

EASTERSEALS WEST KENTUCKY



Title VI Plan

Revised Plan Adopted August 24, 2023

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1.0 Title VI/Nondiscrimination Policy Statement and Management Commitment to Title VI Plan

49 CFR Part 21.7(a): Every application for Federal financial assistance to which this part applies shall contain, or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed or pursuant to [49 CFR Part 21].

EASTERSEALS WEST KENTUCKY (ESWKY) assures the Kentucky Transportation Cabinet (KYTC) that no person shall on the basis of race, color or national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 and associated Kentucky Revised Statute (KRS) as amended be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency.

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

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient’s Chief Executive Officer or authorized representative.
2. Issue a policy statement signed by the Executive Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient’s organization and to the general public. Such information shall be published where appropriate in language other than English.
3. Insert the clauses of Section 4.5 of this plan into every contract subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against ESWKY.
5. Participate in training offered on the Title VI and other nondiscrimination requirements.
6. If reviewed by the KYTC or any state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) days.
7. Have a process to collect racial and ethnic data on persons impacted by the agency’s programs.
8. Submit the information required by FTA Circular 4702.1B to the primary recipients.

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

Signature

Signature

Danny Carroll
Chief Executive Officer

Kim Steele
ESWKY Board Chair

Date: August 24, 2023

2.0 Introduction & Description of Services

ESWKY 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 Federal Transit Administration (FTA) Circular 4702.1B, published October 1, 2012.

ESWKY is a sub-recipient of FTA funds and provides service in the Kentucky Counties of Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall and McCracken, also known as the Purchase Area. A description of the current system operation is included in Appendix B.

Title VI Liaison

David Poole

Transportation Manager

(270)444-9680

1908 N 14th St.

Paducah KY 42001

ESWKY 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 the KYTC 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 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.

2.1 First Time Applicant Requirements

FTA Circular 4702.1B, Chapter III, Paragraph 3: Entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency.

ESWKY is not a first-time applicant for FTA/KYTC funding. During the three previous years the Kentucky Transportation Cabinet Office of Transportation Delivery / Human Service Transportation Delivery did not complete a Title VI review of ESWKY.

2.2 Annual Certifications and Assurances

FTA Circular 4702.1B, Chapter III, Paragraph 2: Every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with the Title VI regulations.

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances. Primary recipients will collect Title VI assurances from sub-recipients prior to passing through FTA funds.

ESWKY will remain in compliance with this requirement by annual submission of certifications and assurances as required by all applicable State and Federal Agencies.

2.3 Title VI Plan Adoption

This Plan was approved and adopted by the Easterseals West Kentucky board of Directors during a meeting conducted on February 23, 2023. The ESWKY Board Chair and Chief Executive Officer signed the approval letter that is included in Appendix C of this plan.

FTA Circular 4702.1B, Chapter III, Paragraph 5: Title 49 CFR 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

3.0 Title VI Notice to the Public

3.1 Notice to Public

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

- A statement that the agency operates programs without regard to race, color or national origin.
- A description of the procedures members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations
- A description of the procedure members of the public should follow in order to file a discrimination complaint against the grantee

The ESWKY notice is included in Appendix D of this plan.

3.2 Notice Posting Locations

The Notice to Public will be posted at many locations to apprise the public of ESWKY's obligations under Title VI and to inform them of the protections afforded them under Title VI. At a minimum, the notice will be posted in public areas of ESWKY's office(s) including the common areas, meeting rooms, reception desk. ESWKY will also post this notice, which is included in Appendix D, on transit vehicles.

4.0 Title VI Procedures and Compliance

FTA Circular 4702.1B, Chapter III, Paragraph 6: All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to member of the public.

4.1 Complaint Procedure

Any person who believes he or she has been discriminated against by ESWKY on the basis of race, color, or national origin may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (refer to Appendix E). ESWKY investigates complaints received no more than 180 days after the-alleged incident. ESWKY will process complaints that are complete.

Once the complaint is received, ESWKY will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing him/her whether the complaint will be investigated by our office.

ESWKY has ninety (90) days to investigate the complaint. If more information is needed to resolve the case, ESWKY may contact the complainant. The complainant has ten (10) business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within ten (10) business days, ESWKY can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she/he has seven (7) days to do so from the time he/she receives the closure letter or the LOF.

The complaint procedure will be made available to the public on ESWKY's website (easterseals.com/westkentucky).

4.2 Complaint Form

A copy of the complaint form is provided in Appendix E, along with contact information for Spanish speaking individuals.

4.3 Record Retention and Reporting Policy

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

4.4 Sub-Recipient Assistance and Monitoring

ESWKY does not have any sub-recipients. As a sub-recipient to the Kentucky Transportation Cabinet, ESWKY utilizes the sub-recipient assistance and monitoring provided through the Office of Transportation Delivery.

4.5 Contractors and Subcontractors

ESWKY is responsible for ensuring that contractors are in compliance with Title VI requirements. Contractors may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. ESWKY contractors, and subcontractors may not discriminate in their employment practices in connection with federally assisted projects. Contractors and subcontractors are not required to prepare or submit a Title VI Plan. However, the following nondiscrimination clauses will be inserted into every contract with contractors and subcontractors subject to Title VI regulations.

Nondiscrimination Clauses

During the performance of a contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") must agree to the following clauses:

1. **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
2. **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5

of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the subcontractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color or national origin.
4. **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Kentucky Transportation Cabinet, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the Kentucky Transportation Cabinet, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, ESWKY shall impose contract sanctions as appropriate, including, but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the ESWKY, Kentucky Transportation Cabinet, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Disadvantaged Business Enterprise (DBE) Policy

ESWKY and its contractors and subcontractors agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, as amended, have the opportunity to participate in the performance of contracts. ESWKY and its contractor and subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of any contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of Kentucky Transportation Cabinet assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate.

5.0 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), ESWKY 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 ESWKY 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 Kentucky Transportation Cabinet OTD/HSTD.

ESWKY has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin, including protected classes as amended, 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	As of 1-30-2023	None		
1.				
2.				
Lawsuits	As of 1-30-2023	None		
1.				
2.				
Complaints	As of 1-30-2023	None		
1.				
2.				

6.0 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 ESWKY was developed to ensure that all members of the public, including minorities, disabled, low income, and Limited English Proficient (LEP) populations, are encouraged to participate in the decision-making process for ESWKY. 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 ESWKY services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to service. The PPP is included as Appendix F to this Title VI Plan.

Current Outreach Efforts

ESWKY 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 ESWKY's recent, current, and planned outreach activities.

- Each year the ESWKY, in conjunction with other area public transportation agencies, conducts a Regional Public Transportation Coordination meeting which involves all public transportation providers serving the area. Over 160 transportation and social services agencies operating in the region are invited to discuss public transportation issues. For those unable to attend a hard copy survey can be completed to communicate transportation issues.
- Information regarding the availability of ESWKY services is posted in all agency public spaces and is distributed in each community served.
- In addition, each transit agency ESWKY works with posts information on their vehicles regarding rates, contact information for scheduling, and service areas.
- Informational flyers are posted in each Transit Center.
- Local elected officials are appraised of the services available so they can direct constituents to the proper service provider.

7.0 Language Assistance Plan

FTA Circular 4702.1B, Chapter III, Paragraph 9: Recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient (LEP).

The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that “speaks English less than very well” by the total population of the service area (Ballard and McCracken Counties.) According to the U.S. Census Bureau 2021 ACS 5-Year Estimates data, Ballard and McCracken Counties have 659 individuals who speak English less than very well. Of those 659 individuals, 198 speak Spanish, 194 speak some other Indo-European language, 194 speak an Asian/Pacific language, and 73 speak some other language. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less), ESWKY must provide translation of vital documents in written format for non-English speaking persons.

The 2021 ACS 5-Year Estimates data shows that in Ballard and McCracken Counties, with a population estimate of 70,088, all language groups that speak English less than very well are less than 1% and below the 5% or 1,000 persons threshold of the population to be served. This means, at this time ESWKY is also not required to provide written translation of vital documents in these languages. ESWKY will provide written notice in Spanish of the right to receive competent oral interpretation of vital written materials free of charge.

In the future, if ESWKY meets the Safe Harbor threshold for any language group, it will provide written translation of vital documents in such languages and consider measures needed for oral interpretation.

8.0 Transit Planning and Advisory Bodies

FTA Circular 4702.1B, Chapter III, Paragraph 10: Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

ESWKY Operating Area Total Service Area Population by Race

	Ballard County	McCracken County
White alone, percent	92.0%	82.6%
Black or African American alone, percent	3.9%	10.4%
American Indian and Alaska Native alone, percent(a)	0.1%	0.2%
Asian alone, percent	0.3%	1.0%
Native Hawaiian and Other Pacific Islander alone, percent(a)	0.0%	0.0%
Two or More Races, percent	2.3%	2.9%
Hispanic or Latino, percent	1.6%	2.7%

US Census Bureau, 2021 ACS 5-Year Estimates

The board of directors shall consist of not less than 18 or more than 25 members. They shall be elected as follows:

1. Twenty-three members shall be elected for a term of three (3) years and shall be eligible for re-election to the board after serving said term. A vacancy on the board of directors due to resignation, moving from the area, or non-attendance may be temporarily filled by the board of directors for the remainder of the year. A successor shall be elected for the expired term by the board of directors at the election of its next meeting following such vacancy. If the number of nominees for director exceeds the number of vacancies to be filled, voting shall be secret ballot, and those nominees receiving the greatest number of votes to the extent of the vacancies to be filled shall be deemed to be elected; provided, however, that if two (2) or more nominees shall receive the same number of votes for the last vacancies to be filled, then one or more new ballots shall be cast among such tying nominees until one of them shall receive a plurality of votes over those received by such other tying nominee or nominees.
2. The total membership of the board of directors reflects at least a 15% membership from the members (present and/or associate) of the Charity League of Paducah. (This membership total will include the one (1) year term, as defined in subsection 3.)
3. A total of two members shall serve one (1) year terms. Of these two (2) members, one shall represent the Paducah Lions Club and one shall represent the Paducah Charity League. Each of these members shall become a member of the board of directors at a time designated by the organization that he/she represents and shall serve a one (1) year term. Any of these two (2) members may be re-elected by their group to serve additional terms.
4. Any member of the board of directors who has served at least twelve (12) years may be appointed to emeritus membership on the board of directors. An emeritus members shall receive notice of all meetings and may participate in discussion, by he may not vote. An emeritus member may serve on committees of the board of directors.

