

BG TITLE VI IMPLEMENTATION PLAN



**BLUEGRASS AREA DEVELOPMENT DISTRICT:
APRIL 1, 2024-MARCH 31, 2025**

AUTHORS:

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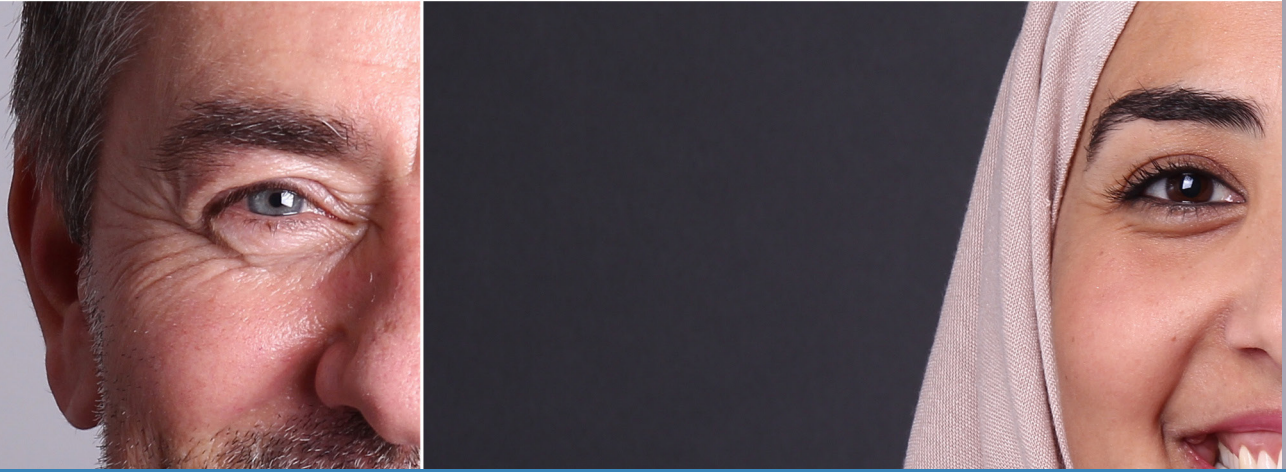
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I. GLOSSARY / DEFINITIONS

1. **Affirmative Action:** a good-faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.
2. **African American (Black):** A person having origins in any of the black racial groups of Africa.
3. **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.
4. **Applicant:** an eligible public entity or organization that submits an application for financial assistance under a program administered on behalf of the State.
5. **Area Development Districts or ADD:** focus on developing and sustaining the fundamental building blocks for state, regions and local communities in today's rapidly changing global marketplace. Including but not limited to traditional emphasis on strategic planning and project funding for clean and safe drinking water systems, health care facilities, affordable housing, small business development and transportation improvements.
6. **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.
7. **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.
8. **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.).
9. **Complaint:** a verbal or written allegation of discrimination that indicates that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color or national origin.
10. **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.
11. **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.
12. **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.



- 13. 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.
- 14. Division:** one of the administrative subdivisions of an office of the Bluegrass Area Development District.
- 15. Executive Director:** The BGADD Executive Director has authority to appoint Title VI Designee(s).
- 16. Federal Assistance:**
- Grants and loans of federal funds
 - The grant or donation of federal property and interests in property
 - The detail of federal personnel
 - The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without
 - Consideration or with nominal consideration, or with consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient
 - Any federal agreement, arrangement, or other contract that has, as one of its purposes, the provision of assistance
- 17. 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).
- 18. Grantee:** any public or private agency, institution or organization to whom federal financial assistance is intended for any program.
- 19. Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race.
- 20. Implementation Plan:** The Title VI implementation plan developed and maintained by Bluegrass Area Development District (BGADD) to ensure compliance with 42 U. S. C. § 2000d et. seq. and KRS 344.015.
- 21. Indo-European:** of or relating to a group of languages that includes many of the languages spoken in Europe, in the parts of the world colonized by Europeans, and in parts of Asia.
- 22. Interpretation:** The process of listening to something in one language and orally interpreting it in another. The mix of LEP services under the Oral Languages Services is as follows:
- Hiring bilingual staff
 - Hiring staff interpreters
 - Using telephone interpreter lines
 - Using community volunteers
 - Use of family members, friends, and other customers/passengers as interpreters



- 23. 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.
- 24. Metropolitan Planning Organization or MPO:** Policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all Urbanized Areas (UZA) of populations over 50,000, as determined by the US Census. MPOs designated by agreement between the Governor and units of general- purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law. When submitting the transportation improvement program (described below), to the State for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.
- 25. 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.
- 26. Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- 27. 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.
- 28. Non-minority or non-minority group people:** Caucasians
- 29. Persons:** Where designation of persons by race, color or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.
- 30. Primary recipient:** KYTC or any department, division, or agency authorized to request federal assistance on behalf of sub-recipients and to distribute financial assistance to sub-recipients' contracts for carrying out a program.
- 31. Program:** includes any highway, project, or activity that provides services, financial aid or other benefits to individuals, including education or training, work opportunities, health, welfare, rehabilitation, housing or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient (i.e. Planning, Environment, Design, Right-of-Way, Construction, Safety, & Research).
- 32. Public participation:** an open process in which the rights of the community to be informed to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.



33. **Program area officials:** the officials who are responsible for carrying out technical program responsibilities.
34. **Recipient:** Kentucky or any political subdivision or instrumentality thereof or any public or private agency, institution, or organization or other entity; or any individual in Kentucky to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term “recipient” does not include any ultimate beneficiary under any such program. Examples of recipients include MPOs, Council of Governments (COG), towns, cities, counties, school districts or any sub-recipient.
35. **Responsible Official:** The person identified in Section IV, *infra*.
36. **Sub-grantee:** Any public or private agency, institution, or organization to whom federal financial assistance is intended (through another recipient) for any program.
37. **Sub-recipient:** Any public or private agency, institution, or organization to whom federal financial assistance is intended (through another recipient) for any program
38. **Title VI Officer, Coordinator or Liaison:** refers to the responsible official in matters relating to Title VI. The Title VI Officer, Coordinator or Liaison reports to and assists the Executive Director of BGADD in carrying out the Title VI responsibilities of the Bluegrass Area Development District.
39. **Title VI Program:** the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. When appropriate, the phrase “Title VI Program” also refers to the civil rights provisions of other federal non-discrimination authorities to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, age and disability, including income level and Limited English Proficiency in programs or activities receiving federal financial assistance.
40. **Translation:** The replacement of a written text from one language into an equivalent written text in another language.
41. **Transportation Improvement Programs or TIP:** Plan developed by Metropolitan Planning Organization cooperation with the State and public transit providers detailing a list of upcoming transportation projects, covering a period of at least four years. It should include capital and non- capital surface transportation projects, bicycle and pedestrian facilities and other transportation enhancements, Federal Lands Highway projects and safety projects included in the State’s Strategic Highway Safety Plan. The TIP should include all regionally significant projects receiving FHWA or FTA funds, or for which FHWA or FTA approval is required.
42. **White:** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.



II. OVERVIEW AND POLICY STATEMENT

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

The BGADD Board of Directors is the governing body of Bluegrass Area Development District. As a recipient of federal funds through grant program(s), the BGADD is subject to Title VI of the Civil Rights Act of 1964. The BGADD works to ensure that nondiscriminatory services are offered throughout the region thereby enhancing both the quality of life and the economic vitality.

NON-DISCRIMINATION AUTHORITIES

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



Address
699 Perimeter Drive
Lexington, Kentucky 40517

Contact
ph: 859.269.8021
fax: 859.269.7917

Web
www.bgadd.org

TITLE VI POLICY STATEMENT

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Bourbon

Clark

Estill

Fayette

Franklin

Garrard

Harrison

Jessamine

Lincoln

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Nicholas

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Pursuant to and consistent with Title VI of the Civil Rights Act of 1964, 78 Stat. 252,42 U.S.C. 2000d-4, and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, (49 CFR, Part 21 Nondiscrimination in Federally Assisted Program of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, Section 162(a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324

It is the policy of the Bluegrass Area Development District that no person, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the Bluegrass Area Development District, regardless of whether those programs and activities are Federally funded or not.

