

OKI Title VI Program

2025-2028



Ohio-Kentucky-Indiana Regional Council of Governments
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The preparation of this document was financed cooperatively by the Federal Highway Administration, the Federal Transit Administration, the Commonwealth of Kentucky Transportation Cabinet, the Ohio Department of Transportation, the Indiana Department of Transportation, the units of local and county government in the OKI region. The opinions, findings, and conclusions expressed in this document are those of the OKI Regional Council of Governments and are not necessarily those of the U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation.

ACKNOWLEDGEMENTS

The Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Ohio Department of Transportation (ODOT), the Kentucky Transportation Cabinet (KYTC), and the units of local and county governments in the OKI region financed the preparation of this document cooperatively.

The opinions, findings and conclusions expressed in this document are those of the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) and are not necessarily those of the U.S. Department of Transportation (U.S. DOT). This report does not constitute a standard, specification, or regulation.

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INTRODUCTION

Established in 1964, the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) has spent 45 years cultivating partnerships and alliances that range from the federal government to local councils. Over 100 members represent governmental, social and civic groups from nearly 200 communities in its eight-county, three-state region. OKI is the regional planning and intergovernmental coordination agency for the Greater Cincinnati metropolitan area. Its nearly 200 units of local governments include Butler, Clermont, Hamilton, and Warren counties in southwestern Ohio; Boone, Campbell, and Kenton counties in northern Kentucky; and Dearborn County in southeastern Indiana. As the designated Metropolitan Planning Organization (MPO) and Council of Governments (COG) for the Ohio, Kentucky and Indiana counties in its region, OKI is responsible for the development of a long-range plan and a short-range programming document for transportation, as well as other planning initiatives. Civic engagement efforts apply to the broad spectrum of transportation investments and impacts considered in metropolitan planning, as well as individual projects recommended by OKI.

In developing its Participation Plan, OKI replaced its former OKI Policy for Environmental Justice (EJ) (April 7, 2003) and OKI Policy for Public Involvement (November 12, 1998). The new plan addresses OKI's efforts to not only involve the public in transportation decision-making and the provisions for assessing the equity of transportation investments, but also provides a plan for inter-agency coordination and consultation with local governments. The plan revolves around OKI's transportation programming, but it can also be applied to other programs at OKI or used by other agencies. The OKI Board of Directors adopted this Participation Plan on June 14, 2007, and it continues to be reviewed and updated every four years.

As a public agency that receives federal funds and makes recommendations on federal expenditures, OKI is bound by Participation requirements which stipulate that federal funds are used fairly and without discrimination. And, per Title 49 U.S.C. Chapter 53, OKI ensures that the requirements of its transportation planning processes are structured for flexible funded projects, including project selection requirements. OKI adheres to federal and state regulations that prohibit discrimination and demonstrates its compliance by exemplifying policy set forth in its transportation planning processes.

The basis for Environmental Justice is Title VI of the Civil Rights Act of 1964, which states:

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 subjected to discrimination under any program or activity receiving Federal financial assistance.

In addition to Title VI of the Civil Rights Act of 1964 a number of additional federal and state regulations prohibit discrimination based on certain protected classes. Notable examples include:

- Fixing America's Surface Transportation (FAST) Act, December 2015
- Moving Ahead for Progress in the 21st Century Act (MAP-21) effective October 2012
- Federal Highway Administration Order in 1998
- U.S. Department of Transportation Order in 1997
- President Clinton issued Executive Order 12898 in 1994, which directed every federal agency to make EJ part of its mission by identifying and addressing the effects of all programs, policies, and activities on minority and low income populations.
- The U.S. Department of Transportation issued Departmental Order 5610.2(a) (Actions to Address Environmental Justice in Minority Populations and Low-Income Populations). This Order updates the Department's original Environmental Justice Order 12898. The Order continues to be a key component of the Department's strategy to promote the principles of EJ in all departmental programs, policies, and activities.
- 49 CFR Part 21
- 23 CFR Part 200
- U.S. DOT Order 1050.2
- Americans with Disabilities Act of 1990
- Civil Rights Restoration Act of 1987
- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973

For agencies like OKI, the Orders issued by federal departments clarified the need to involve the potentially affected public in transportation decision-making processes and assess the equity of transportation investments. The targets of the Participation Plan are the general public, but provide additional consideration for EJ populations of minority and low income populations. OKI has chosen to expand its efforts to also include elderly persons, people with disabilities, and zero-car households.

- President George W. Bush issued Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency", 2000 which requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.
- Title VI of the Civil Rights Act of 1964

POLICY OVERVIEW

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

Ohio-Kentucky-Indiana (OKI) Regional Council of Governments works to ensure nondiscriminatory transportation planning and investments in support of this statute to provide a safe, secure and reliable highway system for the efficient mobility of people and goods, thereby enhancing both the quality of life and the economic vitality of the OKI region.

OKI continues its commitment to be a workplace compliant with Title VI of the Civil Rights Act of 1964.

Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.)
- Section 162 (a) of the Federal Aid Highway Act of 1973 (23 USC 324)
- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Americans With Disabilities Act of 1990
- Civil Rights Restoration Act of 1967
- 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)

RESPONSIBLE OFFICIALS

Organizational Chart is available on Appendix H.

Chief Executive Officer – Mark R. Policinski

The Chief Executive Officer is responsible for OKI's adherence and compliance of Title VI via program implementation and policy development including:

- Monitoring Equal Employment Opportunity programs and enforcement of Title VI of the 1964 Civil Rights Act.
- Counseling at-risk employees and employees facing disciplinary action or identified as having difficulties that may interfere or jeopardize employment (EEO).
- Administering, coordinating, supporting and monitoring progress of the Disadvantaged Business Enterprise (DBE) Program and Internship Programs.

Title VI Coordinator – Jenny Newcomb

Per Title VI guidelines, responsibilities for the OKI Title VI Coordinator include:

- Collecting and analyzing data on minority and low income populations to determine the potential impact of proposed plans, programs and projects.
- Ensuring all contract documents contain the appropriate Title VI provisions.
- Consulting with the OKI Chief Executive Officer when complaints are received or issues arise during a Public Hearing/Public Meeting.
- Ensuring that all people are treated equitably regardless of race, color, or national origin.
- Monitoring Title VI accomplishments, notifying the Chief Executive Officer of problem areas and summarizing activities for inclusion in the Title VI Program update.
- Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of projects and activities.
- Ensuring that all business pertaining to the selection, negotiation, and administration of consultant contracts and agreements is accomplished without discrimination based on race, color, or national origin.

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

TITLE VI POLICY STATEMENT

It is the policy of the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments to afford equal opportunity to all persons to the end that no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the U.S. Department of Transportation.

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

This policy shall be prominently posted on the OKI website and in the Lobby area of the OKI office in both English and Spanish.

Signed and approved this ____29____ day of _____October_____, 2024.

OKI Regional Council of Governments
(Recipient)

By Mark Policinski
Mark R. Policinski, CEO / Executive Director
(Signature of Authorized Official)

Standard Title VI Assurances

Ohio-Kentucky-Indiana Regional Council of Governments

Standard Title VI Assurances

The Ohio-Kentucky-Indiana Regional Council of Governments (hereinafter referred to as the "Recipient") **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Highway Administration (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 *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

In accordance with the Acts, 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 **Federal Highway Program**:

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

Construction Proposals

"The Ohio-Kentucky-Indiana Regional Council of Governments, Department of Highways, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 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. "

Agreements for Other Services

"Compliance with Regulations: The Consultant shall comply with the regulations of the Ohio-Kentucky-Indiana Regional Council of Governments, Department of Highways, relative to nondiscrimination in Federally Assisted Programs of the Transportation Cabinet, Department of Highways (49 CFR, Part 21) which are herein incorporated by reference and made a part of this contract."

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, The Ohio-Kentucky-Indiana Regional Council of Governments 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.

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

Signed _____ and approved this 19 day of November, 2024.

Mark Policinski

Mark R. Policinski,
CEO/Executive Director
Ohio-Kentucky-Indiana Regional Council of
Governments

Attest:

Julia Brossart

Julia Brossart,
Director of Communications
and Legislative Affairs

RESOLUTION

**OF THE BOARD OF DIRECTORS OF THE
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS**

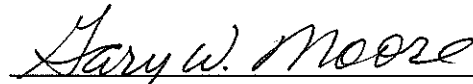
**AUTHORIZING ADOPTION OF THE UPDATE TO THE
OKI TITLE VI PLAN**

WHEREAS, the Ohio-Kentucky-Indiana Regional Council of Governments has adopted a Title VI Plan that meets the legal requirements and responsibilities of the U.S. Department of Transportation (USDOT) as a recipient of Federal financial assistance; and

WHEREAS, the Title VI Plan continues to be reviewed by OKI staff on an on-going basis to ensure consistency with federal regulations and guidelines; and

WHEREAS, the update is consistent with USDOT guidance; therefore,

BE IT RESOLVED, that the Board of Directors of the Ohio-Kentucky-Indiana Regional Council of Governments, at its regular public meeting of January 7, 2025, hereby approves the update to the OKI Title VI Plan as recommended by OKI staff.


