



**TITLE VI PROGRAM PLAN January 1, 2024 – September 30, 2024**

**Northern Kentucky Area Development District**

Tara Johnson-Noem, NKADD Executive Director

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## Article I. Glossary/Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

***Division:*** one of the administrative subdivisions of an office of the Northern Kentucky Area Development District.

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

***Federal Assistance:***

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

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

***Federal Transit Administration or FTA:*** agency within the U.S. Department of Transportation that provides financial and technical assistance to local public transportation systems.

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

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

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

***Interpretation:*** The process of listening to something in one language and orally interpreting it in another. The mix of LEP services under the Oral Languages Services is as follows: hiring bilingual staff; hiring staff interpreters; using telephone interpreter lines; using community volunteers; and use of family members, friends, and other customers/passengers as interpreters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Article II. **Overview & Policy Statement**

Title VI of the Civil Rights Act of 1964 is a non-discrimination statute. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance" (42 U.S.C. Section 2000d). Sex was added as a protected class under Title VI Programs following Section 162(a) of the Federal Aid Highway Act of 1973 (23 U.S.C. 324). 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.

### **Non-Discrimination Authorities**

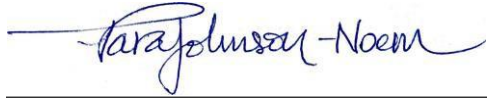
- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.)
- Section 162 (a) of the Federal Aid Highway Act of 1973 (23 USC 324)
- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Americans With Disabilities Act of 1990
- Civil Rights Restoration Act of 1987
- 49 CFR Part 21
- 23 CFR Part 200
- U.S. DOT Order 1050.2
- Executive Order #12898 (Environmental Justice)
- Executive Order #13166 (Limited-English-Proficiency)

The Northern Kentucky Area Development District (NKADD) provides administrative support to local governments and nonprofit organizations through its Transit Coordinated Plan. As recipient and administrator of federal grant monies, the NKADD (hereinafter referred to as NKADD) is subject to Title VI of the Civil Rights Act of 1964 and is responsible for monitoring Title VI compliance of all sub-recipients. In coordination with the Kentucky Transportation Cabinet, the NKADD works to ensure nondiscriminatory transportation in support of our mission to provide safe, secure and reliable regional transportation services thereby enhancing both the quality of life and the economic vitality of Northern Kentucky. The NKADD is committed to a workplace that is compliant with Title VI of the Civil Rights Act of 1964.

The NKADD further agrees to the following responsibilities with respect to its programs and activities:

1. Designate both a Title VI Coordinator and Title VI Liaison with responsible positions within the organization and access to the recipient's Chief Executive Officer or authorized representative.
2. Issue a policy statement signed by the Executive Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the NKADD organization and to the general public. Such information shall be published where appropriate in language other than English.
3. Develop a complaint process of complaints of discrimination against the NKADD.
4. Participate in training offered on Title VI and other nondiscrimination requirements.
5. If reviewed by any state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) days.
6. Have a process to collect racial and ethnic data on persons impacted by the agency's programs.

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

A handwritten signature in blue ink that reads "Tara Johnson-Noem". The signature is fluid and cursive, with a horizontal line extending to the left from the start of the name.

---

**Tara Johnson-Noem, Executive Director**  
**NKADD**

09/30/2024

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**Date**



Northern Kentucky Area Development District  
22 Spiral Drive / Florence, KY 41042  
Phone (859) 283-1885 / Fax (859) 283-8178 / TDD (859) 282-2707  
[www.nkadd.org](http://www.nkadd.org)

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Tara Johnson-Noem, Executive Director

#### Title VI Policy Statement

It is the policy of the Northern Kentucky Area Development District (NKADD) to afford equal opportunity to all persons to the end that no person in the United States shall, on the grounds of sex, 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 assistance from the U.S. Department of Transportation.

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

This policy shall be prominently posted at the NKADD offices.

A handwritten signature in blue ink that reads 'Tara Johnson-Noem'. The signature is written in a cursive, flowing style.

Tara Johnson-Noem, Executive Director  
NKADD

09/30/2024

Date

## **Responsible Officials**

### **Executive Director**

The Executive Director is responsible for the Northern Kentucky Area Development District (NKADD's) adherence and compliance with Title VI regulations via program implementation and policy development.

### **Title VI Program Coordinator—NKADD**

The Title VI Program Coordinator is responsible for the oversight and coordination of the NKADD's compliance with Title VI and all related statutes, regulations and directives including the review and processing of complaints. General responsibilities of the Title VI Program Coordinator include but are not limited to the following:

- Coordinating Title VI program development with the NKADD staff, Local Public Agencies (LPAs), and division managers.
- Establishing procedures for processing Title VI program reviews and/or sub-recipient reviews (if any).
- Coordinating Title VI training for NKADD staff, sub-recipients (if any), and stakeholders.
- Developing a complaint process of complaints of discrimination against the NKADD.
- Implementing procedures for the prompt processing of Title VI complaints.
- Preparing required reports.
- Providing guidance and advice on the Title VI Program to NKADD staff, LPAs and sub-recipients (if any) using a multi-year approach.
- Assisting in the annual update of the NKADD's Title VI Program Plan.
- Providing guidance, advice and training materials to the City of Dry Ridge Title VI Program Coordinator as required.

### **Title VI Program Liaison - NKADD**

The NKADD is a sub-recipient of FTA and provides services in the Kentucky Counties of Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Pendleton, and Owen. The NKADD must designate a Liaison for Title VI issues within the organization. The Liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

- Maintaining knowledge of Title VI requirements.
- Attending training on Title VI and other nondiscrimination authorities when offered by KYTC or any other regulatory agency.
- Participating in the design, development, and dissemination of Title VI information to the public via the Notification to Beneficiaries.
- Disseminating Title VI information to the public including in languages other than English, when necessary.
- Developing a process to collect data related to sex, race, gender, and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Coordinating the annual update of the NKADD's Title VI Program Plan.
- Assisting in providing guidance and advice on the Title VI Program to NKADD staff, LPAs and sub-recipients (if any) using a multi-year approach.

- Assisting in the implementation of procedures for the prompt processing of Title VI complaints.
- Assisting in the prompt processing of Title VI complaints.

### **NKADD**

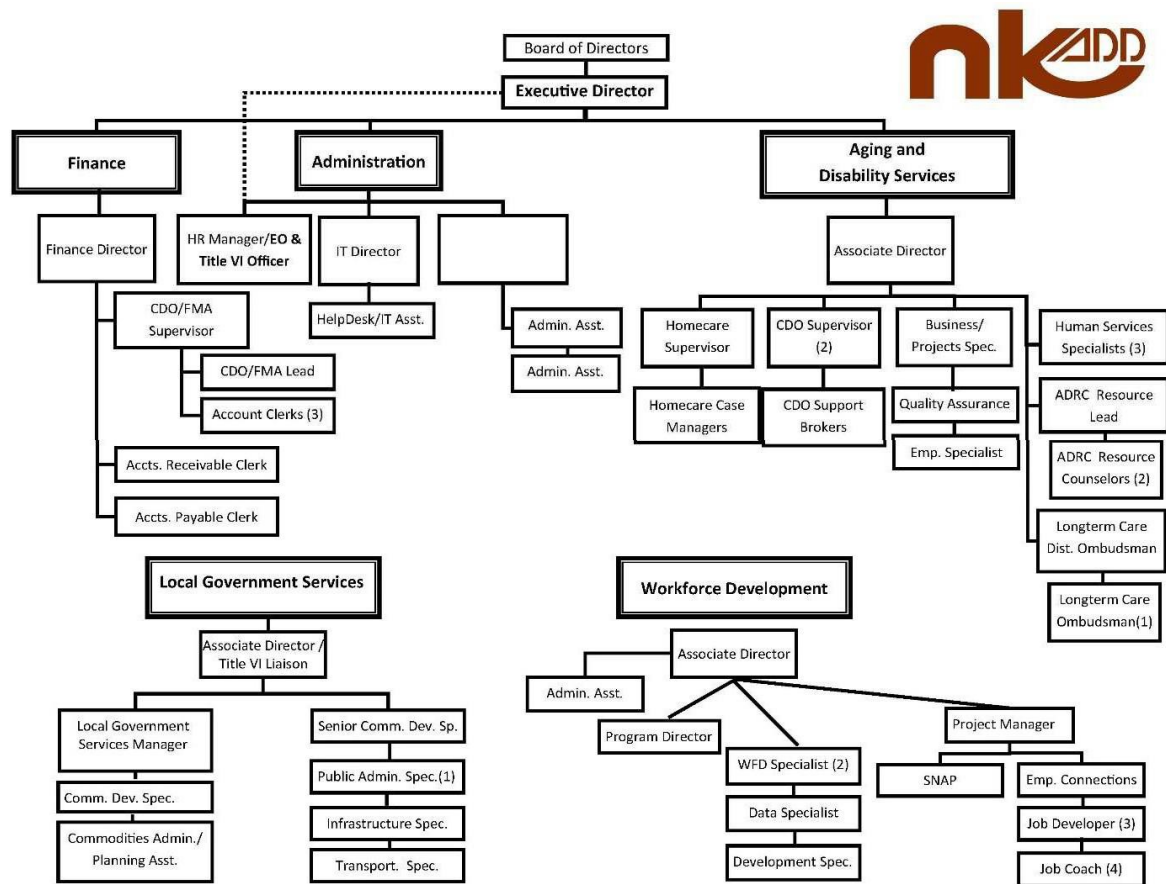
#### **Title VI Coordinator:**

Jeff Thelen  
Transportation Services manager  
859-283-1885  
22 Spiral Drive  
Florence, KY 41042  
[jeff.thelen@nkadd.org](mailto:jeff.thelen@nkadd.org)

#### **Title VI Liaison:**

Chris Courtney  
Associate Director for Local Government Services  
859-283-1885  
22 Spiral Drive  
Florence, KY 41042  
[chris.courtney@nkadd.org](mailto:chris.courtney@nkadd.org)

## NKADD Organization and Responsible Officials Chart





Northern Kentucky Area Development District  
22 Spiral Drive / Florence, KY 41042  
Phone (859) 283-1885 / Fax (859) 283-8178 / TDD (859) 282-2707  
[www.nkadd.org](http://www.nkadd.org)

Tara Johnson-Noem, Executive Director

## **The United States Department of Transportation (USDOT)**

### **Standard Title VI/Non-Discrimination Assurances**

#### **DOT Order No. 1050.2A**

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

#### **Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.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, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the **(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 **(Programs)**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will

be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **(Programs)** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **(Northern Kentucky Area Development District)**, 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 clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.