A handwritten signature in black ink that reads 'David Duttlinger'.

David Duttlinger
Executive Director
BGADD

Date: 3/26/2025



III. RESPONSIBLE OFFICIAL

David Duttlinger, Executive Director, has overall responsibility for implementation, compliance and reporting with respect to Title VI. Inquiries related to these activities should be directed to:

David Duttlinger

Executive Director
699 Perimeter Drive
Lexington, KY 40517
(859) 269-8021
(859) 269-7917 fax
dduttlinger@bgadd.org

Mike Riley

HR. Director Title VI Coordinator
699 Perimeter Dr.
Lexington, KY 40517
(859) 269-8021
(859) 269-7917 fax
mriley@bgadd.org

David Gambrel

Regional Transportation Planner Title VI Coordinator
699 Perimeter Dr.
Lexington, KY 40517
(859) 269-8021
(859) 269-7917 fax
dgambrel@bgadd.org

Mike Riley and David Gambrel are designated as the Title VI Coordinators and are responsible for the oversight and coordination of Bluegrass ADD's compliance with Title VI and all related statutes, regulations and directives. The Title VI Coordinator has direct access to the BGADD's Executive Director. General responsibilities of the Title VI Coordinator include but are not limited to the following:

- Coordinating Title VI program development with Metropolitan Planning Organizations (MPOs), Local Public Agencies (LPAs) and division managers
- Establishing procedures for processing Title VI program reviews and/or sub- recipient/contractor reviews
- Coordinating training Title VI training for BGADD staff, sub- recipients/contractors and stakeholders
- Preparing required reports
- Providing guidance and advice on the Title VI Program to Bluegrass ADD staff.
- Annually updating BGADD's Title VI Program Plan

**THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) STANDARD
TITLE VI/NON-DISCRIMINATION ASSURANCES
DOT ORDER NO. 1050.2A**

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

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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.

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

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

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal

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

Bluegrass Area Development District gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the (Name of Appropriate 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.



David Duttlinger
Executive Director BGADD
Signed and approved this 25th day of March, 2025

BGADD TITLE VI NOTICE TO THE PUBLIC

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

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

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

**Bluegrass Area Development District
Title VI Coordinator
699 Perimeter Dr.
Lexington, KY40517
Telephone:
859-269-8021
Website: <https://bgadd.org>**

To file a discrimination complaint, the written complaint must be filed to the address above within 180 days of the alleged discrimination. To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address. Written complaints may also be filed with the United States Department of Transportation, 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.

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BGADD TÍTULO VI NOTIFICACIÓN AL PÚBLICO

El Bluegrass Area Development District (BGADD) informa que la política de la agencia es asegurar el cumplimiento total del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de los Derechos Civiles de 1987 y las autoridades antidiscriminatorias relacionadas en todos los programas y actividades. Es política de KYTC que ninguna persona en los Estados Unidos de América, por motivos de raza, color, origen nacional, o sexo, sea excluida de la participación en, se le negarán los beneficios. de, o estar sujeto a discriminación en cualquiera de nuestros programas o actividades que reciben asistencia financiera federal.

Cualquier persona que crea que ha sido objeto de discriminación en virtud del Título VI y las autoridades antidiscriminatorias relacionadas tiene derecho a presentar una queja.

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

Bluegrass Area Development District

Coordinador del Título VI

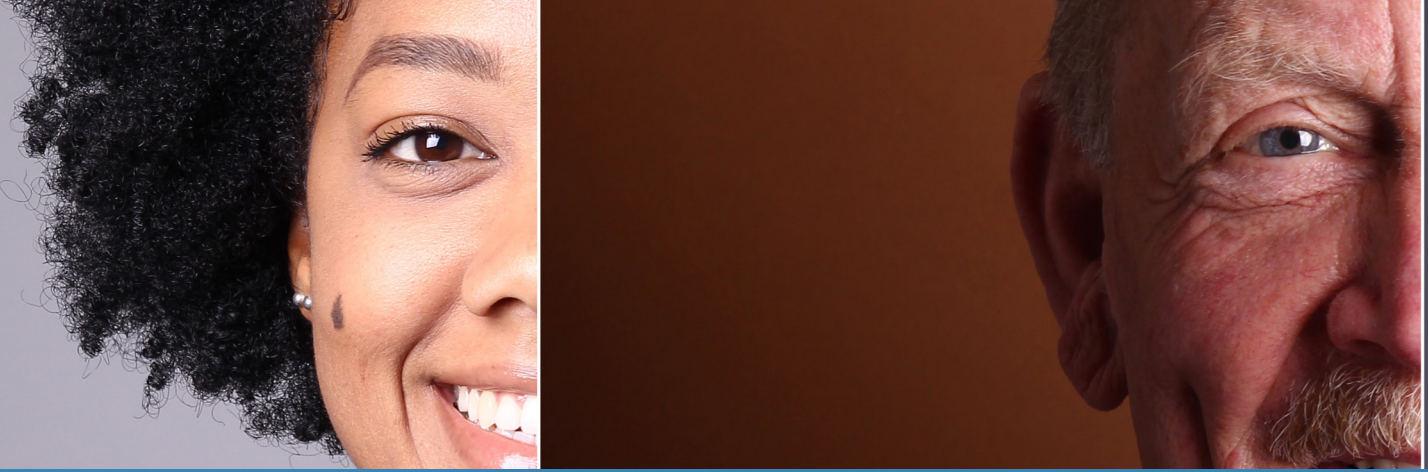
699 Perimeter Dr.

Lexington, KY 40517

Teléfono: 859-269-8021

Sitio web: <https://bgadd.org>

Para presentar una queja por discriminación, la queja escrita debe ser presentada a la dirección arriba dentro de los 180 días de la presunta discriminación. Para dar cabida a individuos con dominio inglés limitado, las quejas orales que se documentarian y/o traducidas tambien pueden ante el Departamento de transporte de los Estados Unidos, la administración federal de transito (FTA) o administración federal de carreteras (FHWA) a más tardar 180 días después de la fecha de la presunta discriminación, a menos que el tiempo de presentación sea extended por FTA o FHWA.



IV. PROGRAM REVIEW PROCEDURES

The BGADD is responsible for the following under Title VI:

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

Sub-Recipient Review Procedures

The BGADD, its Staff, any sub-recipients of federal funds under grants administered by the BGADD and all other parties involved with such grants are in compliance with all provisions of Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d). Each sub-recipient of federal funds under grants administered by the BGADD shall have agreed in writing to adopt BGADD's Title VI plan, or

If the sub recipient's Title VI plan differs from the BGADD's plan, the sub-recipient's Title VI plan shall be available for review from the Responsible Official.

The BGADD shall periodically review all programs funded through federal assistance for those sub-recipients who have been found by the BGADD to be in non-compliance with Title VI. Employees or grant sub-recipients who refuse to voluntarily comply with Title VI or to take corrective actions required by the BGADD shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the contractual relationship with BGADD. The conduction of the sub-recipient review process follows either the program or complaint review procedures dependent on the cause of the review.



PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

U.S. Housing and Urban Development's Community Development Block Grant (CDBG), U.S. Federal Highway Administration funding, U.S. Department of Labor's Workforce Innovation and Opportunity Act (WIOA), funding and U.S. Health and Human Services, Administration for Community Living programs. Funds are designated for the following program areas:

- Housing
- Community Projects
- Public Services
- Public Facilities
- Economic Development
- Community Emergency Relief Fund
- U.S. Department of Labor WIOA
- Transportation
- Administration for Community Living

The U.S. Department of Housing and Urban Development (HUD) funded Community Development Block Grant (CDBG) program for DLG, Federal Highway Administration, Department of Labor, WIOA, and Health and Human Services,

Administration for Community Living to provide assistance to communities for use in revitalizing neighborhoods, expanding affordable housing and economic opportunities, providing infrastructure and/or improving community facilities, providing workforce development to the Bluegrass region, and the provision of services for our Senior Citizens.

