

# Green River Area Development District & The Owensboro-Daviess County Metropolitan Planning Organization Title VI Plan

*July 1, 2020-June 30, 2021*



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## I. Glossary/Definitions

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

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

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

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

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

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

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

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

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

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

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

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

**Discrimination:** involves any act or inaction, whether intentional or unintentional in any program or activity of a federal aid recipient, sub recipient, or contractor, which results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, sex, national origin, age, disability or in the case of disability, failing to make a reasonable accommodation.

**Division:** one of the administrative subdivisions of an office of the Green River Area Development District.

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

***Federal Assistance:***

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

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

***Federal Transit Administration or FTA:*** The Federal Transit Administration is an agency within the United States Department of Transportation that provides financial and technical assistance to local public transportation systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





## II. Title VI/Nondiscrimination Policy Statement

*49 CFR Part 27.1(a): Every application for federal financial assistance to which this part applies shall contain, or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed or pursuant to [49 CFR part 21].*

Title VI of the Civil Rights Act of 1964 is a nondiscrimination statute. Specifically, Title VI provides 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 subject to discrimination under any program or activity receiving federal financial assistance. (42 USC 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 Green River Area Development District (GRADD) and the Owensboro-Daviess County MPO assure that no person on the basis of race, color, national origin, age, disability, gender, family or religious status, as provided by the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency.

GRADD and the MPO further agree to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient’s Chief Executive Officer or authorized representative.
2. Issue a policy statement signed by the Executive Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the GRADD organization and to the public. Such information shall be published, where appropriate, in languages other than English.
3. Develop a complaint process and attempt to resolve complaints of discrimination against GRADD and/or the MPO.
4. Participate in training offered on Title VI and other nondiscrimination requirements.

Brad Schneider, Chairman ■ Al Mattingly, Jr., Vice Chairman ■ Steve Henry, Secretary ■ Adam O’Nan, Treasurer ■ Joanna Shake, Executive Director

SISTER REGION:



Green River Area Development District ■ 300 GRADD Way ■ Owensboro, Kentucky 42301-0200 6 | Page  
 (270) 926-4433 ■ Fax (270) 684-0714 ■ [www.GRADD.com](http://www.GRADD.com) ■ TDD Users: 1-800-648-6056  
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5. If reviewed by any state or federal regulatory agency, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed 90 days.
6. Have a process to collect racial and ethnic data on persons affected by the agency's programs.

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

June 1, 2021  
Date

Joanna Shake  
Joanna Shake  
Executive Director/Title VI Coordinator

Joanna Shake  
Print name

## 2.1 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)

### **III. Responsible Officials**

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

The Title VI Program Coordinator/Liaison is responsible for the oversight and coordination of GRADD and the Owensboro-Daviess County MPO's compliance with Title VI and all related statutes, regulations and directives. These roles will be filled by GRADD's Executive Director, Joanna Shake.

General responsibilities of the Title VI Program Coordinator include but are not limited to the following:

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

The Green River Area Development District (GRADD) and the Owensboro-Daviess County MPO assure that no person shall on the basis of race, color, national origin, gender, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency.

GRADD and the Owensboro-Daviess County MPO further agree to the following responsibilities with respect to its programs and activities:

Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient's Chief Executive Officer or authorized representative.

Issue a policy statement signed by the Executive Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the GRADD organization and to the general public. Such information shall be published where appropriate in language other than English.

Develop a complaint process and attempt to resolve complaints of discrimination against GRADD and/or the Owensboro-Daviess County MPO.

Participate in training offered on the Title VI and other nondiscrimination requirements.

If reviewed by any state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed 90 days and have a process to collect racial and ethnic data on persons impacted by the agency's programs.

GRADD is a sub-recipient of FTA funds and provides service in the Kentucky Counties of Daviess, Hancock, Henderson, McLean, Ohio, Union and Webster, also known as the Green River Area. GRADD is the staff agency for the Owensboro-Daviess County Metropolitan Transportation Organization. Title VI Liaison

GRADD and the Owensboro-Daviess County MPO must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

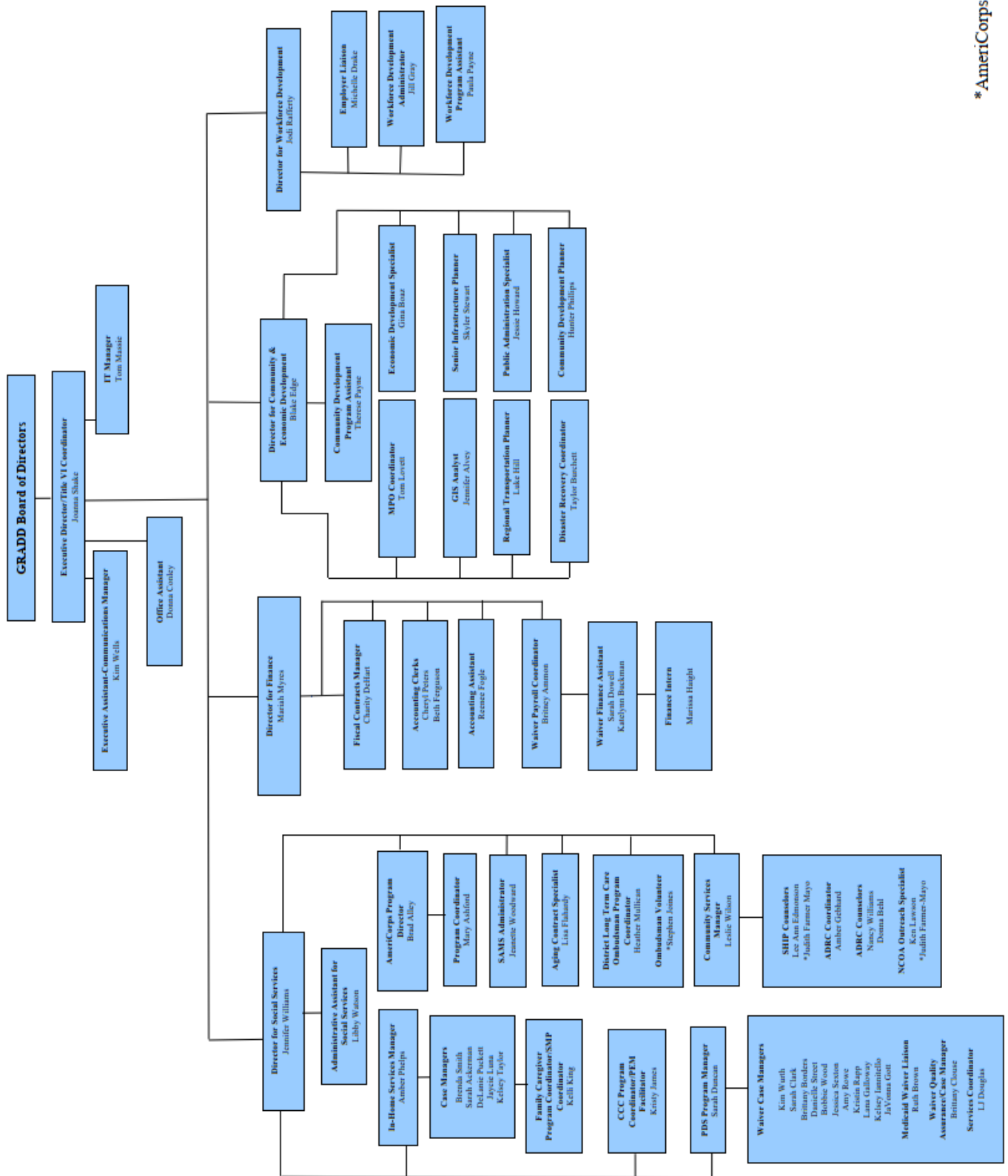
- Maintain knowledge of Title VI requirements.
- Attend training on Title VI and other nondiscrimination authorities when offered by KYTC or any other regulatory agency.
- Disseminate Title VI information to the public including in languages other than English, when necessary.
- Develop a process to collect data related to race, gender and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Implement procedures for the prompt processing of Title VI complaints.

### **Joanna Shake**

Executive Director/Title VI Coordinator/Liaison  
270-926-4433  
300 GRADD Way  
Owensboro, KY 42301  
JDShake@gradd.com

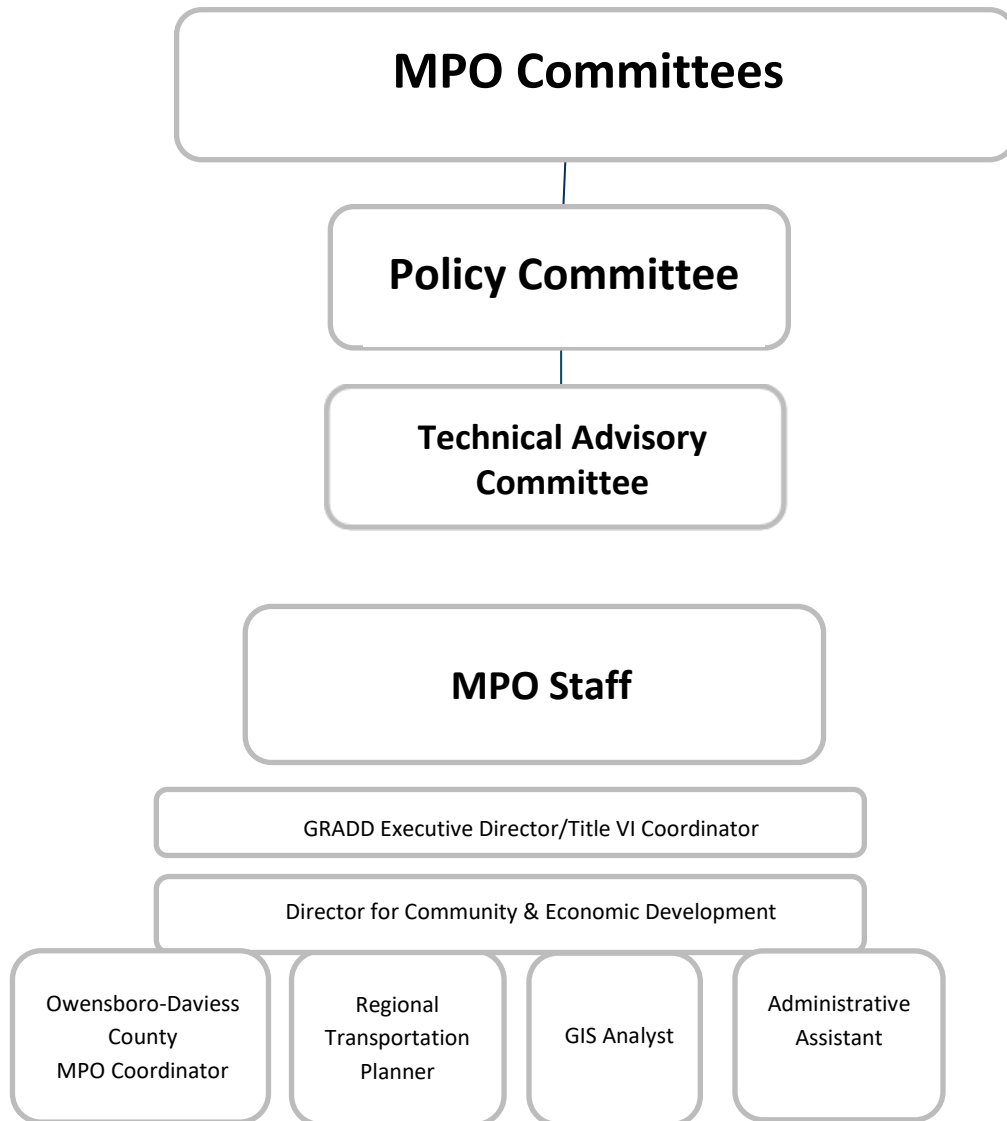


## 3.2 GRADD Organizational Chart



\*AmeriCorps Volunteer

### 3.3 MPO Organizational Chart





### 3.4 Standard Title VI Assurances

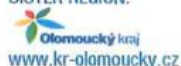
#### STANDARD TITLE VI ASSURANCES

GRADD and the Owensboro-Daviess County MPO (hereinafter referred to as the Sponsor) hereby agree that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq) and all requirements imposed by 42 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuate of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”) to the end that no person in the United States shall, on the 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 applicant receives Federal financial assistance and will immediately take any measure necessary to effectuate this agreement. Without limiting this general assurance, the Sponsor agrees concerning this grant that:

1. Each “program” and “facility” [as defined in Section 21.23(a) and 21.23(b)] will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in conjunction therewith.
4. Where Federal financial assistance is in the form of or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
5. It will include the appropriate clauses set forth in Appendices D and E of this document, as a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Sponsor with other parties:
  - a. For the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and
  - b. For the construction or use of or access to space on, over or under real property acquired or improved with Federal financial assistance under this project.

