

KYOVA Interstate Planning Commission

Title VI Implementation Plan and Limited English Proficiency Language Assistance Plan

January 1, 2019 – December 30, 2019

**KYOVA Interstate Planning Commission
400 Third Avenue
Huntington, West Virginia 25701
Phone: 304-523-7434
Website: www.kyovaipc.org**



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KYOVA Interstate Planning Commission

Title VI Implementation Plan and Limited English Proficiency (LEP) Language Assistance Plan for the Huntington, WV-KY-OH Urbanized Area*

January 1, 2019 to December 30, 2019

**KYOVA Interstate Planning Commission
400 Third Avenue
Huntington, West Virginia 25701**

**Phone: 304-523-7434
www.kyovaipc.org**

*The KYOVA Planning Area within the Huntington, WV-KY-OH Urbanized Area includes the West Virginia counties of Cabell and Wayne, the Kentucky counties of Boyd and Greenup, and Lawrence County, Ohio.

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ACKNOWLEDGEMENTS

KYOVA Policy Committee (PC) Members

Officers

Mr. Robert Pasley	Chair, Wayne County Commission (E)
Ms. Nancy Cartmill	Vice-Chair, Cabell County, WV Commission (E)
Mr. Robert Carpenter	Secretary, Greenup County, KY Judge Executive (E)

Cabell County Members

Ms. Nancy Cartmill	Commissioner, Cabell County, WV (E)
Ms. Beth Thompson	County Manager, Cabell County, WV (E)
Mr. Jim Morgan	Commissioner, Cabell County, WV (E)
Ms. Kelli Sobonya	Commissioner, Cabell County, WV (E)
Mr. Chad Nelson	Citizen Member, Cabell County, WV (A)

City of Huntington, West Virginia Members

Mr. Steve Williams	Mayor, City of Huntington, WV (E)
Mr. James Insko	Public Works Director, City of Huntington, WV (A)
Mr. James Turner	Lawyer, City of Huntington, WV (A)
Mr. Howard Anderson	Citizen Member, City of Huntington, WV
Vacant	Citizen Member, City of Huntington, WV (A)

Wayne County, West Virginia Members

Mr. Robert Pasley	Commissioner, Wayne County, WV (E)
Mr. Kenneth Adkins	Citizen Member, Wayne County, WV (E)
Mr. Shane Dillion	Citizen Member, Wayne County, WV (A)
Mr. Timothy Bias	Mayor, Kenova, WV (A)

Putnam County, West Virginia Members

Mr. Andy Skidmore	Putnam County, WV Commission (E)
Vacant	Putnam County, WV (A)
Vacant	Putnam County, WV (A)

Boyd County, Kentucky Members

Mr. Eric Chaney	County Judge Executive, Boyd County, KY (E)
Mr. Jimmy Ruggles	Road Foreman, Boyd County, KY (A)
Mr. Jason Queen	FEMA Coordinator, Boyd County, KY (A)

City of Ashland, Kentucky

Mr. Steve Gilmore	Mayor, City of Ashland, KY (E)
Mr. Michael Graese	City Manager, City of Ashland, KY (A)
Ms. Michelle Grubb	Mass Transit Superintendent (Ashland Bus System), City of Ashland, KY (A)

ACKNOWLEDGEMENTS – Continued

KYOVA Policy Committee (PC) Members

Greenup County, Kentucky Members

Mr. Robert Carpenter	County Judge Executive, Greenup County (E)
Mr. Ronald Simpson	Mayor, City of Russell, KY (A)
Mr. Ronald Fields	Mayor, City of Flatwoods, KY (A)
Mr. Phillip Biggs	Citizen Member, Greenup County, KY (A)

Lawrence County, Ohio Members

Ms. Deanna Holliday	President, Lawrence County, OH Commission (E)
Vacant	Lawrence County, Ohio (A)
Mr. Patrick Leighty	County Engineer, Lawrence County, OH (A)
Mr. Terry Porter	Trustee, Lawrence County, OH (A)
Dr. Bill Dingus	Director, Lawrence County, OH Chamber of Commerce (A)
Mr. Ralph Kline	Assistant Director, ILCAO-Lawrence County, OH (A)

City of Ironton, Ohio

Ms. Katrina Keith	Mayor, City of Ironton, OH (E)
Vacant	City of Ironton, OH (A)

Transportation Providers

Mr. Paul Davis	General Manager, Tri-State Transit Authority (A)
Mr. Brent Brown	Director, Huntington Tri-State Airport (A)

Department of Transportation

Mr. Byrd While, III	Secretary of Transportation/Commissioner of Highways, WVDOH/DOT (A)
Mr. Greg Thomas	Secretary of Transportation, Kentucky Transportation Cabinet (A)
Mr. Jack Marchbanks, Ph.D.	Director, Ohio Department of Transportation (A)

Federal Highway Administration

Ms. Chandra Inglis-Smith	Planning Specialist, FHWA – West Virginia Division (NV)
Ms. Bernadette Dupont	Planning Specialist, FHWA – Kentucky Division (NV)
Mr. Noel Mehlo, Jr.	Planning and Environmental Specialist, FHWA – Ohio Division (NV)

A=Appointed / E=Elected / NV=Non-Voting

ACKNOWLEDGEMENTS – Continued

KYOVA Technical Advisory Committee (TAC) Member Affiliation

Mr. Paul Davis Chair, Tri-State Transit Authority, Huntington, West Virginia – President
Mr. Patrick Leighty Vice-Chair, Lawrence County, Ohio – Engineer

The following organizations are represented on the Technical Advisory Committee:

West Virginia Department of Highways – Central Office

- Director of Planning
- Regional Planning Unit Leader
- Planner

West Virginia Department of Highways – District Office #2

- Manager
- Planner

West Virginia Department of Environmental Protection – AQ

West Virginia Public Transit

- Executive Director

City of Huntington, West Virginia

- Public Works Director
- Planner

Cabell County

- Citizen Member

Wayne County Economic Development Authority

- Director

Tri-State Transit Authority

- General Manager
- Assistant Manager

Huntington Tri-State Airport

- Director

Kentucky Transportation Cabinet – Division of Planning

- Director
- Transportation Engineering Branch Manager
- Planning Supervisor

Kentucky Transportation Cabinet – Highway District Office #9

- Chief District Engineer
- Planning Supervisor
- Planner

City of Ashland, Kentucky

- City Manager
- Transit Supervisor
- City Appointment

Boyd/Greenup Citizens Advisory Committee

- Five (5) members

Ashland Alliance

- President/CEO

Gallia County

- County Engineer

Lawrence County, Ohio

- County Engineer
- Director, Ironton-Lawrence County Community Action Organization
- Manager, Lawrence County Transit

City of Ironton

The Greater Lawrence County Chamber of Commerce

Ohio Department of Transportation – Central Office

- Transportation Planner
- Air Quality Planner
- Planner

Ohio Department of Transportation – District 9

- Program Coordinator
- Program Management Coordinator
- Planning Engineer

Federal Highway

- West Virginia Division
- Kentucky Division
- Ohio Division

ACKNOWLEDGEMENTS – Continued

KYOVA Staff

Mr. Christopher M. Chiles	Executive Director
Mr. Saleem Salameh	Technical Study Director/Deputy Executive Director
Ms. Terri B. Sicking	Senior Transportation Planner
Mr. Jody Sigmon	Transportation Planner/System Performance
Ms. Bethany Wild	Transportation Planner/GIS Specialist
Ms. Dannielle Slusher	Finance/Office Manager/Title VI Environmental Justice Officer
Mr. Steven Frye	Finance Assistant
Mr. Paul Young	Web Designer/System Analyst
Ms. Annette Johnson	Transportation Technician/Administrative Assistant

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TITLE VI IMPLEMENTATION PLAN

INTRODUCTION

KYOVA Interstate Planning Commission (the designated MPO for the Huntington, WV-KY-OH Urbanized Area West Virginia counties of Cabell and Wayne, Kentucky counties of Boyd and Greenup, and the urbanized portion of Lawrence County, Ohio) developed this Title VI Implementation Plan pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation (DOT), Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964. The purpose of 49 CFR Part 21 is:

“...to effectuate the provisions of Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.”

By adoption of this Title VI Implementation Plan, KYOVA’s Policy Board ensures that all programs, policies, and activities of the MPO comply with Title VI regulations.

Any person or persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the MPO. The Title VI complaint procedure and complaint form can be found in *Appendix A* of this Plan and on the KYOVA website (kyovaipc.org) under the Title VI Tab. Any such complaint must be in writing and filed with KYOVA’s Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

KYOVA INTERSTATE PLANNING COMMISSION

TITLE VI OVERVIEW AND POLICY STATEMENT

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

KYOVA’s Policy Board is the governing body of KYOVA as the designated Metropolitan Planning Organization for the West Virginia counties of Cabell and Wayne, the Kentucky counties of Boyd and Greenup, and the urbanized area of Lawrence County Ohio that fall within the Huntington, WV-KY-OH Urbanized Area. As a recipient of federal funds through grant program(s), KYOVA is subject to Title VI of the Civil Rights Act of 1964. KYOVA works to ensure that nondiscriminatory services are offered throughout the region thereby enhancing both the quality of life and economic vitality. KYOVA is committed to a workplace compliant with Title VI of the Civil Rights Act of 1964 and to incorporate suggestions by KYTC, ODOT, and WVDOH.

KYOVA TITLE VI POLICY STATEMENT

Pursuant to and consistent with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to Title 49, Code of the Federal Regulations (CFR), U.S. Department of Transportation (DOT), Subtitle A. Office of the Secretary, (49 CFR, part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964:

It is the policy of the KYOVA Interstate Planning Commission to afford equal opportunity to all persons to the end that no persons in the United States shall, on the grounds of race, color, sex, disability, age or national origin, be excluded from participation in, be denied the benefits or, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Transportation.

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

For more information on KYOVA’s Civil Rights Program, and the procedures to file a complaint, call (304) 523-7434, email Dannielle Slusher at dslusher@kyovaipc.org, or visit our office at 400 Third Avenue, Huntington, West Virginia 25701.

A complainant may file a complaint directly with the Federal Highway Administration or the Federal Transit Administration by mailing complaints to:

Federal Highway Administration

Office of Civil Rights
Attn: Title VI Program Coordinator
8th Floor E81-105
1200 New Jersey Avenue, SE
Washington, DC 20590

Federal Transit Administration

Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

This Policy Statement shall be posted at the KYOVA office located at 400 Third Avenue, Huntington, WV 25701 and on the KYOVA website at www.kyovaipc.org.

Christopher M. Chiles, KYOVA
Executive Director

Date

KYOVA TITLE VI COMPLAINT PROCEDURES

Any person or persons who believe, either individually or as a member of any specific class of persons, they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with KYOVA Interstate Planning Commission. A *Title VI Complaint Form* is available on the MPO website under the Title VI/Environmental Justice Tab or by following this link: http://kyovaipc.org/Title_VI_Complaint_Form_Fill_in.pdf. The complaint procedure and complaint form has been included in *Appendix A*.

A complaint may be filed without the *Complaint Form* if the complainant's name, mailing address, and details regarding the alleged discrimination are included in writing. The *Complaint Form* or other written complaint may be hand delivered or mailed to:

*KYOVA Interstate Planning Commission
Attn: Dannielle Slusher, Title VI Coordinator
400 Third Avenue
Huntington, West Virginia 25701*

The *Complaint Form* or written complaint may also be emailed to dslusher@kyovaipc.org.

KYOVA's Title VI Coordinator will provide the complainant, or their representative, with a written acknowledgement by mail within 10 working days that KYOVA has received the complaint.

The complaint will be reviewed by the Title VI Coordinator and forwarded to KYOVA's Executive Director. KYOVA will then notify the Federal Highway Administration (FHWA) and/or the Federal Transit Administration (FTA) that a complaint has been received.

Corrective measures would then be initiated by KYOVA to alleviate the discrimination and prevent future discrimination from occurring in the transportation planning process. KYOVA will notify the complainant (by registered mail) the steps taken to mitigate and prevent such discrimination.

The public may also submit discrimination complaints directly to the Federal Highway Administration (FHWA) and/or the Federal Transit Administration (FTA). The complaint should be mailed to the Office of Civil Rights at either of the FHWA or FTA. Mailing addresses for each are listed in the *Title VI Notification* on the previous page.

Procedimientos de denuncia del título VI de KYOVA

Cualquier persona o personas que creen, individualmente o como miembro de cualquier clase específica de personas, se han sujetado a la discriminación en base de la raza del color, o del origen nacional puede archivar una denuncia escrita con la Comisión de planeamiento de un estado a otro de KYOVA. Una forma de la denuncia del título VI está disponible en el sitio web de MPO bajo justicia Tab del título VI/Environmental o cerca después de este vincula: http://kyovaipc.org/Title_VI_Complaint_Form_Fill_in.pdf. El procedimiento de denuncia y la denuncia forman bas incluido en el apéndice A.

Una denuncia se puede archivar sin la forma de la denuncia si el nombre, la dirección de envío, y los detalles del denunciante en relación con la discriminación alegada se incluyen en la escritura. La forma de la denuncia o la otra denuncia escrita puede ser mano entregada o enviada a:

Comisión de planeamiento de un estado a otro de KYOVA
Attn: Dannielle Slusher, coordinador del título VI
Tercera avenida 400
Huntington, West Virginia 25701

La forma de la denuncia o la denuncia escrita se puede también enviar por correo electrónico a dslusher@kyovaipc.org.

El coordinador del título VI de KYOVA proveerá del denunciante, o de su representante, un acuse de recibo escrito por correo en el plazo de 10 días laborables que KYOVA ha recibido la denuncia.

La denuncia será revisada por el coordinador del título VI y remitida al director ejecutivo de KYOVA. KYOVA entonces notificará la administración federal de la carretera (FHWA) y/o la administración federal del tránsito (FTA) que una denuncia se ha recibido.

Las medidas correctivas entonces serían iniciadas por KYOVA para aliviar la discriminación y para evitar que la discriminación futura ocurra en el proceso de planificación de transporte. KYOVA notificará al denunciante (por el correo registrado) las medidas tomadas para atenuar y para prevenir tal discriminación.

El público puede también presentar denuncias de la discriminación directamente a la administración federal de la carretera (FHWA) y/o a la administración federal del tránsito (FTA). La denuncia se debe enviar a la oficina de las derechas civiles en del FHWA o del FTA. Las direcciones de envío para cada uno se enumeran en la notificación del título VI en la página anterior.

RECORD OF TITLE VI INVESTIGATIONS, COMPLAINTS, OR LAWSUITS

There are no current lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against KYOVA Interstate Planning Commission.

There have not been any lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against KYOVA Interstate Planning Commission within the past five (5) years.

An example of KYOVA’s *Title VI Complaint Log* is shown below and can be found in *Appendix B*. If a Title VI complaint is made against KYOVA, it will be logged and kept on record at the KYOVA office.

Illustration 1: KYOVA Title VI Complaint Log Sampling

KYOVA Interstate Planning Commission Title VI Complaint Log						
Case Number	Investigator	Complainant	Protected Category	Date Filed	Date of Final Report	Disposition

PROGRAM AND PROJECT REVIEW

As one of two Metropolitan Planning Organizations (MPOs) for the Huntington, WV-KY-OH Urbanized Area, KYOVA facilitates the transportation policy development, planning, and programming for the West Virginia counties of Cabell and Wayne; the Kentucky counties of Boyd and Greenup; and the urbanized area of Lawrence County, Ohio. This includes development of the long-range Metropolitan Transportation Plan (MTP) and the short-term Transportation Improvement Program (TIP), among other specific highway, street, transit, bicycle, and pedestrian plans. The majority of the plans include a demographic profile and most document the potential impacts of projects on disadvantaged populations. If a concern were to arise, based on a public complaint or observation by a staff member, appropriate steps would be taken to review the plan and mitigate the concern.

All plans, policies, and guidance manuals developed by KYOVA are updated regularly to include updated demographic data and federal regulations. When updates occur, policy and guidance manuals are reviewed to determine Title VI compliance. If there is a significant change documents will be modified to reflect the most up-to-date information.

COMPLIANCE/NONCOMPLIANCE REVIEW

The Title VI Coordinator meets periodically with KYOVA's Executive Director and Staff 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 KYOVA' services.

KYOVA receives federal program funds and assembles program/project data. Self-surveys are completed for each of the three state DOT's (West Virginia, Kentucky, Ohio). The self-surveys examine all facets of the programs offered by KYOVA. Each state conducts onsite reviews and assessments on a regular schedule, usually triennially. The surveys and/or onsite reviews will help identify programs that are not in compliance with Title VI and an investigation will be conducted by the Title VI Coordinator. Action items from the self-survey and those efforts put forth to bring KYOVA into compliance will be documented. Documentation will include correspondence, resolution(s), and corrective action(s).

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

KYOVA's Title VI Coordinator shall notify the Executive Director and/or the Deputy Executive Director in the event a complaint investigation, compliance review or self-survey indicates noncompliance. The notification shall state the condition of noncompliance, recommended approach to correct the situation, and the period for the response and corrective action. The Title VI Coordinator may conduct an interview to consult with staff regarding the correct approach to remedy noncompliance.