GARY W. MOORE, PRESIDENT

JN
1/9/25

Program Review Procedures

In 2022 the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments approved an updated Participation Plan. It will be due for its next update in 2026. OKI is dedicated to ensuring a fair and equitable planning process and business practice. The OKI Participation Plan outlines processes for consultations practices related to the Disadvantaged Business Enterprises (DBE), Title VI and Section 504 of Rehabilitation Act of 1973 requirements. OKI has dedicated staff to ensure compliance with and support of the Council's responsibilities and practices related to these issues. OKI uses Census data to identify and reach a representative population. Per Title VI guidelines responsibilities for the OKI Title VI Coordinator include:

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

Special Emphasis Program Areas

Since the fall of 2018, OKI has administered an annual questionnaire for each 5310 sub-recipient agency in order to ensure compliance of all federal requirements. This questionnaire covers multiple areas including financial management, vehicle maintenance (if applicable), ADA and Title VI requirements. Sub-recipient agencies are required, as part of this questionnaire, to submit their complete Title VI plan to OKI. OKI is working with subrecipients who need to update their Title VI plans.

In addition to having a Title VI plan on file with OKI, all of these agencies have certified their commitment to adhere to Title VI requirements as part of their original 5310 application, as well as certifying the same in their executed sub-recipient agreement.

To clarify the sub-recipient requirement to have a Title VI plan, OKI updated the OKI 5310 Program Management Plan in May 2019 and included additional provisions for ensuring all agencies that receive Section 5310 federal funding comply with federal requirements during the funded activity, including having a Title VI plan in place and submitted to OKI during the project activity. For vehicles acquired, this duration includes the vehicle useful life benefit period.

The sub-recipient site visits have resulted in helping OKI staff to better understand the physical dynamics of each sub-recipient's facility and provide an additional opportunity for enhancing communication between OKI staff and sub-recipient. OKI conducts site visits on a 3-year schedule, with the next visit being 2025.

In the event that OKI staff identifies any trends or patterns of discrimination, staff will coordinate with the KYTC Office for Civil Rights and Small Business Development for guidance and form a working group to assess and resolve the identified discrimination.

Sub-recipient review procedures

The OKI 5310 Program Management Plan commits OKI to administer a questionnaire for each 5310 sub-recipient agency to complete on an annual basis. This survey covers multiple areas including financial management, vehicle maintenance (if applicable), ADA and Title VI requirements. Sub-recipient agencies are required, as part of this questionnaire, to inform OKI of any Title VI complaints received. In the event a complaint is reported to have been received, OKI requires the subrecipient to describe the nature of the complaint and how the situation was resolved. In the event any terms of the subrecipient agreement were violated, OKI would remedy per the terms of the agreement.

Title VI Training

An overview of OKI's Sub-Recipient Monitoring Program was highlighted in the preceding pages. As previously stated, this external component of OKI's Title VI Training Program involves the training of OKI's sub-recipients and beneficiaries (if any).

Internally, OKI's Human Resources Department conducts a two-hour orientation with every new employee. During the orientation the HR Manager provides an overview of the OKI Employee Handbook with special emphasis on the Equal Employment Opportunity, Anti-Harassment, and Anti-Discrimination policies. The orientation provides OKI the opportunity to acquaint employees to what is expected of them when encountering the diverse challenges of race, gender, religion and culture. This expectation strengthens the inclusiveness and valuing of differences in all of OKI's transportation planning activities and investments and helps to keep OKI in compliance with the tenets of Title VI. At the conclusion of the OKI orientation the employee must sign an Employee Handbook Acknowledgement Form to confirm completion and adherence to its policies. In addition, the new employee must also attend a one-day training about Workplace Civility. The topics in this training include physical and sexual harassment, diversity, Title VI concerns and more.

On November 12, 2024, the Title VI Coordinator conducted a meeting for all staff to view the Title VI training video provided by KYTC. The Sign-In Sheet is appendix G.

Data Collection/Reporting/Analysis

Statistical data on race, color, national origin, sex, age, disability, and LEP of participants in and beneficiaries of OKI's programs, (i.e., affected populations, and participants) are analyzed by OKI to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. OKI also analyzes statistical data relevant to the elderly, persons with disabilities and zero-car households. Each of OKI's program areas will maintain data relative to their programs and activities. Data gathering procedures are reviewed regularly to ensure sufficiency of the data in meeting the requirements of Title VI program administration. Analysis of the data collected by the program emphasis areas may include:

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

TITLE VI NOTIFICATION TO THE PUBLIC

Ohio-Kentucky-Indiana (OKI) Regional Council of Governments

OKI Regional Council of Governments operates its programs and services without regard to race, color, sex, or national origin, in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with OKI.

For more information on OKI's civil rights program, and the procedures to file a complaint, contact Jenny Newcomb at jnewcomb@oki.org or 513-205-7858. Complainants may also visit OKI's administrative office at 720 East Pete Rose Way, Suite 420, Cincinnati, Ohio 45202 during regular business hours or, visit the OKI website at www.oki.org.

If a complainant has a disability or requires information in another language, call the Ohio Relay Service at 800-750-0750.

OKI's **Title VI Notification to the Public or Beneficiary Notice** is also posted on the oki.org and in the Lobby area of the OKI office in both English and Spanish.

TITLE VI NOTICE OF PROTECTIONS AGAINST DISCRIMINATION

Ohio-Kentucky-Indiana (OKI) Regional Council of Governments operates its programs without regard to race, sex, color or national origin.

To request or receive additional information on its discrimination obligations, including its complaint procedures, please contact the person listed below:

Jenny Newcomb, Title VI Coordinator

OKI Regional Council of Governments

720 East Pete Rose Way – Suite 420

Cincinnati, OH 45202

Telephone: 513-205-7858

Ohio Relay Service: 800-750-0750

Email Address: jnewcomb@oki.org

Website: www.oki.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. The discrimination complaint will be handled and investigated by Federal Highway Administration (FHWA) unless otherwise delegated to the Ohio Department of Transportation (ODOT), or the Kentucky Transportation Cabinet (KYTC). Written complaints may also be filed with the Federal Transit Administration (FTA) or Federal Highway Administration (FHWA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA or FHWA.

Judge/Executive Gary W. Moore
President

Mark R. Policinski
CEO

720 E. Pete Rose Way, Suite 420 Cincinnati, Ohio 45202 | Phone: 513.621.6300 | Fax: 513.621.9325 | www.oki.org

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TITLE VI COMPLAINT PROCEDURE

Ohio-Kentucky-Indiana (OKI)

Regional Council of Governments

This document is provided by the OKI Regional Council of Governments for a contractor, subcontractor, vendor or member of the general public to seek recourse if the individual is of the opinion that he or she has been unjustly served during the course of interaction with OKI and its transportation planning process.

Any person who believes he or she has been excluded from participation in or has been discriminated against on the basis of race, color, sex, or national origin by the OKI Regional Council of Governments (hereinafter referred to as “OKI”) may file a complaint on OKI’s Title VI Complaint Form. The complaint should be submitted in writing, should be signed and may be filed via mail, fax, in person or email. The contact person is Jenny Newcomb, Title VI Coordinator, OKI Regional Council of Governments, 720 East Pete Rose Way, Suite 420, Cincinnati, Ohio 45202. The fax number is 513-621-9325 and her email address is jnewcomb@oki.org. OKI accepts complaints received no more than 180 days after the alleged incident.

Per guidance released by the Federal Highway Administration (FHWA) on 4/9/2019, which clarifies common questions regarding the Title VI complaint process, the following information is noted. FHWA’s preferred routing for complaints differs from the Federal Transit Administration’s (FTA) guidance for the same process.

Complaints received for FTA-funded programs (bus, train, other transit) may be submitted to any agency (local government, transit provider, MPO, DOT or federal district headquarters), but the primary investigation would be performed at the most local level – with the appropriate State DOT and FTA notified of any development and the final decision.

Conversely, Title VI investigations for FHWA-funded programs will occur at FHWA’s Headquarters Office of Civil Rights. FHWA notes that FHWA Division Offices do not investigate Title VI complaints. Likewise, Recipients, such as State DOTs, and Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

- All complaints should be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or Subrecipients of Federal financial assistance.
- Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with a Subrecipient City, that receiving agency should forward the complaint to the State DOT, which

should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with a State DOT, then the State DOT should forward the complaint to the State FHWA Division Office, which should forward the complaint to HCR.

- State DOTs and Subrecipients must log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, State DOT, and Subrecipient (where applicable).

