

A nighttime photograph of the Chrysler Building and the Freedom Tower in New York City. The Chrysler Building is on the left, illuminated with warm yellow lights. The Freedom Tower is on the right, illuminated with green and yellow lights. A large, semi-transparent 'DRAFT' watermark is overlaid diagonally across the image.

# **Title VI Program 2023-2026**

**MARC**  
MID-AMERICA REGIONAL COUNCIL



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The U.S. Department of Transportation (Department or DOT) distributes substantial Federal financial assistance each year for thousands of programs and activities (programs) conducted by diverse entities, including but not limited to State and local governments. Federal law requires entities receiving this assistance to provide all communities with equal access to these programs. Specifically, Title VI of the Civil Rights Act of 1964 (<https://www.justice.gov/crt/fcs/TitleVI>), 42 U.S.C. § 2000d et seq., and DOT Title VI regulations at 49 CFR Part 21 are designed to ensure that no person in the United States, based on race, color, or national origin, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program that DOT financially assists. Equal access helps to create opportunity and connect all persons and communities to transportation programs that are financially assisted by DOT regardless of race, color, or national origin.

— United States Department of Transportation  
November 2019

MARC serves as the Metropolitan Planning Organization for the bistate Kansas City region. Its current planning jurisdiction consists of eight counties (Cass, Clay, Jackson and Platte counties in Missouri, and Johnson, Leavenworth, Miami and Wyandotte counties in Kansas), home to a population of approximately 2 million people.

# I. Introduction

The Mid-America Regional Council (MARC) is an association of city and county governments for the bistate Kansas City region. MARC also serves as the federally designated Metropolitan Planning Organization (MPO) for the region and is responsible for ensuring that transportation programs using federal funds in the Kansas City region are based on a continuing, comprehensive and coordinated planning process.

MARC seeks to build a stronger regional community through cooperation, leadership and planning. Through MARC's leadership, area jurisdictions and diverse community interests sit down together to address regional problems and identify opportunities for cooperative solutions. These efforts enhance the effectiveness of local government.

As a voluntary association, MARC strives to foster better understanding and cooperation on issues that extend beyond the jurisdiction of a single city, county or state. These issues include transportation, child care, aging, emergency services, environmental issues and a host of others.

MARC 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.

## II. Members

MARC serves the nine-county Kansas City region, which includes 119 city governments. However, as bistate MPO, MARC's transportation-planning boundaries include the following eight counties:

- In Missouri:
  - Cass
  - Clay
  - Jackson
  - Platte
- In Kansas:
  - Johnson
  - Leavenworth
  - Miami
  - Wyandotte

MARC's Board of Directors consists of 33 locally elected leaders representing nine counties. More information about MARC's board members can be found at [www.marc.org](http://www.marc.org).

In addition to the above geographic jurisdictions, MARC also works closely with the following groups and organizations:

- Transit operators:
  - Kansas City Area Regional Transportation Authority (KCATA)
  - Johnson County Transit (The JO)
  - Unified Government Transit (UGT)
  - City of Independence Transit (IndeBus)
- State departments of transportation:
  - Missouri Department of Transportation (MoDOT)
  - Kansas Department of Transportation (KDOT)
- Federal Transit Administration (FTA)
- Federal Highway Administration (FHWA)

Some benefits of working with the MPO 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.

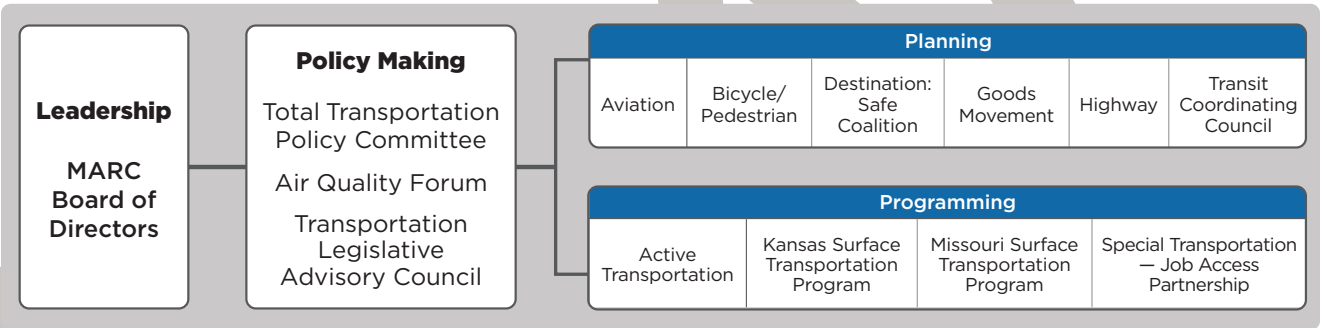
### III. Requirement to Report Minority Representation on Planning and Advisory Bodies<sup>1</sup>

MARC is governed by a board of directors consisting of 33 locally elected leaders from the nine member counties and the six largest cities in the region, as well as representatives from other cities in the area. The six largest cities are Kansas City, Mo., Kansas City, Kan., Overland Park, Kan., Independence, Mo., Lee’s Summit, Mo., and Olathe, Kan. The board oversees a variety of committees with topics ranging from transportation and environment to aging, early learning, emergency services and public safety, and research services.

MARC’s transportation planning, programming and policy committees are composed of elected officials or municipal staff as delegated by the membership jurisdictions. Committee appointments MARC encourages jurisdictions, “To best reflect the demographic diversity of our communities and region we encourage you to consider minorities, women and economically disadvantaged persons when making your appointments.”

MARC’s Total Transportation Policy Committee (TTPC) serves as the local decision-making and policy-development body for multimodal transportation in the region. TTPC is overseen by the MARC Board of Directors, and is the parent committee to a variety of other transportation planning and programming committees, as shown in Figure 1.1.

MARC Transportation/Air Quality Committee Structure



MARC’s transportation planning, programming and policy committees are composed of elected officials or municipal staff as delegated by the membership jurisdictions. Committee appointments, MARC encourage membership jurisdictions to best reflect the demographic diversity of our communities and region by encouraging jurisdictions to consider minorities, women and economically disadvantaged persons when making appointments. MARC’s boards are composed of elected officials and the requirement to report minority representation does not apply.

The programming and modal committees housed at MARC comprise representatives from a variety of backgrounds and interests, including engineering and planning professionals, bicycle and pedestrian advocacy groups, business interests and locally elected officials, interested citizens, and others. The range of professions and interests represented contributes to the balance under which MARC planning activities occur.

<sup>1</sup> MARC’s Board of Directors is composed of elected official FTA’s C4702.1B Chapter III(10) does not apply.

## IV. Policy Statement and Authorities

The Mid-America Regional Council (MARC) 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. MARC 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 MARC distributes federal aid funds to another governmental entity, MARC will include Title VI language in all written agreements and will monitor for compliance. MARC's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other MARC responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.



David Warm, Executive Director

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, subrecipients and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

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.

## V. Organization

MARC's executive director is responsible for ensuring implementation of the agency's Title VI program. The Title VI Coordinator, under supervision of the executive director, is responsible for coordinating the overall administration of the Title VI program, plan and assurances (See Appendix 1).

Five areas of MARC's work program have been identified as applicable to Title VI regulations:

### 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 are interrelated; they have been treated separately for purposes of clarity and correspond with the agency's 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.

MARC's Title VI Coordinator is generally responsible for overseeing Title VI compliance in each of the program areas. Other staff members are expected to provide information and support to assist the Title VI Coordinator to perform his or her tasks.