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

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

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

Northern Kentucky Area Development District  
(Name of Recipient)

by   
(Signature of Authorized Official)

DATED 09/30/2024.....

### Article III. **Program Review Procedures**

Each division within the NKADD and all its departments and program areas are responsible for the following under Title VI where applicable:

- Collecting and analyzing data on minority and low-income populations to determine the potential impact of proposed plans, programs and projects;
- Ensuring all applicable contract documents contain the appropriate Title VI provisions;
- Consulting with the Title VI Coordinator or Liaison and the Executive Director when complaints are received, or issues arise during a public hearing/meeting;
- Ensuring that Monitoring Title VI accomplishments, notifying the Title VI Coordinator or Liaison of problem areas and summarizing applicable activities for inclusion in the Title VI Plan Update;
- Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of applicable projects and activities;
- Ensuring that all business pertaining to the selection, negotiation, and administration of consultant contracts and agreements is accomplished without discrimination based on race, color or national origin;
- Ensuring that efforts are made to include minority and women owned businesses in consideration for contracts;
- Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference where applicable;
- Providing reasonable accommodations, information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons.
- Ensuring all people are treated equitably regardless of race sex, color or national origin.

### **Core Program Area Reporting**

The NKADD currently receives funds from the U.S. Department of Transportation (U.S. DOT) Federal Highway Administration (FHWA). As a recipient of federal funds, the NKADD, pursuant to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, 49 CFR Part 21 – U.S. DOT. Title VI Regulations, and 23 CFR 200 – FHWA Title VI Regulations, is required to ensure that no person shall be excluded from participation in, be denied benefits of or be otherwise subjected to discrimination on the grounds of race, color or national origin under any program or activity receiving federal financial activity assistance from the U.S. DOT.

To aid in compliance with 23 CFR 200.9(b) (10), the Title VI Liaison will submit an annual report to the Title VI Coordinator relating to the NKADD's transit planning program to be used as an assessment tool to determine whether the program area is in compliance with Title VI and to ascertain instances where the Title VI Coordinator or Liaison may need to provide or request training and technical assistance to help the program area achieve its Title VI goals and maintain compliance. In addition, the Title VI Coordinator or Liaison will review the data collection methods for the NKADD's planning program area periodically to ensure compliance with KYTC's Title VI Program requirements. Title VI Liaison should prepare the report and submit it annually on July 31<sup>st</sup>.

Each report should contain the following information:

- Demographic information collected during the transit planning process
- Information concerning the dissemination of copies of The Civil Rights Act of 1964 non-discrimination statement
- Description of steps taken to ensure meaningful access to programs, activities, and services to LEP persons
- Description of costs using dollar amount incurred during the year while related to the LEP service provision
- Analysis of whether existing assistance meets LEP needs of those served by the program area and if not, a description of those needs
- Information regarding the viability of current LEP assistance sources, if applicable
- Description of Title VI training attended by NKADD's Executive Director, Title VI Coordinator, Title VI Liaison and other NKADD personnel to include dates and locations of the training and information regarding the sponsoring organization.

The Title VI Liaison will discuss with Title VI Coordinator and/or Executive Director effective tools to correct any discrimination that may have been found in the Program area.

### **Programs or Activities Subject To Title VI**

NKADD program areas with Title VI responsibilities include the following NKADD's departments/divisions/office:

- Public Administration & Community Development-Non-Metropolitan Public Transit Planning Program
- Human Services & Case Management-Mobility Management Program

### **Special Emphasis Program Areas**

A program area is designated as a “special emphasis area” if during the previous year’s review process the program area shows deficiencies in how it complies with Title VI requirements.

The NKADD’s goal of creating a video training as a result of the previous years’ Special Emphasis Program Area, to ensure that training is not delayed in the event of another crisis like Covid-19 has been achieved. Staff completed the pre-recorded video training provided by NKADD legal counsel as a group via Microsoft Teams in Fall of 2022. The training is now available on a continuous basis and will be updated as necessary to ensure continued compliance.

The NKADD has identified one Special Emphasis Program Area for the most recent plan year. During the Covid-19 pandemic the NKADD offices were closed to the public for several months. While all staff were available by email and phone there was a disconnect between personnel and those we serve. While the Title VI complaint forms are available online they are currently only available as a non-fillable PDF form that can be printed and returned in person or via email. This method requires that the person submitting the form have access to a printer or a printer and scanner. This could place a burden on the Limited Income populations in the region; especially, when public libraries were closed and free and easy access to such items were limited. Any concerns communicated or received regarding the lack of on-line availability of resources, would be investigated and subsequently the claims would be resolved. Those concerns and their resolutions would be analyzed and for trends or patterns of discrimination. Given this Special Emphasis Area, the goal of the NKADD in the next plan year is to create a fillable PDF that can be completed and submitted directly from

the NKADD website from either a computer or cell phone. Since most individuals either have or know someone who owns a cell phone this will significantly reduce the burden of needing special equipment to file a complaint.

NKADD program areas with special emphasis are Non-Metropolitan Public Transportation Planning Program and the Mobility Management Program. Within those areas, special emphasis will be on:

- 1) Staff Training with a transition to virtual training options to ensure continued compliance in times of crisis.
  - a. If trends or patterns of discrimination are identified, we will correct the procedure and move forward with non-discriminatory training.

- 2) Local transit agency outreach to enhance coordination.
- 3) On-going review and updating of Title VI plan as needed.
- 4) Diversity, equity, and inclusion
  - a. Strategic Plan – As the NKADD works to update its current strategic plan, diversity, equity and inclusion (DEI) has been identified as a priority in the revision. As a precursor to the planning process, the board received DEI training.
  - b. Bylaws – Minority representation on the NKADD Board is detailed in the NKADD by-laws. Under Article II: Board of Directors, Section 1: Composition of the Board of Directors, the board chair shall appoint one additional member of the board of directors who shall be a representative of a minority race residing in the district. The minority representative shall be considered a citizen member.
  - c. Other advisory boards – WIB – The NKADD is the fiscal agent for the Northern Kentucky Workforce Investment Board (NKWIB). The NKWIB created a DEI committee to lift up diversity, equity and inclusion on its board and with the clients it serves. The committee has created objectives that focus on educating board members on DEI, creating a diverse board, collecting data on individuals served to address potential outcome disparities, and collaborating with partners to align DEI efforts to maximize collective impact

d. Minority representation on Boards/Committees

<b>NKADD BOARD*</b>	<b>MEMBERS</b>	<b>MINORITY REPS</b>	<b>PERCENTAGE</b>
White Females	47	11	23%
White Males	47	34	73%
Black Males	47	1	2%
Black Females	47	1	2%
*Elected Positions	5	1	20%

e. The summary of race and national origins for NKADD employees includes the following employees:

<b>RACE /NATIONAL ORGIN</b>	<b>NUMBER</b>	<b>PERCENTAGE</b>
White Females	57	74.03
White Males	15	19.48
Black Females	2	2.59
Black Males	1	1.30
Hispanic Females	1	1.30
Hispanic Males	1	1.30
Total	77	100.00

#### Article IV. Agency Title VI Training Plan

The NKADD's Title VI Training Program is composed of an Internal and External component. Internally the NKADD will provide written notice and annual in-person training to all current employees concerning the NKADD's commitment to assuring compliance with Title VI and for new employees there will be a Title VI review during New Employee Orientation. The Title VI training for 2024 was completed by our Title VI liaison, Jeff Thelen, in November of 2024 at NKADD. Furthermore, virtual training will now be regularly available for those who are not able to attend in-person and training will be recorded and available for review by those who miss the training due to unforeseen circumstances. The Title VI Coordinator or Liaison will attend the annual training and subsequently disseminate the benefit of the training to pertinent NKADD staff and program office heads. NKADD staff will further their education by attending the Title VI trainings offered by the Transportation Cabinet as well as other departments of government.

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

Below is a list of NKADD employees who have completed the training.