The Land and Water Conservation Fund (LWCF) provides federal grant funds to protect important natural areas, to acquire land for outdoor recreation and to development or renovate public outdoor recreation facilities such as campgrounds, picnic areas, sports & playfields, swimming facilities, boating facilities, fishing facilities, trail, natural areas and passive parks.

Potential Beneficiaries: Cities and counties, state and federal agencies are eligible to apply for funding. The maximum grant amount is \$75,000. The minimum amount is \$5,000. It is a 50% matching reimbursement program.

The Recreational Trails Program provides grant funds to develop and renovate recreation trails for both motorized and non-motorized use. It does not fund equipment such as mowers and gators.

Potential Beneficiaries: Counties.

The Flood Control Receipts program provides "pass-through" funds to counties. The State Local Finance Officer receives a check annually from the US Army Corps of Engineers. The check is deposited with the KY State Treasurer, authorization for payment to Counties is processed and checks are then prepared to send this money to the Counties in accordance with the statement from the federal government which was enclosed with the check.

The Kentucky Infrastructure Authority administers two federal grant programs from the Environmental Protection Agency:

1. Capitalization Grants for Clean Water State Revolving Funds provides assistance for: (1) construction of publicly owned wastewater treatment works; and (2) nonpoint source management activities. Funds are loaned to local government entities.



2. Capitalization Grants for Drinking Water State Revolving Funds provides assistance for infrastructure improvement projects that are needed to achieve or maintain compliance with Safe Drinking Water Act requirements, protect public health, and assist systems with economic need. Funds are loaned to local government entities.



V. DATA COLLECTION/REPORTING ANALYSIS

Statistical data on race, color, national origin, sex, age, disability, and LEP of participants in and beneficiaries of the BGADD's programs, (i.e., affected populations, and participants) will be gathered, analyzed, and maintained by the BGADD to determine the benefits and burdens to the population, including minority and low-income populations. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of Title VI program administration. Analysis of the data collected by the program emphasis areas may include:

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

A. Complaints

1. The Title VI Coordinator will maintain a log of all complaints filed with the BGADD.
2. Grant personnel will certify annually that all sub-recipients have been notified of the Title VI implementation plan and complaint procedures.
3. The Title VI Coordinator will maintain copies of complaint forms and will ensure that they are available for use.

B. Reporting

1. Changes in the Title VI implementation plan will be provided to employees and sub-recipients as changes are made.
2. Changes in the Title VI implementation plan will be forwarded to the KYTC and other appropriate Cabinets as necessary, as changes are made.
3. Grant personnel will maintain records of all sub-recipients in order that the BGADD can determine if eligible parties are participating in the grants.



- C. The changes made in sections VIII and IX of this plan are incorporated herein as part of BGADD's recordkeeping and reporting procedures.

CATEGORICAL EXCLUSION (CE)

Per 40 C.F.R 1508.4 categorical exclusion means a category of actions, which do not individually or cumulatively have a significant effect on the human environment and for which, therefore neither an environmental assessment nor an environmental impact statement, is required.

Categorical exclusions (CEs) are actions which meet the definition contained in 40 CFR 1508.4, and based on experience with similar actions do not involve significant environmental impacts. They are actions which: do not induce significant impacts to planned growth or land use for the area, do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns and do not otherwise, either individually or cumulatively have any significant environmental impacts 23 CFR 771.117(a):

Any action normally classified as a CE, but could involve unusual circumstances, will require the Administration, in cooperation with the applicant, to conduct appropriate environmental studies to determine if the CE classification is proper. Such unusual circumstances include (23 CFR 771.117(b)):

1. Significant environmental impacts
2. Substantial controversy on environmental grounds
3. Significant impact on properties protected by Section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act
4. Inconsistencies with any federal, state, or local law, requirement or administrative determination relating to the environmental aspects of the action

A specific list of CEs that normally do not require any NEPA documentation or FHWA approval is set forth in 23 CFR 771.117(c). Other projects, pursuant to 23 CFR 771.117(d), may also qualify as CEs if appropriately analyzed, documented and approved by FHWA at the Division level.



VI. COMPLAINT DISPOSITION PROCEDURES

Who can file?

Any person who believes they—or with a specific class of persons—were subjected to discrimination on the basis of race, color, national origin, or sex, in the programs and activities of a Federal-aid Recipient may file a Title VI complaint.

Where can one file?

Complaints may be filed with KYTC, FHWA Division Offices, the Bluegrass Area Development District, the FHWA Headquarters Office of Civil Rights, the United States Department of Transportation (USDOT) Departmental Office of Civil Rights, or the U.S. Department of Justice.

When must one file?

According to U.S. DOT regulations, 49 CFR § 21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the investigating agency.

What should a complaint look like?

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the agency and provide the allegations by telephone, and the agency will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.

A complaint should contain at least the following information:

- A written explanation of what has happened;
- A way to contact the complainant;
- The basis of the complaint (e.g., race, color, national origin);
- The identification of a specific person/people and the respondent (e.g., agency/ organization) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s). Complaint should indicate if the alleged discrimination is on-going.

How are complaints routed?

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's 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 be sent to:

Kentucky Transportation Cabinet
Office for Civil Rights
200 Mero Street, 6th Floor
Frankfort, KY 40622

And/Or

US Federal Highway Administration
Kentucky Division John C Watts Federal Building
330 W Broadway St Ste 264,
Frankfort, KY 40601
Attention: Civil Rights Specialist

And/Or

Bluegrass Area Development District
699 Perimeter Drive
Lexington, KY 40517
859-269-8021 or Fax: 859-269-7917
Attention: Title VI Coordinator And/Or

And/Or

Federal Highway Administration Headquarters
Office of Civil Rights
1200 New Jersey Avenue,
SE HCR-40, Room E81-101
Washington, DC 20590
202-366-0693 or Fax: 202-366-1599
TTY: 202-366-5751

Additionally, complaints may be filed with the U.S. Department of Justice at:

Federal Coordination and Compliance Section - NWB Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. Washington, D.C. 20530

What are the potential outcomes for processing a complaint?

There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is timely filed (see "When must one file?" above), contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.



- Procedural Dismissal: if a complaint is not timely filed (see “When must one file?” above), is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
- Referral\Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to the primary Recipient State DOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but the State DOT will conduct all data requests, interviews, and analysis. The State DOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI. All Letters of finding issued by FHWA are administratively final.

What are the timeframes for investigations?

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance. For State DOTs that have been delegated an investigation from FHWA, 23 CFR §200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

Investigation files are confidential and will be maintained by KYTC. The contents of such files will only be disclosed to appropriate KYTC personnel and federal authorities in accordance with Federal and State laws. KYTC will retain files in accordance with records retention schedules and all Federal guidelines.

D. Withdrawal of a Complaint

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

Federal Highway Administration Headquarters
Office of Civil Rights
1200 New Jersey Avenue
SE HCR-40, Room E81-101
Washington, DC 20590
202-366-0693 or Fax: 202-366-1599
TTY: 202-366-5751

Executive Director
Bluegrass Area Development District
699 Perimeter Drive
Lexington, KY 40517



US Federal Highway Administration
Kentucky Division
John C Watts Federal Building
330 W Broadway St Ste 264,
Frankfort, KY 40601
Attention: Civil Rights Specialist

F. Final Agency Reports

The Department of Justice’s Civil Rights Division takes the position that a Title VI finding of violation, or no violation, is a federal decision that cannot be delegated. Although a state recipient can conduct a Title VI investigation of its sub-recipients or contractors and make a recommendation to the federal decision-making authority, KYTC must submit its proposed dispositions to FHWA for a Final Agency Decision. The HCR may request that further investigation be undertaken if the record of evidence is incomplete.



External Discrimination Complaint Form

Section 1: Complainant Information

| |
|----------------|
| Name: |
| Address: |
| Phone Number: |
| Email Address: |

Section 2: Complaint Details

Please indicate the nature of the basis of your complaint:

Race

Color

National Origin

Sex

Date of alleged incident :

Please use the space below to describe how you were discriminated against. Please provide as much detail as possible describing the nature of the discriminatory action, as well as details such as what happened, where it happened and why you believe your protected class (race, color, national origin or sex) were a factor in the discriminatory act.

| |
|--|
| |
|--|

Federal law prohibits intimidation or retaliation against anyone because they have either taken action, or participated in action, to secure rights protected by federal law. If you feel that you may have been retaliated against, separate from the discrimination alleged above, please explain the circumstances, including what action you took that you feel is the cause for retaliation.

| |
|--|
| |
|--|

Please provide name of persons (witnesses, fellow employees, supervisor, or others) who could be contacted for additional information to support or clarify your complaint:

| Name | Address | Phone |
|------|---------|-------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

If available, please provide any additional information and/or photographs that you believe could assist with this investigation.