## VI. General Responsibilities

We have listed general Title VI responsibilities of the agency applicable to all five Title VI program areas. The Title VI Coordinator, with involvement and assistance from other staff members, 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 and language spoken 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 will be submitted by the end of October each year, to MoDOT's and KDOT's offices 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.
- 4. Dissemination of Information Related to the Title VI Program.** Information on the agency's Title VI program will 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 MARC, if that person believes that he or she, or any other program beneficiaries, have been subjected to unequal treatment or discrimination, in his or her receipt of benefits/services or on the grounds of race, color or national origin. MARC will make a concerted effort to resolve complaints as put forth in its Title VI Complaint Procedure, found in Appendix 2. A list of transit-related complaints, investigations and lawsuits may be found in Appendix 2a. To-date, MARC has never received a Title VI complaint.
- 6. Procedures Manual.** A procedural manual for the agency's Title VI Program, incorporating the day-to-day processes necessary to maintain the program, will be developed by MARC and updated regularly to incorporate changes and additional responsibilities.

## VII. Responsibilities of the 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 MARC's Title VI Procedures Manual. In support of this, the Title VI Coordinator will:

- Identify, investigate and work to eliminate discrimination, when identified or found to exist.
- Process Title VI complaints received by MARC, as described in Appendix 2.
- Meet with appropriate staff members to monitor and discuss progress, implementation and compliance issues related to MARC's Title VI program.
- Review periodically the agency's Title VI program to assess effectiveness of administrative procedures, appropriate staffing needs and resources are adequate to ensure compliance.
- Work with staff involved with consultant contracts and subrecipients to resolve any deficiency status concerns found, and write a remedial action if necessary, as described in the Consultant Contracts section of this plan.
- Review important Title VI-related issues with the executive director, 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.

Title VI responsibilities include:

- Collection of data and statistical information.
- Creating an annual reports to be submitted to KDOT, MoDOT, FHWA and FTA.
- Annual Review of the Title VI program.
- Circulation of Title VI information.
- Resolve Title VI complaints.
- Create/update a procedural manual regarding Title VI program.

## VIII. Responsibilities of Other Staff Members

Other staff members, under supervision of the Title VI Coordinator, will at times be asked to accept or share responsibility for day-to-day administration of the Title VI program, including implementation of the plan and Title VI compliance, program monitoring, reporting, and education within an applicable program area, as described in the Program Area Responsibilities section of this document. In addition, some staff may be asked to accept responsibility for drafting text for an assigned section of the Annual Title VI Report and Update, and to maintain the data and documentation necessary for that report. These responsibilities may include reviewing guidelines and procedures for the assigned Title VI program area, and incorporating Title VI-related language and provisions into agency documents, as appropriate.



# IX. Program Area Responsibilities

## A. Program Area 1: Communications and Public Involvement

The Communications and Public Involvement program area applies to and affects the agency work program as a whole, particularly 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 MARC's adopted Public Participation Plan.

As stated in the agency's Public Participation Plan: MARC's goal is to have significant and ongoing public involvement in the transportation planning process. MARC also seeks to empower the public to voice their ideas and values regarding transportation issues. MARC strives to ensure early and continuous public involvement in all major actions and decisions. MARC's Public Participation Plan provides the outline of procedures for ensuring open and effective communication with citizens in the Kansas City region.

MARC's public participation goals:

- Inform and educate the public.
- Reach out and build connections.
- Public engagement and inclusion.
- Use input to shape policies, plans and programs.
- Evaluate public participation strategies.

### Principles of MARC's Public Participation Plan:

- Equal access is an essential part of the public involvement process.
- Public notification is a priority of the metropolitan 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.

#### i. Elements of MARC's Public Participation Plan (Appendix 4):

- Meetings: MARC's committee structure provides an opportunity for local governments and citizens to interact, in order to address transportation and air quality 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. MARC complies with Chapter 610 of the Revised Statutes of Missouri, 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: MARC maintains a website, [www.marc.org](http://www.marc.org), that includes information about the agency's responsibilities, programs, publications and press releases; contact information for all staff; a search function; the Title VI Plan, complaint procedures and complaint form; and provides the ability for the public to make comments on MARC's programs and policies online at <https://www.marc.org/transportation/metropolitan-planning/transportation-public-input>
- Publications: MARC publishes a number of email newsletters in addition to other publications such as reports and maps about other MARC programs and projects. The Guide to Transportation Decision Making was designed to help area residents understand the complex process of transportation decision making and learn how more effectively provide input. These materials are available on the MARC website or by directly contacting MARC staff. Most publications, including the agency newsletters, are provided free of charge, though a minor fee may be charged for some publications, when appropriate, to recover reproduction costs.
- Transportation News: MARC posts news articles on its website: <https://www.marc.org/news/transportation>. The Transportation Department provides information about major transportation plans and projects, upcoming meetings and public comment opportunities, activities, possible decisions and actions, and research.

- Social media: MARC has several social media feeds that are used to provide important information about events, projects, and public comment opportunities. While MARC primarily uses these tools for communicating information to the public, the public can communicate back to MARC with comments or questions.
- Press releases: Press releases are routinely sent to news media in the nine-county region, when press coverage of specific events or decisions is warranted.
- Opportunities for public comment: MARC routinely provides opportunities for public comment and continues to work and find new and innovative ways to solicit public comments and involve all segments of the population in the Kansas City metropolitan region. Comments are accepted by phone, social media, e-mail, U.S. mail, and in person at any open meeting. See the Opportunities for Public Comments section for more information.
- Staff: The MARC staff is accessible in person, by phone, by mail, by e-mail, or by online comment forms. Contact information for all staff members is provided on MARC's website.
- Events: Events such as workshops, webinars, open houses and forums are held on an as-needed basis. These events are open to the public.

## **ii. Opportunities for Public Comments**

MARC routinely offers different ways for people to comment on transportation activities, programs and decisions made at the agency.

- Comments are accepted at any time: Comments are accepted via an online comment form, by phone, e-mail, U.S. mail, and in person at any board or committee meeting. Contact information for all staff is provided on the agency website; all publications produced by MARC include contact information. MARC makes every effort to respond to all comments received.
- Resident comments are requested at agency meetings: All MARC board and committee meetings are open to the public. Meeting dates are posted in advance on the agency's website and online calendar. Public comments and responses made during these meetings are kept on record in the official meeting summaries. All committees maintain mailing lists; anyone can request to be added to committee mailing lists.
- Formal public comment periods for major activities: Formal public comment and review periods are used to solicit comments on major planning and programming activities, such as proposed funding distributions, changes or amendments to the Transportation Improvement Program (TIP), changes to MARC policies (such as the Public Participation Plan), and updates to MARC's metropolitan transportation plan. Generally, information may be reviewed by one or more of MARC's committees and before being passed along to the parent committee (such as the Total Transportation Policy Committee or Air Quality Forum) for recommendation to release for a formal public review and comment period. The comment period is announced on the Transportation Matters blog, MARC's website, other agency publications, and in various local advertisements. Comments can be made in person, on the agency's website (using an online comment form), by e-mail, by U.S. postal mail, or phone. MARC will make every effort to respond to any comments received, and will forward comments to other agencies when appropriate. Comments received 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.

## **iii. Strategies for Engaging Title VI Protected Groups**

MARC realizes that there are large segments of the population rarely submit input. In an effort encourage a truly representative voice of the public, MARC will take the approach of "going to the public," in addition to receiving comments from and educating those parties already interested and involved. As part of this effort, MARC will take the following steps:

- 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, the meeting location should be in that area for their convenience.
- Seek help from community leaders and organizations: To facilitate involvement of traditionally underserved populations, community leaders and organizations representing these groups should be consulted regarding how to most effectively reach their members. Relationships with these groups and organizations should be maintained for future planning process efforts.