Complaints may also be sent to HCR directly at:

Postal Mail: Federal Highway Administration
 U.S. Department of Transportation
 Office of Civil Rights
 1200 New Jersey Avenue, SE
 8th Floor E81-105
 Washington, DC 20590

Email: CivilRights.FHWA@dot.gov

Fax: 202-366-1599

Questions: 202-366-0693

TITLE VI COMPLAINT FORM

Ohio-Kentucky-Indiana (OKI)

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
<p>I believe the discrimination I experienced was based on (check all that apply):</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex</p> <p>Date of Alleged Discrimination (Month, Day, Year):</p> <p>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.</p>				

Regional Council of Governments

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

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

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Please submit this form in person at the address below, or mail this form to: Jenny Newcomb, Title VI Coordinator, OKI Regional Council of Governments, 720 East Pete Rose Way – Suite 420, Cincinnati, OH 45202

TÍTULO VI NOTIFICACIÓN AL PÚBLICO

Ohio-Kentucky-Indiana (OKI) Consejo Regional de Gobiernos

El Consejo Regional de Gobiernos de OKI opera sus programas y servicios sin tener en cuenta la raza, el color, el origen nacional, de acuerdo con el Título VI de la Ley de Derechos Civiles. Cualquier persona que crea que ha sido agraviada por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja ante OKI.

Para obtener más información sobre el programa de derechos civiles de OKI y los procedimientos para presentar una queja, comuníquese con Jenny Newcomb al jnewcomb@oki.org o al 513-205-7858. Los reclamantes también pueden visitar la oficina administrativa de OKI en 720 East Pete Rose Way, Suite 420, Cincinnati, Ohio 45202 durante el horario comercial regular o, visite el sitio web de OKI en www.oki.org.

Si un demandante tiene una discapacidad o requiere información en otro idioma, llame al Servicio de Retransmisión de Ohio al 800-750-0750.

La Notificación del Título VI de OKI **al Público o aviso al Beneficiario** también se publica en el sitio web de OKI y en el área del vestíbulo de la oficina de OKI en inglés y español.

Judge/Executive Gary W. Moore
President

Mark R. Policinski
CEO

720 E. Pete Rose Way, Suite 420 Cincinnati, Ohio 45202 | Phone: 513.621.6300 | Fax: 513.621.9325 | www.oki.org
Serving the Counties of: Boone | Butler | Campbell | Clermont | Dearborn | Hamilton | Kenton | Warren



www.facebook.com/okiregional



twitter.com/okircog

TÍTULO VI AVISO DE PROTECCIÓN CONTRA LA DISCRIMINACIÓN

El Consejo Regional de Gobiernos de Ohio-Kentucky-Indiana (OKI) opera sus programas sin importar la raza, el color o sexo, el origen nacional.

Para solicitar o recibir información adicional sobre sus obligaciones de discriminación, incluidos sus procedimientos de queja, comuníquese con la persona que se enumera a continuación:

Jenny Newcomb, Coordinadora del Título VI
Consejo Regional de Gobiernos de OKI
720 East Pete Rose Way – Suite 420
Cincinnati, OH 45202
Teléfono: 513-205-7858
Servicio de retransmisión de Ohio: 800-750-0750
Dirección de correo electrónico:
jnewcomb@oki.org Sitio web: www.oki.org

Para presentar una queja por discriminación, la queja por escrito debe presentarse a la dirección anterior dentro de los 180 días posteriores a la presunta discriminación. Para acomodar a las personas con dominio limitado del inglés, las quejas orales que se documentarán y / o traducirán también se pueden dar en la dirección anterior. La queja por discriminación será manejada e investigada por la Administración Federal de Carreteras (FHWA), a menos que se delegue el Departamento de Transporte de Ohio (ODOT) o el Gabinete de Transporte de Kentucky (KYTC). Las quejas por escrito también se pueden presentar ante la Administración Federal de Tránsito (FTA) o la Administración Federal de Carreteras (FHWA) a más tardar 180 días después de la fecha de la presunta discriminación, a menos que el tiempo para la presentación sea extendido por FTA o FHWA.

Judge/Executive Gary W. Moore
President

Mark R. Policinski
CEO

720 E. Pete Rose Way, Suite 420 Cincinnati, Ohio 45202 | Phone: 513.621.6300 | Fax: 513.621.9325 | www.oki.org

Serving the Counties of: Boone | Butler | Campbell | Clermont | Dearborn | Hamilton | Kenton | Warren



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TÍTULO VI PROCEDIMIENTO DE RECLAMACIÓN

Ohio-Kentucky-Indiana (OKI)

Consejo Regional de Gobiernos

Este documento es proporcionado por el Consejo Regional de Gobiernos de OKI para que un contratista, subcontratista, proveedor o miembro del público en general busque un recurso si la persona opina que ha sido injustamente notificada durante el curso de la interacción con OKI y su proceso de planificación del transporte.

Cualquier persona que crea que ha sido excluida de la participación o ha sido discriminada por motivos de raza, color, sexo, origen nacional, por el Consejo Regional de Gobiernos de OKI (en lo sucesivo, "OKI") puede presentar una queja en el Formulario de Queja del Título VI de OKI. La queja debe presentarse por escrito, debe estar firmada y puede presentarse por correo, fax, en persona o correo electrónico. La persona de contacto es Jenny Newcomb, Coordinadora del Título VI, Consejo Regional de Gobiernos de OKI, 720 East Pete Rose Way, Suite 420, Cincinnati, Ohio 45202. El número de fax es 513-205-7858 y su dirección de correo electrónico es jnewcomb@oki.org. OKI acepta las quejas recibidas no más de 180 días después del presunto incidente.

Según la guía publicada por la Administración Federal de Carreteras (FHWA) el 4/9/2019, que aclara preguntas comunes sobre el proceso de queja del Título VI, se observa la siguiente información. La ruta preferida de FHWA para las quejas difiere de la guía de la Administración Federal de Tránsito (FTA) para el mismo proceso.

Las quejas recibidas para los programas financiados por FTA (autobús, tren, otro tránsito) pueden presentarse a cualquier agencia (gobierno local, proveedor de tránsito, MPO, DOT o sede del distrito federal), pero la investigación primaria se realizaría al nivel más local, con el DOT estatal apropiado y el FTA notificados de cualquier desarrollo y la decisión final.

Por el contrario, las investigaciones del Título VI para los programas financiados por la FHWA se llevarán a cabo en la Oficina de Derechos Civiles de la Sede de la FHWA. La FHWA señala que las Oficinas de la División de la FHWA no investigan las quejas del Título VI. Del mismo modo, los Destinatarios, como los DOT estatales y los Subreceptores, no investigan las quejas presentadas contra sí mismos. Finalmente, FHWA es responsable de todas las decisiones con respecto a si una queja debe ser aceptada, desestimada o remitida a otra agencia.

Con este entendimiento, las quejas deben enrutarse de las siguientes maneras:

- Todas las quejas deben ser enrutadas a la Oficina de Derechos Civiles de la Sede de la FHWA (HCR) para su procesamiento. HCR es responsable de todas las determinaciones con respecto a si aceptar, desestimar o transferir las quejas del Título VI presentadas contra los DOT estatales o los subreceptores de asistencia financiera federal.
- Las quejas deben enviarse desde la agencia receptora inicial a través de la jerarquía de supervisión de carreteras de ayuda federal hasta que la queja llegue al HCR. Por ejemplo, si se presenta una queja ante una ciudad subreceptor, esa agencia receptora debe enviar la queja al DOT estatal, que

debe enviar la queja a la Oficina de la División FHWA del estado, que debe enviar la queja al HCR. Si se presenta una queja ante un DOT estatal, entonces el DOT estatal debe enviar la queja a la Oficina de la División estatal de FHWA, que debe enviar la queja al HCR.

- Los DOTs y Subreceptientes estatales deben registrar todas las quejas recibidas.
- Cuando el HCR decida si acepta, desestima o transfiere la queja, el HCR notificará al Demandante, a la Oficina de la División de la FHWA, al DOT Estatal y al Subreceptiente (cuando corresponda).

Las quejas también pueden enviarse al HCR directamente a:

Correo postal: Administración Federal de Carreteras
Departamento de Transporte de los Estados Unidos
Oficina de Derechos Civiles
1200 New Jersey Avenue, SE
8º Piso E81-105
Washington, DC 20590

Correo electrónico: CivilRights.FHWA@dot.gov

Fax: 202-366-1599

¿Preguntas?: 202-366-0693

FORMULARIO DE QUEJA POR DISCRIMINACION

CONFORME AL TITULO VI

(TITLE VI COMPLAINT FORM)

Ohio-Kentucky-Indiana (OKI)

Sección I:				
Nombre:				
Dirección:				
Teléfono (casa):			Teléfono (trabajo):	
Email:				
Formato deseado	Letras grandes		Cinta de audio	
	TDD		Otro formato	
Sección II:				
¿Está presentando esta queja en su propio nombre?			Sí*	No
*Si ha contestado "sí" a esta pregunta, pase a la sección III.				
Si la respuesta es "no, escriba el nombre de la persona que presenta la queja y la relación que tiene con usted:				
Por favor, explique la razón por la cual usted presenta esta queja a nombre de un tercero:				
¿Tiene usted permiso de la persona agraviada para presentar esta queja en nombre de esa persona?			Sí	No
Sección III:				
Creo que la discriminación que he experimentado está basada en (marque todos los que correspondan):				
<input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional <input type="checkbox"/> Sexo				
Fecha en que ocurrió la presunta discriminación (mes, día, año):				

Explique de la manera más clara posible lo ocurrido y por qué cree usted haber sido discriminado. Liste a todas las personas que estuvieron envueltas. Incluya el nombre y la información de contacto de la persona(s) que le ha discriminado (si lo sabe), y el nombre e información de contacto de cualquier testigo(s). Si necesita más espacio, use la parte de atrás de

esta hoja.