Have you filed, or do you intend to file, a complaint on this matter with any of the following:

- | | |
|--|---|
| <input type="checkbox"/> US Department of Transportation | <input type="checkbox"/> Office of Federal Contract Compliance Programs |
| <input type="checkbox"/> Federal Highway Administration | <input type="checkbox"/> U.S. Equal Opportunity Commission |
| <input type="checkbox"/> Federal Transit Administration | <input type="checkbox"/> U.S. Department of Justice |
| <input type="checkbox"/> Other | |

Do you have an attorney regarding this matter? Yes No

If yes, please provide the contact information for legal representation:

| | |
|-------------------------|-------------------------|
| Name of Law Firm: _____ | Name of Attorney: _____ |
| Mailing Address: _____ | |
| Phone: _____ | |

In order for this complaint to be officially submitted, this form must be signed and dated.

| |
|--------------------------------|
| Complainant's Signature: _____ |
| Date: _____ |

Please return completed form to Mike Riley, HR Director at mriley@bgadd.org, or mail to:

Bluegrass Area Development District

Attn: HR Director

699 Perimeter Drive

Lexington, KY 40517

Date Complaint Received: _____

Processed By: _____

Referred to: U.S. DOT FHWA

OFCCP

Other _____

For Office Use Only

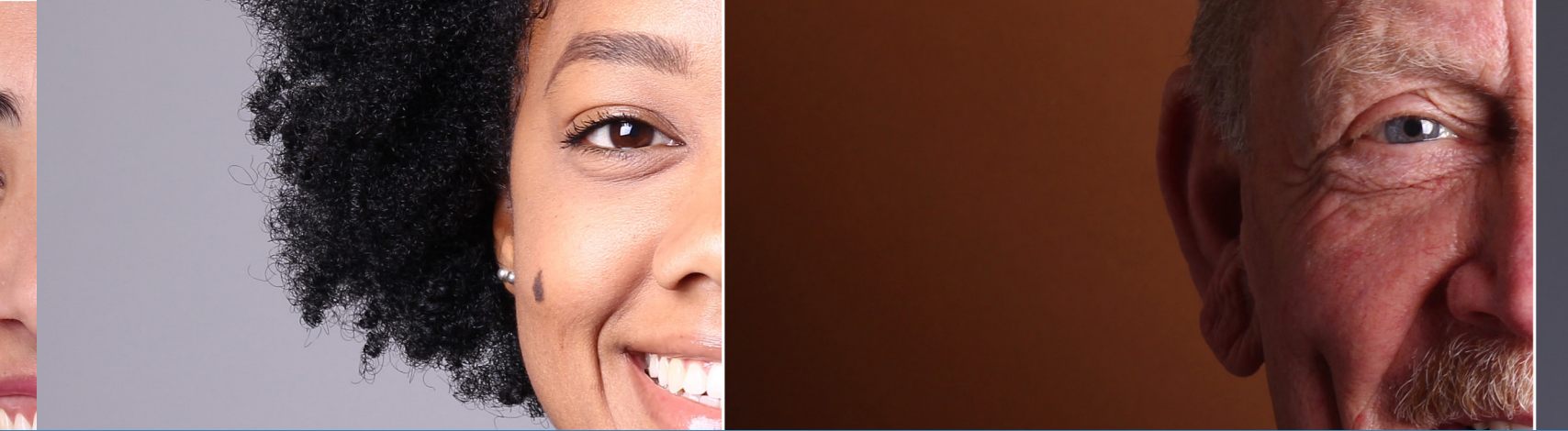
Case Number: _____

Date Referred: _____



VII. COMPLIANCE

- A. The BGADD shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance.
- B. Upon a finding by the BGADD of noncompliance, BGADD shall take the following actions with regard to:
 1. Processing
 - The compliance officer shall immediately notify the Responsible Official in writing of the violations held to constitute noncompliance with Title VI and of the steps necessary to correct these violations.
 2. Reporting
 - The compliance officer shall notify the sub-recipient or employee found to be in noncompliance, in writing within 30 days of the compliance officer's report of noncompliance, of the violations and corrective measures necessary to remedy the violations.
 3. Resolution
 - The BGADD shall attempt to secure voluntary compliance with Title VI. In the event that efforts to secure voluntary compliance are not secured within a reasonable period of time, the compliance officer will notify the Responsible Official, in writing, of the recommended corrective action.
 4. Enforcement of corrective actions
 - The Responsible Official shall implement corrective actions within thirty (30) days of receipt and acceptance of the notification of recommended corrective action.
 - Employees or grant sub-recipients who refuse to voluntarily comply with Title VI or to take corrective actions required by the BGADD shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the contractual relationship with BGADD.
 5. Monitoring of programs
 - The BGADD shall undertake to periodically monitor all programs funded through federal assistance for those sub-recipients who have been found by the BGADD to be in non-compliance with Title VI.



VII. TITLE VI TRAINING

The Title VI implementation plan will be disseminated to all BGADD employees along with complaint procedures. Sub-recipients of federal grants will be notified of the Title VI implementation plan and complaint procedures at the time of any grant award.

All BGADD employees received Title VI training in the month of September 2024. A video recommended by KYTC was used. The next training is set for October 2025.

The BGADD held a Title VI virtual training seminar in October 2024 for all employees. The recording of this training was made available for staff. Future Title VI training will be conducted in the fall of 2025 by BGADD HR Director. Training videos recommended by the KYTC were used to allow employees to train in Title VI virtually during the COVID-19 pandemic and may be used for virtual training in the future should it be needed. The following is a roster of all ADD employees who completed this training:

- Alexandra Adkins
- Laura Bailey
- Nathan Blackledge
- Todd Blanton
- Shannon Borens
- Kendell Burdette
- Kyra Burgess
- Michael Buschmann
- Casey Cash
- Taylor Cobb
- Natasha Collier
- Amanda Collins
- Justin Conn
- Linda Cunningham
- Dana Davidson
- Crystal Dean
- Gene Detherage
- David Duttlinger
- Sarah Eldridge
- Tamara Finch
- Gwendolyn Foley
- Brianna Friedman
- David Gambrel
- Charlotte Garnett
- Alisha Gooch
- Regina Goodman
- Gabriele Gorney
- Hannah Gregory
- Logan Hart
- Jennifer Hayes
- Jeremy Heard
- Lisa Hurt
- Michelle Jaime
- Bonnie Johns
- Ada Labus
- Marsha Landin-Fugate
- Larry Lear
- Jeff Luoma
- Andre Mahorn
- Katie Martin
- Paul Mauer
- Staci May
- Maurika McIntosh
- Kevin Moore
- Angela Morris
- Colin Moseley
- Jeff Mullins
- Michael Murphy
- Molly Newman
- Susan Nieto
- Tab Patterson
- Kristin Pumphrey
- Shaylee Reed
- Tiffanie Reeves
- Robin Richmond
- Mike Riley
- Celeste Robinson
- Kelly Rode
- Meaghan Rooks
- Allison Roy
- Linden Smith
- Robin Stewart
- Margaret Stults
- Rolando Thacker
- Diane Underwood
- PaKou Vang
- Sara Wade
- Ellie Wellman
- James Whisenhunt
- Lexi Winkfield

All new employees shall receive a copy of BGADD's Title VI plan as part of the orientation process. As with all policies they will be encouraged to direct questions to their supervisor or the Human Resources Director.



IX. GOALS AND ACCOMPLISHMENTS

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

A. Goals

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

B. Evaluation of Goals

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



X. PROCEDIMIENTOS DE DISPOSICIÓN DE QUEJAS DEL TÍTULO VI EN ESPAÑOL

(TITLE VI COMPLAINT DISPOSITION PROCEDURES IN SPANISH)

PROCEDIMIENTOS DE DISPOSICIÓN DE QUEJAS

¿Quién puede presentar la solicitud?