- Use alternative news organizations: In addition to mainstream media organizations, advertisements and news releases announcing public participation opportunities should be targeted to media intended to reach minority and ethnic populations.
- Provide services for the disabled: Upon advance notice, deaf interpreters, translators and Braille documents can be provided for public meetings. Notifications of opportunities for public involvement will include contact information for people needing these or other special accommodations.
- Be sensitive to diverse audiences: At public meetings, MARC 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.

#### **iv. Strategies for Engaging Individuals with Limited English Proficiency**

According to Census 2020 data, approximately 11% of persons in the nine-county MARC region speak a language other than English at home, with Spanish, Indo-European and Asian/Pacific being the most used non-English languages. Only Spanish (at 6%) was in use at home by more than 1% of Kansas City area residents. MARC will endeavor to ensure that public notices and advertisements are advertised in Spanish in minority newspapers; and will maintain a list of staff members who speak a language other than English to provide points of contact for persons needing information. In addition, MARC will regularly update its list of qualified interpreters and businesses that can provide translation services in the event that translation is needed (Appendix 6).

#### **v. Title VI Responsibilities**

Staff involved in public participation is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's public involvement process. Staff members will:

- Ensure that all communications and public participation efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public.
- Provide information in languages other than English, as needed.
- Disseminate information to minority media and ethnic- and 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 Notices to the Public — full or abbreviated versions (see Appendix 5) — posted in MARC's lobby, committee meeting agendas, in relevant press releases and advertisements and on the agency website.
- Notify affected, protected groups of public hearings regarding proposed actions and make hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need has been identified
- Collect statistical information on attendees of public meetings to track the representation of different segments of the population.
- Encourage MARC's committee structure to include representation from Title VI-relevant populations.

## **B. Program Area 2: Planning and Programming**

MARC is responsible for developing long- and short-range transportation plans to provide efficient transportation services to the Kansas City metropolitan area. A comprehensive transportation-planning process is used, which entails the monitoring and collecting data related to transportation issues. MARC coordinates with KDOT, MoDOT, cities, counties and area transit agencies; seeks public involvement; and provides technical support when needed. Refer to "Program Area I: Communications and Public Involvement" for a description of how interaction with the public is handled in regards to this program area and the agency in general.

### **Operational Guidelines**

Primary guidance is provided by:

- The Metropolitan Planning Organization (MPO) regulations 23 CFR 450.
- Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58).
- State and federal Clean Air acts and amendments.

## **i. Key Planning and Programming Activities**

As the designated MPO for the Kansas City region, MARC receives federal funds to develop regional transportation plans and programs and 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).
- Congestion Management Process (CMP).
- Public Participation Plan (PPP).
- Regional Intelligent Transportation System architecture (ITS).
- Unified Planning Work Program (UPWP).
- Disadvantaged Business Enterprise Program (DBE).

The agency also provides forecasts of population, housing, economic and transportation trends that form the basis for addressing current needs, and identifying and preparing for future needs.

## **ii. Considerations of Title VI and Needs of Underserved Population**

Considerations of Title VI legislation are made throughout MARC's planning and programming activities. The MARC planning and programming process insures the identification and evaluation underserved populations' needs, for example:

- Data collection: Part of the agency's work program involves collecting, analyzing and reporting on data for the Kansas City metropolitan region. This task includes information on population, housing, employment, poverty, income, wages, transportation, traffic and growth. Member agencies and other groups use this data for activities such as planning and fund distribution. MARC's Research Services department collects data regularly and publishes information online at <https://www.marc.org/data-and-maps>. Information is collected from a variety of sources, including the U.S. Census Bureau; sources are noted on each data set. Information published on the MARC website is free and available to the public. MARC will comply with all data collection and reporting requirements as outlined in Appendix 7.
- The development of MARC's Metropolitan Transportation Plan (MTP) includes an Environmental Justice (EJ) analysis to ensure that the burdens and benefits of planned transportation activities are distributed equitably across racial and socioeconomic groups. MARC staff reviews the impacts that plans, programs and projects may have on low-income and minority residents and communities in such areas as transportation investments, project effects on residents' travel times, and access to transit.
- Transportation Improvement Program: The region's five-year TIP includes an Environment Justice (EJ) analysis that reviews the impacts of planned transportation investments on disadvantaged populations and communities, similar to that in the MTP.

## **iii. Title VI Responsibilities**

Staff members 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 accurate information available on race, income, or other appropriate criteria.
- Make documents available to the public and member agencies on MARC's website or in hard-copy format, if requested.
- Develop a process for assessing the effects of transportation investment distributions in the region in planning and programming.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic and ethnic groups in the planning processes.



### C. Program Area 3: Environmental Justice by Executive Order 12898 (EJ)

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 (Table 1 Kansas City region demographics). MARC strives to incorporate fairness and equity into the regional transportation process.

MARC assesses the impacts of all major surface transportation projects planned that receive federal funding across the Kansas City region. These projects are included in the Transportation Improvement Program (TIP) and the Metropolitan Transportation Plan (MTP). MARC analyzes where federal investments are distributed around the region and how the implementation of these projects impact EJ populations over time (Appendix 8). MARC's goal is to have adequate public involvement from minority and low-income populations in the transportation planning process, and to help ensure these populations are receiving a proportionate share of federal transportation investment benefits

**Table 1: Kansas City region Demographics within MARC MPO Region**

Minority Populations	Total	Percentage
Black or African American	265,342	10%
American Indian and Alaska Native	7,082	0.3%
Asian	61,347	2.8%
Native Hawaiian and Pacific Islander	6,137	0.3%
Some Other Ethnicity	66,364	3%
Two or More Ethnicity	71,344	3.3%
Hispanic or Latino	243,539	10%
Minority Population	721,155	30%
Total Population	2,195,743	100%
Households	Total	Percentage
Low-Income Households	219,269	10

U.S. Census Bureau's 2019 American Community Survey 1-year Estimates

MARC examines projects and transportation investments funded through federal programs. MARC calculates investments per capita the distribution of funds in identified environmental justice areas vs. non-environmental justice areas. This examination compares previous federal transportation funding rounds to determine the level of equity programmed in environmental justice areas.

A spatial analysis is created to represent proposed transportation projects in relation to minority populations and low-income households. MARC visually and geographically assesses whether EJ populations are receiving disproportionately high and adverse impacts as a result of federal transportation investments. The spatial analysis displays the geographic distribution of transportation investments through a series of maps to help visualize the analysis. Maps are presented throughout the TIP and MTP documents. To involve and promote participation from all communities, MARC maintains an EJ spatial analysis on its transportation webpage.

**Note:** MARC does not own facilities and/or manage projects that require site relocation, location analysis or land acquisition requiring NEPA. FTA C4702.1B, Chapter III(13) does not apply.

#### Operational Guidelines

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

### **i. 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 about 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 over time.
- 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, interpreters, and materials in other languages, as needed.

## **D. Program Area 4: Consultant Contracts**

MARC is responsible for selection, negotiation and administration of its consultant contracts. MARC operates under its internal contract procedures and all relevant federal and state laws.

### **Operational Guidelines:**

- MARC's Disadvantaged Business Enterprise Program.
- Title 48, Chapter 1, Part 31 – Contract Cost Principles and Procedures.
- Title 23, CFR 172 – Administration of Engineering and Design-Related Service Contracts.

### **i. Contract Procedures**

MARC's contract procedures are outlined in the Mid-America Regional Council Purchasing Policy. MARC verifies Title VI compliance by consultants (subrecipients of federal funds) in the contracting process. By signing, the contractor agrees to the contract terms and verifies compliance. In addition, Title VI text is included in all MARC requests for proposals and contracts.

### **ii. Disadvantaged Business Enterprise (DBE) Program**

MARC maintains a DBE program that is updated as needed, and corresponding DBE participation goals are updated every three years starting in 2012. MARC reports on DBE participation to FTA and FHWA annually. At the end of three fiscal years, actual DBE participation is evaluated in comparison to established goals. Efforts should be made to create a level playing field for DBE and non-DBE contractors to participate in federally funded projects.