TITLE VI ORGANIZATION AND STAFFING

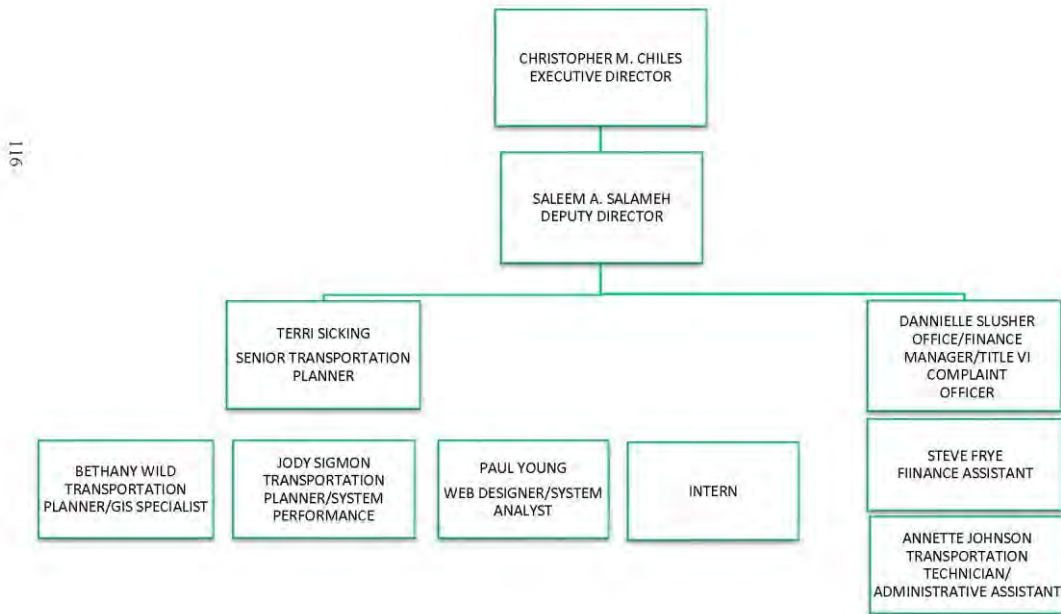
KYOVA Interstate Planning Commission includes the Executive Director, Deputy Executive Director, and a staff of multiple Transportation Planners. Being a staff of less than 10, all employees work closely on most projects. For this reason, Civil Rights responsibilities are held by all staff members by ensuring that each plan and program considers the potential impacts to all individuals in the planning area.

KYOVA's Title VI/ADA Coordinator role is held by the Finance/Office Manager/Title VI Environmental Justice Officer. The Title VI/ADA Coordinator is the main point of contact for all Civil Rights issues from the public. The Coordinator also provides Title VI, LEP, and ADA training to employees annually, assists all staff members regarding Civil Rights, and is responsible for developing Title VI, LEP, and ADA plans, reports, and surveys. KYOVA's Organizational Chart is shown below.

KYOVA INTERSTATE PLANNING COMMISSION

2/23/2018

ORGANIZATIONAL CHART
2019



KYOVA MPO Policy and Technical Committees

KYOVA’s MPO Technical Advisory Committee (TAC) consists of a variety of organizations representing one of the six categories: City/County/State Government, Regional Government/Organizations, Public/Private Transportation, Non-Profits/Social Services, and Private Business. Each organization receives TAC meeting agendas, memos, and minutes. Attendance at the TAC meetings fluctuates from meeting to meeting.

KYOVA’s MPO Policy Committee meets quarterly. The Policy Committee has governing authority over the MPO. The Committee is comprised of members as outlined in the KYOVA By-laws. Pages I-III list each of the organizations represented on the MPO Technical Advisory Committee and Policy Committee Members.

Staff Training

On an annual basis, at least one KYOVA staff member, (usually the Title VI/ADA Coordinator), attends Title VI/ADA training. The Ohio Department of Transportation (ODOT) and the Kentucky Transportation Cabinet (KYTC) provide annual Title VI and ADA trainings that typically cover various aspects of Title VI, including LEP Planning. Additionally, KYOVA may attend trainings hosted by the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), West Virginia Department of Transportation (WVDOT), or other in-person or online resources.

KYOVA's Title VI/ADA Coordinator, or other designated staff, provides annual in-house staff training. This training provides an overview of the Federal regulations and requirements, a summary of KYOVA's Title VI responsibilities, a review of KYOVA's Public Notice and Complaint Procedure, along with the process to follow in case of a filed complaint. After the review, staff will discuss any issues that may have arisen over the past year or any foreseeable issues over the next year. If it is determined there may be a real or potential issue, the Title VI Coordinator will work with the appropriate staff to resolve the issue. If a formal complaint from the public or other organization was received, the Title VI Coordinator will notify KYOVA's Executive Director and work with the appropriate staff to alleviate the issue. The Coordinator and the Executive Director will issue a formal response to the complainant. The complaint will be filed in the Title VI Complaint Log in the Appendices of the Title VI Implementation Plan. The Title VI Coordinator may review and discuss potential concerns with staff at any time.

Sub-Recipient Review

KYOVA may review the Title VI and LEP planning efforts of subrecipients when the local public agency (LPA) requests transportation funding. If it is thought that the LPA has an inadequate Title VI/LEP process or document, KYOVA will assist in providing resources to the LPA to help them make necessary updates.

PUBLIC PARTICIPATION

Inclusive and Meaningful Participation

KYOVA strives to ensure all individuals within the Metropolitan Planning Area are afforded an opportunity to be informed and involved in transportation planning decisions. KYOVA's Participation Plan details the specific steps taken to ensure public outreach and involvement in KYOVA's MPO plans and projects. The Plan can be found on KYOVA's website (kyovaipc.org).

The Participation Plan identifies two methods for public outreach: general outreach and targeted outreach. General outreach methods include providing information on the MPO website, Facebook, Twitter, Instagram pages, public notices in local newspapers, notices on city/county websites, notices at bus terminals and on buses, and other methods as appropriate.

Targeted outreach depends on the specific plan or project. The Participation Plan has identified Targeted Outreach Areas (TOA) based on U. S. Census data. The TOAs identify concentrations of traditionally underserved or disadvantaged populations. This includes individuals below poverty, seniors, minorities, Hispanic populations, individuals with Limited English Proficiency, individuals with a disability, and households with no vehicles. Plans developed by KYOVA that require multiple public meetings will strive to have a least one meeting within a TOA. If a project directly impacts a TOA, additional forms of outreach may

be used to ensure participation by residents. Maps of TOAs and a description of the process for identifying them can be found in the Participation Plan's Demographic profiles.

The KYOVA's Technical Advisory Committee (TAC), Policy Committee (PC) and working groups include a variety of local organizations. These organizations represent neighborhood residents, low-income individuals, individuals with a disability, minority groups, and advocacy groups. Page III to VI includes a list of the Policy and Technical Advisory Committee members as well as their organizations they serve.

The general public is afforded the opportunity to participate and provide feedback at the quarterly scheduled MPO Technical Advisory Committee (TAC) and/or Policy Committee (PC) meetings. For those unable to attend the meetings, the Policy Committee meetings are recorded and can be accessed through a link on the KYOVA website. TAC minutes are available in text format on the KYOVA website.

Public comments and inquiries about transportation projects are always welcome. Individuals may visit the KYOVA office at 400 Third Avenue, Huntington, WV 25701, call 304-523-7434, email staff, or provide comments through KYOVA's website -www.kyovaipc.org (go to *About Us Tab* and Click the *Contact Info* and type your comment(s) in the message block).

Title VI Public Involvement Survey

A *Title VI Public Involvement Survey* is made available to attendees at KYOVA's public involvement meetings and open houses. Attendees are made aware that the survey is voluntary, but useful to ensure that KYOVA's outreach efforts are reaching as many residents as possible. The *Survey* responses will help KYOVA determine if an appropriate mix of people, based on age, race/ethnicity, income, and disability, are attending the public involvement events. A copy of the *Survey* can be found in *Appendix C*.

REGIONAL DEMOGRAPHIC PROFILE

Demographic data based on race, color, national origin, sex, age, disability, income, and language spoken is gathered, analyzed, and updated periodically by KYOVA to determine potential impacts of projects within the region's population. The demographic data is mapped to determine the locations of concentrated areas of disadvantage populations or possible Targeted Outreach Areas (TOAs). New projects planned by KYOVA and/or its subrecipients are mapped and may be compared to areas of potentially disadvantaged populations to determine if a potential impact may occur.

The following sections provide an overview of the demographics for KYOVA's planning area of the Huntington, WV-KY-OH Urbanized Area which consist of the West Virginia counties of Cabell and Wayne, the Kentucky counties of Boyd and Greenup, and the urbanized portion of Lawrence County, Ohio.

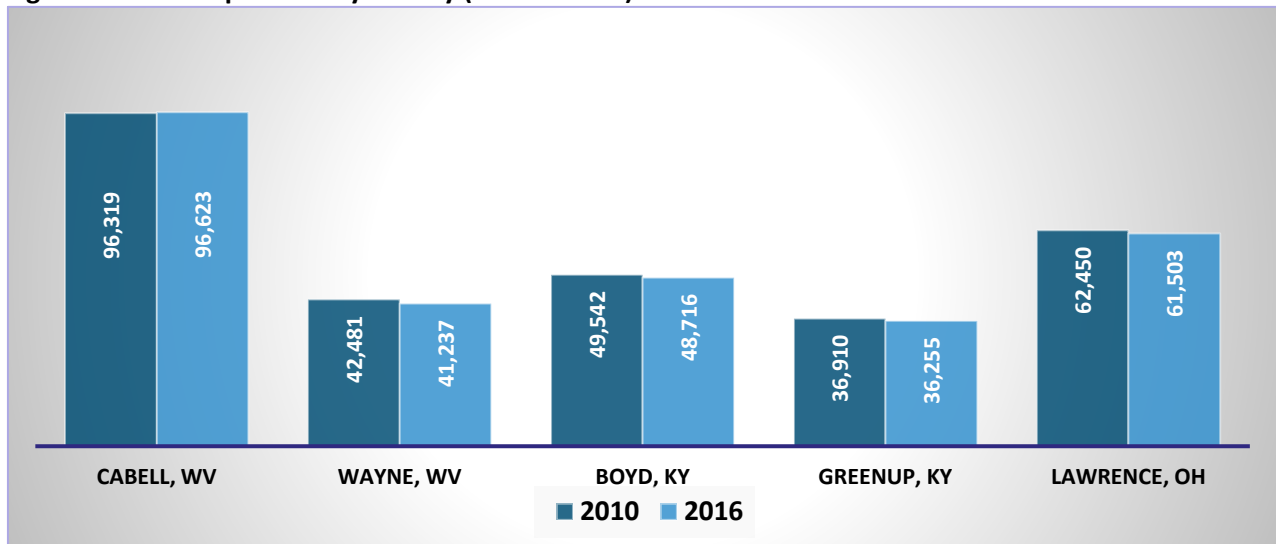
Demographic data was obtained from the U. S. Census website. The American Community Survey (ACS) was used for 2016 along with 2010 data. The ACS data is released in 3-year estimate, or 5-year estimate. The 5-year estimates were used for this document as they provide a more accurate estimate. The ACS 2012-2016 data was used for this Plan.

In some cases, the 2010 Decennial Census was used as the data source. The Decennial Census is released every 10 years, with the last being 2010. The Decennial Census provides more accurate information than ACS data, but is available for fewer demographic topics than the ACS.

Total Population

The 2012-2016 ACS estimates the five-county population as 284,334 and the 2010 population as 287,702. (Note: KYOVA’s planning boundary includes the majority of the Huntington, WV-KY-OH Urbanized Area; however, a small area falls within in Putnam County, West Virginia where the planning is conducted by Regional Intergovernmental Council (RIC). Additionally, only the urbanized portion of Lawrence County, Ohio falls within the KYOVA planning boundary). Between 2010 and 2016 the Huntington, WV-KY-OH Urbanized Area has experienced a slight decline of 1.2 percent. *Figure 1* illustrates the total population by county for the years 2010 and 2016.

Figure 1: Total Population by County (2010 & 2016)

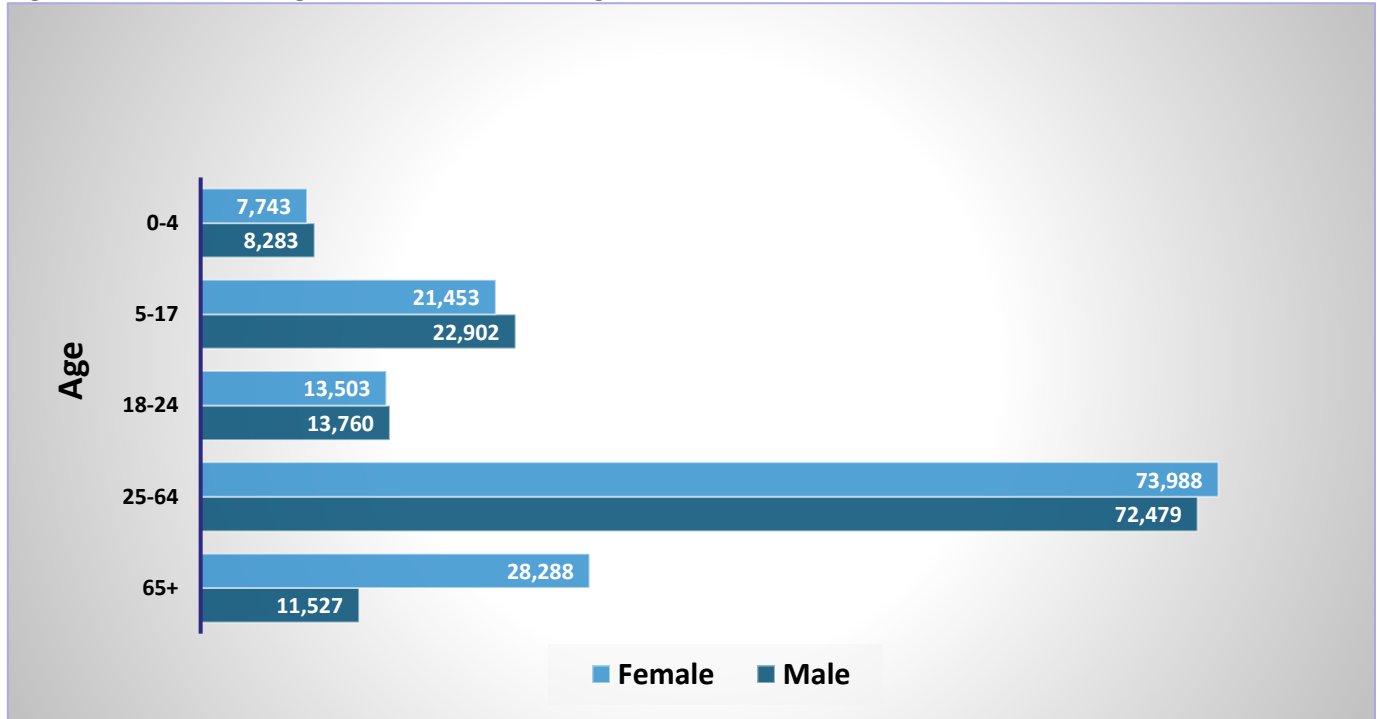


Data Source: 2012-2016 American Community Survey

Age and Gender

The 2012-2016 ACS indicated the female population is slightly greater than the male population at 50.98% and 49.02%, respectively. The data also shows that the region is becoming older. The percentage of the total population under 25 slightly decreased from 2010 to 2016 by 0.84%, while the percentage of the total population 65 and over increased by nearly 1.9% over the same time. The 2012-2016 ACS data also shows that the population is getting older with a median age increase from 40.78 in 2010 to 41.44 in 2016. *Figure 2* highlights the gender and age of the KYOVA planning area.

