



Title VI Plan

Approved by KTMP

Transportation Planning Policy Board

on September 17, 2014

Prepared By:

**Killeen-Temple
Metropolitan Planning Organization
2180 N. Main Street
Belton, TX 76513**

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**Killeen-Temple Metropolitan Planning
Organization
Title VI Plan**

Policy Statement

The Killeen-Temple Metropolitan Planning Organization (KTMPO), as a recipient of Federal Financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, assures that no person shall, on the grounds of race, color, sex, religion, handicap/disability, age, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. KTMPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded.

In the event KTMPO distributes federal aid funds to another entity or contractor, KTMPO will include Title VI language in all written agreements and will monitor for compliance.

KTMPO's Director is responsible for initiating and monitoring Title VI activities, preparing required reports, and other KTMPO responsibilities as required by 23 CFR 200 (Title VI Program and Related Statutes) and 49 CFR 21 (Nondiscrimination in Federally-Assisted Programs of the Department of Transportation).



J. Page Scott
KTMPO Director

9/17/14

Date

Authorities

Title VI of the Civil Rights Act of 1964 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 (please refer to 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally assisted (Public Law 100-259 [S. 557] March 22, 1988).

KTMPO's Title VI practices and reviews are governed by a wide range of requirements, including federal laws, regulations, and executive orders which include, but are not limited to the following:

Title VI of the Civil Rights Act of 1964 is a federal law that protects individuals, groups and organizations from discrimination on the basis of race, color or national origin in federally assisted programs and activities. Since other nondiscrimination authorities have expanded the scope and range of Title VI application and reach, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.

42 USC Section 2000d, Prohibits discrimination in federally assisted programs on the basis of race, color, or national origin.

The 1970 Uniform Act (42 USC 4601) prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.

The Age Discrimination Act of 1975 (42 USC, Section 6101-6107) prohibits discrimination based on age.

Americans with Disabilities Act of 1990, as amended, (42USC 12101 et seq.), prohibits discrimination on the basis of disability.

23 USC 109(h), National Environmental Policy Act of 1969, Implementation.

Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC, Section 324) prohibits discrimination based on sex (gender).

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on a handicap or disability.

The Civil Rights Restoration Act of 1987, P.L. 100-209 further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.

23 CFR Part 200, the Federal Highway Administration's Title VI Program Implementation and Review Procedures.

23 CFR Part 450, Metropolitan Planning Organization (MPO) Regulations.

28 CFR Part 50.3, US Dept. of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.

49 CFR Part 21, the U.S. Department of Transportation's Implementing Regulations of Title VI of the Civil Rights Act of 1964.

USDOT Order 1050.2, Standard DOT Title VI Assurances.

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

Executive Order 12250, *Leadership and coordination of Nondiscrimination Laws*, addresses consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance.

Central Texas Council of Governments (CTCOG) Procurement Policy, addresses rules and regulations for acquiring goods and services.

Organization and Staffing - General

The Director of KTMPO is responsible for ensuring the implementation of KTMPO Title VI program. The Title VI Coordinator (hereafter referred to as Coordinator), on behalf of the KTMPO Director, is responsible for oversight of the Title VI program. The day-to-day administration of the program lies with the Title VI Coordinator under the direct supervision of the KTMPO Director.

Title VI Coordinator Responsibilities

The Title VI Coordinator with assistance from program liaisons is assigned the responsibility for implementing, monitoring, and ensuring KTMPO's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by KTMPO.
2. Collect statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of KTMPO programs, i.e. citizens and affected communities.
3. Review Environmental Impact Statements prepared by KTMPO for Title VI and Environmental Justice compliance.
4. Conduct Title VI review of program areas (planning, education and training, environmental affairs and contracting).
5. Conduct Title VI review of consultant contractors and recipients of federal funds directly distributed by KTMPO.
6. Review internal policies and, where applicable, include Title VI and related requirements.
7. Make available training for KTMPO employees on Title VI and related statutes for KTMPO programs.
8. Prepare a yearly report of Title VI accomplishments for the past year.
9. Prepare Title VI information for dissemination to the general public and, where necessary and appropriate, in languages other than English.
10. Conduct approval reviews of KTMPO programs and applicants for compliance with Title VI requirements, i.e. persons seeking contracts with KTMPO.
11. Identify, investigate, and eliminate discrimination when found to exist in connection with KTMPO programs.

12. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

Program Administration - General

The KTMPO Director will be responsible for ensuring the implementation of the KTMPO Title VI program. The Coordinator will assist in the overall administration of the Title VI program, plan and assurances. KTMPO Program Liaisons will assist the Coordinator in the day-to-day administration of the program.

A. Complaints

If any individual believes they or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of age, race, color, national origin, sex, disability, or religion they may exercise their right to file a complaint with KTMPO. Every effort will be made to resolve complaints informally at the agency, subrecipient, and contractor's level. A record of Title VI investigations, complaints, and lawsuits is provided in Addendum 3.