ESWKY’s governing body consists of 23 Board members, which include local representatives from businesses and citizens. ESWKY is committed to meeting the needs of the region’s citizens and ensuring that no person is excluded from participation in or denied the benefits of its services. ESWKY strives to ensure that the composition of the other relevant board members reflects a representation of minority participation. ESWKY will continue to encourage these groups to consider a minority member to the board. Efforts to encourage participation of minorities on the board will include; filling interim board seats wit qualified minority candidates; emphasizing the importance of diversity and diverse candidates and acknowledging the benefits of diversity; encouraging current board members to identify and contact qualified diverse candidates and ask them to apply; seeking guidance from local minority focused groups on recruitment methods.

COUNTY	TOTAL	WHITE	M	F	AFRICAN AMERICAN	M	F
McCracken	20	20	15	5	0	0	0
Ballard	1	1	0	1	0	0	0
Graves	1	1	0	1	0	0	0
Marshall	1	1	1	0	0	0	0

FTA Circular 4702.1B, Chapter III, Paragraph 4.a.8: If the recipient has constructed a facility, such as vehicle storage, maintenance facility, operations center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.

9.0 Title VI Equity Analysis

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

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

ESWKY has prepared the Title VI Equity Analysis included in Appendix J to meet the requirement for a project presently in the development phase.

10.0 System Wide Service Standards and Service Policies

FTA Circular 4702.1B, Chapter III, Paragraph 10: All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide.

ESWKY does not provide fixed route service.

Appendices

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Appendix A

FTA Circular 4702.1B Reporting Requirements

Every (3) three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Sub-recipients shall submit the information below to their primary recipient (the entity from whom the sub-recipient receives funds directly), on a schedule to be determined by the primary recipient.

General Requirements

All recipients must submit:

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its sub-recipients for compliance with Title VI, and a schedule of sub-recipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- Additional information as specified in Chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

All Fixed Route Transit Providers Must Submit:

- All requirements set out in Chapter III (General Requirements)
- Service Standards
 - Vehicle load for each
 - Vehicle headway for each mode
 - On time performance for each mode
 - Service availability for each mode
- Service Policies
 - Transit amenities for each mode
 - Vehicle assignment for each mode

Transit providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanize Area (UZA) of 200,000 or more people must:

- Demographic and service profile maps and charts
- Demographic ridership and travel patterns, collected by survey
- Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
- A description of the public engagement process for setting the “major service change policy”, disparate impact policy and disproportionate burden policy
- Results of service and/or fare equity analysis conducted since the last Title VI Program submission, including evidence that the board or other governing entity or officials(s) considered, was aware of, and approved the results of the analysis

Appendix B

Current System Description

1. An Overview of the organization including its mission, program goals, and objectives

ESWKY's current and long-term focus as a transportation provider is on maintaining the best coordinated transportation system possible. The organization's goal is to create a coordinated system with the objective of providing safe, reliable, and efficient transportation services for the region. ESWKY works in conjunction with the Murray/Calloway County Transit Authority and the Paducah Transit Authority to ensure that the region is served by an efficient, coordinated system.

2. Organizational structure, type of operation, number of employees, service hours, staffing plan, safety, and security.

ESWKY is a 501(c)(3) non-profit organization. The organization is currently comprised of approximately 38 employees. Day to day operations of the transportation department is managed by a Transportation Manager that reports directly to the ESWKY CEO. ESWKY operates Monday – Friday with Medicaid services provided additionally as needed. It should be noted that actual on the road operational hours vary based on trip requirements.

3. Indicate if your agency is a government authority or a private non-profit agency

ESWKY is a Private non-profit agency and is operated with a combination of funding resources.

4. Who is responsible for insurance, training, management and administration of the agency's transportation programs?

The ESWKY Transportation Manager is responsible for training of all staff and management of the general public transportation program. All safety sensitive employees are required to complete a DOT approved safety and security training course as part of new hire orientation, as well as undergo a pre-employment drug screen based on DOT standards. All ESWKY employees are required to undergo an intensive training program, with drivers riding with a training driver, observed in behind the wheel training and training on proper use of wheelchair lifts and securement devices.

The ESWKY Transportation Manager is responsible for annual renewal of all liability insurance and vehicle registration for all vehicles. It is the Transportation Manager's responsibility to administer all aspects of the transportation program and to control access to and usage of all agency vehicles.

5. Who provides vehicle maintenance and record keeping?

The Transportation Manager is responsible for maintenance of all FTA funded and agency vehicles. Maintenance and repair are provided primarily by ESWKY staff however, several qualified vendors are used for certain specialized tasks. All vendors employ certified technicians with experience in working on commercial passenger vehicles similar to those utilized by ESWKY.

All maintenance is performed using an OTD/HSTD Preventive Maintenance Plan. All vehicle and driver files are maintained on site at the central office in Paducah, Kentucky. All records are retained and maintained for a minimum of three (3) years. The fact that all ESWKY vehicles are operating well beyond their normal useful life is a testament to the effort and efficiency of maintenance staff.

6. Who will drive the vehicle, number of drivers, CDL Certifications

Only ESWKY staff that has successfully completed all required safety and driving training requirements are permitted to drive vehicles used to provide general public transportation. Also, all drivers are subject to DOT drug and alcohol tested requirements. A CDL is not required to operate any of the vehicles in the ESWKY fleet.

7. A detailed description of service routes and ridership numbers

ESWKY provides Medicaid NEMT, through the region. The Agency's operating service area includes McCracken and Ballard counties. Service is provided for a variety of trip purposes including, but not limited to medical, nutrition, employment, connector, shopping, social service, training, social, and recreation. This focus allows ESWKY to plan service in the most efficient manner to reduce passenger travel time and costs. At this time ESWKY primarily uses lift equipped cutaway buses and vans to provide client services. Service is planned each day in an effort to provide the most efficient transportation possible to all clients.

Appendix C

Title VI Plan Adoption Meeting Signature

This updated plan and its appendixes have been reviewed and approved by the Board of Easterseals West Kentucky.

This 24th Day of August, 2023

Signed,

Kim Steele, Chair

Danny Carroll, Chief Executive Officer

Appendix D

Easterseals West Kentucky

Notifying the Public of Rights Under Title VI

Easterseals West Kentucky (ESWKY)

- ESWKY operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with ESWKY.
- For more information on ESWKY's civil rights program, and the procedures to file a complaint, contact 270-444-9680, dpole@eswky.com or visit our administrative office at 1908 North 14th Street Paducah Kentucky 42001. For more information, visit www.easterseals.com/westkentucky.
- If information is needed in another language, contact 270-444-9680. Una versión traducida de este documento puede estar disponible a petición.
- Written complaints may also be submitted to the Project Manager or Public Transit Branch Manager at the Kentucky Transportation Cabinet at 502-564-7433.
- Additionally, written complaints may 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 submitted to the address above.

Cómo presentar una queja del Título VI

Easterseals West Kentucky se adhiere a la Ley de Derechos Civiles de 1964 que dice: "Ninguna persona es Estados Unidos, por motivos de raza, color u origen nacional, debe ser excluida de participar, se le puede negar los beneficios o estar sujeto a la discriminación de cualquier programa o actividad que reciba asistencia financiera federal". Para obtener información adicional sobre las obligaciones de tránsito del Título VI, consulte la información de contacto a continuación.

Cómo presentar una queja del Título VI

Cualquier persona que crea que ha sido objeto de discriminación en la entrega o el acceso a los servicios de transporte público por motivos de raza, color u origen nacional, puede presentar una queja ante la Easterseals West Kentucky. Dicha queja debe presentarse por escrito ante la Easterseals West Kentucky a más tardar diez (10) días después de la supuesta discriminación. Para obtener información sobre cómo presentar una queja, comuníquese con ESWKY como se indica a continuación.

Easterseals West Kentucky
1908 N 14th St
Paducah KY 42001
(270)444-9860

Las quejas por escrito también pueden enviarse al Gerente de Proyecto o al Gerente de Sucursal de Transporte Público en el Gabinete de Transporte de Kentucky al 502-564-7433.

Las quejas por escrito también se pueden presentar con el Departamento de Transporte de los EE. UU. / Administración de Tránsito Federal (FTA) a más tardar 180 días después de la fecha de la presunta discriminación, en la siguiente dirección: Oficina de Derechos Civiles, Atención: Coordinador del Programa del Título VI, Este Edificio, 5to piso-TCR, 1200 New Jersey Ave., SE Washington, DC 20590.

Para dar cabida a personas con conocimientos limitados de inglés, las quejas orales que deben documentarse y / o traducirse también pueden presentarse en la dirección anterior.

