

CITY OF FRANKFORT

FRANKFORT TRANSIT

SYSTEM

TITLE VI

FY14/15 PLAN

TABLE OF CONTENTS

Introduction & Description of Services..... PAGE 3

I. Glossary of Common Terms..... PAGE 4

II. Overview..... PAGE 4

III. Scope..... PAGE 4

IV. Responsible Official..... PAGE 5

V. Statement of Assurances..... PAGE 5

VI. Programs Or Activities Subject To Title VI.....PAGE 5

VII. Title VI Beneficiary Notice to the Public.....PAGE 7

VIII. Complaint Procedures/Forms..... PAGE 8

IX. Title VI Investigations, Complaints, and Lawsuits.....PAGE 12

X. Compliance.....PAGE 13

XI. Training..... PAGE 14

XII. Goals and Evaluation Procedures..... PAGE 14

XIII. Public Participation Plan.....PAGE 15

XIV Public Notification.....Page 15

XV. Recordkeeping and Reporting.....PAGE 16

XVI. Minority Representation..... PAGE 17

XVII. Language Assistance Plan (LAP).....PAGE 19

XVIII. Advisory Committee..... PAGE 23

XIV. Forms..... PAGE 23

Introduction & Description of Services

Frankfort Transit submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012.

Frankfort Transit is a sub-recipient of State/FTA funds and provides service within corporate limits of the City of Frankfort, Kentucky. The Frankfort Transit System provides three deviated-fixed routes. This service runs from 6:45 a.m. to 6:30 p.m., Monday through Friday and Saturday 9:00 a.m. to 2:30 p.m. Demand Response is offered from 5:30 a.m. to 6:30 p.m. Monday through Friday and Saturday from 8:00 a.m. to 3:00 p.m. The Free downtown Trolley runs Tuesday through Saturday April 3 to October 27 from 10 a.m. until 2:30 p.m. and stops at several state office buildings, historical sites and Frankfort businesses. These routes provide full coverage of all major shopping centers, doctor's offices, hospital, senior citizen's complex and most state office buildings.

Title VI Liaison

Greg Rogers
Transit Superintendent
502-875-8565
P.O. Box 697
Frankfort, Ky. 40602

Alternate - Title VI Contact

Eugene Carr
Transit Foreman
502-875-8565
P.O. Box 697
Frankfort, Ky. 40602

Frankfort Transit must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

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

I. GLOSSARY OF COMMON TERMS

“Beneficiary or recipient” means the individual or organization for which federal funds are intended.

“Implementation plan” means the Title VI implementation plan developed and maintained by Frankfort Transit to ensure compliance with 42 U. S. C. § 2000d et. Seq. and KRS 344.015.

“Title VI Compliance Officer” means Frankfort Transit employee designated by the Responsible Official to coordinate all Title VI activities of Frankfort Transit.

“Responsible Official” means the person identified in Section IV, infra.

II. OVERVIEW

The Frankfort Transit has adopted a plan to improve access to services for persons with Limited English Proficiency, as required by Executive Order 13166. The provisions of Frankfort Transit’s LEP plan are incorporated in this plan as though set forth fully herein.

III. SCOPE OF TITLE VI APPLICABILITY TO PROGRAMS AND ACTIVITIES

The Frankfort Transit affords all individuals the opportunity to benefit from programs administered by the Frankfort Transit.

A. Title VI of the Civil Rights Act of 1964 (42 U. S. C. § 2000d) provides:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

B. 34 C. F. R. § 100.1, 100.2, and 100.3 implement the provisions of the federal statute.

C. KRS 344.015 § 1(2) states:

Each local agency shall:

(a) Develop a Title VI implementation plan by January 1, 1995. If required by Title VI or regulations promulgated thereunder, the implementation plan shall:

1. Be developed with the participation of protected beneficiaries; and
2. Include Title VI implementation plans of any sub-recipients of federal funds through the state agency;

(b) Submit a copy of the implementation plan to the Auditor of Public Accounts and the Human Rights Commission; and

(c) Submit annual Title VI compliance reports and any implementation plan updates to the Auditor of Public Accounts and the Human Rights Commission by July 1, 1995, and each July 1 thereafter.

