

**KANSAS DEPARTMENT OF TRANSPORTATION
TITLE VI/NONDISCRIMINATION PROGRAM UPDATE**

FOR FY 2011

PREPARED BY

OFFICE OF CIVIL RIGHTS

SEPTEMBER 2010

**KANSAS DEPARTMENT OF TRANSPORTATION
TITLE VI / NONDISCRIMINATION PROGRAM**

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September 1, 2010

MEMORANDUM TO: STATE TRANSPORTATION ENGINEER
CHIEF COUNSEL
INSPECTOR GENERAL
DIVISION DIRECTORS
BUREAU CHIEFS
OFFICE HEADS
DISTRICT ENGINEERS
TITLE VI COORDINATORS

REGARDING TITLE VI/NONDISCRIMINATION POLICY

It is the policy of the Kansas Department of Transportation to assure full compliance with Title VI/Nondiscrimination of the Civil Rights Acts of 1964, 1987 and 1991 and subsequent related statutes including Title II of the Americans with Disabilities Act (Title II ADA) and Sec 504 of the Rehab Act of 1973 (Sec 504). This policy has been incorporated into the Title VI/Nondiscrimination assurances, executed by the Department of Transportation in connection with the Federal-Aid Highway Program. The Title VI/Nondiscrimination assurance ensures that no person or group of persons shall, on the grounds of age, race, color, religion, national origin, disability, gender, or low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by the Kansas Department of Transportation.

To ensure that all Title VI/Nondiscrimination requirements are met, all management personnel shall make every effort to identify and eliminate discrimination which may occur in any program or activity of the department; and implement policies and procedures to ensure compliance with Title VI/Nondiscrimination requirements.

DEB MILLER
SECRETARY OF TRANSPORTATION

TITLE VI/NONDISCRIMINATION

ACCOMPLISHMENT REPORTS

FOR FY 2010

Fiscal 2010 Title VI/Nondiscrimination Accomplishments Bureau of Construction and Maintenance

Goal Statement 1:

Headquarters and district engineering staff will respond to DBE questions and provide technical assistance when needed.

2010 Accomplishment:

While Construction and Maintenance partners with the Office of Civil Rights to administer the Disadvantaged Business Enterprise Program, inquiries about the program often come to C/M. Our Bureau is responsible for responding to these questions and providing technical assistance where needed.

Goal Statement 2:

While budget and travel restrictions forced us to cancel the Bureau meeting and subsequently affected our ability to achieve our goal of including Title VI as a topic for that meeting., Our goal is to present Title VI in three of the five districts during 2010.

2010 Accomplishment:

Budget and travel restrictions had a major impact on achieving our goals for 2010. Headquarters travel was restricted and many statewide and district-wide meetings were canceled. We did establish a schedule for providing presentations at the District Construction Meetings, unfortunately, the meetings were not held. In addition, the Bureau meeting was canceled resulting in the bureau being unable to achieve our goal of educating C/M personnel on Title VI at this meeting. However, each district had Title VI presented at a training event held for District Construction personnel provided by the Office of Civil Rights. This provided the opportunity for each construction office to receive refresher training on the requirements of Title VI.

Goal Statement 3:

Continue to educate the Bureau personnel on the requirements of Title VI. Will include Title VI or Non-discrimination related subject as an agenda topic for the Bureau of Construction and Maintenance meetings where nearly all bureau employees are present.

2010 Accomplishment:

Sue Darling, Assistant Bureau Chief of Construction and Maintenance, attended and provided input at each of the District Title VI training sessions.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments Bureau of Design

Goal Statement 1:

Eliminate, reduce, and/or mitigate adverse impacts on protected group communities, businesses and individuals through open disclosures at public hearings and in studies prior to design.

2010 Accomplishment:

Public Meetings concerning projects were held this year in:

Activity Date	Activity Type	Group Type	Route	County	JUR	Num	Stage
2009-07-06	Meeting with Local Officials	Elected/Staff Public Officials	U400	FORD	K	8237	01
2009-07-09	Other	Other	U400	FORD	K	8237	01
2009-07-13	Meeting with Local Officials	Elected/Staff Public Officials		NESS			
2009-07-13	Meeting with Local Officials	Elected/Staff Public Officials		NESS			
2009-07-13	Public Open House	General Public	K047	NEOSHO	KA	0791	01
2009-07-16	Advisory Group Meeting	Project Advisory Group		CHEROKEE	KA	1005	01
2009-07-17	Presentation to a Group	Special Interest/Lobbying Group		Multiple	AD	2511	10
2009-08-04	Meeting with Local Officials	Elected/Staff Public Officials	K010	DOUGLAS	KA	0685	01
2009-08-13	Meeting with Local Officials	Elected/Staff Public Officials	K027	WALLACE	KA	1004	01
2009-08-13	Public Open House	General Public	K027	WALLACE	KA	1004	01
2009-08-17	Meeting with Local Officials	Elected/Staff Public Officials	K007	CHEROKEE	KA	1586	01
2009-08-24	Meeting with Local Officials	Elected/Staff Public Officials	U083	HASKELL	KA	1008	01
2009-08-24	Public Open House	General Public	U083	HASKELL	KA	1008	01
2009-08-25	Meeting with Local Officials	Elected/Staff Public Officials	U083	FINNEY	KA	1008	01
2009-08-25	Public Open House	General Public	U083	FINNEY	KA	1008	01
2009-08-26	Meeting with Local Officials	Elected/Staff Public Officials	U083	SCOTT	KA	1008	01
2009-08-26	Public Open House	General Public	U083	SCOTT	KA	1008	01
2009-09-10	Public Open House	General Public	K068	FRANKLIN	KA	0982	01
2009-09-15	Public Open House	General Public	K068	MIAMI	KA	0982	01
2009-10-29	Public Open House	General Public	I035	JOHNSON	K	1109	01
2009-11-02	Presentation to a Group	Civic Organization		MONTGOMERY			
2009-11-18	Other	Special Interest/Lobbying Group	U050	GRAY	KA	0423	01
2009-11-19	Public Open House	General Public	K096	STATEWIDE	KA	1007	01
2009-11-20	Meeting with Local Officials	Project Advisory Group	U069	CHEROKEE	KA	1005	01
2009-12-14	Meeting with Local Officials	Elected/Staff Public Officials	K110	MARSHALL	KA	0025	01
2010-01-14	Public Open House	General Public	U069	BOURBON	KA	1232	01
2010-02-25	Public Open House	General Public	K007	CHEROKEE	KA	1586	01
2010-03-03	Meeting with Local Officials	Elected/Staff Public Officials	U183	CLARK	KA	0387	01
2010-03-06	Public Open House	Elected/Staff Public Officials		FORD			
2010-03-08	Meeting with Local Officials	Elected/Staff Public Officials		CLARK			

2010-03-09	Meeting with Local Officials	Elected/Staff Public Officials	K156	HODGEMAN	C	4336	01
2010-04-08	Other	General Public	U166	MONTGOMERY	K	6655	01
2010-04-19	Meeting with Local Officials	Elected/Staff Public Officials	U400	FORD	K	8237	01
2010-04-20	Presentation to a Group	General Public		ALLEN	AD	2511	10
2010-05-01	Fair/Festival	General Public		LEAVENWORTH	AD	2511	10
2010-05-11	Meeting with Local Officials	Elected/Staff Public Officials	K034	FORD	KA	0694	01
2010-05-12	Workshop/Retreat/Conference	Invited Stakeholders		- NA -	AD	3300	10
2010-05-18	Public Open House	General Public	U283	HASKELL	KA	1008	01
2010-05-19	Meeting with Local Officials	Elected/Staff Public Officials	U083	FINNEY	KA	1008	01
2010-05-19	Public Open House	General Public	U083	FINNEY	KA	1008	01
2010-05-20	Meeting with Local Officials	Elected/Staff Public Officials	U083	SCOTT	KA	1008	01
2010-05-20	Public Open House	General Public	U083	SCOTT	KA	1008	01
2010-05-25	Meeting with Local Officials	Elected/Staff Public Officials	U083	HASKELL	KA	1008	01
2010-06-10	Workshop/Retreat/Conference	Civic Organization		- NA -			
2010-06-10	Meeting with Local Officials	Elected/Staff Public Officials	I070	WYANDOTTE	KA	1003	01
2010-06-14	Meeting with Local Officials	Elected/Staff Public Officials	I070	WYANDOTTE	KA	1003	01
2010-07-09	Formal Public Hearing	K-12 Students		ELLIS			
2010-07-09	Public Open House	General Public		EDWARDS			

Goal Statement 2:

Provide equal opportunity for DBE consultants with minority and women staff.

2010 Accomplishment:

We continue to advertise projects in the Kansas Globe to provide a better opportunity for DBE firms to apply for Kansas projects.

Goal Statement 3:

Identify environmental justice concerns. Document that the social and economic issues of the proposed project are adduced on the “Design Summary Report.” (Impact to minority or low income population)

2010 Accomplishment:

Environmental justice concerns and supporting action has been added to the standard format required on all Design Summary Reports. Reporting on this item has been accomplished on all Design Summary Reports issued this fiscal year. Staff members received additional training on this topic during the year.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments Bureau of Local Projects

Goal Statement:

Continue providing oversight on locally administered projects that includes monitoring to determine if appropriate Title VI procedures have been followed.

2010 Accomplishments:

A. Review bid documents to confirm that appropriate specifications are included to comply with Title VI prior to providing approval to the LPA to advertise the project.

B. Reconfirm that the appropriate specifications are still included in the contract documents and all applicable certifications by the contractor have been made prior to giving the LPA authority to award the contract.

C. Bureau of Local Projects staff coordinate with the KDOT Civil Rights staff to confirm that appropriate work has been provided to approved Disadvantaged Business Enterprise (DBE) contractors prior to giving the LPA authority to award the contract.

D. Initiated receipt of prompt-pay documentation from the LPAs for all CA projects to document each DBE payment.

E. Developed procedure to receive the "end of project" affidavit from the LPAs and payment confirmation documentation from the DBEs to certify complete and final payments.

**Fiscal 2010 Title VI/Nondiscrimination Accomplishments
Bureau of Materials and Research**

Goal Statement 1:

Insure all contracts administered by the Bureau have language requiring compliance with applicable provisions of the KDOT Title VI/Nondiscrimination Program.

2010 Accomplishment:

All contracts administered by the Bureau are written to include language requiring compliance with applicable provisions of the KDOT Title VI / Nondiscrimination Program.

Goal Statement 2:

Promote in-house awareness of the Title VI requirements.

2010 Accomplishment:

Title VI was briefly discussed during a Bureau staff meeting. In addition, Rick Kreider, Bureau Chief, attended the EEO training scheduled for July 1, 2010.

Goal Statement 3:

Insure all K-TRAN projects and other research contracts have required language to encourage minority and female participation.

2010 Accomplishment:

All K-TRAN policy documents and other research contracts have required language to encourage minority and female participation.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments Bureau of Right of Way

Goal Statement 1:

Encourage training in Title VI related and Nondiscrimination classes. In the event our bureau is allowed to fill a vacancy position we will seek to have a diverse interview team. We will contact our Agency's Diversity Recruiter when we go to fill a position.

2010 Accomplishment:

Our policies and procedures within the Bureau of Right of Way accommodate Title VI of the Civil Rights Act in all phases of the bureau's core functions including the appraisal, acquisition, relocation, property management, outdoor advertising program and when using contracting services for these project development activities.

Title VI addresses appraisal work. It requires that the appraisal information gathering analysis and reporting be objective and done without regard to race, color, national origin sex, age or disability. Title VI goes on to address that the appraisal process (including the review appraisal) should be absent of bias such as unfounded statements, inappropriate data, prejudicial or misleading conclusions. Appraisal USPAP requirements support these Title VI requirements and on November 3, 2008 our bureau's seven Appraisers & Review Appraisers took a USPAP update class.

Goal Statement 2:

Continue to have Title VI/Nondiscrimination brochures available at public meetings and hold those meetings in ADA accessible and LEP compliant locations.

2010 Accomplishment:

Our bureau participated in numerous public meetings where Title VI/Nondiscriminatory brochures were made available. The locations of public meetings were held in ADA Accessible and LEP compliant locations.

We had a bureau employee teach a Junior Achievement class (six sessions) at Eisenhower Middle School where employment opportunities at KDOT was discussed.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments Division of Administration

Title VI applies to the Division of Administration since Bureau of Computer Services must insure all published web sites are in compliance with Title VI Accessibility Standards; Office of Support Services is responsible for facilities modifications regarding Reasonable Accommodation for Persons with Disabilities and publication of print and other media in languages other than English; and Bureau of Personnel Services is responsible for Title VI Compliance in all recruiting and hiring practices and in agency training.