Consejo Regional de Gobiernos (Regional Council of Governments)

Sección IV:

¿Ha presentado usted en el pasado una queja basada en el Título VI ante esta agencia?

Sí

No

Sección V:

¿Ha presentado usted esta queja en cualquier otra agencia federal, estatal o local o en cualquier corte federal o estatal?

☐ Sí

☐ No

Si respondió "Sí", marque todos los que correspondan:

☐ Agencia federal

☐ Corte federal _____ ☐ Agencia estatal

☐ Corte estatal _____ ☐ Agencia Local

Por favor, proporcione información sobre la persona de contacto en la agencia/corte donde se presentó la queja.

Nombre:

Título:

Agencia/Corte: Dirección:

Teléfono:

Sección VI

Nombre de la agencia contra la que se presentó la queja:

Persona de contacto:

Título:

No. de teléfono:

Usted puede adjuntar a este formulario cualquier información por escrito o cualquier otro tipo de información que usted crea que sea relevante a su queja.

Firma

Fecha

Por favor, entregue este formulario en persona en la dirección que aparece más abajo, o envíelo a: Jenny Newcomb, Title VI Coordinator, OKI Regional Council of Governments, 720 East Pete Rose Way – Suite 420, Cincinnati, OH 45202

LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

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

As of the date of this submission no transit-related Title VI investigation, lawsuit or complaint has been filed with OKI, ODOT, KYTC, FTA, or FHWA against the Ohio-Kentucky-Indiana Regional Council of Governments.

Summary of Outreach Efforts PPP

Ohio-Kentucky-Indiana (OKI)

Regional Council of Governments

In accordance with the Fixing America's Surface Transportation (FAST) Act, OKI continues to be committed to the goal of securing active and representative participation from all segments of the community in its transportation planning and decision-making process. The OKI region has a diverse, well-developed transportation system for the mobility of both people and goods. Transportation options must continue to be reliable, flexible and affordable connecting people safely to each other, to their workplaces, to the institutions that matter to them and to the services upon which they depend. OKI views comprehensive, strategic stakeholder outreach and public involvement essential to the continued success of its 2050 Metropolitan Transportation Plan which is updated every four years and was updated in 2024.

In addition to efforts to involve traditionally underserved population groups in its transportation planning processes through civic engagement, OKI hosts an Environmental Justice Advisory Committee (EJAC) and Tristate Transportation Equitable Opportunity Team (TTEOT).

The Environmental Justice Advisory Committee's (EJAC) primary role is to review and score applicant's response to EJ factors on the STBG, SNK and TA funding applications, specifically evaluating mitigation efforts where appropriate and the overall net benefit to EJ population groups. The EJAC members met in July 2024 to review the EJ Planning Factor on OKI's funding applications and reached consensus for the final EJ score on each application.

The Tristate Transportation Equitable Opportunity Team (TTEOT) is a group of more than 60 volunteers from a broad range of transportation providers and planners that meets on a quarterly basis for discussion, training and collaboration on how to best serve the transit needs of the elderly and individuals with disabilities.

OKI enhances its public involvement activities and components of its Title VI Program via:

- Information sharing on the OKI website, www.oki.org
- Social Media, especially Facebook, LinkedIn and X
- Press releases announcing the award of funding to projects in the OKI region
- Attendance at area community council meetings and board of commissioner meetings
- Contract Assurance Statement in OKI 2024-2026 Disadvantage Business Enterprise Program
- Inclusion of Title VI language in all contracts
- OKI's Environmental Justice Advisory Committee
- Tristate Transportation Equitable Opportunity Team
- Membership in the African American Chamber of Commerce Greater Cincinnati / N KY
- Membership in the Hispanic Chamber of Commerce Cincinnati USA
- Publication of Public Hearings/Public Meetings, Public Notices and Classified Ads in major regional newspaper and local newspapers focused on information of interest to the African American and Hispanic communities.

Transit-oriented information received from FTA, OKI Strategic Regional Polic Plan, American Public Transportation Association (APTA), Ecolane, Global Mass Transit, National Transit Institute and Mass Transit Magazine was distributed by staff to local area transit agencies and transportation providers during this reporting period.

LIMITED ENGLISH PROFICIENCY (LEP) GUIDANCE

OHIO-KENTUCKY-INDIANA (OKI)

REGIONAL COUNCIL OF GOVERNMENTS

The OKI Regional Council of Governments is a Metropolitan Planning Organization (MPO) and a Council of Governments (COG) that serves an eight-county region in three states. The eight counties include Boone, Campbell and Kenton counties in northern Kentucky, Dearborn county in southeastern Indiana and Butler, Clermont, Hamilton and Warren counties in southwestern Ohio. According to the 2023 American Community Survey, there are 2,125,535 individuals in the OKI region. Of that number 1,606,099 are Non-Minority White and 519,436 are Minority. In the Minority classification for the OKI region 264,730 individuals are Black or African American; 95,274 are Hispanic or Latino; 63,681 are Asian. The remaining individuals in the Minority classification are considered of American Indian and Alaska Native or Native Hawaiian and other Pacific Islander or some other race or two or more races. Individuals, who have a limited ability to read, write, speak, or understand English, are often described as Limited English Proficient, or “LEP.”

The Title VI Coordinator has a working relationship with Affordable Language Services, which offers professional translation and interpretation services in more than 200 languages along with sign language interpreters. A request from residents for either service will be provided free of costs. The Coordinator has also identified resources that are available for individuals with mobility concerns. Additionally, OKI is a member of the Hispanic and African American Chambers of Commerce. Santa Maria Community Services is a social services organization that also serves the Hispanic community. These entities are willing to disseminate information when appropriate.

In order to determine if written or oral communication should be translated and what languages they should be translated to, a Four-Factor Analysis is used. The Four-Factor Analysis considers the following:

1. The number or proportion of LEP persons served or encountered in the eligible service population
2. The frequency with which LEP individuals come in contact with the programs, activity, or service
3. The nature and importance of the program, activity or service provided by the program
4. The resources available to the recipient and costs

Factor 1 – The number or Portion of LEP Persons served or encountered in the eligible service population

Based on data from the 2023 American Community Survey, the OKI region’s total population is estimated to be 2,125,535. The breakdown of the total population is as follows:

- White – 75.6%
- Black or African American – 12.5%
- Hispanic or Latino – 4.5%
- Asian – 3%
- American Indian or Alaska Native – 0%
- Native Hawaiian and Other Pacific Islander – 0%

According to the data from the U.S. Census, Hispanics or Latinos make up 4.5% of the region's total population and are therefore the largest LEP demographic. As a result, OKI focuses its analysis on this population group. Language assistance is available to other LEP speaking individuals as the need presents itself.

Factor 2 – The frequency with which LEP individuals come in contact with the program, activity, or service

Even though OKI is a transportation planning agency and not a transit agency and its contact with LEP individuals is limited, OKI's Title VI Coordinator ensures that its LEP population groups are afforded the opportunity to participate in OKI's transportation planning process in a number of ways. Public Notices are published in both English and Spanish in *La Mega Nota*, the area Spanish journal formerly known as *La Jornada Latina*. Postings will be made on *La Mega Digital*, which represents various social media platforms including Facebook, X, and Instagram, and OKI blurbs or public service announcements will be broadcast in Spanish by the on-air talent on La Mega 97.7 FM, the Spanish radio station.

Factor 3 – The nature and importance of the program, activity, or service provided by the program

As a Metropolitan Planning Organization (MPO) and a Council of Governments (COG), OKI solves multi-state dilemmas and creates far-reaching development plans by identifying potential transportation needs and gaps 20-30 years in the future for the 8-county region it serves. OKI is also the pass-through for federal funding designated for major transportation projects in its 8-county region. These activities are implemented, documented and supported by an abundance of research conducted by OKI staff. When members of OKI's Environmental Justice Advisory Committee evaluate and score applications requesting STBG, SNK and TA funding, their primary concerns include whether the proposed project will impact an Environmental Justice (EJ) or LEP

population group. Will the impact be negative or positive? If negative, how does the applicant propose that the impact be mitigated? If the project provides a positive benefit to an EJ or LEP community, the applicant is asked to describe the benefit.

