

# Wendell Foster's Campus for Developmental Disabilities Inc.



## Title VI Plan

*Date Adopted: March 22, 2023*



## Title VI Plan Activity Log

Date	Activity (Review/Update/Addendum/ Adoption/Distribution)	Concerned Person (Signature)	Remarks

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## 1.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT AND MANAGEMENT COMMITMENT TO TITLE VI PLAN

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

Wendell Foster's Campus for Developmental Disabilities, Inc. is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, the whether those programs and activities are federally funded or not.

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

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

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

Douglas A. Hoyt, CEO  
Printed Name/Title

  
Signature

3/23/23  
Date

## 2.0 INTRODUCTION AND DESCRIPTION OF SERVICES

### Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Kentucky Department of Transportation (KDOT) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

Wendell Foster's Community Transportation Program submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012.

Wendell Foster is a sub-recipient of FTA funds and provides transportation services in Daviess, Hancock, Henderson, and Ohio Counties.

This document details how Wendell Foster incorporates nondiscrimination policies and practices in providing services to the public. Wendell Foster's Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

### **Title VI Liaison**

Vice President of Human Resources  
815 Triplett Street  
Owensboro, KY 42303  
(270) 683-4517



Wendell Foster includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

*Wendell Foster is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.*

*For additional information on Wendell Foster's nondiscrimination policies and procedures, or to file a complaint, please visit the website at [www.wendellfoster.org](http://www.wendellfoster.org) or contact the Title VI Manager/VP of Human Resources, 815 Triplett Street, Owensboro, KY 42303.*

Wendell Foster must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

- Maintain knowledge of Title VI requirements.
- Attend training on Title VI and other nondiscrimination authorities when offered by Kentucky Department of Transportation or any other regulatory agency.
- Disseminate Title VI information to the public including in languages other than English, when necessary.
- Develop a process to collect data related to race, gender and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Implement procedures for the prompt processing of Title VI complaints.

### **Description of Services**

Wendell Foster, a private 501(c) (3) non-profit, is a multi-service agency located in Owensboro, Kentucky. Each year, Wendell Foster serves over 2,000. Our services are known for supporting people with intellectual and developmental disabilities, however, we are much more of a comprehensive service provider capable of supporting an array of individuals in need by offering outpatient therapy, residential living, community living, an assistive technology lending library, transportation services, and various support programs.

Wendell Foster's Community Transportation Program provides transportation to and from programs at Wendell Foster and other community locations and is provided to individuals who have developmental and physical disabilities, the aging, and low income. This includes people who receive services at Wendell Foster, as well as people who live in the community who require transportation to attend physician appointments, attend outpatient therapies and day training/adult day programs, and other types of community activities.

### Authorities

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 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not. Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation— Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low- Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

## 2.1 FIRST TIME APPLICANT REQUIREMENTS

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

Wendell Foster is not a first time applicant for FTA/Kentucky Department of Education funding. The following is a summary of Wendell Foster's current pending federal and state funding:

Current and Pending FTA funding:

1. 2020 FYE 5310 Grant- \$73,057 Pending

During the previous three years, Kentucky Department of Transportation did not complete a Title VI compliance review of Wendell Foster's Community Transportation program.

## 2.2 ANNUAL CERTIFICATIONS AND ASSURANCES

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

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

Wendell Foster will remain in compliance with this requirement by annual submission of certifications and assurances as required by the Kentucky Department of Transportation.

  
\_\_\_\_\_  
Chief Executive Officer

Wendell Foster's Campus for Developmental Disabilities, Inc.

  
\_\_\_\_\_  
Date



## 2.3 TITLE VI PLAN CONCURRENCE AND ADOPTION

This Title VI Plan received Kentucky Department of Transportation concurrence on \_\_\_\_\_. The plan was approved and adopted by Wendell Foster's Campus for Developmental Disabilities Board of Directors during a meeting on March 22, 2023. A copy of the meeting minutes and Kentucky Department of Transportation concurrence is included in the Appendix C of this Plan.

## 3.0 NOTICE TO THE PUBLIC

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

### 3.1 NOTICE TO THE PUBLIC

Requirement to Provide a Title VI Public Notice Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

### 3.2 NOTICE POSTING LOCATIONS

The Notice to Public will be posted at many locations to apprise the public of Wendell Foster's obligations under Title VI and to inform them of the protections afforded them under Title VI.

At a minimum, Wendell Foster shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally funded vehicles, etc.