1	Chris Courtney	Yes
2	Jeff Thelen	Yes
3	Clay Beyer	Yes
4	Jennifer Botz	Yes
5	Brianna Wolken	Yes
6	Morgan Reed	Yes
7	Jennifer Heath	Yes
8	Ian Moss	Yes
9	Monica Smith	Yes
10	Erin Lambert	Yes
11	Phyllis Perkinson	Yes
12	Anne Wildman	Yes
13	Katie Deno	Yes
14	Alicia Campbell	Yes
15	Michelle Thompson	Yes
16	Andrew Martin	Yes
17	Alexandria Kline	Yes
18	Taylor Froelicher	Yes
19	Wil Smith	Yes
20	Amie Gosser	Yes
21	Melinda Ford	Yes
22	Katie Klette	Yes
23	Stacy Phillips	Yes
24	Julie Hellmann	Yes

25	Amy Scalf	Yes
26	Melissa Patchell	Yes
27	Jara Henson	Yes
28	Lesley DeMarcus	Yes
29	Susan Kidwell	Yes
30	Angie Parsons	Yes
31	Douglas Duff	Yes
32	Angel White	Yes
33	Dede Watts	Yes
34	Julie Johnson	Yes
35	Correy Eimer	Yes
36	Elena Weber	Yes
37	Belinda Dungan	Yes
38	Lisa Trusty	Yes
39	Grace Herrmann	Yes
40	Shannen Kelch	Yes
41	Amanda Peters	Yes
42	Molly Neuhaus	Yes
43	David Martin	Yes
44	Liza Lucas	Yes
45	Regina Owens	Yes
46	Laura Herald	Yes
47	Lori Stanton	Yes
48	Cody Jackson	Yes
49	Liberty Kordish	Yes
50	Kendra Stone	Yes
51	Donald Pickett	Yes
52	Henry Evans	Yes
53	Maureen Topper	Yes
54	Katie Jo Berkshire Kirkpatrick	Yes
55	Victoria Jackson	Yes
56	Chris Korba	Yes
57	Phyllis Lyons	Yes
58	Kelly Bond	Yes
59	Amy Martin	Yes
60	Sheila Hornsby	Yes
61	Debra Scholer	Yes
62	Tonia Slone	Yes
63	Paula Wigger	Yes
64	Janet Frakes	Yes
65	Todd Kyper	Yes



66	Bethany Breckel	Yes
67	Connie Madden	Yes
68	Jeanett Harney	Yes
69	Kristen Ramage	Yes
70	Sarah Kolks	Yes
71	Heather Forschbach	Yes
72	Tilwa Bryant	Yes
73	Heather Hopton	Yes
74	Katelyn Wells	Yes

## Article V. Notice to the Public

### **Notice Requirements**

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

- A statement that the agency operates programs without regard to sex, race, color and national origin;
- A description of the procedures members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations; and
- A description of the procedure members of the public should follow in order to file a discrimination complaint against grantee.
- A sample of the Title VI notice in both English and Spanish are found in **Appendix F**.

### **Notice Posting Locations**

Notices informing the public and employees that the NKADD complies with Title VI of the Civil Rights Act of 1964 will be displayed in several prominent locations. At a minimum, the notice will be posted in the following areas:

- Lobby of the NKADD offices;
- Employee area of the NKADD offices;
- NKADD's website at [www.nkadd.org](http://www.nkadd.org).

## Article VI. **Complaint Procedures**

### **Synopsis**

Any person who believes he or she has been discriminated against on the basis of sex, race, color or national origin by the Northern Kentucky Area Development District (NKADD) may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form found in Appendix G. The FHWA investigates complaints received no more than 180 calendar days after the alleged incident. Complaints must be submitted in writing and signed and may be filed via mail, fax, in person, or email at the addresses listed on the complaint form.

Once the complaint is received, the complaint will be forwarded through KYTC to FHWA Kentucky Division, then to the FHWA Headquarters Office of Civil Rights. The FHWA reviews complaints for Title VI relevance, if it constitutes a Title VI complaint, and who determines jurisdiction. The complainant will then receive an acknowledgement letter informing him or her whether the complaint will be investigated.

After fully reviewing the complete complaint, FHWA may recommend dismissal of a complaint for any of the following reasons:

1. The complaint has been filed in an untimely manner.
2. The complaint does not allege a basis covered by the statutes for which the NKADD is responsible
3. The complaint does not allege any harm with regard to covered programs or statutes
4. The complainant requests the withdrawal of the complaint (see below)
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint
6. The complainant cannot be located after reasonable attempts
7. The complainant has filed a legal action in Federal District Court with the same basis and issue(s) involved in the complaint
8. The same complaint's allegations have been filed with another federal, state, or local agency

Acceptance of a complaint will be determined by the following:

1. Timely filing of the complaint
2. If the allegations involve a covered basis such as sex, race, color, and national origin.
3. If the allegations involve a program or activity of a sub - recipient, or contractor

After the investigator reviews the complaint, he or she will issue one of two letters to the complainant:

- A closure letter: a closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed; or
- A letter of finding (LOF): a LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff

member or other action will occur.

#### Withdrawal of a Complaint:

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

**Title VI Coordinator:**

Jeff Thelen  
Transportation Services  
859-283-1885  
22 Spiral Drive  
Florence, KY 41042  
[jeff.thelen@nkadd.org](mailto:jeff.thelen@nkadd.org)

- Discrimination complaints may be filed with the FHWA before, during or after the complaint has been filed with the NKADD.
- This procedure does not deprive the complainant of his or her right to file a complaint:
  - The U.S. Department of Transportation: [www.dot.gov](http://www.dot.gov)
  - The U.S. Department of Justice: [www.usdoj.gov](http://www.usdoj.gov)
  - Federal Highway Administration: [www.fhwa.dot.gov](http://www.fhwa.dot.gov)

### **Complaint Form**

A copy of the complaint form is provided in **Appendix G**, on NKADD's website: <http://www.nkadd.org/local-government/transportation>.

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

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

### **Investigations, Complaints and Lawsuits**

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

The NKADD has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, national origin, sex, age, disability, religion or family status in relation to the provision of programs and services over the past three (3) years. There was an EEO complaint that was incorrectly filed on the Title VI form. This complaint was NOT related to programs or services and was, therefore, not a Title VI complaint. A summary of these incidents is recorded in Table 1.

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

#### **NKADD**

	<b>Date (Month, Day, Year)</b>	<b>Summary (include basis of complaint: race, color, or national origin)</b>	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>	10/01/2023 – 9/30/2024	None	N/A	N/A
1.	-	-	-	-
2.	-	-	-	-
<b>Lawsuits</b>	10/01/2023 – 9/30/2024	None	N/A	N/A
1.	-	-	-	-
2.	-	-	-	-
<b>Complaints</b>	10/01/2023 – 9/30/2024	None	N/A	N/A
1.				
2.	-	-	-	-

## **Contractors and Subcontractors**

The NKADD (the Sponsor) is responsible for ensuring that contractors are in compliance with Title VI requirements. Contractors may not discriminate in the selection and retention of any subcontractors. NKADD contractors and subcontractors may not discriminate in their employment practices in connection with federally assisted projects. Contractors and subcontractors are not required to prepare or submit a Title VI Plan. Appropriate staff members will routinely confirm that guidelines provided to consultants, contractors, and sub-recipients include Title VI language, provisions and related requirements, where applicable.

- 1. Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- 2. Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of 49 CFR Part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the subcontractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- 4. Information and Reports:** The Contractor shall provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor, the Kentucky Transportation Cabinet 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 Sponsor, the Kentucky Transportation Cabinet 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 the Contractor's noncompliance with the nondiscrimination provisions of this contract, the NKADD shall impose contract sanctions as it, the Kentucky Transportation Cabinet, or the Federal Highway Administration may determine appropriate, including, but not limited to:
  - a. withholding payments to the Contractor under the contract until the contractor complies, and/or
  - b. cancellation, termination, or suspension of the contract, in whole or in part.

- 6. Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs one through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the NKADD, the Kentucky Transportation Cabinet or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions or 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 Sponsor to enter into any litigation to protect the interests of the Sponsor. In addition, the contractor may request the United States enter into the litigation to protect the interests of the United States.

Article VII.           **Sub-Recipient**

**Sub-Recipient Review Procedures**

The NKADD Title VI Coordinator and Title VI Liaison shall ensure the sub-recipients (if any) are implementing programs that comply with Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations by requiring that the annual training is conducted, and follow-up materials are disseminated and reviewed. Additionally, the Title VI Coordinator or Liaison will collaborate with sub-recipient to conduct periodic pre-grant and post-grant reviews to ensure adherence to Title VI requirements. Reviews will use a combination of desk and onsite audits. Appropriate staff members will routinely confirm that guidelines provided to consultants, contractors, and sub-recipients include Title VI language provisions and related requirements, where applicable.

The Northern Kentucky Area Development District does not have sub-recipients during this plan year.

## Article VIII **Public Participation Plan**

### **Current Outreach Efforts**

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

The NKADD will discuss and/or distribute Title VI information using mass media including, but not limited to the following:

- Policy Statements
- Inclusion of Title VI language in contracts
- New employee orientation
- Federal EEO posters
- NKADD website: <http://nkadd.org>
- Standard procedures manual
- Significant publications, e.g., newspapers, brochures, and written literature
- Mailings
- Meetings open to the public
- Events

Further, notices informing the public and all employees that the NKADD complies with Title VI of the Civil Rights Act of 1964 will be displayed in a prominent place.

The NKADD's complete **Public Participation Plan is attached as Appendix H** of this document.