Figure 2: Gender and Age of the KYOVA Planning Area

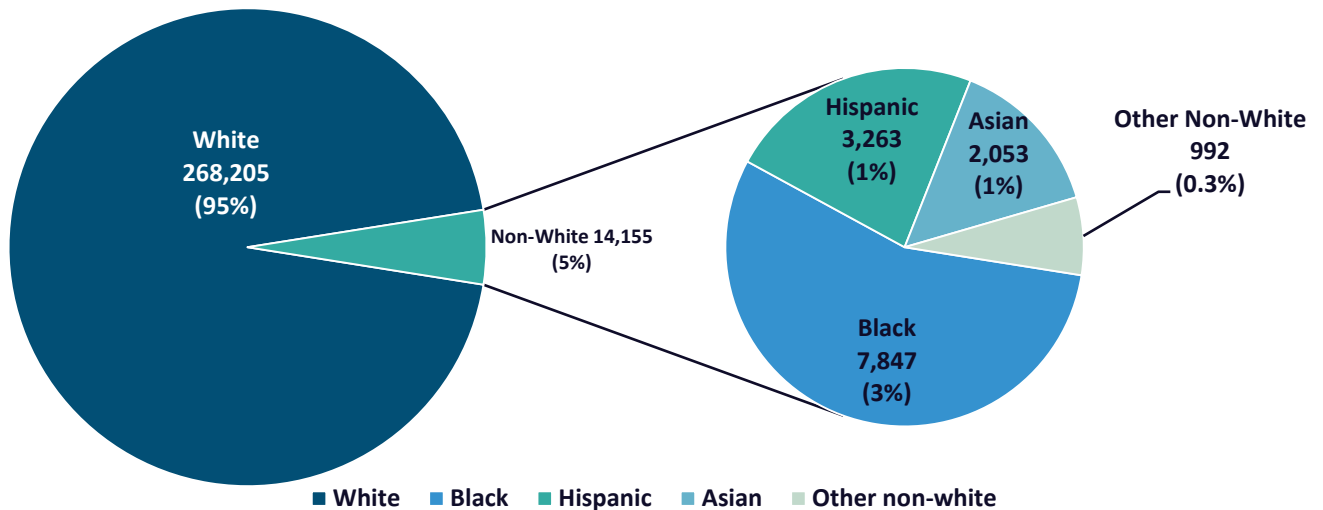


Data Source: 2012-2016 American Community Survey

Race and Ethnicity

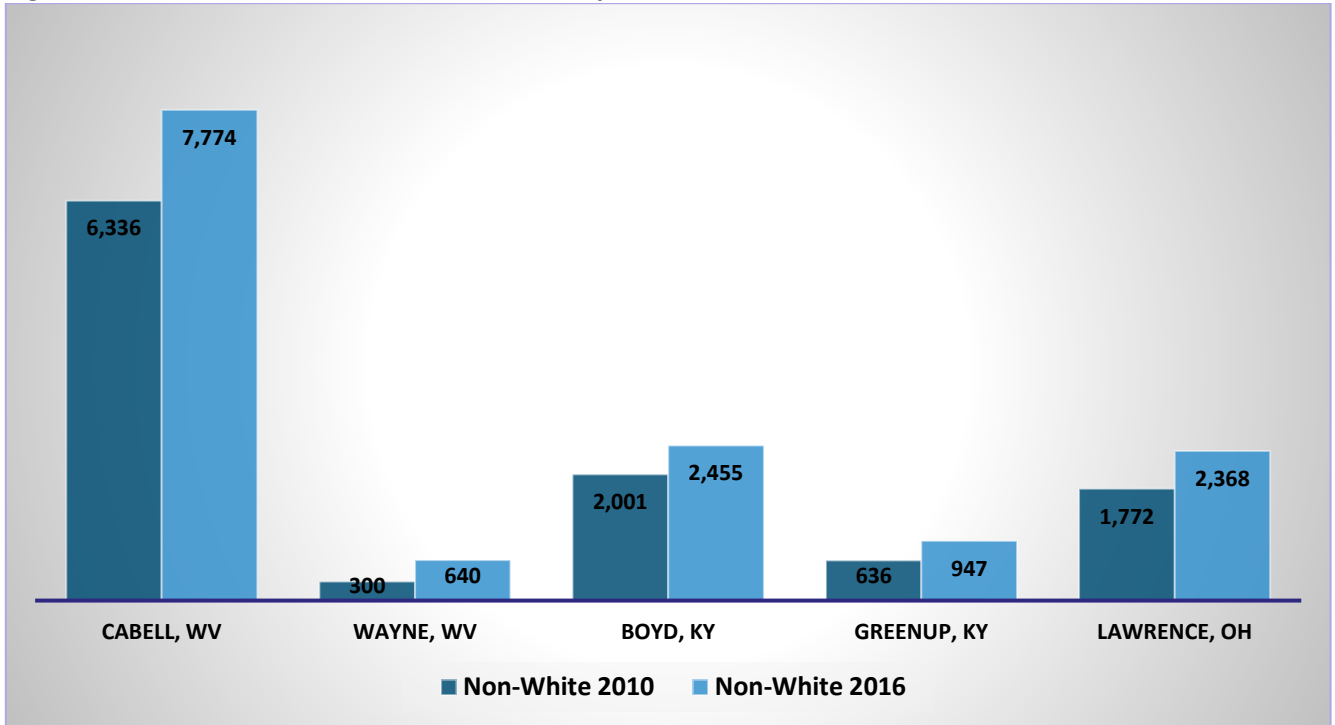
According to the 2012-2016 ACS, KYOVA’s Planning Area is more diverse than the region as a whole. Detailed Census Tract data can be reviewed in *Appendix D*. However, based on county level data, Cabell County, West Virginia has the highest non-white population of the five counties at 8% followed by Boyd County, Kentucky at 5%. All five counties have experienced an increase in non-white population between 2010 and 2016. *Figure 3* illustrates the Race and Ethnicity and *Figure 4* demonstrates the increase of non-white population from 2010 to 2016.

Figure 3: Race and Ethnicity, 2016



Data Source: 2012-2016 American Community Survey

Figure 4: 2010 & 2016 Increase of Non-White Population

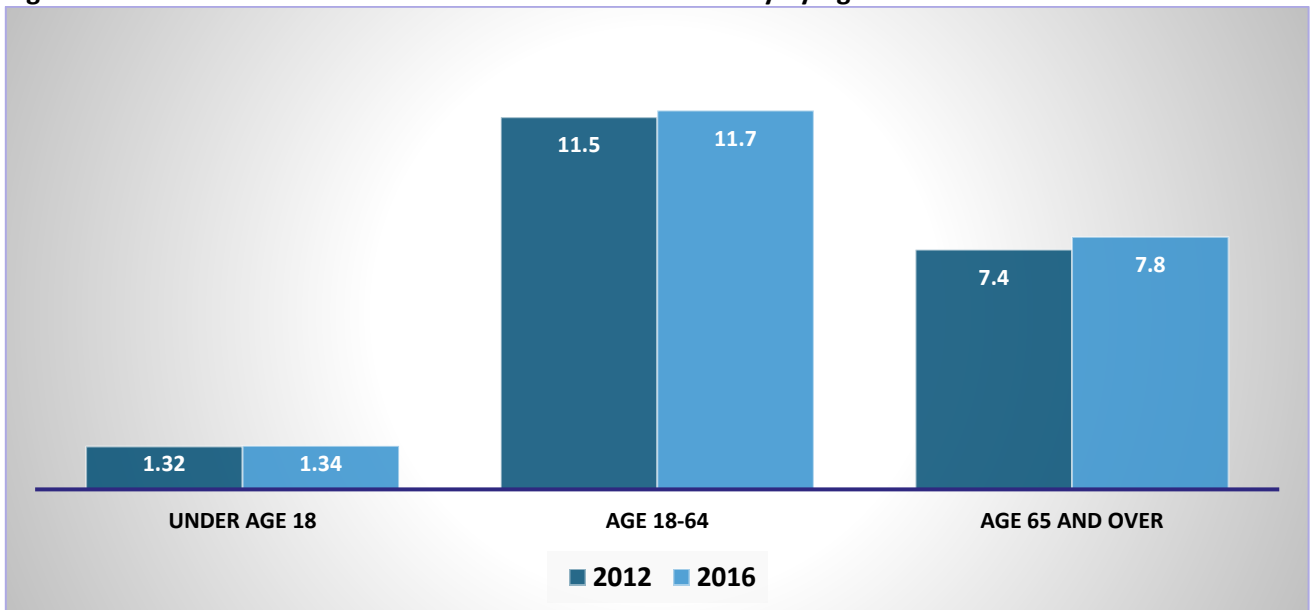


Data Source: 2012-2016 American Community Survey

Individuals with a Disability

Approximately 21% or 58,108 persons within KYOVA’s Planning Area had some type of disability at the time of the 2016 ACS. This includes 1.3% of children under 18; 11.7% of adults age 18-64; and 7.8% of seniors age 65 and over for the Total Civilian Noninstitutionalized Population. The data indicates that there has been only a slight increase of individuals with a disability in each age category between 2012 and 2016. *Figure 5* compares 2012 and 2016 data of percent of individuals with a disability by age.

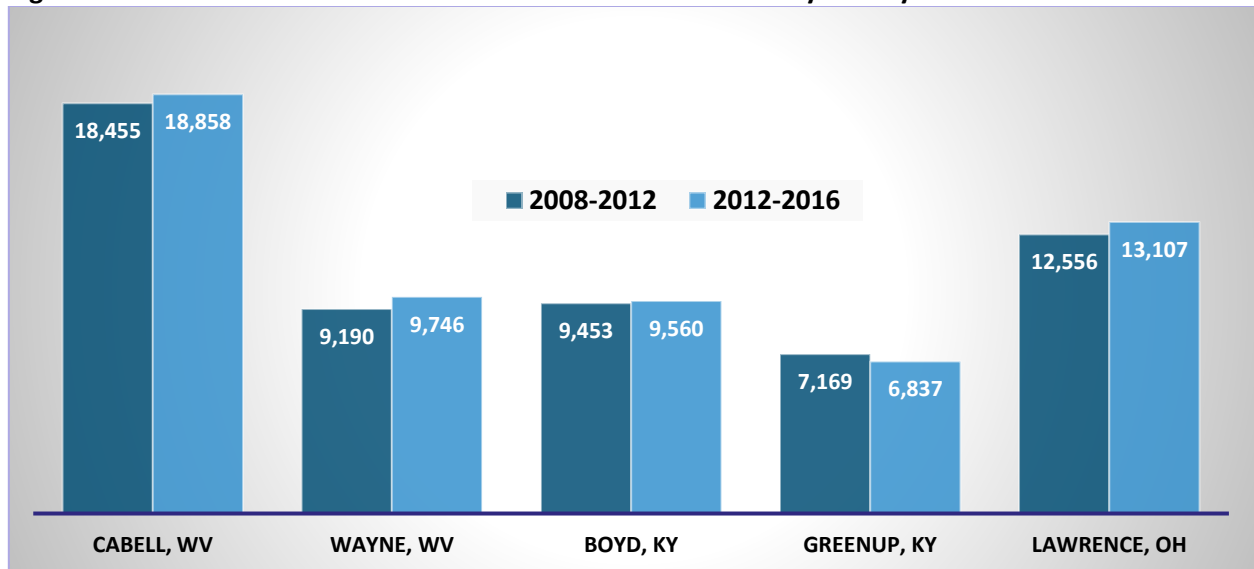
Figure 5: 2012 and 2016 Percent of Individuals with a Disability by Age



Data Source: 2012-2016 American Community Survey

Figure 6 illustrates the comparison of disabilities by county between the data series of 2008-2012 and 2012-2016. Every county experienced a slight increase except for Greenup County, Kentucky.

Figure 6: 2008-2012 and 2012-2016 Individuals with Disabilities by County

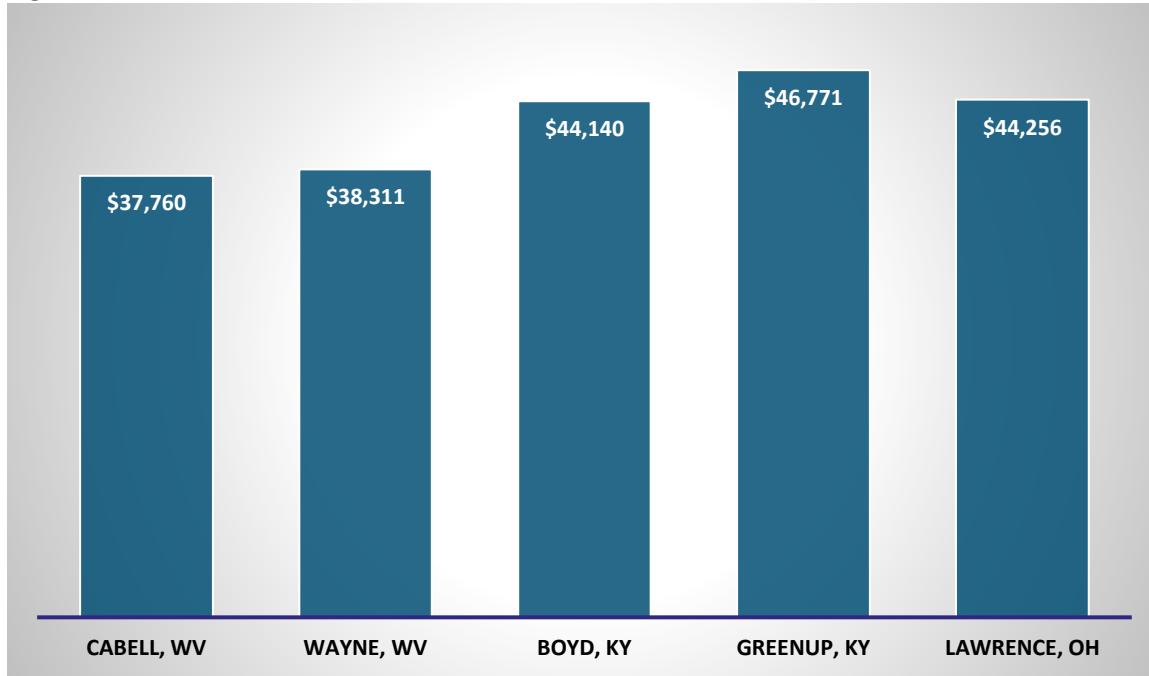


Data Source: 2012-2016 American Community Survey

Household Income

The 2016 median household income for the Huntington, WV-KY-OH Urbanized Area was \$42,248. This is lower than both the Kentucky counties of Boyd and Greenup at \$44,140 and \$46,771, respectively; higher than the West Virginia counties of Cabell and Wayne at \$37,760 and \$38,311, respectively; and lower than Lawrence County, Ohio at \$44,256. Figure 7 highlights the 2016 median household income for 2016 by county.

Figure 7: 2016 Median Household Income



Data Source: 2012-2016 American Community Survey

Poverty

Individuals in poverty is defined as all of the people that live within a household in poverty and is set by the U. S. Census Bureau. The more people living in a household, the higher the poverty threshold. Based on the Poverty Thresholds for 2016 (see *Table 1* below), a family of four must have an annual income greater than \$24,563 (highlighted below in yellow) to be considered above poverty, while a family of six must have an annual income greater than \$32,928 (highlighted below in blue) to be considered above poverty.

Table 1: Poverty Thresholds for 2016 by Size of Family and Number of Related Children Under 18 Years

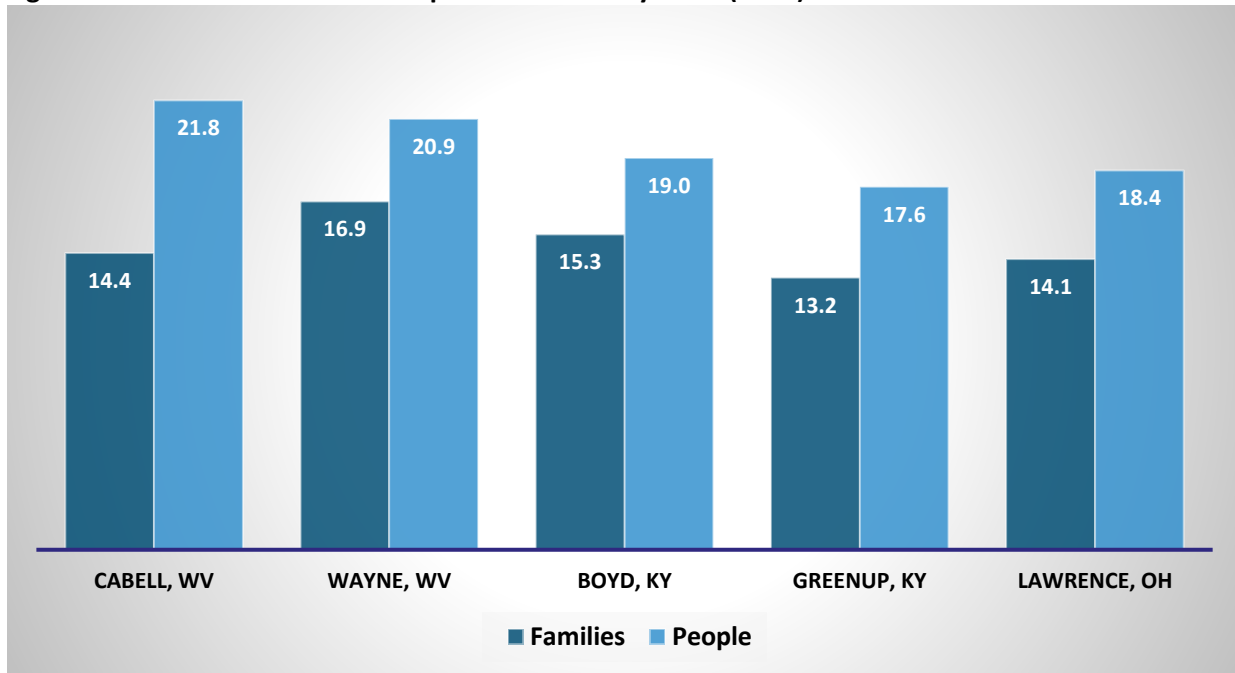
Size of Family Unit	Weighted Average	Related children under 18 years								
		None	One	Two	Three	Four	Five	Six	Seven	Eight +
1 person	\$12,228									
Under 65	\$12,486	\$12,486								
65 and over	\$11,511	\$11,511								
2 people	\$15,569									
HHer under 65	\$16,151	\$16,072	\$16,543							
HHer 65 & over	\$14,522	\$14,507	\$16,480							
3 people	\$19,105	\$18,774	\$19,318	\$19,337						
4 people	\$24,563	\$24,755	\$25,160	\$24,339	\$24,424					
5 people	\$29,111	\$29,854	\$30,288	\$29,360	\$28,643	\$28,205				
6 people	\$32,928	\$34,337	\$34,473	\$33,763	\$33,082	\$32,070	\$31,470			
7 people	\$37,458	\$39,509	\$39,756	\$28,905	\$38,313	\$37,208	\$35,920	\$34,507		
8 people	\$41,781	\$44,188	\$44,578	\$43,776	\$43,072	\$41,075	\$40,809	\$39,491	\$39,156	
9+ people	\$49,721	\$53,155	\$53,413	\$52,702	\$52,106	\$51,127	\$49,779	\$48,561	\$48,259	\$46,400

Data Source: 2010 U. S. Census and 2012-2016 American Community Survey

Note: HHer=Householder

According to the 2012-2016 ACS, Wayne County, West Virginia has the highest family poverty rate of the five counties at 16.9%. However, the individual poverty rate is highest in Cabell County, Virginia at 21.8%. *Figure 8* below depicts families and people (individuals) whose income during 2016 was below the poverty level.