Goal Statement 1:

As the new Title VI Coordinator, Deb Wiley will become more knowledgeable about Title VI and how it applies to the Division of Administration.

Employees will be encouraged to notify KDOT Office of Civil Rights if they have language skills other than English.

2010 Accomplishments:

Deb Wiley spent time reviewing the Title VI requirements and learning more about the program.

Goal Statement 2:

Bureau of Computer Services will audit KDOT web-sites to identify content not in compliance with 508 accessibility standards. A remediation process to address audit findings will be conducted.

2010 Accomplishments:

All web content is scanned at the time of publication by BCS to insure 508 compliance. Web sites are scanned routinely to identify existing content which is not compliant with 508 accessibility standards and corrections are made at the time of identification to bring into compliance.

Goal Statement 3:

Bureau of Personnel Services (BPS) Organizational Development Unit will develop an on-line course to teach Construction Spanish.

2010 Accomplishments:

Bureau of Personnel Services (BPS) Organizational Development Unit developed an on-line course to teach Construction Spanish. The course contains 17 different modules and will be made available agency-wide.

Goal Statement 4:

Dwight Garman, Minority Recruiter in BPS will build a network of community partners who serve minority populations to assist with announcing KDOT employment opportunities to minority groups and encourage minorities to apply.

2010 Accomplishments:

Dwight Garman retired as the minority recruiter in 2010 and in a time when, due to budgetary constraints, only critical positions are being filled, priority was given to fill the Minority Recruiter Position. Tammy Torrez was selected and is serving as the Minority Recruiter.

KDOT developed a targeted minority recruitment program called Explorers which provides opportunities for four minority high school students to complete work-study curriculums in paid part-time positions within KDOT. The program launched in FY 2010 with one high school in the Topeka 501 School District. The intent of the program is to provide a work experience for minority students which will ultimately result in students seeking full-time permanent jobs with KDOT.

A statement that women and minorities are encouraged to will appear on all job postings.

Goal Statement 5:

The Office of Support Services will continue to have an active role in many Title VI initiatives.

2010 Accomplishments:

Ergonomic recommendations and ADA requests involving structural modifications and/or cubicle reconfigurations will be addressed on an as-needed basis.

The videographers in the Multi-Media Section of the Office are currently working on the development of an on-line Spanish vocabulary training module for the Bureau of Personnel Services.

The Office anticipates increasing requests for printing, graphics, and reproductive services of LEP compliant materials as more publications are revised and updated.

The Office of support services printed approximately 3,000 brochures in Spanish, revised one brochure and translated into Spanish and produced more than 100 posters in Spanish for the Office of Civil Rights.

Additional 2010 Accomplishments:

Telephonic Interpreting services are now available for use by all employees within KDOT through a contract with Propio Language Services. Services are available for all business-related situations, such as phone calls, in-person visits to KDOT locations, or job site related needs. The service is immediately accessible when a non-English Speaker calls or visits a KDOT location or can be pre-arranged if the need for a language interpreter is known in advance. Propio also offers in person interpretation for public meetings and other events as well as document translation services.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments Division of Planning and Development

The work of the Division of Planning and Development encompasses a wide range of activities and programs. The range of work includes traffic safety, cartography services, project development, multi-modal transportation, and metropolitan planning. Title VI and DBE considerations are implemented into the oversight of these activities as appropriate and in accordance with KDOT's Title VI Program. Additional involvement with the Metropolitan Planning Organizations in the state for Title VI compliance is coordinated through the Urban Planning Unit.

Overall the Division has made considerable progress in meeting the goals set forth for 2010. Much of the work is ongoing in nature, and those items are detailed below. The most significant progress achieved this year was in assisting the MPOs in developing and adopting their Title VI plans and programs as well as beginning to review those plans and programs for implementation and compliance efforts. A summary of our Division's progress is below.

Training: Allison Smith and Stephanie Watts attended a session on Title VI & DBE at the FTA Region VII meeting in April 2010.

Goal Statement 1:

Continue to support the completion and adoption of Title VI plans by MPOs.

2010 Accomplishment:

This goal has been met. The Kansas City and St. Joseph MPOs had previously approved plans in place prior to 2010. KDOT staff continued to support the Lawrence, Wichita, and Topeka MPOs in their efforts to develop and adopt a Title VI Plan to encompass their regional transportation process. Plans were adopted:

Lawrence:	Adopted on July 30, 2009
Wichita:	Adopted on August 11, 2009
Topeka:	Adopted on August 24, 2009

Goal Statement 2:

Develop an Annual Review Process of the MPOs Title VI Programs (a requirement of Title VI).

2010 Accomplishment:

The Annual Review Process and associated schedules and questionnaires for the MPOs Title VI Programs are expected to be completed by the end of November 2010. Initial drafts and templates have been reviewed by Urban Planning Staff and work on this item continues.

Goal Statement 3:

Complete initial reviews of the MPOs Title VI Program.

2010 Accomplishment:

A joint MoDOT/KDOT review of the Title VI Program at the Mid-America Regional Council in Kansas City, as it pertains to the transportation program, was conducted on January 27, 2010 at the Mo-DOT District IV offices in Lee's Summit. Debra Hepp, Mike Smith, Davonna Moore, and Allison Smith were the KDOT staff involved in this review. KDOT finalized a report and followed up with an in person discussion as to the findings with MARC staff in June 2010. A few recommendations were made but no significant findings or compliance issues were found. Reviews of the other MPOs were deferred to 2011. KDOT staff will work with MoDOT staff to coordinate on a bi-state review of the St. Joseph MPO. Work is ongoing.

Goal Statement 4:

Invite the Office of Civil Rights to speak at MPO meetings to educate and discuss the topics of Title VI. An email detailing this opportunity will be sent to MPO staff.

2010 Accomplishment:

No MPOs requested the Office of Civil Rights to speak to their meetings. This opportunity will remain available and a notice will be sent to MPO staff to remind them of this availability.

Goal Statement 5:

Draft list of Division Employees with language skills other than English that would be willing to interpret and/or translate as needed. This list will be shared with the Office of Civil Rights.

2010 Accomplishment:

A notice was placed in the February 2010 issue of the Division of Planning and Development newsletter soliciting employees with these language skills. No replies were received.

Goal Statement 6:

Continue to obtain training for Division Title VI Coordinator as well as dissemination of Title VI information and educational materials to staff in the Division.

2010 Accomplishment:

The Division Title VI Coordinator attended a session on Title VI/DBE at the FTA Region VII Meeting held in Kansas City in April 2010. Additional experience and

knowledge of Title VI was gained by the coordinator through participation in the Title VI review conducted at MARC.

Goal Statement 7:

Invite KDOT Office of Civil Rights to all MPO Certification Reviews.

2010 Accomplishment:

A federal certification review of the 3-C Planning Process at the Mid-America Regional Council was held in September 2009. KDOT Office of Civil Rights staff was invited to participate in the review and provide their input as appropriate. No other federal certification reviews of TMA's were conducted.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments Division of Public Affairs

Goal Statement 1:

The effort to automate data for roadway information (including construction, maintenance, incidents and events such as flooding, etc.) to improve accuracy and timeliness of reported information, and to eliminate personnel manually recording information to the system's Interactive Voice Response (IVR) platform is to continue. Plans for 511 in Kansas City are moving forward. It is anticipated the development efforts will begin in FY 2010. Enhancements for metro content for Wichita are planned for FY 2010.

2010 Accomplishment:

Plans for 511 in Kansas City have been put on hold due to budget constraints; however, KDOT is researching no-cost options for deploying 511 in the Kansas City metro area. The hope is to complete research and to establish a new plan for 511 in Kansas City in FY 2011. Enhancements for metro content for Wichita have also been delayed due to budget constraints. Currently, they are planned for FY 2011.

Goal Statement 2:

With the successfully completed pilot in 2008, Wi-Fi internet access will be installed at all primary rest areas, travel information centers, and state parks across the state. In addition to Wi-Fi service, information kiosks for providing traveler information for Kansas and all surrounding states will also be provided. Kiosks will be designed to be ADA compliant.

2010 Accomplishment:

Due to delays in obtaining Federal approval for the program signage, the target date for implementation has been delayed. The first kiosk has been installed as a pilot location at the eastbound Paxico Rest Area, with plans to implement at other locations as soon as sponsorship revenues are secured.

Goal Statement 3:

Continue to assist the Bureau of Design with project public meetings.

2010 Accomplishment:

The Bureau of Public Involvement's liaisons have assisted the Bureau of Design with project public meetings throughout the past year.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments
Office of Civil Rights

Goal Statement 1:

Continue monitoring of KDOT informational meetings and hearings for Title VI/Nondiscrimination inclusion. The program consultant in each respective district will attend these meetings when possible to spot check meetings to assure non-discrimination.

2010 Accomplishment:

Civil Rights program consultants attended 11 public involvement meetings to assure Title VI compliance:

Interstate 35 SW Johnson County Interchange, Edgerton	October 29, 2009
K-96 Proposed expansion to 4 lane, Sterling	November 19, 2009
US-56 Corridor Management Plan, Edgerton	February 2, 2010
US-56 " Baldwin	February 11, 2010
23 32 KA 1534-01/02, Gove	February 23, 2010
K-7 Preliminary Engineering Project, Columbus	February 25, 2010
281 5 U 2246-01, Hoisington	April 5, 2010
73 U 2245-01, Larned	April 7, 2010
Polk-Quincy Viaduct Study, Topeka	April 28, 2010
US-50 Corridor Study, Emporia	May 4, 2010
Amtrack Meeting, Shawnee	June 9, 2010

Goal Statement 2:

Request continued presence on District Construction Meetings agenda. The focus will be maintaining a Civil Rights presence for District personnel. Presentations by Program Consultants will address one or more of the following topics: Title VI/Environmental Justice, On the job trainees, contract compliance reviews, 1391 annual EEO reports, Davis Bacon complaints and other relevant topics as necessitated for the 2010 construction season.

2010 Accomplishment:

Program Consultants attended construction and maintenance district meetings when possible. Due to budget constraints, only one meeting was attended:

February 9, 2010 District 4 in Chanute - Due to shortened agenda, Office of Civil Rights was not given opportunity for a presentation.

Goal Statement 3:

Meet with Title VI Coordinators on a periodic basis. Topics of discussion to include Title VI updates for their reporting area, LEP training and updates.

2010 Accomplishments:

No meetings with Title VI Coordinators were held this year.

Goal Statement 4:

Meet with Title VI Coordinators who were not able to attend Title VI training from last March 2009 to give them training materials and review with them Title VI responsibilities and reporting requirements. KDOT, like any dynamic entity, is in constant flux with employees joining and leaving the agency and/or changing jobs within the agency. Therefore, we have two new Title VI Coordinators who need Title VI training as well.

2010 Accomplishments:

The Title VI Coordinators who were new and/or had not been able to attend the Title VI training previously offered received their Title VI materials. Debra Hepp, from the Office of Civil Rights delivered the materials to the Coordinators located in District 3, 5 and 6. Each person also received a brief overview of Title VI and the expectations of each Title VI Coordinator.

Additional 2010 Accomplishments:Title VI Assurances

The Office of Civil Rights worked with Federal Highway and KDOT legal counsel to update the agency Title VI Assurances. KDOT Secretary Deb Miller signed the updated assurances on May 25, 2010.

Continuation of Title VI emphasis with internal program areas

As a result of interaction and encouragement, the Division of Planning and Development is including the Office of Civil Rights in MPO reviews. This year, a Title VI review of MPO MARC was conducted. The review process involved key members of MARC. The review resulted in Title VI recommendations which were immediately implemented in a satisfactory manner by the MPO.

Training attended by Office of Civil Rights:

- 3/3/10 Prevailing Wage Law – An Understanding of Davis-Bacon Webinar
(Doria, Robyn, & Debra)
- 6/15-18/10 Practical Skills for Managing Interpersonal Conflict – Mediation
Training (Robyn & Debra)
- 7/8/10 Government, Grants & Financial Opportunities, U.S. Rural Development
Small Business Development in Wetmore (Deb)

Training given by Office of Civil Rights:

Feb – Apr 2010 Office of Civil Rights did training in all KDOT districts. Training segments included DBE issues, prompt pay, Title VI and ADA issues.

