

The Metropolitan Topeka Planning Organization

TITLE VI Program Manual

It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in federally funded activities. Under Title VI and related statutes, each federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, or national origin. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of federal-aid recipients, sub-recipients and contractors whether those programs and activities are federally funded or not." (United States Department of Transportation)

Introduction

The City of Topeka Planning Department serves as the repository for the federally designated Metropolitan Planning Organization (MPO) for the Topeka and Shawnee County region, thus providing a staff and a secretary for the MPO. The City of Topeka Planning Department, in serving as the repository for the MPO is responsible for ensuring that transportation programs utilizing federal funds in the Topeka and Shawnee County region are based on a continuing, comprehensive, and coordinated planning process.

Through cooperation with the leadership of local governments, and community interests groups, the MTPO is able to create a stronger community, enhancing the effectiveness of local government. These groups represent diverse community interests and thus represent a unique opportunity to address the region's transportation issues and to identify the opportunities for cooperative solutions.

The MTPO plays an active leadership role in strengthening the metropolitan community by providing:

- A forum for addressing regional objectives and diverse community issues;
- Long-range planning and public policy coordination, and
- Technical assistance and services to enhance the effectiveness of local government.

MTPO Policy Board (MTPO)

The MTPO is governed by a transportation policy body, referred to as the Policy Board, which has adopted bylaws that outline membership and operating procedures. The Policy Board is responsible for carrying out the 3C (continuing, comprehensive, cooperative) metropolitan planning process as required by 23 USC 134 and 49 USC 5303 as amended and other federal

laws and regulations. The MTPO Policy Board is the entity that approves MPO required documents (MTP, TIP, UPWP, etc.). The MTPO Policy Board oversees the work of its advisory committees (TAC, etc.). Voting MTPO Policy Board members include local elected City of Topeka and Shawnee County officials, representatives from KDOT, the TMTA, and the Topeka Planning Commission. The MTPO membership also includes federal officials and others as non-voting members. The membership of the MTPO Policy Board must be consistent with federal regulations and may change over time. Bylaws adopted by the Policy Board outline membership and operation g procedures for this group.

The MTPO also works closely with the following organizations:

- Topeka Metropolitan Transit Authority (TMTA)
- Kansas Department of Transportation (KDOT)
- Federal Transit Administration (FTA)
- Federal Highway Administration (FHWA)
- The City of Topeka
- Shawnee County

Benefits of working with the MTPO include a voice in key regional decisions, distribution of federal transportation dollars, technical assistance to obtain federal and state funding, education and training opportunities, data to meet special planning needs, access to Geographic Information Systems (GIS) databases, access to data products and technical expertise.

Policy Statement and Authorities

The MTPO assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The MTPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event the MTPO distributes federal aid funds to another governmental entity, the MTPO will include Title VI language in all written agreements and will monitor for compliance. The MTPO's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other MTPO responsibilities as required by Title 23 Code of federal regulations (CFR) Part 200, and Title 49 CFR Part 21.

Shelly Buhler, MTPO Chair

Date

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the

benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil rights Restoration Act of 1987 broadened the scope of title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of federal Aid recipients, Sub-recipients, and contractors, whether such programs and activities are federally assisted or not. Additional Authorities and Citations Include: Title VI of the civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 28 CFR 50.

Organization

An MTPO staff member will be responsible for ensuring implementation of the agency's Title VI program. An MTPO staff member will be responsible for coordinating the overall administration of the Title VI program, plan, and assurances (See Appendix 1). Five areas of the MTPO's work program have been identified as applicable to Title VI regulations—they are referred to as the five Title VI Program Areas:

1. Communications and public involvement
2. Planning and programming
3. Environmental affairs
4. Consultant contracts
5. Education and training

The agency's Title VI-related responsibilities fall into two main categories—"general responsibilities," applicable to all five Title VI Program Areas, and "Program Area Responsibilities" that are specific to each Title VI Program Area. It is important to note that the first three Title VI Program Areas noted above are extremely interrelated—they have been treated separately for purposes of clarity and corresponding to agency organization. For example, the Communications and Public Involvement program area applies to and affects the agency work program as a whole, particularly agency efforts and responsibilities related to planning, programming, and environmental affairs.

