



## Pennyrile Area Development District

### Title VI Implementation Plan

January 1, 2023 – December 31, 2023

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## Glossary/Definitions

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

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

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

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

**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.

**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, religion or national origin.

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

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

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

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

**Executive Directors:** Chief Operating Officer of the PeADD.

**Federal Assistance:**

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

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

**Grantee:** Any public or private agency, institution or organization to whom federal financial assistance 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, religion or national origin. Includes *African Americans, Hispanics or Latinos, American Indian or Alaska Native, Asians and Native Hawaiian or Other Pacific Islander*.

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

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

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

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

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

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

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

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

**Recipient:** Kentucky or any political subdivision or instrumentality thereof or any public or private agency, institution, or organization or other entity; or any individual in Kentucky to whom federal

assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term “**recipient**” does not include any ultimate beneficiary under any such program. Examples of recipients include MPOs, Council of Governments (COG), towns, cities, counties, school districts or any sub recipient.

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

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

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

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

**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, religion, or national origin, including income level and Limited English Proficiency in programs or activities receiving federal financial assistance.

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

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

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

## **Overview & Policy Statement**

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

The Pennyrile 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 Pennyrile Area Development District.

The PeADD 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)



# Pennyryle Area Development District

a regional planning and development agency

300 Hammond Drive, Hopkinsville, KY 42240

voice (270) 886-9484 fax (270) 886-3211

[www.peadd.org](http://www.peadd.org)

## 1.0 Title VI/Nondiscrimination Policy Statement and Management Commitment to Title VI Plan

It is the policy of the Pennyryle Area Development District to afford equal opportunity to all persons to the end 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 receiving federal financial assistance from the U.S. Department of Transportation.

Program and activities to which this policy applies include, but are not limited to, the use of grants in connection with federal-aid highway systems, the Surface Transportation and Reauthorization & Reform Act of 2015, the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle and Safety Act of 1966, leases of real property and the grant of permits, licenses, easements and rights of way covering real property, Urban Mass Transportation Research Programs, and other grants for the support of basic scientific research.

This policy shall be prominently posted in all personnel office, EEO Offices, and PeADD's internal website.

Jason Vincent, Executive Director  
Pennyryle Area Development District

12/27/2023

Date



**1.1 Standard Title VI/Non-Discrimination Assurances**  
**DOT Order No. 1050.2A**

The Pennyryle Area Development District (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Kentucky Transportation Cabinet (KYTC)*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- 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);
- 49 C.P.R. Part 21 (entitled *Non-discrimination in Federally Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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, "for which the Recipient receives Federal financial assistance from DOT, including the KYTC.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted *Programs*:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all KYTC

Transportation Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The (Title of Recipient), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C.§§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates 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.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal

financial assistance

under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Pennyriple Area Development District also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

*Pennyriple Area Development District* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the KYTC Regional Transportation Program. This ASSURANCE is binding on the State of Kentucky, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the KYTC Regional Transportation *Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Signed and approved this 27th day of December, 2023



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Jason Vincent  
Executive Director

## **2.0 Introduction & Description of Services**

PeADD 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.

PeADD is a sub-recipient of FTA and Regional Transportation Funds and provides service in the Kentucky Counties of Caldwell, Christian, Crittenden, Hopkins, Livingston, Lyon, Muhlenberg, Todd, Trigg, also known as the Pennyryle Area.

### **2.1 Responsible Officials**

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

PeADD must designate a coordinator for Title VI issues and complaints within the organization. The coordinator 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 PeADD Title VI Program Plan
- Implement procedures for the prompt processing of Title VI complaints.

The Title VI Coordinator shall be:

Title VI Coordinator  
Alisha Sutton  
Administrative Officer  
300 Hammond Drive  
Hopkinsville, KY 42240  
Phone: 270-886-9484

### **2.2 Program Review Procedures**

PeADD 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, or National Origin.
- 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, or National Origin.
- Ensuring that efforts are made to include minority and women owned businesses in consideration for contracts
- Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference
- Providing reasonable accommodations, information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons

The PeADD Title VI Officer, Coordinator or Liaison will review all ADDs and MPOs triennially using FHWA's Non-discrimination/Title VI Review Guidelines. The PeADD 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.