Figure 8: Percent Families and People Below Poverty Level (2016)

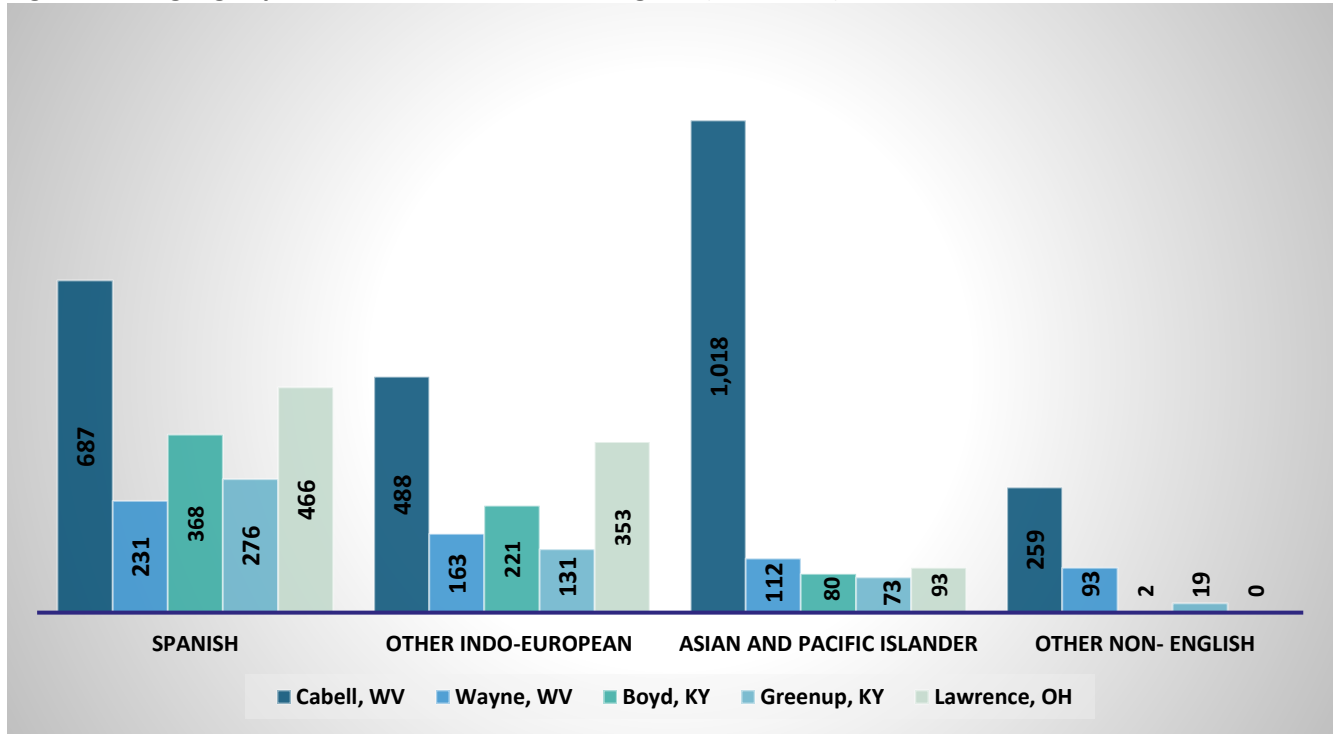


Data Source: 2012-2016 American Community Survey

Language and Languages Spoke as Percent of Total Population

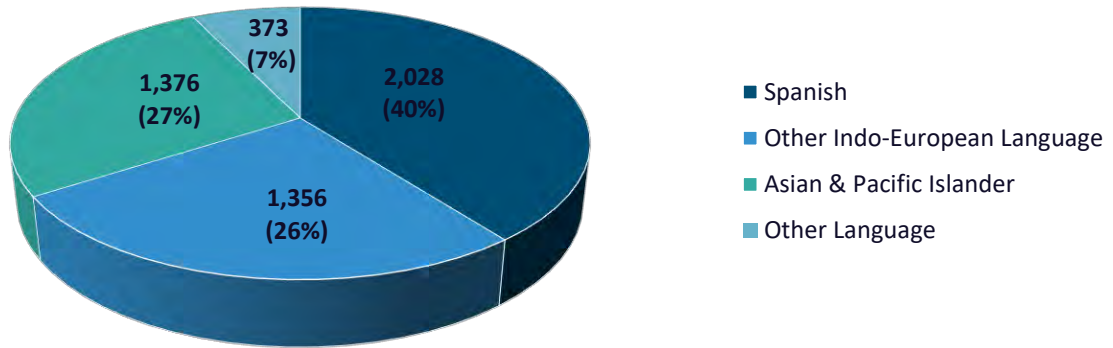
Most people in the United States speak English and most governmental functions are in English. The Census Bureau collects data on language use to know what languages to use, and where, to get information to people about public health, voting, safety, etc. Within KYOVA’s Planning Area, there are approximately 5,133 (1.9%) individuals aged 5 and older that speak a language other than English. Of those approximately 1,437 (0.5%) speak English “less than very well”. Of those that speak a language other than English, 0.8% speak Spanish, 0.5% speak other Indo-European languages, 0.5% speak Asian/Pacific Island Languages, and 0.1% speak other languages. *Figure 9* represents the population aged 5 and older for language spoken at home other than English and *Figure 10* represents the percentage of languages spoken other than English.

Figure 9: Language Spoken At Home Other Than English (Individual)



Data Source: 2012-2016 American Community Survey

Figure 10: Percent Language Spoken At Home Other Than English (Individual)



Data Source: 2012-2016 American Community Survey

Potentially Disadvantaged/Targeted Outreach Areas (TOA)

The process of outreach to the traditionally underserved involves identifying focus areas where large numbers of the population of the potentially disadvantaged live. KYOVA compiled demographic data and identified census tract-level focus areas [Targeted Outreach Areas-TOAs] for residents comprising each of the categories of the traditionally underserved. Individuals included in the potentially disadvantaged and/or TOAs include: the elderly (those 65 and older); minorities; persons in poverty; educational attainment; the disabled; households with no vehicles; and those who speak English “less than very well.”

To identify and document where to focus outreach efforts for those individuals as traditionally underserved, KYOVA determined that census tract level would provide the best scale for geographically locating these populations. Using the 2012-2016 American Community Survey estimates from the U. S. Census Bureau, KYOVA staff collected data for the for each of the Census Tracts within Cabell and Wayne counties, West Virginia; Boyd and Greenup counties, Kentucky; and Lawrence County, Ohio in the following eight (8) categories:

- individuals below poverty;
- individuals age 65 and over;
- minority population;
- Hispanic population;
- high school graduate or higher;
- individuals with limited English proficiency (speak English “less than very well”);
- individuals with a disability; and
- households with no vehicle.

Using these eight (8) categories and the data from the 78 census tracts located within the KYOVA Planning Area, the average of each category was calculated. *Table 2* shows the five-county and regional average for each category. *Appendix F* provides detailed demographics for the five-county area by Census Tract.

Table 2: County and Regional Average for Targeted Outreach Determination

	West Virginia		Kentucky		Ohio	Regional Averages
	Cabell County	Wayne County	Boyd County	Greenup County	Lawrence County	
% Individuals Below Poverty	21.8	20.9	19	17.6	18.4	19.5
% Age 65 and Over	17.0	18.3	17.8	19	17.4	17.9
% Minority	8.9	2.1	3.5	3.0	4.6	4.4
% Hispanic	1.4	0.6	1.6	1.0	0.9	1.1
% HS Graduate or Higher	87	79.4	89.2	86.8	85.7	85.6
% Who speak English “Less than very well”	0.9	0.4	0.4	1.5	0.3	0.7
% With a Disability, Age 5 and Over	19.8	23.7	20.5	19.1	21.5	20.9
% Households with No Vehicle	13.6	10.9	8.9	4.7	7.0	9.0

Data Source: 2012-2016 American Community Survey

For each of the identified demographic characteristics, a regional average combining all five counties was found. This average is considered to be the Potentially Disadvantaged Threshold. If the percentage for a particular Census Tract exceeds this Threshold in more than one of these demographic categories, it may be considered to be a Potentially Disadvantaged Area or a potential Targeted Outreach Area.

Next, the demographic characteristics were added to an Excel database for all of the Census Tracts within the five counties. For each characteristic, the 15 high/low percentages were identified, and those Census Tracts were classified as one of three Potentially Disadvantaged Area Tiers. The Potentially Targeted Outreach Areas were identified based on the on the number of categories that exceeded the threshold, and are as follows:

- Tier 1: 5-7 Potentially Disadvantaged Thresholds
- Tier 2: 4 Potentially Disadvantaged Thresholds
- Tier 3: 2-3 Potentially Disadvantaged Thresholds

Tier 1 indicates the highest need to potentially provide supplemental outreach activities. There are eight (8) Tier 1; six (6) Tier 2; and 17 Tier 3 Target Areas identified that may require additional public outreach beyond

the general public notices, depending on the type of project undertaken by KYOVA. Table 3 illustrates the data in tabular form.

Table 3

POTENTIALLY DISADVANTAGED/TARGET AREAS AND TIER LEVEL												
State	County	Census Tract/Area	% Below Poverty	% Age 65 and Older	% Minority (non-white)	% Hispanic	% HS Graduate or Higher	% Speaks English "Less Than Very Well"	% Disability	% HH with no vehicle	Tier Level	# of Identified Areas
West Virginia	Cabell	1.01	36.6	18.5	8.1	5.7	83.8	0.0	25.7	15.3	3	3
		1.02	25.7	17.7	9.9	2.7	87.7	0.3	26.2	10.2	3	3
		2	33.8	18.7	2.9	1.7	68.9	0.7	35.1	23.0	1	5
		4	64.4	7.0	12.8	0.5	80.0	0.3	11.5	20.9	2	4
		5	70.9	0.8	22.0	2.2	97.8	3.0	10.5	22.3	1	5
		6	68.3	20.1	21.5	2.2	77.3	4.2	19.2	39.4	1	6
		9	55.6	9.5	11.3	1.6	74.7	0.0	30.3	47.2	1	5
		10	36.0	14.4	5.4	2.6	87.7	1.2	27.3	22.6	1	5
		12	10.7	17.0	14.9	1.4	94.9	1.6	18.3	11.3	3	2
		14	34.1	11.9	38.1	3.9	91.4	1.3	19.5	19.8	2	4
		15	40.7	22.2	46.3	0.0	81.3	0.4	21.7	40.2	2	4
		16	42.5	7.7	22.3	0.0	79.5	0.8	27.6	19.6	2	4
		18	44.3	10.1	21.0	0.5	85.2	1.1	30.5	31.8	1	5
		20	5.7	20.6	12.2	1.2	95.0	1.1	14.0	3.2	3	2
	102.02	11.4	21.7	5.5	0.8	93.2	0.6	19.2	1.6	3	2	
109	48.3	14.1	13.7	5.6	74.5	1.5	37.0	47.8	1	7		
Wayne	203	18.0	22.7	3.6	1.7	82.4	0.7	27.0	20.7	3	3	
	209	26.6	17.9	1.4	0.0	63.0	0.0	29.1	13.0	3	2	
	210	31.1	20.6	0.8	0.0	62.3	0.0	29.1	12.5	3	2	
Kentucky	Boyd	302	47.4	12.4	13.1	2.2	76.5	1.5	29.7	42.5	1	7
		303	31.9	22.8	6.8	2.1	80.8	0.3	25.0	22.5	2	4
		310.02	16.0	15.6	11.1	5.5	89.5	1.9	19.1	6.2	3	3
	Greenup	401	11.3	21.6	4.5	2.9	94.4	5.2	17.1	5.2	3	3
		406	24.0	21.2	2.3	0.4	78.0	0.0	16.9	5.4	3	2
Ohio	Lawrence	502	14.2	16.0	2.4	0.0	90.7	0.5	25.9	11.8	3	2
		503	23.0	15.6	27.5	9.9	84.3	0.3	25.9	21.2	2	4
		504	22.9	16.7	3.7	2.5	87.3	0.5	24.9	17.9	3	2
		509	22.5	20.3	2.2	1.0	80.1	1.5	32.3	4.2	3	3
		510.02	33.9	14.1	1.6	0.3	79.6	0.0	24.9	9.3	3	2
		514.01	5.5	18.0	2.4	0.0	90.0	1.1	12.6	31.4	3	2
			Tier 1: 5-7 Potentially Disadvantaged Thresholds									
			Tier 2: 4 Potentially Disadvantaged Thresholds									
			Tier 3: 2-3 Potentially Disadvantaged Thresholds									

Data Source: 2012-2016 American Community Survey

The Potentially Disadvantaged Areas are illustrated in Figure 11. Figures 12 through 18 provide visual representation through mapping each disadvantaged population category.