The MTPO's Secretary is generally responsible for overseeing Title VI compliance in each of the program areas. Staff members and the planning partners are expected to provide information and support to assist the Secretary in performing his/her tasks.

General Responsibilities

The following are general Title VI responsibilities of the agency applicable to all five Title VI Program Areas. The MTPO staff is responsible for ensuring these elements of the plan are appropriately implemented and maintained.

1. **Data Collection.** Statistical data on race, color, national origin, income level, language spoken, and sex of participants in, and beneficiaries of, federally funded programs is to be gathered and maintained as described in the "Program Area Responsibilities" section of this document. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program.
2. **Annual Report and Update.** An Annual Report and Update is to be submitted by September 1st each year, to the KDOT office of Civil Rights, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The Title VI Coordinator is responsible for gathering information from appropriate staff members

and consolidating this information into the final document. The final document is to include

- (a) A report on the previous year's Title VI-related activities and efforts, including accomplishments and program changes
- (b) An update on Title VI-related goals and objectives for the upcoming year.

3. **Annual Review of Title VI Program.** Each year, in preparing for the Annual Report and Update, the Title VI Coordinator will review the agency's Title VI program to assure compliance with Title VI. In addition, he or she will review agency operational guidelines and publications, including those for contractors to ensure that Title VI language and provisions are incorporated, as appropriate. KDOT will in turn, also perform an annual review of the MTPO's Title VI Program
4. **Dissemination of Information Related to the Title VI Program.** Information on the agency's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "Program Area Responsibilities" section of this document, and in other languages when needed.
5. **Resolution of complaints.** Any individual may exercise his or her right to file a complaint with the MTPO, if that person believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, or national origin. The MTPO will make a concerted effort to resolve complaints as put forth in its Title VI Complaint Procedure, found in Appendix 2.

Responsibilities of the MTPO Title VI Coordinator

The Title VI Coordinator is responsible for supervising staff activities pertaining to Title VI regulations and procedures set forth in federal guidance and according to the MTPO's Title VI Procedures Manual. In support of this, the Title VI Coordinator will:

- Identify, investigate, and work to eliminate discrimination when found to exist
- Process Title VI complaints received by the MTPO, as described in Appendix 2.
- Meet with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the MTPO's title VI program.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- If a federal funding recipient is found to not be in compliance with Title VI, work with staff involved with Consultant Contracts and the recipient to resolve the noncompliance issue(s) and write a remedial action if necessary, as described in the Consultant Contracts section of this plan.
- Review important Title VI related issues as needed.

- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when needed.

Program Area Responsibilities

Program Area 1: Communications and Public Involvement

Note: The Communications and Public Involvement Program Area applies to and affects the MTPO work program as a whole, particularly agency efforts and responsibilities related to the Planning and Programming and Environmental Affairs Program Areas. It has been treated as a separate program area for purposes of clarity, and corresponding to agency organization. See Appendix 4 for the MTPO's Public Participation Plan (PPP).

It is the goal of the MTPO to have significant and ongoing public involvement in the transportation planning process. The MTPO also seeks to empower the public to voice their ideas and values regarding transportation issues. The MTPO strives to ensure early and continuous public involvement in all major actions and decisions. The PPP provides the outline of the MTPO procedures for ensuring open and effective communication with citizens in the MTPO Area.

Principles of MTPO's Public Participation Plan:

- Equal access is an essential part of the public involvement process
- Public notification is one of the primary functions of the Metropolitan Topeka Planning Organization.
- It is the responsibility of the agency to offer access to information and provide timely public notice, as well as to educate the public about the planning process.

