337	522	36.60%
Harlan	26,699	6,598	1,340	8,115	69	25,501	610	-	78	433	260	47.40%
Jackson	13,369	3,133	402	3,841	70	13,111	42	-	-	216	33	32.00%
Knox	31,365	7,600	1,377	5,303	81	30,238	255	255	118	428	379	33.20%
Laurel	60,357	13,509	1,672	10,434	211	58,536	444	234	237	784	940	23.20%
Rockcastle	16,820	4,202	612	3,991	22	16,489	26	202	23	79	156	20.00%
Whitley	36,131	8,025	910	7,423	146	35,062	319	124	87	458	465	23.60%
CVADD	231,900	54,111	8,529	52,413	726	223,523	3,237	900	588	3,112	3,040	31.40%

Source: American Community Survey 2019 5-year estimates

- b. Factor 2: The frequency with which LEP persons come in contact with CVADD programs, activities, or services.

It is expected that the number of foreign-born residents in Kentucky will continue to rise as well as an increase in the number of Spanish Speaking residents. CVADD will continue to monitor changes in demographics as they become available through Census and Studies. CVADD will also work closely with other agencies in the area for updated and available information.

CVADD will monitor the frequency with which LEP individuals come in contact with the program and services. CVADD will report all encounters with LEP persons through the Public Transit Reports and public participation documentation on an as needed basis. Reporting accuracy will improve with ongoing training and tracking measures implemented. As of January 1, 2019, CVADD has had no requests from LEP individuals regarding Language Assistance. However, the CVADD will continue to monitor and track encounters with LEP persons.

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

The purpose of the Area Development District (ADD) is to improve the quality of life in the Cumberland Valley by promoting economic development to provide basic facilities essential to the stimulation of business, manufacturing, services, tourism and commercial activities; and through efforts promoting human resource development to improve health, welfare and education systems within the eight county area; and provide a forum for elected officials and citizens to reach a consensus and establish local-state-federal partnerships to seek a coordinated solution to problems. In addition, the CVADD (planning and service area) is designated as the Area Agency on Aging and is responsible for regional planning, coordination and advocacy on behalf of older persons.

CVADD is taking steps in order to increase outreach efforts to LEP language groups. For example, CVADD notes on our website and all advertisements and meeting notices that translation services and/or auxiliary aids are available upon request at no cost.

- d. Factor 4: The resources available to the recipient and costs

Oral language services include bilingual Customer Service Representatives. Customer Service Representatives are available upon request to answer questions. In addition to these oral language services, several written language service is available.

Other language barriers may be resolved by using websites such as www.freetranslation.com, www.translate.google.com, and www.babelfish.yahoo.com for assistance in translation.

These additional language assistance tools will be utilized to assist LEP individuals at no additional cost. The notice of “language assistance at no cost” will be added to our advertisements and website.

III. Staff Training

Part of CVADD's LEP plan is deciding what level of staff training is needed. It is important that staff members, especially those having contact with the public, know their obligation to provide meaningful access to information and services for LEP persons. Even staff members who do not interact regularly with LEP persons should be aware of and understand the LEP plan. Properly training staff is a key element in the effective implementation of the LEP plan. Staff is trained to recognize when an LEP person is in need of language assistance and respond by providing information in a format that the LEP person can understand.

IV. Evaluation of the LEP Plan

This plan is designed to be flexible, and should be viewed as a work in progress. As such, it is important to consider whether new documents and services need to be made accessible for LEP persons, and also to monitor changes in demographics and types of services, and to update the LEP plan when appropriate.

V. 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.

CVADD service area does not have LEP populations, which qualify for the Safe Harbor Provision. As shown in Appendix H, CVADD does not have LEP groups, which speak English less than "very well" that exceed either 5.0% or 1,000 people. However, CVADD will provide good faith efforts to meet the needs of the LEP population if and when necessary.

The Safe Harbor Provision applies to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. CVADD may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.