Brad Schneider, Chairman ▪ Al Mattingly, Jr., Vice Chairman ▪ Steve Henry, Secretary ▪ Adam O’Nan, Treasurer ▪ Joanna Shake, Executive Director

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(270) 926-4433 ▪ Fax (270) 684-0714 ▪ www.GRADD.com ▪ TDD Users: 1-800-648-6056

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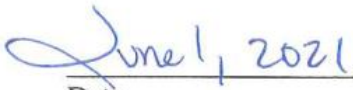


6. This assurance obligates the Sponsor for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:
  - a. The period during which the property is used for a purpose for which 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 Sponsor retains ownership or possession of the property.
7. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantees that it, other Sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest and other recipients of federal financial assistance under such programs will comply with all the requirements imposed or pursuant to the Act, the Regulations and this assurance.
8. It agrees that the United States has a right to seek judicial enforcement with any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining federal financial assistance for this project and is binding on the Sponsor, contractors, subcontractors, transferees, successors in interest and other participants in the project. The person whose signature appears here is authorized to sign this assurance on behalf of the Sponsor.

Green River Area Development District  
Sponsor

  
\_\_\_\_\_  
Joanna Shake  
Executive Director/Title VI Coordinator

  
\_\_\_\_\_  
Date



## IV. Introduction & Description of Services

### 4.1 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.*

GRADD/the Owensboro-Daviess County MPO is not a first-time applicant for FTA/FHWA/KYTC funding. The following is a summary of the current and pending federal and state funding.

#### Current and Pending FTA Funding

1. FTA Section 5303, FY 2020, \$53,000 Federal + \$13,250 Local
2. FTA Section 5303, FY 2021, \$53,000 Federal + \$13,250 Local

#### Current and Pending FHWA Funding

1. FHWA FY2020 \$108,000 Federal + \$6,750 State + \$20,250 Local
2. FHWA FY2021 \$113,600 Federal + \$7,099 State + \$21,301 Local

### 4.2 Annual Certifications and Assurances

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA and FHWA 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 and FHWA funds.

GRADD and the Owensboro-Daviess County MPO will remain in compliance with this requirement by annual submission of certifications and assurances as required by all applicable State and Federal Agencies.

**V. Agency Annual Title VI Training Plan**

Internally all GRADD staff and the Owensboro-Daviess County MPO will participate in a training video annually to show the agency's continued commitment to assuring compliance with Title VI. Some staff including the MPO will further their education by attending the Title VI trainings offered by the Kentucky Transportation Cabinet as well as other departments of government. These trainings will be done annually and documented on the Joint Funding Agreement spreadsheet which is submitted to the Department for Local Government each year.

Because of the COVID-19 pandemic, the 2021 staff training was held virtually. On March 16, all department heads were emailed a link to the U.S. Department of Justice's Title VI training video. They distributed it to all their staff. Every person was required to watch the video and sign a document asserting they had watched it. There was 100% compliance. Copies of these documents are attached in Appendix L.

The next Title VI training will take place at a staff meeting in early 2022, at either the February or March staff meeting.

Effective July 1, 2019, all new employees undergo Title VI training as part of GRADD's employee orientation. New employees will be provided a copy of the Title VI plan and will view a Title VI training video.

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

SEE APPENDIX L

## VI. 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.*

### 6.1 Notice to Public

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

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

A sample of the Title VI notice in both English and Spanish can be found in Appendix A.

### 6.2 Notice Posting Locations

The Notice to Public will be posted at many locations to apprise the public of GRADD and the Owensboro-Daviess County MPO'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 the following areas:

- Lobby of GRADD office
- Employee area of GRADD office
- GRADD'S website: [www.gradd.com](http://www.gradd.com)

## VII. 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.*

### 7.1 Complaint Procedure

Any person who believes he or she has been discriminated against on the basis of race, color, sex, age, sexual orientation, income, gender LEP status or national origin by the Green River Area Development District and/or the Owensboro-Daviess County MPO may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. Forms can be submitted directly to GRADD or to the Kentucky Transportation Cabinet (refer to Appendix B).

Completed complaint forms should be submitted to:

Joanna Shake, Title VI Coordinator  
GRADD  
300 GRADD Way.,  
Owensboro, Ky., 42301

GRADD and the Owensboro-Daviess County MPO investigate complaints received no more than 180 days after the alleged incident. GRADD and the Owensboro-Daviess County MPO will process complaints that are complete. Once the complaint is received, GRADD and the Owensboro-Daviess County MPO will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter explaining whether the complaint will be investigated by our office.

GRADD and the Owensboro-Daviess County MPO has 90 days to investigate the complaint. If more information is needed to resolve the case, they may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, GRADD and the MPO can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case. A complainant wishing to withdraw their complaint must do so in writing. It may be submitted to Title VI coordinator at the address shown above.

A complain may be closed for other reasons as well:

- The complaint was not filed within 180 days of the incident(s)
- The complaint does not allege a basis covered by the statutes for which the agency is responsible
- The complaint does not allege any harm with regard to covered programs or statutes
- The complainant withdraws the complaint
- The complainant fails to respond to repeated requests for information needed to process the complaint

- The complainant cannot be located after reasonable attempts
- The complainant fails to accept a reasonable resolution. Reasonableness to be determined by the Executive Director, upon consultation with the KYTC Office of Civil Rights
- The complainant has filed a legal action in Federal District Court with the same basis and issue(s) involved in the complaint
- 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:

- Filing of the complaint within the 180-day window
- If the allegations involve a covered basis such as race, gender color, sex, age, national origin, disability, or retaliation
- If the allegations involve a program or activity of a federal aid recipient, sub-recipient, or contractor

After reviewing the complaint, the investigator will issue a letter to the complainant: either a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.

A complainant may appeal the decision within 10 days of receiving the closure letter or the LOF. Appeals may be directed to Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

The complaint procedure is available to the public at [www.gradd.com](http://www.gradd.com).

## 7.2 Program Review Procedures

GRADD and the Owensboro-Daviess County MPO are responsible for the following under Title VI:

- Collecting and analyzing data on minority and low-income populations to determine the potential impact of proposed plans, programs and projects;
- Ensuring all contract documents contain the appropriate Title VI provisions;
- Consulting with the Title VI Officer, Coordinator or Liaison and the OCRSBD Executive Director when complaints are received or issues arise during a public hearing/meeting;
- Ensuring that all people are treated equitably regardless of race, color or national origin;
- Monitoring Title VI accomplishments, notifying the Title VI Officer, Coordinator or Liaison of problem areas and summarizing activities for inclusion in the Title VI Plan Update;

- Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of projects and activities;
- Ensuring that all business pertaining to the selection, negotiation, and administration of consultant contracts and agreements is accomplished without discrimination based on race, color or national origin;
- Ensuring that efforts are made to include minority and women owned businesses in consideration for contracts;
- Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference; and
- Providing reasonable accommodations, information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.

### 7.3 Complaint Form

A copy of the complaint form is provided in Appendix B and on GRADD's website [www.gradd.com](http://www.gradd.com).

### 7.4 Record Retention and Reporting Policy

GRADD'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 years and reported to the primary recipient annually.

### 7.5 Contractors and Subcontractors

GRADD and the Owensboro-Daviess County MPO are responsible for ensuring 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. GRADD/Owensboro-Daviess County MPO contractors, and subcontractors may not discriminate in their employment practices in connection with federally assisted projects. Contractors and subcontractors are not required to prepare or submit a Title VI Plan.

Appropriate staff members will routinely confirm that guidelines provided to consultants, contractors and sub-recipients include Title VI language, provisions and related requirements, where applicable.

#### **Nondiscrimination Clauses**

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

1. **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, “USDOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.

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

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

4. **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Kentucky Transportation Cabinet, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the Kentucky Transportation Cabinet, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, GRADD and the Owensboro-Daviess County MPO shall impose contract sanctions as appropriate, including, but not limited to:

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

6. **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as GRADD, the Owensboro-Daviess

County MPO, Kentucky Transportation Cabinet, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

### **7.6 Special Emphasis Program Areas**

At this time GRADD and the Owensboro-Daviess County MPO have not identified any Special Emphasis Program Areas. A program area is designated as a “special emphasis area” if during the previous year’s review process the program area shows deficiencies in how it complies with Title VI requirements. Should any areas of special emphasis arise, GRADD and the MPO would consult with agencies such as the KYTC Office of Civil Rights and representatives of the affected community to determine a course of action and/or training needed to address the situation.

### **7.7 Sub-Recipient Review Procedures**

GRADD, the Owensboro-Daviess County MPO, and the Title VI Coordinator ensure the sub-recipients are implementing programs that comply with Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations by requiring the annual training and compliance understanding be done by all employees. All contracts with contractors and sub-contractors contain language requiring compliance with Title VI and other non-discriminatory regulations.

### **7.8 Compliance/Noncompliance Reporting**

The Title VI Officer shall meet quarterly with the GRADD associated 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 GRADD’s services.

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, GRADD will make every effort to attain full compliance.

The Title VI Officer shall notify the appropriate program head in the event of a complaint investigation. 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 may conduct an interview to consult with the program head regarding the correct approach to remedy noncompliance.



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

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

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

GRADD/Owensboro-Daviess County MPO has had no investigations, complaints or lawsuits involving allegations of discrimination on the basis of race, color or national origin over the past three years – 2018, 2019 and 2020. A summary of these incidents is recorded in Table 1.

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

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

## IX. 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 Participation Plan (PP) 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 GRADD and the Owensboro-Daviess County MPO. The public outreach strategies described in the PP are designed to provide the public with effective access to information about GRADD and the Owensboro-Daviess County MPO services and to provide a means for considering public comment. The mission of the PP is as follows:

*To establish a transportation planning process that is open to all citizens and to ensure that all input received from the public is given proper consideration in the decision-making process.*

Because public concerns are often localized, and active participants do not always represent the concerns of the public as a whole, proactive steps will be taken to ensure that public participation process results in accurate understanding of the public as a whole. Public Participation activities will vary by time, place and method to simplify access to the decision-making process. Various methods will be used continuously throughout the planning process. Public availability of technical data and other information in a concise and understandable format shall be assured. Open access to the decision-making process shall also be assured.