Elements of the MTPO's Public Participation Plan

- **Meetings:** The MTPO's committee structure provides an opportunity for local governments and citizens to interact in order to address transportation issues. The committees allow those who work in the field and those with interests in transportation to meet on a regular basis to discuss issues, share information, and coordinate planning activities. The MTPO complies with Chapter 75 of the Statutes of Kansas, as amended, known as the Sunshine Law as it pertains to open records and open meetings, and encourages any interested citizen to attend open meetings.
- **Website:** The MTPO maintains a website through the City of Topeka web page <http://www.topeka.org>, which is updated regularly. This site includes information on the agency's responsibilities, programs, publication, and press releases; contact

information for all staff; a search function; the Title VI Plan, complaint procedures, and complaint form.

- **Press releases:** Press releases are sent to the news media when press coverage of specific events or decisions is warranted.
- **Opportunities for public comment:** The MTPO routinely provides opportunities for public comment, and continues to work to find new and innovative ways to solicit public comments and involve all segments of the population in the MTPO region. Comments are accepted by phone, fax, email, US mail, and in person at any open meeting. See the section below entitled “Opportunities for Public Comments” for more information.
- **Staff is accessible:** Staff is accessible in person, on the phone, by US mail, by fax, or by email. Contact information for all staff is provided on the agency’s website.
- **Events:** Events such as workshops, open houses, and forums are held on an as-needed basis. These events are open to the public.

Opportunities for Public Comments

The MTPO routinely offers three different ways for people to comment on activities, programs, and decisions made at the agency. These three ways are:

- **Comments are accepted at any time:** Comments are accepted via an phone, fax, email, US mail, and in person at any board or committee meeting. Contact information for all staff is provided on the agency website, and contact information for the MTPO is included in all publications produced for the MTPO. The MTPO makes every effort to respond to all comments received.
- **Citizen comments are requested at meetings:** All MTPO Board and committee meetings are open to the public. Meeting dates are posted well in advance on the agency’s website. Public comments and responses made during these meetings are kept on record in the official meeting summaries. The MTPO Secretary maintains mailing lists, to which anyone can request to be added.
- **Formal public comment periods for major activities:** Formal public comment and review periods are used to solicit comments on major planning and programming activities, for example, the proposed distribution of funds, major amendments to the Transportation Improvement Program (TIP), changes to MTPO policies (such as the Public Participation Plan), and updates to the MTPO’s Metropolitan Transportation Plan (MTP). The comment period is highlighted via agency publications, on the MTPO website, and when warranted through press releases. Comments can be made in person, using a comment form on the agency’s website, by email, by US mail, fax, or telephone. The MTPO will make every effort to respond to any comments received, and will forward comments to other agencies when appropriate. Received comments and staff responses will be reviewed at the next applicable committee meeting(s), at which time the committee(s) will determine whether it is appropriate to proceed with the recommended action.

Strategies for Engaging Title VI Protected Groups

The MTPO realizes that there are large segments of the population from whom input is rarely if ever received. In an effort to hear a truly representative voice of the public, the MTPO will take the approach of “going to the public,” in addition to receiving public comment from and educating those already interested and involved. As part of this effort, the MTPO will take the following steps on its major efforts involved with the all MTPO publications requiring public input:

- **Plan meeting locations carefully:** Public meetings should be held in locations that are accessible by public transit. Also, facilities should be compliant with the Americans with Disabilities Act. If a targeted population is located in a certain geographic area, then the meeting location should be in that area for their convenience. Convenient meeting times will also be adhered to when setting up public meetings.
- **Seek help from community leaders and organizations** To facilitate involvement of traditionally underserved populations, community leaders and organizations that represent these groups should be consulted about how to most effectively reach their members. Relationships with these groups should be maintained for future partnerships in the planning process.
- **Provide services for persons with disabilities/limited English proficiency:** Upon advance notice, deaf interpreters, or translators, can be provided for public meetings. Notifications of opportunities for public involvement will include contact information for people needing these or other special support.
- **Be sensitive to diverse audiences:** At public meeting, the MTPO staff should attempt to communicate as effectively as possible. Technical jargon should be avoided and appropriate dress and conduct are important. For some meetings, it may be best to use trained facilitators or language translators to better communicate with the audience.