1/19/10	District 4	Chanute
2/10/10	District 3	Hays
2/15/10	District 1	Topeka
2/16/10	District 1	Bonner Springs
2/23/10	District 2	Salina
3/10/10	District 5	Hutchinson
3/18/10	District 6	Garden City
4/6/10	All	Topeka
5/12/10	City of Wichita, DBE Certification Workshop in Wichita	
6/10/10	Greater Topeka Chamber of Commerce Entrepreneurial & Minority Business Development Conference, Kansas Certification Panel in Topeka	

Other Events attended by Office of Civil Rights:

9/15-16/09	Kansas Construction Careers Coalition at Kansas State Fair (Attended & volunteered)
10/15/09	Kansas Dept of Commerce Minority & Women Business Awards Luncheon in Topeka
10/27/09	Greater Topeka Chamber of Commerce – Annual Business Expo in Topeka
4/19/10	Congresswomen Lynn Jenkins Jobs Fair 2010 in Topeka
4/27/10	National Institute for Construction Excellence iBuild Showcase in Kansas City, MO (Attended & volunteered)
5/6/10	State of Kansas Cultural Celebration in Topeka (Attended & volunteered)

**Fiscal 2010 Title VI/Nondiscrimination Accomplishments
Office of Civil Rights
Internal EEO**

Goal Statement 1:

KDOT's EEO Officer, Mike Smith, will attend one training session in the next calendar year to stay current with changes to Employment Discrimination law which should assist in assuring access to KDOT, and its employment, programs and activities.

2010 Accomplishment:

On July 22 & 23 of 2010 Mike attended the NELI – 2010 Employment Discrimination Law Update.

Goal Statement 2:

EEO Officer will continue to make efforts to attend programs to stay current with External DOT Civil Rights Programs and additionally will locate and take Title II ADA/Section 504 training so that he is able to be better prepared to assure non-discrimination with regard to ADA related transportation programs.

2010 Accomplishment:

While the EEO Officer was not able to attend any programs this year, he has stayed current with the ADA portion of this goal by re-reading the newly approved ADA regulations and attended the Title I ADA training presented as part of the NELI conference.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments District 1

The District One Construction Office and its eight field Construction Offices monitored the Equal Employment Opportunity Contract Compliance of construction contractors through the use of the Federal-Aid Highway Construction Contractors Annual Report, the FHWA Form 1391, the certificate of Affirmative Action Requirement, compliance with EEO contractual requirements, and contractor EEO policies.

The eight field Construction Offices also: reviewed and monitored the Contractor Payroll Transcripts and labor compliance; monitored and reviewed the Contractor's Weekly Trainee Reports; discussed required submissions of payrolls and Davis-Bacon requirements during pre-construction conferences and at monthly/weekly contractor meetings; reviewed payroll listings submitted and payrolls weekly; conducted quarterly wage rate interviews and generated a report on those wage rate interviews for the Bureau of Construction and Maintenance on a quarterly basis.

All pre-construction conferences and public meetings were held at accessible sites and assistance was provided for any requests for assistance.

Training: All employees in the eight Construction Offices attended training in February, 2010, the training was entitled - EEO Compliance, given by the Office of Civil Rights. The training included an overview of the DBE program, field and districts obligations with contract requirements, wage rate overview and a summary of Title VI.

Goal Statement 1:

Request that the Office of Civil Rights reestablish the Limited English Training Class (Command Spanish) in the coming year as our District had many employees that have shown a desire to attend these types of classes until the trainer left the agency.

2010 Accomplishment:

As of July 16, 2010, the Organizational Development Unit in Personnel now offers a new on-line Spanish curriculum called Basic Spanish in the Workplace. The Spanish curriculum consists of 17 online modules offering employees a basic understanding of essential Spanish utilized in construction sites and office environments. Modules include culture, alphabet, numbers, time, safety, construction and emergency phrases. The modules were created to enhance learning by adding a feature that allows the learner to listen to how the Spanish words are pronounced. The classes were implemented online to allow employees to take the classes when time permits, allowing for flexibility. The system has the ability to bookmark where you left off, so if you cannot complete it in one setting you can pick up where you left off. You can also re-take individual modules as many time as you need, there is no registration fee for the class. The District Office is strongly encouraging everyone that speaks with the public or works in the Construction Office to take the time to attend this training.

Goal Statement 2:

Continue to encourage our employees to register with the Office of Civil Rights if they have language skills outside of English.

2010 Accomplishment:

The District Engineer has encouraged staff to register with the Office of Civil Rights if they have language skills outside of English.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments District 2

Goal Statement 1:

Send Shad Lohman, District Construction Engineer, to a Title VI training if one becomes available.

2010 Accomplishment:

Did not meet this goal, will try again in 2011.

Goal Statement 2:

Order pamphlets on Title VI to distribute during public meetings.

2010 Accomplishment:

Ordered pamphlets to distribute in meetings – met this goal.

Goal Statement 3:

Have all Area Engineers watch the video Reaching Out to Everyone.

2010 Accomplishment:

All Area Engineers watched the video – met this goal.

Goal Statement 4:

We would like to be able to make KDOT flyers and publications available in Spanish and if the budget will allow, offer conversational Spanish classes in the District again.

2010 Accomplishment:

Did not meet this goal, will try again in 2011.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments District 3

District Three has provided the following statement at the bottom of all public meeting notices or letters of invitation:

“The open house location is ADA accessible. Persons in need of a sign language interpreter, an assisted listening device, large print, or Braille material, or other accommodations to participate in this meeting should notify the Kansas Department of Transportation at least one week prior to the meeting. Requests may be addressed to KDOT’s District Three Public Affairs Manager Kristen Brands, at (785) 877-3315 or kristenb@ksdot.org in Norton or (785) 296-3585 (Voice)/Hearing Impaired 711.”

In addition at the bottom of each news release the following information is stated:

“This information can be made available in alternative accessible formats upon request. For information about obtaining an alternative format, contact the Bureau of Transportation Information, 915 SW Harrison St., Rm 754-S, Topeka, KS 66612-1568 or phone 785-296-3585 (Voice) (TTY).”

Title VI brochures, in English and Spanish, are made available at any public meetings that the district organizes. District 3 also developed a bi-lingual brochure in English and Spanish to use as a tool to inform more people about employment opportunities at KDOT.

Goal Statement 1:

District Construction/Materials Engineer, Travis Scott, assumed the Title VI Coordinator position and has begun to research and gain insight into the requirements and applications of Title VI. Travis will attend training for Title VI as it becomes available.

2010 Accomplishment:

No training was available during the last year; this goal will be carried on until the training can be attended.

Goal Statement 2:

Invite the Office of Civil Rights to educate and discuss the topics of Title VI with District/Area Construction employees.

2010 Accomplishment:

On February 10, 2010 the Office of Civil Rights met with all available construction personnel in Hays. Part of the presentation was about the Title VI program. Travis Scott, the new Title VI Coordinator for the district attended this presentation and received his Title VI training materials.

Goal Statement 3:

Promote in-house awareness of the Title VI requirements.

2010 Accomplishment:

The presentation on February 10, 2010 was the beginning of the in-house promotion of Title VI requirements as well as a reinforcement of the requirements for public meetings.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments District 4

Goal Statement 1:

District 4 will attempt to expand diversity recruiting efforts by posting diversity recruitment fliers on bulletin boards in our work place, in job placement centers, and on local college campuses and businesses in towns located in southeast Kansas.

2010 Accomplishment:

District 4 has diversity posters displayed on all bulletin boards at the District and Area offices. There has been a significant increase in diversity applications for job openings in District 4 over the last year.

Goal Statement 2:

District 4 will attempt to set up Title VI training at our District Office for all employees in our district so that they will be more informed, involved and trained to participate in Title VI goals and accomplishments.

2010 Accomplishment:

The Office of Civil Rights conducted Title VI training on the DBE Program and responsibilities pertaining to wage rates for Area Engineers, Construction Engineers, District Staff and Consultants in District 4 on January 20, 2010.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments District 5

Goal Statement 1:

A recommendation will be for quarterly update/status sessions with representative from each of the seven field Construction Offices to review labor compliance, EEO, and refresher of Title VI/Nondiscrimination. This group will be instructed to develop goals and guidelines for future accomplishment reports.

2010 Accomplishment:

March 10, 2010, a Title VI presentation and training was held. Forty-one Title VI Coordinators were in attendance, including local Sedgwick and Reno county representatives and private contractors.

District Construction Office and 7 field Construction Offices monitored Equal Employment Opportunity Construction Contract Compliance of construction contractors; Federal-Aid Highway Construction Contractors Annual EEO Report, FHWA Form 1391; certification of Affirmative Action Requirement; compliance with EEO contractual requirements; and, Contractor's EEO policy.

Construction Offices reviewed and monitored Contractor Payroll Transcripts and labor compliance; discussed required submission of payrolls and Davis-Bacon requirements during pre-construction conferences; reviewed first payroll listing submitted and random selected payroll listings per month; and conducted wage rate interviews.

Goal Statement 2:

Plan to have representative from office of Civil Rights attend 2010 District Construction & Materials meeting.

2010 Accomplishment:

Pre-Construction Meetings were held at accessible sites and assistance provided for any ADA access requirements or requests for assistance.

Scheduling and funding constraints prevented planning for a representative from Office of Civil Rights to attend 2010 District Construction & Materials.

Fiscal 2010 Title VI/Nondiscrimination Accomplishments District 6

As a part of the Operations side of the agency, we interact on a daily basis with the public. These interactions are related to the construction, maintenance, and permitting activity of the District. We make every effort to have these interactions in a non-discriminatory manner.

Goal Statement 1:

We have appointed Rod Nix, District Construction Mentor to be the District Six Title VI Coordinator.

2010 Accomplishment:

In FY2010, Mr. Rod Nix, District Six Construction Mentor, served as the District - Title VI Coordinator.

Goal Statement 2:

We will continue to monitor our activity at all levels for compliance.

2010 Accomplishment:

Public meetings about the ongoing study of the US-83 corridor from Sublette to Scott City were conducted in August of 2009. The 3 locations in the District were selected with particular attention given to the meeting times and locations to facilitate attendance by all interested parties. Additional meetings were conducted in May 2010 at the same locations and times to report on the preferred alternate for this study.

There were no specific Title VI issues brought to the attention of the District in FY2010.

Goal Statement 3:

If the NHI course on Environmental Justice is offered this year, we will provide this training for a limited number of staff.

2010 Accomplishment:

In March 2010, a training session was provided by the Office of Civil Rights (OCR) to update District Six Staff and Managers on EEO and Title VI process and procedures. Rod Nix, the new Title VI Coordinator for the district attended this presentation and received his Title VI training materials

**EVALUATIONS FOR CITIES AND
COUNTIES FOR FY 2010**

TITLE VI REVIEW

City: Hutchinson

Individual(s) who completed survey: Maryl Dye, Assistant to the City Manager
Fernando Zalles, Assistant City Engineer

Investigator: Michael Smith

Date: April 13, 2010

Comments: The City of Hutchinson has a total population of 40,889. The City's 10.8% minority population is reported to be primarily Hispanic and African American. The City was not aware of how many businesses within the city were minority owned and one local business appeared on the State of Kansas DBE lists. To eliminate discrimination in its programs, services and activities, the city has a Human Relations board and an ADA Advisory Board and just recently used a facilitator to develop a new strategic plan to reenergize the groups.

Bus service is provided by Reno County Area Transportation which also provides service for the disabled community.

City was not sure whether they had utilized any minority or women own consulting firms but noted that the consultant project manager for one of the larger recent projects is female.

The assistant city engineer indicated that no right of way had been purchased since either he or the City Engineer came on board 3 and 3-1/2 years ago respectively but they understood the concept of equitable treatment and access.

The City does not let projects for bid containing federal-aid highway funds. The City maintains interested bidders lists but does not prequalify contractors.

During the review, the City was given copies of Title VI brochures in both English and Spanish, copy of KDOT EEO Manual. They additionally knew where to locate KDOT's approved DBE list for federal aid projects.

Follow-up: None at this time but during the next review verify their procedure for right of way acquisition.

TITLE VI REVIEW

City: Lansing

Individual(s) who completed survey: Sunshine Petrone, Human Resource Director/City Clerk

Investigator: Debra Hepp

Date: June 30, 2010

Comments: The City of Lansing has a total population of 9,409. (The statistic includes 2,557 individuals incarcerated). The Minority population is 1,801 which are primarily African Americans. Three businesses are minority owned. This is their first Title VI Review.

The City does not have a local bus system. Services for the disabled and senior community are provided through the county senior services program.