Figure 11: Potentially Disadvantaged Areas

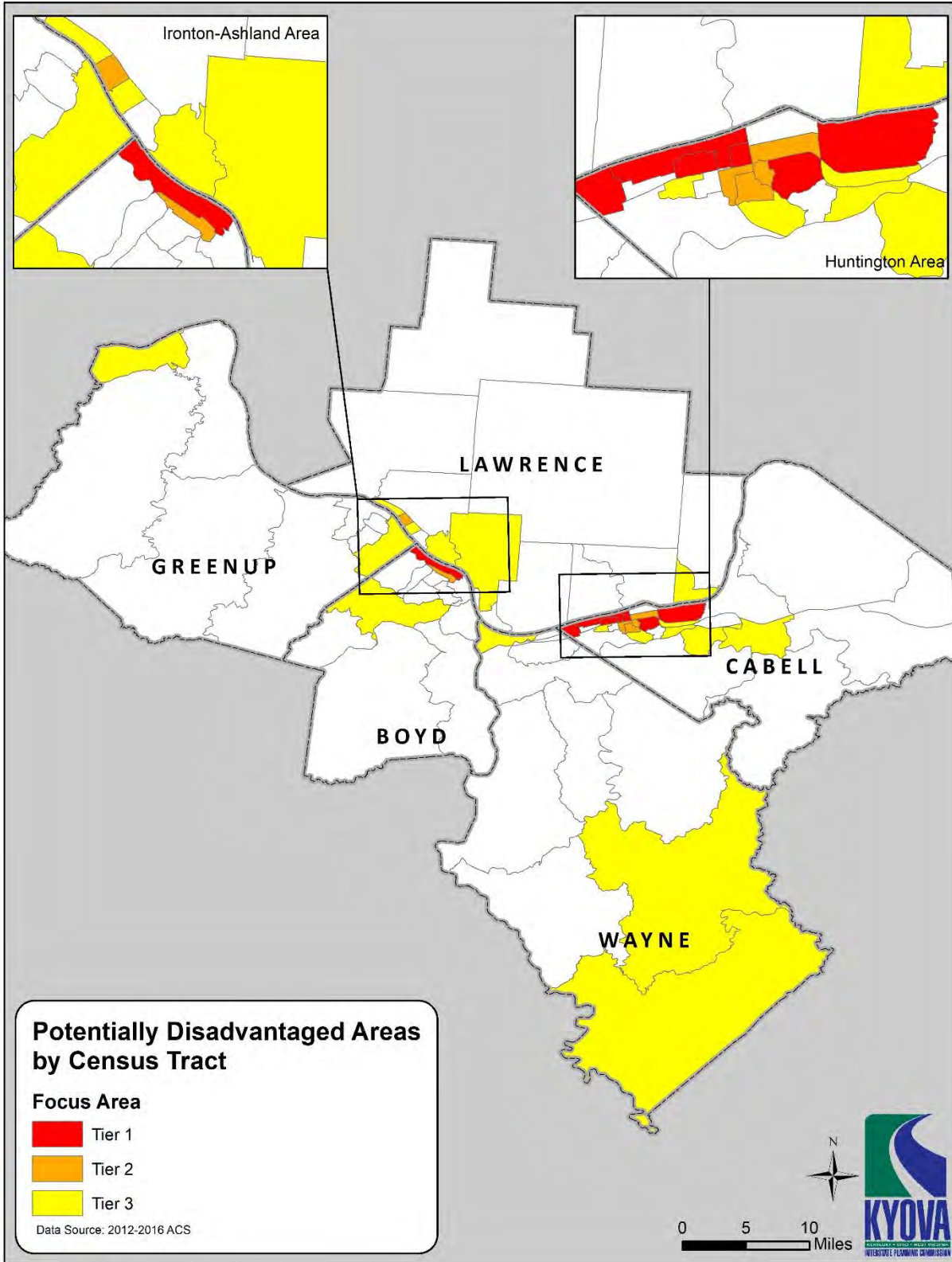


Figure 12: Individuals In Poverty

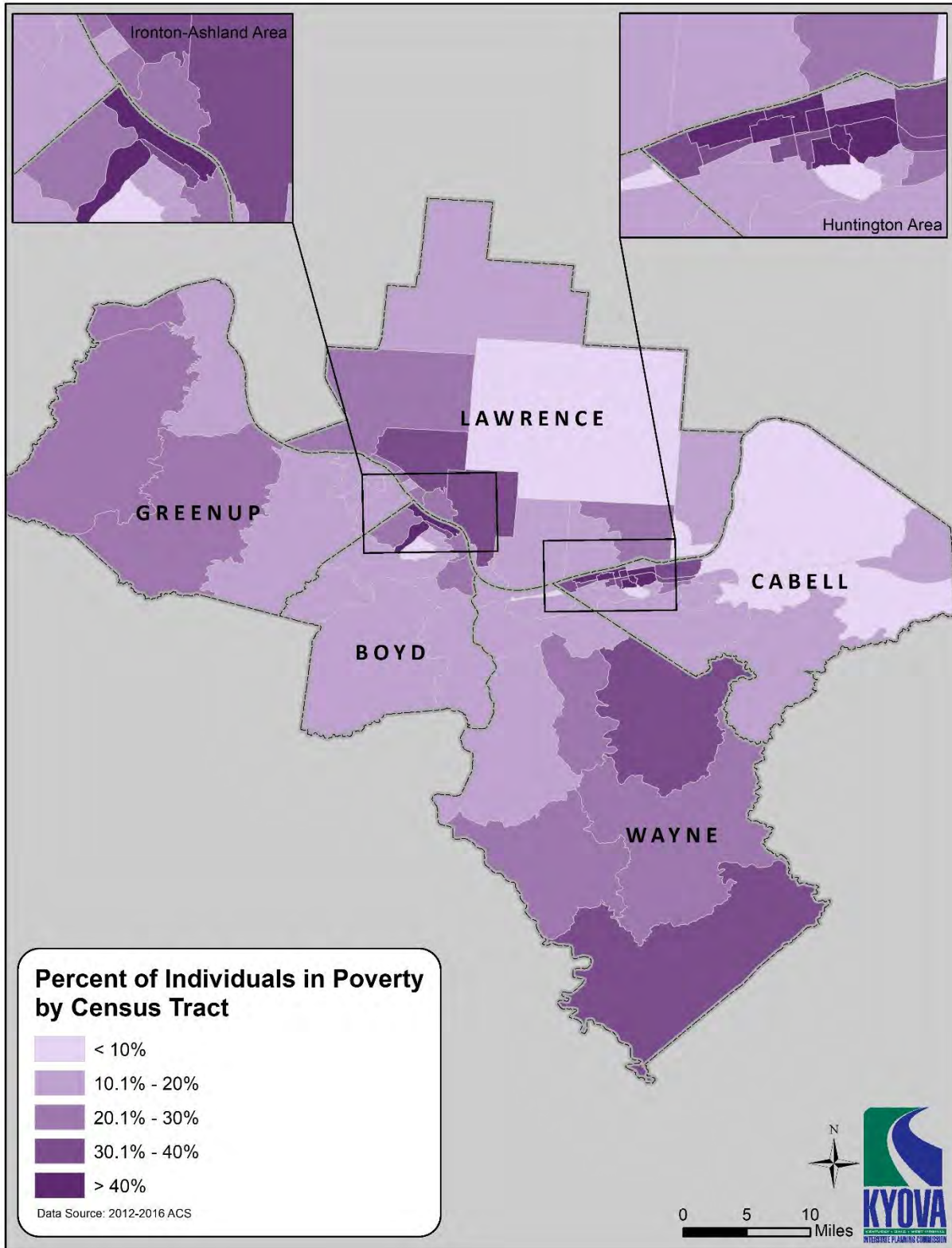


Figure 13: Individuals Age 65 and Older

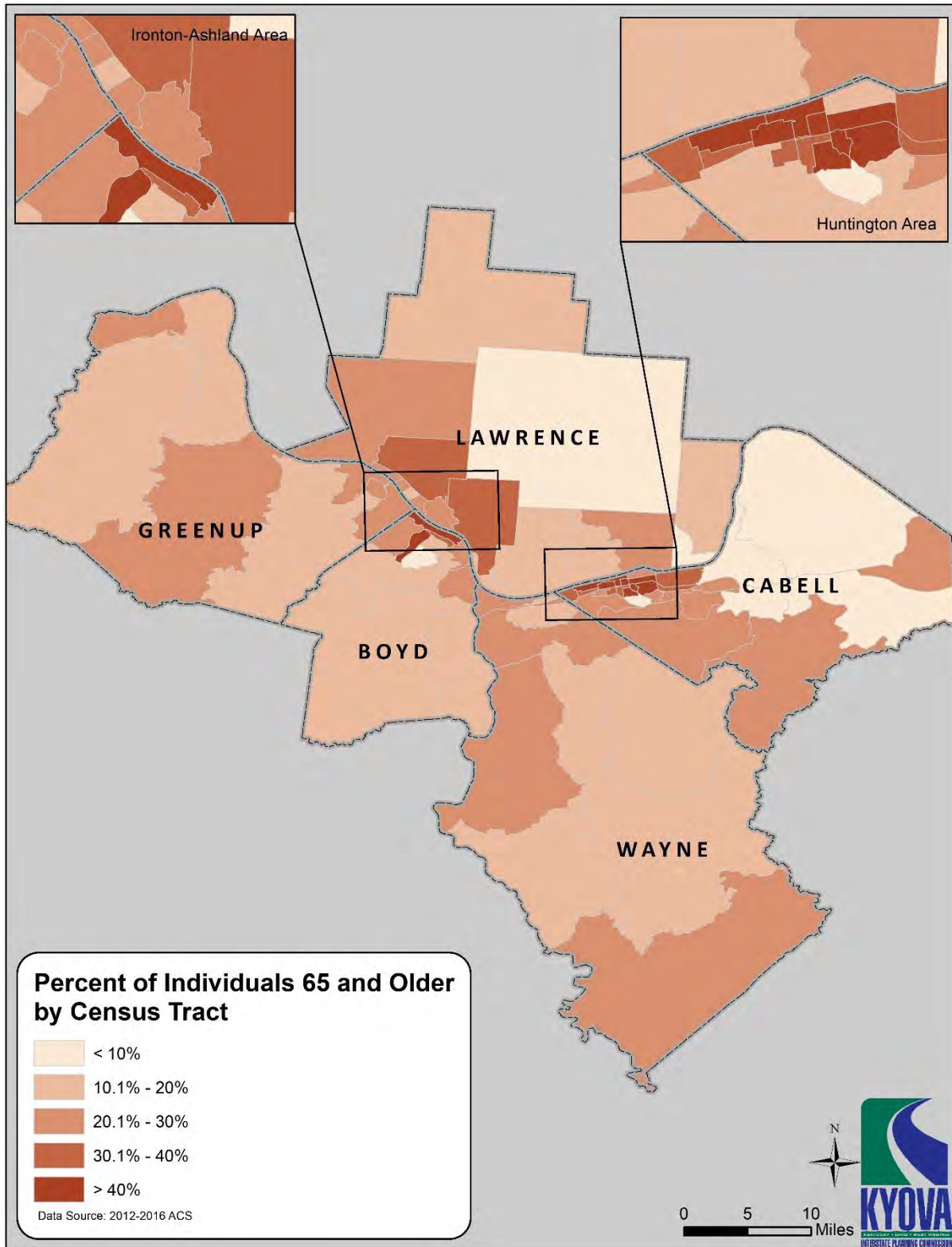


Figure 14: Minority (non-Hispanic) Population

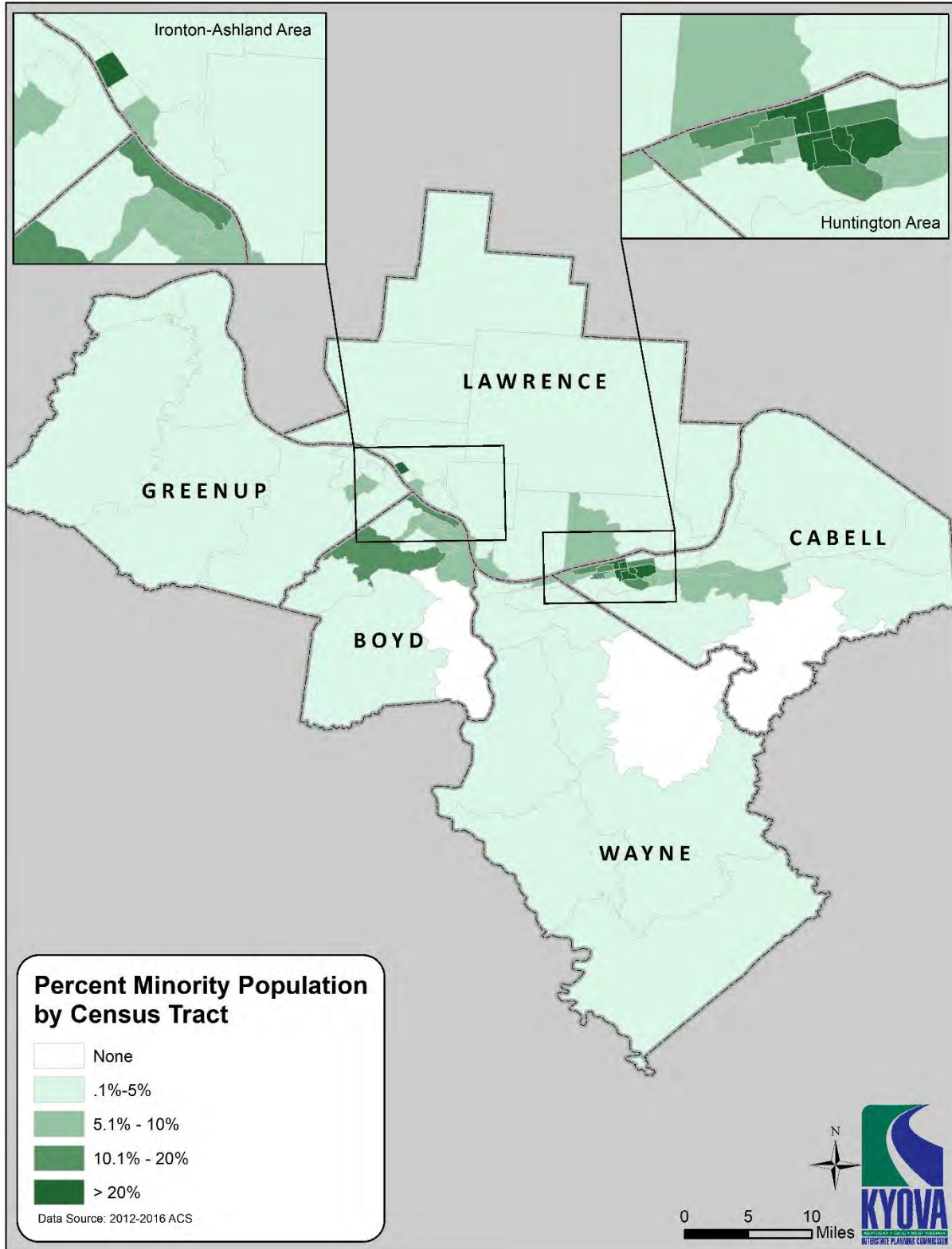


Figure 15: Hispanic Population

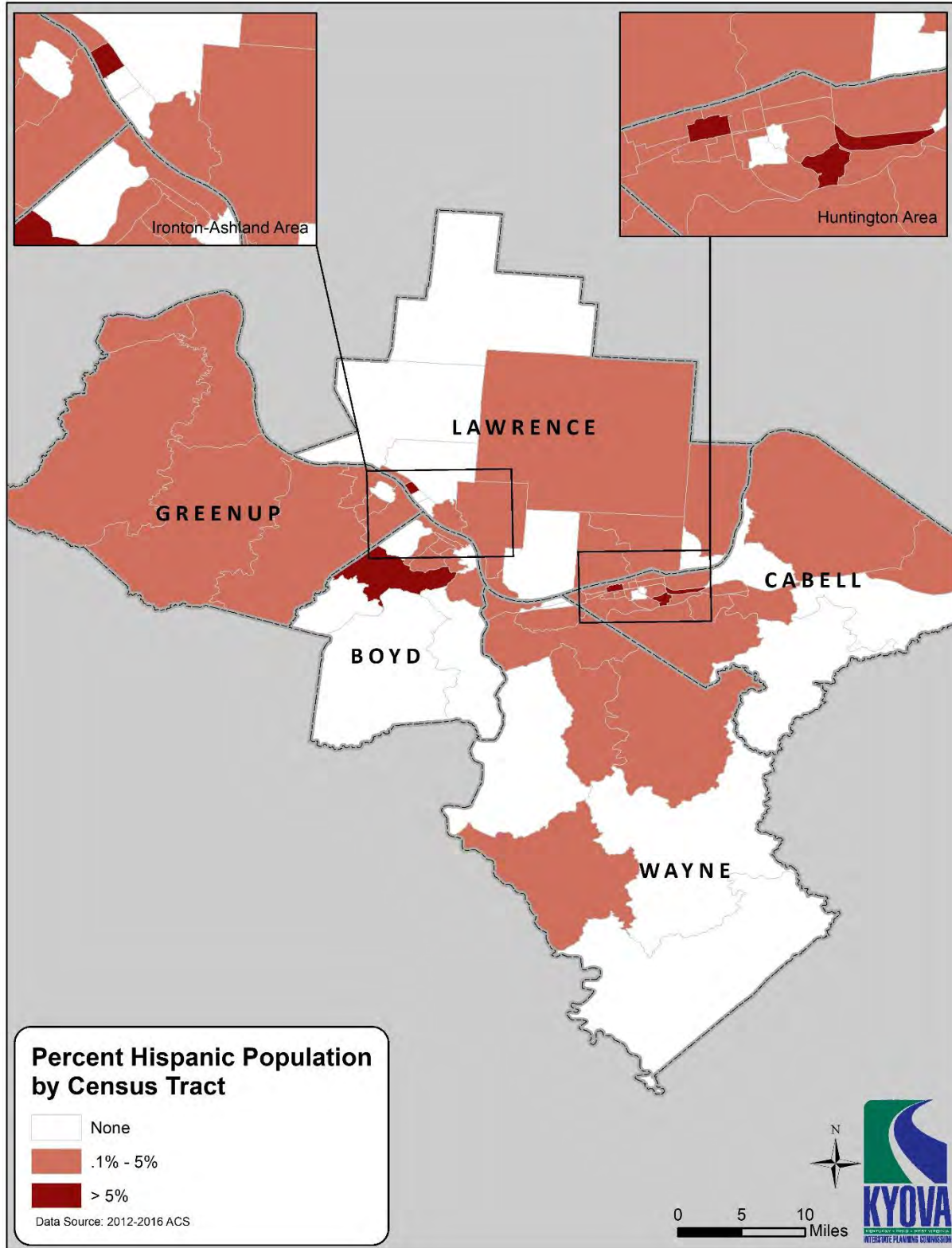


Figure 16: Individuals with Limited English Proficiency (speaks English “less than very well”)