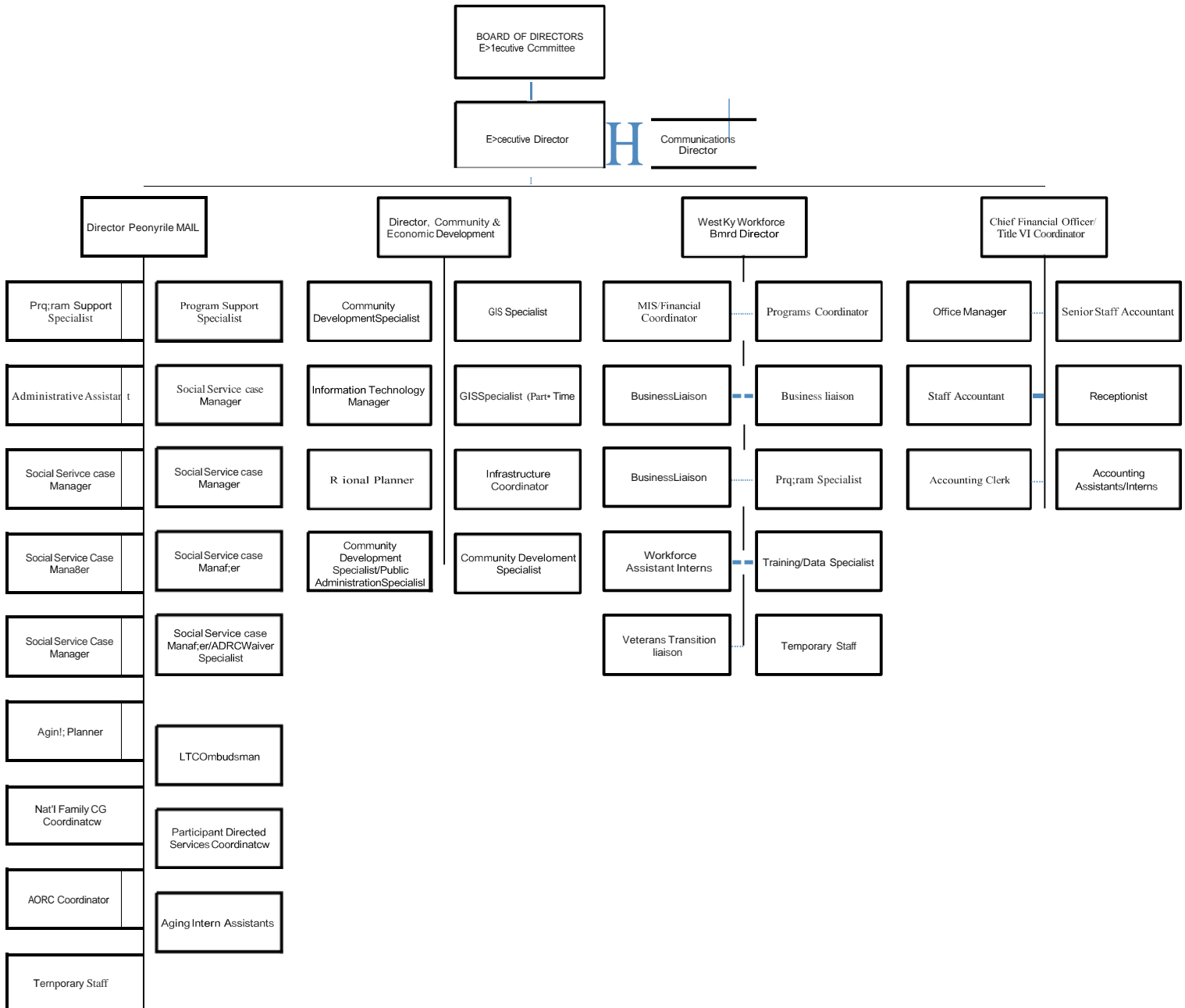
### **2.3 Programs or Activities Subject to Title VI**

PeADD program areas with Title VI responsibilities include the following areas:

- Housing
- Community Projects
- Public Services
- Public Facilities
- Economic Development
- Community Emergency Relief Fund
- U.S. Department of Labor WIOA
- Transportation
- Administration for Community Living
- Delta Regional Authority
- Joint Funding Administration (JFA)
- Kentucky Infrastructure Authority
- Participant Directed Options