OKI also provides the following:

- The OKI Environmental Justice Advisory Committee (EJAC)
- The Ohio Relay Service number on its Title VI Notification, which is printed in both English and Spanish, in the OKI Lobby.
- The Tristate Transportation Equitable Opportunity Team (TTEOT).
- Recruits representatives from non-profit community-based organizations and other appropriate stakeholders, including representatives working on behalf of the Spanish and Latino community, to serve on both EJAC and TTEOT.
- Monitors and evaluates the need for additional language assistance via review of the most current information provided by the American Community Survey and OKI's Demographer.
- Continues its established working relationship with the local Affordable Language Services agency for translation and interpretation services .

Factor 4 – The resources available to recipient and costs

OKI is a transportation planning organization that conducts research to identify current needs and project future transportation needs for the residents living in its eight-county region. As the designated MPO for Butler, Clermont, Hamilton and Warren counties in southwestern Ohio; Boone, Campbell and Kenton counties in northern Kentucky and Dearborn county in southeastern Indiana, OKI is responsible for the development of a long-range plan and a short range programming document for transportation as well as other planning initiatives. The long-range plan is updated every four years at which time Public Meetings and social media platforms are held to inform the public of the needs that have been identified and to seek input from the public. Public Notices inviting the public to the Public Meetings are published in the *Cincinnati Enquirer*, the Spanish journal *La Mega Nota* and in the *Cincinnati Herald*, a newspaper marketed to the African American community. OKI's Public Involvement Specialist attended community council meetings, city council meetings and board of commissioner meetings to disseminate information announcing the Public Meetings which are also posted on OKI's website. The Public Notices include the name and contact information for the Title VI Coordinator/Public Involvement Specialist for individuals wishing to attend the Public Meetings but may have an American Disabilities Act (ADA) or Limited English Proficiency (LEP) concern or request. Members of OKI's Environmental Justice Advisory Committee and the Tristate Transportation Equitable Opportunity Team are also asked to reach out, especially to the LEP population groups they serve, to inform them of the Public Meetings and encourage them to attend. Due to changing technology, use of the Public Meeting format is being superseded by virtual meetings and social media platforms.

SAFE HARBOR PROVISION

The OKI region also has residents who are Asian, American Indian and Alaska Native or Native Hawaiian and other Pacific Islander or, individuals who speak other Indo-European languages. According to information provided by the American Community Survey some of these residents speak English less than very well. Even though these residents have not requested language translation services they qualify for the Safe Harbor Provision and language translation services will be provided to these residents free of costs upon request. U.S. 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 the 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 LEP language group of the right to receive competent oral interpretation of those written materials free of cost.

OKI staff will continue to work to identify potential avenues of outreach that function on behalf of these population groups. Some of the preliminary entities have been identified and contacted by OKI's Title VI Coordinator to determine how best to reach these residents. The Coordinator has been informed by its newest appointee to OKI's EJAC that La Mega Media is a very effective vehicle to share news because it has garnered tens of thousands of followers from various social media platforms including Facebook, "X" (formerly Twitter) and Instagram.

OKI's Title VI Coordinator is responsible for providing timely and reasonable language assistance to LEP populations. The Coordinator works with staff throughout the OKI organization to ensure that everyone is aware that all such inquiries should be referred to the Title VI Coordinator and annually the Coordinator conducts a Title VI All-Staff Meeting to remind co-workers of OKI's commitment to the tenets of Title VI. Though OKI has not received a request for ADA or LEP assistance, personnel at Affordable Language Services indicates that Spanish continues to be the language most requested to be translated or interpreted in the OKI region. Arabic, is their second most requested language for which assistance is requested because many of the visitors coming to the Greater Cincinnati area are from Arabic speaking countries and French is their third most requested language. These requests are usually made by area export businesses wanting to market their products to Spanish, Arabic and French speaking consumers. Personnel with Santa Maria Community Services reports that of the (39) languages spoken among the many foreign students attending school in the Cincinnati Public School system Spanish, Arabic and French are the major languages.

As new/updated American Community Survey and decennial Census data become available, staff will monitor, evaluate and update, as needed, its language access program in conjunction with the review and update of its Title VI Program, which occurs annually.

In accordance with the Four-Factor Analysis, Tables 1.1 through 1.8 below illustrate the estimated number and percent of LEP individuals in each of the eight counties in the OKI region. Thus far no requests for ADA or LEP assistance have been submitted to OKI but staff is prepared to provide such assistance free of costs or address the need as requested or deemed appropriate.

Table 1.1—Boone County Language Spoken At Home

BOONE COUNTY, KENTUCKY	Estimate	Percent
POPULATION 5 YEARS AND OVER	128,865	100.0%
SPEAK ONLY ENGLISH	117,583	91.2%
SPEAK SPANISH	5,411	4.2%
SPEAK ENGLISH LESS THAN "VERY WELL"	2059	1.6%
SPEAK OTHER INDO-EUROPEAN LANGUAGES	3,418	2.7%
SPEAK ENGLISH LESS THAN "VERY WELL"	1,362	1.1%
SPEAK ASIAN AND PACIFIC ISLAND LANGUAGES	1,741	1.4%
SPEAK ENGLISH LESS THAN "VERY WELL"	885	0.6%
SPEAK OTHER LANGUAGES	712	0.6%
SPEAK ENGLISH LESS THAN "VERY WELL"	224	0.2%
TOTAL LIMITED ENGLISH PROFICIENCY (LEP)	4,530	3.5%

Source: 2019-2023 American Community Survey, Table B03002 Hispanic or Latino by Origin by Race

Table 1.2—Campbell County Language Spoken At Home

CAMPBELL COUNTY, KENTUCKY	Estimate	Percent
POPULATION 5 YEARS AND OVER	87,999	100.0%
SPEAK ONLY ENGLISH	84,580	96.1%
SPEAK SPANISH	1,479	1.7%
SPEAK ENGLISH LESS THAN "VERY WELL"	608	0.7%
SPEAK OTHER INDO-EUROPEAN LANGUAGES	1,250	1.4%
SPEAK ENGLISH LESS THAN "VERY WELL"	400	0.5%
SPEAK ASIAN AND PACIFIC ISLAND LANGUAGES	480	0.5%
SPEAK ENGLISH LESS THAN "VERY WELL"	222	0.3%
SPEAK OTHER LANGUAGES	210	0.2%
SPEAK ENGLISH LESS THAN "VERY WELL"	0	0.0%
TOTAL LIMITED ENGLISH PROFICIENCY (LEP)	1230	1.4%

Source: 2019-2023 American Community Survey, Table B03002 Hispanic or Latino by Origin by Race

Table 1.3—Kenton County Language Spoken At Home

	Estimate	Percent
KENTON COUNTY, KENTUCKY		
POPULATION 5 YEARS AND OVER	159,012	100.0%
SPEAK ONLY ENGLISH	150,232	94.5%
SPEAK SPANISH	4175	2.6%
SPEAK ENGLISH LESS THAN "VERY WELL"	1,854	1.2%
SPEAK OTHER INDO-EUROPEAN LANGUAGES	1,520	1.0%
SPEAK ENGLISH LESS THAN "VERY WELL"	251	0.2%
SPEAK ASIAN AND PACIFIC ISLAND LANGUAGES	1,308	0.8%
SPEAK ENGLISH LESS THAN "VERY WELL"	567	0.4%
SPEAK OTHER LANGUAGES	1,777	1.1%
SPEAK ENGLISH LESS THAN "VERY WELL"	995	0.6%
TOTAL LIMITED ENGLISH PROFICIENCY (LEP)	3,665	2.3%

Source: 2019-2023 American Community Survey, Table B03002 Hispanic or Latino by Origin by Race

Table 1.4—Butler County Language Spoken At Home

	Estimate	Percent
BUTLER COUNTY, OHIO		
POPULATION 5 YEARS AND OVER	367,079	100.0%
SPEAK ONLY ENGLISH	329,688	89.8%
SPEAK SPANISH	15,384	4.2%
SPEAK ENGLISH LESS THAN "VERY WELL"	8,151	2.2%
SPEAK OTHER INDO-EUROPEAN LANGUAGES	8,873	2.4%
SPEAK ENGLISH LESS THAN "VERY WELL"	4,129	1.1%
SPEAK ASIAN AND PACIFIC ISLAND LANGUAGES	8,948	2.4%
SPEAK ENGLISH LESS THAN "VERY WELL"	5,240	1.4%
SPEAK OTHER LANGUAGES	4,186	1.1%
SPEAK ENGLISH LESS THAN "VERY WELL"	1,531	0.4%
TOTAL LIMITED ENGLISH PROFICIENCY (LEP)	19,058	5.2%

Source: 2019-2023, American Community Survey, Table B03002 Hispanic or Latino by Origin by Race

Table 1.5—Clermont County Language Spoken At Home

CLERMONT COUNTY, OHIO	Estimate	Percent
POPULATION 5 YEARS AND OVER	198,219	100.0%
SPEAK ONLY ENGLISH	192,031	96.9%
SPEAK SPANISH	2,541	1.3%
SPEAK ENGLISH LESS THAN "VERY WELL"	791	0.4%
SPEAK OTHER INDO-EUROPEAN LANGUAGES	2,580	1.3%
SPEAK ENGLISH LESS THAN "VERY WELL"	409	0.2%
SPEAK ASIAN AND PACIFIC ISLAND LANGUAGES	791	0.4%
SPEAK ENGLISH LESS THAN "VERY WELL"	175	0.1%
SPEAK OTHER LANGUAGES	276	0.1%
SPEAK ENGLISH LESS THAN "VERY WELL"	72	0.0%
TOTAL LIMITED ENGLISH PROFICIENCY (LEP)	1,447	0.7%