The federal statute codified as 42 U. S. C. § 2000d and state statute KRS 344.015 provide the authority for the development of this plan and describe the extent of the authority.

Title VI applies to discriminatory acts based on race, color, or national origin and specifically prohibits the exclusion of individuals or groups from participation in, or enjoying the benefits of, federal programs. Title VI does not provide relief for discrimination based on age, sex, disability, geographic location, or wealth.

IV. RESPONSIBLE OFFICIAL

Greg Rogers, Superintendent of Frankfort Transit, has overall responsibility for implementation, compliance and reporting with respect to Title VI. Inquiries related to these activities should be directed to:

Greg Rogers
Transit Superintendent
502-875-8565
P.O. Box 697
Frankfort, Ky. 40602

V. STATEMENT OF ASSURANCES

The Frankfort Transit, its Staff, any sub-recipients of federal funds under grants administered by the City of Frankfort 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).

A. Each sub-recipient of federal funds under grants administered by the Frankfort Transit shall have agreed in writing to adopt the Frankfort Transit's Title VI plan, or

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

VI. PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI

A. U.S. Housing and Urban Development's Community Development Block Grant (CDBG) program. Funds are designated for the following program areas:

- Housing
- Community Projects
- Public Services
- Public Facilities
- Economic Development
- Community Emergency Relief Fund

The U.S. Department of Housing and Urban Development (HUD) funded Community Development Block Grant (CDBG) program for the City of Frankfort to provide assistance to communities for use in revitalizing neighborhoods, expanding affordable housing and economic opportunities, providing infrastructure and/or improving community facilities and services.

- B. The Land and Water Conservation Fund (LWCF) provides federal grant funds to protect important natural areas, to acquire land for outdoor recreation and to develop 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.

- C. 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: Eligible applicants are city and county governments, state and federal agencies, and non-profit organizations.

- D. The ARC is a federal-state economic development program. To assist in the economic development of Appalachia through a diversity of projects in the areas of public infrastructure (water, sewer, solid waste, housing, and telecommunications), human resource development (education/workforce development, affordable/accessible healthcare, and leadership development) and business/entrepreneurial development.

Potential Beneficiaries: Local governments, special districts, and non-profit entities that include Kentucky's 51 most eastern and south-central Counties are eligible to apply for the grant dollars. Thirty-two "distressed" counties also have access to a separate restricted allocation of funds.

- E. The National Forest Receipts program provides "pass-through" funds to counties. The State Local Finance Officer receives notice of wire transfer from the US Department of Agriculture Forest Service for funds to be distributed annually to various counties.

VII. Title VI Beneficiary Notice to the Public

The following notice shall be posted conspicuously in the following areas:

- All transit buses
- Lobby of Transit office
- Lobby of City Hall
- Frankfort Transit website

YOUR CIVIL RIGHTS UNDER TITLE VI

Frankfort Transit adheres to the Civil Rights Act of 1964 which states: “No person in the United States, shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” For more information on the Title VI transit obligations, please see the contact information below.

MAKING A TITLE VI COMPLAINT

Any person who believes he/she has been subjected to discrimination in the delivery of or access to public transportation services on the basis of race, color, or national origin, may file a complaint with the Frankfort Transit FT. Such complaint must be filed in writing with FT no later than 180 days after the alleged discrimination. For information on how to file a complaint, contact FT as listed below.

Superintendent Greg Rogers, Frankfort Transit, 315 West Street, Frankfort, KY 40601, (502)875-8582 TTY or Ky. Relay Number: Dial 7-1-1 or 1-800-648-6057

Email Address: grogers@frankfort.ky.gov Website: transit.frankfort.ky.gov

Written complaints may also be submitted to Tara Walker or Gail Mayeux at the Kentucky Transportation Cabinet at (502) 564-7433.