Participation Plan data is included as Appendix J to this Title VI Plan.

### 9.1 Current Outreach Efforts

GRADD and the Owensboro-Daviess County MPO are 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 their recent, current and planned outreach activities.

- Conduct local or regional public/information meetings as requested
- Utilize the GRADD website to reach, educate and inform the public on various programs/issues
- Conduct meetings with local officials and interested community leaders
- Use e-mail lists to provide information materials to interested persons and agencies
- Use advisory committees/groups to include a diverse group of individuals and representation of the region.

- Utilize the GRADD website to post projects/information/comments and providing a link for public feedback
- Address civic groups, chamber meetings, government meetings
- Attend fiscal court and city council meetings
- Conduct public meetings at county courthouse, city hall, or local community centers
- Utilize existing services/programs at GRADD to distribute information (i.e. Education, Aging) which could provide more opportunities to reach low-income, minority, and elderly populations
- Utilize local access radio and television stations
- Use surveys in newsletters, mail-outs, e-mails, etc. to gain public input

### 9.2 Analysis

The Statistical data collected on race, color, national origin, sex, age, disability, and LEP of participants in and beneficiaries of the programs in the GRADD region, (i.e., affected populations, and participants) will be gathered, analyzed, and maintained to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of Title VI program administration. 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

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

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

GRADD and the Owensboro-Daviess County MPO will utilize the US Census Bureau data, the American Community survey data, and the following checklist to identify targeted populations:

- Make a list of potential demographic groups to consider for the region or start with the required EJ populations defined by the Executive Order and supportive guidance;
- Consider groups that are underrepresented in typical public involvement and transportation decision making processes, have limited access to the full benefits of the transportation system or have encountered disproportionate impacts from past transportation decisions;
- Decide on the level of detail required for identifying groups spatially and identifying data sources to use to conduct a spatial demographic profile; and
- Engage leaders and representatives of demographic groups to help identify target populations, spatially and non-spatially.

## 10 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).*

The Language Assistance Plan (LAP) has been prepared to address the Green River Area Development District's and the Owensboro-Daviess County MPO's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals who have a limited ability to read, write, speak or understand English are defined as LEP. According to data from the US Census, there are 201,464 residents in the GRADD region who are over the age of 5. Of those residents, 5,170 (2.6%) describe themselves as speaking English less than "very well". GRADD 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. GRADD has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP. The LAP is included in this Title VI Plan as Appendix C.

## 11 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 of Directors, which serves all seven counties in the GRADD region, consists of 30 members appointed by the appropriate elected official.

Body	Caucasian	Latino	African American	Asian American	Native American	Other
GRADD Population	89.5%	2.75%	5%	<1%	<1%	2%
GRADD Board of Directors	93.34%	3.33%	3.33%	0%	0%	0%

GRADD has been designated at the Metropolitan Planning Organization (MPO) for Owensboro and Daviess County. The MPO has two nonelected transit-related committees, the Technical Advisory Committee and the Policy Committee. A racial breakdown of these committees is provided in the table below:

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Daviess County	87.8%	3.2%	5.1%	1.9%	<1%	2.1%
Technical Advisory Committee	100%	0%	0%	0%	0%	0%
Policy Committee	100%	0%	0%	0%	0%	0%

GRADD and the Owensboro-Daviess County MPO will make efforts to encourage minority participation on the committee. These efforts are made by distributing information regarding participation on the committee at public meetings.

## 12 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, GRADD and the Owensboro-Daviess County MPO will ensure the following:

1. Both 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. Both 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, both 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 They determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, they 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. GRADD and the Owensboro – Daviess County MPO must demonstrate and document how both tests are met. They 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 Green River Area Development District and the Owensboro-Daviess County MPO have not recently constructed any facilities nor does it have any facilities in the planning stage. Therefore, neither GRADD nor the Owensboro-Daviess County MPO have any Title VI Equity Analysis reports to submit with this Plan. They will utilize the demographic maps included in Appendix E for future Title VI analysis.

## 13 Appendices

APPENDIX A	TITLE VI NOTICE TO THE PUBLIC
APPENDIX B	TITLE VI COMPLAINT FORM
APPENDIX C	COMPLIANCE
APPENDIX D	CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY
APPENDIX E	CLAUSES FOR TRANSFER OF REAL ESTATE ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM
APPENDIX F	CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM
APPENDIX G	LANGUAGE ASSISTANCE PLAN
APPENDIX H	OPERATING AREA LANGUAGE DATA
APPENDIX I	DEMOGRAPHIC MAPS
APPENDIX J	PARTICIPATION PLAN DEMOGRAPHIC MAPS
APPENDIX K	IMPACT OF STATE AND FEDERAL FUNDS ON PUBLIC TRANSIT
APPENDIX L	TITLE VI ACTIVITY LOG
APPENDIX M	TITLE VI PLAN APPROVAL



# **Appendix A**

## **Title VI Notice to the Public**



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**Title VI of the Civil Rights Act of 1964**  
**Title VI Notice of Protections Against Discrimination**

The Green River Area Development District and the Owensboro-Daviess County MPO operate their programs without regard to race, color and national origin. To request or receive additional information on its discrimination obligations, including its complaint procedures, please contact the person listed below:

**Joanna Shake**

Title VI Coordinator

270-926-4433

300 GRADD Way

Owensboro, KY 42301

JDSake@gradd.com

To file a discrimination complaint, the written complaint must be filed to the address above within 180 days of the alleged discrimination. To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address. Written complaints may also be filed with the U.S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.

David Johnston, Chairman ■ Brad Schneider, Vice Chairman ■ Al Mattingly, Jr., Secretary ■ Steve Henry, Treasurer ■ Jiten Shah, Executive Director

SISTER REGION:



www.kr-olomoucky.cz

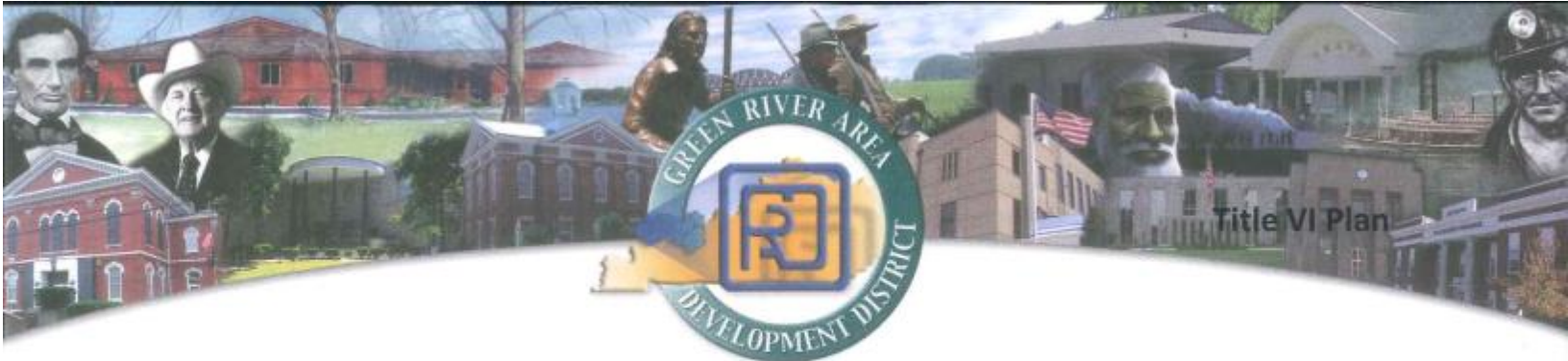
Green River Area Development District • 300 GRADD Way • Owensboro, Kentucky 42301-0200

(270) 926-4433 • Fax (270) 684-0714 • [www.GRADD.com](http://www.GRADD.com) • TDD Users: 1-800-648-6056

Green River Area Development District • Owensboro • Daviess • Hancock • Henderson • McLean • Ohio • Union • Webster



A-2



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### **Título VI de la Ley de Derechos Civiles de 1964 Aviso de Protecciones Contra la Discriminación**

El Distrito de Desarrollo del Área de Green River y el MPO del Condado de Owensboro-Daviess operan sus programas sin distinción de raza, color y origen nacional. Para solicitar o recibir información adicional sobre sus obligaciones de no discriminación, incluyendo sus procedimientos de queja, por favor póngase en contacto con la persona indicada a continuación:

**Joanna Shake**  
**el coordinar del Título VI**  
300 GRADD Way  
Owensboro, KY 42301  
Teléfono: 270-926-4433  
Dirección de Correo Electrónico: [jdshake@gradd.com](mailto:jdshake@gradd.com)

Para presentar una queja de discriminación, la queja debe ser presentada por escrito a la dirección arriba mencionada dentro de los primeros 180 días después de la fecha de la presunta discriminación. Para dar cabida a las Personas de Conocimiento Limitado de Inglés (LEP), quejas verbales también pueden ser presentadas a la dirección arriba mencionada. Quejas también pueden ser enviadas al Departamento de Transporte (FTA) dentro de los primeros 180 días después de la fecha de la presunta discriminación, a menos que el tiempo para presentar dicha denuncia haya sido extendido por el FTA.

David Johnston, Chairman   ■   Brad Schneider, Vice Chairman   ■   Al Mattingly, Jr., Secretary   ■   Steve Henry, Treasurer   ■   Jiten Shah, Executive Director

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# **Appendix B**

## **Complaint Form**





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## Discrimination Complaint Form

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

David Johnston, Chairman ■ Brad Schneider, Vice Chairman ■ Al Mattingly, Jr., Secretary ■ Steve Henry, Treasurer ■ Jiten Shah, Executive Director

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

You may attach any written materials or other information that you think is relevant to your complaint.  
Signature and date required below

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

Joanna Shake  
Executive Director  
300 GRADD Way  
Owensboro, KY 42301



Think Progress. Think Tomorrow. Think GRADD.  
**Formulario de Queja por Discriminación**

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

David Johnston, Chairman   ■   Brad Schneider, Vice Chairman   ■   Al Mattingly, Jr., Secretary   ■   Steve Henry, Treasurer   ■   Jiten Shah, Executive Director

SISTER REGION:  
  
 www.kr-olomoucky.cz

Green River Area Development District ■ 300 GRADD Way ■ Owensboro, Kentucky 42301-0200  
 (270) 926-4433 ■ Fax (270) 684-0714 ■ www.GRADD.com ■ TDD Users: 1-800-648-6056  
 Serving the Municipal and County Governments of Daviess ■ Hancock ■ Henderson ■ McLean ■ Ohio ■ Union ■ Webster





<b>Sección Cinco</b>	
¿Ha presentado esta queja ante alguna otra agencia federal, estatal o local, o ante algún tribunal federal o estatal?	
<input type="checkbox"/> Si	<input type="checkbox"/> No
En caso afirmativo, marque todo lo que corresponda:	
<input type="checkbox"/> Agencia federal: _____	<input type="checkbox"/> Agencia del estado _____
<input type="checkbox"/> Corte federal: _____	<input type="checkbox"/> Tribunal estatal _____
<input type="checkbox"/> Tribunal estatal _____	<input type="checkbox"/> Agencia local _____
Proporcione información sobre una persona de contacto en la agencia/tribunal donde se presentó la queja.	
<b>Nombre:</b>	
<b>Título:</b>	
<b>Agencia:</b>	
<b>Habla a:</b>	
<b>Teléfono:</b>	
<b>Sección Seis</b>	
El nombre de la queja de la agencia es contra:	
Persona de contacto:	
Título:	
Teléfono:	

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

\_\_\_\_\_  
Firma del demandante

\_\_\_\_\_  
Fecha

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

Joanna Shake  
Executive Director  
300 GRADD Way  
Owensboro, KY 42301



# **Appendix C**

## **Compliance**

## Title VI Plan

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

**1. Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

**2. Nondiscrimination:** The contractor with regard to the work performed by it during the contract will not discriminate on the grounds of race, color or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.