B. Data Collection

Statistical data on race, color, national origin and sex of participants in, and beneficiaries of KTMPO programs, e.g., citizens, and affected communities, will be gathered and maintained by the Coordinator for use in evaluating program compliance and improving affected populations' participation. Each of the Title VI program areas will maintain data, which will be incorporated into the Title VI Annual Update. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

C. Title VI Reviews

Title VI Program reviews will be performed by the Coordinator to assess administrative procedures, staffing, and resources available for Title VI compliance.

D. Annual Reviews

All programs will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. This is in addition to the day-to-day monitoring. The Title VI Coordinator and program representatives will coordinate efforts to ensure equal participation in all their programs and activities at all levels.

E. Operational Guidelines

All operational guidelines to contractors, subrecipients, and program areas will be reviewed annually to ensure inclusion of Title VI language, provisions, and related requirements, where applicable.

F. Training Program

Assist the Texas Department of Transportation (TxDOT) in the distribution of information on available training programs regarding Title VI and related statutes to KTMPO employees. Training is available to all KTMPO employees as related to their job descriptions.

G. Annual Reports

An annual summary and Plan Update will be submitted to TxDOT in February for the previous year. The Annual Report will review Title VI accomplishments achieved during the previous year. The Coordinator will be responsible for coordination and preparation of the report.

H. Public Dissemination

KTMPO will disseminate Title VI Program information to KTMPO employees, subrecipients, and contractors, as well as the general public as necessary for KTMPO programs. Public Dissemination will include posting of public statements in public areas of the agency's office, the electronic posting of public statements on the agency's web site, inclusion of Title VI language in contracts, and distribution of Title VI information sheets/brochures as appropriate.

I. Post Grant Reviews

Post-grant Title VI Compliance reviews of consultants with KTMPO will be conducted. The reviews will determine the contractor's compliance with Title VI contractual provisions. Post-grant reviews are to be conducted on those subrecipients that have already received federal funds through KTMPO.

J. Remedial Action

KTMPO will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance with program administrative requirements. If irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. When conducting Title VI reviews on subrecipients, KTMPO will reduce to writing remedial

action agreed to be necessary, all within a period not to exceed 90 days.

KTMPO will seek the cooperation of the subrecipient in correcting any deficiencies found during the review. KTMPO will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily. Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

If a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Coordinator will submit to the KTMPO Director two copies of the case file and a recommendation that the subrecipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the subrecipient refuses to comply, KTMPO may, with TxDOT and FHWA's concurrence, initiate sanctions per 49 CFR 21.

TxDOT will be notified of any complaint filed involving Title VI issues, as well as its resolution.

K. Internal Procedures

KTMPO will develop an internal procedure to assist in day-to-day administration of the Title VI Program. This procedure will be updated regularly to incorporate changes and additional responsibilities.

L. Limited English Proficiency (LEP)

KTMPO will make every effort to provide services to Limited English Proficient (LEP) people, either through translation or interpreter, available prior to scheduled meetings, such as public hearings or project meetings.

When a need has been identified by KTMPO or KTMPO receives a request, KTMPO shall make every effort to provide services requested in a timely manner. KTMPO will pay for the translation of vital documents and interpreter services.

A LEP Plan developed by Hill Country Transit District (HCTD) using the Four Factor Analysis process was adopted by KTMPO in July 2012. KTMPO will coordinate with HCTD for periodic updates as needed to determine which languages need assistance and what activities can be done to provide reasonable access. See Addendum 7 for the HCTD LEP Plan and the KTMPO LEP Certification.

M. Public Participation Plan (PPP)

The KTMPO PPP details how the MPO notifies the public regarding the development of transportation plans and improvement programs, solicits their comments, and addresses their comments in the final documents. Additionally, the PPP details how KTMPO notifies the public regarding public hearings and public meetings, collects comments at these meetings, and addresses these comments. The KTMPO PPP is provided as Addendum 8.

N. Environmental Justice (EJ)

KTMPO's Public Participation Plan includes an Environmental Justice component that incorporates basic EJ principles, demographic analysis, and methodology discussion to identify EJ areas within the KTMPO boundary. The PPP also includes outreach methods to individuals in the identified EJ areas.

Planning

A. Killeen-Temple Metropolitan Planning Organization—Role

KTMPO has the responsibility to develop long- and short-range transportation plans for the area within the KTMPO boundary which includes all of Bell County and portions of Coryell and Lampasas Counties.

B. Planning Process

A comprehensive transportation planning process is used which incorporates input from the public into the various Metropolitan Planning Organization (MPO) activities. The process further entails the monitoring and collection of varied data pertaining to transportation issues. KTMPO coordinates urban transportation planning and public involvement, and provides technical support to jurisdictions and agencies when needed.

C. Title VI Responsibilities

Ensure that all aspects of the planning process comply with Title VI.

Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups in the planning process by disseminating program information to minority media and ethnic organizations, and conducting workshops related to projects in predominantly minority communities.

Gather and organize the data necessary to develop the Annual Title VI Update Report. Review the KTMPO work program, FHWA/FTA Joint Planning Regulations, and other directives to ensure compliance with Title VI program requirements.

Coordinate urban transportation planning and public involvement, and provides technical support to jurisdictions and agencies when needed.

Education and Training

A. Staff Development

TxDOT will provide information on training opportunities as they become available for KTMPO staff and subrecipients, including training provided by the National Highway Institute (NHI). KTMPO staff may also explore external training opportunities as they become available.

B. Operational Guidelines

Training is available to all KTMPO employees.

C. Title VI Responsibilities

Assist TxDOT in the distribution of information on training programs regarding Title VI and related statutes.

Ensure equal access to, and participation in, applicable NHI courses for qualified KTMPO employees.

Consultant Contracts Coordination

A. Consultant Contracts

The KTMPO Director is responsible for leading the process for consultant selection, negotiation, and the administration of consultant contracts.

B. Consultant Selection Process

The KTMPO operates under its internal contract procedures through the fiscal agent, Central Texas Council of Governments, and all relevant federal and state laws.

C. Title VI Responsibilities

- Ensure opportunities exist for Disadvantaged Business Enterprises (DBE).
- Ensure that all federally funded consultant contracts administered by the KTMPO have the appropriate Title VI provisions included.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the KTMPO's Title VI Update Annual Report.
- Ensure that all solicitations for bid/Request for Proposals include the required U.S. DOT paragraph for non-discrimination.

ADDENDUM 1

KTMPO Title VI Assurances

The Killeen-Temple Metropolitan Planning Organization (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—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, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from 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 Subsection 21.7(a)(1) of the Regulations.

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

1. That the Recipient agrees that each "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 notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

"The Killeen-Temple Metropolitan Planning Organization, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 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 ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. 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.
5. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, 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.
6. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, 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.
7. The Recipient agrees that the United States has a right to seek judicial endorsement 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 Federal Aid Highway Program and is binding on it, other recipients, subgrantees, 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.



J. Page Scott
KTMPO Director



Date

APPENDIX 1 (of ADDENDUM 1)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor"), agree 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 referred to as 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 it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in 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 Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement 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 ground of race, color, sex, 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 Killeen-Temple Metropolitan Planning Organization or the Federal Highway 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 Killeen-Temple Metropolitan Planning Organization, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Killeen-Temple Metropolitan Planning Organization shall impose

such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- 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 (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the Killeen-Temple Metropolitan Planning Organization or the Federal Highway 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 Killeen-Temple Metropolitan Planning Organization enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

ADDENDUM 2

Nondiscrimination Complaint Procedures and Form for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by KTMPO as to subrecipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

Procedure

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with KTMPO's Title VI Coordinator at the following address. The complaint must be filed within 180 calendar days of the complainant learning of the incident.

Killeen-Temple Metropolitan Planning Organization
Attn: Title VI Coordinator
2180 N. Main Street
Belton, TX 76513
Fax: (254) 770-2360
Email: KTMPO@ctcog.org

2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of KTMPO's subrecipients of federal funds, KTMPO will assume jurisdiction and will investigate and adjudicate the case.
3. Once KTMPO decides to accept the complaint for investigation, the complainant, the respondent, the state funding agency if applicable, and the federal funding agency if applicable, will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in the KTMPO's records identifying its basis and the race, color, national origin, and gender of the complainant.
4. In cases where KTMPO assumes the investigation of the complaint, KTMPO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 15 calendar days to furnish KTMPO his/her response to the allegations.
5. Within 60 calendar days of receipt of the complaint, KTMPO's Investigator* will prepare an investigative report for the KTMPO Director's review. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

* This may be one of KTMPO's Title VI Liaisons, KTMPO's Title VI Coordinator, the Title VI Specialist for a subrecipient of federal funds, the TxDOT Public Transportation Division Title VI Coordinator or the TxDOT Title VI Liaison in the Waco or Brownwood Districts.

6. The investigative report and its findings will be sent to CTCOG's Legal Counsel for review.
7. Any comment(s) or recommendation(s) from CTCOG's Legal Counsel will be reviewed by KTMPO's Investigator. The Investigator will discuss the report and recommendations with the KTMPO Director. The report will be modified as needed and made final for its release.
8. Once KTMPO's investigative report becomes final, the parties will be properly notified of the outcome and appeal rights.
9. KTMPO's investigative report and a copy of the complaint will be forwarded to TxDOT's Office of Civil Rights within 60 calendar days of the receipt of the complaint. The Office of Civil Rights will share the report with FHWA Texas Division Office as part of its Annual Title VI Update and Accomplishment Report. External discrimination complaints filed under Title VI with the subrecipient in which the subrecipient or its lower tier subrecipient is named as the respondent must be forwarded to TxDOT for investigation within 10 calendar days.
10. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal KTMPO's determination to the TxDOT Office of Civil Rights. If a complainant is still not satisfied, the next right of appeal is to FHWA Texas Division Office; FTA Region 6, Fort Worth; United States Department of Transportation (USDOT); or the United States Department of Justice (USDOJ). Appeals must be filed within 180 days after KTMPO's final resolution. Unless new facts not previously considered come to light, reconsideration of KTMPO's determination will not be available.
11. KTMPO will serve as an appeal forum to a complainant that is not satisfied with the outcome of an investigation conducted by one of its subrecipients. KTMPO will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.
12. To receive additional information on general KTMPO discrimination obligations and the KTMPO complaint procedures, contact the Title VI Coordinator at 254-770-2381.