Written complaints may also be filed with the U. S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, at the following address: Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

To accommodate limited English proficient individuals, oral complaints to be documented and/or translated may also be given at the above address. If information is needed in another language, contact (502)875-8582. Si se necesita información en otro idioma, comuníquese con: (502)875-8582.

VIII. COMPLAINT PROCEDURES/FORMS

A. COMPLAINT PROCEDURES

1. How a complaint shall be filed

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed using the forms attached in the Appendix. If an individual refuses to submit a written complaint, the compliance officer shall record the information orally from the individual and shall provide a copy to the individual with a request that the information be confirmed by the complainant.

A complaint may be filed by anyone who believes that the Frankfort Transit has discriminated against a participant, beneficiary, or a class of beneficiaries on the basis of race, color, or national origin.

Complaints must be filed within one hundred eighty (180) days of the activity which prompts the filing of the complaint.

2. Where to file a complaint

Complaints in relation to alleged discrimination under Title VI of the Civil Rights Act of 1964 may be filed with Frankfort Transit's Title VI compliance officer (Superintendent).

3. Time frame within which the complaint shall be processed by the agency; and upon receipt of a written complaint, the compliance officer shall review the complaint and shall file, within seven (7) days, a concise statement with the Responsible Official regarding the nature of the complaint and the steps to be taken to investigate or resolve the complaint.

4. Withdrawal of a complaint;

A complainant may withdraw a complaint at any time before final action by filing with the compliance officer a written statement of his or her desire to withdraw the complaint.

B. INVESTIGATIONS, REPORT OF FINDINGS, HEARINGS AND APPEALS.

1. Investigations

Upon receipt of the complaint by an individual or at the time the compliance officer becomes independently aware of actions which may constitute a violation of Title VI, the compliance officer shall take necessary action within thirty (30) days to investigate and recommend specific actions to resolve the complaint. A report shall be filed by the compliance officer with the Responsible Official within that period.

2. Report of Findings

The complainant shall be notified in writing of the results of the investigation and any actions taken.

The Frankfort Transit shall attempt to maintain the confidentiality of the complaint and the name of the complainant.

The complainant shall be notified in writing, within 30 days of the resolution of a complaint, by the Responsible Official or the Title VI compliance officer of the resolution of a complaint. A statement of corrective action shall include specific statements of actions to be taken or prohibited actions and shall include a timetable for implementation.

3. Hearings and Appeals

A complainant may file a written appeal from the Responsible Official's resolution of the complaint within 30 days of the receipt of the written notice of resolution. Appeals shall be directed to the Superintendent of Frankfort Transit and shall be set forth in writing. The complainant shall be notified of the final resolution of the complaint within 60 days of the Title VI compliance officer's receipt of the appeal.

A complainant filing a written appeal may request an in-person hearing before the Title VI compliance officer of Frankfort Transit. Such request shall be set forth in writing and shall be submitted contemporaneously with the written appeal. The complainant shall be notified of the date, time and place of the hearing within 15 days of the Title VI compliance officer's receipt of the request.

Title VI Complaint Form

Frankfort Transit

Title VI Complaint Form

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

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

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

Signature and date required below

Signature Date

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

Frankfort Transit
 Greg Rogers Transit Superintendent - VI Liaison
 315 West 2nd St.
 Frankfort, Ky. 40601

IX. Title VI Investigations, Complaints, and Lawsuits

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

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

Frankfort Transit has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years. A summary of these incidents is recorded in Table 1.

Table 1: Summary of Investigations, Lawsuits, and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.	0	0	0	0
2.				
Lawsuits				
1.	0	0	0	0
2.				
Complaints				
1.	0	0	0	0
2.				

X. COMPLIANCE

A. The Frankfort Transit shall make every effort to regulate, monitor, review, and report on the federal programs to assure compliance.