City has utilized one consultant firm in the last five years. The firm is neither minority nor woman owned. The City has not acquired any private property for right of way in the past five years. No civil rights complaints have been received following any right of way function.

To assist with language barriers, the City uses a bilingual police officer whenever needed. Lansing has also purchased a Rosetta Stone program which allows employees to learn foreign languages.

The City does not let projects for bid containing federal-aid highway funds. They do not prequalify contractors for city let projects.

During the review, the City was given copies of the KDOT Title VI Handbook for Local Governments and Consultants, DBE Directory – Commerce, Title VI brochures in both English and Spanish, copy of KDOT EEO Manual for contractors, sample of the KDOT complaint form and procedure, sample of Anti-Discrimination language for contracts and additional information about Minority/Women Plan Rooms.

It was also recommended that the City develop a complaint form and procedure and Title VI informational brochure that would be available for the public.

Follow-up: No action required at this time.

TITLE VI REVIEW

City: McPherson

Individual(s) who completed survey: Nick Gregory, City Administrator

Investigator: Debra Hepp

Date: June 14, 2010

Comments: The City of McPherson has a total population of 13,770. The Minority population is 674, primarily Hispanic and African Americans. It is unknown how many minority owned businesses are in the city. To ensure non-discrimination in all programs, operations and activities, the city records complaints and address all issues as they arise.

The City does not have a local bus system but provides taxi coupons for disabled and senior community. Their senior center also receives FTA funding.

City has utilized approximately 5 different consultant firms in the last five years. No consultants used appear on the current KDOT DBE directory however, one of the five is female owned. In addition, the Engineering firm they use for surveys is a female owned, DBE firm.

The City has not acquired any private property for right of way in the past five years. No civil rights complaints have been received following any right of way function.

The City does not let projects for bid containing federal-aid highway funds. They do not prequalify contractors for city let projects and are always looking for additional bidders to keep the process price competitive.

During the review, the City was given copies of the KDOT Title VI Handbook for Local Governments and Consultants, DBE Directory – Commerce, Title VI brochures in both English and Spanish, copy of KDOT EEO Manual for contractors, sample of the KDOT complaint form and procedure, sample of Anti-Discrimination language for contracts and additional information about Minority/Women Plan Rooms.

It was also recommended that the City develop a complaint form and procedure and Title VI informational brochure that would be available for the public.

Follow-up: Send letter confirming review. No other action required at this time.

Letter sent to City on June 21, 2010.

TITLE VI REVIEW

City: Overland Park

Individual(s) who completed survey: Daniel G. Miller, P.E., City Engineer

Investigator: Debra Hepp

Date: April 21, 2010

Comments: The City of Overland Park has a total population of 173,700. The Minority population is 21,037 and 979 businesses are minority owned per the U.S. Census Data sets. To ensure non-discrimination in all programs, operations and activities, the city has numerous nondiscrimination policies.

The City does not provide public transportation, it is all provided by the Johnson County Transit System.

City has utilized approximately 21 different consultant firms on 76 contracts in last five years. No consultants used appear on the current KDOT DBE directory.

As a result of right of way, one residence and three businesses have been displaced in the last five years. No civil rights complaints have been received following any right of way function. The City works closely with the KDOT Right Of Way on all acquisitions.

The City lets projects for bid containing federal-aid highway funds. The City does not prequalify contractors. They rely upon KDOT's guidance in all letting activities, including DBE goals setting and EEO compliance by contractors.

The City has web based complaint forms and procedures and all complaints and other issues are adequately addressed and documented.

During the review, the City was given copies of the KDOT Title VI Handbook for Local Governments and Consultants, Title VI brochures in both English and Spanish, copy of KDOT EEO Manual for contractors, sample of Anti-Discrimination language for contracts and additional information about Minority/Women Plan Rooms.

Follow-up: None required at this time.

TITLE VI REVIEW

City: Prairie Village

Individual(s) who completed survey: Keith Bredehoeft, PE, Interim Public Works Director

Investigator: Debra Hepp

Date: June 2, 2010

Comments: The City of Prairie Village has a total population of 21,422. The Minority population is 1,071 and there are approximately 12 minority owned businesses. To ensure non-discrimination in all programs, operations and activities, the city's ADA Coordinator and Legal Council routinely review all program areas.

The City does not provide public transportation, it is all provided by the Johnson County Transit System.

City has utilized approximately 7 different consultant firms in the last five years. No consultants used appear on the current KDOT DBE directory.

No private property has been acquired as a result of right of way in the last five years. No civil rights complaints have been received following any right of way function.

The City has not let projects for bid containing federal-aid highway funds.

During the review, the City was given copies of the KDOT Title VI Handbook for Local Governments and Consultants, DBE Directories – both KDOT and Commerce, Title VI brochures in both English and Spanish, copy of KDOT EEO Manual for contractors, sample of Anti-Discrimination language for contracts and additional information about Minority/Women Plan Rooms.

It was also recommended that the City add “nondiscrimination language” to all contracts they utilize for city business.

Follow-up: None required at this time.

TITLE VI REVIEW

City: Shawnee

Individual(s) who completed survey: Doug Wesselschmidt, PE

Investigator: Debra Hepp

Date: June 9, 2010

Comments: The City of Shawnee has a total population of 61,110. The Minority population is 1,071 and there are approximately 15 minority owned businesses. To ensure non-discrimination in all programs, operations and activities, the city's Fair Housing Committee and Police Review Board routinely review all program areas.

The City, along with local business sponsors, support the "Shawnee City Ride Service" This program also receives funds from the Federal Transit System. This service is provided for local transportation for a dollar per trip. The community also receives services through the Johnson County Transit System (The Jo).

City has utilized approximately 27 different consultant firms in the last five years. No consultants used appear on the current KDOT DBE directory.

Two local residences were displaced due to federally funded improvements. No civil rights complaints have been received following any right of way function.

The City lets projects for bid containing federal-aid highway funds. All KDOT procedures are closely followed.

During the review, the City was given copies of the KDOT Title VI Handbook for Local Governments and Consultants, DBE Directory – Commerce, Title VI brochures in both English and Spanish, copy of KDOT EEO Manual for contractors, sample of Anti-Discrimination language for contracts and additional information about Minority/Women Plan Rooms.

It was also recommended that the City add Title VI language to all contracts they utilize for city business.

Follow-up: Send letter confirming review. No other action required at this time.

Letter sent to City on June 11, 2010.

TITLE VI REVIEW

County: Cherokee

Individual(s) who completed survey: Crystal Gatewood, County Clerk

Investigator: Debra Hepp

Date: February 25, 2010

Comments: The County of Cherokee has a total population of 21,082 with a minority population of 13,580. There is no predominate minority group. There are a total of 1,521 minority owned businesses and women owned businesses in the county.

The County provides no public transportation but other groups provide transportation as needed. Groups include Class Ltd, and SKILL.

Cherokee County has not utilized any consultants in past five years. The County has not conducted any transportation improvement design studies in the past five years. The County has not acquired any private property for right of way in the last five years. The County has not received any civil rights complaints.

All three elected County Commissioners are white males. The only means of advertisement for county projects is the official newspaper: The Galena Sentinel Times.

The County does not let any construction projects that contain federal-aid highway funds. All county construction projects are done in-house utilizing county road crews.

During the review, the following documents were given to the county: Title VI Handbook, Title VI informational brochures in both English and Spanish, copy of Kansas DBE directories – both construction and non-construction, two samples of nondiscrimination language for contracts and a sample of KDOT's complaint form and procedure.

During the review, it was discussed and the county agreed that since they are developing a new webpage for the County Clerk's office, that they would add a section on complaints or other concerns. This will include a complaint form and the development of an in-house process for handling the complaints and monitoring.

Follow-up: None required at this time.

TITLE VI REVIEW

County: Crawford

Individual(s) who completed survey: Jim Emerson, County Counselor

Investigator: Debra Hepp

Date: June 28, 2010

Comments: The County of Crawford has a total population of 38,869 with a minority population of 3,131. There are a few minority owned businesses, primarily restaurants.

Crawford County has not utilized any consultants in past five years. The County has not conducted any transportation improvement design studies in the past five years. The County has not acquired any private property for right of way in the last five years. The County has not received any civil rights complaints.

All elected County Commissioners are white; two males and one female. The only means of advertisement for county projects is the official newspaper: The Pittsburg Morning Star. The County will consider other media outlets for future projects.

The County does not let any construction projects that contain federal-aid highway funds. All county asphalt projects are done in-house utilizing county road crews.

During the review, the following documents were given to the county: Title VI Handbook, Title VI informational brochures in both English and Spanish, two samples of nondiscrimination language for contracts, information on minority contractors plan rooms, a sample of KDOT's complaint form and KDOT EEO Compliance Manual.

During the review, it was discussed and the county agreed that since they are developing a new webpage for the County, that they would add a section on complaints or other concerns. This will include a complaint form and the development of an in-house process for handling the complaints and monitoring.

Follow-up: None required at this time.

TITLE VI REVIEW

County: Franklin

Individual(s) who completed survey: James Haag, P.E., Public Works Director

Investigator: Debra Hepp

Date: May 14, 2010

Comments: The County of Franklin has a total population of 26,441 with a minority population of 4.8% per the US Census 2009 Estimate. The predominate minority group is Hispanic Americans followed by the African Americans. There are a few Hispanic owned restaurants in the City of Ottawa.

The County provides no public transportation but the area Services for the Elderly provides public transportation as requested. Qualified individuals receive assistance for transportation – all others may ride for a fee.

Franklin County has utilized nine consultants in past five years; one female owned firm is a certified DBE. The County has not conducted any transportation improvement design studies in the past five years. The County has not acquired any private property for right of way in the last five years. The County has not received any civil rights complaints.

All County Commissioners are elected. All are Caucasian with a mix of male and female commissions. The county uses its website, radio and newspaper to inform the community of public meetings or hearings. It was suggested the County add a line to announcements with something to the effect of: "If you require a special accommodation, please contact ____" The County maintains information on any company who indicates an interest in doing business with them for future contracting opportunities.

The County does not let any construction projects that contain federal-aid highway funds.

During the review, the following documents were given to the county: Title VI Handbook, Title VI informational brochures in both English and Spanish, copy of Kansas DBE directories – both construction and non-construction, two samples of nondiscrimination language for contracts and a list of Minority/Women Plan rooms.

During the review, it was discussed and the county agreed to develop a process to assist people who are Limited English Proficient (LEP), develop a written complaint process and form to be placed on the county website and maintain a complaint log which details outcome of each. They will also add nondiscrimination language to their standard contracts.

Follow-up: Send letter to County outlining recommendations. No other action required at this time.

Letter sent to County on May 14, 2010.

TITLE VI REVIEW

County: Geary

Individual(s) who completed survey: Rebecca Bossemeyer, County Clerk & Dennis Cox, Public Works, Administrator

Investigator: Debra Hepp

Date: April 9, 2010

Comments: The County of Geary has a total population of 31,171 with a minority population of 8,447 per the US Census 2008 Estimate. The predominate minority group is African American followed by the Latino Americans. The county has a total of 1,380 businesses of which 182 are minority owned and 344 are woman owned per the US Census.

The County provides no public transportation but the area Agency of Aging provides vans. Qualified individuals receive assistance for transportation – all others may ride for a fee.

Geary County has not utilized any consultants in past five years. The County has not conducted any transportation improvement design studies in the past five years. The County has not acquired any private property for right of way in the last five years. The County has not received any civil rights complaints.

There are three elected County Commissioners: One white male, one black male and one white female. The county uses its website, radio and newspaper to inform the community of public meetings or hearings. The County maintains information on any company who indicates an interest in doing business with them for future contracting opportunities.

The County does not let any construction projects that contain federal-aid highway funds.

During the review, the following documents were given to the county: Title VI Handbook, Title VI informational brochures in both English and Spanish, copy of Kansas DBE directories – both construction and non-construction, two samples of nondiscrimination language for contracts and a sample of KDOT's complaint form and procedure.

During the review, it was discussed and the county agreed to develop a process to assist people who are Limited English Proficient (LEP), develop a written complaint process and form to be placed on the county website and maintain a complaint log which details outcome of each. They will also add nondiscrimination language to their standard contracts.

Follow-up: None required at this time.

TITLE VI REVIEW

County: Leavenworth

Individual(s) who completed survey: Janet Klasinski, County Clerk

Investigator: Debra Hepp

Date: June 30, 2010

Comments: The County of Leavenworth has a total population of 75,227 with minorities of: African American – 10.5%, Hispanic 3.8%, and Native American .9%. The county does not have information on minority owned businesses.