Source: 2019-2023, American Community Survey, Table B03002 Hispanic or Latino by Origin by Race

Table 1.6—Hamilton County Language Spoken At Home

HAMILTON COUNTY, OHIO	Estimate	Percent
POPULATION 5 YEARS AND OVER	775,582	100.0%
SPEAK ONLY ENGLISH	714,489	92.1%
SPEAK SPANISH	22,587	2.9%
SPEAK ENGLISH LESS THAN "VERY WELL"	10,194	1.3%
SPEAK OTHER INDO-EUROPEAN LANGUAGES	18,693	2.4%
SPEAK ENGLISH LESS THAN "VERY WELL"	7,119	0.9%
SPEAK ASIAN AND PACIFIC ISLAND LANGUAGES	11,010	1.4%
SPEAK ENGLISH LESS THAN "VERY WELL"	3,638	0.5%
SPEAK OTHER LANGUAGES	8,803	1.1%
SPEAK ENGLISH LESS THAN "VERY WELL"	3,643	0.5%
TOTAL LIMITED ENGLISH PROFICIENCY (LEP)	24,594	3.2%

Source: 2019-2023, American Community Survey, Table B03002 Hispanic or Latino by Origin by Race

Table 1.7—Warren County Language Spoken At Home

WARREN COUNTY, OHIO	Estimate	Percent
POPULATION 5 YEARS AND OVER	232,791	100.0%
SPEAK ONLY ENGLISH	209,421	90.0%
SPEAK SPANISH	4,794	2.1%
SPEAK ENGLISH LESS THAN "VERY WELL"	1,304	0.6%
SPEAK OTHER INDO-EUROPEAN LANGUAGES	7,414	3.2%
SPEAK ENGLISH LESS THAN "VERY WELL"	1,832	0.8%
SPEAK ASIAN AND PACIFIC ISLAND LANGUAGES	9,702	4.2%
SPEAK ENGLISH LESS THAN "VERY WELL"	2,833	1.2%
SPEAK OTHER LANGUAGES	1,460	0.6%
SPEAK ENGLISH LESS THAN "VERY WELL"	200	0.1%
TOTAL LIMITED ENGLISH PROFICIENCY (LEP)	6,169	2.7%

Source: 2019-2023, American Community Survey, Table B03002 Hispanic or Latino by Origin by Race

Table 1.8—Dearborn County Language Spoken At Home

DEARBORN COUNTY, INDIANA	Estimate	Percent
POPULATION 5 YEARS AND OVER	48,150	100.0%
SPEAK ONLY ENGLISH	47,316	98.3%
SPEAK SPANISH	372	0.8%
SPEAK ENGLISH LESS THAN "VERY WELL"	84	0.2%
SPEAK OTHER INDO-EUROPEAN LANGUAGES	356	0.7%
SPEAK ENGLISH LESS THAN "VERY WELL"	33	0.1%
SPEAK ASIAN AND PACIFIC ISLAND LANGUAGES	80	0.2%
SPEAK ENGLISH LESS THAN "VERY WELL"	58	0.1%
SPEAK OTHER LANGUAGES	26	0.1%
SPEAK ENGLISH LESS THAN "VERY WELL"	0	0.0%
TOTAL LIMITED ENGLISH PROFICIENCY (LEP)	175	0.4%

Source: 2019-2023, American Community Survey, Table B03002 Hispanic or Latino by Origin by

TABLE DEPICTING MINORITY REPRESENTATION ON OKI COMMITTEES AND COUNCILS

Minority Representation on OKI Committees & Councils

Group	Non-Hispanic White	Non-Hispanic Black or African American	Non-Hispanic Native American	Non-Hispanic Asian	Non-Hispanic All Other Races	Hispanic or Latino All Races
Population in the OKI Region	76%	13%	0%	3%	5%	5%
Coordinated Plan Oversight Team	100%	0%	0%	0%	0%	0%
Environmental Justice Advisory Committee	69%	25%	0%	0%	0%	6%

Source: American Community Survey • Created with Datawrapper

The Title VI Coordinator will continue to participate in future Title VI trainings provided by FTA, ODOT, KYTC, and the Federal Highway Administration. Trainings, updates and refresher workshops are a welcomed enhancement, especially when new Executive Orders are issued or, new Federal Circulars are released pertinent to Title VI.

Equity – Identification/Analysis of EJ Mobility Needs

Ohio-Kentucky-Indiana (OKI)

Regional Council of Governments

OKI is committed to the goal of securing active and representative participation from all segments of the community in its transportation planning and decision-making process. In accordance with FAST Act guidelines, all OKI public participation activities include an Environmental Justice (EJ) component which is designed to involve EJ communities in a meaningful way. For OKI, EJ communities include Minority, Low Income, Individuals with a Disability, Elderly population groups, and Zero-Car households. Of these five population groups for which OKI defines Target Groups and Areas, only the Minority and Low-Income populations are listed in Executive Order 12898 on Environmental Justice. The Elderly population and People with a Disability are included in the FAST Act, but they are not currently required to be addressed under EJ. Zero-Car households are a logical and reasonable extension of EJ, but this group also is not included in the Executive Order or the Proposed Rules. The composition of these five EJ population groups is defined in federal documents related to EJ and in U.S. decennial censuses and the American Community Survey (ACS).

The purpose of OKI's EJ efforts is to analyze the environmental and social effects of proposed actions to ensure that these groups have acceptable access to public information related to locally preferred alternatives developed; to provide opportunities for participation in the process and, to ensure that federal funds are used fairly and without discrimination. Alternatives are reviewed in such a way that adverse impacts are minimized to every extent possible. OKI's EJ Advisory Committee participates in reviewing, scoring and ranking all funding application responses, specifically evaluating overall net benefit to EJ population groups per Executive Order 12898. OKI requires a response to this section of the application in order for a project to be funded even if the project is not located within one of the designated EJ population groups. If the analysis of a funding application reveals that the proposed transportation system investment will result in a disparate impact the application must include information regarding how the impact will be mitigated and whether the overall net benefit outweighs the negative impact which may be a temporary impact.

In 2022, OKI updated our [Public Participation Plan](#) to further develop effective solutions to regional issues and needs. The plan included these updates:

1. Processes and procedures for conducting video or teleconferencing events. This blended effort uses both in-person outreach and virtual public involvement (VPI) approaches, when appropriate.
2. New criteria for defining Environmental Justice (EJ) communities. As a two-step process, the definition of target groups and areas first involves identifying the general distribution of each EJ population group. Second, where each group is most concentrated is defined. Where the concentration of an EJ population group meets (or exceeds) 50 percent of the regional average and has an EJ population of more than 250 individuals — the EJ population is considered to be part of a target group and area.

The following table provides a demographic profile of the OKI region and the maps that follow identify the location of minority populations in the aggregate in the OKI region.