B. Upon a finding by the Frankfort Transit of noncompliance, the Frankfort Transit 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 Frankfort Transit 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 Frankfort Transit shall face disciplinary action, or in the case of grant sub-recipients, may face termination or suspension of the contractual relationship with the Frankfort Transit.

5. Monitoring of programs

The Frankfort Transit shall undertake to periodically monitor all programs funded through federal assistance for those sub-recipients who have been found by the Frankfort Transit to be in non-compliance with Title VI.

XI. TRAINING

The Title VI implementation plan will be made available via Frankfort Transit's Website to all Frankfort Transit employees along with complaint procedures. Sub-recipients of grants will be notified of the Title VI implementation plan and complaint procedures at the time of any grant award.

The Frankfort Transit may periodically hold Title VI training seminars for its employees, particularly for those individuals responsible for monitoring sub-recipients for Title VI compliance.

XII. GOALS AND EVALUATION PROCEDURES

The Frankfort Transit 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 Frankfort Transit'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 and investigate all complaints within the timeframe and in accordance with the procedures outlined in Section VII.
3. Give employees the opportunity to rate the plan 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 (comprised of the Superintendent and two other employees) 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 Frankfort Transit closer to its goals

XIII. Public Participation Plan

FTA Circular 4702.1B, Chapter III, Paragraph 4.a.4: Every Title VI Plan shall include the following information: A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Plan submission. A recipient's targeted public participation plan of minority populations may be part of efforts that extend more broadly to include constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.

The Public Participation Plan (PPP) for Frankfort Transit was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for Frankfort Transit. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about Frankfort Transit services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The PPP is included as Appendix F to this Title VI Plan.

Current Outreach Efforts

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

- Color coated Deviated Fixed Route signs
- Schedules printed in Spanish with pictures
- Information Holiday/events and shuttles printed in braille and Spanish
- Frankfort Transit Website--translator
- Uses Kentucky Translator and Interpreter Association and Google Translator

XIV. PUBLIC NOTIFICATION

Three groups of people will receive notification of the Frankfort Transit Title VI plan, complaint forms, nondiscrimination policy, and programs and services: 1) City of Frankfort employees will have access to the implementation plan and the complaint procedures on the city website; 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 Frankfort Transit's Title VI Plan is available for review at the city office. Title VI application forms and checklists for sub-recipients are also available at the city office.

XV. RECORDKEEPING AND REPORTING

A. Complaints

1. The compliance officer will maintain a log of all complaints filed with Frankfort Transit.
2. Transit compliance officer will certify annually that all sub-recipients have been notified of the Title VI implementation plan and complaint procedures.
3. The compliance officer 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 State Auditor as changes are made.
3. Transit personnel will maintain records of all sub-recipients in order that the Frankfort Transit 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 Frankfort Transit's recordkeeping and reporting procedures.

D. Participation data:

Because the Frankfort Transit acts as an administrator or a pass-through source for sub-recipients of federal funds, the agency is unable to provide data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

The Frankfort Transit endeavors to ensure that each sub-recipient of federal funds is in full compliance with Title VI, and that each such entity ensures equal participation in programs funded by federal monies to protected parties.

XVI. MINORITY REPRESENTATION

Minority representation on Boards/Committees

BOARD/COMMITTEE	MEMBERS	MINORITY REPS	PERCENTAGE
City Commission	5	1	20%
Arch. Review Board	4	1	25%
Board of Adjustments	4	1	25%
Board of Ethics	3	0	0%
Board of Parks Comm.	7	1	14%
Capital City Museum**	11	1	9%
Civil Service Fire/Police	5	3	60%
Code Enforcement	5	1	20%
Electric and Water	5	1	20%
Forestry Advisory Board	7	0	0%
2 nd St. Form Based Code	6	1	16%
Housing Authority	4	1	25%
<u>CCEIDA (aka KCDC)</u>	3	0	0%
Tourism Commission	3	0	0%
Planning Commission	5	1	20%
Planning Sub-Committees			
*Landscape Committee	5	1	20%
*Subdivision Update	3	0	0%
*Zoning Update Comm.	2	1	50%