Cualquier persona que crea que ella, o una clase específica de personas, fue sometida a discriminación por motivos de raza, color, sexo u origen nacional en los programas y actividades de un beneficiario de ayuda federal puede presentar una queja en virtud del Título VI.

¿Dónde se puede presentar una solicitud?

Las quejas pueden presentarse ante KYTC, las oficinas de la división de la FHWA, la Oficina de Derechos Civiles de la sede de la FHWA, la Oficina Departamental de Derechos Civiles del Departamento de Transporte de los Estados Unidos (USDOT) o el Departamento de Justicia de los Estados Unidos.

¿Cuándo se debe presentar una solicitud?

Según la normativa del USDOT, Título 49, Sección 21.11(b) del CFR, la queja debe presentarse en un plazo máximo de 180 días a partir de la fecha del último caso de presunta discriminación, a menos que la agencia investigadora amplíe el plazo de presentación.

¿Cómo debería ser una queja?

Las quejas deben presentarse por escrito y firmadas, y pueden presentarse por correo, fax, en persona o correo electrónico. Sin embargo, el denunciante puede llamar a la agencia y proporcionar las alegaciones por teléfono, y la agencia transcribirá las alegaciones de la queja tal como se proporcionaron por teléfono y enviará una queja por escrito al denunciante para que la corrija y la firme. Una queja debe contener al menos la siguiente información:

- Una explicación escrita de lo sucedido;
- Una forma de contactar al denunciante;
- El motivo de la queja (por ejemplo, raza, color, origen nacional);
- La identificación de una persona o personas específicas y el demandado (por ejemplo, agencia/organización) que presuntamente ha discriminado;
- Información suficiente para comprender los hechos que llevaron al denunciante a creer que ocurrió una discriminación en un programa o actividad que recibe asistencia financiera federal; y
- Las fechas de los presuntos actos discriminatorios. La queja debe indicar si la supuesta discriminación continúa.

¿Cómo se canalizan las quejas?

La FHWA es responsable de todas las decisiones sobre si una queja debe aceptarse, desestimarse o remitirse a otra agencia.



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

- Todas las quejas deben enviarse a la Oficina de Derechos Civiles (HCR) de la sede central de la FHWA para su procesamiento. La HCR es responsable de todas las determinaciones sobre si aceptar, desestimar o transferir las quejas en virtud del Título VI presentadas contra los DOT estatales o los subreceptores de asistencia financiera federal.
- Las quejas deben enviarse desde la agencia receptora inicial usando la jerarquía de supervisión de carreteras de ayuda federal hasta que la queja llegue a la HCR. Por ejemplo, si se presenta una queja ante una ciudad subreceptora, esa agencia receptora debe enviar la queja al DOT estatal, que a su vez debe enviarla a la Oficina de División de la FHWA del estado, que a su vez debe enviar la queja a la HCR. Si se presenta una queja ante un DOT estatal, entonces el DOT estatal debe enviar la queja a la Oficina de División de la FHWA del estado, que a su vez debe enviarla a HCR.
- Los DOT estatales y los subreceptores deben registrar todas las quejas recibidas.
- Cuando la HCR decida aceptar, desestimar o transferir la queja, la HCR notificará al denunciante, a la Oficina de División de la FHWA, al DOT estatal y al subreceptor (cuando corresponda).

Las quejas podrán enviarse a:

Kentucky Transportation Cabinet
Office for Civil Rights
200 Mero Street, 6th Floor
Frankfort, KY 40622



US Federal Highway Administration
Kentucky Division John C Watts Federal Building
330 W Broadway St Ste 264,
Frankfort, KY 40601
Atención: Civil Rights Specialist



Bluegrass Area Development District
699 Perimeter Drive
Lexington, KY 40517
859-269-8021 or Fax: 859-269-7917
Atención: Title VI Coordinator And/Or



Federal Highway Administration Headquarters
Office of Civil Rights
1200 New Jersey Avenue,
SE HCR-40, Room E81-101
Washington, DC 20590
202-366-0693 o al Fax: 202-366-1599
TTY: 202-366-5751

Además, se pueden presentar quejas ante el Departamento de Justicia de EE. UU. en:

Federal Coordination and Compliance Section
NWB Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. Washington, D.C. 20530



¿Cuáles son los posibles resultados al procesar una queja?

Hay cuatro resultados posibles al procesar quejas:

- **Aceptarla:** si una queja se presenta oportunamente (consulte el apartado “¿Cuándo se debe presentar una solicitud?” arriba), contiene información suficiente para respaldar una reclamación en virtud del Título VI y se refiere a asuntos conforme a la jurisdicción de la FHWA, entonces la HCR enviará al denunciante, a la agencia demandada y a la Oficina de División de la FHWA una notificación por escrito de que ha aceptado la queja para su investigación.
- **Revisión preliminar:** si no está claro si las alegaciones de la queja son suficientes para respaldar una reclamación en virtud del Título VI, entonces la HCR puede (1) desestimarla o (2) participar en una revisión preliminar para adquirir información adicional del denunciante o demandado antes de decidir si aceptar, desestimar o remitir la queja.
- **Desestimación procesal:** si una queja no se presenta oportunamente (consulte el apartado “¿Cuándo se debe presentar una solicitud?” arriba), no está escrita ni firmada, o presenta otros defectos procesales/prácticos, entonces la HCR enviará al denunciante, al demandado y a la Oficina de División de la FHWA una notificación por escrito indicando que desestima la queja.
- **Remisión/Desestimación:** si la queja es procesalmente suficiente pero la FHWA (1) carece de jurisdicción sobre el tema en cuestión o (2) carece de jurisdicción sobre la entidad demandada, entonces la HCR desestimarán la queja o la remitirá a otra agencia que sí tenga jurisdicción. Si la HCR desestima la queja, enviará al denunciante, al demandado y a la Oficina de División de la FHWA una copia del aviso de desestimación por escrito. Para remisiones, la FHWA enviará un aviso de remisión por escrito con una copia de la queja a la agencia federal correspondiente y una copia a la Oficina departamental de Derechos Civiles del USDOT.

La HCR es responsable de realizar todas las investigaciones de los DOT estatales y otros beneficiarios principales. En el caso de una queja presentada contra un subreceptor, la HCR puede realizar la investigación por sí misma o puede delegar la investigación al DOT del estado receptor principal. Si la HCR decide delegar la investigación de un subreceptor, la HCR comunicará su aceptación de la queja al denunciante y al demandado, pero el DOT estatal llevará a cabo todas las solicitudes de datos, entrevistas y análisis. Luego, el DOT estatal creará un Informe de Investigación (ROI), que enviará a la HCR. Finalmente, la HCR revisará el ROI y redactará una carta de conclusiones basada en este. Todas las cartas de determinación emitidas por la FHWA son administrativamente definitivas.

¿Cuáles son los plazos para las investigaciones?

Para la FHWA, no existe un plazo reglamentario para completar las investigaciones. Sin embargo, la FHWA se esfuerza por completar todas las tareas dentro de los 180 días a partir de la fecha de aceptación. Para los DOT estatales a los que se les ha delegado una investigación de la FHWA, el Título 23 del CFR, Sección 200.9(b)(3), establece que los DOT estatales deben completar las investigaciones dentro de los 60 días posteriores a la recepción (es decir, la fecha en que reciben la queja delegada de la FHWA).



Los archivos de investigación son confidenciales y serán conservados por KYTC. El contenido de dichos archivos solo se divulgará al personal pertinente de KYTC y a las autoridades federales de conformidad con las leyes federales y estatales. KYTC conservará los archivos de acuerdo con los cronogramas de retención de registros y todas las pautas federales.