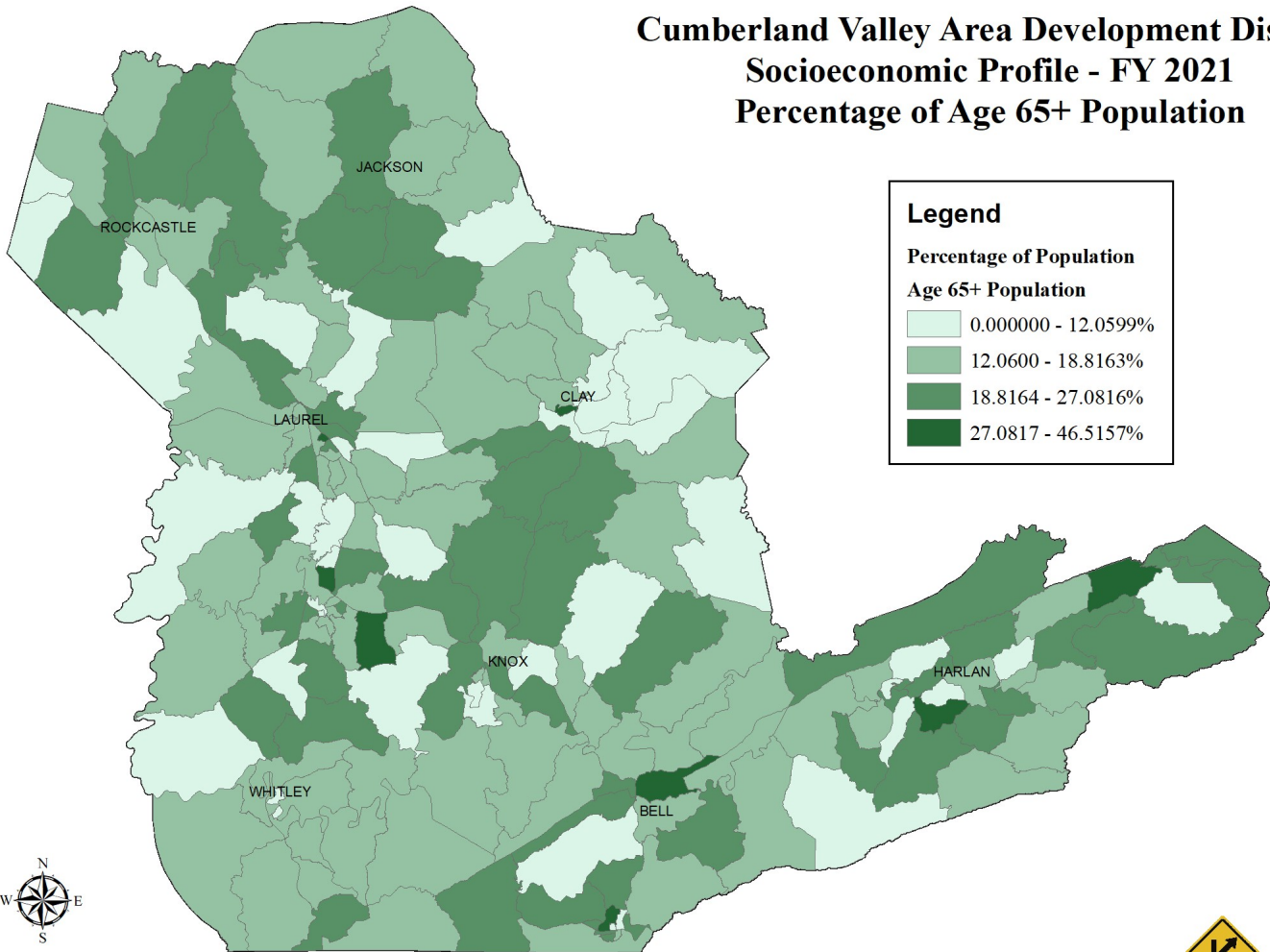
APPENDIX F
CVADD Service Area Demographic Maps

Cumberland Valley Area Development District Counties and Cities Served

 City
 County



Cumberland Valley Area Development District Socioeconomic Profile - FY 2021 Percentage of Age 65+ Population



Legend	
Percentage of Population Age 65+ Population	
	0.000000 - 12.0599%
	12.0600 - 18.8163%
	18.8164 - 27.0816%
	27.0817 - 46.5157%



Limitation of Liability:
The information contained on this map is to be used for planning purposes only. The Cumberland Valley Area Development District provides no warranties of any kind for the accuracy or use of this information outside the context of use for planning purposes.