Leavenworth County has utilized numerous consultants in the past five years. None were identified as minority or woman owned. The County has not conducted any transportation improvement design studies in the past five years. The County has not acquired any private property for right of way in the last five years. The County has not received any civil rights complaints.

All elected County Commissioners are white - three males. The primary means of advertisement for county projects is the official newspaper: Tonganoxie Mirror. They also utilize the Leavenworth Times and Chronicle Shopper for larger projects and free advertisements when possible. The County does not let any construction projects that contain federal-aid highway funds.

During the review, the following documents were given to the county: Title VI Handbook, Title VI informational brochures in both English and Spanish, two samples of nondiscrimination language for contracts, copy of current DBE Directories for both KDOT and Department of Commerce, a sample of KDOT's complaint form and KDOT EEO Compliance Manual.

During the review, it was discussed and the county agreed that they will add a complaint form to the county webpage as well as information about their ADA Coordinator. They will develop a complaint procedure to handle complaints or other concerns. They will also check to make sure non-discrimination language is added to all contracts for goods and services.

Follow-up: County requested a letter confirming these reviewers' recommendations.

Letter sent to County on July 1, 2010.

TITLE VI REVIEW

County: McPherson

Individual(s) who completed survey: Tom Kramer, Public Works Director and Rick Witte, County Administrator

Investigator: Debra Hepp

Date: July 9, 2010

Comments: The County of McPherson has a total population of 29,800 with a minority population of 4%. There are a few Hispanic owned restaurants in the County and approximately 24 businesses are woman owned.

The County provides no public transportation but the area Commission on Aging provides public transportation as requested for qualified individuals. The City of McPherson also provides some funding for taxi cab discounts for those who qualify.

McPherson County has utilized five consultants in past five years, none of which were DBE certified. The County has not conducted any transportation improvement design studies in the past five years. The County has not acquired any private property for right of way in the last five years. The County has not received any civil rights complaints.

It was suggested the County 1) Add a line to announcements with something to the effect of: "If you require a special accommodation, please contact _____"; 2) Develop a Title VI brochure that can be distributed at public meetings; 3) Add nondiscrimination language to all standard county contracts; 4) Develop a written complaint form and process; 5) Put information about who their ADA Officer is on the County website and include information about how to file an ADA complaint there as well and 6) Update Transition Plan.

The County does not let any construction projects that contain federal-aid highway funds.

During the review, the following documents were given to the county: Title VI Handbook, Title VI informational brochures in both English and Spanish, copy of Kansas DBE directories – both construction and non-construction, two samples of nondiscrimination language for contracts, KDOT EEO Compliance Manual and sample of a complaint form and procedure.

Follow-up: No other action required at this time.

TITLE VI REVIEW

City: Saline County

Individual(s) who completed survey: David L. Nowak, Road and Bridge Director
Neil D. Cable, County Engineer
Marilyn Leamer, Human Resource Director
Elizabeth Crump, Administrative Assistant

Investigator: Michael Smith

Date: May 20, 2010

Comments: The Chamber of Commerce indicates that Saline County has a total population of 54,583 and a minority population of 7751 of which the majority are estimated to be within the City of Salina. The County reports that the Census Quick-Facts indicates that there are less than 100 minority owned businesses in the county. The County currently has two projects underway and one of the contracts is held by a DBE firm (Reece) that is reported to do a lot of bridge work for the county.

The county is very excited about the fully accessible City Go bus service which runs several routes within the Salina City limits and taxi service is available throughout the County. The County had not used any minority or women owned consulting firms but their selection processes are non-discriminatory.

The County has several boards and the elected county commissioners are currently comprised of three white males. The planning commission contains 8 white males and a white female and the Zoning commission was comprised of three white males, one white female and there was one vacancy.

The County utilizes state and federal guidance for right of way acquisition and no one has been recently displaced. The County does not let projects for bid containing federal-aid highway funds and does maintain a bidders list that people can get added to by merely calling in for locally let projects.

During the review, the County was given copies of Title VI brochures in both English and Spanish, a copy of KDOT's EEO Manual, Sample working to better incorporate non-discrimination language in contracts and agreements, and a Title VI manual.

Recommendations: Consider adding more inclusive Title VI wording to contracts and agreements, make Title VI information available at public meetings, and include accommodation notices in all public meetings. Additionally the County will need to post the ADA coordinators name and complaint information where interested individuals can locate it and should consider reevaluating county owned facilities and programs for ADA compliance.

Follow-up: None at this time.

TITLE VI REVIEW

MPO: Mid-America Regional Council (MARC)

Individual(s) who completed survey: Darryl Fields, Title VI Coordinator

Investigators: Debra Hepp, Title VI Specialist and Mike Smith, EEO Officer

Date: January 27, 2010

Comments:

MARC routinely has a planning certification review conducted by federal representatives from FHWA and FTA in cooperation with state department of transportation representatives from Kansas and Missouri. This Title VI review represents a collaborative effort between KDOT and MoDOT at the request of MARC.

Darryl Fields, MARC Title VI Coordinator, coordinated the MARC responses. During the review interview, Mr. Fields was present. In addition, representatives from MARC, KDOT and MoDOT were present.

Background:

MARC is a nonprofit association of city and county governments and serves as the metropolitan planning organization for the bi-state Kansas City region. It is governed by a board of local elected officials and the Total Transportation Policy Committee (TTPC) with support from various modal planning and programming committees. The MARC region serves nine counties and 120 cities. MARC is funded by federal, state, private grants, local contributions and earned income.

Nondiscrimination:

Title VI and other Nondiscrimination language are disseminated throughout the MPO utilizing several methods. Some of these include:

1. MARC has an approved Title VI policy statement and Title VI program that is annually updated and signed by the Executive Director.
2. MARC Title VI Procedures Manual containing:
 - a. Title VI assurance
 - b. Title VI responsibilities for various program areas
 - c. Strategies for engaging individuals with Limited English Proficiency
 - d. Title VI contract assurances
 - e. Title VI complaint procedures and complaint form
3. MARC website contains web pages entitled:
 - a. Title VI Program: Nondiscrimination Policy
 - i. Overview
 - ii. Resolving Complaints
 - iii. Title VI Coordinator and contact information
 - b. Notice of Civil Rights Obligations Applicable to the Distribution of Fund under the American Recovery and Reinvestment Act of 2009 (ARRA)
 - c. Disadvantaged Business Enterprise Program and DBE goals

4. Transportation Improvement Program (TIP) for 2010-2014 contains Section 6 on Environmental Justice Analysis. It contains data identifying Minority Areas, Low-Income Areas, TIP Projects and High-Severity Crash Locations within the MARC MPO planning boundary.
5. Transportation Outlook 2030 Update contains Appendix C on Environmental Justice Analysis. It contains data identifying Minority and Low-Income Areas in Kansas City Region, Long Range Transportation Planning (LRTP) Projects and Current Transit Service.
6. Public Participation Plan approved October 30, 2007 contains Section 4 Achieving MARC's Goals: Strategies and Techniques which contains a reference to MARC's Title VI program and filing a complaint. Students from Donnelly College are utilized as interpreters when foreign language assistance is needed.
7. MARC Board Section 5.4 Procedures for Appointment contains language that jurisdictions having a significant minority and/or ethnic population to take this factor into consideration in appointing directors to the Corporation.
8. TTPC Bylaws Section 4 has language that provides for consideration of minority, disabled, elderly and/or female representation in the appointment process.

Recommendations:

1. MARC develops a process for providing general Title VI informational brochures at public meetings. MARC will consider adding this type of information to their brochure "Citizens Guide to Transportation Planning".
2. MARC develops a process for tracking Title VI and other Civil Rights and ADA training MARC personnel has attended. During the review MARC indicated that all MARC personnel attend annual mandatory training – they will work with trainers to determine if a segment on Title VI can be added to the agenda.
3. MARC increases the mediums in which Title VI rights are conveyed to the public. Currently only available on the internet.
4. MARC develops a Title VI training program for MARC personnel and sub-recipients. MARC will document Title VI training (or any other kind of civil rights training) that was provided, how many participants attended, their titles, etc.
5. MARC develops a process to document Title VI reviews of its sub-recipients in order to ensure compliance with Title VI.
6. MARC indicated during review that they had previously performed the Four Factor Analysis but had not developed a Limited English Proficiency (LEP) policy or plan as of this review. It is recommended that MARC revisit and update their Four Factor Analysis and move forward with development and approval of a LEP policy or plan.
7. MARC currently includes a Title VI statement at the bottom of their agendas. It is recommended they develop a singular Title VI statement to be utilized on all agendas. As a recipient of federal funding, MARC must include Title VI language in all programs, not just those that receive specifically receive federal funding.

Follow-up:

1. Follow-up review with MARC was held on June 8, 2010 at MARC headquarters.
2. MARC is going to check and provide information about when they did their self-assessment for ADA Transition Plan. (Supplemental questions from Mike Smith, KDOT). Responses received June 7, 2010.

3. KDOT will provide copy of the current KDOT LEP plan. MARC given copy of 2008 and 2009 KDOT LEP information at meeting of June 8, 2010.

Recommendation letter sent to MARC June 21, 2010. MARC completed LEP plan and submitted it to FTA for approval on July 23, 2010.

TITLE VI/NONDISCRIMINATION

GOALS FOR FY 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
Bureau of Construction and Maintenance**

Goal Statement 1:

Headquarters and district engineering staff will respond to DBE questions and provide technical assistance when needed. Continue the rotation of Title VI training at the annual District Construction Meetings where the even numbered districts receive training in even numbered years and the odd numbered districts in odd years.

Target Date:

September 2011

Goal Statement 2:

Continue to educate the Bureau personnel on the requirements of Title VI. Will include Title VI or Non-discrimination related subject as an agenda topic for the Bureau of Construction and Maintenance meetings.

Target Date:

September 2011

Goal Statement 3:

The title VI coordinator for the Bureau will explore the value of the online "Spanish in the Workplace" course with the thought of encouraging other bureau personnel that may have contact with Spanish speaking persons to complete the training as well.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
Bureau of Design**

Goal Statement 1:

Eliminate, reduce, and/or mitigate adverse impacts on protected group communities, businesses and individuals through open disclosures at public hearings and in studies prior to design.

Target Date:

September 2011

Goal Statement 2:

Provide equal opportunity for DBE consultants with minority and women staff.

Target Date:

September 2011

Goal Statement 3:

Identify environmental justice concerns. Document that the social and economic issues of the proposed project are adduced on the "Design Summary Report."
(Impact to minority or low income population)

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
Bureau of Local Projects**

Goal Statement:

Continue providing oversight on locally administered projects that includes monitoring to determine if appropriate Title VI procedures have been followed.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
Bureau of Materials and Research**

Goal Statement 1:

Insure all contracts administered by the Bureau have language requiring compliance with applicable provisions of the KDOT Title VI/Nondiscrimination Program.

Target Date:

September 2011

Goal Statement 2:

Promote in-house awareness of the Title VI requirements.

Target Date:

September 2011

Goal Statement 3:

Insure all K-TRAN projects and other research contracts have required language to encourage minority and female participation.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
Bureau of Right of Way**

Goal Statement 1:

We do plan to fill several full time positions within our bureau in FY 2011. We will contact our Minority Recruiter for guidance in how we can better address the underutilization of minorities in our effort to fill the positions. An EEO representative will be on the interview teams.

Target Date:

September 2011

Goal Statement 2:

Encourage training in Title VI related and Nondiscrimination classes. Continue to have Title VI/Nondiscrimination brochures available at public meetings and hold those meetings in an ADA accessible and LEP compliant locations.

Target Date:

September 2011

Fiscal 2011 Title VI/Nondiscrimination Goals Division of Administration

Goal Statement 1:

As the Title VI Coordinator, Deb Wiley will continue to become more knowledgeable about Title VI and how it applies to the Division of Administration.

Employees will be encouraged to notify KDOT Office of Civil Rights if they have language skills other than English.

Target Date:

September 2011

Goal Statement 2:

Bureau of Computer Services will audit KDOT web-sites to identify content not in compliance with 508 accessibility standards. A remediation process to address audit findings will be conducted.

Target Date:

September 2011

Goal Statement 3:

Bureau of Personnel Services (BPS) Organizational Development Unit is developing a course available to all KDOT employees to increase sensitivity to cultural bias and increase awareness of the importance of diversity in the workplace.

Bureau of Computer Services will audit KDOT web-sites to identify content not in compliance with 508 accessibility standards. A remediation process to address audit findings will be conducted.