### **Data Collection/Reporting/Analysis**

The Statistical data collected on race, color, national origin, sex, age, disability, and LEP participants in and beneficiaries of the programs in the NKADD region, (i.e. affected populations and participants) will be gathered, analyzed, and maintained to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of Title VI program administration. Data will be collected from the U.S. Census Bureau's American Community Survey (ACS) which is an ongoing survey that provides important community-based statistics on an annual basis. Analysis of the data collected by the program emphasis areas may include:

- The race, color, national origin, sex, age, disability, income and LEP of the population eligible to be served;



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

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

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

NKADD will utilize the U.S. Census Bureau data, the American Community Survey data, and the following checklist to identify targeted populations:

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

Article IX.     **Language Assistance Plan**

The Language Assistance Plan (LAP) has been prepared to address the Northern Kentucky Area Development District's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals who have a limited ability to read, write, speak or understand English are defined LEP. According to data from the U.S. Census Bureau, there are 445,467 residents in the NKADD region who are over the age of 5. Of those residents, 1.32% describe themselves as speaking English less than "very well". NKADD is federally mandated (E.O. 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. NKADD has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four-factor analysis to develop its LAP. **The LAP is included in this Title VI Plan as Appendix I.**

## Article IX. **Equity Analysis**

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

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

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

#### **Article XI. Compliance/Noncompliance Reporting**

Throughout the year, the Title VI Coordinator or Liaison will review the policies and procedures relative to Title VI with the NKADD Executive Director. 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 NKADD's services.

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

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

**NKADD Title VI Plan – Transit**

**Article XII APPENDICES**

## **APPENDIX A: Title VI Assurances**

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

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

Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## **APPENDIX B: Title VI Assurances**

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

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

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

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

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

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



## **APPENDIX C: Title VI Assurances**

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

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
  - 1. In the event facilities are constructed, maintained or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (*Title of Recipient*) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.<sup>1</sup>
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (*Title of Recipient*) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (*Title of Recipient*) and its assigns.<sup>2</sup>

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<sup>1</sup> See footnote 2

<sup>2</sup> 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

## **APPENDIX D: Title VI Assurances**

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

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

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

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<sup>3</sup> 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

## **APPENDIX E: Title VI Assurances**

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

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

**APPENDIX F: Title VI Notice to the Public: NKADD**



Northern Kentucky Area Development District  
22 Spiral Drive / Florence, KY 41042  
Phone (859) 283-1885 / Fax (859) 283-8178 / TDD (859) 282-2707  
[www.nkadd.org](http://www.nkadd.org)

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Tara Johnson-Noem, Executive Director

**TITLE VI NOTICE OF PROTECTION AGAINST DISCRIMINATION**

The Northern Kentucky Area Development District operates their programs without regard to sex, race, color and national origin. To request or receive additional information on its discrimination obligations, including its complaint procedures, please contact the person listed below:

Belinda Dungan  
HRManager  
859-283-1885  
22 Spiral Drive  
Florence, KY 41042  
[belinda.dungan@nkadd.org](mailto:belinda.dungan@nkadd.org)

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



Northern Kentucky Area Development District  
22 Spiral Drive / Florence, KY 41042  
Phone (859) 283-1885 / Fax (859) 283-8178 / TDD (859) 282-2707  
[www.nkadd.org](http://www.nkadd.org)

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Tara Johnson-Noem, Executive Director

## **TÍTULO VI AVISO DE PROTECCIÓN CONTRA LA DISCRIMINACIÓN**

El Distrito de Desarrollo del Área Norte de Kentucky opera sus programas sin tener en cuenta sexo, la raza, el color y el origen nacional. Para solicitar o recibir información adicional sobre sus obligaciones de discriminación, incluyendo sus procedimientos de quejas, por favor comuníquese con la persona indicada a continuación:

Jeff Thelen  
Coordinadora del Título VI  
22 Spiral Drive  
Florence, KY 41042  
Teléfono: 859-283-1885  
Dirección de Correo electrónico: [jeff.thelen@nkadd.org](mailto:jeff.thelen@nkadd.org)

Para presentar una queja por discriminación, la queja escrita debe ser presentada a la dirección arriba dentro de los 180 días de la presunta discriminación. Para dar cabida a individuos con dominio inglés limitado, las quejas orales que se documentarán y/o traducidas también pueden ser dadas en la dirección arriba indicada. Las quejas por escrito también pueden presentarse ante el Departamento de transporte de los Estados Unidos, la FHWA, administración federal de tránsito (FTA) a más tardar 180 días después de la fecha de la presunta discriminación, a menos que el tiempo de presentación sea extendido por el FTA, FHWA and KYTC.

## **APPENDIX G: Title VI Complaint Form**



### **Northern Kentucky Area Development District**

#### **Title VI Complaint Form**

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

Have you previously filed a Title VI complaint with this agency?	Yes	No
--	-----	----

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

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

Signature and date required below:

\_\_\_\_\_  
Signature Date

Please submit this form to the entity you are filing a complaint against in person at the address below, or mail this form to:

Jeff Thelen  
TSManager  
859-283-1885  
22 Spiral Drive  
Florence, KY 41042



**Northern Kentucky Area Development District**  
Formulario de queja del Título VI

<b>Sección I:</b>				
<b>Nombre:</b>				
<b>Habla a:</b>				
<b>Teléfono (Hogar):</b>			<b>Teléfono (trabajo):</b>	
Dirección de correo electrónico:				
Requisitos de formato accesible?	Letra Grande		Cinta de audio	
	TDD		Otro	
<b>Sección II:</b>				
¿Está presentando esta queja en su propio nombre?			Si*	No
*Si respondió "si" a esta pregunta, vaya a la Sección III.				
De lo contrario, proporcione el nombre y la relación de la persona por la cual se está quejando:				
Explique por qué ha presentado una solicitud para un tercero: _____				
Confirme que ha obtenido el permiso de la parte perjudicada si está presentando una solicitud en nombre de un tercero.			Si	No
<b>Sección III:</b>				
Creo que la discriminación que experimenté se basó en (marque todo lo que corresponda): <input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen nacional <input type="checkbox"/> Sexo _____ Fecha de presunta discriminación (mes, día, año): _____ _____				
Explique lo más claramente posible qué sucedió y por qué cree que fue discriminado. Describa a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de las personas que lo discriminaron (si se conoce), así como los nombres y la información de contacto de cualquier tesgo. Si necesita más espacio, ulice el reverso de este formulario. _____ _____ _____				



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

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

Firma y fecha requeridas a continuación:

\_\_\_\_\_  
Firma

\_\_\_\_\_  
Fecha

Envíe este formulario a la entidad contra la que está presentando una queja en persona en la dirección que figura a continuación, o envíe este formulario a:

Belinda Dungan, Directora de Recursos  
Humanos Northern Kentucky Area  
Development District 22 Spiral Drive  
Florence, Kentucky 41042

## **APPENDIX H: Public Participation Plan**

### **Northern Kentucky Area Development District Public Participation Plan – Transit**

**FY 2024**

#### **Introduction**

Kentucky maintains a statewide transit planning process. In 1995 Kentucky expanded and formalized a public involvement process for the statewide transportation planning process in response to the directives of the Intermodal Transportation Efficiency Act of 1991 (ISTEA). ISTEA and its successor, The Transportation Equity Act for the 21st Century (TEA-21) enacted in 1998, set the policy directions for more comprehensive public participation in federal and state transportation decision-making. The Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was passed in 2005. SAFETEA-LU addressed challenges such as improving safety and reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, and protecting the environment. Current federal funding was established by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), which “creates a streamlined and performance-based surface transportation program and builds on many of the highway, transit, bike, and pedestrian programs and policies established in 1991” (FHWA.dot.gov). These Congressional acts authorize all on-going federal-aid transportation programs.

The KYTC administers federal funds for transit services throughout the state. In our service area, those funds are primarily the Transit Delivery Grants 5310 and 5311. The 5310 Program services elderly individuals and individuals with disabilities, including veterans. The 5311 Program subsidizes rural public transit operations.

The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) is a council of local governments, business organizations and community groups committed to developing collaborative strategies to improve the quality of life and the economic vitality of the region. Formed in 1964, OKI has spent 50 years cultivating partnerships and alliances that range from the federal government to local councils. Its 118 members represent governmental, social and civic groups from nearly 200 communities in the eight-county, three-state region. OKI works collaboratively with stakeholders to solve interstate dilemmas, create far-reaching development plans, break through political bureaucracy, provide services to the public and advocate for federal funding. OKI has final authority over all federal dollars spent on surface transportation in their region. The NKADD primarily conducts activities in support of transit planning for the rural areas of the NKADD and mobility management services for the entire NKADD region.

#### **Purpose of Public Participation Plan**

The purpose of the Public Participation Plan (PPP) is to describe actions the NKADD shall take to provide opportunities for the public to be involved in the regional transit planning process. It serves as a guide for the NKADD to follow in planning public involvement opportunities. True public participation is central to good decision making. Without meaningful public participation, there is a risk of making less

than optimal decisions. With it, there can be a lasting contribution to the regional well-being of our neighborhoods, towns, cities, and counties. The best policy decisions by government are made in context of public participation.

The goal of the public participation plan will be to broaden the public input process in an effort to reach more sectors of the public. Public awareness is a very important element in gaining public input. Emphasizing the importance of communicating and coordinating with other agencies and interests is also vital to the public involvement process. Ultimately, public participation enhances the ability to implement transportation solutions that improve safety and efficiency, protect natural and human environments, and contribute to community vitality.