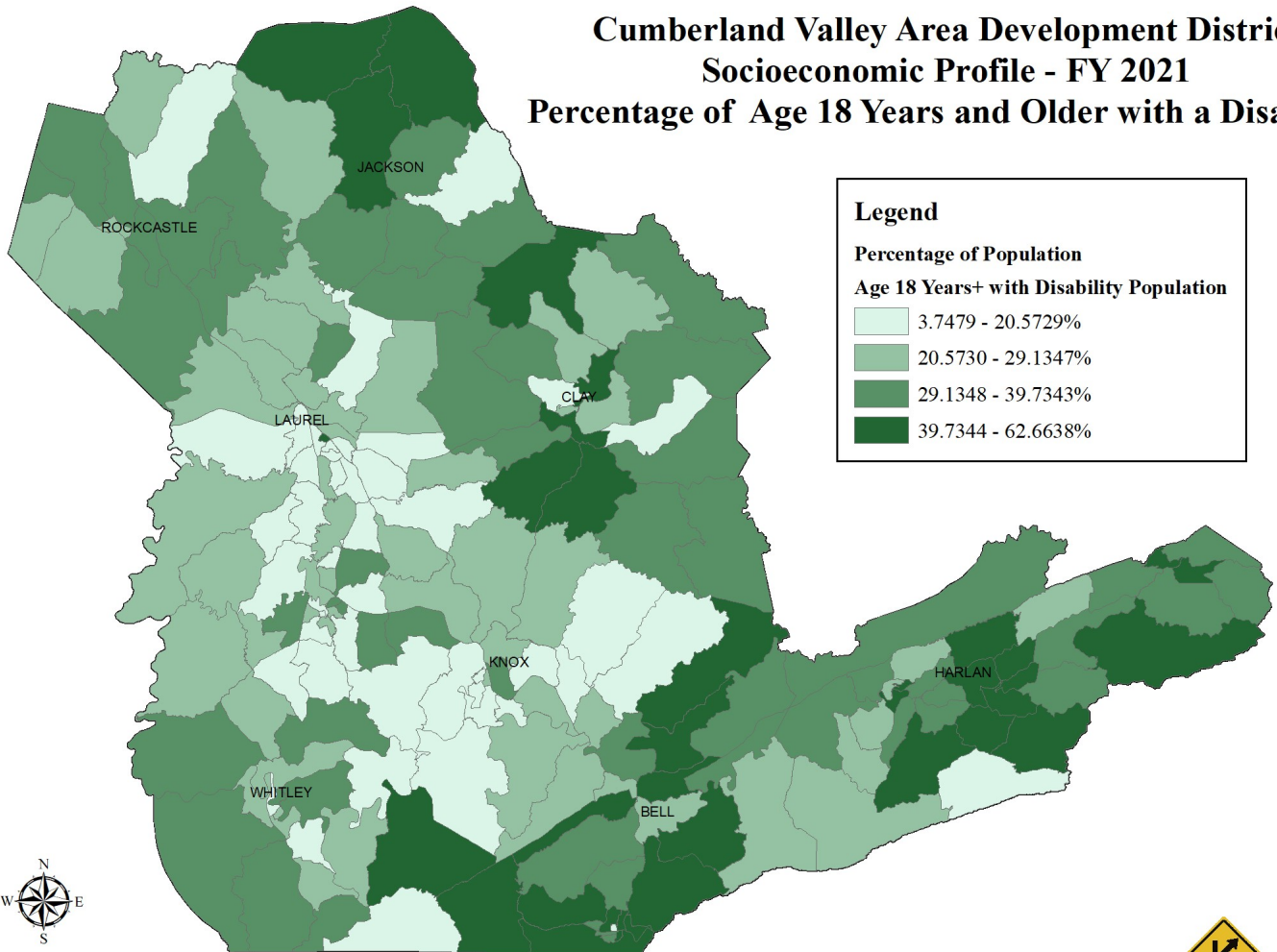
Source: Kentucky State Data Center
Census 2019 American Community Survey 5 Year Data (2015-2019)
Table B01001 Sex by Age



This document was prepared in cooperation with the KY Transportation Cabinet.