### **Operational Guidelines:**

- Title 49 CFR 26 - Participation by Disadvantage Business Enterprises in Department of Transportation Financial Assistance Programs
- MARC's Disadvantaged Business Enterprise Program

### **iii. 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.
- Review consultants for Title VI compliance as described below:
  - Ensure that all consultants verify compliance with Title VI procedures and requirements.
  - If a recipient or subrecipient is found to be noncompliant with Title VI, the Title VI Coordinator and relevant staff will work with the recipient or subrecipient to resolve the deficiency and will write a remedial action, if necessary.
- Maintain the DBE program as described below:
  - Monitor, update, and maintain the agency's DBE program.
  - Submit annual reports on DBE participation to FTA and FHWA.
  - Establish and adjust DBE participation goals, as appropriate.
  - Annually review and evaluate DBE participation in relation to DBE goals, and continue efforts

to create a level playing field for DBE and non-DBE consultants to participate in federally funded projects.

## E. Program Area 5: Education and Training

Title VI and federal and state antidiscrimination laws provide equal opportunity and fair treatment in all employment-related decisions for minorities, women, veterans, individuals with a disability, and other individuals, including educational and training opportunities.

### Operational Guidelines

- MARC Affirmative Action Program

#### i. Employees Encouraged to Participate in Training

All MARC employees are encouraged to participate in professional development and training. Training and education opportunities are made available to all employees, which includes all information on federally funded training, such as courses provided by the National Highway Institute (NHI) and National Transit Institute (NTI).

#### ii. Title VI Program Responsibilities

Under the category of education and training, Title VI responsibilities include:

- Assistance distributing information to MARC staff regarding Title VI training programs and related statutes.
- Equal access to and participation in applicable NHI and NTI courses for qualified MARC employees.
- Track staff participation in Title VI, NHI and NTI courses.
- Establish, maintain, and update a Title VI procedures manual containing general information about the administration of MARC's Title VI program, as well as related documents (such as a complaint form).

## F. Program Area 6: Ensuring Nondiscrimination of Federal Pass-Through and Subrecipient monitoring<sup>2</sup>

### i. Nondiscrimination Pass-Through of FTA Financial Assistance

**MARC does not have subrecipients of FTA funds.** Under the most recent legislation, MAP-21 and the FAST Act, KCATA is the primary recipient of program 5310 funds to provide transportation for older adults and persons with disabilities. An area-wide solicitation of applications for grants under this programs is conducted in cooperation with MARC. MARC uses goals and objectives in the region's Coordinated Public Transit-Human Services Transportation Plan to facilitate and ensure nondiscriminatory pass-through of FTA financial assistance.

A. Project Selection Criteria and Method for Distributing FTA Funds Section: Subsequent to FTA program allocation notification program, announcements are placed in all major Kansas City regional newspapers, in direct mailing items, and on the MARC website. Formal applications are distributed by direct download from the website; direct mail and e-mail applications are available upon request. Upon formal application submission, MARC staff reviews, screens, and ranks the applications. The Special Transportation Committee ranks the formal applications based on need. Committee rankings combined with the amount of available federal funding determine how many of the highest ranked applications are approved. MARC maintains files for each grant year that contains a list of approved and rejected applicants. This list identifies which DBE applicants and applicants provide services to minorities. Determination of need is decided by various indicators of transit dependency and the lack of mobility including income, race, and automobile ownership.

B. Subrecipients must have an adopted Title VI — Civil Rights Act of 1964 Program including but not limited agreeing to the following agreement:

1. Subrecipient agrees for itself, its assignees, and successors in interest (hereinafter collectively referred to as Subrecipient) that Subrecipient shall comply with the regulations governing nondiscrimination in Federally-assisted programs of the USDOT, as set forth in 49 CFR, Part 21, as they may be amended from time to time and hereinafter referred to as Regulations. Regulations are hereby incorporated by reference and made a part of this Agreement. Subrecipient shall not discriminate on the grounds of race, color, or national origin in selecting and retaining subcontractors, including procurements of materials and leases of equipment.
2. Subrecipient shall not participate, either directly or indirectly, in discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the Agreement covers program finance fully or in part by FTA.
3. In all solicitations, either by competitive bidding or negotiation, made by Subrecipient 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 Subrecipient of Subrecipient's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Subrecipient shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its accounts, books, records, other sources of information, and its facilities as may be determined by MARC, the state or the federal government to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of Subrecipient is in the exclusive possession of another who fails or refuses to furnish this information, Subrecipient shall so certify to MARC, the state or the federal government, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. In the event of Subrecipient's noncompliance with the nondiscrimination provision of this Agreement, MARC shall impose such contract sanctions as it, the state, or the federal government may determine to be appropriate, including, but not limited to withholding of payments to Subrecipient under the Agreement until Subrecipient complies, and/or, cancellation, termination or suspension of the Agreement, in whole or in part.
6. Subrecipient shall include the provisions of paragraphs 2 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. Subrecipient shall take such action with respect to any subcontract or procurement as MARC, the state or the federal government may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event Subrecipient becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, Subrecipient may request MARC, or the State to enter into such litigation to protect the interests of MARC, or the state, and, in addition, Subrecipient may request the federal government to enter into such litigation to protect the interests of the federal government.
7. Subrecipient shall comply with the applicable provisions of Executive Order 11246 of September 24, 1965, Title VI of the Civil Rights Act of 1964, and the rules, regulations, and relevant orders of the Secretary of Transportation and the Secretary of Labor. In the event of Subrecipient's non-compliance with the nondiscrimination clauses of the Agreement or with any of the rules, regulations or orders, this Agreement may be canceled, terminated or suspended, in whole or in part, and Subrecipient may be declared ineligible for further Federally-assisted contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law. Through these stipulations and processes of passing financial assistance through to subrecipients, MARC ensures that FTA funds are allocated among subrecipients in a non-discriminatory way, and then are used by those subrecipients in a non-discriminatory way as well.

## **ii. Monitoring of Compliance by Subrecipients (as requested)**

As a direct recipient of FTA funds, MARC is responsible for monitoring the compliance of its subrecipients. MARC schedules routine meetings to provide assistance to subrecipients as needed. It also invites subrecipients to participate in training, presentations, conferences, webinars and meetings sponsored by the Kansas City Area Transportation Authority (KCATA), Kansas and Missouri departments of transportation and the FTA.

## **iii. Title VI Program Requirements**

Each transportation provider must sign an assurance that they will not discriminate on the grounds of race, color or national origin, exclude from participation in, deny the benefits of, or subject to discrimination any person within the program or activity receiving federal financial assistance. This assurance is found in the 49 U.S.C. 5310 and 49 U.S.C. 5311 application and is part of the signed agreement between MARC and the transportation provider. MARC requires all applicants and/or subrecipients to provide information as described in FTA Circular 4702.1B (as amended). In addition to requirements outlined in the circular, subrecipient must report to MARC on compliance at least once every three years of operation.

## **Operational Guidelines**

- FTA Circular 4702.1B

<sup>2</sup> MARC currently does not have FTA funded subrecipients, but in an event of obtaining subrecipients MARC will follow subrecipient monitoring as outlined within the Program.



#### iv. Subrecipient Requirements and Monitoring

##### **Definition of Subrecipient from FTA Master Agreement:**

Subrecipient means any entity that receives Federal assistance awarded by a FTA Recipient, rather than FTA directly. The term “subrecipient” also includes the term “subgrantee,” but does not include “third-party contractor” or “third-party subcontractor.”