Title VI of the Civil Rights Act of 1964

Title VI Notice of Protection Against Discrimination

Easterseals West Kentucky operates its programs without regard to race, color and national origin. To request or receive additional information on its discrimination obligations, including its complaint procedures, please contact the person listed below:

David Poole
Easterseals West Kentucky
1908 N 14th St
Paducah, KY 42001
Telephone: 270-444-9680
Email Address: dpoole@eswky.com

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 U. S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.

For more information, you can read ESWKY's **Title VI Notice to Beneficiaries** as printed below.

ADA Paratransit eligibility determination process will be made through self-certification with professional verification as needed. Persons with temporary disabilities may be considered ADA Paratransit eligible through in person assessment. An application is considered complete once the person has provided all of the information required. Applicants will be notified in writing of the initial notification determination of eligibility. Determination of non-eligibility must state the reasons for the finding. Individuals are permitted to request an appeal within 60 days of the initial eligibility decision. Applicants are granted presumptive eligibility if a determination has not been made within 21 calendar days of the submission of a completed application or 30 days of an appeal. ESWKY may require individuals periodically reapply for ADA Paratransit eligibility determination every 2-5 years. ADA Paratransit Service Hours are

Monday through Friday, 7:00 a.m. until 4:00 p.m. For more information regarding ADA services contact David Poole at 270-444-9680 or dpool@eswky.com.

Complementary Paratransit service will be provided to visitors outside of this region if these individuals have been certified as "ADA Paratransit Eligible" by any public entity. Certification will be honored for up to 21 days of Paratransit service. Paratransit service will be provided by a personal care attendant (PCA) traveling with an eligible rider. In addition to a PCA, that service will be provided to one (1) companion accompanying an eligible rider. Companions must be charged the same fare as the eligible rider and the PCA must ride free.

No-Show Suspension Policy - ESWKY may suspend Paratransit service to those persons who establish a pattern of practice of missing scheduled rides. Before service can be suspended under this provision, individuals will be provided an opportunity to appeal the proposed suspension.

YOUR CIVIL RIGHTS UNDER TITLE VI

Easterseals West Kentucky 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 Easterseals West Kentucky(ESWKY). Such complaint must be filed in writing with ESWKY no later than 180 days after the alleged discrimination. For information on how to file a complaint, contact ESWKY as listed below.

Transportation Manager, ESWKY, 1908 N 14th St. Paducah KY, 270-444-9680, Email Address: dpoole@eswky.com Website: www.easterseals.com/westkentucky

Written complaints may also be submitted to the Project Manager or Public Transit Branch Manager 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 (270)444-9680. Si se necesita información en otro idioma, comuníquese con: (270)444-9680.

SUS DERECHOS CIVILES BAJO EL TÍTULO VI

Easterseals West Kentucky se adhiere a la Ley de Derechos Civiles de 1964 que establece: “Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, será excluida de la participación, se le negarán los beneficios o se le sujeto a discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal”. Para obtener más información sobre las obligaciones de tránsito del Título VI, consulte la información de contacto a continuación.

HACER UN TÍTULO VI COMPLAINT

Cualquier persona que crea que ha sido objeto de discriminación en la prestación o el acceso a los servicios de transporte público por motivos de raza, color u origen nacional, puede presentar una queja ante Easterseals West Kentucky (ESWKY). Dicha queja debe presentarse por escrito ante ESWKY a más tardar 180 días después de la supuesta discriminación. Para obtener información sobre cómo presentar una queja, comuníquese con ESWKY como se indica a continuación.

Gerente de transporte, ESWKY, 1908 N 14th St.
Paducah KY, 270-444-9680, dirección de correo
electrónico: dpoole@eswky.com Sitio web:
www.easterseals.com/westkentucky

Las quejas por escrito también pueden enviarse al
Gerente del Proyecto o al Gerente de la Sucursal de
Transporte Público en el Gabinete de Transporte de
Kentucky al (502) 564-7433.

Las quejas escritas también se pueden presentar ante el Departamento de Transporte de los Estados Unidos/Administración Federal de Tránsito (FTA) a más tardar 180 días después de la fecha de la supuesta discriminación, en la siguiente dirección: Oficina de Derechos Civiles, Atención: Coordinador del Programa Título VI, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. Para acomodar a personas con dominio limitado del inglés, las quejas orales que se documenten y/o traduzcan también se pueden presentar en la dirección anterior. Si se necesita información en otro idioma, póngase en contacto con (270-444-9860. Si se necesita información en otro idioma, comunión: (270)444-9860.

Appendix E

Complaint Form

Easterseals West Kentucky (ESWKY)

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				
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.				

ESWKY operates its programs without regard to race, color or national origin. To request information or to file a discrimination complaint, contact:

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

David Poole
Transportation Manager
Easterseals West KY
1908 N14th St
Paducah, KY 42001

ESWKY opera sus programas sin distinción de raza, color u origen nacional. Para solicitar información o presentar una queja por discriminación, contacte a:

Envíe este formulario en persona a la dirección que figura a continuación, o envíe este formulario a:

David Poole
Transportation Manager
Easterseals West KY
1908 N14th St
Paducah, KY 42001

Sección I:			
Nombre:			
Dirección:			
Teléfono (Hogar):		Teléfono (Trabajo):	
Dirección de correo electrónico:			
¿Requisitos de formato accesible?	Impresión grande		Cinta de audio
	Tdd		Otro
Sección II:			
¿Está presentando esta queja en su propio nombre?		Sí*	No
*Si respondió "sí" a esta pregunta, vaya a la Sección III.			
Si no es así, proporcione el nombre y la relación de la persona por la que se queja:			
Por favor, explique por qué ha presentado una solicitud para un tercero: _____			
Confirme que ha obtenido el permiso de la parte agraviada si está presentando en nombre de un tercero.		Sí	No
Sección III:			
Creo que la discriminación que experimenté se basó en (marque todo lo que corresponda): [] Raza [] Color [] Origen nacional [] Edad Fecha de supuesta discriminación (mes, día, año): _____ Explica lo más claramente posible lo que sucedió y por qué crees que fuiste discriminado. Describa a todas las personas que participaron. Incluya el nombre y la información de contacto de la(s) persona(s) que le discriminaron (si se conocen), así como los nombres y la información de contacto de cualquier testigo. Si se necesita más espacio, utilice la parte posterior de este formulario. _____ _____			

Sección IV

¿Ha presentado previamente una queja del Título VI ante esta agencia?

Sí

No

Sección V

¿Ha presentado esta queja ante cualquier otra agencia federal, estatal o local, o ante algún tribunal federal o estatal?

Sí No

En caso afirmativo, marque todas las que correspondan:

Agencia Federal: _____

Tribunal Federal Agencia Estatal _____

Tribunal del Estado Agencia Local _____

Proporcione información sobre una persona de contacto en la agencia/tribunal donde se presentó la queja.

Nombre: David Poole

Título: Gerente de Transporte

Agencia: Easterseals West Kentucky

Dirección: 1908 N 14th St. Paducah KY 42001

Teléfono: 270-444-9680

Sección VI

El nombre de la queja de la agencia está en contra de:

Título: Gerente de Transporte

Número de teléfono: 270-444-9680

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

Firma y fecha requeridas a continuación

Fecha de firma

Por favor envíe este formulario en persona a la siguiente dirección, o envíe lo presente por correo a:

Atención: David Poole, Gerente de Derechos Civiles para Programas OTD / FTA
Easterseals West Kentucky
1908 N 14th Street
Paducah KY 42001

Appendix F

Public Participation Plan (PPP)

Introduction

The Public Participation Plan (PPP) for ESWKY was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the regional public transportation decision making process. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based on well executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about ESWKY services and to provide a variety of efficient and convenient methods of receiving and considering public comment prior to implementing changes. ESWKY also recognizes the importance of many types of stakeholders in the decision-making process, including other units of government, community-based organizations, major employers, passengers, and the general public which would include low income, minority, LEP, and other traditionally underserved communities.

Public Participation Goals

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including but not limited to, low income, minority, and LEP groups to comment about ESWKY and its operations. The goals for this PPP include:

- **Inclusion and Diversity:** ESWKY will proactively reach out and engage low income, minority, and LEP populations for the ESWKY service area so these groups will have an opportunity to participate.
- **Accessibility:** All legal requirements for accessibility will be met. Efforts will be made to enhance the accessibility of the public's participation – physically, geographically, temporally, linguistically, and culturally.
- **Clarity and Relevance:** Issues will be framed in public meetings in such a way that the significance and potential effect of proposed decisions is understood by participants. Proposed adjustments to fares or services will be described in language that is clear and easy to understand.
- **Responsive:** ESWKY will strive to respond to and incorporate, when possible, appropriate public comments into transportation decisions.
- **Tailored:** Public participation methods will be tailored to match local and cultural preferences as much as possible.
- **Flexible:** The public participation process will accommodate participation in a variety of ways and will be adjusted over time as needed.

- **Accommodating:** The public participation process will provide reasonable accommodations upon request for persons with disabilities and Limited English Proficiency.

Public Participation Methods

The methods of public participation included in this PPP were developed based upon best practices in conjunction with the needs and capabilities of ESWKY. The Authority intends to achieve meaningful public participation by a variety of methods with respect to service and any changes to service.

ESWKY will conduct community meetings and listening sessions as appropriate with passengers, employers, community-based organizations, and advisory committees to gather public input and distribute information about service quality, proposed changes, or new service options.

Meeting formats will be tailored to help achieve specific public participation goals that vary by project or the nature of the proposed adjustment of service. Some meetings will be designed to share information and answer questions. Some will be designed to engage the public in providing input, establishing priorities, and helping to achieve consensus on a specific recommendation. Others will be conducted to solicit and consider public comments before implementing proposed adjustments to services. In each case, an agenda for the meetings will be created that will work to achieve the stated goals and is relevant to the subject while not overwhelming to the public.