OFFICE USE ONLY Date received: ____/____/20____ Logged by: _____

TITLE VI DISCRIMINATION COMPLAINT FORM

Person (s) alleging discrimination:		
NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
DAYTIME TELEPHONE	E-MAIL ADDRESS	
Person alleging discrimination, if different from above:		
NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
DAYTIME TELEPHONE	E-MAIL ADDRESS	
RELATIONSHIP TO THE PERSON(S) ALLEGING DISCRIMINATION		
KIMPO staff member(s), board member(s), consultant(s) or program(s) that allegedly discriminated:		
NAME	PROGRAM	
NAME	PROGRAM	
NAME	PROGRAM	
DATE ALLEGED DISCRIMINATION BEGAN	DATE OF LAST INCIDENT	

Basis of Alleged Discrimination

A complaint must be filed within 180 calendar days of the date the complainant learned of the alleged discrimination. If your complaint is in regard to either alleged discrimination in the delivery of services or in the treatment of you (or the person(s) alleging discrimination) by associates or programs of the Killeen-Temple Metropolitan Planning Organization, please indicate below what you believe to be the basis of the alleged discrimination.

Example: If you believe that you were discriminated against because you are Native American, circle the word "Race" and write "Native American" in the space provided.

- Race: _____
- Color: _____
- Sex: _____
- Religion: _____
- Disability: _____
- Age: _____
- National Origin: _____

Explanation

In the space below please explain as clearly and in as much detail as possible the nature of the discrimination you are alleging (attach additional sheets if necessary). Provide the names of all witnesses, if any, to the alleged discrimination. Attach copies of all written materials pertaining to your complaint.

By signing below I certify that the statements contained on this form are true to the best of my knowledge.

Signature

Date

Send this form and all attachments to:

Attn: Title VI Coordinator
Killeen-Temple Metropolitan
Planning Organization
2180 N. Main Street
Belton, TX 76513

Documents may be sent via the U.S. Postal Service, faxed to (254) 770-2360, or scanned and e-mailed to KTMPO@ctcog.org.

ADDENDUM 3

**Killeen-Temple Metropolitan Planning Organization
Record of Title VI Investigations, Complaints, and Lawsuits**

Killeen-Temple Metropolitan Planning Organization (KTMPPO) has not had any allegations of discrimination on the basis of race, color, sex, religion, disability, age, or national origin, and is not involved in any active investigations, complaints, or lawsuits naming KTMPPO.

	Date	Summary	Status	Action Taken
Investigations				
1.				
2.				
Complaints				
1.				
2.				
Lawsuits				
1.				
2.				