**3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

**4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate and will set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

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

# **Appendix D**

## **Clauses for Deeds Transferring United States Property**

## Title VI Plan

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, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Title of Recipient) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

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

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

## **Clauses for Transfer of Real Property Acquired or Improve Under the Activity Facility or Program**

## Title VI Plan

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

**A.** The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:

**1.** In the event facilities are constructed, maintained or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color or national origin, will be excluded from participation in, denied the benefits of or be otherwise subjected to discrimination in the use of said facilities.

**B.** With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (Title of Recipient) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.

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

# **Appendix F**

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



## Title VI Plan

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

**A.** The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

**B.** With respect to (licenses, leases, permits, etc.) in the event of breach of any of the above nondiscrimination covenants, (Title of Recipient) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.

**C.** With respect to deeds in the event of breach of any of the above nondiscrimination covenants, (Title of Recipient) will there upon revert to, vest in and become the absolute property of (Title of Recipient) and its assigns.

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 nondiscrimination statutes and authorities; including but not limited to the following:

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

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

Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);

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

## **Title VI Plan**

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 G**

## **Language Assistance Plan (LAP)**

### **I. Introduction**

The Green River Area Development District (GRADD) provides planning services in the Green River Region of Western Kentucky. GRADD is also the designated staff agency for the Owensboro-Daviess County Metropolitan Planning Organization. The Language Assistance Plan (LAP) will address GRADD'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 accordance with Presidential Executive Order 13166 – *Improving Access to Services for Persons with Limited English Proficiency*, GRADD and the MPO will take reasonable steps to provide meaningful access to services for persons with LEP. Efforts to assist LEP clients will include, but are not limited to:

- Use of LanguageLine Professional Interpreter services
- Community-based organizations with bilingual staff
- Local bilingual volunteers

In the GRADD region there are 5,170 residents (2.6%) who describe themselves as not able to communicate in English “very well” (Source: US Census). GRADD 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. GRADD has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four-factor analysis to develop its LAP.

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

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

The analysis provided in this report has been developed to identify LEP population that may use the Green River Area Development District’s 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:

## Title VI Plan

### A. **Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population**

GRADD is composed of seven counties: Daviess, Hancock, Henderson, McLean, Ohio, Union, and Webster. The following LEP demographics were obtained from the U.S. Census Bureau.

### B. **Factor 2: The Frequency with which LEP Individuals Come into Contact with Your Programs, Activities, and Services**

LEP persons may come into contact with GRADD activities, services and personnel in a variety of ways. The locations, programs, activities, and services where LEP persons most frequently come in contact with GRADD include:

- Public meetings/legal notices
- Website
- GRADD offices

Population Five Years and Older Speaking English "Less than Very Well"	
County	Percentage of Population
Daviess	1.7%
Hancock	0.8%
Henderson	1.1%
McLean	0.7%
Ohio	1.6%
Union	0.9%
Webster	2.1%

### C. **Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient to People's Lives**

GRADD is a regional planning agency serving the communities of Daviess, Hancock, Henderson, McLean, Ohio, Union, and Webster counties. GRADD offers assistance in the fields of aging, health and social services; community and economic development; transportation planning; and workforce development.

### D. **Factor 4: The Resources Available to the Recipient and Costs**

It is recognized that developing English-Spanish materials would provide a valuable resource for the LEP population. All language assistance tools are provided at no cost to the recipient.

1. GRADD currently posts agendas for all meetings on its website, [www.gradd.com](http://www.gradd.com). All meetings are open to the public.
2. The GRADD website provides language translation through Google Translate.
3. The following text is included in all public notices: "Alternative formats will be made available upon request; a 7-day notice is required for alternative formats. If you have any questions or comments, contact GRADD at 270-926-4433."

## III. **Review of STA Directives**

All Department directives are discussed at GRADD Board meetings at which the Owensboro-Daviess County MPO is present and is able to voice any concern relating to nondiscrimination requirements. In addition, all directives are reviewed by GRADD and the Owensboro-Daviess County MPO's legal team and if any civil rights issues are involved, The Owensboro-Daviess County MPO is notified and is provided an opportunity to consult on the issue.

- For the 2019 and 2020 calendar years, there were no updates or changes.

### **IV. Language Implementation Plan**

GRADD and the Owensboro-Daviess County MPO have identified the number and proportion of LEP individuals within its service area using United States Census data (see Appendix D). As presented earlier, 96.96% of the service area population speaks English only. The largest non-English spoken language in the service area is Spanish (2%). Of those whose primary spoken language is Spanish, approximately 41% identify themselves as speaking less than “very well”. Those residents whose primary language is not English or Spanish and who identify themselves as speaking English less than “very well” account for less than 1% of the service area population. Based on the four-factor analysis, the Spanish language was identified as the one language that GRADD and the Owensboro-Daviess County MPO need to include in its Language Implementation Plan. A number of actions are described below that GRADD and the Owensboro-Daviess County MPO are taking that help improve access to GRADD/MPO information and services. These measures cover the five elements identified in the DOT LEP Guidance.

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

GRADD/Owensboro-Daviess County MPO may identify language assistance need for an LEP group by:

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

#### **B. Element 2: Language Assistance Measures**

GRADD/Owensboro-Daviess County MPO has undertaken the following actions to improve access to information and services for LEP individuals:

1. Developing and distributing instructions to staff members that are likely to encounter LEP persons on how to respond to oral and written requests for assistance.
2. When an interpreter is needed in person or on the telephone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteers.

#### **C. Element 3: Training Staff**

Part of GRADD/Owensboro-Daviess County MPO’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

## **Title VI Plan**

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.

### **D. Element 4: Providing Note to LEP Persons**

GRADD/Owensboro-Daviess County MPO will make Title VI notice and complaint information available in the following locations:

- Lobby of MPO office
- Employee area of MPO office
- GRADD website: [www.gradd.com](http://www.gradd.com)

Notices will provide contact information for languages services.

### **E. Element 5: Monitoring and Updating the 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.

In the GRADD region there are 5,170 residents (2.6%) who describe themselves not able to communicate in English "very well". Of these individuals, the largest non-English spoken language in the service area is Spanish (2%). Of those whose primary spoken language is Spanish, approximately 651



## **Title VI Plan**

(less than 1%) identify themselves as speaking less than “very well”. As shown in Appendix D, the GRADD does not have LEP groups which speak English less than “very well” which exceed either 5.0% or 1,000 persons.

# **Appendix H**

## **Operating Area Language Data: The Green River Area Development District Service Area**

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<u>Language</u>	<u>Population</u>	<u>Percent of Population</u>
Total	201,464	100.00%
Speak only English	87,388	96.96%
Spanish or Spanish Creole	1,693	2.02%
Speak English “very well”	1,042	1.19%
Speak English less than “very well”	651	0.83%
French (incl. Patois, Cajun)	145	0.08%
Speak English “very well”	119	0.05%
Speak English less than “very well”	26	0.03%
French Creole	0	0.01%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.01%
Italian	10	0.02%
Speak English “very well”	10	0.02%
Speak English less than “very well”	0	0.00%
Portuguese or Portuguese Creole	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%
German	131	0.33%
Speak English “very well”	71	0.22%
Speak English less than “very well”	60	0.11%
Yiddish	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%
Other West Germanic languages	21	0.05%
Speak English “very well”	21	0.04%
Speak English less than “very well”	0	0.01%
Scandinavian languages	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%
Greek	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%

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<u>Language</u>	<u>Population</u>	<u>Percent of Population</u>
Russian	0	0.02%
Speak English “very well”	0	0.02%
Speak English less than “very well”	0	0.00%
Polish	17	0.01%
Speak English “very well”	17	0.01%
Speak English less than “very well”	0	0.00%
Serbo-Croatian	73	0.00%
Speak English “very well”	19	0.00%
Speak English less than “very well”	54	0.00%
Other Slavic Languages	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%
Armenian	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%
Persian	58	0.00%
Speak English “very well”	58	0.00%
Speak English less than “very well”	0	0.00%
Gujarati	136	0.06%
Speak English “very well”	72	0.03%
Speak English less than “very well”	64	0.03%
Hindi	62	0.02%
Speak English “very well”	39	0.01%
Speak English less than “very well”	23	0.01%
Urdu	11	0.00%
Speak English “very well”	11	0.00%
Speak English less than “very well”	0	0.00%
Other Indic languages	7	0.02%
Speak English “very well”	7	0.02%
Speak English less than “very well”	0	0.01%
Other Indo-European Languages	5	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	5	0.00%
Chinese	17	0.04%

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<u>Language</u>	<u>Population</u>	<u>Percent of Population</u>
Speak English “very well”	17	0.02%
Speak English less than “very well”	0	0.03%
Japanese	77	0.02%
Speak English “very well”	12	0.00%
Speak English less than “very well”	65	0.02%
Korean	11	0.04%
Speak English “very well”	0	0.00%
Speak English less than “very well”	11	0.04%
Mon-Khmer, Cambodian	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%
Hmong	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%
Thai	13	0.04%
Speak English “very well”	13	0.01%
Speak English less than “very well”	0	0.03%
Laotian	0	0.00%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.00%
Vietnamese	32	0.02%
Speak English “very well”	8	0.01%
Speak English less than “very well”	24	0.01%
Other Asian languages	20	0.08%
Speak English “very well”	20	0.02%
Speak English less than “very well”	0	0.07%
Tagalog	53	0.03%
Speak English “very well”	42	0.03%
Speak English less than “very well”	11	0.00%
Other Pacific Island languages	9	0.02%
Speak English “very well”	9	0.02%
Speak English less than “very well”	0	0.00%
Navajo	6	0.00%
Speak English “very well”	6	0.00%