## 2.4 Organizational Chart

### Pennyrile Area Development District



## **2.5 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.***

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

### **Current and Pending FTA Funding**

Regional Transportation Planning, FY 2019 \$78,067 State + \$8,674 Local  
Regional Transportation Planning, FY 2020 \$78,067 State + \$8,674 Local  
Regional Transportation Planning, FY 2021 \$78,254 State + \$8,695 Local  
Regional Transportation Planning, FY 2022 \$78,254 State + \$8,695 Local  
Regional Transportation Planning, FY 2023 \$83,453 State + \$9,273 Local

## **2.6 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.

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

### **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

#### **3.2 Notice Posting Locations**

The Notice to Public will be posted at many locations to apprise the public of PeADD'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 PeADD's office including the reception desk and on the PeADD's website at [www.peadd.org](http://www.peadd.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, or national origin may file a written complaint. The complaint may be filed by the affected individual or a representative.

##### **A. 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  
Pennyrile Area Development District  
300 Hammond Drive  
Hopkinsville, KY 42240  
Phone: 270-886-9484  
Fax: 270-886-3211

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.

#### **B. 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. 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, FHWA HCR will determine jurisdiction and who investigates. The FHWA HCR will also communicate directly with the complainant about their decisions.

FHWA will investigate all Title VI complaints.

Records pertaining to complaints, inquiries and investigations will be maintained by the Pennyrile Area Development District.

#### **C. Agencies Authorized to Receive Complaints**

Complaints may be submitted to Pennyrile Area Development District (PeADD), 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).

#### **D. Processing Complaints**

Complaints filed with the PeADD in which PeADD 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 will immediately have jurisdiction. It will be their choice if they delegate the investigation.

#### **E. Acceptance and/or Dismissal of Complaints**

When any element of PeADD 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.

FHWA will determine if the matter constitutes a Title VI complaint and communicate their decision to all involved parties.

FHWA may dismiss 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 Head-quarters 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, or national origin
3. If the allegations involve a program or activity of a federal aid recipient, sub - recipient, or contractor

All complaints received by PeADD will be logged for tracking purposes.

#### **F. Withdrawal of a Complaint**

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

Jason Vincent, Executive Director  
Pennyrile Area Development District  
300 Hammond Drive  
Hopkinsville, KY 42240  
Phone: 270-886-9484  
Fax: 270-886-3211

FHWA  
US Department of Transportation  
1200 New Jersey Ave  
Washington, DC 20590  
Phone: 202-366-0693

#### **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.

#### **4.0 Procedimientos y cumplimiento del Título VI**

***Circular 4702.1B de la FTA, Capítulo III, Párrafo 6: Todos los beneficiarios desarrollarán procedimientos para investigar y rastrear las quejas del Título VI presentadas en su contra y pondrán sus procedimientos para presentar una queja a disposición del público.***

##### **4.1 Procedimiento de reclamación**

Cualquier persona que crea que él/ella o cualquier clase específica de personas ha sido objeto de discriminación o represalias prohibidas por cualquiera de las autoridades de Derechos Civiles, por motivos de raza, color u origen nacional, puede presentar una queja por escrito. La queja puede ser presentada por la persona afectada o por un representante.

##### **A. Plazo para presentar quejas e información de contacto**

Las quejas deben presentarse dentro de los 180 días calendario 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 o fechada como archivo adjunto); para cualquier persona que requiera una Adaptaciones razonables a la dirección de contacto que se indica a continuación:

Directora Ejecutiva  
Distrito de Desarrollo del Área de P  
300 Hammond Drive  
Hopkinsville, KY 42240  
Teléfono: 270-886-9484  
Fax: 270-886-3211

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

Las alegaciones recibidas por teléfono se reducirán a escrito y se proporcionarán al denunciante para su confirmación o revisión antes de su procesamiento.

##### **B. Presentación de quejas y recepción de quejas**

Las quejas deben presentarse en el siguiente formato con la información enumerada:

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

Después de recibir la queja, el Coordinador del Título VI acusará recibo por escrito al denunciante. Luego, se enviará una copia de la queja y el acuse de recibo al Coordinador del Programa ADA/Título VI del Gabinete de Transporte de Kentucky (KYTC). Una vez que se reciba la queja, FHWA HCR determinará la jurisdicción y quién investiga. El HCR de la FHWA también se comunicará directamente con el demandante sobre sus decisiones.

La FHWA investigará todas las quejas del Título VI.

Los registros relacionados con quejas, consultas e investigaciones serán mantenidos por el Distrito de Desarrollo del Área de Pennyriple.