Formulario de reclamo externo de discriminación

Sección 1: información del reclamante

| |
|----------------------------------|
| Nombre: |
| Dirección: |
| Teléfono: |
| Dirección de correo electrónico: |

Sección 2: información del reclamo

Indique la naturaleza del fundamento de su reclamo:

- Raza Color Nacionalidad de origen Sexo

Fecha del presunto incidente:

Utilice el espacio a continuación para describir de qué manera fue discriminado. Le rogamos que describa lo más detalladamente posible la naturaleza de la acción discriminatoria y de los detalles sobre qué ocurrió, dónde ocurrió y por qué cree que su clase protegida (raza, color, nacionalidad de origen o sexo) fue un factor en el acto de discriminación.

| |
|--|
| |
|--|

La ley federal prohíbe intimidación y represalias contra cualquier persona por haber actuado o participado en una acción para asegurar los derechos protegidos por la ley federal. Si considera que puede haber sido objeto de represalias, además de la discriminación indicada anteriormente, explique las circunstancias e incluya la acción que usted llevó a cabo y que considera que es la causa de las represalias.

| |
|--|
| |
|--|

Proporcione los nombres de las personas (testigos, compañeros de trabajo, supervisor u otras personas) que podamos contactar para obtener más información para respaldar o aclarar su reclamo:

| Nombre | Dirección | Teléfono |
|--------|-----------|----------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Proporcione cualquier información adicional o fotografías que tenga y que considere que puedan ayudar en esta investigación.

¿Ha presentado o tiene la intención de presentar un reclamo con respecto al asunto planteado con alguna de las siguientes instituciones?

- | | |
|--|---|
| <input type="checkbox"/> US Department of Transportation | <input type="checkbox"/> Office of Federal Contract Compliance Programs |
| <input type="checkbox"/> Federal Highway Administration | <input type="checkbox"/> U.S. Equal Opportunity Commission |
| <input type="checkbox"/> Federal Transit Administration | <input type="checkbox"/> U.S. Department of Justice |
| <input type="checkbox"/> Otro | |

¿Tiene un abogado que lo represente en este asunto? Sí No

En caso afirmativo, proporcione los datos de la información de contacto para la representación legal:

| | |
|-----------------------------------|---------------------------|
| Nombre del bufete: _____ | Nombre del abogado: _____ |
| Dirección de correo postal: _____ | |
| Teléfono: _____ | |

Para que este reclamo sea presentado oficialmente, este formulario debe estar firmado y fechado.

| |
|---|
| Firma del reclamante: _____ Fecha: _____ |
|---|

Envíe de vuelta el formulario previamente llenado a Mike Riley, director de RR. HH.
al correo electrónico, mriley@bgadd.org, o envíelo por correo postal a:

Bluegrass Area Development District
Attn: HR Director
699 Perimeter Drive
Lexington, KY 40517

Para uso interno únicamente

| | |
|--|----------------------------|
| Fecha de recepción del reclamo: _____ | Número de caso: _____ |
| Procesado por: _____ | Fecha de derivación: _____ |
| Derivado a: <input type="checkbox"/> U.S. DOT <input type="checkbox"/> FHWA <input type="checkbox"/> OFCCP <input type="checkbox"/> Otro _____ | |



XI. PUBLIC NOTIFICATION

The BGADD will disseminate Title VI Program information to employees, contractors, sub-recipients, and beneficiaries, as well as to the public. A variety of public notification and participation procedures will be used to encourage the early and continuous involvement of citizens, communities, and others interested in the planning process and decisions of the BGADD. The BGADD will discuss and/or distribute Title VI information using mass media including, but not limited to the following:

- Policy statements
- Inclusion of Title VI language in contracts
- New employee orientation
- Federal EEO posters
- BGADD website: bgadd.org
- Standard procedures manual
- Significant publications, i.e., newspapers, brochures, and written literature
- Mailings
- Meetings open to the public
- Events

Policy Statements. A written “policy statement”, “assurance” or “contractual agreement” signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with Title VI and Civil Rights laws and regulations.

Plan Public Meetings. Determine an effective number of Public Meetings to hold in strategically significant areas and at appropriate times to reach the greatest number of customers. Determine the method for and communicate news of the Public Meeting(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above.

Publicize Proposed Changes. Determine how to communicate the news of the proposed change(s) to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media to include Facebook, twitter, etc.), and stakeholder groups listed above. This news should be communicated in an accessible and inclusive manner (including foreign language translations, if necessary) that promotes effective public participation and is free of linguistic, cultural, economic or historical barriers.

Conduct the Public Meetings. Ensure that reasonable time is provided for attendees to provide comments regarding the proposed change(s).

Review and Analysis. At the conclusion of the outreach effort, review the comments and analyze the impacts to all customers (regardless of a customer’s race, color, national origin, sex, age, disability, income-level, or LEP) regarding their ability to access the facilities/services both prior to the proposed change(s) and following the proposed change(s).



This analysis is required to be sufficiently detailed so that the ultimate conclusion as to how the proposed change(s) will impact customers is well-documented.

Written Report. Prepare a detailed record to capture all aspects of the outreach effort.

Submission to FHWA. Submit the record to FHWA. Please note that FHWA reserves the right to offer comments as deemed appropriate following a review of the record.

Implement the change(s).

Monitor Feedback. Monitor customer communications for a period of time (i.e., six months, one year) for reactions to the change.

Re-Evaluate. Be prepared to adjust the change(s) as appropriate dependent upon the actual impact to customers.

Adjust. Adjust the change(s) as appropriate dependent upon the actual impact to customers.

Notification of Title VI Program Protections. Notify beneficiaries of protections available to them under the Title VI Program. Notify the public of procedures for filing a Title VI complaint.

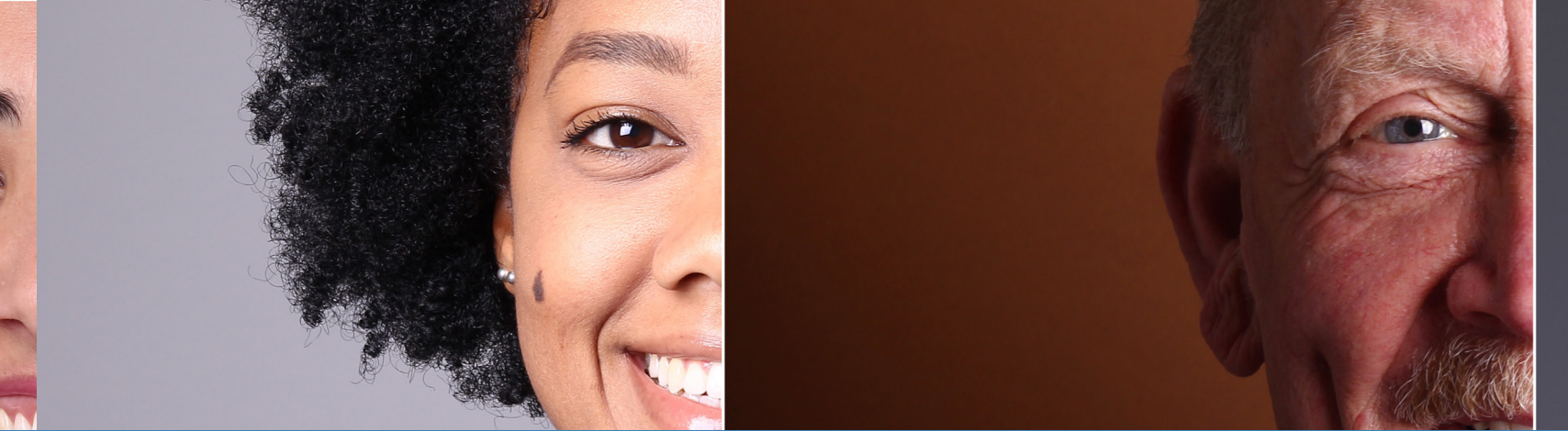
Further notices informing the public and all employees that the BGADD complies with Title VI of the Civil Rights Act of 1964 will be displayed in a prominent place.

Mike Riley, Human Resources Director-Title VI/ADA/504 Coordinator
David Gambrel, Regional Transportation Planner, Title VI Coordinator

BGADD
699 Perimeter Drive
Lexington, KY 40517
Phone: (859) 269-8021
Fax: (859) 269-7917

Three groups of people will receive notification of BGADD's Title VI plan, complaint forms, nondiscrimination policy, and programs and services: 1) BGADD employees who will receive copies of the implementation plan and the complaint procedures; 2) federal grants applicants and sub-recipients of federal grants who will be notified of Title VI requirements at the time of application and at the time of any grant award; and 3) members of the general public who request information via phone, fax, or email.