In order to gain cooperation in implementing transportation improvements, government, industry, commerce and citizens need to understand what the problems are, what improvements are necessary, what the effects will be and when each element of the program will be ready for public use and/or input. Opening transit planning to the public through meetings, hearings, notices and surveys are ways to inform the public of such issues. To be effective, it is essential that government agencies understand a given community's values and it is equally important for the community to understand the tradeoffs and constraints associated with project planning. This mutual understanding can only be achieved through early, frequent, and continued communication. When the public is engaged in the process, their insight helps assure projects suit community needs. The true test of a successful public participation plan is the level of public awareness and feedback. Too often, public participation does not occur until after the community-at-large becomes aware of an unpopular decision.

The entire planning process and the identification of transportation needs throughout the region, utilizes input from the city mayors, county judges, and other interested parties that could include:

- Citizens,
- affected public agencies,
- representatives of public transit,
- private providers of transit,
- representatives from elderly populations, minority populations, low-income populations and those with disabilities,
- representatives of veteran services, and
- other interested parties.

### **Public Participation**

The NKADD will provide public participation opportunities to allow all persons to be involved in transit planning and provide an avenue for the public voice to be heard by the key decision makers. This action will provide opportunity for all persons and interest groups to participate in the identification, evaluation, and recommendation of prioritized transit needs. This process will involve public meetings with specific interest groups to discuss transit issues, as deemed appropriate by the NKADD. The NKADD will make every effort to include the transit disadvantaged and under-served populations (i.e. elderly, minority, low-income and disabled populations, limited English proficiency populations, as well as all other effected populations in the region) on committees or in public meetings held for the purpose of soliciting input for transit plans, issues and/or projects.

The entire process is developed with a spirit of cooperation by working with the KYTC, local city and county governmental agencies and other interested parties located throughout the region.

### **Approach**

The NKADD PPP will use a broad approach because there is no overwhelming population center for the traditionally underserved, and the size of these populations is relatively small. Third party group members will be identified across the five-county area to aid in the outreach efforts of the traditionally underserved. The widespread use of newspapers, radio, and television can be used to potentially reach the underserved.

Meetings will be open to the public. This action will be made available to allow the public ample opportunities to provide information, concerns, and issues for consideration. Any comments received will be documented by the NKADD.

The NKADD may also hold local or regional public information/input meetings to provide additional opportunities for public comments related to transit issues and the transit planning process.

NKADD Public Involvement activities may include:

- Local or regional public/information meetings
- Conducting local transit meetings with local officials and interested community leaders
- Using e-mail lists to provide transit information materials to interested persons and agencies
- Using advisory committees/groups to include a more diverse group of individuals and representation of the region. This extension group allows for the public participation/input process to expand beyond the regular committee members
- Use the [www.nkadd.org](http://www.nkadd.org) website to share and make finding information easier for the community
- Utilizing local newspapers to help reach more sectors of the public and provide education on the transit planning process with special emphasis during the prioritization process
- Utilize existing services/programs at the NKADD to distribute information (i.e. Child Care, Housing, Aging) this could provide more opportunities to reach low-income, minority, and elderly populations with special emphasis during the prioritization process
- Use surveys in mail-outs, e-mails, etc. to gain public input with special emphasis during the prioritization process

### **List of Resources**

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

1. Public Meetings: The NKADD will hold local or regional public information/input meetings to provide opportunities for public comments related to transit issues and the transit planning process.

2. NKADD Website: The NKADD Website is located at [www.nkadd.org](http://www.nkadd.org). Further commitments to providing information will continue in an effort to make documents and forms electronically accessible formats for easy viewing.
3. Newspapers: Information can be sent to the local newspapers in the region. While none are identified as targeting specific traditionally underserved audiences, all have the potential to have traditionally underserved subscribers. Information can be distributed to the newspapers relating to media releases with announcements of meeting dates and locations, announcements of documents available for public review and comment, and information about the planning process.

### **Socioeconomic Profiles**

The NKADD will develop a plan to encourage participation by minority and low-income populations in the public participation process and include subject populations in the transit planning process.

Title VI was enacted as part of the Civil Rights Act of 1964. It prohibits discrimination on the basis of sex, race, color, and national origin in programs and activities receiving federal financial assistance. Public Outreach activities will include efforts to involve the traditionally underserved groups (i.e. minorities, elderly, low-income persons) in the transit planning process. These potentially underrepresented populations may also be youth of the community, persons with disabilities, senior citizens, veterans, and others who may be too busy to attend public meetings. These efforts may include, but not limited to the following:

- Identifying areas in the region with concentrations of minority, elderly, and low-income populations
- Including organizations that deal directly with minority groups on the Stakeholder lists
- Posting notification of meetings, public hearings, and open houses in county health departments, senior centers, local community centers, post offices and churches
- Publishing notification of meetings, public hearings, and open houses in Spanish

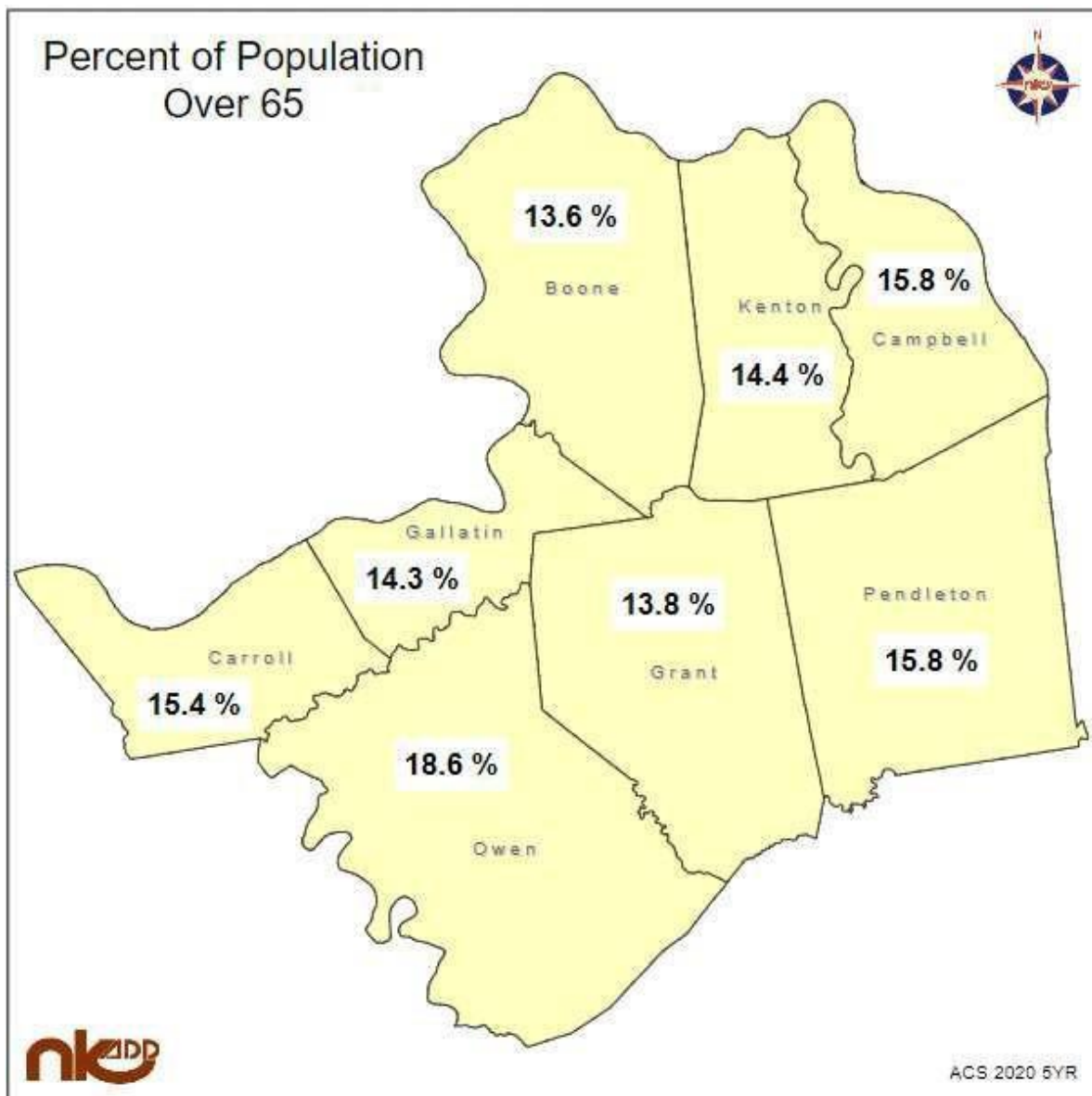
### **Demographic Information**

The Northern Kentucky Area Development District is composed of eight counties: Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen and Pendleton. The below maps provide information on the following potential underserved populations in the NKADD region:

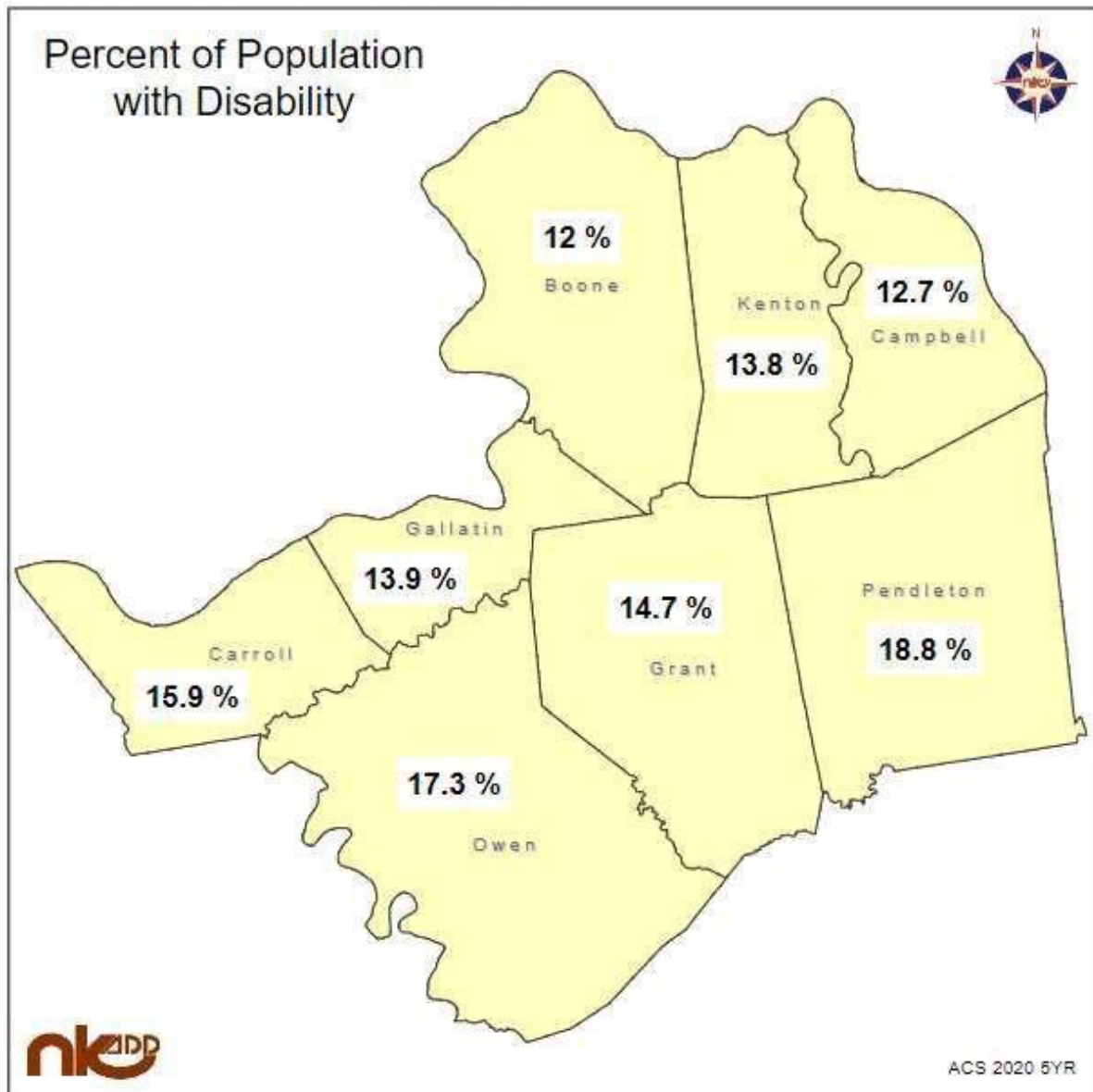
1. Minority
2. Elderly
3. Poverty
4. Disabled

Population Over Age 65

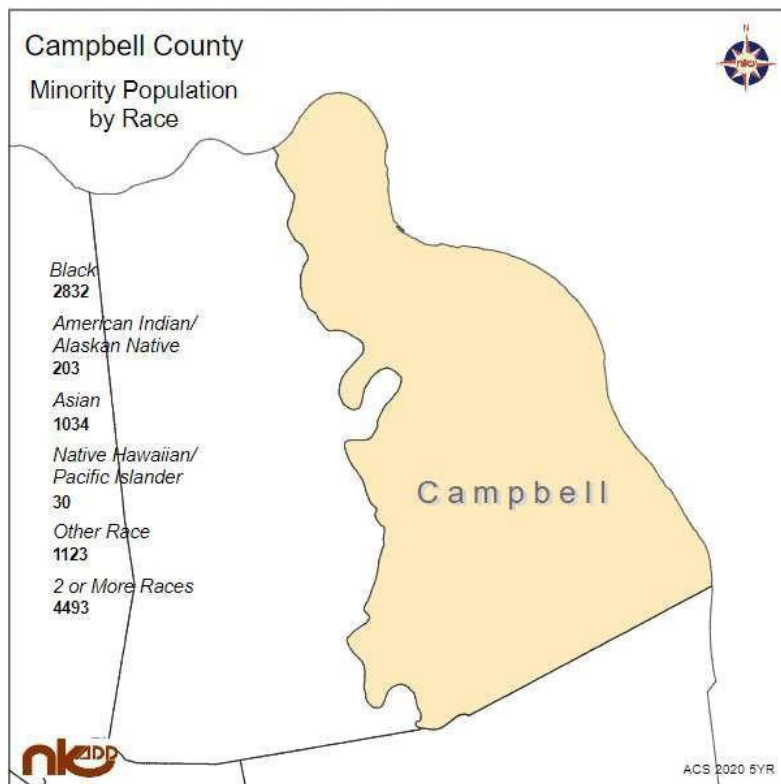
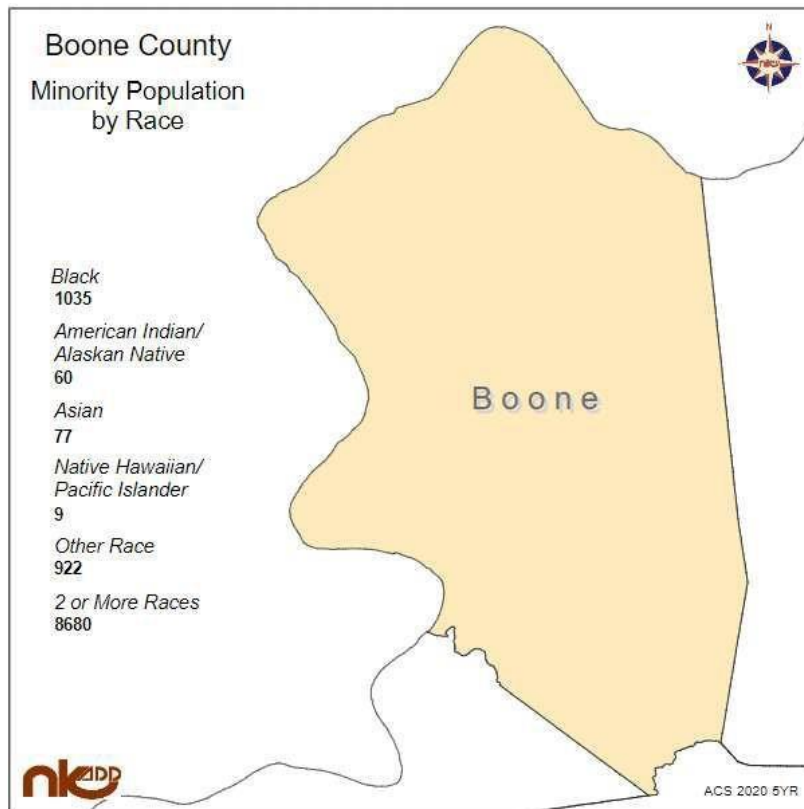
**Rural Counties: Carroll, Gallatin, Grant, Owen and Pendleton**



Population Age 18 & Older with Disability

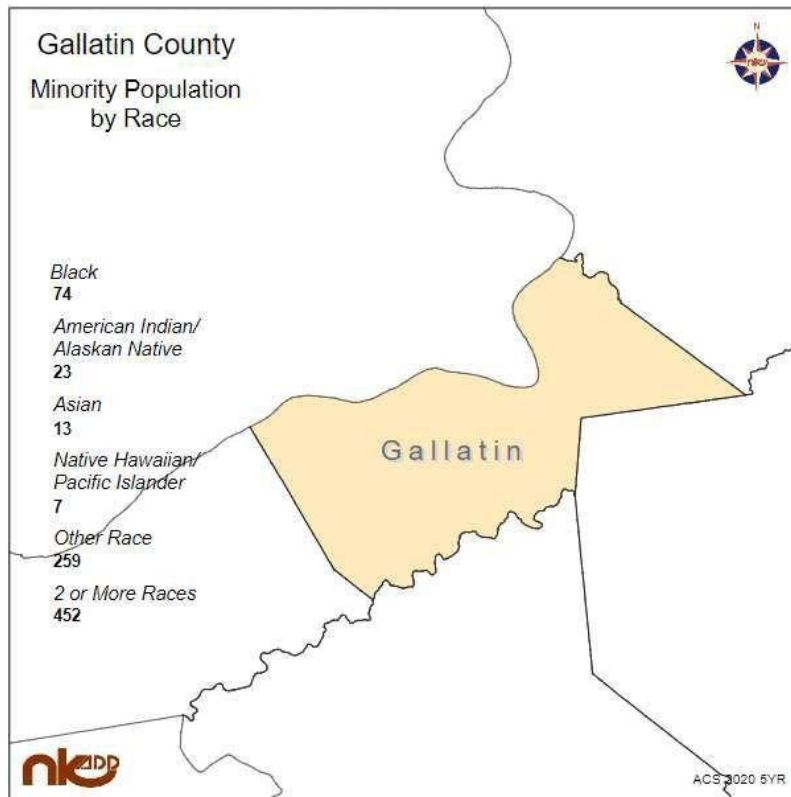
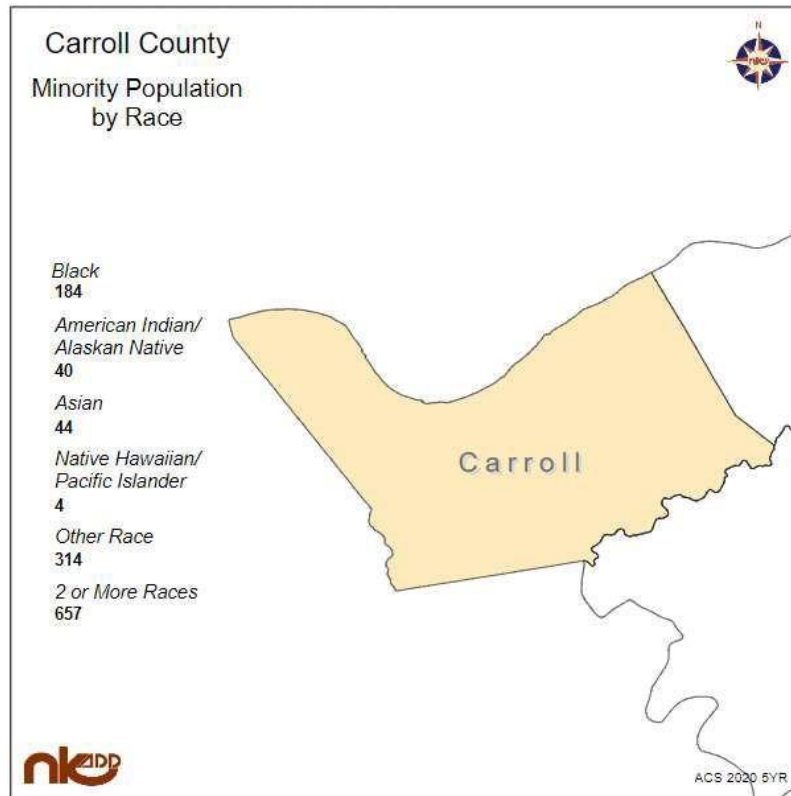