Strategies for Engaging Individuals with Limited English Proficiency

According to Census 2000 data, approximately 7% of persons in the MTPO Area speak a language other than English at home, with Spanish being the most used non-English language. The MTPO will maintain a list of those staff members who speak a language other than English to provide points of contact for persons needing information. In some instances, it may be appropriate, depending upon the target audience to use bi-lingual publications or mailings. Providing interpreters at meetings, or persons who perform sign language for the hearing impaired may also be considered when warranted.

Title VI Responsibilities

Staff involved in public involvement are responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency’s public involvement process. These staff members will:

- Ensure that all communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public.

- Disseminate information to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in the region are represented in the planning process.
- Include the Title VI Notice to the Public, full or abbreviated versions, in relevant press releases and on the agency website.
- Notify affected, protected groups of public hearings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified.
- Collect statistical information on attendees of public meetings to track how well different segments of the population are represented.
- Encourage the MTPO's committee structure to include representation from Title VI relevant populations.

Program Area 2: Planning and Programming

The MTPO is responsible for developing long-and short-range transportation plans to provide efficient transportation services to the MTPO Area. A comprehensive transportation planning process is used, which entails the monitoring and collection of carried data pertaining to transportation issues. The MTPO coordinates with KDOT, the Topeka Metropolitan Transit Authority, the City of Topeka and Shawnee County; seeks public involvement; and provides technical support when needed.

Operational Guidelines

Primary guidance is provided by:

- The Metropolitan Topeka Planning Organization (MTPO)
- The Safe, Affordable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU)

Key Planning and Programming Activities

As the designated MPO for the Topeka and Shawnee County region, the MTPO receives federal funds to develop regional transportation plans and programs and to coordinate technical and policy studies on a wide range of transportation and other programs. The primary products of the transportation planning process include:

- Metropolitan Transportation Plan (MTP)
- Transportation Improvement Program (TIP)
- Public Participation Plan (PPP)
- Intelligent Transportation System (ITS) Architecture
- Unified Planning Work Program (UPWP)

Considerations of Title VI

Considerations of Title VI legislation are made throughout the MTPO's planning and programming activities, for example:

- **MTP:** The development of the MTPO's MTP includes an environmental justice analysis to ensure that the burdens and benefits of planned transportation activities are

equitably distributed across racial and socio-economic groups. The MTPO staff reviewed the impacts that planned programs and projects would have on low-income and minority residents in such area as transportation investments, effect of projects on travel times of area residents, and access to transit.

- **Transportation Improvement Program (TIP)** The Area's five-year TIP includes an analysis of effects of planned transportation investments on disadvantaged residents similar to that of MTP 2034.

Title VI Responsibilities

Staff members involved in planning and programming are responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's planning and programming processes. These staff members will:

- Ensure that all aspects of the planning and programming process operation comply with Title VI.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. Make the document available to the public and member agencies on the MTPO's website or in hard copy format, if requested.
- Develop a process for assisting the distributional effects of transportation investments in the region as part of actions on plan and programming documents.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic and ethnic groups in the planning process.

Program Area 3: Environmental Justice

The concept of environmental justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on minority and low-income population groups. Within the context of regional transportation planning, environmental justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

Operational Guidelines

- Executive Order 12898 on environmental justice, and federal and state administrative guidelines for implementing environmental justice requirements.

Title VI Responsibilities

Staff members are responsible for evaluating and monitoring environmental justice compliance with Title VI. Staff members will:

- Ensure Title VI environmental Justice compliance.
- Analyze and make findings regarding the population affected by the action.
- Analyze and make findings regarding the impacts of planned projects on protected Title VI groups, and determine if there will be a disproportionately high and adverse impact on these groups.

- Disseminate information to the public on the processes used and findings of any analysis, in accordance with all agency public involvement procedures. This includes dissemination to groups representing minority media and ethnic/gender related organizations and the use of public comment periods and public hearings and interpreters, as needed.