### **C. Agencias autorizadas para recibir quejas**

Las quejas pueden presentarse ante el Distrito de Desarrollo del Área de Pennyriple (PeADD), la Administración Federal de Carreteras (FHWA), el Gabinete de Transporte de Kentucky (KYTC), el Departamento de Transporte de los Estados Unidos (U.S. DOT) y el Departamento de Justicia de los Estados Unidos (U.S. DOJ).

### **D. Tramitación de reclamaciones**

Las quejas presentadas ante el PeADD en las que se nombre a PeADD como el Demandado, se enviarán a KYTC a la atención de: ADA/Coordinador del Programa del Título VI para su procesamiento dentro de los tres (3) días posteriores a su recepción.

En casos especiales que justifiquen la intervención para garantizar la justicia, la FHWA tendrá jurisdicción de inmediato. Será su elección si delegan la investigación.

### **E. Aceptación y/o desestimación de quejas**

Cuando cualquier elemento de PeADD 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, se envía una copia inmediatamente al Coordinador del Programa KYTC ADA/Título VI. El documento original se enviará al Coordinador del Programa KYTC ADA/Título VI, que es responsable de iniciar sesión en el documento y mantener los datos estadísticos requeridos.

La FHWA determinará si el asunto constituye una queja del Título VI y comunicará su decisión a todas las partes involucradas.

La FHWA puede desestimar una queja por cualquiera de las siguientes razones:

1. La denuncia presentada de manera extemporánea
2. La demanda no alega una base cubierta por los estatutos de los que KYTC es responsable
3. La demanda no alega ningún daño con respecto a los programas o estatutos cubiertos
4. El denunciante solicita el retiro de la denuncia
5. El demandante no responde a las repetidas solicitudes de información adicional necesaria para procesar la queja

6. El denunciante no puede ser localizado después de intentos razonables
7. El demandante no acepta una resolución razonable. La razonabilidad será determinada por la Oficina de Derechos Civiles (HCR) de la sede central a través de la Oficina de la División de la FHWA
8. El demandante ha presentado una acción legal en el Tribunal Federal de Distrito con la misma base y asunto(s) involucrado(s) en la queja
9. Las alegaciones de la misma queja se han presentado ante otra agencia federal, estatal o local

La aceptación de una queja estará determinada por lo siguiente:

1. Presentación oportuna de la denuncia
2. Si las acusaciones involucran una base cubierta, como raza, color u origen nacional

Si las acusaciones involucran un programa o actividad de un beneficiario, subreceptor o contratista de ayuda federal, todas las quejas recibidas por PeADD se registrarán con fines de seguimiento.

#### **F. Retiro de una queja**

El demandante puede retirar su queja en cualquier momento después de la presentación y antes de la emisión de una cancelación o resolución por parte del PeADD. El denunciante debe presentar un desistimiento firmado por escrito a la siguiente dirección:

Jason Vincent, Director Ejecutivo del  
Distrito de Desarrollo del Área de  
Pennyrile 300 Hammond Drive  
Hopkinsville, KY 42240  
Teléfono: 270-886-9484  
Fax: 270-886-3211

FHWA  
Departamento de Transporte de EE. UU.  
1200 Avenida Nueva Jersey  
Washington, DC 20590  
Teléfono: 202-366-0693

#### **G. Informes finales de la agencia**

La Oficina de Derechos Civiles (HCR, por sus siglas en inglés) de la Sede, a través de la Oficina de la División de la FHWA, emitirá todas las Decisiones Finales de la Agencia (FAD, por sus siglas en inglés) y los despidos. KYTC enviará, a través de la Oficina de la División de la FHWA, el informe de investigación, el archivo de investigación y una decisión recomendada al Jefe de Investigaciones y Adjudicaciones.

La División de Derechos Civiles del Departamento de Justicia adopta la posición de que un hallazgo de violación o no violación del Título VI es una decisión federal que no se puede delegar. Aunque un beneficiario 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 la FHWA para una decisión final de la agencia. El Alto Comisionado de las Naciones Unidas para los Derechos Humanos puede solicitar que se lleve a cabo una investigación adicional si el expediente de pruebas está incompleto.

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

PeADD'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 PeADD Title VI Training Plan**

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

As a part of the Sub-recipient Monitoring Program the KYTC Title VI Officer, Coordinator, or Liaison will conduct reviews and PeADD 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.