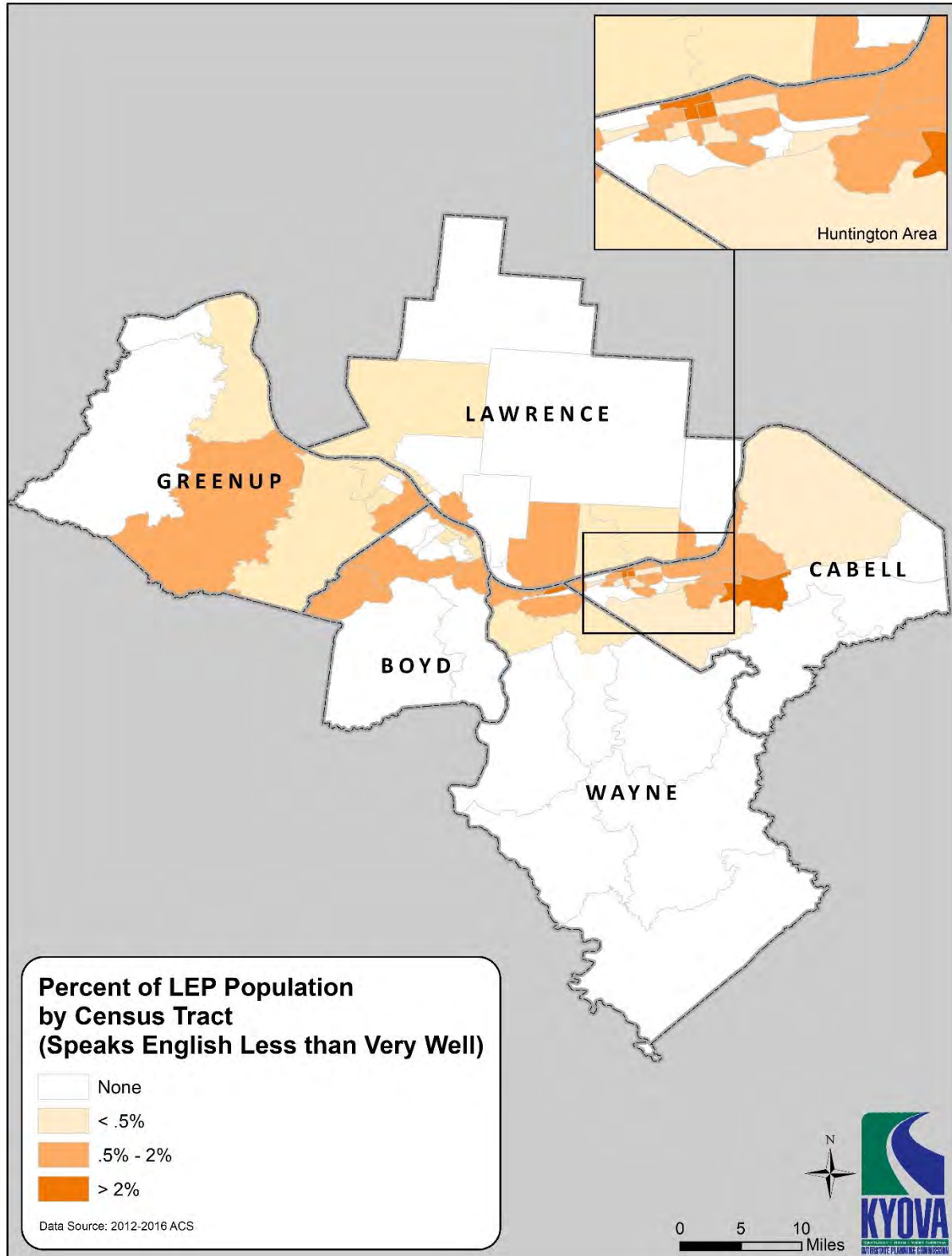


Figure 17: Individuals with a Disability

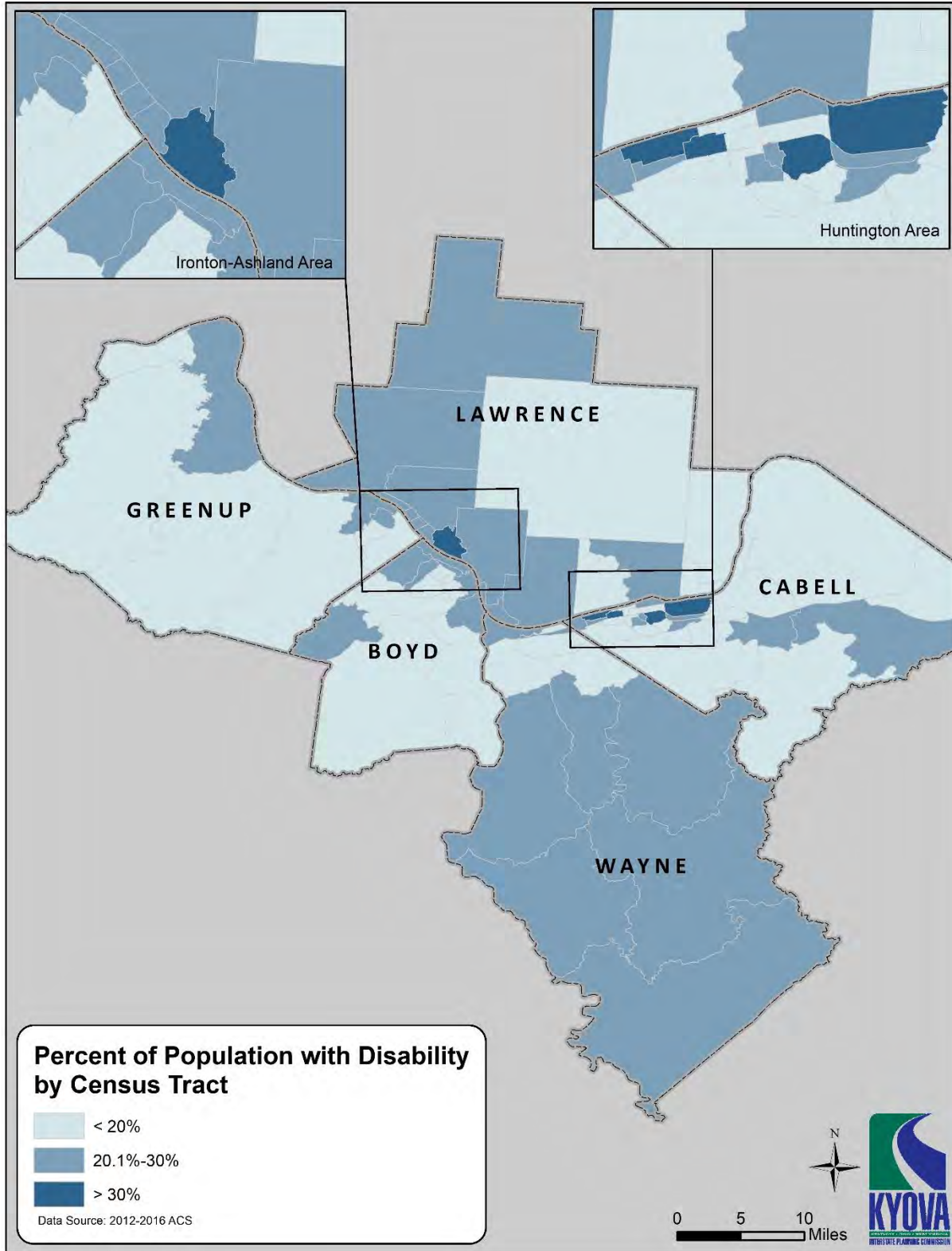
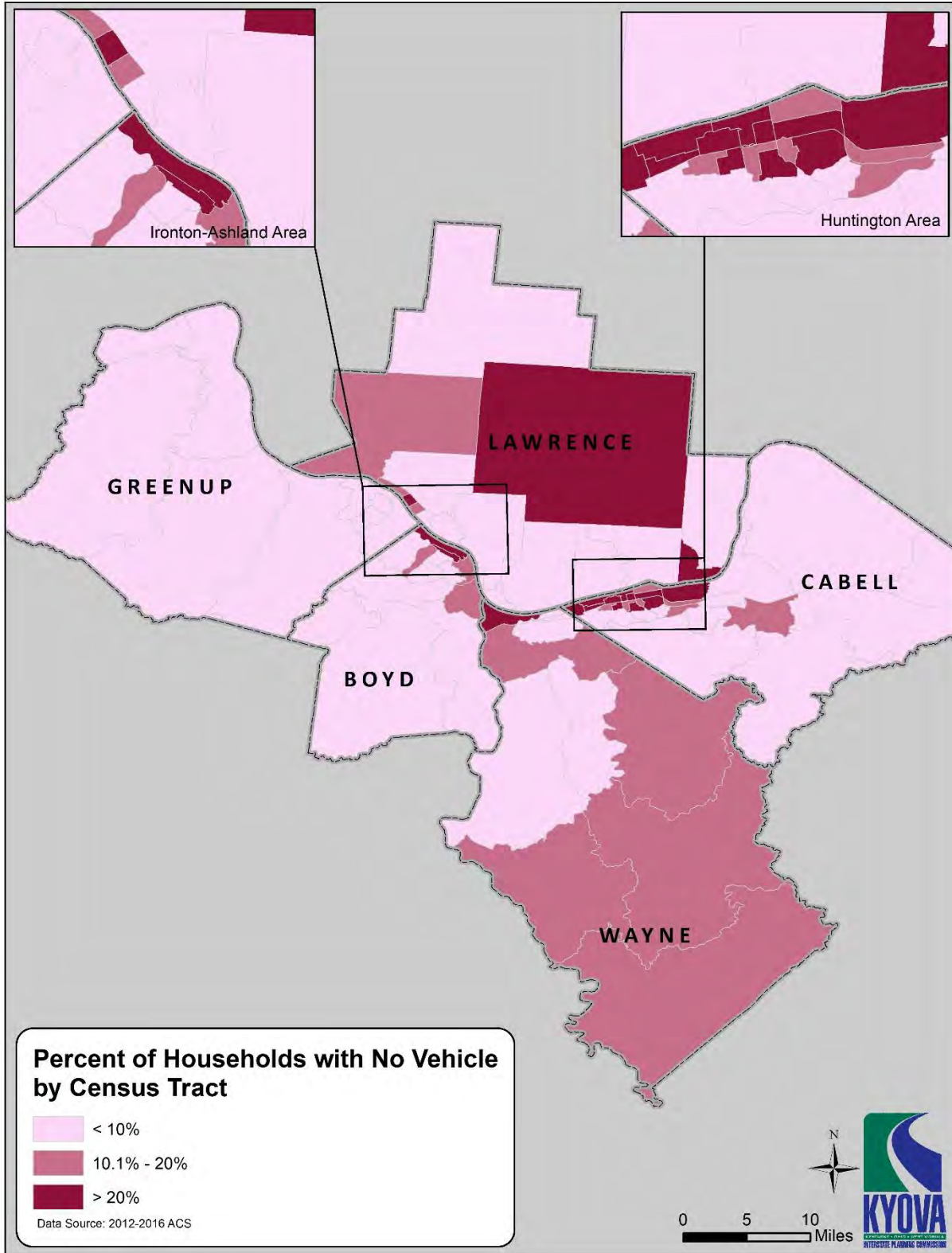


Figure 18: Households with no Vehicles



ENVIRONMENTAL JUSTICE

The U. S. Department of Transportation (DOT) identifies three primary goals of Environmental Justice that should be considered throughout transportation planning and project development, and through all public outreach and public participation efforts conducted by the U. S. DOT, including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and their grantees. These three primary goals are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

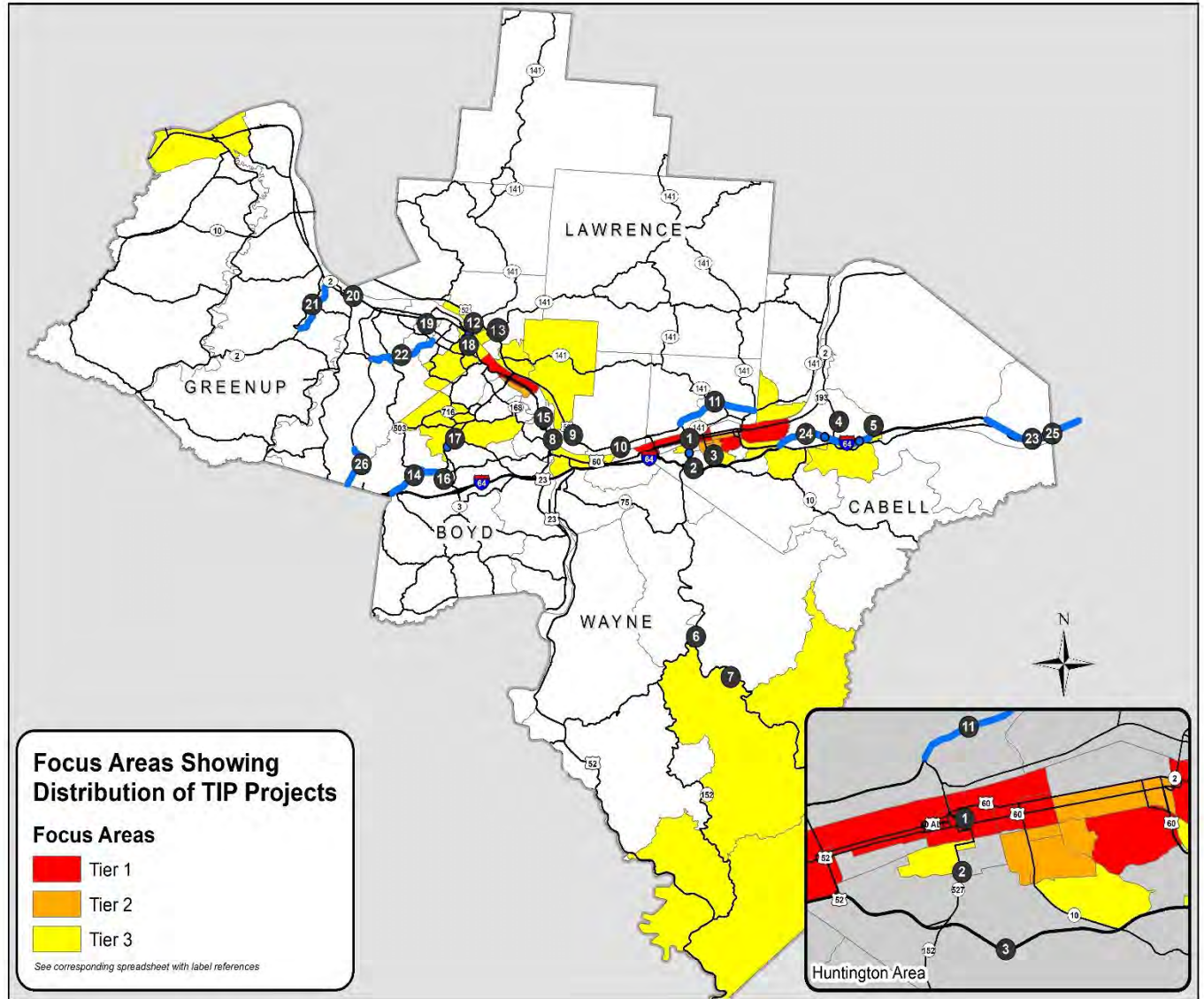
U. S. DOT Order 5610.2(a) includes strategies and procedures to be used by DOT and its grantees to comply with Executive Order 12898. Executive Order 12898 requires each Federal agency, to the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the national Performance Review, to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of its programs, policies, and activities on minority populations and low-income populations in the United States.

The previously mentioned Targeted Outreach Areas (TOAs)/Potentially Disadvantage Areas help KYOVA identify areas with the greatest concentrations of minority and low-income populations. Additional public outreach may be identified for these areas, especially if the plan or project directly affects those areas.

IMPACT OF PLANNED PROJECTS ON DISADVANTAGED POPULATIONS

During the development of the 2040 Integrated Metropolitan Transportation Plan (MTP) and the 2018-2012 Transportation Improvement Program (TIP) projects were mapped to illustrate the short-and long-term projects along with the potentially disadvantaged areas (TOAs). *Figure 19* illustrates the short-and long-term projects from both the MTP and the TIP along with the Potentially Disadvantaged Area.

Figure 19: TIP Projects within Potentially Disadvantaged Areas



Projects in both the MTP and TIP are distributed throughout the five counties and have limited negative impact on disadvantaged populations. Those projects that are located in or near Potentially Disadvantaged Areas include bike and pedestrian improvements and/or potential economic improvements, while having little, if any direct impact to an individual’s property. The most significant negative impact will be temporary during construction, but the positive impacts on the surrounding neighborhood after completion should outweigh the short- term impact.

Public outreach during the MTP and TIP updates include hosting meetings in Targeted Outreach Areas to gather as much feedback from disadvantaged populations as possible. MPO public meetings are held at locations along or very near public transit to allow access for those with limited transportation options. In addition, the MPO website, Facebook, and Twitter pages, local newspapers, and MTP/TIP meeting announcements and/or flyers are also displayed at the three regional bus terminals and regional libraries.

**KYOVA
INTERSTATE PLANNING COMMISSION**

**Limited English Proficiency (LEP)
Language Assistance Plan**

January 1, 2019 to December 30, 2019



INTRODUCTION

KYOVA Interstate Planning Commission is one of two transportation planning agency that serves as Metropolitan Planning Organizations (MPOs) for the Huntington, WV-KY-OH Urbanized Area. KYOVA oversees the transportation planning activities for the counties of Cabell and Wayne, West Virginia; Boyd and Greenup, Kentucky; and urbanized portion of Lawrence, Ohio. Regional Intergovernmental Council (RIC), located in Charleston, West Virginia, serves as the other MPO and oversees the planning activities for Putnam County, West Virginia. This Plan is only for the areas that fall within KYOVA's planning boundary.

There are three (3) public transit operators located within the planning boundaries. Tri-State Transit Authority (TTA) provides bus and paratransit service in the greater Huntington, West Virginia urban area; Ashland Bus System (ABS) provides bus and paratransit service throughout the City of Ashland and adjoining areas; and Lawrence County Transit (LCT) operates a Deviated/Demand response service originating in Ironton, Ohio connecting to the other two states (West Virginia and Kentucky) at their main transit facilities.

According to the 2012-2016 American Community Survey approximately 284,334 people reside within the region's 1,744.63 square miles. English is the most predominant language spoken for the population aged 5 and above at 98.1 percent (268,308). The second highest language spoken is Spanish at 0.8 percent (2,028).

As a recipient of federal funds, KYOVA follows the United States Department of Transportation (USDOT) Guidance concerning recipients' responsibilities to Limited English Proficient (LEP) persons. Individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English are limited English proficient, or "LEP". KYOVA's Limited English Proficiency Language Assistance Plan is intended to guide the agency in the provision of meaningful access to its services, programs, and activities by LEP persons. This document provides guidance for assisting persons with Limited English Proficiency (LEP) to ensure accessibility to the KYOVA's programs and services.

Additionally, *KYOVA's Participation Plan* provides guidance and opportunities for the public to be involved in the transportation planning process along with the Title VI Implementation Plan which provides guidance ensuring all populations are treated equally. Copies of the *Participation Plan* and *Title VI Implementation Plan* can be found in English on KYOVA's website (www.kyovaipc.org) under the Title VI/Public Involvement Tab.

Legal Basis for Language Assistance Requirements

The LEP Plan addresses Title VI of the Civil Rights Act of 1964 and its implementing regulations which 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.

In 1974, the U. S. Supreme Court affirmed that the failure to ensure a meaningful opportunity for national origin minorities, with limited-English proficiency, to participate in a federally funded program violates Title VI regulations. Additionally, requirements are outlined in Executive Order 13166 and directives from the U. S. Department of Justice and U. S. Department of Transportation.

Signed into law in the year 2000, Executive Order 13166 ensures accessibility to programs and services to eligible persons who are not proficient in the English language by examining services provided, identifying specific needs to provide meaningful access for Limited English Proficiency (LEP) persons, and implementing a system to provide meaningful access to such services. Not only do all federal agencies have to develop LEP Plans as a condition of receiving federal financial assistance, but also have to comply with Title VI and LEP Guidelines of the federal agency from which funds are provided.

The guidance identifies Metropolitan Planning Organizations (MPOs) as organizations that must follow the guidance and provides MPOs with technical assistance in assessing the size, location, and needs of the LEP population; implementing language access services; and evaluation the effectiveness of these services. The final Limited English Proficiency Plan should be consistent with the fundamental mission of the organization, though not to unduly burden the organization.

In order to ensure individuals with limited English proficiency have meaningful access to the transportation planning process, KYOVA conducts a self-assessment in areas relevant to the development of an effective Limited English Proficiency Plan. This assessment includes:

- Relevant demographic information for the KYOVA Planning Area;
- Frequency of contact that the organization has with limited English proficiency persons;
- Nature of importance of programs or services deemed vital; and
- Resources and associated costs.

The Limited English Proficiency (LEP) Plan works in concert with (1) KYOVA's *Participation Plan*, which identifies specific strategies for outreach and engagement and (2) the *Title VI Implementation Plan*.

A listing of definitions and terms used in this Plan have been included in *Appendix F*.

LIMITED ENGLISH PROFICIENCY DEFINED

It is the policy of KYOVA Interstate Planning Commission to ensure that persons with limited English proficiency are neither discriminated against nor denied meaningful access to and participation in the organization's programs and services. It is the intent of the organization that in providing language services to persons with limited English proficiency, the process achieves a balance that ensures meaningful access to programs and services while not incurring undue burdens on resources of the organization.