Tammy Torrez, Minority Recruiter in BPS will build a network of community partners who serve minority populations to assist with announcing KDOT employment opportunities to minority groups and encourage minorities to apply.

BPS will expand the Explorer program to include all of the high schools in the Topeka 501 School Districts.

BPS will conduct targeted minority outreach events in each of the six KDOT Districts and at the Kansas State Fair this fiscal year.

BPS will conduct targeted minority recruitment at all of the Career Fairs KDOT attends. Brochures and posters for use at these events will be developed.

BPS will include a statement that women and minorities are encouraged to apply on all job announcements.

Target Date:

September 2011

Goal Statement 4:

The Office of Support Services will continue to have an active role in many Title VI initiatives. Ergonomic recommendations and ADA requests involving structural modifications and/or cubicle reconfigurations will be addressed on an as-needed basis.

The Office anticipates increasing requests for printing, graphics, and reproductive services of LEP compliant materials as more publications are revised and updated.

Target Date:

September 2011

Fiscal 2011 Title VI/Nondiscrimination Goals Division of Planning and Development

Goal Statement 1:

Continue to obtain training for Division Title VI Coordinator as well as dissemination of Title VI information and educational materials to staff in the Division.

Target Date:

September 2011

Goal Statement 2:

Invite KDOT Office of Civil Rights to all MPO Certification Reviews as necessary.

Target Date:

Ongoing

Goal Statement 3:

Finalize the review process, schedule, and questionnaires for the MPOs Title VI Programs (a requirement of Title VI).

Target Date:

September 2011

Goal Statement 4:

Complete initial reviews of the Title VI Programs of WAMPO, Lawrence, Topeka, and conduct a joint review of the St. Joseph MPO in coordination with MoDOT.

Target Date:

October 2011

Goal Statement 5:

Invite the Office of Civil Rights to speak at MPO meetings to educate and discuss the topics of Title VI. An email detailing this opportunity will be sent to MPO staff.

Target Date:

Ongoing

Goal Statement 6:

To assist the MPOs in conducting a Four Factor Analysis and developing a Limited English Proficiency (LEP) Plan as appropriate.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
Division of Public Affairs**

Goal Statement 1:

Continue to assist the Bureau of Design with project public meetings.

Target Date:

September 2011

Goal Statement 2:

Be proactive about offering to translate public information, education and involvement materials into other needed languages for use across the state.

Target Date:

September 2011

Goal Statement 3:

At all public meetings hosted by KDOT, staff will make available KDOT's "Equal Opportunity and Civil Rights Information (Including Title VI)" brochure. In addition, sites selected for meetings will be accessible and assistance will be provided for any ADA access requirements or requests for assistance.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
Office of Civil Rights**

Goal Statement 1:

Continue monitoring of KDOT informational meetings and hearings for Title VI/Nondiscrimination inclusion. The program consultant in each respective district will attend these meetings when possible to spot check meetings to assure non-discrimination.

Target Date:

Ongoing

Goal Statement 2:

Request continued presence on District Construction Meetings agenda. The focus will be maintaining a Civil Rights presence for District personnel. Presentations by Program Consultants will address one or more of the following topics: Title VI/Environmental Justice, On the job trainees, contract compliance reviews, 1391 annual EEO reports, Davis Bacon complaints and other relevant topics as necessitated for the 2011 construction season.

Target Date:

Winter District Construction Meetings 2011

Goal Statement 3:

Meet with Title VI Coordinators on a periodic basis. Topics of discussion to include Title VI updates for their reporting area, LEP training and updates.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
Office of Civil Rights
Internal EEO**

Goal Statement 1:

KDOT's EEO Officer will attend one training session in the next calendar year to stay current with changes to Employment Discrimination law which should assist in assuring access to KDOT, and its employment, programs and activities.

Target Date:

July 2011

Goal Statement 2:

EEO Officer will continue to make efforts to attend programs to stay current with External DOT Civil Rights Programs and additionally will locate and take Title II ADA/Section 504 training so that he is able to be better prepared to assure non-discrimination with regard to ADA related transportation programs.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
District 1**

Goal Statement 1:

To continue to strongly encouraging and make aware to everyone who speaks with the public or works in one of the Construction Offices that they have an opportunity to take the on-line Spanish curriculum called Basic Spanish in the Workplace.

Target Date:

September 2011

Goal Statement 2:

To request from the Office of Civil Rights more training on Title VI for their employees.

Yearly training for the District Construction staff and Construction Field Offices, by the Office of Civil Rights, to discuss, educate and give refresher on the topics of Title VI.

Horton Construction Engineer & District One Title VI Coordinator, Michelle Anschutz, attend training for Title VI as it becomes available.

Request that the Office of Civil Rights attend and speak at the yearly District Construction and Materials meeting to discuss Title VI requirements and applications.

Target Date:

September 2011

Goal Statement 3:

To print and make available Title VI pamphlets for all the employees in the District and have available at all public meetings for distribution.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
District 2**

Goal Statement 1:

Send Shad Lohman, District Construction Engineer, to a Title VI training if one becomes available.

Target Date:

September 2011

Goal Statement 2:

We would like to be able to make KDOT flyers and publications available in Spanish and if the budget allows, offer conversational Spanish classes in the District again.

Target Date:

September 2011

Goal Statement 3:

Find a volunteer in District to act as a Spanish interpreter.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
District 3**

Goal Statement 1:

District Construction/Materials Engineer, Travis Scott, assumed the Title VI Coordinator position and has begun to gain insight into requirements and applications of Title VI. Travis will attend training for Title VI as it becomes available.

Target Date:

September 2011

Goal Statement 2:

Continue to promote in-house awareness of the Title VI requirements by having Area and Construction Engineers refresh and reinforce their employee's knowledge of the Title VI requirements.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
District 4**

Goal Statement 1:

District 4 will work to extend Title VI training efforts within the district.

Target Date:

September 2011

Goal Statement 2:

District 4 will continue to support and help develop the agency's new processes for recruiting, selecting and retaining diversity employees.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
District 5**

Goal Statement 1:

Quarterly sessions with Title VI Coordinators of the 7 field Construction Offices to review labor compliance, EEO, and refresher of Title VI/Nondiscrimination.

Target Date:

September 2011

Goal Statement 2:

Coordinate training opportunities presented by FHA and KDOT Office Civil Rights.

Target Date:

September 2011

Goal Statement 3:

Plan for KDOT Office Civil Rights to present at next planned workshop.

Target Date:

September 2011

**Fiscal 2011 Title VI/Nondiscrimination Goals
District 6**

Goal Statement 1:

Use the bilingual job brochure developed by District Three as a recruiting tool.

Target Date:

September 2011

Goal Statement 2:

Provide a presentation at the winter construction meeting about Title VI. This could either be Mr. Nix or someone from OCR.

Target Date:

September 2011

Goal Statement 3:

If available, have some staff attend the NHI course on Environmental Justice. Continue to monitor our activities in the District for compliance with Title VI initiatives.

Target Date:

September 2011

ADA/SECTION 504 PROGRAM UPDATE

Designation and Training: Mike Smith has been the Kansas Department of Transportation's (KDOT) ADA coordinator since January of 2008. He also continues to work as KDOT's Internal Civil Rights Program Manager (Affirmative Action Officer). Mike currently reports directly to the Deputy Secretary for Finance and Administration.

Concerns and Complaints: KDOT continues to deal with **Internal ADA** related concerns consistent with a statewide procedure. Most internal accommodation determinations are made at the immediate supervisor level. Mike would typically investigate complaints and act as the Agency respondent if a complaint were to arise. All potentially denied accommodation requests are reviewed by his office prior to the issuance of a determination. A Governor's Executive Order sends appeals of employee complaints to the State ADA Coordinator, Anthony Fadale who is currently located in the Department of Social and Rehabilitative Services.

Monitoring of Local Governments:

2010 ADA Sub-recipient Compliance Audits – Counties

Cherokee County – The County was not sure that a Transition plan had been developed but felt their programs and structures were accessible. KDOT suggested revisiting facilities to make sure that nothing had changed recently. The following items were sent by email shortly after the meeting: Links for the ADA guidelines for Small Cities and Rural Counties; and, the ADA accessibility check sheets for existing facilities.

Geary County – The County reported that their plan has not been revisited recently. They felt that their buildings and programs were now all accessible. KDOT suggested revisiting facilities to make sure that nothing had changed recently. During the review, this reviewer advised that the bottom of the mirrors in an accessible men's restroom in the County office was estimated to be somewhere around 40" (approximately three and a half -12 inch tiles) above the floor rather than the 34" called for by the ADAAG. Additionally the front door was likely above the required door-pull, and not signed so send people around to accessible entrance which had an automatic opener. The following items were sent by email shortly after the meeting: Links for the ADA guidelines for Small Cities and Rural Counties; and, the ADA accessibility check sheets for existing facilities.

Franklin County – This reviewer noted that most of what they were responsible for were their own facilities. The county believed that all their facilities were accessible. They were not able to produce a current transition plan or information regarding how to file a complaint. The county was advised to develop a complaint process and add it to the county website. They were also advised to perform an ADA self-assessment and document their findings. The following items were sent by email shortly after the meeting: Links for the ADA guidelines for Small Cities and Rural Counties; and, the ADA accessibility check sheets for existing facilities.

Saline County has a transition plan that was last updated in 2006. They have an up-to-date website and bus service. Web based information on the contact person and how to file a complaint under the ADA can be found on their website.

Crawford County – The County was not able to produce a recent transition plan update but noted that they had an attorney well versed in the ADA (disabled) that assured ADA

compliance before approving their own building renovation projects. They did not have a contact or information regarding how to file a complaint posted. The county was advised develop a complaint procedure and post it to the county website. The following items were sent by email shortly after the meeting: Links for the ADA guidelines for Small Cities and Rural Counties; and, the ADA accessibility check sheets for existing facilities.

Leavenworth County provided a copy of a public notice that notes how to file complaints near all entrances to their facilities which list the contact person's name. It can also be found on the County's Website. They were not able to locate a transition plan at the time of the review. The county was advised to perform a current ADA self-assessment of their facilities to confirm all were in ADA compliance. The following items were sent by email shortly after the meeting: Links for the ADA guidelines for Small Cities and Rural Counties; and, the ADA accessibility check sheets for existing facilities.

McPherson County was not able to produce a current transition plan or information regarding how to file a complaint. The county was advised to perform and document a current ADA self-assessment of their facilities to confirm all were in ADA compliance. The following items were sent by email shortly after the meeting: Links for the ADA guidelines for Small Cities and Rural Counties; and, the ADA accessibility check sheets for existing facilities.

2010 ADA Sub-recipient Compliance Audits – Cities

City of **Hutchinson**: The City of Hutchinson appeared to be fully up-to-date with regard to ADA. They have a well publicized complaint procedure and utilized an ADA advisory board to assist with determining mobility needs. The checked restroom was fully accessible. Hutchinson won an award for accessibility shortly after the ADA took effect but was reviewed by USDOJ around 2003. Since that time the City worked through a five year settlement agreement to re-obtain compliance with the ADA and they report that currently every other street in the city has accessible sidewalks with curb-cuts.

Information from the City of **Overland Park** indicates that it is compliant with the requirements of the ADA and they have a facilities review team to look into accessibility of each of their facilities. They reviewed their program in 1995 and downtown Overland Park was re-reviewed in 2008. Their complaint policy is found in Administrative Policy 106B and is made available to the public. Additionally, while sidewalks are primarily the responsibility of the property owner; they have a sidewalk program that has two city grinding crews to eliminate any bumps due to push-ups from tree roots. A review of an accessible first floor restroom in the City Office would indicate that the City might want to revisit their own building accessibility specifically the accessible stall which did meet the minimum dimension requirements for wheelchair access.

The City of **Prairie Village** has a well publicized complaint procedure and a specific budget directed to the compliance of sidewalks and curb-cuts; and well publicized complaint process and contact information. They use their website to solicit participants for their ADA advisory committee.

City of **Shawnee** has implemented its plan and has it on file for those who wish to view it. They state that they revisit areas as needed and provided a list of outside resources that were contacted when the plan was developed. They have a set computerized procedure from logging and tracking and forwarding all calls (customer service requests)

regarding concerns brought to the City's attention that they also utilize that procedure for ADA concerns.

City of **McPherson**. The City had been very responsive to actual complaints. As noted a year ago they have maps available showing where all disabled parking in town is located. They were unable to locate a current transition plan. The listed ADA coordinator had changed since last visited by KDOT. A recommendation was made that they update their transition plan. The following items were sent by email shortly after the meeting: Links for the ADA guidelines for Small Cities and Rural Counties; and, the ADA accessibility check sheets for existing facilities.