##### **Application Process:**

- All projects – complete forms for project description/detail and budget and timeline/milestones.
- FTA Certifications and Assurances should be completed annually for each new federal fiscal year, which begins on October 1.
- Proof of acceptable A-133 audit if over \$500,000 of federal funds is received on an annual basis (includes all federal sources).
- Construction projects/environmental requirements – Categorical exclusions, State Historic Preservation Office, etc., if applicable.
- Revenue vehicles – changes to fleet plan, if applicable.

##### **Award Process:**

Federal notice of award is received. Note that this must occur before all subsequent steps.

MARC issues to the Subrecipient the Subrecipient Agreement that flows through FTA requirements, including:

- Title VI of the Civil Rights Act of 1964.
- Equal Employment Opportunity (EEO).
- Boilerplate FTA language must be included and flowed through to all levels.
- Disclosure Form to Report Lobbying activities(FTA Form LLL).

##### **MARC staff provided Grant Administration Process oversight:**

- Procurement rules and guidance questions to MARC.
- Prior approvals (as necessary and in consultation with FTA) – Buy America, scope changes, etc.
- Rebudgeting, revision or amendment.
- Record keeping.
- Reporting – financial and milestone.
- Other – DBE reporting.
- Closeout.
- Audit.

#### **X. Questions**

For questions on MARC's Title VI plan and procedures, please contact the Title VI Coordinator at 816-474-4240 or by email at [dblo@marc.org](mailto:dblo@marc.org). For information on MARC's work programs or publications, visit MARC's website at [www.marc.org](http://www.marc.org).

# Appendix 1

## MARC Title VI Assurances

The Mid-America Regional Council 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 Mid-America Regional Council will compile, maintain and submit in a timely manner Title VI information required by FTA Circular 4702.1B as updated and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.
3. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
4. Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).
5. The Mid-America Regional Council 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 appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.



David A. Warm, Executive Director  
Mid-America Regional Council

\_\_\_\_\_  
Date

## Part A: Department of Transportation Title VI Assurance

The Mid-America Regional Council (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. 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, , 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 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 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 and made in connection with all FTA Programs 5307 and 5309 and, in adapted form in all proposals for negotiated agreements:


The Mid-America Regional Council, 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 clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the FTA Programs 5307 and 5309; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under FTA Programs 5307 and 5309.
8. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she 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.

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 FTA Programs 5307 and 5309 and is binding on it, other recipients, subgrantees, contractors, 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.



David A. Warm, Executive Director  
Mid-America Regional Council

\_\_\_\_\_

Date

DRAFT



## 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 it 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 Mid-America Regional Council 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 Mid-America Regional Council, 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 Mid-America Regional Council 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 Mid-America Regional Council 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 Mid-America Regional Council to enter into such litigation to protect the interests of the Mid-America Regional Council, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## Part C

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

(Granting Clause)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the (Name of Recipient) will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate Program) and the policies and procedures prescribed by (Name of Appropriate Administration) of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (Name of Recipient) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit “A” attached hereto and made a part hereof.

## (Habendum Clause)

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

The (Name of Recipient), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, , or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and] \* (2) that the (Name of Recipient) shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, 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, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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

## Part D

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Mid-America Regional Council pursuant to the provisions of Assurance 7(a).

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

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

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

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, the Mid-America Regional Council shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Mid-America Regional Council and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Mid-America Regional Council pursuant to the provisions of Assurance 7(b).

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

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

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

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, the Mid-America Regional Council shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Mid-America Regional Council and its assigns.

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

## Part E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

# **Appendix 1a: Board of Directors approval of Title VI Program Assurance**

MARC's Board of Directors approved the 2022-2024 Title VI Program Assurances on [Month Date, Year].

DRAFT



# Appendix 2: Title VI Complaint Procedures

The following pertains only to Title VI complaints regarding the federally funded programs of the Mid-America Regional Council (MARC). For Title VI complaints against other Kansas City region agencies, or if you believe you have suffered housing or employment discrimination, please contact the appropriate agency as listed in Sections 5 or 6.

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 Mid-America Regional Council has a Title VI complaint procedure in place, 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 MARC's federally funded programs have discriminated against 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 MARC's executive director. A sample complaint form may be downloaded or is available in hard copy from the Mid-America Regional Council. 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 who are unable to read or write. Complaints should be mailed to:

Mid-America Regional Council  
Title VI Administrator  
600 Broadway, Suite 200  
Kansas City, MO 64105-1659

- 2. Referral to Review Officer.** Upon receipt of the complaint, MARC's executive director shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with an approved MARC 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 his or her review no later than 45 calendar days after the date the MPO received the complaint. If more time is required, MARC's executive director 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 his or her recommendations to MARC's executive director for review. If MARC's executive director concurs, he or she shall issue the MPO's written response to the complainant. **Note:** Upon receipt of a complaint, MARC shall forward a copy of this complaint and the resulting written response to the appropriate MoDOT, KDOT and FTA contacts.
- 3. Request for Reconsideration.** If the complainant disagrees with MARC's executive director's response, he or she may request reconsideration by submitting the request in writing to MARC's executive director within 10 calendar days after receipt of MARC's executive director's response. The request for reconsideration shall be sufficiently detailed to contain any items the complainant feels were not fully understood by MARC's executive director. MARC's executive director will notify the complainant of his or her decision to accept or reject the request for reconsideration within 10 calendar days. In cases where MARC's executive director agrees to reconsider, the matter shall be returned to the staff review officer(s) to reevaluate in accordance with paragraph 2 above.
- 4. Appeal.** If the request for reconsideration is denied, the complainant may appeal MARC's executive director's response by submitting a written appeal to the MPO board of directors no later than 10 calendar days after receipt of MARC's executive director's written decision rejecting reconsideration.

**5. Submission of Complaint to the Federal Transit Administration:** You may also file a complaint directly with the FTA.

Federal Transit Administration  
Office of Civil Rights Attention: Title VI Program Coordinator  
East Building, 5th Floor - TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

**6. Submission of Complaint to the state departments of transportation:** You may also file a complaint directly with the Kansas or Missouri departments of transportation.

Kansas Department of Transportation  
Dwight D. Eisenhower State Office Building  
700 S.W. Harrison St.  
Topeka, KS 66603-3754

or

External Civil Rights Division  
Missouri Department of Transportation  
1617 Missouri Blvd.  
P. O. Box 270  
Jefferson City, MO 65102

## Appendix 2a: List of transit-related Title VI investigations, complaints and lawsuits

The following addresses transit-related actions regarding Title VI investigations, complaints or lawsuits that would involve the Mid-America Regional Council.

Action type	Date (Month/Day/Year)	Summary (include basis of complaint: race, color or national origin)	Status	Actions taken
<b>Investigations</b>				
1. <b>None</b>				
2.				
<b>Lawsuits</b>				
1. <b>None</b>				
2.				
<b>Complaints</b>				
1. <b>None</b>				
2.				

## Appendix 3:

### Title VI Complaint form Mid-America Regional Council

The purpose of this form is to assist you in filing a complaint with the Mid-America Regional Council (MARC). You are not required to use this form; a letter containing the same information will be sufficient.