ADDENDUM 4

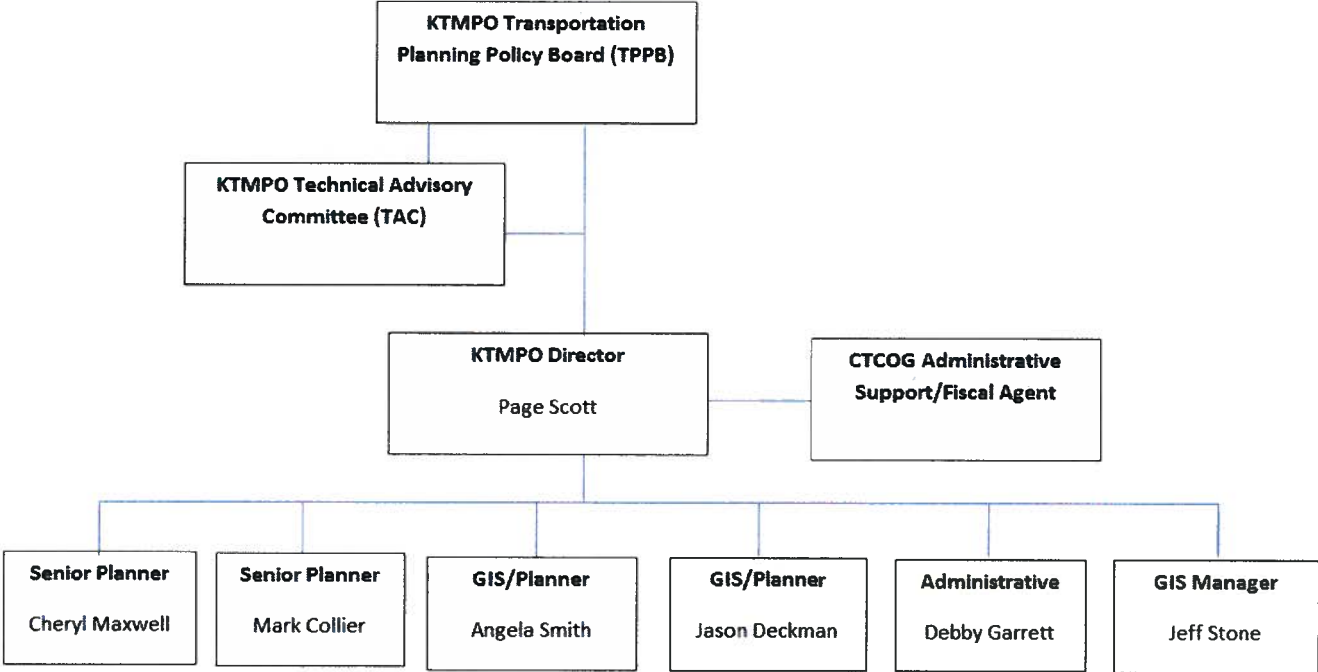
KTMPO Title VI Notice to Public

KTMPO 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. KTMPO's Title VI Policy ensures that no person in the United States of America shall, on the grounds of race, color, sex, age, religion, handicap/disability, 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 KTMPO 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 KTMPO. Any such complaint must be in writing and filed with the KTMPO Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms are available on the KTMPO website at www.ktmpo.org or by calling (254) 770-2381.