**Cumberland Valley Area Development District
Socioeconomic Profile - FY 2021**

Percentage of Age 18 Years and Older with a Disability



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the context of use for planning purposes.

Source: Kentucky State Data Center

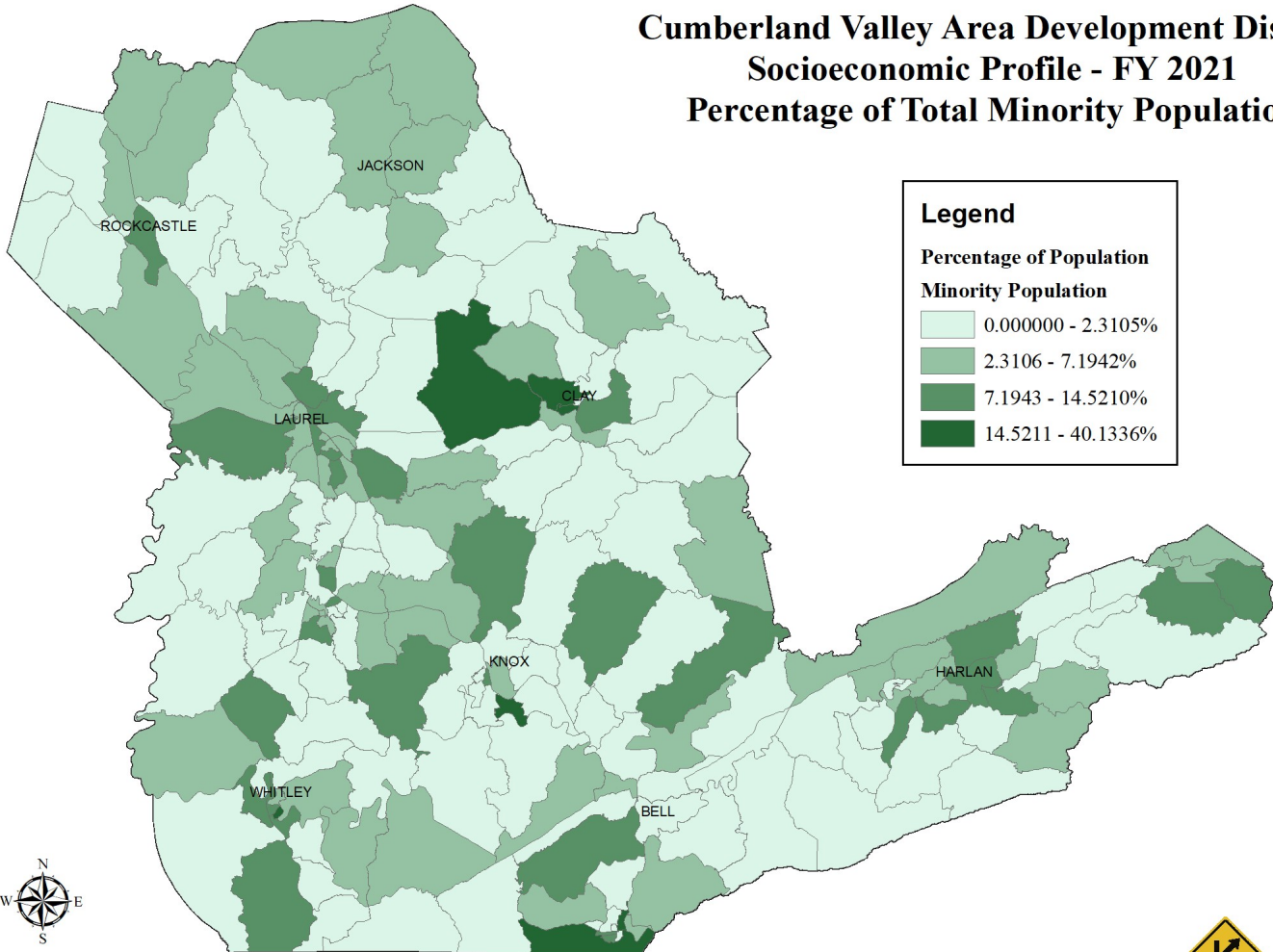
Census 2019 American Community Survey 5 Year Data (2015-2019)