For all public meetings, the venue will be a facility that is accessible for persons with disabilities and, preferably, is served by public transit. If a series of meetings are scheduled on a topic, different meeting locations may be utilized, since no single location is convenient to all participants.

For community meetings and other important information, ESWKY will use a variety of means to make riders and citizens aware, including some or all of the following methods:

- In vehicle advertisement
- Posters or flyers in transit center and on transit vehicles
- Posting information on the agency website
- Flyers and information distribution through various libraries and other civic locations that currently help distribute timetables and other information.
- Communications to relevant elected officials
- Other methods required by local or state law agreements

All information and materials communicating proposed and actual service adjustments will be provided in English and any other language that meets the “safe harbor” criteria.

Public Hearings

Easterseals West Kentucky conducts an annual Public Transportation Project Coordination Meeting in conjunction with the Fulton County Transit Authority, Murray Calloway County Transit Authority, and the Paducah Transit Authority. The purpose of this meeting is to get transportation system users together with transportation providers to discuss and hopefully resolve problems. In addition these sessions provide an effective means for the community to provide feedback on services which can in many cases be used to improve services. Efforts are made to involve a diverse group of individuals representing all segments of the region's population. Over 160 notices for this meeting are sent out by certified mail to regional transportation providers, social service agencies are notified via US Mail, an advertisement is placed in The Paducah Sun (the paper of largest regional circulation), and it is posted on each agency's web site. The three participating Transit Authorities also offer free transportation to this meeting with 24 hours advance notice. This meeting is conducted mid day and a link is established for those wishing to participate via teleconference. For those unable to attend, a survey form is available for use in communicating transportation issues to the participating agencies. The meeting facility is fully ADA compliant and accommodations are made with non English speaking participants although a 48 hour notice is requested in order to have an interpreter on hand. These language services are provided through Murray State University's International Studies Department. A Google translation browser has been added to the ESWKY web site so that all posted information can be easily translated. Hearing impaired individuals may participate in this process through Kentucky Relay at 7-1-1. This free public service provides a communication link between standard telephone users and persons with an hearing or speech impairment.

Appendix G

Language Assistance Plan (LAP)

Purpose

The purpose of the ESWKY Limited English Proficiency Plan is to ensure equal access to the services provided by the District. This plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964 and Federal Transit Administration Circular 4702.1A.

I. Introduction

ESWKY provides planning services in the Purchase Region of Western Kentucky. The Language Assistance Plan (LAP) has been prepared to address ESWKY's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak, or understand English are LEP. In the ESWKY service area there are 1,237 residents or 2.5 percent who describe themselves as not able to communicate in English "very well" (Source: US Census). ESWKY 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. ESWKY 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, (January 5, 2016) " (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 with are LEP (Handbook page 6). These provisions are included in FTA Circular 4702.1B in paragraph 9 of chapter III (pages III-6to III-9).

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

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

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

Four Factor Analysis

The analysis provided in this report has been developed to identify LEP population that may use ESWKY 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 ESWKY program, activity or service.
2. The frequency with which LEP persons come in contact with ESWKY programs, activities or services.
3. The nature and importance of programs, activities or services provided by ESWKY to the LEP population.
4. The resources available to ESWKY 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 49,542 residents in the ESWKY service area over the age of five, 1,237 residents describe themselves as speaking English less than "very well." People of Hispanic descent are the primary LEP persons likely to utilize ESWKY services. For the ESWKY service area, the American Community

Survey of the U.S. Census Bureau indicates that among the area's LEP population 3.4% speak English less than "very well."

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

ESWKY 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 an informal staff survey. Some LEP clients in the ESWKY service area tend to use children as "clarifiers." ESWKY dispatchers and drivers interact very infrequently with LEP persons. The majority of these interactions have occurred with LEP persons who mainly spoke Spanish. Over the past year, ESWKY has had no requests for document or oral translated services.

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

Public transportation and regional transportation is vital to many people's lives. According to the Department of Transportation's *Policy Guidance Concerning Recipient's Responsibilities to LEP Persons*, providing public transportation access to LEP persons is crucial. A LEP person's inability to utilize public transportation effectively may adversely affect his or her ability to access healthcare, education, or employment opportunities.

ESWKY utilizes customer surveys to assess the necessity for and quality of service provided. As a rural transportation provider, ESWKY is commonly the only public transportation option. ESWKY takes great pride in offering these services to the populations (elderly, challenged, low income, and veterans) whose lives it strives to improve on a daily basis.

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

ESWKY assessed its available resources that are currently being used, and those that could be used, to provide assistance to LEP populations. These resources include the following: use of fluent second language persons in the community and a translation service if needed. ESWKY provides a reasonable degree of services for LEP populations in its service area.

II. Language Assistance Plan

In developing a Language Assistance Plan, FTA guidance recommends the analysis of the following five (5) 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 (5) elements are addressed as follows:

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.

ESWKY has identified the number and proportion of LEP individuals within its service area using the United States Census data (see Appendix H) 97.5% of the service area population speaks English only or “very well” while approximately 2.5% identify themselves as speaking English less than “very well.”

ESWKY may identify language assistance needs for a LEP group by:

1. Having Translation Service Language Identification Brochures available at ESWKY meetings. This will assist ESWKY in identifying language assistance needs for future events and meetings.
2. Having Translation Service Language Identification Brochures on all transit vehicles to assist operators in identifying specific language assistance needs of passengers. If such individuals are encountered, vehicle operators will be instructed to obtain contact information so ESWKY management can follow up.
3. Vehicle operators and front line staff (dispatchers, transit operations supervisors, etc) are trained to report any contacts with LEP persons during the previous year.

b. Element 2: Language Assistance Measures

Federal guidance suggests that an effective LEP 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 each transit agency consider developing strategies that train staff regarding effective methods to address LEP individuals when they either call the agency centers or otherwise interact with the agency.

ESWKY has undertaken the following actions to improve access to information and services for LEP individuals:

1. Provide bilingual staff at community events, public hearings, and transit meetings when requested 72 hours in advance.
2. Train drivers and other front line staff to report any contacts with LEP persons.
3. Provide Translation Service Language Identification Brochures on board ESWKY vehicles and in the office.
4. When an interpreter is needed in person or by phone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteer.

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 LAP, involve: (1) identifying agency staff likely to come into contact with LEP individuals; (2) Identifying existing staff training opportunities; (3) providing regular retraining for staff dealing with LEP individual needs; and (4) designing and implementing LEP training for agency staff.

The following training will be provided to Reservationists/Dispatchers and Drivers:

1. Information on Title VI Procedures and LEP responsibilities
2. Use of Translation Service Language Identification Brochures
3. How to handle a potential Title VI/LEP complaint

d. Element 4: Providing Notice to LEP Persons

ESWKY 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 ESWKY facilities and buses. 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 alternate language based on the known LEP population.

e. Element 5: Monitoring and Updating the Plan

The plan will be reviewed and updated on an on going basis and 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
- Determination whether ESWKY financial resources are sufficient to fund language assistance resources needed

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

III. 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.

ESWKY does have LEP populations which qualify for the Safe Harbor Provision.

The Safe Harbor Provision applies to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. ESWKY may determine, based on the Four Factor Analysis, that even though a group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.

APPENDIX H

Operating Area Language Data

Easterseals West Kentucky

Title VI Service Area Demographics

SPEAK ENGLISH "LESS THAN VERY WELL"

TOTALS BY COUNTY

County	Total Pop 5 years and Older	Speaks English Less Than Very Well	Percentage (%)
Ballard	7,513	41	0.5
McCracken	61,444	579	0.9

American Community Survey 5-Year Estimates (2016-2020)

Source: <https://factfinder.census.gov>

APPENDIX I

Service Area Socioeconomic Data & Maps

**Prepared By The Purchase Area Development District in
Conjunction with the Kentucky Transportation Cabinet
Regional Transportation Program**

Introduction

These 2022 Socioeconomic Profiles for the eight (8) counties of the Purchase Area Development District were assembled using data from the American Community Survey 2020 Five Year Estimate tables B01001 (Sex by Age), B03002 (Hispanic or Latino Origin by Race), B16004 (Age by Language Spoken at Home), B17021 (Poverty Status), B19001 (Household Income), B19013 (Median Household Income), and C21007 (Disability Age 18 Years and Older) via the Census Data Portal at www.census.data.gov.

Summary

This research estimates the total population of the PUADD to be 196,003 which represents 4.4% of the state population estimated at 4,461,952. McCracken County has the highest population in the PUADD region with 65,485 people (33.4% of the region and 1.5% of the state). Calloway is the second most populous county with an estimated population of 38,991. Graves ranks third with a population estimate of 37,225.

On the maps, graduated color symbology is used to show a quantitative difference between mapped features by varying the color of symbols. Data is classified into five (5) ranges that are each assigned a different color from a color scheme to represent the range. A continuous color scheme is used to apply different shades of the same color so that lighter shades match lower data values and darker shades match higher data values. Three (3) urban area maps (Mayfield, Murray, and Paducah) have also been included.

The following table shows each county listed alphabetically, and the percentages for each population with those rates that exceed state percentages are shown in red.