KYOVA will respond to requests for language assistance in the manner described in this Plan, which includes:

- A mechanism to provide ongoing assessment of needs, programs, and activities of target audiences, along with the organization's capacity to meet these needs using the *Limited English Proficiency Plan*;
- Translation of vital written materials in languages other than English where there is a significant number or percentage of persons with limited English proficiency;
- Oral language assistance to Limited English Proficiency (LEP) persons for programs, where such assistance is requested and/or anticipated;
- Identified procedures and a designated representative from KYOVA Interstate Planning Commission responsible for implementing activities related to the Limited English Proficiency Plan;
- Notification of the availability of free language services to those persons in the target audience, through oral and written notice in the relevant primary language assistance activities; and
- Staff training on policies and procedures of the organization's language assistance activities.

Who is an LEP Individual

The LEP Plan applies to individuals who do not speak English as their primary language and who have a limited ability to read, speak, or write, or understand English. The limitations of this plan ***do not extend*** to the following individuals:

- Hearing or visual impairments – Sign language interpretation and Braille text are accommodations provided under the Americans with Disabilities Act; and
- Illiteracy – generally the inability to speak, read, or write English and conditions that may trigger language assistance under Title VI are distinguished with a key factor. A Limited English Proficiency (LEP) person cannot speak, read, or write English – but primarily speaks, reads, or writes in a language other than English.

Administration of the LEP Plan

The *Limited English Proficiency Plan* policy and procedures are considered throughout the transportation planning process. Administration of this Plan is described in the sections below.

Complaint Procedure and Complaint Form

For persons included in a regularly encountered Limited English Proficiency (LEP) group, written notification of the opportunity to file a discrimination complaint in accordance with federal regulations shall be provided. For infrequently encountered groups, Limited English Proficiency persons may be advised orally of the opportunity to file a discrimination complaint pursuant to federal regulations. See *Appendix A* for KYOVA's Complaint Procedures and Complaint Form.

Designated Staff Coordinator

Danielle Slusher, Finance/Office Manager/Title VI Environmental Justice Officer, is the designated staff person responsible for oversight and implementation of the LEP Plan. Responsibilities include coordinating and facilitating delivery of related services, staff training on the Plan's policies and procedures, and ongoing monitoring and assessment of the Plan's effectiveness. However, at times, the duties may be assigned to other KYOVA Staff. Danielle Slusher may be reached at (304) 523-7434 or dslusher@kyovaipc.org.

SAFE HARBOR PROVISIONS

LEP regulations include a "safe harbor" to ensure an agency is not overburdened by the requirements. Meaning, the recipient has undertaken efforts to comply with respect to the needed translation of vital written materials. If a recipient conducts the four-factor analysis and (1) determines that translated documents are needed by LEP applicants or beneficiaries; (2) adopts an LEP that specifies the translation of vital materials; (3) makes the necessary translations; and (4) the recipient provides strong evidence, in its records or in reports to the agency providing federal financial assistance, that it has made reasonable efforts to provide written language assistance it has followed the Safe Harbor Provisions to document efforts.

To meet the requirement for translation of written materials with Title VI obligations, safe harbor provides a starting point for recipients to consider:

- Whether and at what point the importance of the service, benefit, or activity involved warrants written translations of commonly used forms into frequently encountered languages other than English;
- Whether the nature of the information sought warrants written translations of commonly used forms into frequently encountered languages other than English;
- Whether the number or proportion of LEP persons served warrants written translations of commonly used forms into frequently encountered languages other than English; and
- Whether the demographics of the eligible population are specific to the situations for which the need for language services is being evaluated. In many cases, use of the "safe harbor" would mean provision of written language services when marketing to the eligible LEP population within the market area. However, when the actual population served (e.g., occupants of, or applicants to, the housing project) is used to determine the need for written translation services, written translations may not be necessary.

Table 4 below, outlines the safe harbors for written translations.

Table 4: Safe Harbor Written Translation Provisions

Recommended Provision	Recommended Provision of Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.

Translations of vital information must be made in each LEP language group that is 5% of the total population of the MPO area or 1,000 people (whichever is less). Translations are not required to other languages that do not fit into this category.

In the area served by the KYOVA Interstate Planning Commission, none of the LEP language groups exceed the benchmarks stated above.

SELF-ASSESSMENT

As a recipient of federal funds, KYOVA must take responsible steps to ensure meaningful access to the information and services it provides. As part of the KYOVA’s certification by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), the *LEP Plan* will be assessed and evaluated on a regular basis. Public transit is a key means of achieving mobility for many LEP persons. By providing language assistance to persons with limited English proficiency, KYOVA will help to ensure that the services are safe, reliable, convenient and accessible. These efforts may attract riders who would otherwise be excluded from participating in the service because of language barriers.

LEP Services can be provided in two ways: verbal interpretation and written translation of vital documents. The Four Factor Analysis should be used when deciding what reasonable steps should be taken to ensure access for LEP persons.

Four Factor Analysis

In accordance with the Executive Order, the United States Department of Transportation (USDOT) issued policy guidance in the Federal Register, Volume 70; Number 239 on Wednesday, December 14, 2005, concerning recipient's responsibilities to Limited English Proficiency (LEP) persons. The USDOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

Reasonable steps to ensure meaningful access to LEP persons must be taken. This "reasonableness" standard is intended to be flexible and fact-dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens. As a starting point, KYOVA conducted an individualized assessment that balanced the following four factors:

1. The number or proportion of LEP persons served or encountered in the eligible service population (includes those persons who would be served or encountered by the recipient if the persons received adequate education and outreach and the recipient provided sufficient language services);
2. The frequency which LEP persons come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the program; and
4. The resources available and cost to the recipient.

The following Four Factor Analysis helps guide KYOVA Interstate Planning Commission in determining which language assistance measures will be undertaken to guarantee access to programs and activities performed by the MPO.

Factor 1: The Number and Proportion of LEP Persons Eligible to be served

The first step towards understanding the profile of individuals that could participate in the transportation planning process is a review of Census data. *Table 5* summarizes the LEP population by county and for the KYOVA Planning Area. Within the planning area, 0.50% of LEP residents over the age of five years old speak English "less than very well." *Table 5*, below shows the highest populations that speak a language other than English and how many speak English "less than very well."

Table 5: Language Spoken at Home – Age 5+

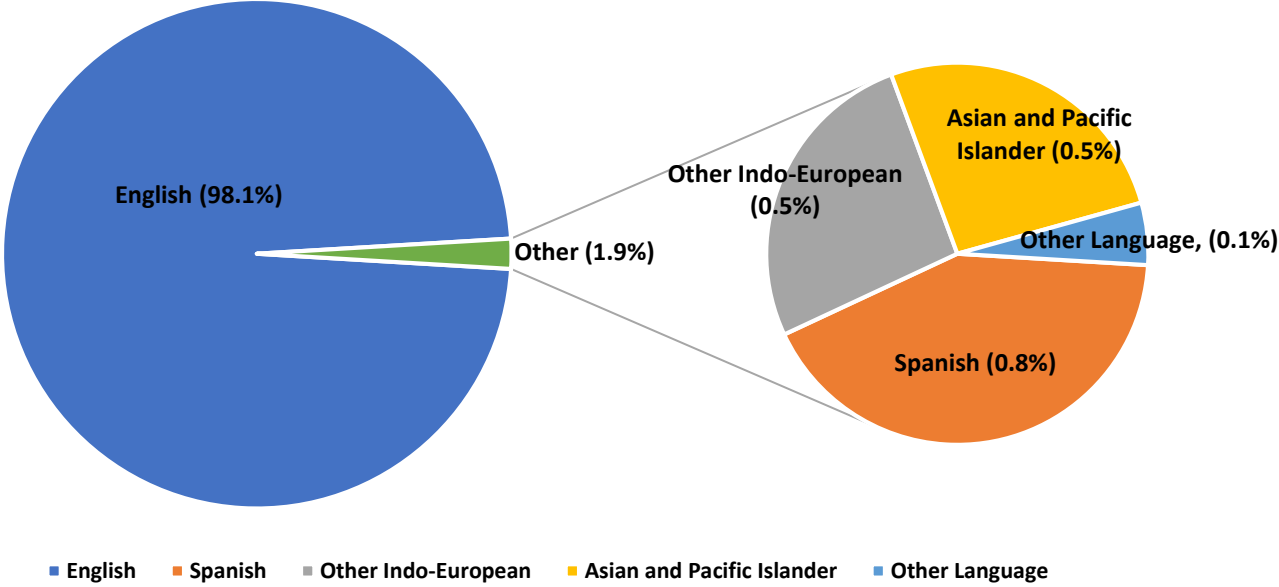
	Cabell		Wayne		Boyd		Greenup		Lawrence		KYOVA	
	#	%	#	%	#	%	#	%	#	%	#	%
Population 5+	90,985		39,042		45,899		34,292		58,090		268,308	
English Only	88,533	97.3%	38,443	98.5%	45,228	98.5%	33,793	98.5%	57,178	98.4%	263,175	98.1%
Language other than English	2,452	2.7%	599	1.5%	671	1.5%	499	1.5%	912	1.6%	5,133	1.9%
Speak Less Than Very Well	793	0.9%	173	0.4%	190	0.4%	95	0.3%	186	0.3%	1,437	0.5%
Spanish	687	0.8%	231	0.6%	368	0.8%	276	0.8%	466	0.8%	2,028	0.8%
Speak Less Than Very Well	323	0.4%	46	0.1%	125	0.3%	79	0.2%	101	0.2%	674	0.3%
Other Indo-European	488	0.5%	163	0.4%	221	0.5%	131	0.4%	353	0.6%	1,356	0.5%
Speak Less Than Very Well	71	0.1%	7	0.0%	57	0.1%	16	0.0%	85	0.1%	236	0.0%
Asian & Pacific Islander	1,018	1.1%	112	0.3%	80	0.2%	73	0.2%	93	0.2%	1,376	0.5%
Speak Less Than Very Well	356	0.4%	102	0.3%	8	0.0%	0	0.0%	0	0.0%	466	0.2%
Other Languages	259	0.3%	93	0.2%	2	0.0%	19	0.1%	0	0.0%	373	0.1%
Speak Less Than Very Well	43	0.0%	18	0.0%	0	0.0%	0	0.0%	0	0.0%	61	0.0%

Data Source: 2010 U. S. Census and 2012-2016 American Community Survey

The most common non-English language spoken in the five counties is Spanish. Approximately 2,028 (0.8%) people speak Spanish. Nearly 0.3 percent of those speaking Spanish speak English “less than very well.” Based on the analysis no population group exceeds the “Safe Harbor” threshold of 1,000 or 5% of the population that speak English “less than very well.”

Of the LEP persons within the KYOVA Planning area, 0.8% speaks Spanish at home in Cabell County; 0.6% speaks Spanish at home in Wayne County; 0.8% speaks Spanish at home in Boyd County; 0.8 % speaks Spanish at home in Greenup County; and 0.8% speaks Spanish at home in Lawrence County. Spanish is the most substantial percentage of LEP persons in the KYOVA Planning Area. *Figure 20* illustrates KYOVA’s overall summary of Languages Spoken at Home. In addition to Census data, KYOVA consults with transit staff, community organizations, and state and local governments to better serve the LEP community.

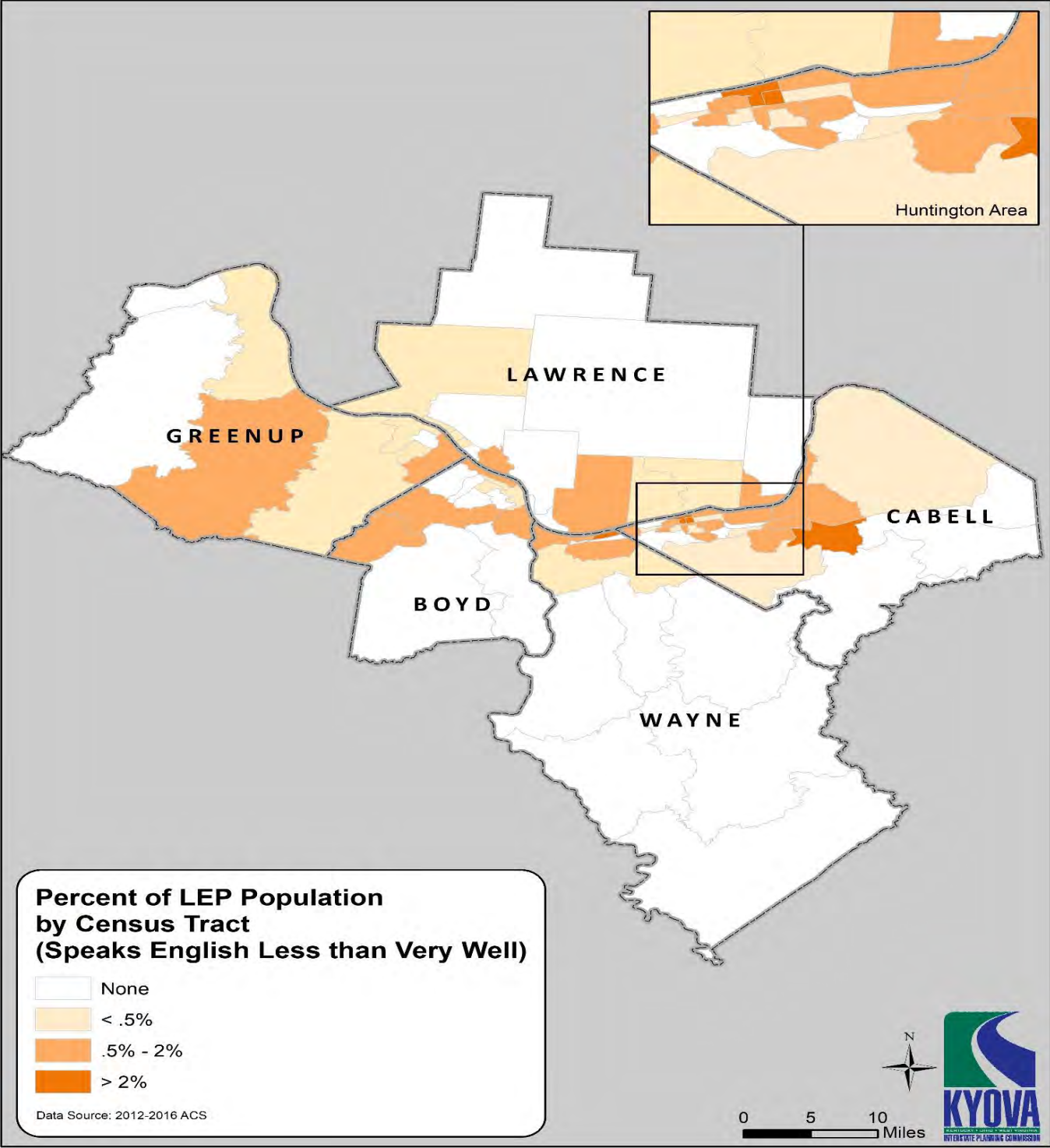
Figure 20: Summary of Languages Spoken at Home (Age 5+)



Data Source: 2010 U. S. Census and 2012-2016 American Community Survey

Figure 21 highlights the LEP populations of people speaking English “less than very well” by Census Tract within the KYOVA Planning Area.

Figure 21: Limited English Proficiency (LEP) Populations (% of People Speaking English “Less than very Well”) per Census Tract.



Factor 2: Frequency of Contact of LEP Persons

The results of the Census data indicate that Spanish is the most significant language spoken by the LEP population in the area served by KYOVA. To date, no requests for language assistance services have been made by LEP individuals or groups. At the time of this Plan, there are no staff fluent in Spanish. However, if necessary, arrangements will be made with the local University to provide assistance at public meetings and/or outreach activities to translate essential public documents.

All advertisements for public meetings sponsored by KYOVA will contain the following language: *“Persons who require special accommodations under the American with Disabilities Act or persons who require translation services, which are provided at no cost, should contact KYOVA at (304) 523-7434 or email dslusher@kyovaipc.org at least 7 business days prior to the event.”*

KYOVA conducts regular board meetings, advisory committee meetings, and public meetings/hearings throughout the year. Community outreach and KYOVA’s website are the main sources of potential contact between KYOVA and LEP persons.

Tables 6 and 7 below, illustrate the frequency KYOVA has had contact with LEP individuals over the past five (5) years. The list includes the most spoken languages other than English.

Table 6: Frequency of Contact with LEP Individuals

Language	Most Days	At Least Once a Week	At Least Once per Month	At Least Once per Year	Never
Spanish					X
Other Indo-European					X
Asian and Pacific Islander					X
Other Languages					X

Table 7: Contact Administered by KYOVA

Program/Activity	Frequency of Contact	Resources Available
Board Meetings	Quarterly	Case by case response
Committee Meetings	Quarterly	Case by case response
Community Events	Unpredictable	Case by case response; University interpreter; “I Speak Cards”
Website	Unpredictable	Language conversation tab; LEP Plan; Title VI forms
Public Meetings/Hearings	Unpredictable	Case by Case response; University interpreter; “I speak Cards”

Factor 3: The Nature and Importance of the Program Service or Activity

Metropolitan Planning Organizations (MPOs) receive federal funds to develop transportation plans for a designated urban area. The planning process is guided by federal and state law, including public involvement requirements to ensure diverse public outreach, notice, and opportunities for input.

All of KYOVA's programs are important; however, those related to safety, public transportation, right-of-way, the environment, nondiscrimination, and public involvement are among the most important. The KYOVA must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in the transportation planning process to be consistent with the goal of the Federal Environmental Justice Program and Policy. KYOVA continually surveys/assesses the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

Language assistance involving notification of services, translation of public input forms and/or surveys related to a formal public hearings, and maintenance of the Translator Tab on the KYOVA website have high priority. Other activities, such as community events, optional meetings, and specialized speakers' bureau programs have a lower priority if/when resources preclude the organization from executing all language assistance opportunities.