**Table C21007 Age of Veteran Status by Poverty Status in the Past 12 Months
by Disability Status for the Civilian Population 18 Years and Over**



*This document was prepared in
cooperation with the KY Transportation Cabinet.*

Cumberland Valley Area Development District Socioeconomic Profile - FY 2021 Percentage of Total Minority Population



Legend

**Percentage of Population
Minority Population**

0.000000 - 2.3105%
2.3106 - 7.1942%
7.1943 - 14.5210%
14.5211 - 40.1336%



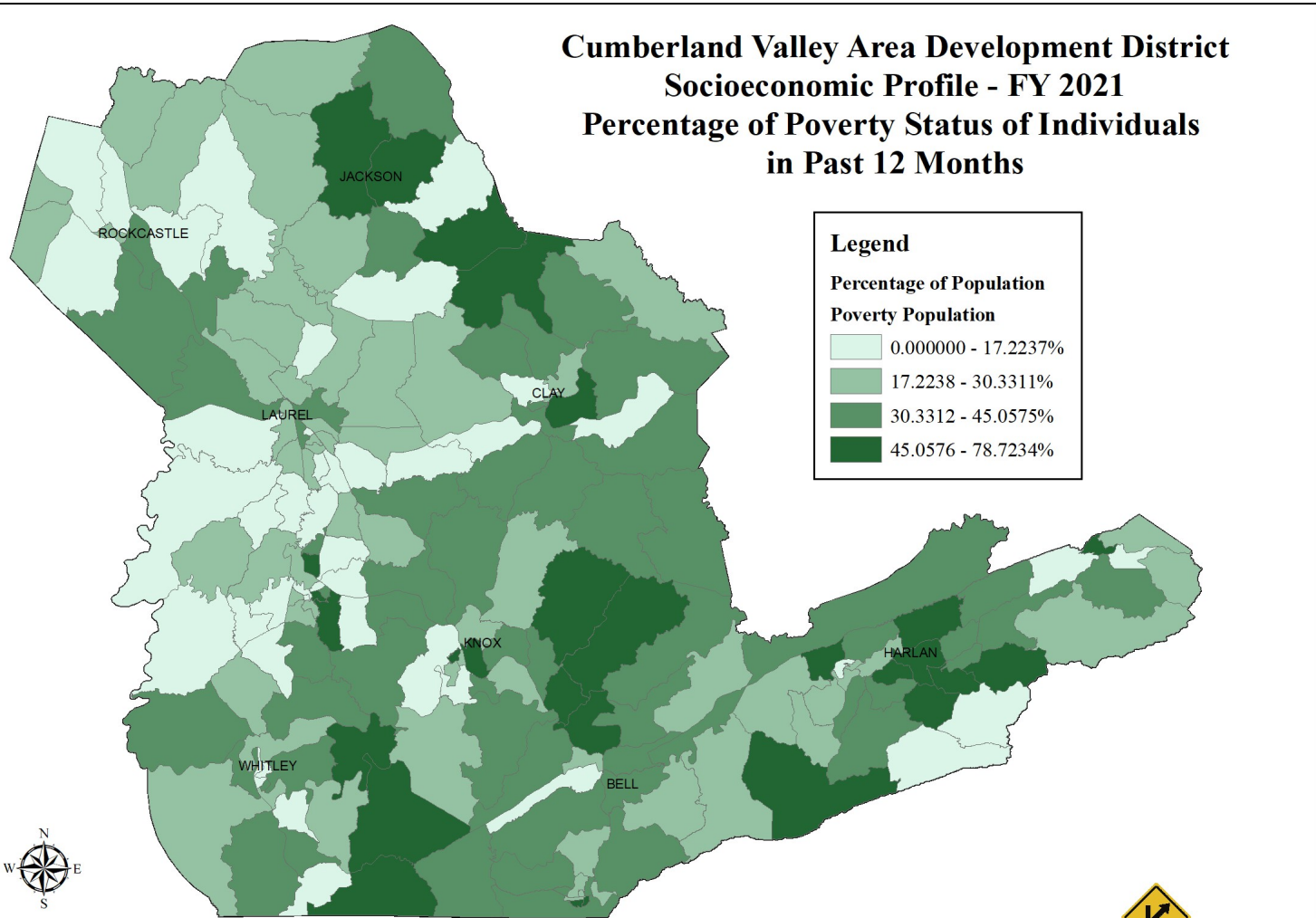
Limitation of Liability:
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**Source: Kentucky State Data Center
Census 2019 American Community Survey 5 Year Data (2015-2019)
Table B03002_001E Total Population**