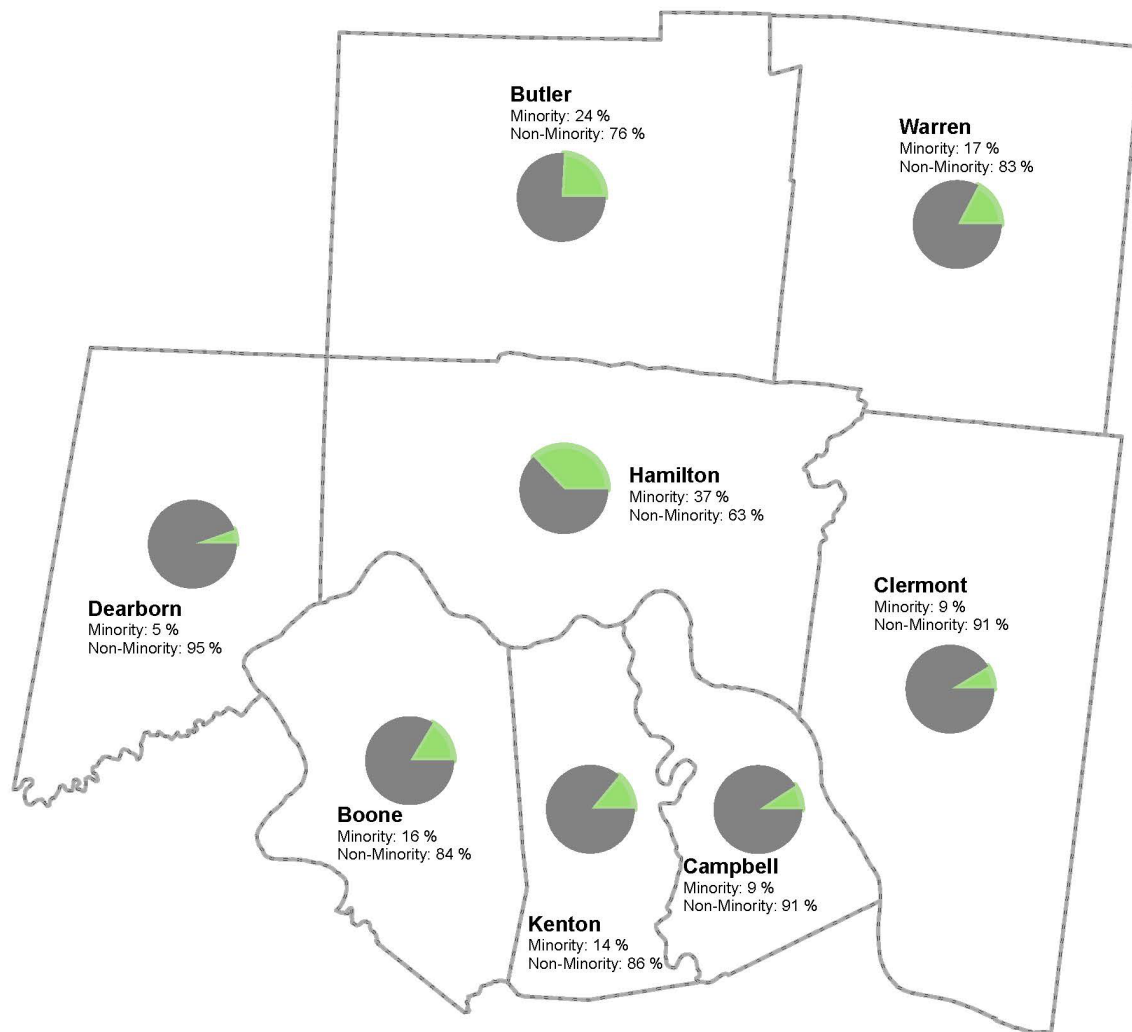
DEMOGRAPHIC PROFILE

Demographics 2024

Demographic Profile	Dearborn		Boone		Campbell		Kenton		Butler		Clermont		Hamilton		Warren		OKI Region	
	Estimate	Percent of Total	Estimate	Percent of Total	Estimate	Percent of Total	Estimate	Percent of Total	Estimate	Percent of Total	Estimate	Percent of Total	Estimate	Percent of Total	Estimate	Percent of Total	Estimate	Percent of Total
Total:	50,828	100%	137,676	100	93,193	100	169,817	100	389,910	100	209,862	100	827,878	100	246	100	2,125,535	100
Not Hispanic or Latino:	50,057	98.5%	129,849	94	90,831	98	162,059	95	364,087	93	204,731	98	790,463	96	238	97	2,030,261	96
White alone	48,062	94.6%	115,033	84	84,518	91	146,110	86	295,873	76	191,667	91	521,063	63	204	83	1,606,099	76
Black or African American alone	111	0.2%	5,240	4	2,596	3	7,106	4	32,017	8	3,116	2	206,456	25	8	3	264,730	13
American Indian and Alaska Native alone	0	0%	58	0	16	0	94	0	109	0	73	0	368	0	161	0	879	0
Asian alone	255	0.5%	3,246	2	892	1	2,015	1	15,906	4	2,207	1	22,355	3	17	7	63,681	3
Native Hawaiian and Other Pacific Islander alone	0	0%	315	0	14	0	29	0	192	0	0	0	500	0	0	0	1,050	0
Some other race alone	198	0.4%	968	1	261	0	385	0	1,330	0	867	0	4,555	1	2	1	10,257	1
Two or more races:	1,431	2.8%	4,989	4	2,534	3	6,320	4	18,660	5	6,801	3	35,166	4	8	3	83,564	4
Total Not Hispanic or Latino Non-White	1,995	3.9%	14,816	11	6,313	7	15,949	9	68,214	18	13,064	6	269,400	33	34,410	14	424,162	20
Hispanic or Latino:	771	1.5%	7,827	6	2,362	3	7,758	5	25,823	7	5,131	2	37,415	5	8	3	95,274	5
White alone	323	0.6%	2,445	2	727	1	1,879	1	7,982	2	2,332	1	11,567	1	2	1	29,722	1
Black or African American alone	0	0%	0	0	0	0	14	0	316	0	3	0	1,350	0	242	0	1,925	0
American Indian and Alaska Native alone	25	0%	357	0	34	0	180	0	432	0	44	0	473	0	83	0	1,628	0
Asian alone	0	0%	0	0	5	0	114	0	41	0	135	0	222	0	7	0	524	0
Native Hawaiian and Other Pacific Islander alone	0	0%	0	0	25	0	122	0	0	0	0	0	73	0	16	0	236	0
Some other race alone	74	0.1%	2,413	2	487	1	2,887	2	8,108	2	1,054	1	8,611	1	2	1	26,085	1
Two or more races:	349	0.7%	2,612	2	1,084	1	2,562	2	8,944	2	1,563	1	15,119	2	3	1	35,154	2
Total Not Non-Hispanic White	2,766	5.4%	22,643	16	8,675	9	23,707	14	94,037	24	18,195	9	306,815	37	42,597	17	519,436	24

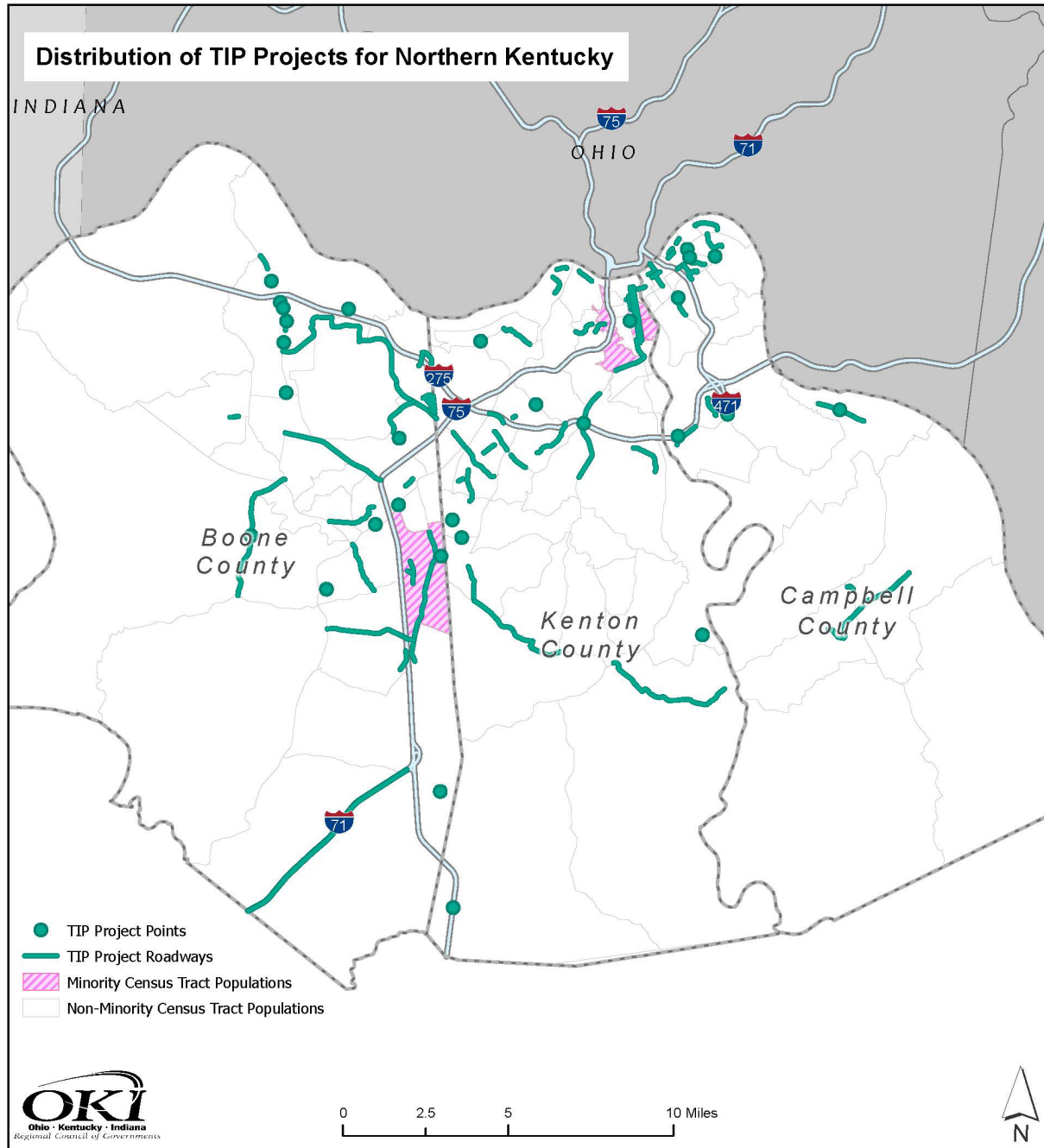
Source: 2019 - 2023 American Community Survey, Table B03002 Hispanic or Latino by Race - Created with Datawrapper