ADDENDUM 5

Killeen-Temple Metropolitan Planning Organization

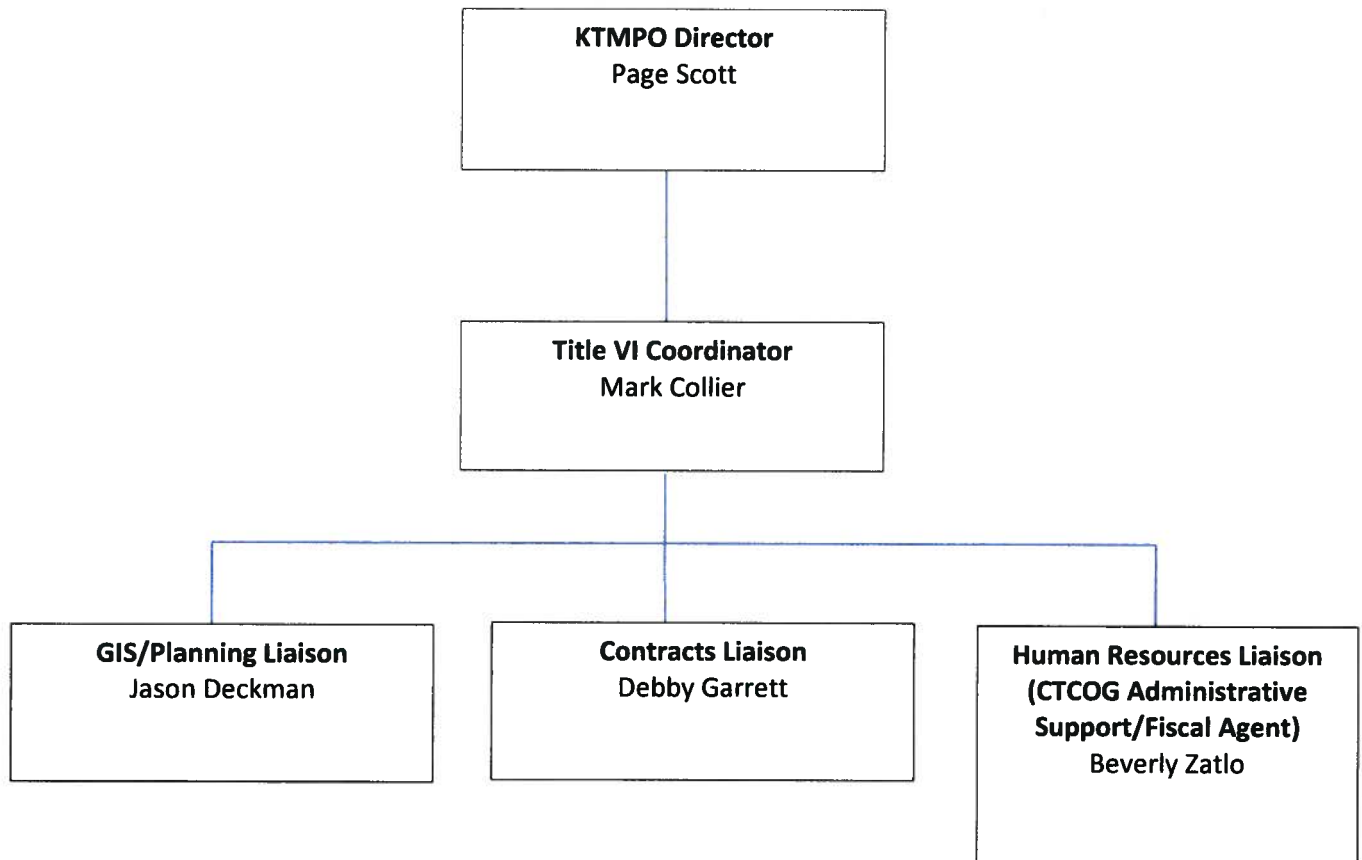
***Organization Chart**



*Includes staffing utilized on both a full and part-time basis.

ADDENDUM 6

**Killeen-Temple Metropolitan Planning Organization
Title VI Organization Chart**



ADDENDUM 7

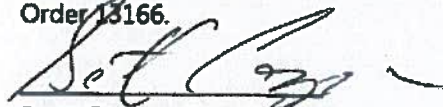
Limited English Proficiency Plan

Limited English Proficiency (LEP) Certification

Executive Order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency", indicates that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination. It directs each federal agency to publish guidance for its' respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including transit providers and Lead Agencies which receive federal assistance through the Texas Department of Transportation (TxDOT).

The Limited English Proficiency Plan prepared by Hill Country Transit District (HCTD) addresses responsibilities as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et se, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

The undersigned, known as Killeen-Temple Metropolitan Planning Organization (KTMPO) hereby certifies that it has adopted the HCTD LEP Plan and will take responsible steps to carry out said Plan to all counties served by entity, ensure meaningful access to the benefits, services, information and activities for individuals who are Limited English Proficient (LEP). The undersigned has agreed to work together formally with HCTD to coordinate activities and prevent violations of the law, including regulations applicable to this entity or its officers or employees and that the LEP program satisfies the requirements of Executive Order 13166.



Scott Cosper, City of Killeen
Chair Killeen-Temple Metropolitan Planning Organization

7-25-2012
Date

List of Counties served: Bell County and the urbanized portions of Lampasas and Coryell County

Hill Country Transit District

Providing Access to Benefits and Services for Persons with Limited English Proficiency (LEP)

HCTD strives to provide effective, efficient, and equitable service to all individuals regardless of their ability to speak, read, or write English. Service delivery options are available to LEP individuals, enabling them to communicate effectively with HCTD in person, over the phone, in writing, and through electronic media. HCTD has conducted an analysis to meet requirements under Title VI of the Civil Rights Act of 1964, which seeks to improve access to services with LEP. The purpose is to ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the FTA.

HCTD has examined the services it provides and has developed this policy to give LEP persons meaningful access to its services, without unduly burdening the fundamental mission of the agency.

The factors that have been considered in determining what constitutes reasonable steps to ensure meaningful access include:

- number or proportion of LEP persons in the eligible service population;
- frequency with which LEP individuals come into contact with the program;
- importance of the service provided by the program; and
- resources available to the recipient.

Factor 1 Analysis: The number and proportion of LEP persons served or encountered in the eligible service population.

Task 1, Step 1: Examine prior experiences with LEP individuals.

HCTD serves a diverse community consisting of many nationalities produced from a military environment such as Fort Hood, Texas. In most cases, the information needed from HCTD relate to use of transit services including request for route and schedule information, fare information, transfers, etc. Rarely does the customer not speak English or have English-speaking family members available to assist with translation if needed.

Task 1, Step 2: Become familiar with data from the U.S. Census.

The 2010 Census describes the languages spoken in HCTD's service area. Bell County is the largest, most populated portion of the service area. This chart shows LEP individuals in the service area. Numbers used were those who spoke English *not well or not at all*. The most significant non-English languages speak Spanish. This data is included in *Addendum B*.

County	Total Population	LEP#	LEP %
Bell	276,177	6,705	2.4
Coryell	67,991	1291	1.8
Hamilton	8,023	104	1.2
Lampasas	18,414	471	2.5
Llano	18,212	336	1.8
Mason	3,718	40	1.0
Milam	23,183	626	2.7
Mills	4,617	241	5.2
San Saba	5,675	123	2.1

Task 1, Step 2A: Identify the geographic boundaries of the area that your agency serves.

HCTD's service area includes the Central Texas Counties of: Bell, Coryell, Hamilton, Lampasas, Llano, Mason Milam, Mills, and San Saba.

Task 1, Step 2B: Obtain Census data on the LEP population in your service area.

Addendum B contains census data on English proficiency in HCTD's service area, listing population by language and the numbers of those speaking English *very well, well, not well, or not at all*.

Task 1, Step 2C: Analyze the data you have collected.

Non-proficiency is determined by adding those who speak English in any category other than *very well*.