This document was prepared in cooperation with the KY Transportation Cabinet.

**Cumberland Valley Area Development District
Socioeconomic Profile - FY 2021
Percentage of Poverty Status of Individuals
in Past 12 Months**



Legend

**Percentage of Population
Poverty Population**

	0.000000 - 17.2237%
	17.2238 - 30.3311%
	30.3312 - 45.0575%
	45.0576 - 78.7234%



Limitation of Liability:
The information contained on this map is to be used for planning purposes only. The Cumberland Valley Area Development District provides no warranties of any kind for the accuracy or use of this information outside the context of use for planning purposes.

**Source: Kentucky State Data Center
Census 2019 American Community Survey 5 Year Data (2015-2019)
Table B17021 Poverty Status of Individuals in the
Past 12 Months by Living Arrangement**



This document was prepared in cooperation with the KY Transportation Cabinet.

APPENDIX G
CVADD Service Area Language Data

CVADD Area Language Spoken at Home 2010-2015

	Bell	Clay	Harlan	Jackson	Knox	Laurel	Rockcastle	Whitley	CVADD
Total:	26,277	19,909	26,524	12,566	29,825	55,934	15,987	33,304	220,326
Speak only English	25,944	19,485	26,106	12,442	29,568	55,017	15,853	32,820	217,235
Spanish or Spanish Creole:	131	360	212	103	238	420	97	253	1,814
Speak English "very well"	71	247	114	77	144	103	95	203	1,054
Speak English less than "very well"	60	113	98	26	94	317	2	50	760
French (incl. Patois, Cajun):	1	20	33	0	1	97	0	13	165
Speak English "very well"	1	20	28	0	1	97	0	13	160
Speak English less than "very well"	0	0	5	0	0	0	0	0	5
French Creole:	0	0	0	0	0	4	0	0	4
Speak English "very well"	0	0	0	0	0	4	0	0	4
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Italian:	5	0	0	0	1	0	0	0	6
Speak English "very well"	5	0	0	0	0	0	0	0	5
Speak English less than "very well"	0	0	0	0	1	0	0	0	1
Portuguese or Portuguese Creole:	0	0	0	0	0	0	0	11	11
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	11	11
German:	122	4	58	7	8	66	10	16	291
Speak English "very well"	30	0	41	7	8	55	10	7	158
Speak English less than "very well"	92	4	17	0	0	11	0	9	133
Yiddish:	0	0	0	0	0	0	0	8	8
Speak English "very well"	0	0	0	0	0	0	0	8	8
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Other West Germanic languages:	8	0	26	0	0	0	0	0	34
Speak English "very well"	8	0	26	0	0	0	0	0	34
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Scandinavian languages:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Greek:	0	0	0	0	0	30	0	0	30
Speak English "very well"	0	0	0	0	0	22	0	0	22
Speak English less than "very well"	0	0	0	0	0	8	0	0	8
Russian:	0	0	4	0	0	0	0	0	4
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	4	0	0	0	0	0	4
Polish:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Serbo-Croatian:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0