Location	Total Population	Minority (%)	Poverty (%)	Age 65+ (%)	Disability (%)	Limited English (%)
United States	326,569,308	39.9	11.4	16.5	19.3	8.3
Kentucky	4,461,952	15.9	16.6	16.4	21.2	2.3
Purchase Area	196,003	12.7	16.2	19.9	20.9	1.3
Ballard	7,914	7.7	15.9	21.4	21.2	0.5
Calloway	38,991	10.5	18.3	17.0	20.8	1.4
Carlisle	4,738	6.6	18.2	20.8	19.1	0.3
Fulton	6,064	29.4	24.7	20.5	25.8	1.1
Graves	37,125	13.8	19.9	18.4	22.9	3.0
Hickman	4,461	14.0	19.0	24.1	26.5	0.3
Marshall	31,225	3.7	9.9	21.9	22.4	0.4
McCracken	65,485	17.2	14.8	19.9	18.4	0.9

Minorities

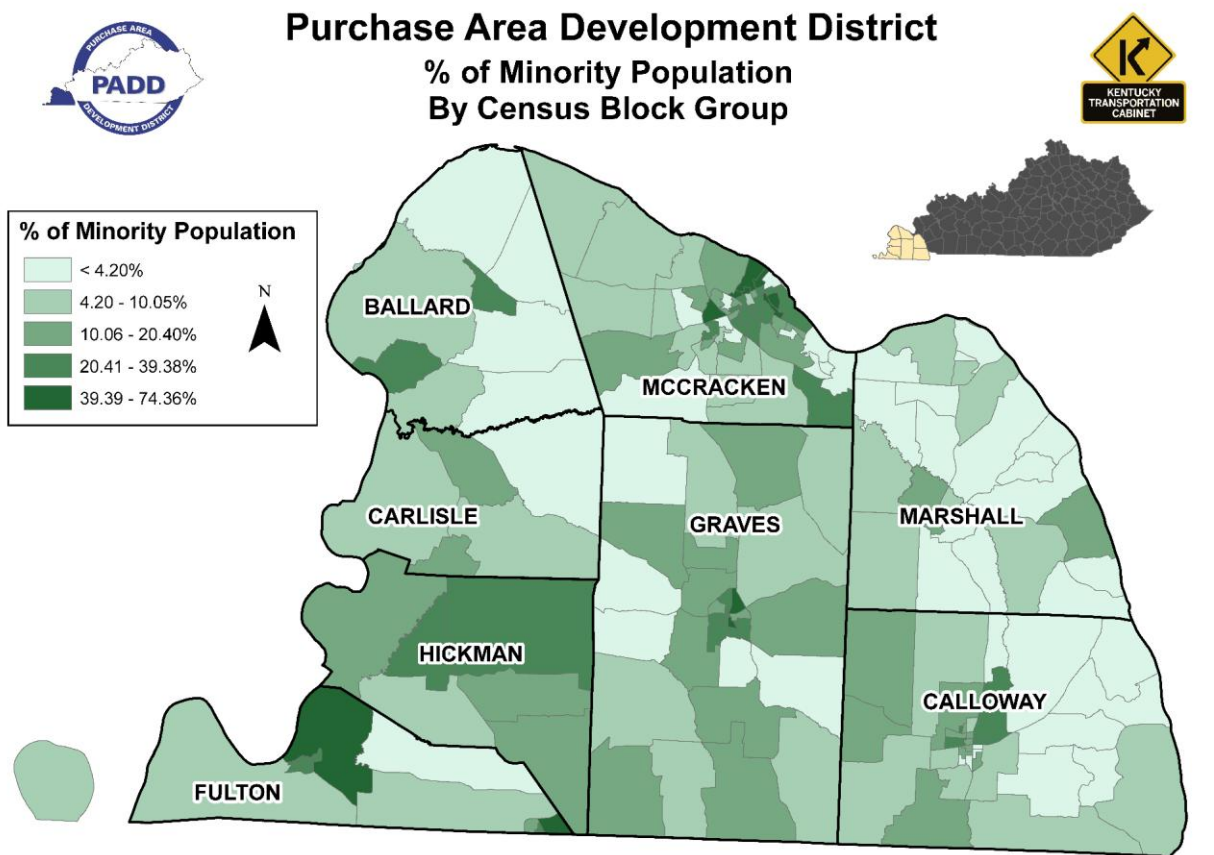
See next page for reference.

Minority populations were calculated utilizing table B03002 for each county by adding those claiming to be non-Hispanic or Latino as well as those claiming to be Hispanic or Latino within a

population to get a total for each population. The total number of minority populations was calculated by subtracting the number of people claiming to be white alone from the total population.

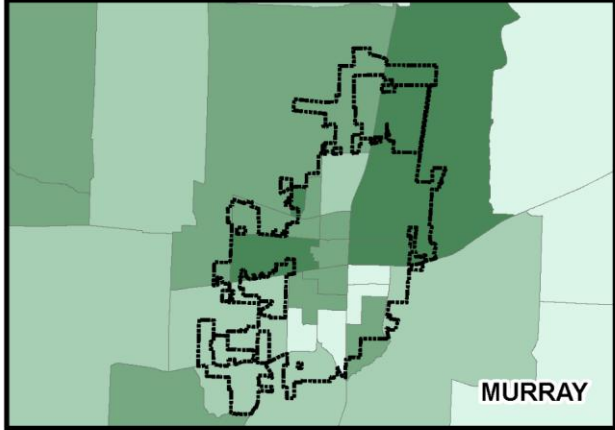
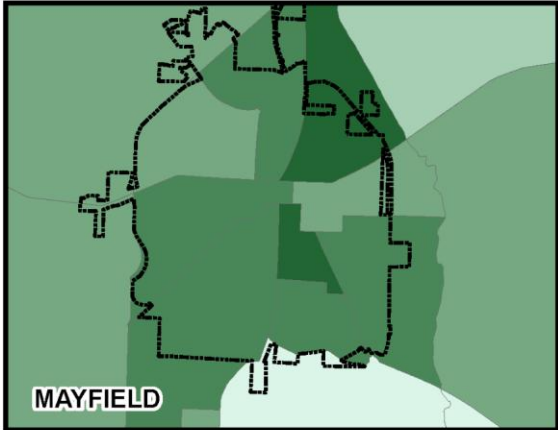
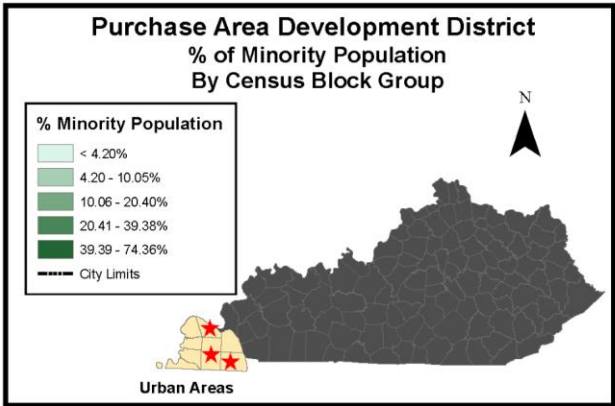
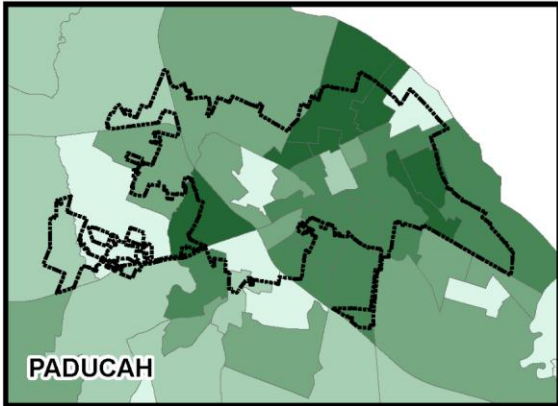
Overall while McCracken County has the second highest percentage of racial minorities (17.2%). Fulton County has the highest (29.4%) These counties are higher than the state percentage of 15.9%, while the remaining six (6) counties represented in the PUADD fall below the state percentage of minorities.

The lowest concentrations of racial minorities occur in Marshall (3.7%), Carlisle (6.6%), and Ballard (7.7%) counties. All other counties within PUADD have from 10.5 to 14.0% of their populations that claimed minority status.



Source: Kentucky State Data Center
 Census 2020 American Community Survey 5 Year Data (2016-2020)
 Table B03002 Hispanic or Latino Origin by Race

This map was produced in cooperation with the Kentucky Transportation Cabinet June 2022.