** The Capital City Museum selects their own Board based on their 501c3 Bylaws.

B. Ensuring minority participation:

The Frankfort Transit continues to attempt to identify and employ qualified minority applicants. Where minority representation in particular areas of the agency is low, the Frankfort Transit 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 Frankfort Transit's programs, Frankfort Transit 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 Frankfort Transit and where minorities comprise at least 5% of the affected area or the surrounding community, the facility or agency will make efforts to appoint a minority representative to serve on the board or committee.

Frankfort Transit has 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 the City of Frankfort includes the following employees:

RACE/NATIONAL ORIGIN	NUMBER	Percentage
White Females	127	20
White Males	452	72
Black Females	18	3
Black Males	30	5
Hispanic Females	2	Less than 1%
Hispanic Males	1	Less than 1%
American Indian Females	0	0
American Indian Males	0	0
Other Females	0	0
Other Males	2	Less than 1%
Total	632	100

XVII. Language Assistance Plan (LAP)

I. Introduction

Frankfort Transit operates a transit system within corporate limits of the City of Frankfort. The Language Assistance Plan (LAP) has been prepared to address Frankfort Transit’s responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In Frankfort Transit service area there are 27,590 residents or 3% who describe themselves as not able to communicate in English “very well” (Source: US Census). Frankfort Transit is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. Frankfort Transit has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP.

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

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

II. Four Factor Analysis

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

1. The number and proportion of LEP persons in the service area who may be served or are likely to encounter a Frankfort Transit program, activity or service.

2. The frequency with which LEP persons come in contact with Frankfort Transit programs, activities or services.
3. The nature and importance of programs, activities or services provided by Frankfort Transit to the LEP population.
4. The resources available to Frankfort Transit and overall costs to provide LEP assistance

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

Of the 27,590 residents in the Frankfort Transit service area 3% of the residents describe themselves as speaking English less than “very well”. People of spanish descent are the primary LEP persons likely to utilize Frankfort Transit services. For the Frankfort Transit service area, the American Community Survey of the U.S. Census Bureau shows that among the area’s population, 88.6% speak English “very well”. For groups who speak English “less than very well”, 3.2% speak hispanic and 1.3% speak asian.

Appendix H contains a table which lists the languages spoken at home by the ability to speak English for the population within the Frankfort Transit service area.

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

The Federal guidance for this factor recommends that agencies should assess the frequency with which they have contact with LEP individuals from different language groups. The more frequent the contact with a particular LEP language group, the more likely enhanced services will be needed.

Frankfort Transit has assessed the frequency with which LEP individuals come in contact with the transit system. The methods utilized for this assessment include analysis of Census data, examining phone inquiries, requests for translated documents, and staff survey. As discussed above, Census data indicates that there are no LEP groups over 1.8 in the City of Frankfort. Phone inquiries and staff survey feedback indicated that Frankfort Transit dispatchers and drivers interact infrequently with LEP persons. The majority of these interactions have occurred with LEP persons who mainly spoke spanish. Over the past 3 years, Frankfort Transit has had 4 requests for translated documents.

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

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

III. Language Assistance Plan

In developing a Language Assistance Plan, FTA guidance recommends the analysis of the following five elements:

1. Identifying LEP individuals who need language assistance

2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the plan

The five elements are addressed below.

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

Federal guidance provides that there should be an assessment of the number or proportion of LEP individuals eligible to be serviced or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

Frankfort Transit has identified the number and proportion of LEP individuals within its service area using United States Census data (see Appendix H). As presented earlier, 88.6% of the service area population speaks English only. The largest non-English spoken language in the service area is Spanish at 3.2%. Of those whose primary spoken language is Spanish, approximately .1% identify themselves as speaking less than “very well”. Those residents whose primary language is not English or Spanish and who identify themselves as speaking English less than “very well” account for .1% of the service area population.

b. Element 2: Language Assistance Measures

Federal Guidance suggests that an effective LAP should include information about the ways in which language assistance will be provided. This refers to listing the different language services an agency provides and how staff can access this information.