**Note:** Items marked with an asterisk (\*) are required, whether or not this form is used.

1.*	<p>State your name and address:</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>_____</p> <p>Phone: Home: (____) _____ Work: (____) _____</p>
2.*	<p>Person discriminated against, if different than listed above.</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>_____</p> <p>Phone: Home: (____) _____ Work: (____) _____</p> <p>Please explain your relationship to this person(s) discriminated against:</p> <p>_____</p> <p>_____</p> <p>_____</p>
3.*	<p>Agency, department or program that discriminated:</p> <p>Name: _____</p> <p>Individual, if known: _____</p> <p>Address: _____</p> <p>_____</p> <p>Telephone: (____) _____</p>
4a.*	<p><b>Non-Employment:</b> Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of MARC in its treatment of you or others? If so, please indicate below the basis on which you believe these discriminatory actions were taken (e.g., "Race: African American," National origin: Canadian, or Color: Brown).</p> <p>_____ Race: _____</p> <p>_____ Color: _____</p> <p>_____ National origin: _____</p>

4b.*	<p><b>Employment:</b> Does your complaint concern discrimination in employment by MARC? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken (e.g., "Race: African American", National Origin: Canadian, or Color: Brown)</p> <p>_____ Race: _____</p> <p>_____ Color: _____</p> <p>_____ National origin: _____</p>
5.	<p>What is the most convenient time and place for us to contact you about this complaint?</p> <p>_____</p>
6.	<p>If we are not able to reach you directly, do you 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? _____</p> <p>Name: _____</p> <p>Phone number: (____) _____</p>
7.	<p>If you have an attorney representing your concerns for the matters raised in this complaint, please provide the following information:</p> <p>Name of attorney: _____</p> <p>Address of attorney: _____</p> <p>_____</p> <p>_____</p> <p>Phone number for attorney: (____) _____</p>
8.*	<p>In your best recollection, on what date(s) did the alleged discrimination take place?</p> <p>Earliest date of discrimination: _____</p> <p>Most recent date of discrimination: _____</p>
9.*	<p>Please explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Please indicate who was involved. Be sure to include how other persons were treated differently from you. (Use additional sheets if necessary and attach a copy of additional materials pertaining to your case).</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

10.	<p>The laws we enforce prohibit recipients of federal funds programmed through the MPO from intimidating or retaliating against anyone because he or she has either taken action or participated in action to secure rights protected by these laws. If you believe that you have been retaliated against (separate from the discrimination alleged in question 9), please explain the circumstances below. Be sure to explain what actions you took which you believe were the basis for the alleged retaliation. _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>																		
11.	<p>Please list below any persons (witnesses, fellow employees, supervisors or others), if known, whom we may contact for additional information to support or clarify your complaint.</p> <table border="0"> <thead> <tr> <th data-bbox="302 877 375 905">Name</th> <th data-bbox="686 877 784 905">Address</th> <th data-bbox="971 877 1349 905">Area Code/Telephone Numbers</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table>	Name	Address	Area Code/Telephone Numbers	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Name	Address	Area Code/Telephone Numbers																	
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_____	_____	_____																	
_____	_____	_____																	
_____	_____	_____																	
12.	<p>Do you have any other information that you think is relevant to our investigation of your allegations? _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>																		
13.	<p>What remedy are you seeking for the alleged discrimination? _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>																		



**14.** Have you (or the person discriminated against) filed the same or any other complaints with other agencies such as MoDOT or KDOT offices of civil rights or other?

Yes \_\_\_\_\_ No \_\_\_\_\_ **If yes, do you know the complaint number:** \_\_\_\_\_

The complaint was filed against which agency or department? \_\_\_\_\_

Name of agency/department: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Date of filing: \_\_\_\_\_

Briefly, what did the complaint include?

\_\_\_\_\_  
\_\_\_\_\_

What was the result of the complaint (detailed in question #14.)?

\_\_\_\_\_  
\_\_\_\_\_

**15.** How did you learn that you could file a complaint?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**16.\*** We can only accept complaints that have been signed.  
**Please sign and date this complaint form.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

Mid-America Regional Council  
Attn: Title VI Administrator  
600 Broadway, Suite 200  
Kansas City, MO 64105-1659

Phone: (816) 474-4240

## Appendix 4: Public Participation Plan

MARC's Public Participation Plan (updated in December 2020) may be accessed at <https://www.marc.org/transportation/plans-and-studies/public-participation-plan>

## 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 Transportation Outlook 2040, the region's Metropolitan Transportation Plan. The text is placed permanently in the MARC lobby and on the agency's website ([www.marc.org](http://www.marc.org)). 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.

### Notice to the Public Rights under Title VI

The Mid-America Regional Council (MARC) 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 MARC 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 MARC. Any such complaint must be in writing and filed with MARC'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 [www.marc.org](http://www.marc.org).

Interpretation services are provided at no cost.

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

MARC programs do not discriminate against anyone on the basis of race, color or national origin, according to Title VI of the Civil Rights Act of 1964. For more information, or to obtain a Title VI Complaint Form, see <https://www.marc.org/title-vi-complaint-form> or call 816-474-4240.

Interpretation services are provided at no cost.

# Appendix 6: Data Collection and Reporting Requirements

MARC will comply with the following data collection and reporting requirements as Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI Program Guidelines for Federal Transit Administration Recipients," effective Oct. 1, 2012.

## General reporting requirements:

All applicants, recipients, and subrecipients are required to maintain and provide to FTA<sup>1</sup> the information outlined below. The information is required under Department of Justice 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 of 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).
- 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.

# Appendix 7: Limited English Efficiency Plan

MARC's Limited English Proficiency Plan, updated in October 2022, is available online at <https://www.marc.org/transportation/metropolitan-planning/equity-and-civil-rights> and on the following pages of this document.

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## Mid-America Regional Council Limited English Proficiency Plan

Greater Kansas City Metropolitan Planning Boundary  
Updated October 2022

### MARC's Limited English Proficiency Policy:

Engaging the diverse population within the Kansas City area is important. MARC is committed to providing quality services to all citizens, including those with limited English proficiency.

### Background and Analysis:

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

According to the U.S. Department of Transportation's (USDOT) Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, "Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use the guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP."

Federal financial assistance includes grants, cooperative agreements, training, use of equipment, donations of surplus property, and other assistance. Recipients of USDOT assistance that are subject to LEP requirement include:

- State departments of transportation.
- Metropolitan planning organizations (MPOs).
- Regional transportation agencies.
- Regional, state and local transit operators.
- State and local agencies with emergency transportation responsibilities (e.g., transportation of supplies for natural disasters, planning for evacuations, quarantines, and other similar actions).

The Mid-America Regional Council (MARC) serves as the MPO for the Kansas City metropolitan area. LEP requirements extend to all MPO programs or activities, even if some activities are not funded by federal assistance. Subrecipients are also covered in cases when federal funds are passed through from a recipient to a subrecipient.

The USDOT recommends four factors that should be analyzed by federally assisted agencies and programs to determine the level and extent of language-assistance measures required to sufficiently ensure meaningful access to programs, activities, and services within the MPO's area of responsibility. After conducting the four-factor analysis, the MPO is

in a better position to implement a cost-effective mix of proactive language-assistance measures, target resources appropriately, and to respond to requests for LEP assistance from constituents.

**The four factors to be considered are:**

1. The number and proportion of LEP persons served or encountered in the eligible service population.
2. The frequency the LEP individuals come into contact with programs, activities, and services.
3. The importance of programs, activities and services, to LEP persons.
4. Resources available to the recipient and costs.

Which specific steps should be taken will depend on the information gathered from Census and other data, from fieldwork with LEP individuals and the organizations that serve them, and from analysis of agency resources and the costs of providing language assistance.

## **Meeting the requirements**

**Safe Harbor Stipulation:**

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A safe harbor means that as long as a recipient (in MARC’s case, the MPO) has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI.

However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis. Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

The safe harbor provision applies only to the translation of written documents. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters, where oral language services are needed and reasonable to provide.

**Providing Notice to LEP Persons:**

U.S. DOT guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify LEP persons of services available free of charge in a language the LEP persons would understand. Example methods for notification include:

1. Signage that indicates when free language assistance is available with advance notice;
2. Stating in outreach documents that language services are available;
3. Working with community-based organizations and other stakeholders to inform LEP individuals of MARC’s MPO services and the availability of language assistance;
4. Using automated telephone voice mail or menu to provide information about available language-assistance services;
5. Including notices in local newspapers in languages other than English;
6. Providing notices on nonEnglish-language radio and television about MARC’s MPO services and the availability of language assistance; and
7. Providing presentations and/or notices at schools and community-based organizations about available language services.