Factor 4: Resources Available

Given the size of the LEP population in the KYOVA Planning Area and current financial constraints, full language translations of plan documents is not considered warranted or cost feasible at this time. KYOVA will continually evaluate its programs, services, and activities to ensure that LEP persons are provided with meaningful access. KYOVA will provide verbal and written translation if requested within a reasonable time and if within available resources.

LANGUAGE ASSISTANCE AND IMPLEMENTATION

This section of the LEP Plan provides the implementation process used to address appropriate language needs identified and described in the SELF ASSESSMENT Section.

LEP Implementation Goals

1. Provide meaningful access to KYOVA programs and services for Limited English Proficiency (LEP) persons identified using the four-factor analysis presented in SELF ASSESSMENT section of the *Limited English Proficiency Plan*;
2. Identify various resources, with or without associated costs, to ensure the organization can balance meaningful access to programs and services, while not incurring undue burdens on financial resources; and
3. Complete plan updates every three (3) years and staff reviews annually to ensure resources identified remain consistent with identified needs.

Language Assistance and Translation/Interpretation Services

Engaging the LEP population within the KYOVA Planning Area is vital. KYOVA may implement language assistance through the following strategies and techniques based on Factor 4: Resources Available:

- Staff involved with the public will provide Census Bureau's "I Speak" language cards at workshops and public meetings sign-in table. Staff will be able to identify language needs in order to match them with available services. These cards will be made available at the KYOVA Office.
- KYOVA will strive to develop partnerships with local agencies, organizations, law enforcement, colleges/universities, local school districts and social service agencies to inform LEP individuals of MPO services and the availability of language assistance;
- KYOVA will investigate the cost of translating programs by providing fact sheets, flyers, and brochures on a project specific basis;
- Investigate providing Executive Summaries of major programs, such as the Unified Planning Work Program (UPWP); Transportation Improvement Program (TIP); Metropolitan Transportation Plan (MTP); Participation Plan; and any other key document available in Spanish. To accommodate the financial resources, KYOVA will determine the cost effectiveness of providing these key documents in formats such as fact sheets, flyers, newsletters, and brochures which capture the significant points;
- Maintain point of contact with local university and other agencies for language interpreter services;
- Maintain and update Google Translate program on the website, as needed. The use of this will allow users to view HTML content in multiple languages. It is understood that this is not a perfect system, but it will provide enough information for an LEP individual or group to contact KYOVA for comments and questions;
- Ensure public meetings have access by public transportation;
- Weigh the demand for language assistance against KYOVA's available financial resources;
- Consider cost effective practices for providing language services;
- Communicate through press releases, announcements at community meetings, website, signs, and handouts.

Standard Notification Regarding Language Assistance

As previously stated, all advertisements for public meetings sponsored by KYOVA Interstate Planning Commission will contain the following language: "Persons who require special accommodations under the American with Disabilities Act or persons who require translation services, which are provided at no cost, should contact KYOVA at (304) 523-7434 or by email to dslusher@kyovaiipc.org, at least 7 business days prior to the event."

Staff Training

KYOVA Staff will be properly trained in LEP procedures to be able to provide meaningful access to information and services for LEP individuals.

Outreach and Providing Notice to LEP Persons

It is important to notify LEP persons of services available free of charge in a language the LEP persons would understand. KYOVA will provide meeting notifications in English and Spanish, where appropriate. KYOVA will post the LEP Plan on its website at: www.kyovaipc.org. Any person may obtain copies/translations of the plan upon request.

Monitoring and Updating the LEP Plan

At a minimum, KYOVA will review and evaluate the plan annually to ensure compliance of federal laws and various nondiscrimination regulations. KYOVA will make appropriate changes, as needed, to ensure effectiveness. For questions or concerns regarding KYOVA's commitment to nondiscrimination or to request LEP services, contact Dannielle Slusher, Finance/Office Manager/Title VI Environmental Justice Officer, at (304) 523-7434 or by email at dslusher@kyovaipc.org.

Appendix A

Title VI Complaint Procedure and Complaint Form



Title VI Complaint Procedure

Complaint Filing

KYOVA Interstate Planning Commission uses the following, detailed internal procedure for prompt processing and resolution of all Title VI complaints. These procedures include but are not limited to:

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with KYOVA's Title VI Coordinator. A complaint may also be filed by a representative on behalf of such a person.
2. In order to have the complaint considered under this procedure, the complaint must be filed no later than 180 calendar days after:
 - ❖ The date of the alleged act of discrimination; or
 - ❖ Where there has been a continuing course of conduct, the date on which that conduct was discontinued.
3. Complaints shall be filed using KYOVA's Title VI Complaint Form ([click here for form](#)) or by contacting the KYOVA's Title VI Coordinator at 304-523-7434. Complaints shall be set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The Complaint shall then be handled in the usual manner.

Complaints should be directed to:
KYOVA Interstate Planning Commission
Attention: Title VI Coordinator
400 Third Avenue / P. O. Box 939
Huntington, WV 25712
Phone: 304-523-7434

4. Upon receipt of the completed and signed complaint form, the Title VI Coordinator will log-in the complaint, determine the basis of the complaint and determine who should conduct the investigation. In many cases, the Title VI Coordinator will serve as the investigator.
5. The Title VI Coordinator reviews and determines the appropriate action regarding every Title VI complaint. KYOVA will not proceed with or continue a complaint investigation if:
 - a. The Complaint Form is not complete or signed.
 - b. The complaint is, on its face value without merit.
 - c. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - d. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
6. Within ten (10) business days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s), and the complainant is advised of other avenues of redress available, such as the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Justice and Department of Transportation. The notification letter contains:
 - a. The basis of the complaint.
 - b. A brief statement of the allegation(s) over which KYOVA has jurisdiction.
 - c. A brief statement of KYOVA's jurisdiction over the recipient to investigate the complaint; and
 - d. An indication of when the parties will be contacted.



Title VI Complaint Procedure

7. The Title VI Coordinator will notify FHWA's Division office within ten (10) calendar days of receipt of the allegation(s). Generally, the following information will be included in every notification:
 - a. Name, address, and phone number of the complainant.
 - b. Email address, if available.
 - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap, etc.).
 - d. Date of the alleged discriminatory act(s).
 - e. Date of complaint received by the recipient.
 - f. A statement of the complaint.
 - g. Other agencies (state, local or Federal) where the complaint has been filed.
 - h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.
8. Within sixty (60) calendar days from the date the original complaint was received, the Title VI Coordinator will conduct and complete an investigation of the allegation(s) and assessed on the information obtained, will render a recommendation for action in a report of findings to FHWA's Division Office.
9. The Title VI Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race color, sex, age, national origin, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigator/team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. The Title VI Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.
10. Within ninety (90) calendar days of receipt of the complaint, the Title VI Coordinator will forward the investigative report to the FHWA. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date, the investigation was completed, the disposition and date of the disposition, and any other pertinent information. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to FHWA and the report shall follow upon completion. The FHWA will review and issue the official "Letter of Findings" to the complainant.

If the complaint cannot be resolved by KYOVA to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. The appeal must be filed, in writing no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary to:

Federal Highway Administration
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590

A complaint may be filed with the Secretary, U.S. Department of Transportation, before, during, or after the complaint has been filed with KYOVA Interstate Planning Commission.

Informal Title VI Complaint Procedure

Title VI complaints may be resolved by informal means. When informal means are used, the complainant is informed of his or her right to file a formal written complaint. Any complaint received in writing is considered to be a formal complaint and is handled under the formal complaint procedure outlined above. KYOVA will periodically inform the state DOTs of all informal complaints. When a complaint has been directly filed with another federal agency, KYOVA is to be informed by the agency where the complaint has been filed and is to take whatever action is needed to resolve the complaint.

KYOVA Interstate Planning Commission
Title VI Complaint Form



Section I

Name:		
Address:		
Telephone (Home):		Telephone (Work):
Electronic Mail Address:		
Accessible Format Requirements	Large Print <input type="checkbox"/>	Audio Tape <input type="checkbox"/>
	TDD <input type="checkbox"/>	Other <input type="checkbox"/>

Section II

Are you filing this complaint on your own behalf?		Yes* <input type="checkbox"/>	No <input type="checkbox"/>
*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 filing the complaint.			
Please explain why you have filed for a third party. If more space is needed, please use the back of this form or a separate sheet.			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes <input type="checkbox"/>	No <input type="checkbox"/>

Section III

I believe the discrimination I experienced was based on (check all that apply):						
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 or a separate sheet.						



KYOVA Interstate Planning Commission Complaint Form – Continued

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

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 to the address below, or mail this form to:
 KYOVA Interstate Planning Commission
 Attention: Title VI/EJ Coordinator
 400 Third Avenue
 P. O. Box 939
 Huntington, WV 25712

Appendix B

Title VI Complaint Log

Appendix C

Title VI Public Involvement Survey

KYOVA Interstate Planning Commission Title VI Public Involvement Survey

Completing this form is voluntary.

You are not required to provide the information requested
in order to participate in this meeting.

KYOVA Interstate Planning Commission, the Metropolitan Planning Organization for the Huntington, WV-KY-OH Urbanized Area (Cabell and Wayne counties, West Virginia; Boyd and Greenup counties, Kentucky; and the urbanized portion of Lawrence County, Ohio) conducts its programs, services and activities without regard to race, color or national origin in accordance with Title VI of the Civil Rights Act. In order for the MPO to understand who is being included in the public involvement process, KYOVA has developed this voluntary survey. Data gathered from this survey will help the MPO identify additional outreach efforts, as needed. Your response is important as it helps us better serve you and your community.

Completion of this survey is completely voluntary and kept confidential. KYOVA will use the information gathered to monitor programs and activities for compliance with Title VI of the Civil Rights Act of 1964, as amended, and its related statutes and regulations.

For more information about KYOVA's responsibility under Title VI of the Civil Rights Act or the Americans with Disabilities Act (ADA), please contact the Title VI/ADA Coordinator by phone at 304-523-54345, e-mail at dslusher@kyovaiipc.org, or in person at 400 Third Avenue, Huntington, West Virginia 25701. Information is also available on the KYOVA website at www.kyovaiipc.org under the Title VI/Environmental Justice Tab.

GENERAL INFORMATION

Name (Optional): _____

Meeting Purpose: _____

Location of Meeting: _____

Date/Time of Meeting: _____

Zip Code of Residence: _____

Age: _____ / **Gender:** _____ **Male** _____ **Female**

TITLE VI INFORMATION

Race/Ethnicity		Household Income	
<input type="checkbox"/> White/Caucasian	<input type="checkbox"/> Black/African American	<input type="checkbox"/> Less than \$10,000	<input type="checkbox"/> \$10,000 to \$20,000
<input type="checkbox"/> Hispanic/Latino	<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> \$20,999 to \$30,000	<input type="checkbox"/> \$30,000 to \$40,000
<input type="checkbox"/> Native American	<input type="checkbox"/> Multiracial	<input type="checkbox"/> \$40,000 to \$50,000	<input type="checkbox"/> More than \$50,000
<input type="checkbox"/> Other		ADA	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

In addition to the public notice and/or flyer that made you aware of this meeting, what other forms of communications or locations for flyers/notices would help better inform you of MPO meetings?

What could the MPO do to better serve the transportation needs of all residents of the KYOVA region (Cabell and Wayne counties, WV; Boyd and Greenup counties, KY; and the urbanized portion of Lawrence County OH)?

Do you have any other questions or comments for KYOVA?

If you would like a response to any of the questions or comments you have provided in this survey or would like to be included in future mailings regarding MPO meetings, please provide your contact information below.

Name: _____

Address: _____

Email: _____

Please send me a response to my question(s) or comment(s) via:

___ Mail ___ Email

Appendix D

Detailed Demographic Data

Appendix E

**Title VI Assurances
and
Appendices A-E**

The United States Department of Transportation (USDOT)
Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The KYOVA Interstate Planning Commission (herein referred to as the “Recipient”), hereby agrees that, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT) is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, or national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs of the Department Of Transportation-effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

In accordance with the Acts, and the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No persons in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including the FHWA.

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

Specific Assurances

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

1. The Recipient agrees that each “activity,” “facility”, or “program,” as defined in §§21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clause of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient that where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

5. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
6. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
7. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods;
 - a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. The period during which the Recipient retains ownership or possession of the property.
8. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors, in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with respect to any matter arising under the Acts, the Regulations, and this Assurance

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

KYOVA Interstate Planning Commission gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Program. This ASSURANCE is binding on KYOVA, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participations in the Federal Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

KYOVA Interstate Planning Commission
(Name of Recipient)

by _____
(Signature of Authorized Official)

Dated: December 6, 2019

TITLE VI ASSURANCE APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** 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 or 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 or 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurement 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 Non-discrimination on the grounds or race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts and the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, and 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 Non-discrimination 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 or equipment, unless exempt by the Acts and 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 provision 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 interest of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interest of the United States.

**TITLE VI ASSURANCE
APPENDIX B**

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following will be included in deeds effecting or recording the transfer of real property, structure, or improvements thereon, or granting interested 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 _____ will accept title to the lands and maintain the project constructed thereon in accordance with laws of the states of Kentucky, West Virginia, and Ohio, the Regulations for the Administration of Federal Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the _____ 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 interest therein unto _____ 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 _____, its successors and assigns.

The _____, 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 _____ will use the lands and interests in lands and interests in lands so conveyed in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal regulations, U.S. Department of Transportation, subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

**TITLE VI ASSURANCE
APPENDIX C**

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the KYOVA Interstate Planning Commission 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 covenant running with the land"] that:
 - 1. In the even facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for any 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, KYOVA Interstate Planning Commission 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 KYOVA Interstate Planning Commission 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 KYOVA Interstate Planning Commission and its assigns.*

*(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)*

**TITLE VI ASSURANCE
APPENDIX D**

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the KYOVA Interstate Planning Commission pursuant to the provisions of Assurance 7(b):

- 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 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 Non-discrimination covenants, KYOVA Interstate Planning Commission 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 Non-discrimination covenants, KYOVA Interstate Planning Commission will there upon revert to and vest in and become the absolute property of KYOVA Interstate Planning Commission and its assigns.*

*(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)*

TITLE VI ASSURANCE APPENDIX E

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

- 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, or 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-aid programs and projects);
- Federal-aid Highway Act of 1973, (223 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 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 terms “programs or activities” to include all 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 American with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131—12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

Appendix F

Definitions

Definitions

Affirmative Action

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

African American (Black)

A person having origins in any of the black racial groups of Africa.

American Indian or Alaska Native

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

Applicant

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

Area Development Districts (ADD)

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

Asian

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

Assurance

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

Beneficiary

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

Complaint

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

Contract

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

Contractor

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

Discrimination

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

Division

One of the administrative subdivisions of an office of the Kentucky Transportation Cabinet. The term *district* considered equivalent to *division*, as an administrative subdivision of an office of the KYTC.

Executive Directors

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

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 (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 Loans Highway Program)

Grantee

Any public or private agency, institution or organization to whom federal financial assistance intended for any program.

Hispanic or Latino

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

Interpretation

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

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

Kentucky Transportation Cabinet (KYTC)

The agency of Kentucky charged by its laws with the responsibility for all modes of transportation.

Limited English Proficiency (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 (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 or 50,000, as determined by the US Census. MPOs designated by agreement between the Governor and unites 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 Naïve 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 Islander.

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

Ohio Department of Transportation (ODOT)

The agency of Ohio charged by its laws with the responsibility for all modes of transportation.

Persons

Where designation of persons by race, color or national origin is required, the following designations ordinarily may be used: "White no 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 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, ODOT, WVDOT or any department, division, or agency authorized to request federal assistance on behalf of sub-recipients and to distribute financial assistance to sub-recipients' contracts for carrying out a program.

Program

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

Program Area Officials

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

Recipient

Kentucky, Ohio, or West Virginia or any political subdivision or instrumentality thereof or any public or private agency, institution, or organization or other entity; or any individual in Kentucky, Ohio, or West Virginia 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 programs. 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 (KYTC), Ohio Department of Transportation (ODOT), and West Virginia Division of Highways (WVDOT).

Statewide Transportation Improvement Program (STIP)

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

Statewide Transportation Plan (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 a least a 20-year planning horizon.

Sub-grantee

Any public or private agency, institution, or organization to who 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.

Transportation Improvement Program (TIP)

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

Title VI Officer, Coordinator or Liaison

Refers to the responsible official in matters relating to Title VI. In Kentucky, the Title VI Officer, Coordinator or Liaison reports to and assists the Executive Director of OCRSBD in carrying out the Title VI responsibility of the Kentucky Transportation Cabinet (KYTC).

Title VI Program

The system of requirements developed to implement Title VI of the Civil Rights Acts 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.

Vital Communication

Any document or spoken work that contains information critical to benefits that are supported by federal funds or required by law. Guidance by the U.S. Department of Justice provides:

- A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits or is required by law. Vital documents include, for example: applications; consent and complaint forms; notices of rights and disciplinary action; and notices advising LEP persons of the availability of free language assistance.
- Vital documents must be translated when a significant number or percentage of the population eligible to be served, or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.
- It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. Though meaningful access to a program requires an awareness of the program's existence, we recognize that it would be impossible, from a practical and cost-based perspective, to translate every piece of outreach material into every language. Title VI does not require this of recipients of federal financial assistance, and Executive Order 13166 does not require it of federal agencies. Nevertheless, because in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access, it is important for federal agencies to continually survey/assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

West Virginia Department of Transportation (WVDOT)

The agency of West Virginia charged by its laws with the responsibility for all modes of transportation.

White

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