Other Slavic languages:	0	0	0	0	0	10	19	0	29
Speak English "very well"	0	0	0	0	0	0	19	0	19
Speak English less than "very well"	0	0	0	0	0	10	0	0	10
Armenian:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Persian:	0	0	0	0	0	0	0	7	7
Speak English "very well"	0	0	0	0	0	0	0	7	7
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Gujarati:	0	0	0	0	0	16	0	0	16
Speak English "very well"	0	0	0	0	0	16	0	0	16
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Hindi:	0	0	0	0	0	0	0	40	40
Speak English "very well"	0	0	0	0	0	0	0	40	40
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Urdu:	0	0	0	0	0	31	0	0	31
Speak English "very well"	0	0	0	0	0	31	0	0	31
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Other Indic languages:	0	0	0	0	0	59	0	0	59
Speak English "very well"	0	0	0	0	0	30	0	0	30
Speak English less than "very well"	0	0	0	0	0	29	0	0	29
Other Indo-European languages:	0	0	0	0	0	0	0	37	37
Speak English "very well"	0	0	0	0	0	0	0	20	20
Speak English less than "very well"	0	0	0	0	0	0	0	17	17
Chinese:	0	0	65	0	8	6	0	10	89
Speak English "very well"	0	0	54	0	8	0	0	0	62
Speak English less than "very well"	0	0	11	0	0	6	0	10	27
Japanese:	0	0	0	0	0	0	0	5	5
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	5	5
Korean:	0	0	9	0	0	0	0	0	9
Speak English "very well"	0	0	9	0	0	0	0	0	9
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Mon-Khmer, Cambodian:	0	12	0	0	0	0	0	0	12
Speak English "very well"	0	12	0	0	0	0	0	0	12
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Hmong:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Thai:	0	0	9	0	0	0	0	16	25
Speak English "very well"	0	0	9	0	0	0	0	16	25
Speak English less than "very well"	0	0	0	0	0	0	0	0	0

Laotian:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Vietnamese:	50	0	0	0	0	149	0	17	216
Speak English "very well"	34	0	0	0	0	48	0	0	82
Speak English less than "very well"	16	0	0	0	0	101	0	17	134
Other Asian languages:	0	0	0	0	1	12	0	0	13
Speak English "very well"	0	0	0	0	1	12	0	0	13
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Tagalog:	16	0	0	14	0	0	0	2	32
Speak English "very well"	16	0	0	14	0	0	0	2	32
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Other Pacific Island languages:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Navajo:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Other Native North American languages:	0	0	2	0	0	12	6	17	37
Speak English "very well"	0	0	0	0	0	12	6	17	35
Speak English less than "very well"	0	0	2	0	0	0	0	0	2
Hungarian:	0	0	0	0	0	5	0	0	5
Speak English "very well"	0	0	0	0	0	5	0	0	5
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Arabic:	0	3	0	0	0	0	0	23	26
Speak English "very well"	0	3	0	0	0	0	0	23	26
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
Hebrew:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0
African languages:	0	25	0	0	0	0	2	9	36
Speak English "very well"	0	20	0	0	0	0	0	9	29
Speak English less than "very well"	0	5	0	0	0	0	2	0	7
Other and unspecified languages:	0	0	0	0	0	0	0	0	0
Speak English "very well"	0	0	0	0	0	0	0	0	0
Speak English less than "very well"	0	0	0	0	0	0	0	0	0

Source: US Census Bureau, 2011-2015 American Community Survey 5 Year Estimates
Table B16001 - Language Spoken at Home by Ability to Speak English for Population 5 Years and Over

APPENDIX H
Title VI Plan Adoption and Approval

**Cumberland Valley Area Development District
Title VI Plan Adoption and Approval**

This Title VI Plan was approved and adopted by the Cumberland Valley Area Development District's Board of Directors during a meeting held on December 18, 2021.

Chairman

Executive Director

APPENDIX I
Glossary/Definitions

J. 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.

Age Discrimination Act of 1975 (42 U.S.C. 6101): Prohibition of discrimination on the bases of age in programs or activities receiving Federal financial assistance.

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 operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, national origin, religion and sex.

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*, considered equivalent to *division*, as an administrative subdivision of an office of the KYTC.

Environmental Justice (EJ) (Executive Order 12898): addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.