## Minority Population by County

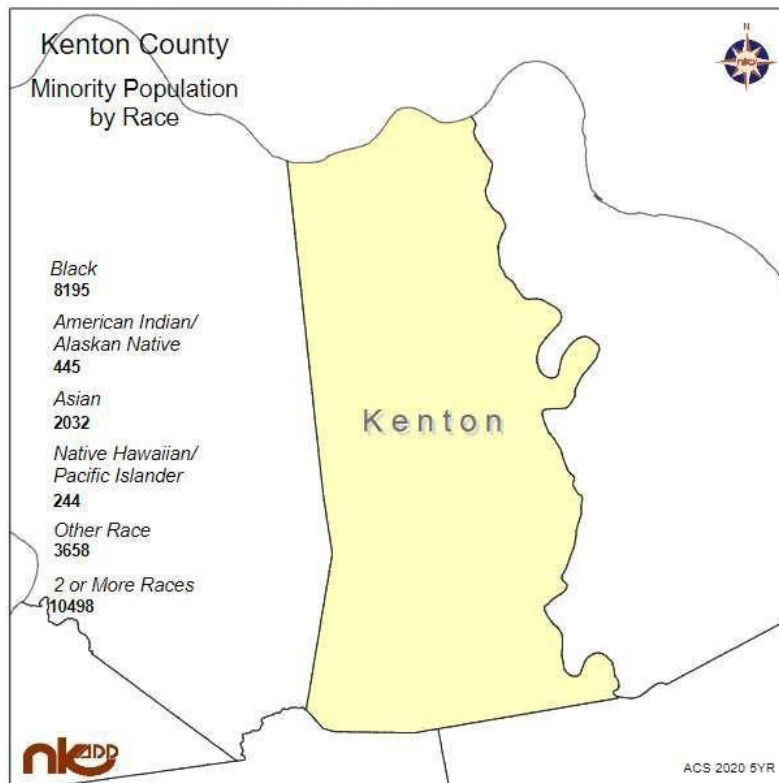
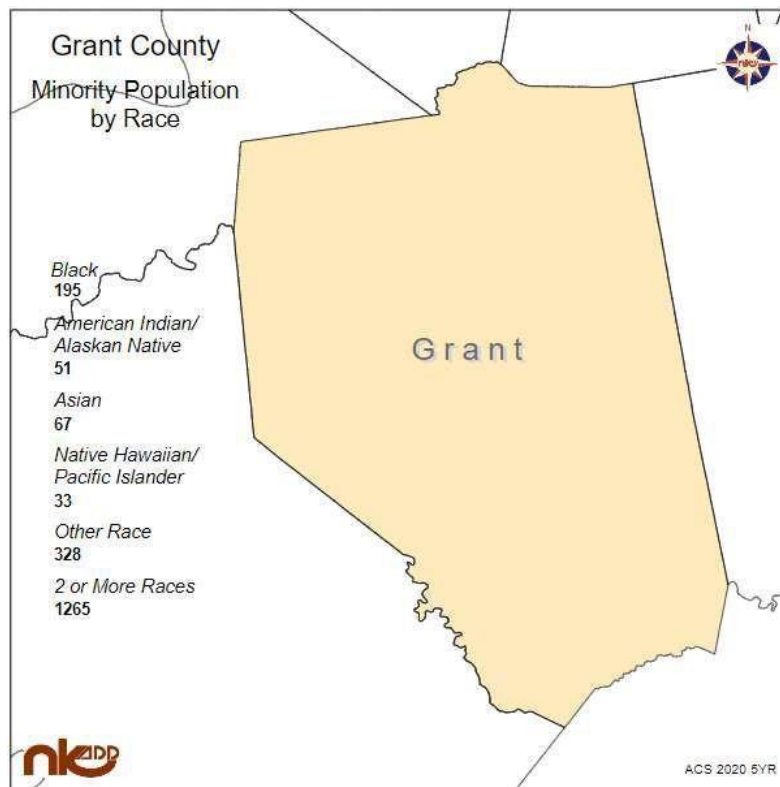




Minority Population by County Cont.



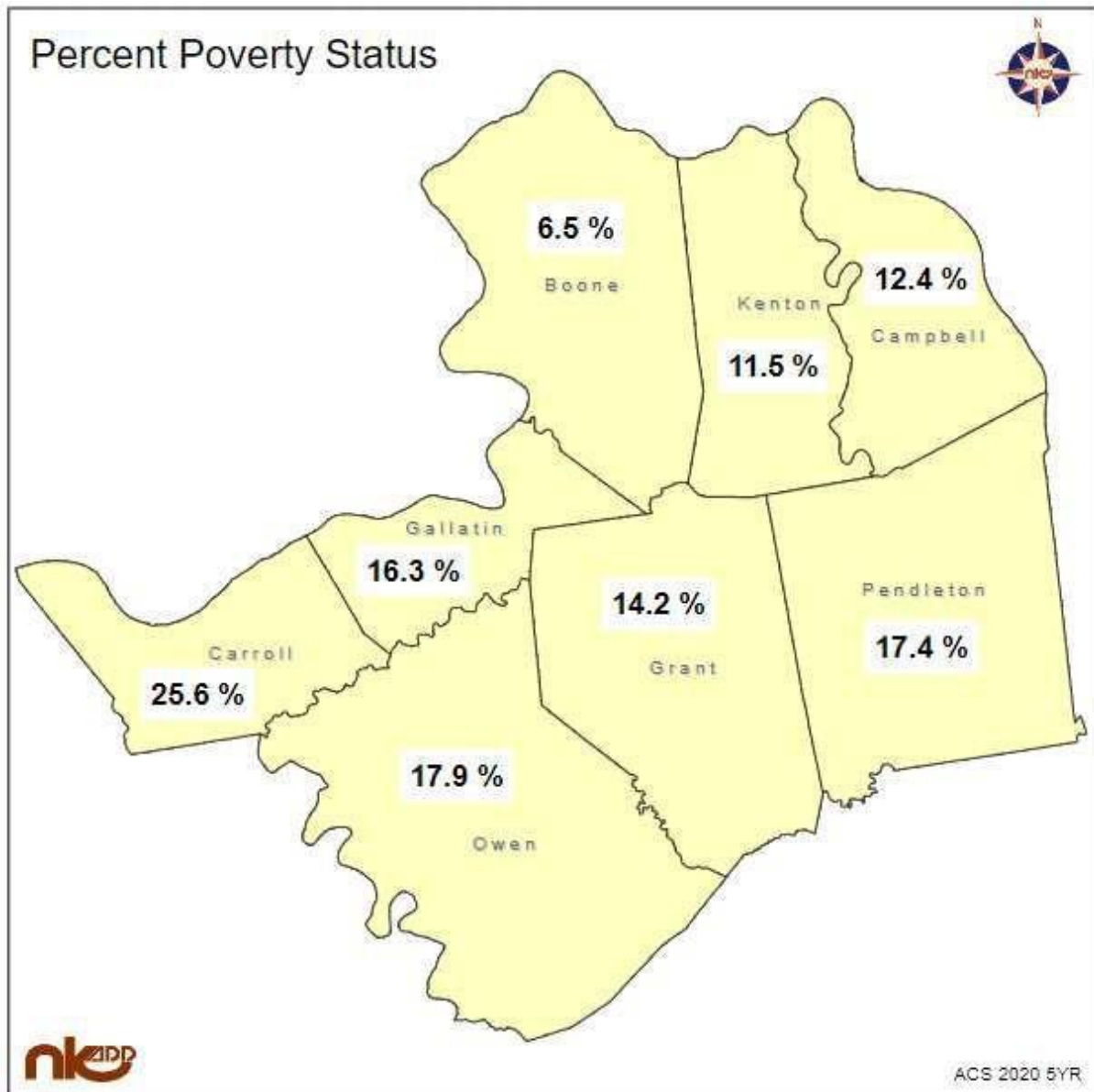
Minority Population by County Cont.