The BGADD Title VI Plan and LEP are available for review at the BGADD office. Information is also available on the website: bgadd.org. Title VI application forms and checklists for sub-recipients are also available at the BGADD office and the website.



XII. MINORITY REPRESENTATION 100

A. Minority representation on Boards/Committees

| BOARD/COMMITTEE | MEMBERS | MINORITY REPS | PERCENTAGE |
|-----------------|---------|---------------|------------|
| BGADD | | | |
| Females | 16 | 0 | 23% |
| Males | 55 | 5 | 77% |

B. Special Emphasis Program Area:

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

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

The summary of race and national origins for BGADD employees includes the following employees:

| RACE/NATIONAL ORIGIN | NUMBER | PERCENTAGE |
|-------------------------|-----------|-------------|
| White Females | 37 | 57 % |
| White Males | 20 | 31% |
| Black Females | 5 | 8% |
| Black Males | 1 | 2% |
| Hispanic Females | | |
| Hispanic Males | 1 | 2% |
| American Indian Females | | |
| American Indian Males | | |
| Other Females | 1 | 2% |
| Other Males | | |
| Total | 65 | 100% |



XIII. LANGUAGE ACCESS PLAN

**Bluegrass Area Development District
Language Access Plan (LAP
for persons with Limited English Proficiency (LEP)
October 2024**

The Bluegrass Area Development District, (BGADD), has established this policy as means to take reasonable steps in ensuring meaningful access to agency services, programs and activities for persons who have limited English proficiency. This plan applies to the federally funded programs provided through BGADD.

Overview

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with Limited English Proficiency (LEP persons). The BGADD is a recipient of federal funds through the U.S. Department of Housing and Urban Development (HUD), the Federal Highway Administration (FHWA), the Department of Labor, (DOL), and Health and Human Services (HHS) for a portion of its programs and, thus, is obligated to reduce language barriers that can preclude meaningful access by LEP persons to DLG programs.

Definitions

For the purposes of this plan:

- a. Grantee means the BGADD.
- b. Recipient means the BGADD. This means any entity that receives any federal HUD assistance, directly from BGADD or from another Recipient. This includes, but is not limited to, any unit of local government, public housing authority, community housing development organization, public or private nonprofit agency, developer, private agency or institution, mortgagor, limited dividend sponsor, builder, property manager, resident management corporation, resident counsel or cooperative association. Recipient also includes any successor, assignee or transferees of any such entity, but does not include any ultimate beneficiary under the respective federal grant program.
- c. LEP means Limited English Proficiency. Persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English, and may be entitled to language assistance with respect to a particular type of service, benefit or encounter.
- d. LAP means Language Access Plan.

Four-Factor Analysis

There are four (4) flexible, fact-dependent factors to be considered in developing language materials and a Limited English Proficiency plan. The following four-factor analysis will serve as the guide for determining which language



assistance measures will be undertaken to guarantee access to BGADD's federally funded programs by LEP persons. Additionally, all future recipients of federal assistance are required to use the same four-factor analysis prior to the release of funds.

1. The number or portion of LEP persons eligible to be served or likely encountered through its federally funded programs.
 - a. For determining the LEP population, BGADD utilized the U.S. Census Bureau Language Use data (ACS-DP02) for Language Spoken at Home and English- Speaking Ability by State (See Appendix A).
2. The frequency with which LEP individuals come in contact with the designated federal programs.
 - a. BGADD does not provide direct assistance to individuals. All BGADD funds are awarded to units of local government, certified contractors or nonprofit agencies. As a result, LEP persons rarely come into contact with the respective federal grant program at this level. However, during periods of public comment, some citizen participation may be directed to the BGADD.
3. The nature and importance of the program, activity or service provided by the federal programs.
 - a. BGADD does not provide direct assistance to individuals. All BGADD funds are awarded to units of local government, certified contractors or nonprofit agencies. As a result, LEP persons rarely come into contact with the respective federal grant program at the state level. However, during periods of public comment, some citizen participation may be directed to the BGADD.
4. The resources available to the recipient and the cost. There are two types of assistance service – oral (interpretation) and written (translation).
 - a. Given the resources currently available to BGADD, the LAP measures appear reasonable.

Types of Language Assistance to be Provided by BGADD

As stated previously, although LEP persons rarely come into contact with BGADD programs at the regional level, some citizen participation matters are directed to the BGADD, particularly during periods of public comment. Therefore, BGADD has determined it will make available, upon request, translations of its federal grants action plans and amendments. If there is a consistent need for translations, by populations of LEP Kentuckians, BGADD will consider additional appropriate measures to serve the language access needs of those persons. BGADD also provides I Speak cards to staff for easier language identification before contacting translation resource services.

Requirements for Recipients

Recipients of federal funds awarded or drawn through BGADD are required to ensure that meaningful access to services is assured for their LEP clients. Recipients must provide language assistance services that result in timely, accurate, and effective communication at no cost to LEP clients and/or their beneficiaries. Such language assistance services are to be provided in accordance with the guidelines set forth in the U.S. Department for Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination in Federally-Assisted Programs of



the Department of Transportation effectuation of Title VI of the Civil Rights Act of 1964. BGADD is available to assist Recipients in identifying and developing appropriate language assistance measures.

If an application is funded, the local government or nonprofit agency will be required to conduct a four-factor analysis, develop a LAP, if necessary, and provide a description of outreach efforts during the Letter of Conditional Commitment stage. Particular attention will be given to plan details for projects including acquisition and/or relocation, housing rehabilitation, and/or water/sewer hookups.

In order to determine if language assistance is required by recipients of federal funds through BGADD, all Recipients are required to follow the measures outlined below.

1. Conduct the four-factor analysis prior to advertising for application public hearing.
2. If the four-factor analysis reveals there are 1,000 or more LEP persons, or 5 percent or more LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by:
 - 1) translating all vital documents;
 - 2) posting notices of application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken; and 3) providing translation services at public hearings, if requested to do so by LEP persons.
3. If the four-factor analysis reveals there are less than 50 LEP persons but 5 percent or more LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by: 1) posting notices of application public hearings in areas frequented by LEP persons of the threshold population(s) in the language(s) spoken; and 3) providing translation services at public hearings, if requested to do so by LEP persons.
4. If the four-factor analysis reveals there are less than 50 LEP persons and less than 5 percent LEP persons in the eligible population in the jurisdiction or among current beneficiaries, the applicant will provide appropriate language assistance by: 1) providing translation services at public hearings, if requested to do so by LEP persons.

If a LAP is required, the Recipient's LAP will include certifications that LAP has been developed, adopted, and will be implemented for all Federally funded projects. The Recipient's LAP will include an identification of all LEP populations exceeding 1,000 or five percent of total jurisdiction population, whichever is less, the identification of materials to be made available to LEP persons, the means by which the materials will be made available to LEP persons, and the identification of any other translation services which may be necessary. Recipients will be monitored for implementation of their LAPs.

Monitoring, Evaluation and Updating

All agencies receiving federal funds through the BGADD will report annually on services provided to LEP persons. Agencies will review their respective plans each year to evaluate their effectiveness and to make any needed changes. BGADD will assist agencies in finding appropriate translation resources, and disseminate translated HUD notices, brochures, posters and other documents.



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

The LAP evaluation will consist of:

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

Availability and Access

The BGADD LAP is available to the public on our website at www.bgadd.org. This information is available in a form accessible to persons with disabilities, and others, upon written request to:

Executive Director
Bluegrass Area Development District
699 Perimeter Drive
Lexington, Kentucky, 40517.

Citizens, public agencies and other interested parties will have reasonable and timely access to information and records relating to the LAP. All public records under KRS Statute 61.870-884 will be made accessible to interested individuals and groups during normal working hours.

Complaints

At any time, citizens may submit complaints related to the LAP by writing to:

Executive Director
Bluegrass Area Development District
699 Perimeter Drive
Lexington, Kentucky, 40517.