Minority and Non-Minority Population Distribution

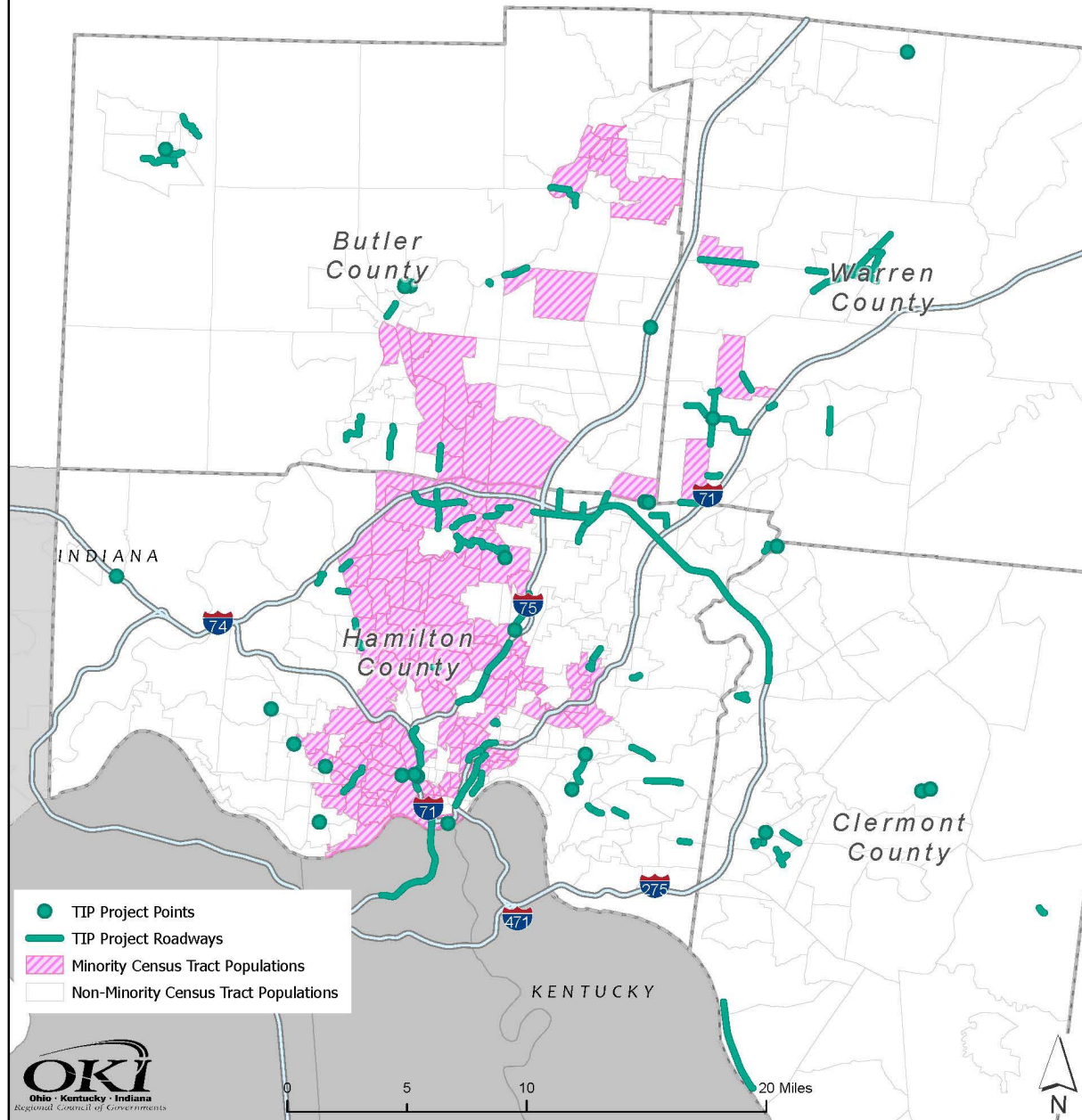


DISTRIBUTION OF TRANSPORTATION IMPROVEMENT PROJECTS (TIP)

The maps below display the locations of minority population concentrations overlaid with the most current Transportation Improvement Program (TIP) projects for each county in the OKI region. The TIP consists of approved transit and highway projects funded directly by the federal government or OKI. The dark blue points on the map represent projects at intersections or interchanges while the dark blue lines represent projects on highway segments.



Distribution of TIP Projects for Southwest Ohio



Compliance/Non-Compliance Reporting

Throughout the year, the Title VI Coordinator periodically meets with the CEO / Executive Director of OKI to review the policies and procedures relative to Title VI. This includes, but is not limited to, a review of files and statistics of complaints received for investigation and services offered to recipients and beneficiaries of OKI services.

The OKI offices, departments, divisions that receive federal funds continually collect program data, although it is not always documented to denote such. Self-surveys are periodically sent to sub-recipients and sub-grantees. These self-surveys examine all facets of the programs offered by the agency surveyed. OKI will also conduct on-site reviews and assessments on a triennial basis. Instances of which the on-site and/or survey reveal that the agency or one or more of its programs is not in compliance with Title VI, an investigation will be conducted by the Title VI Officer, Coordinator or Liaison. Records of the self-survey and efforts put forth to bring the agency into compliance will be maintained. These will include correspondence, resolution and corrective actions.

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

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

APPENDIX A – Standard DOT Assurance

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 shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the 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 contract.
- 2. Nondiscrimination.** The Contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3. Solicitations for 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 shall be notified by the Contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- 4. Information and Reports.** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5. Sanctions for Noncompliance.** In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, the Sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:

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

6. Incorporation of Provisions. The Contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the Sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Sponsor to enter into such litigation to protect the interests of the Sponsor and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B – Standard DOT Assurance 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 Secretary, Part 21, Non-discrimination in Federal assisted programs of the U.S. Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].

APPENDIX C - CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

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

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

APPENDIX D – Standard DOT Assurance 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 the (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 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, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.) in the event of breach of any of the above Non-discrimination covenants, the (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 (lease, license, permit, etc., as appropriate) had never been made or issued.
- C. With respect to deeds in the event of breach of any of the above Non-discrimination covenants, the (Title of Recipient) will there upon revert to, vest in and become the absolute property of the (Title of Recipient) and its assigns.

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 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 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of 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 prohibits 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 FR (Federal Register) 74087 – 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits sex discrimination in education. It covers women and men, girls and boys, and staff and students in any educational institution or program that receives Federal assistance. (20 U.S.C. §§ 1681 – 1688

APPENDIX F – Glossary / Definitions

Affirmative Action: A good-faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future non-discrimination 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 a 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.).

CEO/Executive Directors: In accordance with the OKI Board of Directors, which is the governing body of OKI, the departmental heads of OKI are responsible to the OKI CEO/Executive Director for the direction of their respective divisions. OKI employs fewer than fifty (50) employees therefore, the OKI CEO/Executive Director appoints the OKI Title VI Designee.

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

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

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

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

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

Division: One of the administrative subdivisions of an office of the OKI Regional Council of governments.

Federal Assistance:

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

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

Grantee: Any public or private agency, institution or organization to whom federal financial assistance 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.

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

- Hiring bilingual staff
- Hiring staff interpreters
- Using telephone interpreter lines

- Using community volunteers
- Use of family members, friends, and other customers/passengers as interpreters

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

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

Metropolitan Planning Organization or MPO: Policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all Urbanized Areas (UZA) of populations over 50,000, as determined by the U.S. 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 of people: Caucasians

Persons: Where designations 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.

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 by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient (i.e. Planning, Environmental 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 reserve a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Recipient: Any political subdivision or instrumentality thereof or any public or private agency, institution, or organization or other entity; or any individual in the OKI region 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 Governments (COG), towns, cities, counties, school districts or any sub-recipient.

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

Statewide Transportation Plan 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 OKI staff responsible in matters relating to Title VI. The Title VI Officer, Coordinator or Liaison reports to and assists the OKI CEO / Executive Director in carrying out the Title VI responsibilities of the OKI Regional Council of Governments.

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 program 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 in 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.

APPENDIX G

Title VI Training Attendees

Bancroft, Robyn
Fields, Regina
Gleason, Toni
Hannum, Katie
Koehler, Robert
Miller, Travis
Meyer, Andy
Minzner, Margaret
Newcomb, Jenny
Niese, Elizabeth
Ondrovic, Jessica
O'Rourke, Taylor
Pachar, Jersson
Parkey, Suzanne
Pickering, Jim
Platt, Lorrie
Policinski, Mark
Porter, Brett
Reser, Andy
Rutter, David
Sheppard, Sam
Shiffert, Jackson
Shuey, David
Stautberg, Timothy
Stucky, Rachel
Waesch, Gabriela
Xie, Hui
Zhou, Liren
Zuo, Ting

APPENDIX H

Organization Chart