## Title VI Plan

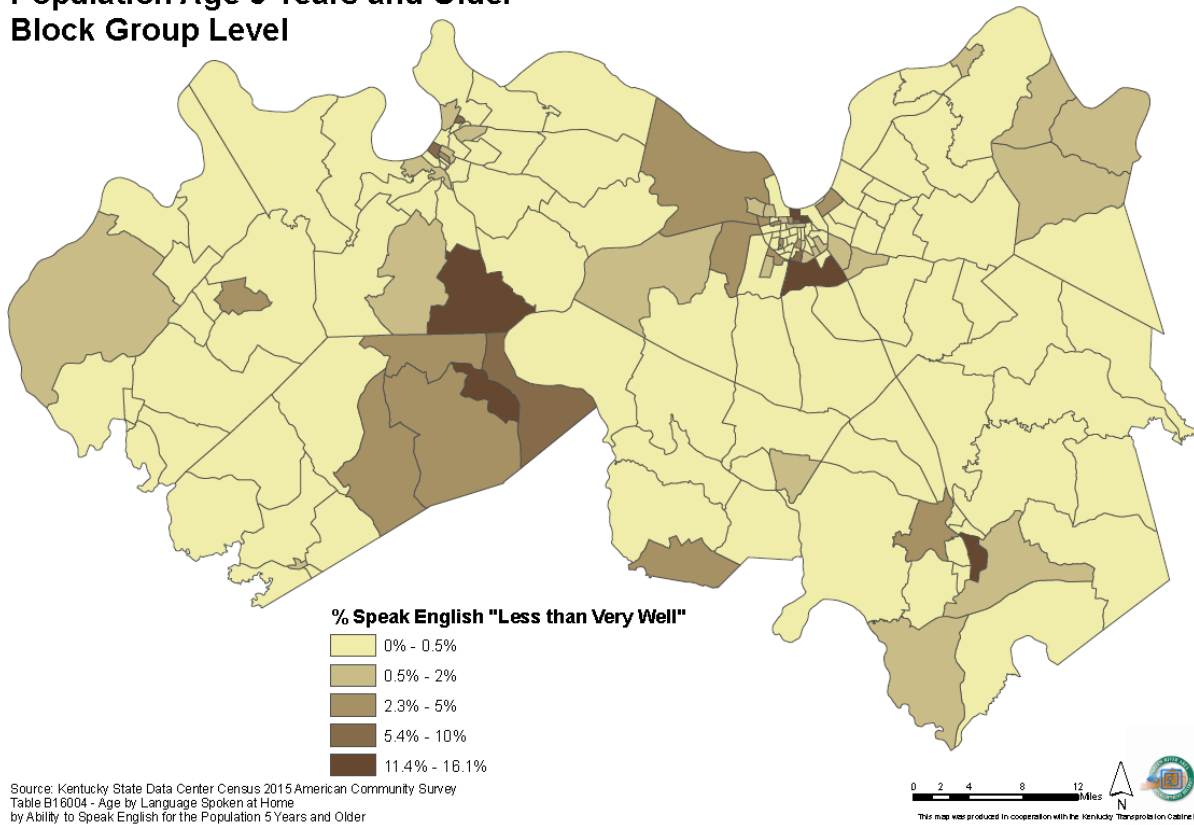
<u>Language</u>	<u>Population</u>	<u>Percent of Population</u>
Speak English less than “very well”	0	0.00%
Other Native American languages	0	0.01%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.01%
Hungarian	0	0.01%
Speak English “very well”	0	0.00%
Speak English less than “very well”	0	0.01%
Arabic	51	0.00%
Speak English “very well”	25	0.00%
Speak English less than “very well”	26	0.00%
Hebrew	0	0.02%
Speak English “very well”	0	0.02%
Speak English less than “very well”	0	0.00%
African languages	7	0.02%
Speak English “very well”	7	0.00%
Speak English less than “very well”	0	0.01%
Other and unspecified languages	90	0.01%
Speak English “very well”	90	0.01%
Speak English less than “very well”	0	0.00%



# **Appendix I**

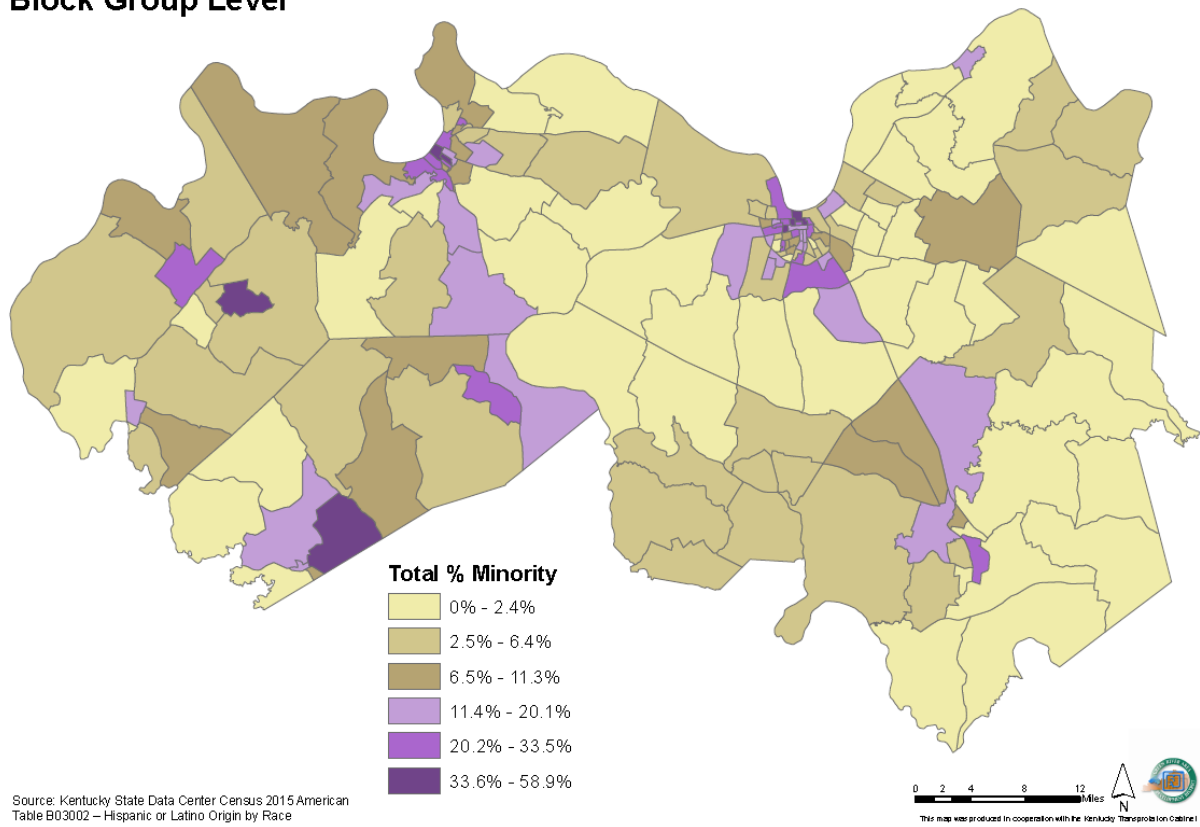
## **Demographic Maps**

**Green River Area Development District  
Percent Speak English "Less than Very Well"  
Population Age 5 Years and Older  
Block Group Level**



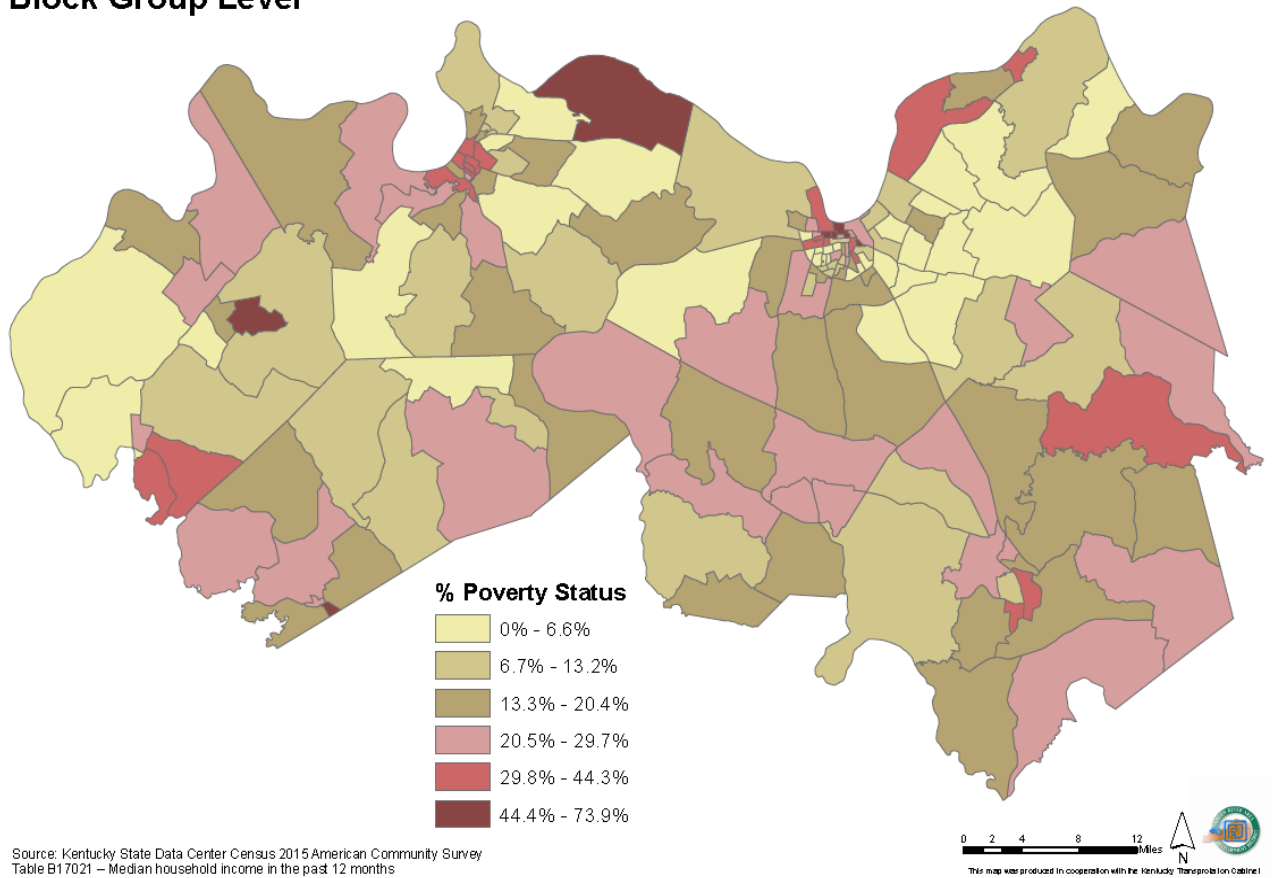
**Source: Kentucky State Data Center Census 2015 American Community Survey**