- A total of **9,937** persons are identified with limited English proficiency.
- Among the Spanish-speaking population **7,679** persons are not proficient with English.
- For Asian or Pacific Island languages, **1,433** are not English proficient.
- The remaining **825** speak either Indo-European or other languages

Of the total service area population (**426,010**), **2.3%** are persons with limited English proficiency.

Task 1, Step 2D: Identify any concentrations of LEP persons within your service area.

In analyzing individual census tracts, there is no major area of concentration, with the exception of Bell and Coryell counties, where most of the Asian or Pacific Island-speaking population resides.

Task 1, Step 3: Consult state and local sources of data.

The Texas Education Agency (TEA) has developed and implemented a number of different programs designed to address the unique needs of the more than 16% of Texas public school students who are non-native English speakers. Spanish is the dominant language of this group, though there are over 100 different languages spoken in the homes of these children. Recent performance results on the Texas Assessment of Knowledge and Skills (TAKS) standardized state exam suggest that additional assistance focused on the needs of students with limited English language proficiency is warranted. Pre-K LEP was created to address the educational needs of English language learning preschool students and was evaluated based on data collected during the 2009-10 school year. As specified in statute, the Pre-K LEP program must provide opportunities for the acquisition of English while supporting a child's first language through the provision of social services, appropriate training and modeling, research-based curricula and supplies to enhance the development of both languages.

The data from the Department of Labor covers the Central Texas Workforce Investment Area which includes 7 of the 9 counties of the HCTD service area. Again Spanish is the predominate LEP. The Central Texas Workforce provides employment and training opportunities for this area.

Task 1, Step 4: Reach out to Community organizations that serve LEP persons.

HCTD has a working relationship with each of the County governments and major cities in the service area. A representative of these government entities serve on HCTD's Board of Directors, where all aspects of service are addressed. HCTD works closely with the Central Texas Workforce Commission the Central Texas Council of Governments. HCTD continues to reach out to local independent school staff on an as needed basis to ensure LEP populations are being served. Currently, there are no community Hispanic or Korean organizations in the service area.

Task 1, Step 4A: Identify Community Organizations.

Covered in Task 1, Step 4.

Task 1, Step 4B: Contact relevant community organizations.

HCTD continues to partnership with entities as described in Task 1, Step 4; and will be pro-active in partnering with new organizations to provide service to the LEP population.

Task 1, Step 4C: Obtain information.

Contact information is readily available.

Factor 2 Analysis: The frequency with which LEP individuals come into contact with your programs, activities, and services.

Task 2, Step 1: Review the relevant programs, activities, and services you provide.

LEP individuals potentially may inquire about and the use of HCTD's service on a daily basis. Operational services include fixed route service, special transit service, general transportation , medical transportation program, school transportation, senior nutrition transportation, and other transportation services HCTD may provide. LEP persons may come into contact with HCTD by calling or visiting administrative offices, calling dispatch/scheduling, as well as using the HCTD web site.

Task 2, Step 2: Review information obtained from community organizations.

Information obtained from community organizations have not provided additional useful information not previously known. However, as HCTD continues to analyze its outreach and services provided to LEP individuals, we will consistently seek helpful information from the community.

Task 2, Step 3: Consult directly with LEP persons.

With the low number of LEP individuals utilizing HCTD's service, there has not been a need for this particular outreach. However, HCTD staff who occasionally come in contact with LEP persons advise them of language assistance measures in place within the organization, and also ask what additional language assistance measure would be beneficial.

Factor 3 Analysis: The importance to LEP persons of your programs, activities, and services.

Task 3, Step 1: Identify your agency's most critical services.

HCTD recognizes all aspects of public transportation are important to LEP persons; however, limited English proficiency may be a barrier to using these services and the consequences for the individual

may be serious, such as: limited access to health care, education, or employment. HCTD has determined information critical to LEP persons are as follows:

- Security information (*TransitWatch*);
- Emergency evacuation of vehicle information;
- Route and schedule information;
- Fare and payment information;
- System rules;
- Complaint information;
- Communication related to transit planning/changes.

Task 3, Step 2: Review input from community organizations and LEP persons.

No new information has been obtained to enhance current services at this time. However, this area will continue to be monitored and analyzed.

Factor 4 Analysis: The resources available to the recipient and costs.

Task 4, Step 1: Inventory language assistance measures currently being provided, along with associated costs.

HCTD provides the following language assistance measures:

- Language Line – charge by use – rarely used;
- Occasional translation of documents;
- Language Identification Flashcards;
- Bi-lingual staff

Cost of these measures has been minimal because of limited use.

Task 4, Step 2: Determine what, if any, additional services are needed to provide meaningful access.

Due to low LEP population and lack of requested LEP assistance, HCTD does not see the need for additional language assistance measures. However, HCTD will continue to monitor potential needs. HCTD will provide translation of some forms/documents, considered critical, to Spanish in-house and with minimal expense, such as:

- Critical printed information;
- Critical web site information;
- Safety and security related announcements/information.