During 2023 PeADD's Title VI implementation plan was disseminated to all employees along with complaint procedures. Sub-recipients of federal grants were notified of the Title VI implementation plan and complaint procedures at the time of any grant award. In addition, PeADD staff attended an internal training seminar on November 13, 2023. During this seminar, staff reviewed the implementation plan as well as watched the Title VI Training video. This training takes place on an annual basis.

Moving forward PeADD plans to continue its training efforts by implementing and providing in person training to employees, sub-recipients, and stakeholders. As needed, PeADD will conduct trainings virtually should situations arise that prohibit the gathering of larger groups.

## **4.4 Goals and Accomplishments**

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

### **A. Goals**

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



B. Evaluation of Goals

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

#### 4.5 Contractors and Subcontractors

PeADD 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. PeADD 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 religion, race, color, or national origin 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 religion, race, color, or national origin.

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, PeADD 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 PeADD, 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.

#### **4.6 Compliance/Noncompliance Reporting**

Throughout the year, the Title VI Officer, Coordinator or Liaison periodically meets with the department directors 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 PeADD's services.

The PeADD offices, departments, divisions who receive federal funds continually collect program data, although it is not always documented to denote such. Self-surveys are periodically sent to sub-recipients and sub-grantees. These self-surveys examine all facets of the programs offered by the agency surveyed. 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, PeADD 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.

#### 4.7 Sub-Recipient Review Procedures

Currently, the Pennyrile ADD does not have sub-recipients relating to federal transportation funding. However, should it ever be determined that PeADD does have sub-recipients, the following procedures will be followed:

The Title VI Coordinator will review all sub-recipient's Nondiscrimination /Title VI Review Guidelines. The Title VI Coordinator will 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. A risk-based method is used for selection of Sub-recipients. Reviews use a combination of desk and onsite audits. Appropriate staff members will routinely confirm that guidelines provided to consultants, contractors, and sub-recipients include Title VI language, provisions, and related requirements, where applicable.

#### 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 re-quires 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), PeADD 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; actions taken by PeADD 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 sub-mitted to Kentucky Transportation Cabinet.

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

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

	Date	Summary	Status	Action(s) Taken
<b>Investigations</b>				
1. None	N/A	N/A	N/A	N/A
<b>Lawsuits</b>				
1. None	N/A	N/A	N/A	N/A
<b>Complaints</b>				
1. None	N/A	N/A	N/A	N/A

## 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 PeADD 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 PeADD. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about PeADD services and to provide a means for considering public comment. The PPP is included as Appendix I to this Title VI Plan.

### Current Outreach Efforts

PeADD 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 PeADD's recent, current, and planned outreach activities.

- Conduct local or regional public/information meetings as requested
- Utilizing the PeADD 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 PeADD 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 PeADD to distribute information (i.e. Child Care, Housing, Aging) that 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).***

PeADD conducts regional planning within the Pennyriple Area of Western Kentucky. The Language Assistance Plan (LAP) has been prepared to address PeADD'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 PeADD service area there are 214,610 residents with 0.49 percent that speak a language other than English. PeADD 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 PeADD 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 J.

## 8.0 Transportation 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 board consists of twenty-nine (29) men and nine (9) women with thirty-six (36) Caucasians and two (2) African Americans. PeADD 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 PeADD Service Area and Transportation Committee in 2017

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Service Area	183,354	6,688	23,284	1,174	312	179
Transportation	183,354	6,688	23,284	1,174	312	179

### 8.1 Special Emphasis Program Areas

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

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

### 8.2 Data Collection/Reporting/Analysis

Statistical data on race, color, national origin, sex, age, disability, and LEP of participants in and beneficiaries of the PeADD's programs, (i.e., affected populations, and participants) will be gathered, analyzed, and maintained by PeADD to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. Each of PeADD'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

## **9.0 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 PeADD 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



## 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, PeADD will ensure the following:

1. PeADD 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. PeADD 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, PeADD 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 PeADD determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, PeADD 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. PeADD must demonstrate and document how both tests are met. PeADD 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 PeADD has not recently constructed any facilities nor does it currently have any facilities in the planning stage. Therefore, PeADD 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 Appendices**

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## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor with regard to the work performed by it during the contract will not discriminate on the grounds of religion, 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 religion, race, color or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

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

## APPENDIX B

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

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

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

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

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

The *(Title of Recipient)*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of religion, race, color or national origin be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and] (2) that the *(Title of Recipient)* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 and as said Regulations and Acts may be amended [, and] (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].