Minority Population by County Cont.



Population Poverty Status



This Public Participation Plan will be updated annually to ensure the potentially underserved populations are being accurately represented in the creation of the Northern Kentucky Area Development District's Transit Coordinated Plan and ensure their inclusion in the planning process. As the size of these populations increase the NKADD will amend their outreach efforts to reflect the fluctuations and ensure inclusion from all members of the community.

## **APPENDIX I: Language Assistance Plan**

### **Northern Kentucky Area Development District Language Assistance Plan – Transit and Transportation Planning**

#### **Introduction**

**FY 2024**

The Northern Kentucky Area Development (NKADD) coordinates a transit system plan within Carroll, Gallatin, Grant, Owen and Pendleton Counties and a regional mobility management program. The Language Assistance Plan (LAP) has been prepared to address NKADD's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In the NKADD rural service area there are 855 residents or 1.32% who describe themselves as not able to communicate in English "very well" (Source: US Census) and in the urban/suburban service area there are 6,771 residents or 1.89% who describe themselves as not able to communicate in English "very well." The NKADD is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. The NKADD has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP.

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

Executive Order 13166 of August 16, 2000 states that recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons (Handbook, page 6). Additionally, recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP (Handbook, page 6). These provisions are included in FTA Circular 4702.1B in Paragraph 9 of Chapter III (pages III-6 to III-9).

For many LEP individuals, public transit is the principal transportation mode available. It is important for the NKADD to be able to communicate effectively with all of its riders. When NKADD is able to communicate effectively with all of its riders, the service provided is safer, more reliable, convenient, and accessible for all within its service area. The NKADD is committed to taking reasonable steps to ensure meaningful access for LEP individuals to this agency's services in accordance with Title VI.

This plan will demonstrate the efforts that NKADD undertakes to make its service accessible to all persons without regard to their ability to communicate in English. The plan addresses how services will be provided through general guidelines and procedures including the following:

- Identification: Identifying LEP populations in service areas
- Notification: Providing notice to LEP individuals about their right to language services
- Interpretation: Offering timely interpretation to LEP individuals upon request
- Translation: Providing timely translation of important documents
- Staffing: Identifying NKADD staff to assist LEP customers
- Training: Providing training on LAP to responsible employees.

#### Four Factor Analysis

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

A. Factor 1: The number and proportion of LEP persons serviced or encountered in the eligible service population

For determining the LEP population, the NKADD utilized the U.S. Census Bureau Language Use data (ACS-DP02) for Language Spoken at Home and English-Speaking Ability by County.

#### **Rural Counties: Carroll, Gallatin, Grant, Owen and Pendleton**

The total Combined (2020) Population over 5 years of age in the rural counties of Carroll, Gallatin, Grant, Owen and Pendleton is **69,019**. The below table outlines the language spoken at home for the service area population according to the U.S. Census Bureau.

Subject	Population 5 y.o. & over	Percent of Population 5 y.o. & over	Speaks English Less than "Very Well" Number (#)	Speaks English Less Than "Very Well" Percentage (%)
Speaks only English	64,575	93.56%	-----	-----
Speaks a language other than English	2,103	3.04%	903	1.31%
Spanish	1,960	2.83%	842	1.22%
Other Indo-European languages	267	0.39%	63	0.10%
Asian and Pacific Islander languages	60	0.09%	56	0.09%
Other languages	54	0.08%	45	0.07%

Source: U.S. Census Bureau American Community Survey: Data Profiles 2020 ACS 5-Year. Accessed October 19, 2020. <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2020/>

#### **Urban Counties: Boone, Campbell and Kenton**

The total Combined (2020) Population over 5 years of age in the urban/suburban counties of Boone, Kenton, and Campbell is **386,856**. The below table outlines the language spoken at home for the service area population according to the U.S. Census Bureau for those five years of age and over.

<b>Subject</b>	<b>Population 5 y.o. &amp; over</b>	<b>Percent of Population 5 y.o. &amp; over</b>	<b>Speaks English Less than "Very Well" Number (#)</b>	<b>Speaks English Less Than "Very Well" Percentage (%)</b>
Speaks only English	354,278	92%	-----	-----
Speaks a language other than English	16,462	4.3%	6,964	1.80%
Spanish	7,446	1.92%	3,591	0.93%
Other Indo-European languages	4,263	1.10%	1,398	0.36%
Asian and Pacific Islander languages	3,206	0.83%	1,650	0.43%
Other languages	1,201	0.31%	472	0.12%

Source: U.S. Census Bureau American Community Survey: Data Profiles 2020 ACS 5-Year. Accessed September 18, 2020. <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2017/>.

**B. Factor 2: The frequency with which LEP persons come in contact with NKADD programs, activities or services.**

The NKADD supports transit planning services in our five rural counties: Carroll, Gallatin, Grant, Owen and Pendleton, but does not provide direct transit assistance to individuals. Direct providers are county governments or nonprofit agencies. Therefore, these are the only areas in which LEP persons might come in contact with NKADD supported transit services or programs. However, during periods of public comment, some citizen participation may be directed to the NKADD.

The NKADD supports mobility management services to the entire NKADD region. The NKADD serves as a call center for those with inquiries relating to public transportation options. The Mobility Manager matches clients with suitable transit providers to meet their needs. Further, the mobility manager schedules transit trips for clients with a select group of providers in the region.

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

Transit services are very important to the populations in our rural areas. The NKADD supports transit planning services in our five rural counties: Carroll, Gallatin, Grant, Owen and Pendleton, but does not provide direct transit assistance to individuals. Direct providers are county governments or nonprofit agencies. The NKADD supports mobility management services to the entire NKADD region. The NKADD serves as a call center for those with inquiries relating to public transportation options. The Mobility Manager matches clients with suitable transit providers to meet their needs. Further, the mobility manager schedules transit trips for clients with a select group of providers in the region. Therefore, these are the only areas in which LEP persons might come in contact with NKADD supported transit services or programs. However, during periods of public comment, some citizen participation may be directed to the NKADD.



D. Factor 4: The resources available to NKADD and overall costs to provide LEP assistance

Given the resources currently available to the NKADD, the LAP measures appear reasonable. LAP measures include written translation if requested. If there is a consistent need for translations, by LEP populations, the NKADD will consider additional appropriate measures to serve the language access needs of those persons.

**Language Implementation Plan**

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

For determining the LEP population, the NKADD utilized the U.S. Census Bureau Language Use data (ACS-DP02) for Language Spoken at Home and English-Speaking Ability by County.

NKADD may identify language assistance need for an LEP group by:

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

B. Element 2: Language Assistance Measures

The NKADD supports transit planning services in our five rural counties: Carroll, Gallatin, Grant, Owen and Pendleton, but does not provide direct transit assistance to individuals. Direct providers are county governments or nonprofit agencies. The NKADD supports mobility management services to the entire NKADD region. The NKADD serves as a call center for those with inquiries relating to public transportation options. The Mobility Manager matches clients with suitable transit providers to meet their needs. Further, the mobility manager schedules transit trips for clients with a select group of providers in the region. Therefore, these are the only areas in which LEP persons might come in contact with NKADD supported transit services or programs. However, during periods of public comment, some citizen participation may be directed to the NKADD and the NKADD will provide written translations when requested.

C. Element 3: Training Staff

Pertinent staff participated in and will continue to participate in future Title VI trainings provided by KYTC, the FTA and other organizations.

D. Element 4: Providing Notice to LEP Persons

When an LEP language group meets the required limits, the NKADD will provide written notice in the primary language of the LEP language group of the right to receive either oral or written interpretation, at the discretion of the NKADD, of those written materials, free of cost. Citizens, public agencies and other interested parties will have reasonable and timely access to information and records relating to the LAP. All public records will be made accessible to interested individuals and groups pursuant to Open Records Statute KRS 61.870-884.

E. Element 5: Monitoring and Updating the Plan

All agencies receiving federal transit funds administered through the NKADD program will report as requested by KYTC on services provided to LEP persons. Agencies will review their respective plans each year to evaluate their effectiveness and to make any needed changes. The NKADD will assist agencies in finding appropriate translation resources, and disseminate translated notices, brochures, posters and other documents.

The NKADD will monitor the delivery of any required language assistance on an ongoing basis. It will review the LAP, evaluate the effectiveness of its implementation, and update the LAP, on an annual basis, in order to ensure continued responsiveness to community needs.

The LAP evaluation will consist of:

- i. Revision of the LAP, as necessary, by monitoring changes in demographics and services provided, updating available resources and tools, modifying methods of implementation and addressing any issues of concerns.
- ii. Analysis of language assistance usage, including the amount of language service requests, surveying the languages most frequently encountered, identifying the primary modes of communication, and costs associated with services rendered.

**Safe Harbor Provision**

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

The Northern Kentucky Area Development District (NKADD) service area does have an LEP population which qualify for the Safe Harbor Provision. As shown on page 65-66, the Spanish speaking population (4,433), does meet the threshold of LEP groups which speak English less than "very well" which exceed either 5.0% or 1,000 persons. The NKADD assures that vital documents will be made available to those in this population.

## **APPENDIX J: NKADD Board of Directors Plan Approval**

Board approved the Title VI Plan on March 23<sup>rd</sup>, 2023