Federal Assistance:

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

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

Federal Aid Highway Act of 1973 (23 U.S.C. 324): Prohibition of discrimination on the basis of sex (gender). No person on the grounds of sex (gender) shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.

Grantee: Any public or private agency, institution or organization to whom federal financial assistance 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 designated by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law. When submitting the transportation improvement program (described below), to the State for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.

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

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

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

Non-minority or non-minority group people: Caucasians

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

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

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

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

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

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

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C 701): It prohibits discrimination against people with handicaps/disabilities, in programs that receive federal financial assistance, and set the stage for enactment of the Americans with Disabilities Act.

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.

Sub-Recipient: is an entity or a person that **indirectly** received federal financial assistance in order to implement a program or activity which subjects them to Title VI compliance responsibilities. A sub-recipient may

include, but is not limited to, a city, county, metropolitan planning organization, college/university, contractor or sub-grantee.

The Civil Rights Restoration Act of 1987: further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.

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

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

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

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

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.

The 1970 Uniform Act (42 U.S.C. 4601): prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of Federal financially assisted programs or activities.

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

APPENDIX J
Compliance of Regulations

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor with regard to the work performed by it during the contract will not discriminate on the grounds of race, color or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - A. withholding payments to the contractor under the contract until the contractor complies; and/or
 - B. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States

APPENDIX K
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 Cumberland Valley Area Development District 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 Cumberland Valley Area Development District 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 Cumberland Valley Area Development District 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 Cumberland Valley Area Development District, its successors and assigns.

The Cumberland Valley Area Development District, 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 Cumberland Valley Area Development District 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 L
Clauses for Transfer of Real Property Acquired or Improved
Under the Activity, Facility, or Program

APPENDIX L
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, reenter, 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 M

**Clauses for Construction/Use/Access to Real Property Acquired
Under the Activity, Facility, or Program**

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

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

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

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *ET seq.*).

APPENDIX O
Employee LEP Frequency Survey

Employee LEP Frequency Survey

The Cumberland Valley Area Development District (CVADD) as a recipient of federal financial assistance from the Federal Highway Administration (FHWA) is required to provide the appropriate measures to ensure that Limited English Proficiency (LEP) persons have meaningful language access to the programs, services and information provided by CVADD and CVADD's sub-recipients. In order to determine if written or oral communication must be translated and what languages they must be translated to a four-factor analysis is used. The four-factor analysis considers the following:

- The number or proportion of LEP persons served or encountered in the eligible service population
- The frequency with which LEP individuals come in contact with the program, activity, or service
- The nature and Importance of the program, activity, or service provided by the program

The Office for Civil Rights & Small Business Development (OCRSBD) is requesting your assistance with completing the four-factor analysis, if you would please take a moment, complete the attached questions, and return them:

Whitney Chesnut—Executive Director
Cumberland Valley Area Development District
PO BOX 1740, London, KY 40743
(606) 864-7391
wchesnut@cvadd.org

If you could please return completed survey to the CVADD by the close of business on December 1, 2021.

If you have any questions please do not hesitate to contact us.

Sincerely,

Whitney Chesnut—Executive Director
Cumberland Valley Area Development District
PO BOX 1740, London, KY 40743
(606) 864-7391

**Cumberland Valley Area Development District
Employee LEP Frequency Survey**

1. What is your job title? _____
2. What are your job duties/responsibilities? _____

Please indicate with an “x” in the table below the frequency of which you communication with members of the public that LEP person(s). The languages below are the commonly spoken languages in Kentucky. If you have interactions with individuals who speak other languages please indicate what language (if you can identify the language) “Other” box, if you are unable to identify the language spoken please indicate by using the “all other languages” box.

Language	Most Days	At Least Once a Week	At Least Once a Month	At Least Once a Year	Never
Spanish					
German					
Chinese					
French					
Arabic					
Other _____					
Other _____					
All Other Languages					

4. What is your method of communication when you are communicating with LEP person(s)? _____

5. Please provide suggestions on ways in which CVADD can improve communication efforts with LEP persons as it relates to your job duties/responsibilities. (Optional)