## Four-Factor Analysis:

### Factor 1: The Number and Proportion of LEP Persons in the Eligible Service Area

The first step in understanding the profile of individuals that could participate in the transportation-planning process is a review of U.S. Census data. Table 1 displays the primary language spoken and number of individuals that are LEP. For planning purposes, we are considering people that speak English “less than very well” and only the top three language groups are included in the analysis.

**Table 1 – Language Spoken at Home by the Ability to Speak English for the Population Age 5 and Over**

	Speak English Less than Very Well			Speak only English		Speak Spanish		Speak Indo-European Language		Speak Asian or Pacific Island Language		Speaks other Language	
	Population	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Missouri</b>													
Cass	98,474	1,053	1.1%	94,862	96.3%	2,430	2.5%	583	0.6%	503	0.5%	96	0.1%
Clay	230,568	5,837	2.5%	214,369	93.0%	6,681	2.9%	2,911	1.3%	3,745	1.6%	2,862	1.2%
Jackson	654,665	24,858	3.8%	592,602	90.5%	38,877	5.9%	7,738	1.2%	8,464	1.3%	6,984	1.1%
Platte	96,615	2,188	2.3%	88,879	92.0%	2,863	3.0%	1,416	1.5%	2,034	2.1%	1,423	1.5%
<b>Kansas</b>													
Johnson	559,817	24,496	4.4%	492,847	88.0%	28,228	5.0%	15,505	2.8%	16,228	2.9%	7,009	1.3%
Leavenworth	76,248	890	1.2%	72,754	95.4%	2,134	2.8%	586	0.8%	640	0.8%	134	0.2%
Miami	31,826	259	0.8%	30,981	97.3%	535	1.7%	137	0.4%	165	0.5%	8	0.03%
Wyandotte	152,300	21,699	14.2%	110,371	72.5%	33,362	21.9%	2,108	1.4%	5,337	3.5%	1,122	0.7%
<b>Total</b>	<b>1,900,513</b>	<b>81,280</b>	<b>4%</b>	<b>1,697,665</b>	<b>89%</b>	<b>115,110</b>	<b>6%</b>	<b>30,984</b>	<b>2%</b>	<b>37,116</b>	<b>2%</b>	<b>19,638</b>	<b>1%</b>

Source: U.S. Census Bureau, 2019 ACS 1-year Estimates

Language	Speak English less than “very well”	Percent of population in service area
Spanish	50,947	2.53%
French (including Cajun)	1,413	0.07%
Haitian	0	0.00%
Italian	367	0.02%
Portuguese	798	0.04%
German	629	0.03%
Yiddish, Pennsylvania Dutch or other West Germanic languages	128	0.01%
Greek	95	0.00%
Russian	634	0.03%
Polish	155	0.01%
Serbo-Croatian	293	0.01%
Ukrainian or other Slavic languages	333	0.02%
Armenian	0	0.00%
Persian (including Farsi and Dari)	1,495	0.07%
Gujarati	76	0.00%
Hindi	558	0.03%
Urdu	337	0.02%
Punjabi	269	0.01%
Bengali	254	0.01%
Nepali, Marathi, or other Indic languages	165	0.01%
Other Indo-European languages	0	0.00%
Telugu	514	0.03%
Tamil	0	0.00%
Malayalam, Kannada, or other Dravidian languages	267	0.01%
Chinese (including Mandarin and Cantonese)	4,661	0.23%
Japanese	265	0.01%
Korean	1,079	0.05%
Hmong	506	0.03%
Vietnamese	3,044	0.15%
Khmer	57	0.00%
Thai, Lao, or other Tai-Kadai languages	673	0.03%
Other languages of Asia	3,875	0.19%
Tagalog (including Filipino)	738	0.04%
Ilocano, Samoan, Hawaiian, or other Austronesian languages	790	0.04%
Arabic	3,452	0.17%
Hebrew	231	0.01%
Amharic, Somali, or other Afro-Asiatic languages	2,057	0.10%
Yoruba, Twi, Igbo, or other languages of Western Africa	308	0.02%

Source: U.S. Census 2019 ACS 1-year Estimates

Language	Speak English less than “very well”	Percent of population in service area
Swahili or other languages of Central, Eastern, and Southern Africa	2,473	0.12%
Navajo	0	0%
Other Native languages of North America	10	0%
Other and unspecified languages	56	0%
Total Speak English “less than very well”	84,002	4.16%
Total Service Population	2,017,248	

According to the 2020 U.S. Census and the 2019 American Community Survey approximately 4% of the population in the metropolitan area speaks English less than very well. Using language spoken at home as a surrogate for English proficiency data suggests that the majority of the non-English speaking persons would speak Spanish (approximately 61% or 51,000 of the 84,000 non English Speaking persons). The remaining non-English speaking persons would speak one of the Indo-European or Asian/Pacific Island languages. Data does not indicate that 5 percent or more of the population speak a specific language within one of these language categories other than Spanish. Conclusion: Spanish is the most dominant language spoken by LEP individuals in the MPO area, and should be the focus of any translation or language assistance activities.

Data suggest that Chinese and Arabic (approximately 5,000 Chinese and 3,500 Arabic but less than 0.4% percent of the service population) are growing populations within the MARC area of individuals who do not speak English very well. Data further suggest that these individuals do not frequently interact with MARC programs. Due to the infrequent contact and cost associated in translation services MARC elects not to translate its documents into Chinese or Arabic at this time. MARC will actively monitor the frequency, location and interaction with these populations and effectively provide translation services as warranted.

## Factor 2: The Frequency in which LEP Persons Encounter MPO Programs

The analysis identified Spanish as the most prevalent language spoken by LEP individuals in MARC’s MPO service area. The analysis further reveals that LEP individuals comprise less than 5 percent of the region’s 1.8 million people, and their contact with the MPO is infrequent and generally not predictable. The small, but growing, size of the LEP population in the region will likely increase the probability of future contact with the MPO. However, to date, no requests for language-assistance services have been made by LEP individuals.

Participation with MPO services by ethnicity									
White or Caucasian	Black or African American	Hispanic/ Latinx	Asian or Pacific Islander	American Indian or Alaska Native	Another race	More than one race	Prefer not to say	LEP	Total
663	31	28	15	0	8	15	56	0	<b>816</b>

Source: 2019 Connected KC 2050 public meeting surveys

## Factor 3: The Importance of the Service Provided by the MPO Program

MARC’s MPO programs use federal funds to plan for future transportation projects, but do not include any direct service or program that requires vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Further, the MPO does not conduct required activities such as applications, interviews or other activities prior to participation in its programs or events. Involvement by any citizen with the MPO or its committees is voluntary.

However, the MPO must ensure that all segments of the population, including LEP persons, have had the opportunity to be involved in the transportation planning process to be consistent with the goal of the federal environmental justice program and policy. The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in three major areas for the MPO:

- The annual Unified Planning Work Program (UPWP)
- Five-year Transportation Improvement Program (TIP)

- Four-year Long-Range Transportation Plan (LRTP)

Inclusive public participation is a priority consideration in other MPO plans, studies and programs as well. Transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process. The MPO encourages input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible.

As a result of the long-range transportation planning process, selected projects receive approval for federal funding and progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies to ensure LEP individuals can participate in the process that shapes where, how and when a specific transportation project is implemented.

#### Factor 4: The Resources Available and Overall MPO Cost

The MPO has traditionally budgeted between \$2,500 to \$3,500 annually for printing product documents, brochures and other public participation material. Estimated cost for full translation services ranges from \$15,200 to \$28,800 almost eight times the average printing budget and a tenth of the MPO's overall administrative budget.