For this task Federal Guidance recommends that transit agencies consider developing strategies that train staff as to how to effectively deal with LEP individuals when they either call agency centers or otherwise interact with the agency.

c. Element 3: Training Staff

Federal guidance states staff members of an agency should know their obligations to provide meaningful access to information and services for LEP persons and that all employees in public contact positions should be properly trained.

Suggestions for implementing Element 3 of the Language Assistance Plan, involve: (1) identifying agency staff likely to come into contact with LEP individuals; (2) identifying existing staff training opportunities; (3) providing regular re-training for staff dealing with LEP individual needs; and (4) designing and implementing LEP training for agency staff.

In the case of Frankfort Transit, the most important staff training is for Customer Service Representatives and transit drivers.

d. Element 4: Providing Note to LEP Persons

Frankfort Transit will make Title VI information available in English and Spanish on the Agency’s website. Key documents are written in English and Spanish. Notices are also posted in Frankfort Transit office lobby, on buses, and Transit website. Additionally, when staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language/braille based on the known LEP population.

e. Element 5: Monitoring and Updating the Plan

The plan will be reviewed and updated on an ongoing basis. Updates will consider the following:

- The number of documented LEP person contacts encountered annually
- How the needs of LEP persons have been addressed
- Determination of the current LEP population in the service area
- Determination as to whether the need for translation services has changed
- Determine whether Frankfort Transit’s financial resources are sufficient to fund language assistance resources needed

Frankfort Transit understands the value that its service plays in the lives of individuals who rely on this service, and the importance of any measures undertaken to make the use of system easier. Frankfort Transit is open to suggestions from all sources, including customers, Frankfort Transit staff, other transportation agencies with similar experiences with LEP communities, and the general public, regarding additional methods to improve their accessibility to LEP communities.

IV. Safe Harbor Provision

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

Frankfort Transit service area does not have LEP populations which qualify for the Safe Harbor Provision. As shown in Appendix H, Your Community Transit does not have LEP groups which speak English less than “very well” which exceed either 5.0% or 1,000 persons

XVIII. Title VI Advisory Committee

Meetings are held as needed. The meetings are held at Frankfort Transit office, 301 Bald Knob Rd. Frankfort, Ky. 40601. Meetings are subject to change. The Committee consist of three transit employees. All meetings will be posted in advance on the transit website. Transit.frankfort.ky.gov

XIX. Forms

**Frankfort Transit
315 West Second Street
PO Box 697
Frankfort, KY 40602
Phone: (502) 875-8565
Fax: (502) 352-2155**

Complaint Under Title VI The Civil Rights Act of 1964

To Title VI Coordinator:

I, _____, hereby file an official complaint against
_____ located at

Name of Persons or Agency

Date of alleged discrimination: _____

Complainant's address: _____

Complainant's telephone number: _____.

Basis of complaint (use back of sheet if necessary):

Signed: _____

Date: _____

Frankfort Transit
315 West Second Street
PO Box 697
Frankfort, KY 40602
Phone: (502) 875-8565
Fax: (502) 352-2155

Report of Investigation

I, _____, representing the City of Frankfort, have investigated the complaint filed on _____, 20__ by _____ alleging that discrimination occurred which was in violation of the provisions of Title VI of the Federal Civil Rights Act.

The results of the investigation were as follows:

- ____ A. The agency or person was found to be in violation of Title VI.
- ____ B. The agency or person was not found to be in violation of Title VI.
- ____ C. The complainant withdrew the complaint.

A copy of the investigative report is attached.

Withdrawal of Complaint (if applicable) _____

If the agency or person was found to be in violation of Title VI, a brief description of the remedial action taken to assure future compliance follows:

Signed: _____

Date: _____