Program Area 4: Consultant Contracts

The MTPO is responsible for selection, negotiation, and administration of its consultant contracts.

The MTPO operates under its internal contract procedures and all relevant federal and state laws.

Operational Guidelines:

- Title 49—FTA Grant Contracting Requirements
- Title 23, CFR 172—Administration of Engineering and Design related Service Contracts

Contract Procedures

The MTPO's contract procedures are outlined in the City of Topeka Purchasing Policy." The MTPO verifies Title VI compliance by consultants (sub-recipients of federal funds) in the contracting process. Signature of the terms of the contract is used to verify compliance on the part of the consultant. In addition, Title VI text is included in all MTPO Request for Proposals.

Title VI Responsibilities

Title VI responsibilities associated with consultant contracts include the following:

- Ensure inclusion of Title VI language in contracts and Requests for Proposals (RFPs).
- Review consultants for Title VI compliance as described below:
 - Ensure that all consultants verify their compliance with Title VI procedures and requirements.
 - If a recipient or sub-recipient is found to be not in compliance with Title VI, the Title VI Coordinator and relevant staff will work with the recipient or sub-recipient to resolve the deficiency status and will write a remedial action if necessary.

Program Area 5: Education and Training

Education and training opportunities in Title VI procedures and regulations will be made available to staff as needed.

Questions

For questions on the MTPO's Title VI Plan and Procedures, please contact the Title VI Coordinator at 785-368-3728 or by email at cscroggins@topeka.org. For information on the MTPO's work programs or publications, please see the City of Topeka website.

Appendix 1
MTPO Title VI Assurances

The MTPO HEREBY CERTIFIES THAT, as a condition of receiving federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The MTPO will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The MTPO will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature(s) appear below are authorized to sign this assurance on behalf of the grant applicant or recipient.

Shelly Buhler, MTPO Policy Board Chair

Date: _____

Norton M. Bonaparte, Jr., Topeka City Manager

Date: _____

Part A

Department of Transportation Title VI Assurance

The MTPO (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation 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. 200d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of federal Regulations, Department of Transportation, Subtitle 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 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its FTA Programs 5307 and 5309:

1. That Recipient agrees that "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) 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 (or the most current approved clause approved by the FTA) notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FTA Programs 5307 and 5309 and, in adapted form in all proposals for negotiated agreements:

The MTPO, 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, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority 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 in consideration for an award.
3. That the Recipient shall insert the most current and approved contractual clauses relative to this subject in every contract subject to this Act and the Regulations.
4. 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/she 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 by the Department of Transportation under the subcontractors, transferees, successors in interest and other participants in the FTA Programs 5307 and 5309. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Shelly Buhler, MTPO Chair

DATED: _____

Part B
Contract Assurances

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

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by if during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the MTPO or the Federal Transit Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the MTPO, or the Federal Transit Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the MTPO shall impose contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (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 subcontract or procurement as the MTPO or the Federal Transit Administration 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 MTPO to enter into such litigation to protect the interests of the MTPO, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX 2 Title VI Complaint Procedures

The following pertains only to Title VI complaints regarding the programs of the MTPO.

Title VI, 42 U.S.C. §2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement that:

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

The MTPO has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter VII of the Federal Transit Administration Circular 4702.1, dated May 26, 1988. If you believe that the MTPO's programs have discriminated your civil rights on the basis of race, color, or national origin you may file a written complaint by following the procedure outlined below:

TITLE VI COMPLAINT PROCEDURE

1. Submission of Complaint. Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the MPO may file a written complaint with the MTPO's Transportation Manager. A sample complaint form may be downloaded or is available in hard copy from the MTPO. Such complaints must be filed within 180 calendar days after the date the discrimination occurred. *Note: Upon request, assistance in the preparation of any necessary written material will be provided to a person or persons as requested.* Complaints should be mailed to:

MTPO
Title VI Coordinator
620 SE Madison St. Unit 11
Topeka KS 66607

2. Referral to Review Officer. Upon receipt of the complaint, MTPO's Secretary shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with an approved MTPO Attorney. The Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the MPO received the complaint. If more time is required, the MTPO's Chairperson shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the MPO's processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the MTPO's Chairperson for concurrence. If the MTPO's Chairperson concurs, he or she shall issue the MTPO's written response to the Complainant. *Note: Upon receipt of a complaint, the MTPO shall forward a copy of this complaint and the resulting written response to the appropriate KDOT, FHWA, and FTA-Region 7 contacts.*

3. Request for Reconsideration. If the Complainant disagrees with the MTPO's Secretary's response he or she may request reconsideration by submitting the request, in writing, to the MTPO's Chairperson within 10 calendar days after receipt of the MTPO's Chairperson's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the MTPO's Secretary. The MTPO's Chairperson will notify the Complainant of his or her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the MTPO's Chairperson agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

4. Appeal. If the request for reconsideration is denied, the Complainant may appeal The MTPO's Chairperson's response by submitting a written appeal to the MTPO Board no later than 10 calendar days after receipt of the MTPO's Chairperson's written decision rejecting reconsideration.

5. Submission of Complaint to the State of Kansas

Department of Transportation. If the Complainant is dissatisfied with the MTPO's resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the State of Kansas Department of Transportation for investigation.

KDOT Office of Civil Rights
Eisenhower State Office Building
700 Southwest Harrison
3rd Floor West
Topeka, KS 66603

APPENDIX 3
Title VI Complaint Form
—MTPO

The purpose of this form is to assist you in filing a complaint with the MTPO. You are not required to use this form; a letter containing the same information will be sufficient. It is important, however, to include all information related to items marked with a star (*), whether or not the form is used.

1.* State your name and address

Name: _____

Address: _____

Telephone Number:

Home: (____) _____ Work: (____) _____

2.* Person discriminated against if different from above:

Name: _____

Address: _____

Telephone Number:

Home: (____) _____ Work: (____) _____

Please explain your relationship to this person(s):

3.* Agency, department, or program that discriminated:

Name: _____

Any individual (if known): _____

Address: _____

Telephone Number: (____) _____

4A.* Non-Employment: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the MTPO in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race:

African American" or "Sex: Female).

_____ Race/Color: _____

_____ National Origin: _____

_____ Sex: _____

_____ Religion: _____

_____ Age: _____

_____ Disability: _____

4B.* Employment: Does your complaint concern discrimination in employment by the MTPO? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American" or "National Origin: Canadian").

_____ Race/Color: _____

_____ National Origin: _____

5. What is the most convenient time and place for us to contact you about this complaint?

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:

Name: _____

Telephone Number: (____) _____

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name of attorney: _____

Address of attorney: _____

Telephone number of attorney: (____) _____

8.* To your best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination: _____

Most recent date of discrimination: _____

14. Have you (or the person discriminated against) filed the same or any other complaints with other agencies such as the KDOT Office of Civil rights, etc.?

Yes _____

No _____

If so, do you remember the complaint number?

Against what agency and department or program was it filed?

Address: _____

Telephone Number: (____) _____

Date of filing: _____ Agency: _____

Briefly, what was the complaint about?

What was the result?

15. Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any of the following?

_____ U.S. Equal Employment Opportunity Commission

_____ Federal or State Court

_____ Your State Equal Opportunity Office and/or local Office of Human Rights

16. If you have already filed a charge or complaint with an agency indicated in #15 above, please provide the following information (attach additional pages if necessary):

Agency: _____

Date Filed: _____

Case or Docket Number: _____

Date of Trial/Hearing: _____

Location of Agency/Court: _____

Name of Investigator: _____

Status of Case: _____

Comments:

17. How did you learn that you could file this complaint?

18.* We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.

(Signature) (Date)

Please feel free to add additional sheets to explain the present situation to us.