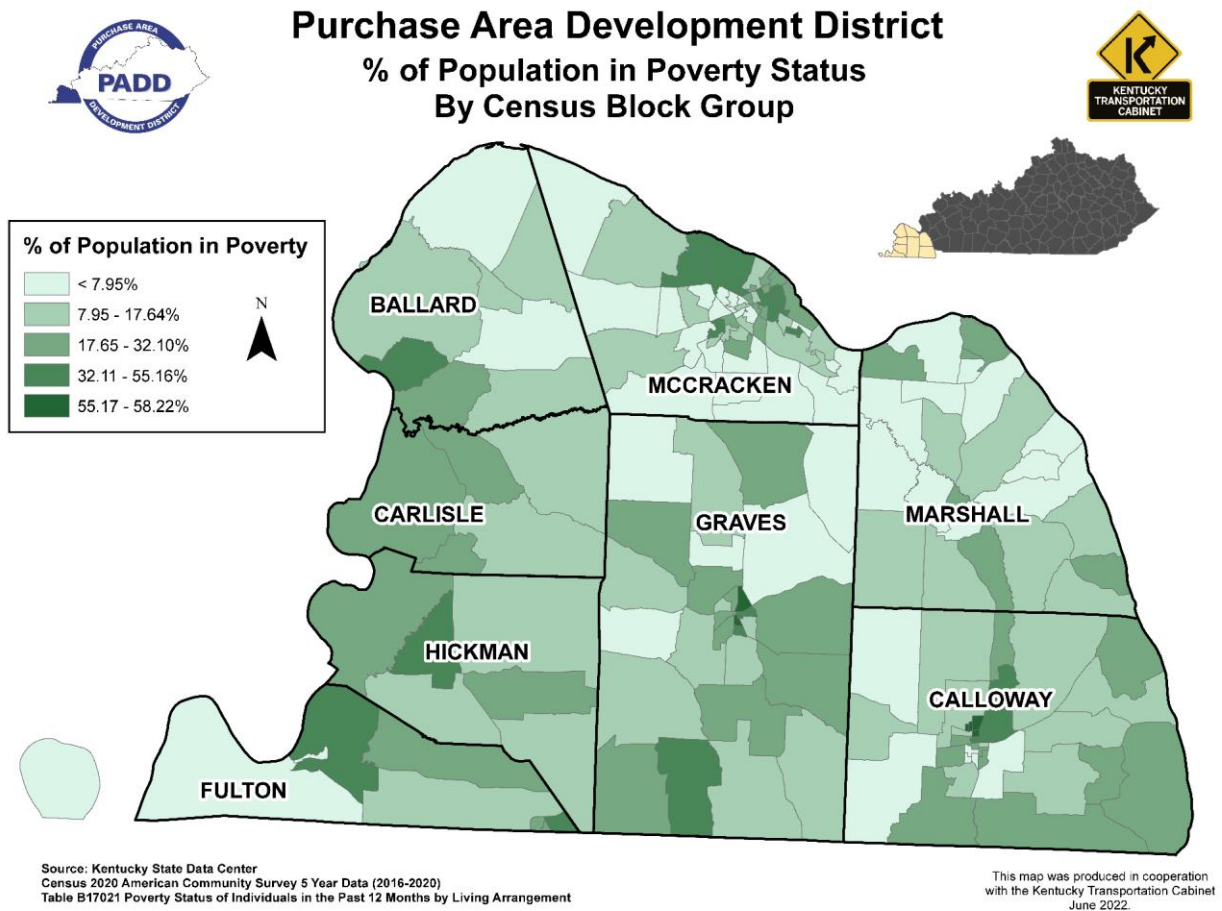
Source: Kentucky State Data Center
Census 2020 American Community Survey 5 Year Data (2016-2020)
Table B03002 Hispanic or Latino Origin by Race

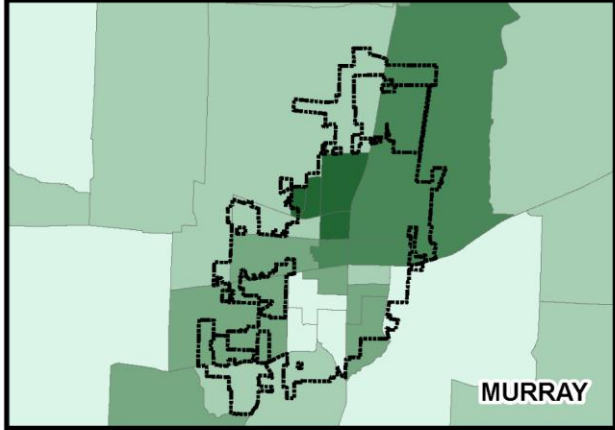
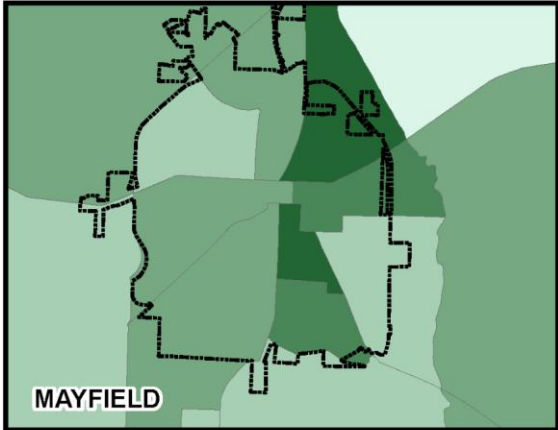
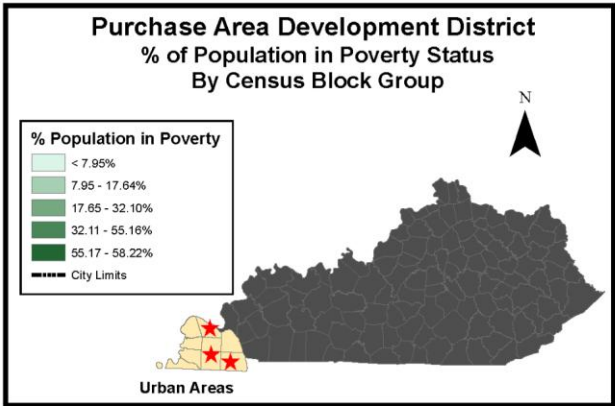
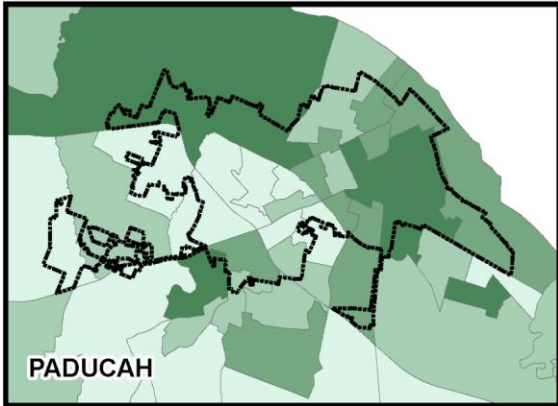
This map was produced in cooperation
with the Kentucky Transportation Cabinet
June 2022.

Below Poverty

Table B17021 was used to determine and compare populations that claim to be below the poverty line (based on income in the past 12 months). The number of those claiming to be below the poverty line was divided with the total population with determined poverty status to calculate each percentage.

The state percentage of adults under the poverty line is 16.6%. There are five (5) counties within the PUADD that have an equal or higher percentage of their respective population, when compared to State percentages, that claim to be below the poverty line: Calloway (18.3%), Carlisle (18.2%), Fulton (24.7%), Graves (19.9%), and Hickman (19.0) counties.





Source: Kentucky State Data Center
 Census 2020 American Community Survey 5 Year Data (2016-2020)
 Table B17021 Poverty Status of Individuals in the Past 12 Months by Living Arrangement

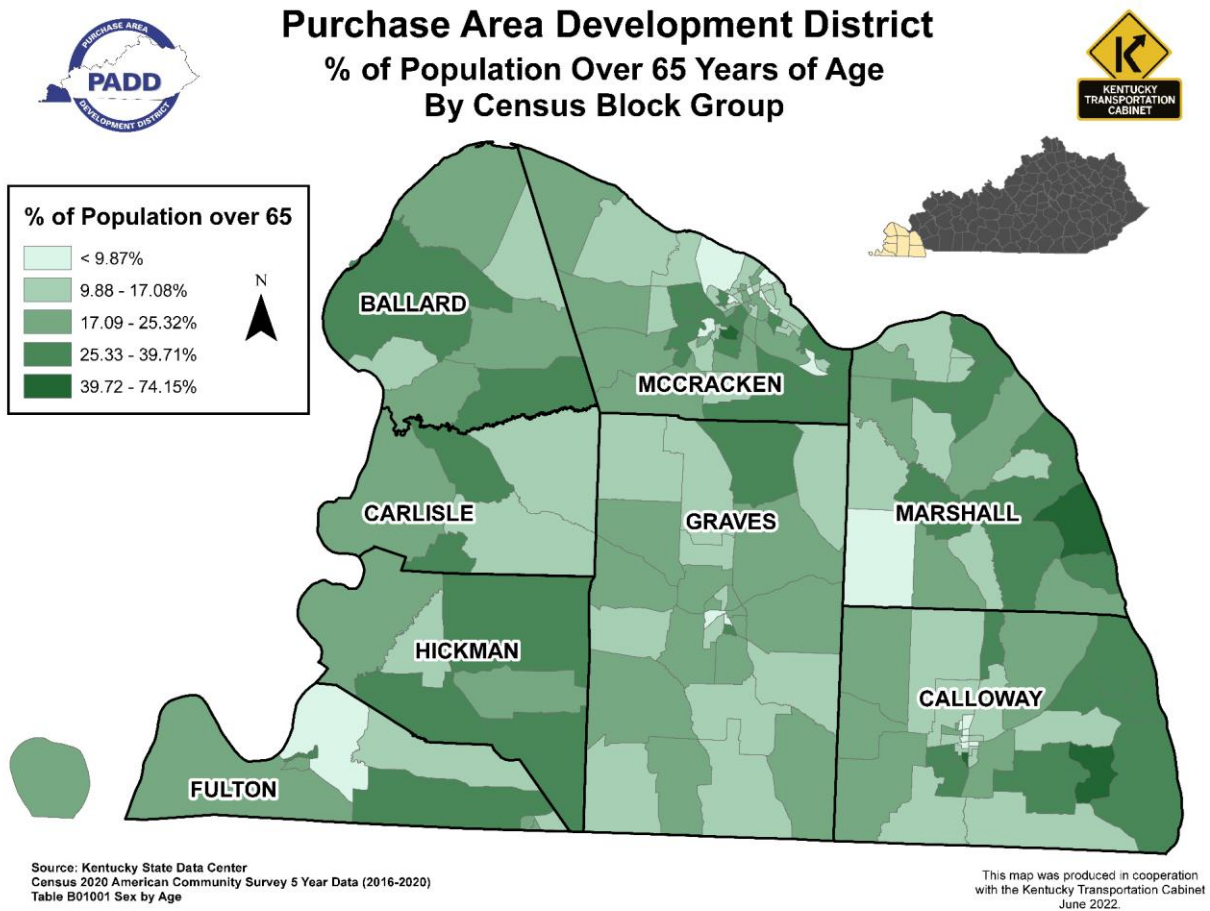
This map was produced in cooperation
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 June 2022.