**Green River Area Development District  
Percent Minority Population  
Block Group Level**



**Source: Kentucky State Data Center Census 2015 American Community Survey**

**Green River Area Development District  
Percent Poverty Status of Individuals  
Block Group Level**



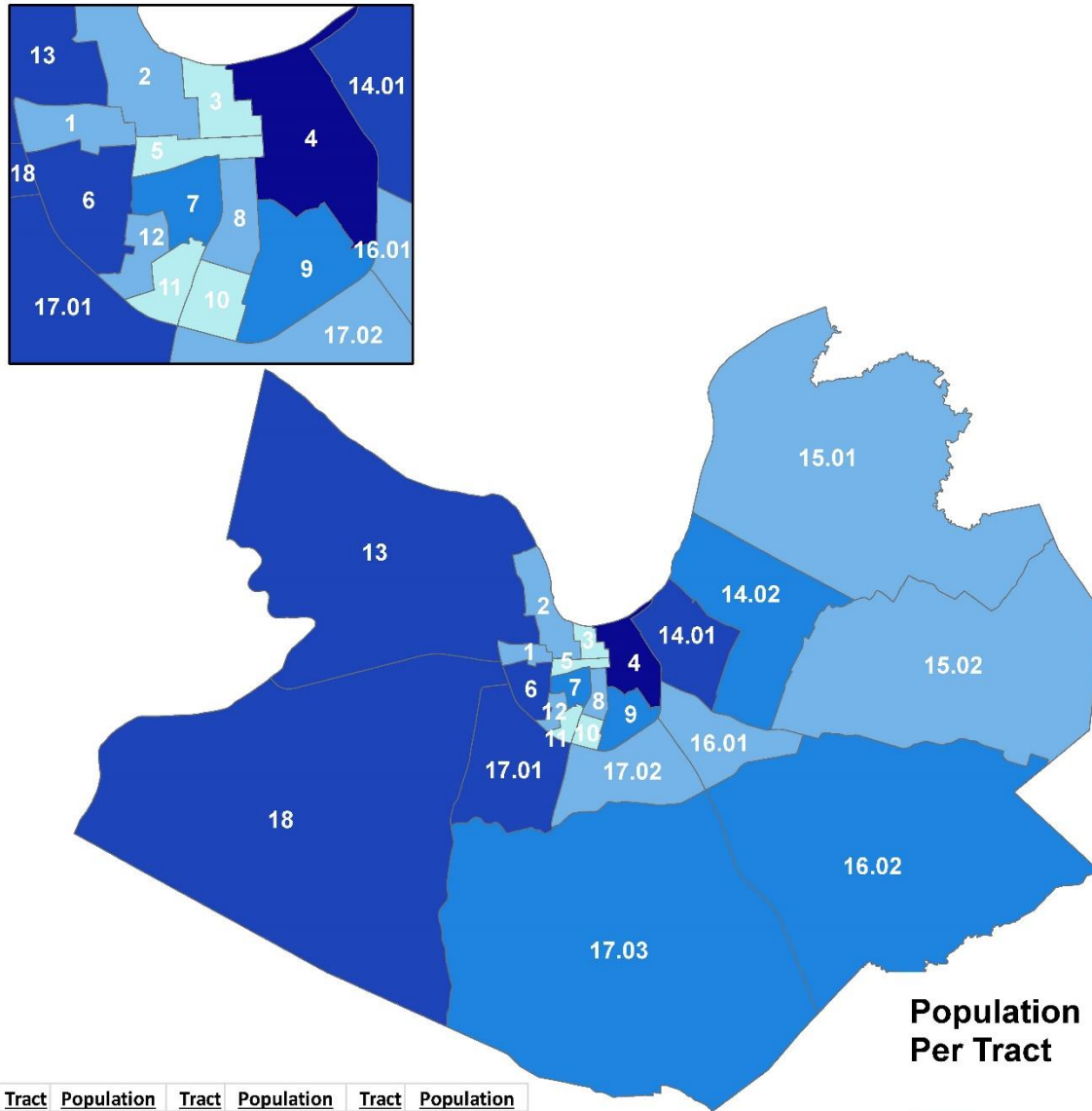
Source: Kentucky State Data Center Census 2015 American Community Survey  
Table B17021 – Median household income in the past 12 months

**Source: Kentucky State Data Center Census 2015 American Community Survey**

# **Appendix J**

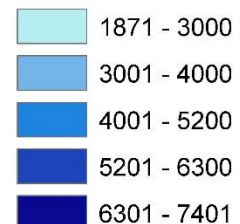
## **Participation Plan Demographic Maps**

## Daviess County Total Population by Census Tract (2010 Census)



Tract	Population	Tract	Population	Tract	Population
1	3269	9	5124	15.02	3406
2	3586	10	2923	16.01	3822
3	1871	11	2375	16.02	4654
4	7401	12	3215	17.01	5935
5	2032	13	5881	17.02	3297
6	5434	14.01	5298	17.03	4278
7	4135	14.02	5103	18	6244
8	3738	15.01	3635		

### Population Per Tract

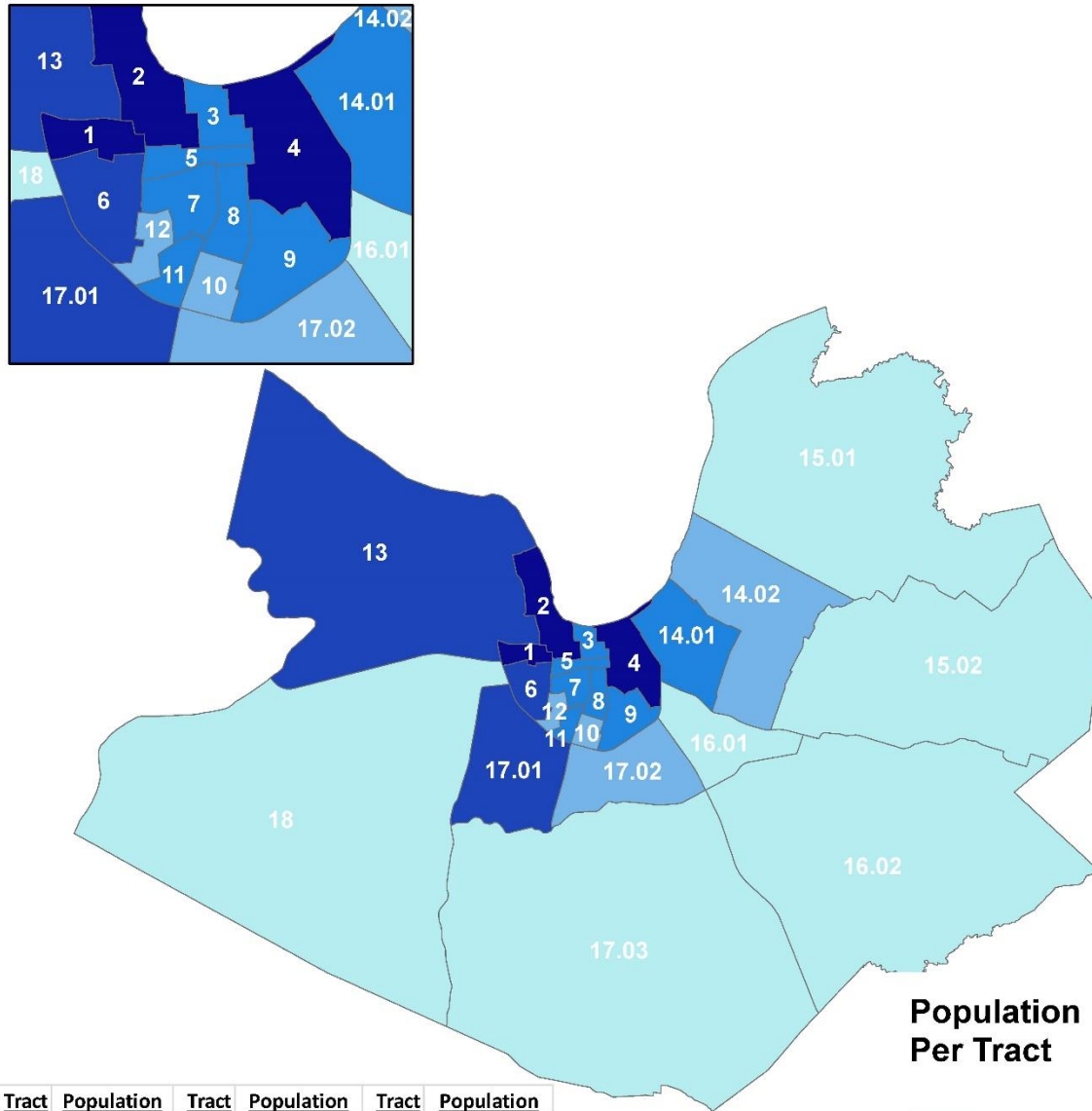


This map was produced in cooperation with the Kentucky Transportation Cabinet

0 1 2 4 6 Miles

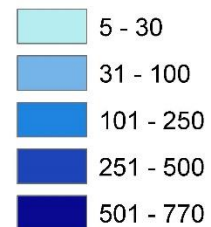


## Daviess County Black Population by Census Tract (2010 Census)



Tract	Population	Tract	Population	Tract	Population
1	614	9	152	15.02	5
2	770	10	89	16.01	21
3	212	11	115	16.02	12
4	620	12	79	17.01	419
5	158	13	343	17.02	72
6	346	14.01	188	17.03	16
7	105	14.02	58	18	27
8	184	15.01	21		

### Population Per Tract



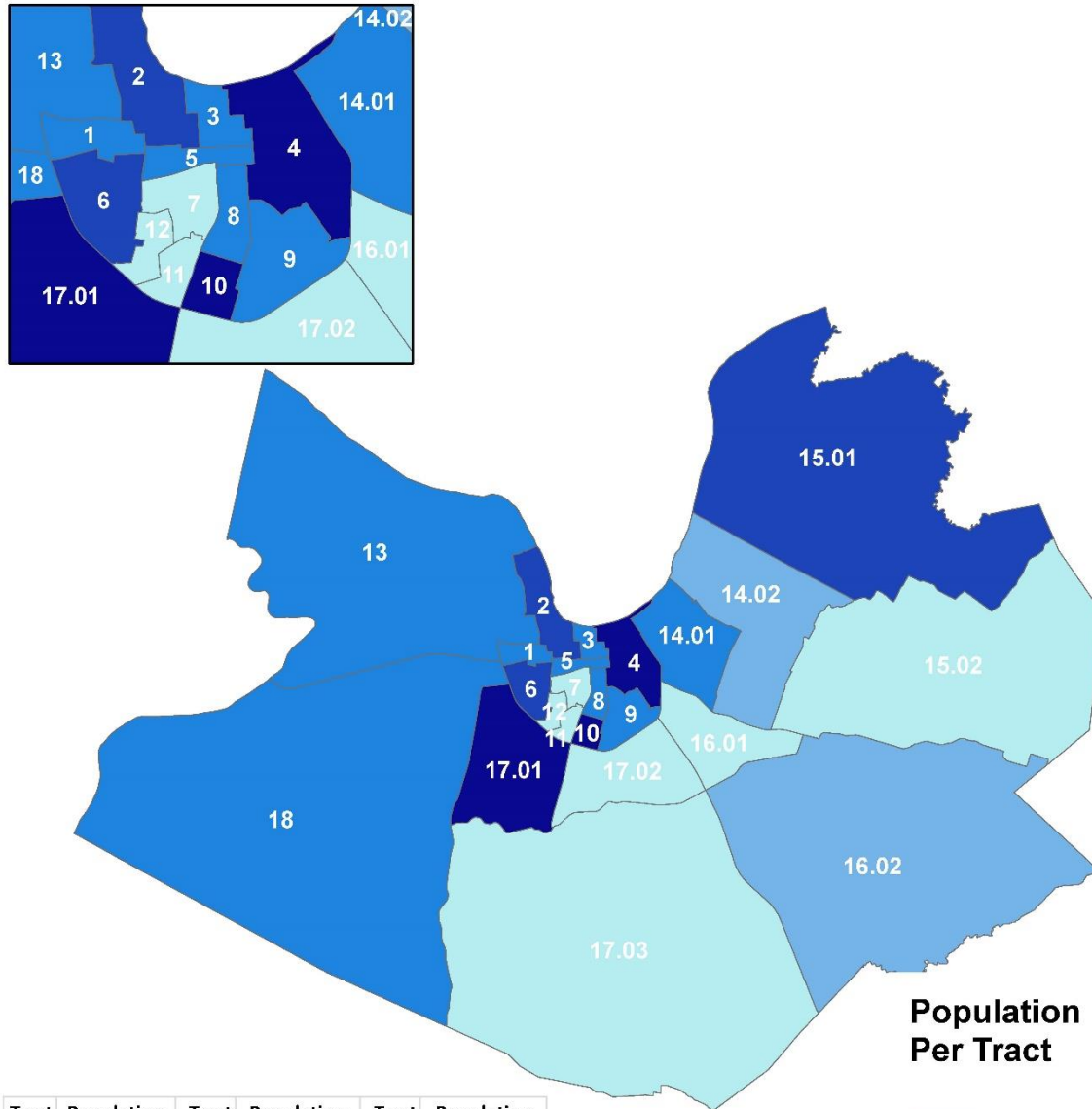
This map was produced in cooperation with the Kentucky Transportation Cabinet