The BGADD will provide a written response to every written citizen complaint that relates to the BGADD LAP within 15 working days.



XIV. APPENDICES

APPENDIX A

2023 American Community Survey, 1-Year Estimates – Kentucky; Accessed: 3/25/2025

| Subject | Total Population | Percent of Population | Speaks English Less Than “Very Well” (# Population) | Speaks English Less Than “Very Well” (% Population) |
|--------------------------------------|------------------|-----------------------|--|--|
| Speaks only English | 4,261,521 | 93.3% | (# Population) | (% Population) |
| Speaks a language other than English | 284,447 | 6.7% | 118,953 | 41.8% |
| Spanish | 148,989 | 3.5% | 66,876 | 44.9% |
| Other Indo-European languages | 62,952 | 1.5% | 21,801 | 34.6% |
| Asian and Pacific Island languages | 36,401 | .9% | 15,797 | 43.4% |
| Other languages | 36,105 | 0.8% | 14,479 | 40.1% |



APPENDIX B

2022 American Community Survey 5-Year Estimates Subject Tables S1601: Language Spoken at Home

Supporting documentation on code lists, subject definitions, data accuracy and statistical testing is found on the American Community Survey (ACS) website, Data and Documentation section. Sample size and data quality measures (including coverage rates, allocation rates and response rates) can be found on the ACS website in the Methodology section.

Although the ACS produces population, demographic and housing unit estimates, it is the U.S. Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

| County | Total Population Over 5 Years of Age | Language Spoken by Persons Over 5 with Limited English Proficiency | | | |
|-----------|--------------------------------------|--|-------------------------------|------------------------------------|-----------------|
| | | Spanish | Other Indo-European Languages | Asian and Pacific Island Languages | Other Languages |
| Anderson | 22,450 | 280 | 62 | 14 | 0 |
| Bourbon | 19,046 | 949 | 246 | 42 | 0 |
| Boyle | 29,152 | 545 | 156 | 177 | 70 |
| Clark | 34,784 | 666 | 190 | 165 | 0 |
| Estill | 13,418 | 105 | 2 | 69 | 0 |
| *Fayette | 302,276 | 11,720 | 3,387 | 3,820 | 2,177 |
| Franklin | 48,619 | 1,409 | 620 | 745 | 173 |
| Garrard | 16,274 | 293 | 363 | 17 | 0 |
| Harrison | 17,562 | 121 | 223 | 0 | 0 |
| Jessamine | 50,227 | 1,471 | 1,197 | 583 | 24 |
| Lincoln | 22,664 | 210 | 374 | 98 | 0 |
| Madison | 87,931 | 1,721 | 621 | 629 | 204 |
| Mercer | 21,403 | 578 | 121 | 22 | 0 |
| Nicholas | 7,173 | 6 | 91 | 0 | 0 |
| Powell | 12,267 | 145 | 4 | 10 | 38 |
| Scott | 53,733 | 1,366 | 272 | 442 | 0 |
| Woodford | 25,256 | 1,088 | 188 | 23 | 53 |

*Numbers for Fayette County and Kentucky are from 2023 American Community Survey, 1-Year Estimates



APPENDIX C

List of Formal Interpreters (for any language if necessary and cost is not prohibitive):

- Catholic Charities - Louisville, KY 502-636-9263
- The International Center – Bowling Green, KY 270-781-8336
- Language Service Associates - eMARS
- www.languageline.com 1-877-886-3885



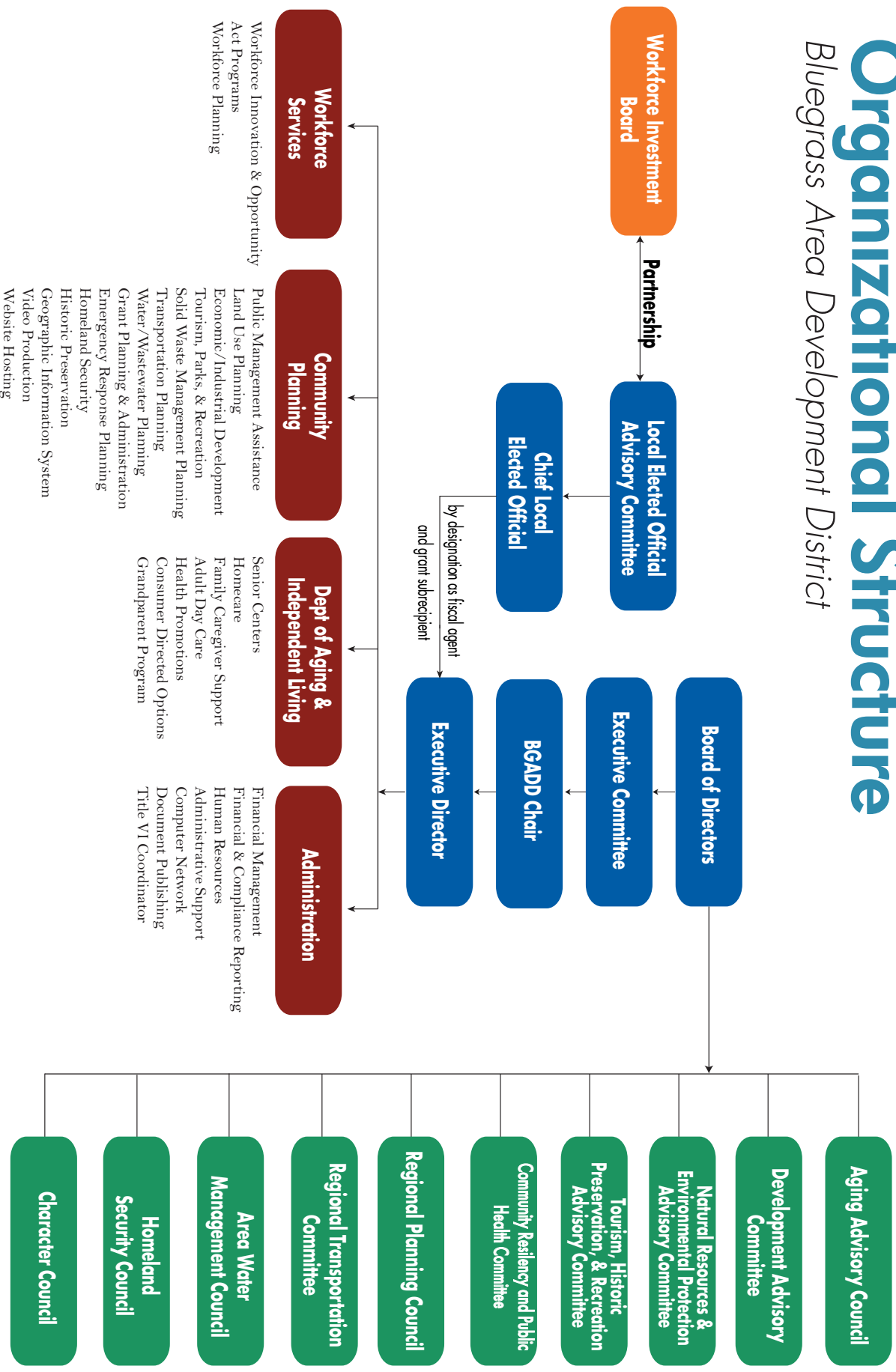
APPENDIX D

Examples of Vital Documents:

- Citizen Participation Notices
- Survey Instruments
- Housing-Related Documents
 - Lead-Based Paint Notification
 - Application
 - Lease
 - Note
 - Mortgage
- Drug-Free Certification

Organizational Structure

Bluegrass Area Development District





APPENDIX F

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

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



the United States to enter into the litigation to protect the interests of the United States.

APPENDIX G

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

(HABENDUM CLAUSE)

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

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



APPENDIX H

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

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

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



APPENDIX I

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

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

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



APPENDIX J

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 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation and certain testing entities (42 U.S.C. §§ 12131-- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin and sex);
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 ET seq).

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TITLE VI IMPLEMENTATION PLAN

**BLUEGRASS AREA DEVELOPMENT DISTRICT:
APRIL 1, 2024-MARCH 31, 2025**