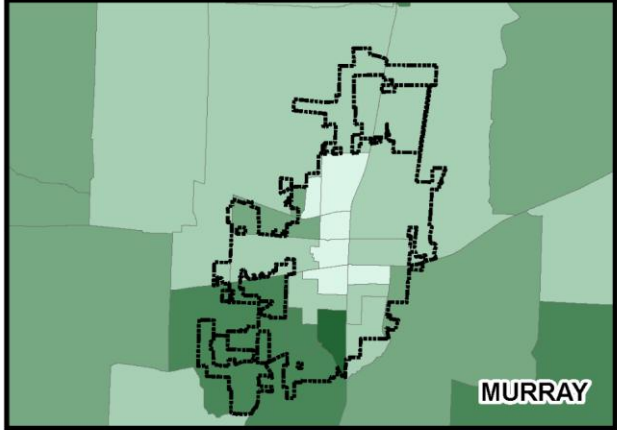
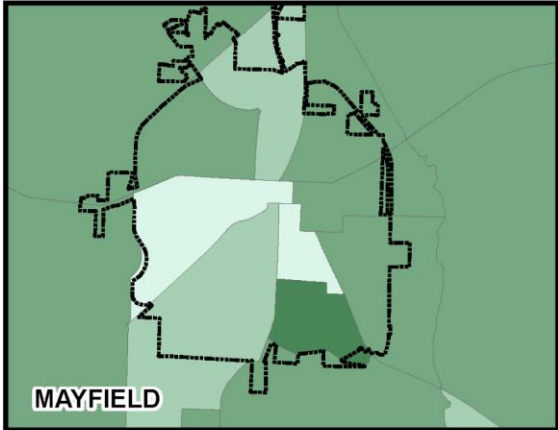
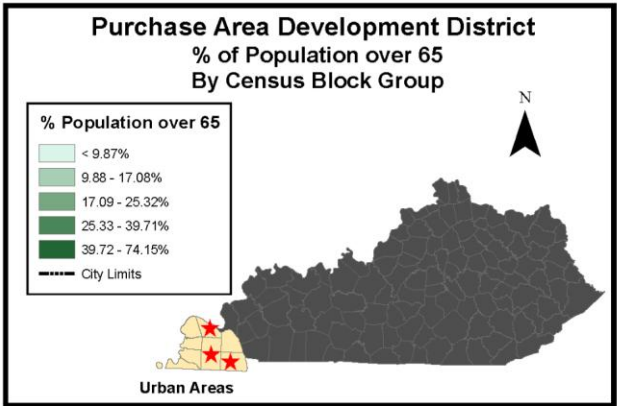
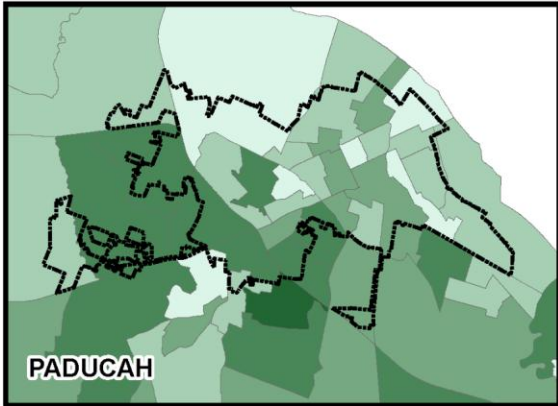
Population 65 Years of Age and Older

See next page for reference

Table B01001 was used to identify and compare those that are 65 years of age and older.

Population aging is among the most important trends in 21st-century America and is occurring more rapidly in rural than in urban areas. All PUADD counties have a percent population 65 years of age and older that is higher than the State average of 16.4%. Those counties are Ballard (21.4%), Calloway (17.0%), Carlisle (20.8%), Fulton (20.5%), Graves (18.4%), Hickman (24.1%), Marshall (21.9%) and McCracken (19.9%).





Source: Kentucky State Data Center
Census 2020 American Community Survey 5 Year Data (2016-2020)
Table B01001 Sex by Age

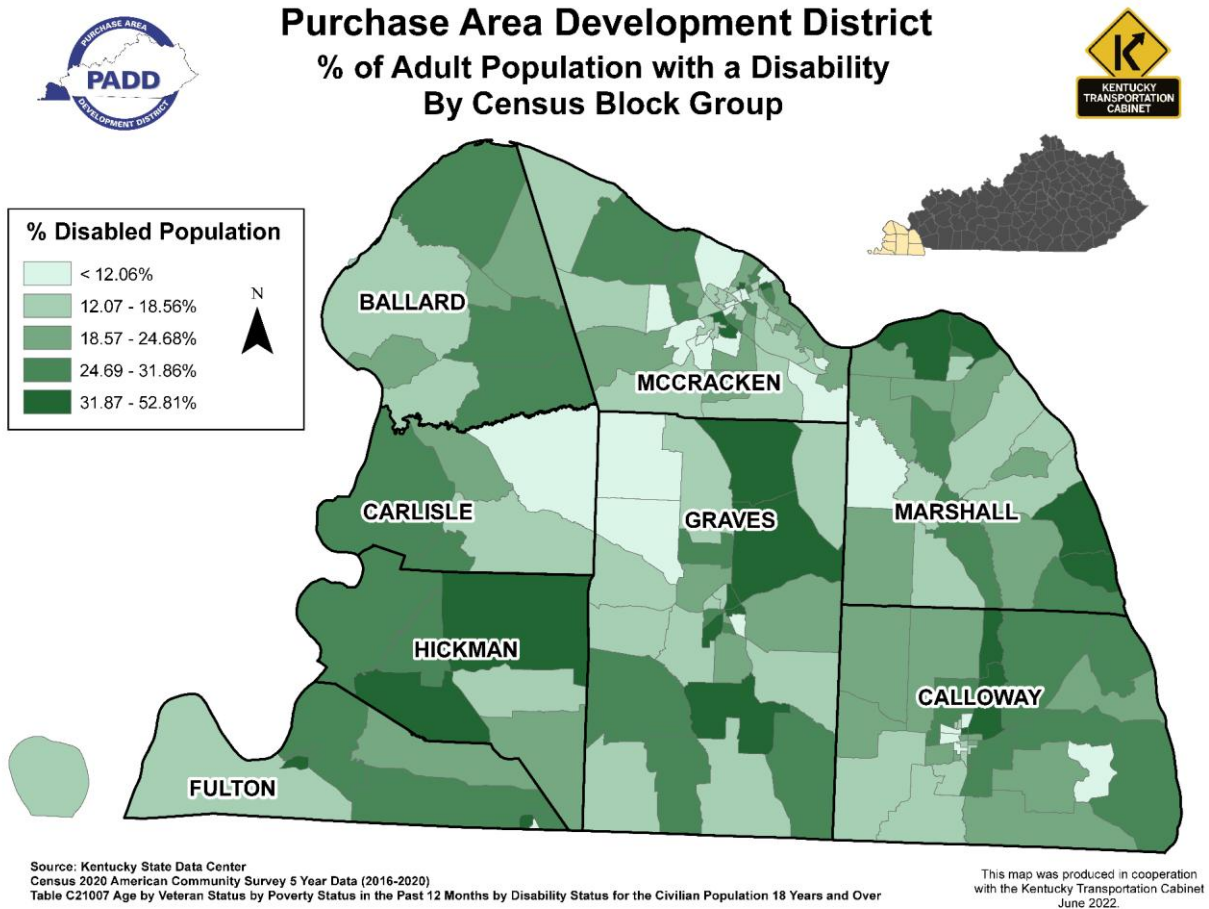
This map was produced in cooperation
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June 2022.

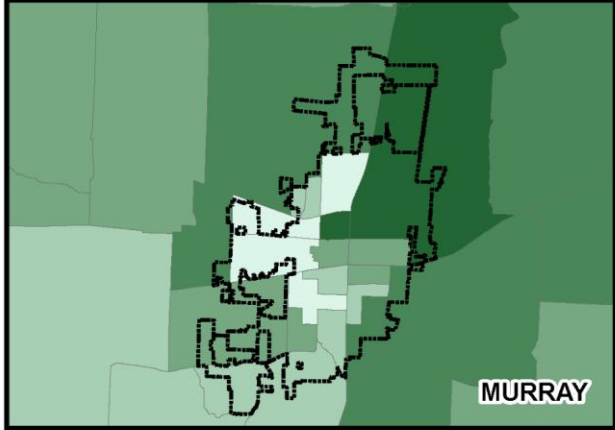
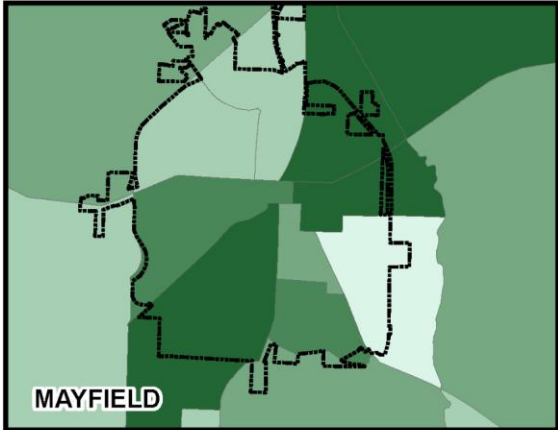
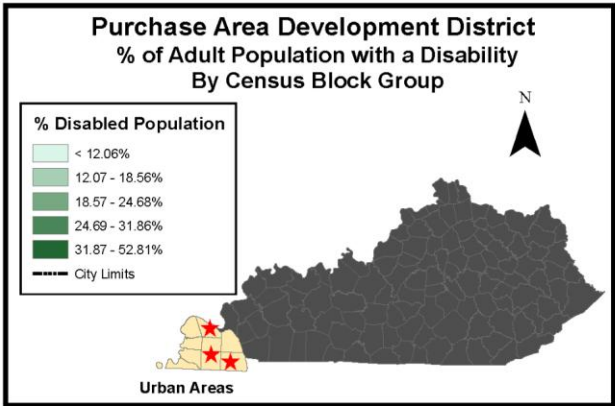
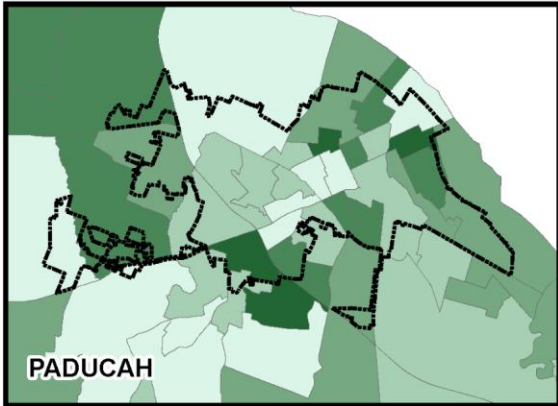
Adult Population with a Disability