#### Estimated Document Translation Cost

Vital Documents		TIP	MTP	Public Participation Plan	UPWP	Total
Number of Words		26,477	99,459	4,748	22,216	
Cost per word	0.19	\$5,030.63	\$18,897.21	\$902.12	\$4,221.04	\$29,051.00
	0.14	\$3,706.78	\$9,945.90	\$664.72	\$3,110.25	\$17,427.35

Source: 2020 document translation services proposals

Considering the size of the LEP population in MARC's MPO area and current financial constraints, full multilanguage translations of large transportation-planning documents and maps is not warranted at this time. However, continued growth of the MPO area and its Spanish-speaking population makes offering Spanish translations a sound community investment.

### Implementation

Based on the current low levels of residents with limited English proficiency in the MARC MPO area and the limited interaction with MARC, a full LEP plan is not necessary at this time. However, engaging the diverse population within the region is important and therefore MARC has completed the following Limited English Proficiency Plan for providing limited language-assistance services to the LEP population in the MARC region.

All language assistance activities detailed below will be coordinated by MARC's LEP Coordinator in collaboration with MARC staff.

#### Training and Identifying LEP Individuals Who Need Language Assistance

Key staff at MARC offices uses language identification cards when first encountering an LEP individual. These cards, developed by the U.S. Census Bureau, have the phrase "Mark this box if you read or speak [name of language]" translated into 38 different languages. It was developed by the Census Bureau and is used by government and non-government agencies to identify the primary language of LEP individuals during face to face contacts. The Census Bureau's Language Identification Flashcard can be downloaded for free at <https://www.lep.gov/translation#toc-language-identification-and-i-speak-cards>

The Language Identification flashcards are made available at public meetings and the front desk of the MARC offices. Once a language is identified, the LEP coordinator or relevant point of contact is notified to assess feasible translation or oral interpretation assistance.

#### Language Assistance Measures:

Language assistance will be provided for LEP individuals through the translation of some key materials, as well as through oral interpretation when necessary and possible.

#### Translation of Written Materials:

Translation of all MARC MPO plans and materials is not possible due to cost restrictions, and the fact that current

population levels do not warrant such translations. However, MARC will provide the following translated materials:

- Key Documents' executive summaries for the following identified key documents will be made available in Spanish:
  - (a) Long-range transportation plan
  - (b) Transportation Improvement Program
  - (c) Unified Planning Work Program
- Notices of official actions and opportunity for public comment – Spanish-language translations will continue to be provided for newspaper advertisements notifying the public of opportunities to comment on proposed changes to the MPO's long-range transportation plan, Transportation Improvement Program, Unified Planning Work Program, and Public Participation Plan. These translations are published in local circulation newspapers that target Spanish-speaking persons.
- Outreach materials – Spanish-language outreach materials from organizations such as federal, state and local transportation agencies will be made available, when possible. The LEP coordinator will keep a list of such materials.
- Current MARC outreach materials will be translated on a case-by-case basis. However, MARC will consider requests to provide key outreach materials in Spanish as new materials are developed. Documents that are in Spanish are:
  - Public Participation Plan
  - Title VI Brochure
  - Citizen's Guide to Transportation Decision Making
- MARC website — MARC is currently assessing cost and infrastructure needs to efficiently modify MARC's website to allow translation services, such as the Google Translate program (<http://translate.google.com>) that will allow users to view HTML content in other languages.

### **Oral Language Services:**

MARC will provide some oral interpretation services to Spanish-speaking LEP individuals. In order to provide these services, the LEP coordinator should do the following:

- Maintain a list of points of contact where a LEP person interacts with the organization.
  - Currently the anticipated key points of contact for LEP individuals are the front-desk receptionist and the LEP coordinator. As interaction with LEP individuals increases, additional points of contact should be identified.
- Identify, by language spoken, employees who fluently speak and/or write a language other than English. Detail which of these employees are also able to act as interpreters.
  - An inventory of staff language capabilities has been established and is maintained by the LEP coordinator.
- Create a list of outside sources that can provide oral translation services (including both paid and unpaid services). Outline the cost of these services. Identify budget and personnel limitations.
  - A list of paid and unpaid translation services, as well as associated costs, is being developed and will be updated and expanded on an annual basis.

### **Staff Training:**

In order to establish meaningful access to information and services for LEP individuals, staff that regularly interacts with the public, and those who will serve as translators or interpreters, are trained yearly on MARC's LEP policies and procedures as outline above in the "Training and Identifying LEP Individuals Who Need Language Assistance" section. Yearly training ensures that staff members are effectively able to work in person and/or by telephone with LEP individuals. MARC management staff is included in this training, even if they do not interact regularly with LEP persons, to ensure that they fully understand the plan, so they can reinforce its importance and ensure its implementation by staff.

### **Providing Notice of Available Language Service to LEP Persons:**

MARC has established the following methods to inform Spanish-speaking LEP individuals, supporting organizations, as well as the general public, of available no-fee LEP services.

- Posting information — MARC should post information at the front-desk reception area to notify LEP individuals of any available services to translate MARC MPO oral or written program material, and how to obtain these services.



- Outreach documents — Key outreach documents should include a notice that some language assistance services are available. This notice will be listed in Spanish and English.
- Community organizations — MARC should notify area community-based organizations and other stakeholders of available language-assistance services.
- Public notices — MARC should periodically issue notices, in Spanish and English, about available LEP services to translate MPO oral or written program material in local Spanish-language newspapers in the region.

Current budget and staff limitations preclude MARC from implementing all available notification techniques. However, in the future, MARC may consider additional notification methods, such as:

- Automated telephone voice mail attendant or menu system – provides information about available language-assistance services and how LEP individuals can obtain access.
- Radio announcements – provide notices on area Spanish-language radio stations about available language-assistance services and how to obtain access.
- Community presentations – provide presentations and/or notices in Spanish at schools and religious organizations.

### **Monitoring and Updating the LEP Plan:**

MARC monitors changing population levels and the language needs of LEP individuals in the region. An annual review of this LEP plan coincides with the annual evaluation of the public participation activity and the Title VI program. Evaluation results and recommended changes are shared with MARC's Total Transportation Policy Committee (TTPC). The LEP Coordinator keeps a record of any LEP services provided and makes this information available during the annual review process.

In the connection with updates to MARC's Title VI Program and Public Participation Plan, MARC may use some of the following tools to conduct further assessment:

1. Conduct surveys or focus groups.
2. Develop an evaluation process to assess LEP service provision.
3. Establish a tracking system to collect primary-language data for individuals that participate in programs and activities.

MARC will determine the appropriate mix of written and oral language communications for LEP individuals — to include but not limited to — translations, on paper, over the Internet, interpreter assistance, or by working with local organizations that serve LEP persons in the Kansas City metropolitan region.

### **Contact:**

MARC will respond to reasonable requests for LEP consideration in its programs and activities.

In order to request assistance or to discuss LEP issues, please contact:

Limited English Proficiency Coordinator  
Mid-America Regional Council  
600 Broadway, Suite 200  
Kansas City, Missouri 64105  
Phone: 816-474-4240  
Fax: 816-421-7758

To file a complaint regarding LEP activities, please fill out the Title VI complaint form available at <https://www.marc.org/title-vi-complaint-form>

Should an LEP complaint be filed, the Title VI review process will be followed.

More information on filing an LEP complaint with the Department of Justice can be found at <https://www.justice.gov/crt/how-file-complaint>.

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600 Broadway, Suite 200, Kansas City, Missouri 64105-1659  
Phone: 816-474-4270 • Fax: 816-421-7758 • [www.marc.org](http://www.marc.org)

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