## APPENDIX C

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

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

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

## APPENDIX 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 religion, 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 religion, 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 E

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

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of religion, race, color, national origin) and 49 CFR Part 21;

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;

The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);

Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin or sex);

The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.

The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin and sex);

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.

Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *ET seq.*).



## **APPENDIX F**

### **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)



# Pennyrile Area Development District

a regional planning and development agency

300 Hammond Drive, Hopkinsville, KY 42240

voice (270) 886-9484 fax (270) 886-3211

[www.peadd.org](http://www.peadd.org)

## APPENDIX G

### Notifying the Public of Rights under Title VI

#### Pennyrile Area Development District (PeADD)

The Pennyrile Area Development District (PeADD) hereby gives notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related Nondiscrimination authorities in all program and activities. It is PeADD's policy that no person in the United States of America shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities receiving Federal financial assistance.

Any person who believes they have been subjected to discrimination under the Title VI and related Nondiscrimination authorities has the right to file a complaint.

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

Mailing Address: 300 Hammond Drive, Hopkinsville, KY 42240

Phone: 270-886-9484

TDD-Voice to TDD 1-800-648-6057

TDD to Voice 1-800-648-6056

Email: [jason.vincent@ky.gov](mailto:jason.vincent@ky.gov)

For more information, visit [www.peadd.org](http://www.peadd.org).

- If information is needed in another language, contact 270-886-9484. Una versión traducida de este documento puede estar disponible a petición.



# Pennyrile Area Development District

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## Notificación al público de derechos bajo el título VI

### Distrito de Desarrollo del Área de Pennyrile

El Distrito de Desarrollo del Área de Pennyrile (PeADD, por sus siglas en inglés) notifica por la presente que es política de la agencia asegurar el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987 y las autoridades relacionadas con la no discriminación en todos los programas y actividades. Es política de PeADD que ninguna persona en los Estados Unidos de América, por motivos de raza, color u origen nacional, sea excluida de la participación, se le nieguen los beneficios o sea objeto de discriminación en cualquiera de nuestros programas o actividades que reciban asistencia financiera federal.

Cualquier persona que crea que ha sido objeto de discriminación bajo el Título VI y las autoridades relacionadas contra la discriminación tiene derecho a presentar una queja.

Para solicitar o recibir información adicional sobre sus obligaciones en materia de discriminación, incluidos sus procedimientos de denuncia, la persona que se indica a continuación o visite la oficina administrativa en la dirección que se indica a continuación:

Dirección postal: 300 Hammond Drive, Hopkinsville, KY 42240

Teléfono: 270-886-9484

TDD-Voz a TDD 1-800-648-6057 TDD

a Voz 1-800-648-6056

Correo electrónico: [jason.vincent@ky.gov](mailto:jason.vincent@ky.gov)

Para obtener más información, visite [www.peadd.org](http://www.peadd.org).

1. If information is needed in another language, contact 270-886-9484. Una versión traducida de este documento puede estar disponible a petición.



# Pennyriple Area Development District

a regional planning and development agency

300 Hammond Drive, Hopkinsville, KY 42240

voice (270) 886-9484 fax (270) 886-3211

[www.peadd.org](http://www.peadd.org)

## APPENDIX H Pennyriple Area Development District (PeADD) Title VI Complaint Form

### Section I:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (Home): \_\_\_\_\_ Telephone (Work): \_\_\_\_\_  
Electronic Mail Address: \_\_\_\_\_  
Accessible Format Requirements?  
Large Print \_\_\_\_\_ Audio Tape \_\_\_\_\_  
TOD \_\_\_\_\_ 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):

( ) Race ( ) Color ( ) National Origin

Date of Alleged Discrimination (Month, Day, Year): \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Define 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.

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### Section IV:

Have you previously filed a Title VI complaint with this agency?

- ☐ Yes
- ☐ No

### Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court ( ) 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 the 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:

Jason Vincent, Executive Director  
Pennyrile Area Development District  
300 Hammond Drive  
Hopkinsville, KY 42240  
Fax: 270-886-3211

FOR OFFICE USE ONLY

Date Complaint Received: \_\_\_\_\_ Case # \_\_\_\_\_

Processed By: \_\_\_\_\_ Date Referred: \_\_\_\_\_

Referred To: ☐ KYTC ☐ Other \_\_\_\_\_



# Pennyryle Area Development District

a regional planning and development agency

300 Hammond Drive, Hopkinsville, KY 42240

voice (270) 886-9484 fax (270) 886-3211

www.peadd.org

## Formulario de queja del Título VI del Distrito de Desarrollo del Área de Pennyryle (PeADD)

### Sección I:

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

Dirección: \_\_\_\_\_

Teléfono (Casa): \_\_\_\_\_ Teléfono ( Trabajo): \_\_\_\_\_

Dirección de correo electrónico: \_\_\_\_\_

¿Requisitos de formato accesible?