City of **Lansing** was not able to produce a current transition plan or information regarding how to file a complaint. The city television station represented a good media outlet to make their ADA process known and they were advised to establish and publicize a complaint procedure and ADA coordinator's name. The following items were sent by email shortly after the meeting: Links for the ADA guidelines for Small Cities and Rural Counties; and, the ADA accessibility check sheets for existing facilities.

2010 ADA Sub-recipient Compliance Audits – MPO's

MARC was examined in depth in a joint review conducted by MoDOT and KDOT. MARC reps indicated that they had almost no programs, goods, services, activities and facilities that they were directly responsible for. They provided documentation to support that notices of public meetings contained ADA Statements concerning requests for accommodation. They indicated that they were housed in a single office location within a commercial office building. They further indicated that the accessibility of the space they occupied, and the restrooms on their floor, had been reviewed by Disability expert Michelle Ohms, who verified that they were accessible.

KDOT Internal Activities

KDOT is currently in the process of re-examining its facilities, programs, goods, services and activities to make sure that each are accessible. The last of the facility reviews are expected to be completed around October 1, 2010. Each of the senior managers had additionally been directed to identify each program, good and service (PGS) made available by their unit to the public, so that they could then sit down with the ADA coordinator to verify (1) that they were already accessible, or (2) determine how each can be made accessible. Once all of the reviews are accomplished, KDOT will determine whether any PGS and/or facilities modifications will take over a year to complete, and if so, they will be appear in an updated ADA transition plan which is expected to be available by late winter or early spring 2011.

**Kansas Department of Transportation
Limited English Proficiency Plan
And Update**

Purpose

The Kansas Department of Transportation and those receiving assistance from the federal government must take reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to the programs, services, and information those entities provide. This will require recipients to create solutions to address the needs of this ever-growing population of individuals, for whom English is not their primary language.

Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP". These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Examples of populations likely to include LEP persons who are served or encountered by the Kansas Department of Transportation recipients and should be considered when planning language services include, but are not limited to:

- Public transportation passengers
- Persons who apply for a driver's license at the department of motor vehicles
- Persons subject to the control of Kansas or local transportation enforcement authorities
- Persons served by emergency transportation response programs
- Persons living in areas affected or potentially affect by transportation projects
- Business owners who apply to participate in the Kansas Disadvantaged Business Enterprise program

Authorities

Title VI of the 1964 Civil Rights Act

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

-42 U.S.C 2000d

Executive Order 13166

On August 11, 2000, President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Who must comply?

All programs and operations of entities that receive assistance from the federal government (i.e. recipients), including:

State agencies (i.e. Kansas Dept of Transportation)

Local agencies

Private and nonprofit entities

Sub recipients (entities that receive federal funding from one of the recipients listed above) also must comply.

All programs and operations of the federal government also must comply.

Other Legal Authorities

FHWA Title VI Regulation, 23 CFR 200

USDOT Title VI Regulations, 49 CFR 21

USDOT LEP Guidelines, 70 FR 74087 (Dec. 14, 2005)

Four-Factor Analysis

KDOT has an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important transportation services. KDOT has assessed the following four factors:

Factor One: The number or proportion of LEP persons served or likely to be encountered in the eligible KDOT service population

In an effort to determine LEP persons in Kansas, KDOT collected data from several sources. Available data illustrated:

The Total Population in Kansas is 2,662,616 according to the 2005 U.S. Census Bureau. (187,640 are under the age of 5 years old). The 2005 Census estimates that 233,107 people, or 9.4% of our total population, speak a language other than English at home (population 5 years and over).

The 2000 Census prepared a Special Tabulation titled: Language Spoken at Home for the Citizen Population 18 Years and Over Who Speak English Less Than “Very Well”, for the United States, States, and Counties.

In 2000, the U.S. Census indicated there were 2,688,418 people living in Kansas. Of those, the Census identified 32,850 persons (or 1.2%) who speak English less than “very well”. The languages spoken were identified as:

Spanish or Spanish Creole	18,820
Other Indo European language	6,090
Asian or Pacific Island language	7,255
Other language	<u>685</u>
Total	32,850

Initially we identified the seven counties with the largest number of individuals who speak English less than “very well” in Kansas to be: Sedgwick, Johnson, Wyandotte, Finney, Shawnee, Seward and Ford.

Because of previous court rulings, we wanted to also consider the fact that the following six counties in Kansas have been designated as Covered Areas for Voting Rights Bilingual Election Materials – Under the Voting Rights Act Amendments of 1992, Determinations Under Section 203 of the Federal Register/Vol. 67, No. 144/Notices.

Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than 5 percent of the voting age citizens are members of a single-language minority group who do not “speak or understand English adequately enough to participate in the electoral process” and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which not “speak or understand English adequately enough to participate in the electoral process,” and the rate of those citizens who have not completed the fifth grade is higher than the national rate less than 5 percent of the voting age citizens are members of the minority group and are limited in English proficiency, unless the political subdivision is covered independently. A political subdivision also is covered if

more than 10,000 of the voting age citizens are members of a single-language minority group, do of voting age citizens who have not completed the fifth grade.

The political subdivisions obligated to comply with the language assistance provisions of Section 203 are listed below:

<u>County</u>	<u>Group</u>
Finney	Hispanic
Ford	Hispanic
Grant	Hispanic
Haskell	Hispanic
Kearny	Hispanic
Seward	Hispanic

Because of the Court’s determination of language assistance eligibility in the above counties, we have determined that it is reasonable to include these counties for transportation language assistance consideration as well. It is reasonable to conclude that those individuals who are 18 years and over and are registered to vote are also likely to be involved in the public input process of transportation planning.

Therefore, combining these two groups of counties, the counties LEP individuals are most likely to be encountered based on residence are:

Language Spoken at Home for the Citizen Population 18 years and over who Speak English Less Than “Very Well”

County	Total	Spanish/Spanish Creole	Indo European	Asian Pacific Island	Other
Sedgwick	7560	3520	840	3015	185
Johnson	4835	1935	1360	1460	75
Wyandotte	2835	2180	225	385	45
Finney	1775	1495	60	220	0
Shawnee	1560	1040	310	175	35
Seward	1260	1195	D	40	D
Ford	1220	1045	D	95	D
Grant	315	D	D	0	D
Haskell	160	145	15	0	D
Kearny	150	140	15	0	0

(D) Indicates suppression for disclosure concerns.

A comparison of the languages spoken at home to the county population:

County	Total Pop. (2000 US Census)	Spanish or Sp. Creole	% of County Pop.
Finney	40523	1495	3.7%
Ford	32458	1045	3.3%
Grant	7909	D	
Haskell	4307	145	3.4%
Johnson	451086	1935	0.4%
Kearny	4531	140	3.1%
Sedgwick	452869	3520	0.8%
Seward	22510	1195	5.3%
Shawnee	169871	1040	0.6%
Wyandotte	157882	2180	1.3%

County	Total Pop. (2000 US Census)	Indo European	% of County Pop.
Finney	40523	60	0.1%
Ford	32458	D	
Grant	7909	D	
Haskell	4307	15	0.3%
Johnson	451086	1360	0.3%
Kearny	4531	15	0.3%
Sedgwick	452869	840	0.2%
Seward	22510	D	
Shawnee	169871	310	0.2%
Wyandotte	157882	225	0.1%

County	Total Pop. (2000 US Census)	Asian Pacific Island	% of County Pop.
Finney	40523	220	0.5%
Ford	32458	95	0.3%
Grant	7909	0	0
Haskell	4307	0	0
Johnson	451086	1460	0.3%
Kearny	4531	0	0
Sedgwick	452869	3015	0.7%
Seward	22510	40	0.2%
Shawnee	169871	175	0.1%
Wyandotte	157882	385	0.2%

County	Total Pop. (2000 US Census)	Other	% of County Pop.
Finney	40523	0	0
Ford	32458	D	
Grant	7909	D	
Haskell	4307	D	
Johnson	451086	75	0.02%
Kearny	4531	0	0
Sedgwick	452869	185	0.04%
Seward	22510	D	
Shawnee	169871	35	0.02%
Wyandotte	157882	45	0.03%

Based on these calculations by county and broken down by language spoken, Seward county statistics reveal that 5 or more percent of the county does not speak English “very well” and speak a common language other than English. The common language spoken is Spanish or Spanish Creole.

Factor Two: The frequency with which LEP individuals come in contact with KDOT programs, activities or services

KDOT has and will continue to provide whatever services were needed to enable communications with the traveling public.

Factor Three: The nature and importance of program, activity or services provided by KDOT.

Traffic Safety Section:

KDOT Traffic Safety Section (TSS) has determined that the minority population including the LEP drivers, in Kansas, is a High Risk segment of the driving population. To reach out to the LEP drivers and as a response to requests, TSS has taken the initiative to translate their safety messages into Spanish as they are developed and/or updated. In addition, the TSS has translated their Mission Statement, on their internet website, into Spanish.

TSS opened their Traffic Safety Resource Office in October 2007. One of their five staff is bilingual in Spanish and English. This dedicated staff reaches out to Kansas residents, including the Latino community, to further increase awareness on: traffic safety issues, education on impaired driving, motorcycle safety & awareness and novice drivers.

EEO Officer/Civil Rights Office:

This office maintains a listing of all KDOT employees who are willing to assist KDOT customers (internal and external) whenever there is a need for communication skills outside of the English language. Employees provide information such as:

1. What District they are located in
2. Phone number and e-mail address
3. What language(s) they speak – including sign language
4. What language(s) they can translate written materials to or from
5. What their comfort level is using the above skills

Periodically, the EEO Officer polls KDOT employees and then the Civil Rights Office makes necessary list updates.

If interpreter or translation services are required, the current procedure is to contact the Internal EEO Officer or Civil Rights Office. The EEO Officer or Civil Rights Administrative Assistant refers to the list, and contacts a KDOT employee to assist with the need.

A letter of thanks is sent to each KDOT employee (and his or her supervisor) who provides an interpreter or translation service.

It is anticipated that utilization of KDOT employees will decrease since KDOT now has access to the services of the interpreter/translator services of a company under state contract. This service, coordinated through the Bureau of Personnel Services, is available 24 hours per day, 7 days per week, 365 days per year.

If a Sign language interpreter is requested, the agency contacts the Kansas Commission for the Deaf and Hard of Hearing for assistance in locating an interpreter.

Braille transcription services and production of brochures in Braille is available to KDOT through the State Library of Kansas for those visually impaired.

The Civil Rights Office monitors the job-site posters on KDOT construction projects. This office maintains a limited inventory of these posters and the majority are available in both English and Spanish. These posters are provided to contractors during pre-construction meetings and on an “as-needed” basis.

Bureau of Right Of Way

KDOT takes whatever measures are needed to work with the public that the staff in Right of Way (ROW) encounters in administering the Relocation Assistance Program. Typically, it has not been necessary to hire an outside translator because ROW has always been able to utilize a KDOT staff member that is bilingual or the constituent has had a family member or friend who was able to assist in translation.

The KDOT ROW utilizes an informational brochure that describes the rights and benefits of a person being displaced. The brochure: “*RELOCATION Your Rights and Benefits as a Displaced Person Under the Federal Relocation Assistance Program*” is available in English. The brochure is provided by FHWA. FHWA’s previous version of the brochure was available in Spanish; however, this current version has not been translated into Spanish.

KDOT ROW staff is trained to communicate in the simplest level to those they are working with especially with persons who may be relocated or otherwise displaced. If information is needed in Spanish or other language, ROW will consult with FHWA, HUD and other state ROW departments to find whatever tool or service is needed.

Bureau of Construction and Maintenance

KDOT takes whatever actions are needed to address communication problems as they are encountered. Increasingly, contractors working on KDOT projects have crews that consist of persons who speak a language other than English. Most often, they speak Spanish. KDOT relies on that contractor’s foreman or supervisor to assist with translation when needed.

Numerous field inspectors have attended one or more Spanish courses.

The Flagger Handbook is available and provided to contractor’s personnel in both English and Spanish.

Factor Four: The resources available to recipient and costs.

Utilization of State contract for telephonic interpreter services.

The State of Kansas has a contractor who will provide telephonic interpreter services for use when conversing with our customers who are non-English speakers.

In addition to telephone interpreter services, on-location interpretation and document translation are also available.