HCTD is developing a training plan for staff which may come in contact with LEP persons.

Task 4, Step 3: Analyze your budget

HCTD is relatively small compared to other transit systems with limited financial and staff resources. However, HCTD anticipates being able to provide necessary language assistance to LEP individuals within our current budget restraints. If costly measures are identified in the future, HCTD will analyze the need against resources.

Task 4, Step 4: Consider cost effective practices for providing language services.

Currently, HCTD employs bi-lingual staff in scheduling, dispatch, training, and clerical administration. Community and local governmental agencies in partnership with HCTD, can provide some language assistance in translation of printed materials and oral language translation, as needed. The Federal Transit Administration provides many documents in Spanish.

The purpose of HCTD's four-factor analysis is to help the organization to develop new language assistance services or alter the mix of services currently provided. The specific steps taken will depend on information collected from Census data, and individual or community data, analysis of needs, agency resources and the cost of providing language assistance.

LEP Policy Elements

HCTD has taken a proactive approach to ensure that individuals can access its programs and services, regardless of their ability to communicate in English. HCTD's LEP policy principles include the following elements:

Stakeholder Consultation. Section 4 of Executive Order 13166 requires that stakeholders, such as LEP persons and their representative organizations, be consulted in connection with the development of implementation plans. HCTD will consult, on an as-needed basis with various LEP organizations for input that will assist HCTD in developing an approach to ensure meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of HCTD, and can be readily implemented.

Resource Allocation. HCTD will consider the needs of LEP individuals in policies, such as administrative instructions, and long-range goals. Service needs of LEP individuals will be factors in the allocation of HCTD resources and service delivery initiatives that HCTD can fully fund.

Service Delivery. LEP individuals have access to HCTD's services through direct contact with the administrative offices and HCTD's Web site.

Bilingual Staffing. The most effective method for providing quality service to LEP individuals is through bilingual contact employees. HCTD will take reasonable steps, appropriate to the circumstances, to ensure that it provides interpretative services at a level of fluency, comprehension, and confidentiality appropriate to the specific nature, type, and purpose of information at issue.

Language Assistance. HCTD will maintain access to a language line to facilitate communication with LEP recipients by contacting Language Line Services at www.language.com or by calling 1-877-886-3885.

Qualified Interpreter Services. HCTD will provide an interpreter to an LEP individual if he/she requests language assistance, or it is evident that such assistance is needed.

HCTD shall make every effort to avoid the use of any person under the age of 18 years or any family member or friend of the client as an interpreter for essential communication with client. A family member or friend may be used as an interpreter if this is requested by the client and the use of such person would not compromise the effectiveness of services, if the interpreter can provide meaningful access for the individual, if the interpreter is acting in the claimant's best interest and does not violate the client's confidentiality, and there is no indication of fraudulent activity. The client will be advised that an interpreter is available free of any charge to the client.

Public Information. HCTD recognizes the value of public information to educate, improve access to its services, address LEP concerns, promote program integrity, and build public confidence in its programs. HCTD can produce public information materials in languages other than English and can use local media to provide this information to LEP individuals. LEP individuals will have reasonable notices of the availability of these services.

Written Communications. HCTD will evaluate the feasibility of translating the most commonly accessed HCTD publications into languages other than English as needed. In order to facilitate access to its programs and to improve administrative effectiveness, HCTD places public information materials on its Web site.

Written procedures for accessing telephonic language assistance resources will be distributed to all employees whose work requires them to come in contact with the public.

Electronic Information. HCTD maintains a Web site accessible to the public. Where documents in a language other than English are placed on, or accessible through the Web site, information on their availability shall be included in this language on the Web site home page.

HCTD has mechanisms, such as a comment and suggestion system on its Web site, to assess the quality of service provided to LEP individuals, recipients, and beneficiaries.

Technology. When evaluating existing technology and new or emerging technologies, the needs of LEP individuals will be considered.

Training. Employees who routinely interact with the public will be provided with written information on the scope and nature of available or planned language assistance services.

Monitoring Services. This language assistance plan will be periodically reassessed to ensure that the scope and nature of language assistance services provided under the plan reflect updated information on relevant LEP populations and their language assistance needs.

HCTD monitors its LEP policies and practices to ensure that they continue to be effective. HCTD will periodically re-evaluate the language needs of LEP individuals to determine shifts in the non-English-speaking demands. HCTD will track LEP workload data on an ongoing basis to ascertain needs and allocate resources accordingly.

Funding. Execution of the commitments in this policy will depend on the level of HCTD resources and the relative costs that would be imposed on HCTD. HCTD will explore, on an ongoing basis, the most cost-effective means of delivering competent and accurate language services before limiting services due to resource limitations.

ADDENDUM 8

**Public Participation Plan
(with Environmental Justice Component)**