Map 4 for reference

Table C21007 (Disability Age 18 Years and Older) was utilized to analyze disabled adult persons within the PUADD.

Of the PUADD counties, five (5) of the eight (8) counties are at or above the state average of 21.2%. Those at or above the Kentucky average are Ballard (21.2%), Fulton (25.8%), Graves (22.9%), Hickman (26.5%) and Marshall (22.4%) Counties.





Source: Kentucky State Data Center
 Census 2020 American Community Survey 5 Year Data (2016-2020)
 Table C21007 Age by Veteran Status by Poverty Status in the Past 12 Months by Disability Status for the Civilian Population 18 Years and Over

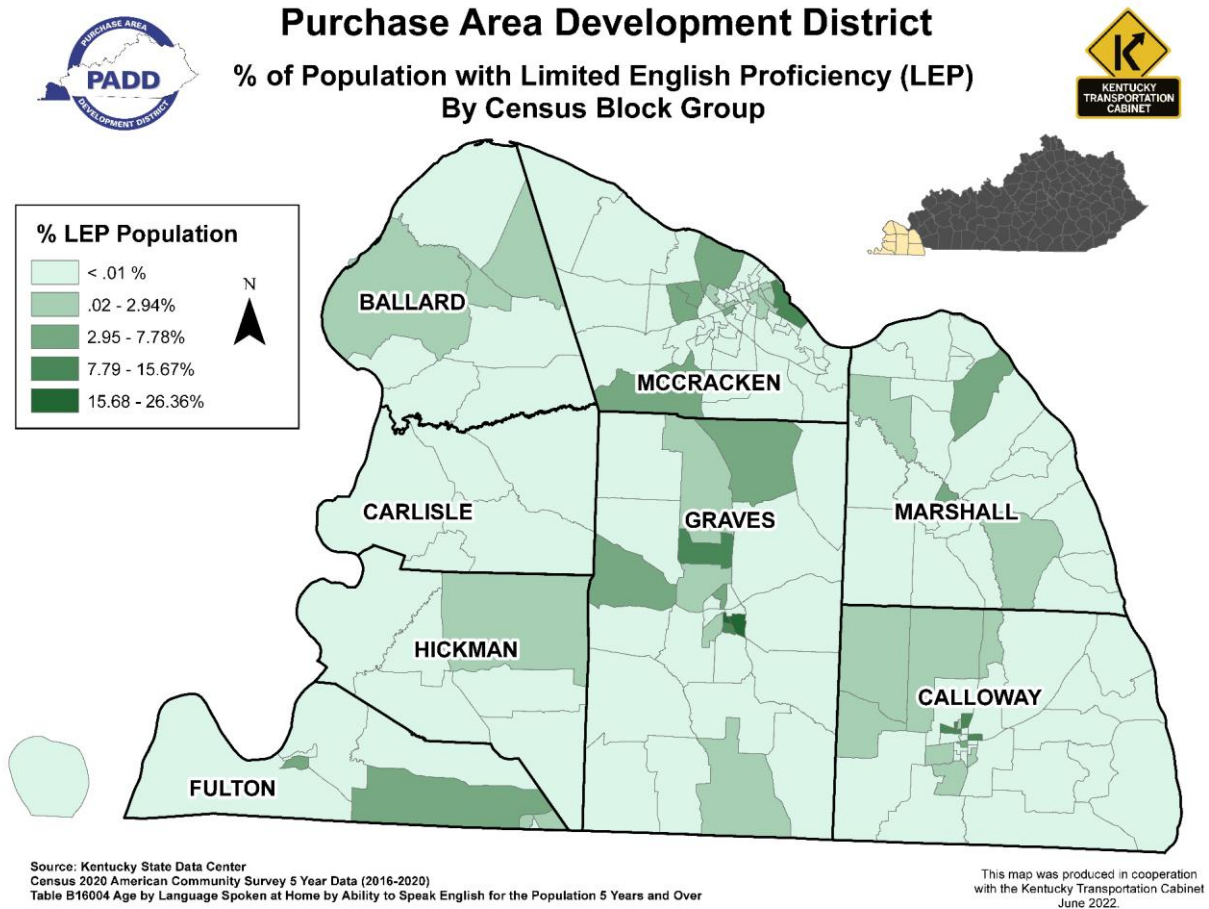
This map was produced in cooperation
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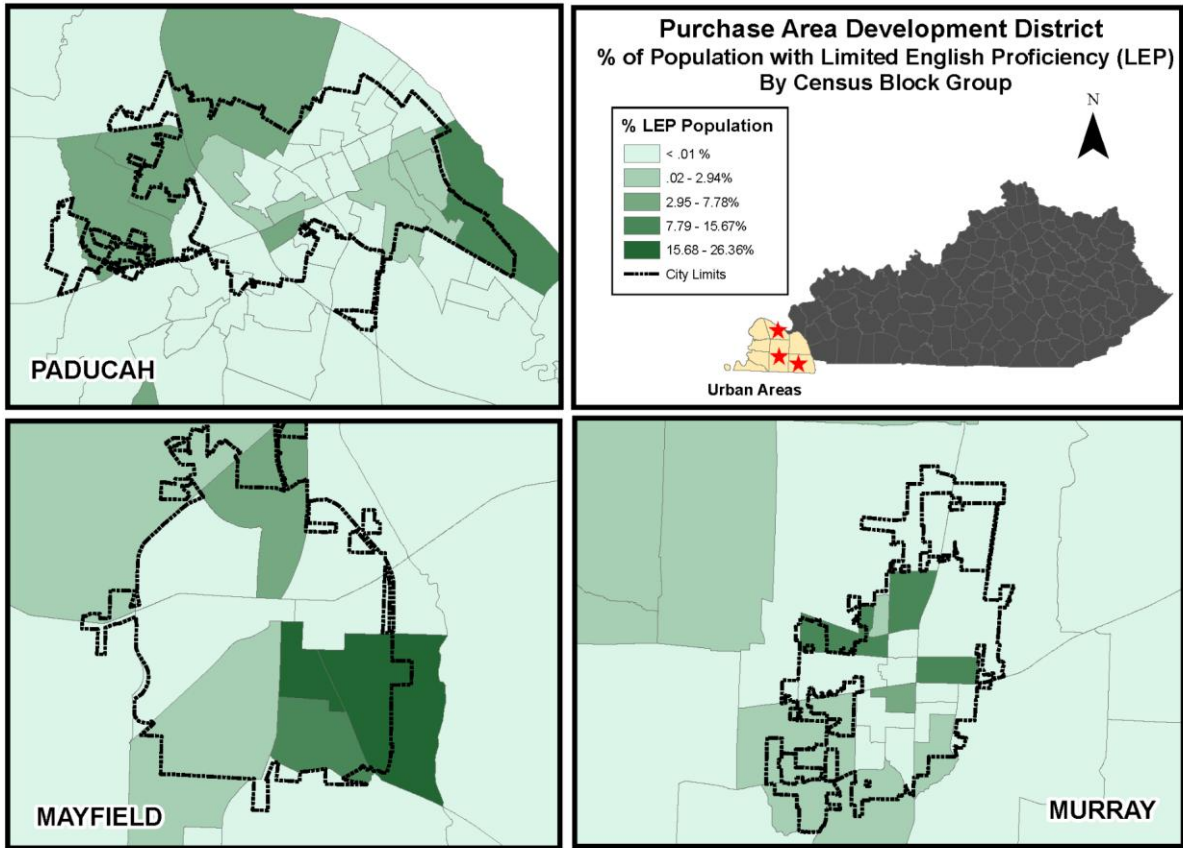
Limited English Proficiency

See next page for reference

Rates of Limited English Proficiency were extracted from Table B16004 (Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over).

Only one (1) PUADD county exceeded the state average of 2.3%. Graves County has a population of 3.0% with limited English proficiency. The only other counties with limited English proficiency above 1% were Calloway (1.4%) and Fulton (1.1%).





Source: Kentucky State Data Center
 Census 2020 American Community Survey 5 Year Data (2016-2020)
 Table B16004 Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

This map was produced in cooperation
 with the Kentucky Transportation Cabinet
 June 2022.

Revision Log

Date Adopted	July 16, 2014
Revised Plan Adopted	August 22, 2019
Revised Plan Adopted	January 23, 2020
Revised Plan Adopted	