Cost: Over the phone interpreter, \$1.09 per minute for Spanish and \$1.39 per minute for other languages. Onsite translation and/or interpretation, \$49.00 per hour for Spanish and \$59.00 per hour for other languages.

Utilization of existing employees to serve as interpreters and translators.

With a workforce of more than 3,000 full time employees, living and working across the state of Kansas, KDOT employees continue to be the greatest resource available. KDOT has, and will continue to, utilize employees who are bi-lingual to assist the agency in communicating with our internal and external customers whenever the need arises.

Cost: Little or no cost above the normal salaries and expenses connected with employment of individuals to provide the services associated with the Kansas Department of Transportation. Occasionally, there may be some over-time, travel and other incidental expenses depending on the extenuating circumstances.

Utilization of in-house print shop to print brochures in languages other than English.

Types of items printed: Various EEO posters printed in Spanish for distribution at Pre-Construction meetings for posting on contractor's project bulletin boards. Title VI "Your Rights" brochures printed in Spanish for distribution at public meetings, public hearings, and informational kiosks at city and county municipalities.

Cost: Little or no additional cost other than the standard cost of printing of the brochure, poster or document.

Public Transportation Safety Messages translated into languages other than English.

There is an initial cost when a new document is translated into a language other than English. Generally, a contractor is selected for this service and that cost is considered when the work RFQ is proposed.

Printing cost: there is little or no additional cost other than the standard cost of printing of the safety message.

Public Announcements translated into languages other than English.

Whenever public meetings or hearings are planned for community with an increased likelihood that individuals who speak a language other than English are encouraged to attend, public announcements will be published in English and in the language deemed most likely to be encountered for that community. For example, Notices published in English and Spanish.

Cost: The advertising cost is generally doubled because most advertising is sold by the linear inch and the Notice is essentially being repeated.

KDOT Learning Center Courses.

KDOT has an on-line course to teach Construction Spanish. The course contains 17 different modules and is available agency-wide.

Cost: Available at no cost to KDOT employees.

Tuition Assistance

KDOT has suspended tuition assistance because of budgetary concerns but is expected to return in the future.

Cost: Determined by college, university or vocational/technical school offering the courses and funding available.

Construction Spanish Dictionary

Small pocket sized dictionary with construction words and phrases in both English and Spanish. SPANISH ENGLISH CONSTRUCTION DICTIONARY 2ND EDITION.

Cost: Available through the Associated General Contractors of America (AGC) Item #5099 \$23.95 to members; \$53.85 to non-members; and Kansas Contractors Association (KCA) \$17.96 to members.

Sign Language Interpreter.

Contact the Kansas Commission for the Deaf and Hard of Hearing.

Cost: Hourly rate plus mileage.

Braille Services

The State Library of Kansas provides Braille transcription and production services for state agencies that need their brochures or other shorter documents printed in Braille.

If the State Library of Kansas is not able to do the transcription, a list of referrals to other organizations can be provided.

Cost: No cost to agency for basic brochures or shorter documents. May be material costs for larger documents. Contact State Library of Kansas for details.

Monitoring

1. Data collection at KDOT:
 - A. The Office of Civil Rights will track usage of KDOT employees who are utilized for interpretation or translation. Information to be tracked can include: Office or department requesting the service, what service was requested, time involved and who was able to provide assistance.
 - B. Title VI Coordinators will report occurrences of contact with LEP individuals in their respective district or bureau.

This data will be included in annual LEP Plan updates.
2. Annually assessing changes in:
 - A. Current LEP populations in Kansas affected or encountered
 - B. Frequency of encounters with LEP language groups
 - C. Nature and importance of activities to LEP persons
 - D. Availability of resources, including technological advances and sources of additional resources, and the costs imposed
 - E. Whether existing assistance is meeting the needs of LEP persons
 - F. Whether KDOT staff knows and understands the LEP plan and how to implement it
 - G. Whether identified sources for assistance are still available and viable.
3. Complaint Procedure
 - A. Individuals wishing to file an LEP complaint may use KDOT Form Number 1011 "Kansas Department of Transportation Complaint Form".
 - B. LEP complaints will be processed following the complaint procedure established for discrimination complaints.

LEP ACTIVITY REPORT – SEPTEMBER 2010

For federal fiscal years 2010 Year-To-Date, there are no updates available in the U.S. Census Bureau data to warrant changes to the Four-Factor Analysis.

There has not been a significant increase in reported contact with LEP individuals in any KDOT programs or services.

Bureau of Construction & Maintenance:

District 3 developed a bi-lingual brochure in English and Spanish to use as a tool to inform more people about employment opportunities at KDOT. The six page flyer provides information on:

- Equipment Operator Series (EO Trainee/EO/EO Senior)
- Equipment Operator Duties
- Engineering Technician Series (ETA/ET/ET Senior)
- Engineering Technician Duties
- How to check vacancies, apply and register on-line
- State Benefits

The Spanish translations for this brochure were provided by two KDOT employees from District 3.

Bureau of Personnel Services:

Bureau of Personnel Services (BPS) Organizational Development Unit has developed an on-line course to teach Construction Spanish. The course contains 17 different modules and is available at no charge to all employees. It includes video and audio clips to teach both language and culture.

Telephonic Interpreting services are now available for use by all employees within KDOT through a contracted consultant. Services are available for all business-related situations, such as phone calls, in-person visits to KDOT locations, or job site related needs. The service is immediately accessible when a non-English Speaker calls or visits a KDOT location or can be pre-arranged if the need for a language interpreter is known in advance. The contractor also offers in person interpretation for public meetings and other events as well as document translation services.

Bureau of Computer Services:

Bureau of Computer Services will audit KDOT web sites to identify content not in compliance with 508 accessibility standards. A remediation process to address audit findings will be conducted. Keep as a goal for next year.

All web content is scanned at the time of publication by BCS to insure 508 compliance. Web sites are scanned routinely to identify existing content which is not compliant with

508 accessibility standards and corrections are made at the time of identification to bring into compliance.

Office of Support Services

The videographers in the Multi-Media Section of the Office of Support Services completed work on the development of an on-line Spanish vocabulary-training module for the Bureau of Personnel Services.

The Office of Support Services anticipates increasing requests for printing, graphics, and reproductive services of LEP compliant materials as more publications are revised and updated.

Approximately 3,000 brochures were printed in Spanish. One brochure was revised and translated into Spanish. More than 100 posters were produced in Spanish for the Office of Civil Rights.

Bureau of Public Involvement:

No LEP activity or contact with LEP individuals reported.

Bureau of Right Of Way:

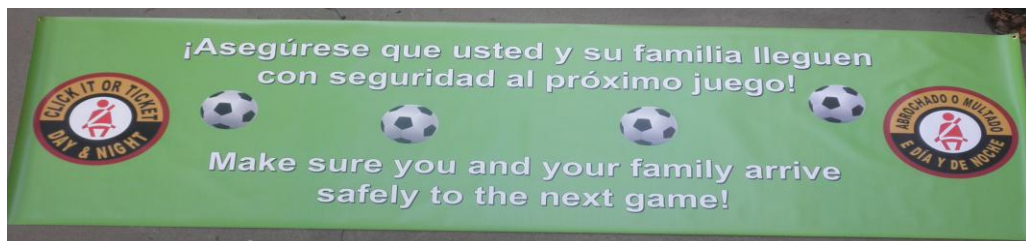
A relocation services consultant working for KDOT on the K-18 project in Manhattan hired a Spanish speaking translator. No written documents required translating.

Traffic Safety Section:

KDOT's Traffic Safety Section (TSS) worked through the Kansas Traffic Safety Resource Office to reach out to a group of Hispanic leaders across Kansas to brainstorm effective ways to reach the Hispanic Community. The key outcome from this meeting was that we should continue with messages oriented to family values.

It was suggested that a key venue for displaying our messages is at soccer fields, as these events are strongly supported within the Hispanic populations. To reach those objectives, the TSS created a 3' x 10' banner, with the message in both Spanish and English, "Make sure you and your family arrive safely to the next game!" with the Click It. Or Ticket. The poster logos are in both languages, also.

One hundred of these banners have been distributed statewide by the KDOT Public Affairs Managers, the Kansas Highway Patrol Public Resource Officers, and other traffic safety partners and another hundred have been ordered for future distribution.



One large event that the KTSRO participated in was to plan and carry out a Child Passenger Safety checklane with Wyandotte County's Safe Streets and Dos Mundos on July 31, 2010. More than 125 seats were checked, with many being replaced.

A poster promoting Child Passenger Safety Week in September has also been translated into Spanish, and was distributed statewide.

Hay un 3 fuera de 4 fortuito su niño no es como asegura como piensa.

Fecha:
Hora:
Ubicación:
Teléfono:

4 ETAPAS DE SEGURIDAD PARA NIÑOS

1. ASEGURAR CORRECTAMENTE EL ASIENTO
2. VERIFICAR EL ASIENTO
3. AJUSTAR EL ASIENTO
4. COMPROBAR EL ASIENTO

KANSAS Traffic Safety Resource OFFICE

Aprender a instalar correctamente los asientos para niños.

www.ktsro.org

KANSAS
DEPARTAMENTO DE TRANSPORTACION

The TSS also places ads on Spanish TV and radio stations in Kansas City and Wichita during its major campaigns of “Click It. Or Ticket.” and “Drunk Driving: Over the Limit. Under Arrest.”

Office of Civil Rights:

Reported contact with LEP individuals facilitated through the Office of Civil Rights:

Reported LEP Contact – FFY 2010 YTD

Bureau/Division/District	Frequency	Activity	KDOT provided service	Used outside interpreter or translator
BUCAM – District 3	1	Designed bilingual KDOT recruitment flyer	Yes	No
Right Of Way	1	Translator to assist in Relocation	No – thru consultant	Yes
Transportation Planning	0	N/A		
Traffic Safety Section	2	Translate poster & banner	No – thru consultant	Yes
Secretary of Transportation	0	N/A		

Training:

During the months of February, March and April, 2010, the Office of Civil Rights did training in all KDOT Districts. Training title: District EEO Training for Construction field personnel and inspectors. This training included a section on Title VI and Executive Order 13166 – Limited English Proficiency (LEP). We estimate number of KDOT staff, LPAs and consultants who received training to be 367.

Standard U.S. Department of Transportation Title VI Assurances

The State of Kansas (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation Sub Title A, Office of the Secretary, Part 21, nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of race color, or national origin, sex (23 USC 324), age (42 USC 6101) disability/handicap (29 USC 790) and low income status (Executive Order 12898) be excluded from participation in, he denied the benefits of, or he otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a)(1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility as defined in 49 CFR subsections 21.23(e) and 21.23(b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the Federal-Aid Highway and, in *Program* adapted form in all proposals for negotiated agreements:

The State of Kansas in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age, disability/handicap and low income status in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to right to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal-Aid Highway Program; and (b) for the construction or use of or access to space on over or under real property acquired, or improved under Federal-Aid Highway Program.

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

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

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated _____

Debra L. Miller
Secretary of Department of Transportation
State of Kansas

Attachments: Appendices A, B, C

APPENDIX A

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

(1) Compliance with Regulations: The contractor shall comply with the Regulations relative to the nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49, Code of Federal Regulations, Part 21, and the Federal highway Administration (hereinafter “FHWA”) Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, disability/handicap and low income status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, 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 either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, disability/handicap and low income status.

(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 or information, and its facilities as may be determined by the (*Recipient*) or the FHWA 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 (*Recipient*), or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the (*Recipient*) shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

(a) Withholding of payments to the contractor under the contract until the contractor complies, and/or

(b) Cancellation, termination or suspension of the contractor, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the (*Recipient*) or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the (*Recipient*) to enter into such litigation to protect the interests of the (*Recipient*), and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the (Recipient) will accept Title to the lands and maintain the project constructed thereon, in accordance with K.S.A.68-401 et Seq. the Regulations for the Administration of the Department of Transportation, and also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provision of Title VI of the Civil Rights act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Kansas Department of Transportation all the right, Title and interest of the Department of Transportation in and to said lands described in Exhibit “A” attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

The Kansas Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, sex, age, disability/handicap and low income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]*(2) that the Kansas Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Kansas Department of Transportation pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Kansas Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, Kansas Department of Transportation shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Kansas Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Kansas Department of Transportation pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors, in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the ground of race, color or national origin, sex, age, disability/handicap and low income status shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin, sex, age, disability/handicap and low income status, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Sub Title A, Office of the

Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964. That in the event of breach of any of the above nondiscrimination covenants, Kansas Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, Kansas Department of Transportation shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Kansas Department of Transportation and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.