0 1 2 4 6 Miles





## Daviess County Hispanic Population by Census Tract (2010 Census)



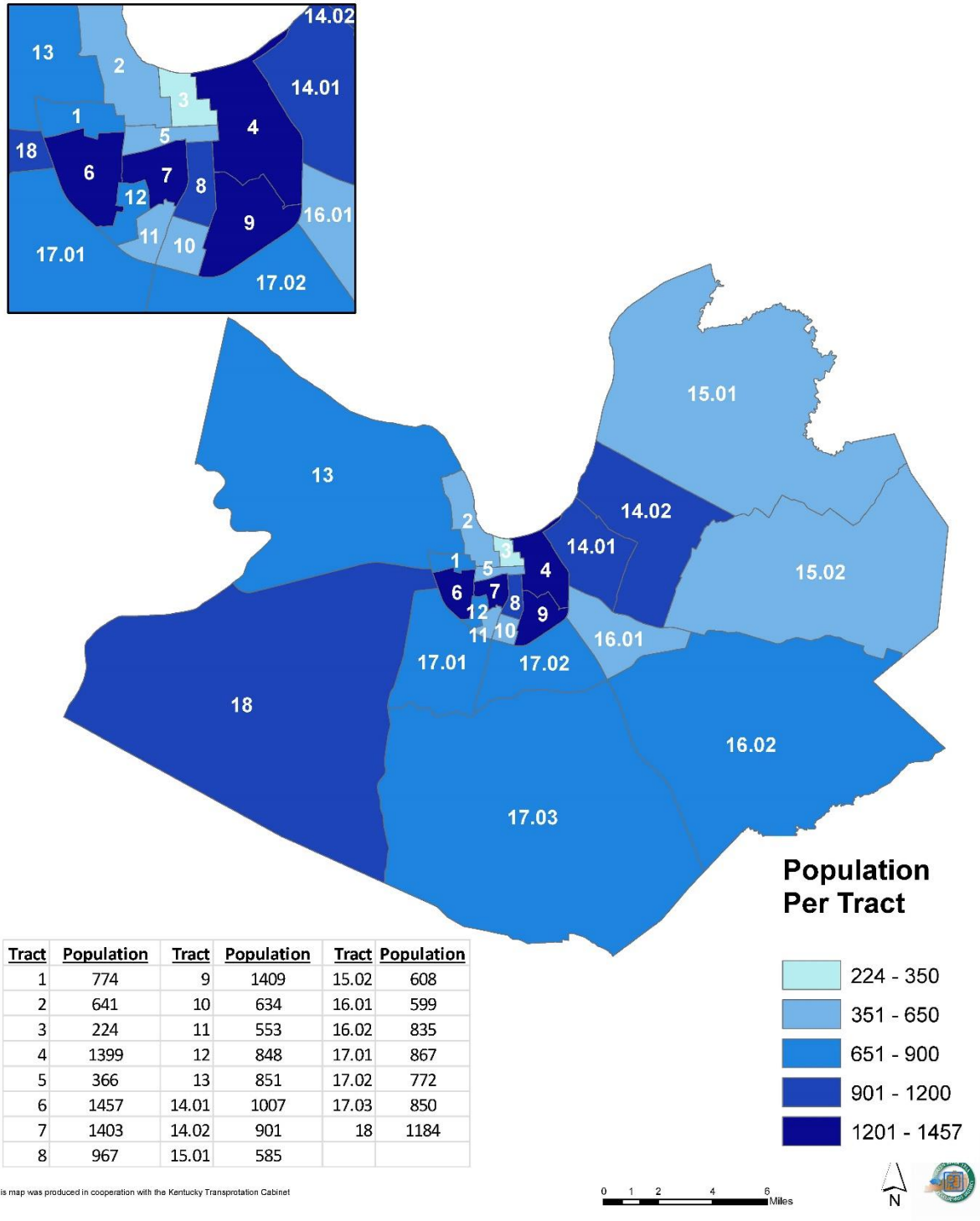
Tract	Population	Tract	Population	Tract	Population
1	101	9	106	15.02	15
2	159	10	272	16.01	26
3	124	11	21	16.02	52
4	243	12	42	17.01	249
5	132	13	118	17.02	31
6	165	14.01	116	17.03	36
7	29	14.02	74	18	115
8	119	15.01	180		

This map was produced in cooperation with the Kentucky Transportation Cabinet

0 1 2 4 6 Miles



## Daviess County Senior (Age 60+) Population by Census Tract (2010 Census)



# **Appendix K**

## **Impact of State and Federal Funds on Public Transit**

## Title VI Plan

Owensboro Transit Service (OTS) is the sole provider of public transit in the Owensboro-Daviess County MPO area. In FY 2019, it received \$1,662,721 in FTA Section 5307 funds and \$149,495 in Section 5339 funds for a total of \$1,812,216.

GRADD and the Owensboro-Daviess County MPO looked at demographic data and location of the agency's bus stops to analyze OTS's efforts to provide access to lower-income and/or higher-minority areas of the community. Maps found on subsequent pages show the locations of bus stops throughout the OTS services area, laid over a maps of Census data showing minority and low-income populations, respectively.

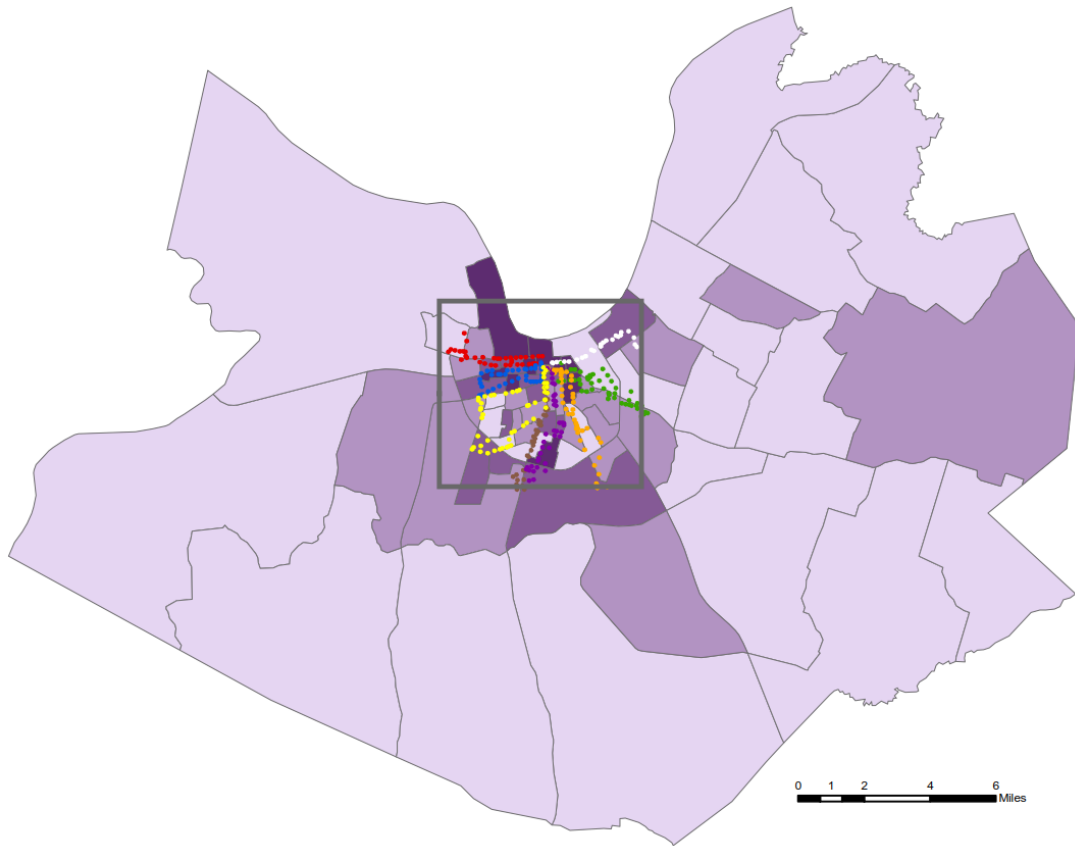
GRADD and the MPO compared the percentage of county residents who self-identified as racial minorities to the percentage of OTS bus stops in areas of high minority residence. The data shows that while Daviess County has a minority population of 9.4%\*, OTS has placed 75 of its 334 bus stops (22.45%) in the highest areas of minority residence.

GRADD and the MPO made a similar comparison regarding the percentage of county residents living in poverty to the percentage of OTS bus stops in areas of low-income residence. The data shows that while 16.1%\* of Daviess County residents live in poverty, OTS has placed 98 of its 334 bus stops (29.34%) in the highest areas of low-income residence.

MINORITY		LOW-INCOME	
Population	OTS Service	Population	OTS Service
9.4%*	22.45%	16.1*	29.34%

\*As of July 1, 2018, according to U.S. Bureau

## Title VI Plan



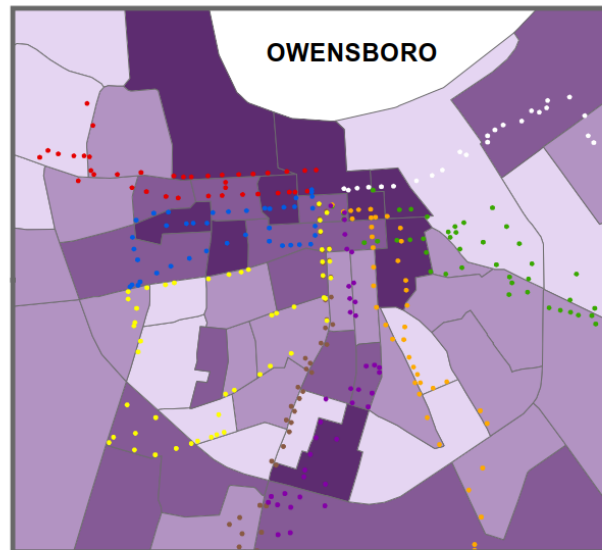
### Bus Stops

- Red Route
- White Route
- Blue Route
- Purple Route
- Brown Route
- Yellow Route
- Orange Route
- Trolley Route
- Green Route