Please mail the completed, signed Discrimination Complaint Form (please make one copy for your records) to:

MTPO

Attn: Title VI Coordinator

620 SE Madison St.

Topeka KS 66607

Phone: (785) 368-3728

APPENDIX 4
Public Involvement Plan

The MTPO's approved Public Involvement Plan may be accessed at on the MTPO website at <http://www.topeka.org>, or you may contact the MTPO office to request a hard copy.

APPENDIX 5
Notice to the Public

The paragraph below will be inserted into all significant publications that are distributed to the public, such as future versions and updates of the Long Range Transportation Plan. The text will be placed permanently on the agency's website. The version below is the preferred text, but where space is limited or in publications where cost is an issue, the abbreviated version can be used in its place.

The MTPO hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the MTPO receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the MTPO. Any such complaint must be in writing and filed with the MTPO's Title VI Coordinator within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discriminatory Complaint Form, please see our website at <http://www.topeka.org>

A shortened version of the above paragraph, such as the example below, may be used in publications where space or cost is an issue:

The MTPO fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information or to obtain a Title VI Complaint Form, <http://www.topeka.org>, or call 785-368-3728.

Appendix 6 Data Collection & Reporting Requirements

The MTPO will comply with the following data collection and reporting requirements as outlined in Urban Mass Transit Administration (UMTA) General Reporting Requirements:

*

All applicants, recipients, and subrecipients are required to maintain and provide to FTA the information outlined below. The information is required under DOJ regulation and must be submitted prior to the approval of any grant application. Recipients and subrecipients should provide updated information as conditions warrant. Updates must at a minimum be provided every three years. Information previously submitted under the General Reporting Requirements may be referenced in subsequent submissions, as appropriate.

All applicants, recipients, and subrecipients shall maintain and submit the following general requirements:

- a. A list of any active lawsuits or complaints naming the applicant, which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits. The list should include: the date the lawsuit or complaint was filed; a summary of the allegation; and the status of the lawsuit or complaint, including whether the parties to the lawsuit have entered into a consent decree. For applicants of assistance under Section 6, 10, 16(b)(2) and 18, this information should be maintained and made available to FTA on request. For all applicants for FTA assistance, this information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part (e.g., not all information on all modes of transportation).
- b. A description of all pending applications for financial assistance, and all financial assistance currently provided by other federal agencies. For applicants of assistance under Section 6, 10, 16(b)(2) and 18, this information should be maintained and made available to FTA on request. For all applicants for FTA assistance, this information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.
- c. A summary of all civil rights compliance review activities conducted in the last 3 years. The summary should include: the purpose or reason for the review; the name of the agency or organization that performed the review; a summary of the findings and recommendations of the review; and, a report on the status and/or disposition of such findings and recommendations. For all applicants for FTA assistance, this information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.
- d. A signed FTA Civil Rights Assurance that all of the records and other information required under Circular 4702.1 have been or will be compiled, as appropriate, and maintained by the applicant, recipient, or subrecipient. In the case of State administered programs, this assurance should be provided by the primary and subrecipient (Appendix 1).
- e. A signed standard DOT Title VI Assurance. This assurance will be maintained as part of the FTA "One Time Submission" file (Appendix 1, Part A).

*

The original circular references UMTA. The wording in this document has been changed to FTA to reflect the agency's name modification.

f. For construction projects, a fixed-facility impact analysis to assess the effects on minority communities. If this information has been prepared as a result of an environmental assessment or environmental impact statement, the applicant, recipient, or subrecipient should reference the relevant information by document, page number(s), and date of submission to FTA. The analysis should include:

- A discussion of the potential impact on minority communities and minority-owned businesses during and after construction;

- A discussion of all potential negative environmental impact, such as noise, air, or water pollution;
- A detailed list of minority-owned businesses and households that will be affected by the construction project;
- A description of other significant changes or impacts on the minority community, such as increased traffic, reductions in the amount of available parking, etc.; and
- A description of the relocation program and/or other measures adopted by the applicant that will be used to mitigate any identified adverse social, economic, or environmental effect of the proposed construction project.