Letra grande \_\_\_\_\_ cinta de audio \_\_\_\_\_

TOD \_\_\_\_\_ Otros \_\_\_\_\_

### Sección II:

¿Está presentando esta queja en su propio nombre?

1. Sí\*
2. No

\*Si respondió "sí" a esta pregunta, vaya a la Sección III.

De no ser así, proporcione el nombre y la relación de la persona por la que se queja: \_\_\_\_\_

Por favor, explique por qué ha presentado una solicitud para un tercero: \_\_\_\_\_

Confirme que ha obtenido el permiso de la parte agraviada si presenta la solicitud en nombre de un tercero.

1. Sí
2. No

### Sección III:

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

( ) Raza ( ) Color ( ) Origen nacional

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

Explique lo más claramente posible lo que sucedió y por qué cree que fue discriminado. Defina a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la(s) persona(s) que lo discriminó (si se conoce), así como los nombres y la información de contacto de los testigos. Si necesita más espacio, utilice el reverso de este formulario.

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### Sección IV:

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

1. Sí

2.

No

**Sección V:**

¿Ha presentado esta queja ante alguna otra agencia federal, estatal o local, o ante algún tribunal federal o estatal? ( ) Sí ( ) No

En caso afirmativo, marque todo lo que corresponda:

( ) Agencia Federal( ) Tribunal Federal( ) Agencia Estatal( ) Tribunal Estatal ( )Agencia Local

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

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

Título: \_\_\_\_\_

Agencia: \_\_\_\_\_

Dirección: \_\_\_\_\_

Teléfono: \_\_\_\_\_

**Sección VI:**

Nombre de la agencia La queja es contra: \_\_\_\_\_

Persona de contacto: \_\_\_\_\_

Título: \_\_\_\_\_

Número de teléfono: \_\_\_\_\_

**Sección VII:**

¿Tiene un abogado para el asunto? En caso afirmativo, proporcione la información de contacto del abogado.

Nombre del bufete de abogados: \_\_\_\_\_

Nombre del abogado representante: \_\_\_\_\_

Dirección postal: \_\_\_\_\_

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

Teléfono: \_\_\_\_\_

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

\_\_\_\_\_  
Fecha de firma del demandante

Envíe este formulario en persona a la dirección que aparece a continuación, o

envíelo por correo o fax a: Jason Vincent, Director Ejecutivo

Distrito de Desarrollo del Área de Pennyryle

300 Hammond Drive

Hopkinsville, KY 42240

Fax: 270-886-3211

**SOLO PARA USO EN OFICINA**

Fecha en que se recibió la queja \_\_\_\_\_ : Caso # \_\_\_\_\_

Procesado por: \_\_\_\_\_ Fecha en que se remitió: Referido \_\_\_\_\_

a: [ ] KYTC [ ] Otro \_\_\_\_\_

## **APPENDIX I**

### **Public Participation Plan**

#### **Introduction**

The Pennyriple Area Development District (PeADD) 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 PeADD 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 PeADD 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 PeADD 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 PeADD to include those persons who have been traditionally underserved by the existing transportation system and for the general participation procedures. The PeADD maintains a detailed listing of contact information and may be obtained by contacting the PeADD.

#### **1. Third Party Groups**

The PeADD 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 Health Departments  
NAACP  
U.S Post Offices  
United Way  
Migrant Education Programs  
Chambers of Commerce  
Human Relations Commissions  
Disabled American Veterans  
Historical Societies

Public Libraries  
Public Transit Authorities  
Housing Authorities  
County/City Clerk's Office  
Churches  
Adult Education Programs  
Community Based Services  
State Government Agencies  
University of Kentucky Extension Service  
Local Tourism Groups