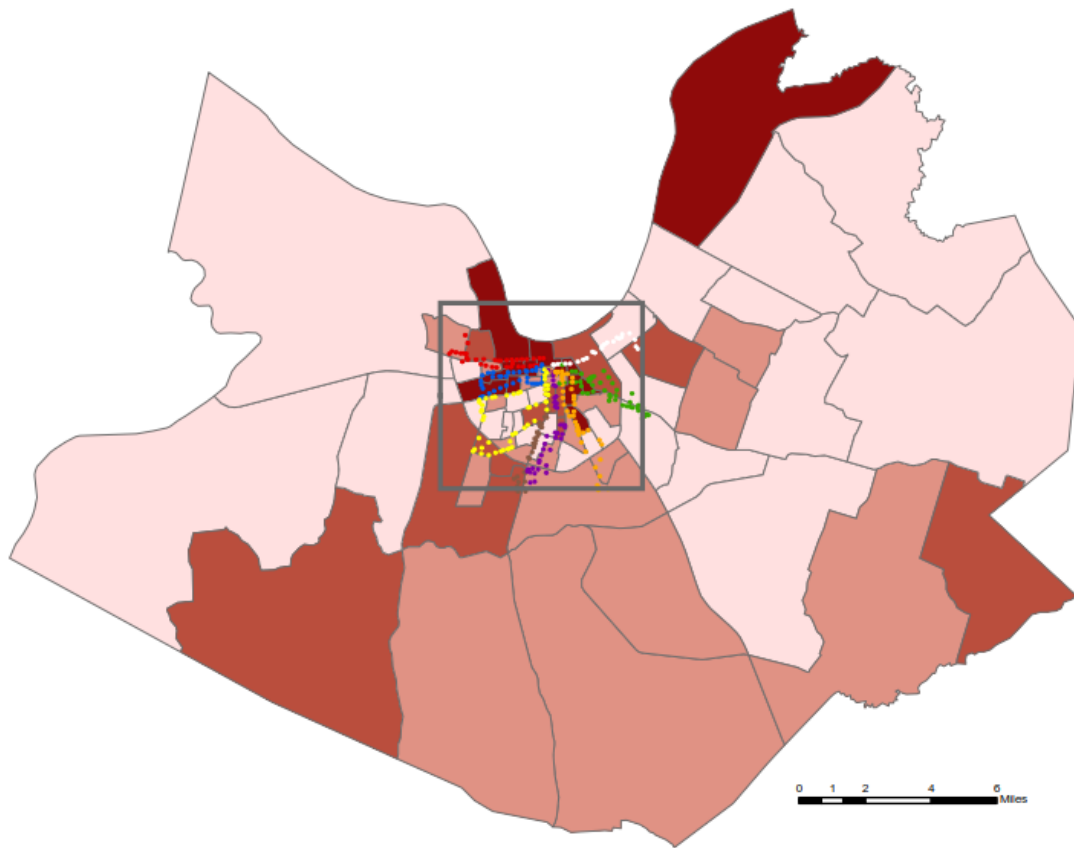
### Percent Population as Minority

- 0% - 4.5%
- 4.6% - 13%
- 13.1% - 26.4%
- 26.5% - 61.2%

Minority Population  
Source: Census 2016 American Community Survey 5 Year Data (2012-2016)



## Title VI Plan



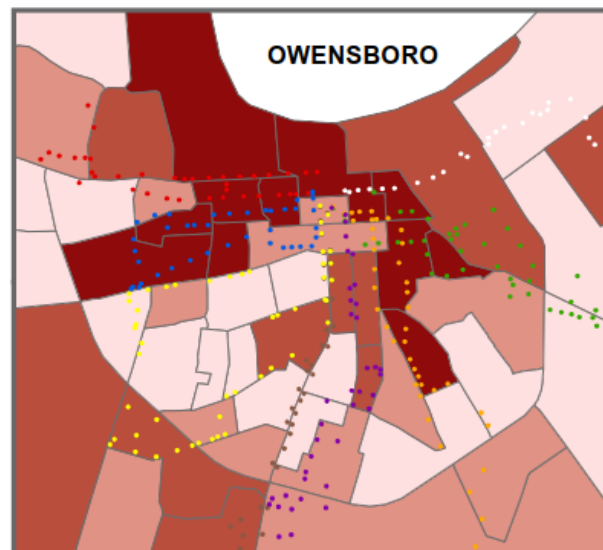
### Bus Stops

- Red Route
- White Route
- Blue Route
- Purple Route
- Brown Route
- Yellow Route
- Orange Route
- Trolley Route
- Green Route

### Percent Below Poverty Level

- 0.7% - 8.5%
- 8.6% - 17.5%
- 17.6% - 32.4%
- 32.5% - 62.1%

Poverty Status of Individuals in the Past 12 Months  
Source: Census 2016 American Community Survey 5 Year Data (2012-2016)



# **Appendix L**

## **Title VI Activity Log**



## Title VI Plan

Date	Activity (Review/Update/Addendum/ Adoption/Distribution)	Concerned Person (Signature)	Remarks
05/1995	Adopt Title VI Plan		Approved at 5/1995 GRADD Board of Directors Meeting
11/2017	Major Update		
2/14/2018	Review, Update, & Adopt 2018 Title VI Plan for GRADD		Approved at 2/14/2018 GRADD Board of Directors meeting
3/21/2018	Provided Title VI Training at GRADD Staff Meeting		
3/25/2019	Staff received Title VI training during GRADD staff meeting		Approved at 11/12/2019 GRADD Board of Directors meeting
1/21/2020	Staff received Title VI training during GRADD staff meeting		To be approved at 2/12/2020 GRADD Board of Directors meeting
2/12/2020	Title VI Plan adopted by GRADD Board of Directors		
3/30/2021	GRADD staff received Title VI training		Staff watched Title VI video and signed a document stating they had done so.
5/2021	Title VI Plan reviewed and revised by staff		Title VI plan approved by GRADD board at 6/9/21 meeting

# TITLE VI VIDEO

## Social Services

NAME	SIGNATURE	DATE
1. Jennifer Williams	Jennifer Williams	3-18-21
2. Sarah Ackerman	Sarah Ackerman	3-18-2021
3. Brad Alley	Brad Alley	3-24-2021
4. Mary Ashford	Mary Ashford	3-24-2021
5. Donna Behl	Donna Behl	3-18-2021
6. Brittany Borders	Brittany Borders (by JN)	3-18-21
7. Ruth Brown	Ruth Brown	3/17/21
8. Sarah Clark	Sarah Clark	3-26-21
9. Brittany Clouse	Brittany Clouse, SA	3-30-21
10. LJ Douglas	LJ Douglas	3/18/21
11. Sarah Duncan	Sarah Duncan	3/17/21
12. Lee Ann Edmonson	Lee Ann Edmonson	3-18-21
13. Lisa Flahardy	Lisa Flahardy	3/24/21
14. Lana Galloway	Lana Galloway	3/19/21
15. Amber Gebhard	Amber Gebhard	3-31-21
16. JaVonna Gott	JaVonna Gott	3/18/21
17. Kelsey Iannitello	Kelsey Iannitello	3/22/21
18. Kristy James	Kristy R. James	3/22/2021
19. Steve Joines	Steve Joines (by JN)	3-19-21
20. Kelli King	Kelli King	3/26/21
21. Ken Lawson	Ken Lawson (by JN)	3-31-21
22. Jaycie Luna	Jaycie Luna	3/19/21
23. Judi Mayo	Judi Mayo	3/19/21
24. Heather Mullican	Heather Mullican	3/25/21
25. Amber Phelps	Amber Phelps	3/22/21

# TITLE VI VIDEO

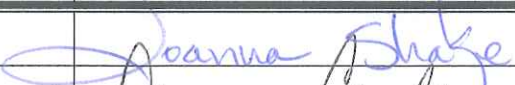
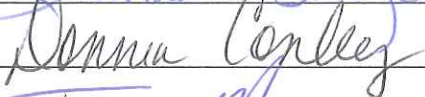
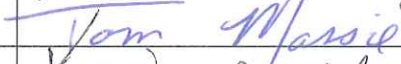
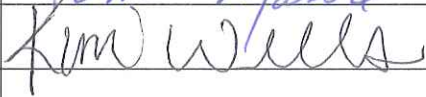
## Social Services

NAME	SIGNATURE	DATE
26. DeLanie Puckett	<i>[Signature]</i>	3-19-21
27. Kristin Rapp		
28. Amy Rowe	<i>Amy Rowe (by JW)</i>	3-30-21
29. Jessica Sexton	<i>Jessica Sexton</i>	3/29/21
30. Brenda Smith	<i>Brenda Smith</i>	3/16/21
31. Danielle Street	<i>Danielle Street</i>	3/25/21
32. Kelsey Taylor	<i>KTJ</i>	3/24/21
33. Libby Watson	<i>Libby Watson</i>	3/17/21
34. Nancy Williams	<i>Nancy Williams</i>	3/18/21
35. Leslie Wilson	<i>Leslie Wilson</i>	3/16/21
36. Bobbie Wood	<i>Bobbie Wood (by JW)</i>	3-19-21
37. Jeanette Woodward	<i>Jeanette Woodward (by JW)</i>	3-18-21
38. Kim Wurth	<i>Kim Wurth</i>	3/22/21
39.		
40.		
41.	<div style="background-color: #ff69b4; padding: 10px; text-align: center;">                     Kristin Rapp is on maternity leave. <i>JW</i> </div>	
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# TITLE VI VIDEO

## Administration

NAME	SIGNATURE	DATE
1. Joanna Shake		3-24-2021
2. Donna Conley		3-16-21
3. Tom Massie		3-16-21
4. Kim Wells		3/18/2021
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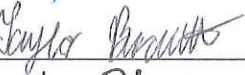

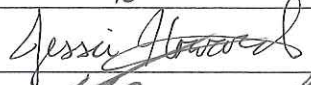



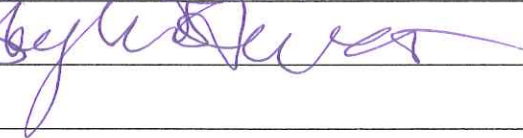
# TITLE VI VIDEO

## Workforce Development

NAME	SIGNATURE	DATE
1. Jodi Rafferty	<i>Jodi Carr Rafferty</i>	03/19/21
2. Michelle Drake	<i>Michelle Drake</i>	3/18/2021
3. Jill Gray	<i>Jill Gray</i>	3/17/21
4. Paula Payne	<i>Paula Payne</i>	3/18/2021
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# TITLE VI VIDEO

## Community & Economic Development

NAME	SIGNATURE	DATE
1. Blake Edge		3/19/21
2. Jennifer Alvey		3-16-21
3. Gina Boaz		3-19/21
4. Taylor Burchett		3/16/21
5. Luke Hill		3-19-21
6. Jessie Howard		3/16/21
7. Tom Lovett		3/16/21
8. Therese Payne		3/16/21
9. Hunter Phillips		3/19/21
10. Skyler Stewart		3/16/21
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# **Appendix M**

## **Title VI Plan Approval**





## RESOLUTION

**WHEREAS**, the federal government enacted Title VI of the Civil Rights Act of 1964, as amended to prevent discrimination on the grounds of race, color, sexual orientation, gender identity, age, disability or national origin; and

**WHEREAS**, KRS 344.015 outlines Implementation Plans for Title VI of the Civil Rights Act of 1964, as amended, by state agencies; and

**WHEREAS**, it is requirement of the Kentucky Department of transportation and the U.S. Department of Transportation, that agencies receiving federal financial assistance adopt a Title VI Plan; and

**WHEREAS**, the Green River Area Development District and the Owensboro-Daviess County MPO are recipients of Federal financial assistance from the Kentucky Department of Transportation; and

**WHEREAS**, the Green River Area Development District and the Owensboro-Daviess County MPO assure that all of their programs, services and activities will be free from discrimination, whether those programs, services and activities are Federally funded or not.

**NOW THEREFORE, BE IT RESOLVED**, by the Green River Area Development District Board of Directors that it hereby adopts the attached Title VI Plan.

PASSED AND RESOLVED, this Ninth day of June, 2021.

Attest

  
\_\_\_\_\_  
Brad Schneider, Chairman  
GRADD Board of Directors

Brad Schneider, Chairman ▪ Al Mattingly, Jr., Vice Chairman ▪ Steve Henry, Secretary ▪ Adam O'Nan, Treasurer ▪ Joanna Shake, Executive Director

SISTER REGION:

www.kr-olomoucky.cz

Green River Area Development District ▪ 300 GRADD Way ▪ Owensboro, Kentucky 42301-0200  
(270) 926-4433 ▪ Fax (270) 684-0714 ▪ www.GRADD.com ▪ TDD Users: 1-800-648-6056  
Serving the Municipal and County Governments of Daviess ▪ Hancock ▪ Henderson ▪ McLean ▪ Ohio ▪ Union ▪ Webster