## **2. Public Meetings**

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

## **3. PEADD Website & Facebook Page**

The PeADD Website is located at [www.peadd.org](http://www.peadd.org) and the PeADD Facebook page is located at [www.facebook.com](http://www.facebook.com). 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 under-served 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  
County Court Houses  
Local Community Centers  
Churches  
KYTC Highway District Office  
Schools  
Senior Citizens Centers/Housing  
Special Event Locations  
Local Museums

U.S. Post Offices  
City Halls  
Meeting Halls  
Chambers of Commerce  
Area Development District  
Public Housing Authorities  
Malls & Shopping Centers  
Historical Societies  
Other Identified Locations through Planning Process

## **APPENDIX J**

### **Language Assistance Plan**

#### **I. Introduction**

PeADD provides planning services in the Pennyryle Region of Western Kentucky. The Language Assistance Plan (LAP) has been prepared to address PeADD'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 PeADD service area there are 214,610 residents with 0.49 percent that speak a language other than English or who describe themselves as not able to communicate in English very well (Source: US Census). PeADD 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. PeADD 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 Hand-book for Public Transportation Providers, (April 13, 2007) " (hereinafter "Handbook"), states that Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance (Handbook, page 5). The Handbook further adds that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (Handbook, page 5).

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

#### **II. Four Factor Analysis**

The analysis provided in this report has been developed to identify LEP population that may use PeADD 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 PeADD program, activity, or service.
2. The frequency with which LEP persons come in contact with PeADD programs, activities, or services.
3. The nature and importance of programs, activities, or services provided by PeADD to the LEP population.
4. The resources available to the PeADD 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 PeADD program, activity, or service.**

The Pennyryle Area Development District is composed of eight counties: Caldwell, Christian, Crittenden, Hopkins, Livingston, Lyon, Muhlenberg, Todd, and Trigg. The PeADD is comprised of 4.76% of the state's population and according to census data is made up of 81% white, 11% Black, 1% Asian, 0.3% American Indian-Alaskan Native, and 3% Hispanic. The PeADD region is noted to have 0.52% or 1,116 individuals of the population 5 years of age and older that speak English less than "very well". Spanish is the largest group. This information is obtained from Census Table B161001. In addition, 1.78% 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 PeADD's counties:

PeADD Area Population Statistics in 2020  
(Kentucky State Data Center)

County	Population	Caucasian	African American	American Indian	Asian	Hispanic
Caldwell	12,649	11,244	674	25	56	129
Christian	72,748	48,279	15,527	389	973	4,541
Crittenden	8,990	8,559	82	15	6	48
Hopkins	45,423	39,331	2,947	98	232	734
Livingston	8,888	8,287	25	25	15	123
Lyon	8,680	7,772	510	27	34	77
Muhlenberg	30,928	28,366	1,215	65	59	367
Todd	12,243	10,354	887	43	22	494
Trigg	14,061	12,309	952	35	27	175

### **b. Factor 2: The frequency with which LEP persons come in contact with PeADD 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. PeADD will continue to monitor changes in demographics as they become available through Census and Studies. PeADD will also work closely with other agencies in the area for updated and available information.

PeADD will monitor the frequency with which LEP individuals come in contact with the program and services. PeADD 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 on-going training and tracking measures implemented. As of January 1, 2023, PeADD has had no re-requests from LEP individuals regarding Language Assistance. However, the PeADD will continue to monitor and track encounters with LEP persons.

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

The purpose of the Area Development District (ADD) is to improve the quality of life in the Pennyriple region 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 PeADD (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.

PeADD is taking steps in order to increase outreach efforts to LEP language groups. For example, PeADD 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 services are available including:

- Kentucky Relay Service – TDD/Voice Users
- Written language service
- Access to qualified interpreters
- Community-based organizations/volunteers
- Develop written assessment
- Monitor and evaluation access to language assistance

Other language barriers may be resolved by using websites such as [www.freetranslation.com](http://www.freetranslation.com), [www.translate.google.com](http://www.translate.google.com), and [www.babelfish.yahoo.com](http://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 PeADD’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.

PeADD service area does not have LEP populations which qualify for the Safe Harbor Provision. As shown in Appendix J, PeADD does not have LEP groups which speak English less than "very well" that exceed either 5.0% or 1,000 people. However, PeADD 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. PeADD 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 K**  
**Title VI Plan Adoption and Approval**

**Pennyrile Area Development District**  
**Title VI Plan Adoption and Approval**

The 2023 Title VI Plan has been approved and adopted by the Pennyrile Area Development District.



\_\_\_\_\_  
Executive Director

12/27/2023

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Date