SEE APPENDIX D-Title VI Notice to the Public

## 4.0 TITLE VI PROCEDURES AND COMPLIANCE

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

### 4.1 COMPLAINT PROCEDURE

#### TITLE VI COMPLAINT PROCEDURES

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

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

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

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

The complaint procedure will be made available to the public on Wendell Foster's website. A copy of the complaint form will also be on Wendell Foster's website.

### 4.2 COMPLAINT FORM

A copy of the complaint form in English and Spanish is provided in Appendix E and on Wendell Foster's website ([www.wendellfoster.com](http://www.wendellfoster.com)).

### 4.3 RECORD RETENTION AND REPORTING POLICY

FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Plan to their FTA regional civil rights officer once every three (3) years. Wendell Foster will submit Title VI Plans to Kentucky Department of Transportation for concurrence on an annual basis or any time a major change in the Plan occurs.

### 4.4 SUB-RECIPIENT ASSISTANCE AND MONITORING

*FTA Circular 4702.1B, Chapter III, Paragraph 11: Primary recipients should assist their sub-recipients in complying with DOT's Title VI regulations, including the general reporting requirements.*

Wendell Foster does not have any sub-recipients to provide monitoring and assistance. As a sub-recipient to Audubon Area Community Services/GRITS, Wendell Foster utilizes the sub-recipient assistance and monitoring provided by Audubon Area Community Services/GRITS, as needed. In the future, if Wendell Foster has sub-recipients, it will provide assistance and monitoring as required by FTA Circular 4702.1B.

### 4.5 CONTRACTORS AND SUBCONTRACTORS

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

#### Nondiscrimination Clauses

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

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

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

#### **Disadvantaged Business Enterprise (DBE) Policy**

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

**E-Verify**

As a part of the JPA with KDOT, vendors and contractors of Wendell Foster shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the vendor or contractor while contracted with Wendell Foster. Additionally, vendors and contractors shall expressly require any subcontractors performing work or providing services pursuant to work for Wendell Foster shall likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor while working for Wendell Foster.



## 5.0 TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

*FTA Circular 4702.1B, Chapter III, Paragraph 7: In order to comply with the reporting requirements of 49 CFR 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations....; lawsuits, and complaints naming the recipient.*

In accordance with 49 CFR 21.9(b), Wendell Foster must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by Wendell Foster in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to Kentucky Department of Transportation and Audubon Area Community Services/GRITS.

Wendell Foster has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years. A summary of these incidents is recorded in Table 1.

**Table 1: Summary of Investigations, Lawsuits, and Complaints**

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

## 6.0 PUBLIC PARTICIPATION PLAN

*FTA Circular 4702.1B, Chapter III, Paragraph 4.a.4: Every Title VI Plan shall include the following information: A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Plan submission. A recipient's targeted public participation plan of minority populations may be part of efforts that extend more broadly to include constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.*

The Public Participation Plan (PPP) for Wendell Foster was developed to ensure that all members of the public, including low income, minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for Wendell Foster. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about Wendell Foster services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The PPP is included in Appendix F to this Title VI Plan. Information to the Title VI Plan is available on Wendell Foster's website, at strategic locations inside facilities, and on vehicles.

### PUBLIC PARTICIPATION GOALS

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including, but not limited to, low-income, minority, those with disabilities, and LEP populations, to comment about Wendell Foster's services and operations.

- Wendell Foster will implement strategies to proactively engage low-income, minority, and LEP populations in the service area, offering opportunities for participation.
- Wendell Foster will ensure all legal requirements for accessibility are met, geographically, linguistically, physically, and culturally.
- Wendell Foster will strive to include public comments into transportation decisions.
- Wendell Foster will accommodate participation in a variety of ways and will be adjusted over time as needed.

### Public Participation Methods

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

Wendell Foster will participate in the annual transportation coordination meeting to offer public input Audubon Area Community Services/GRITS Transportation Program, Wendell Foster's contract agency.

Formal customer surveys to measure performance will be conducted periodically. The information received on the surveys will be considered for changes and improvements in service delivery.

Wendell Foster will also place information and public notices on vehicles encouraging public input from all clients, including low-income, minority, and LEP populations, regarding transportation services, changes, and decisions.

### **Current Outreach Efforts**

Wendell Foster is required to submit a summary of public outreach efforts made over the last three (3) years. The following is a list and short description of Wendell Foster's recent and planned activities:

- Wendell Foster's Special Needs Expo on 10/22/22- Provided fliers on Wendell Foster programs and services
- Wendell Foster's Half Marathon Expo on 11/11/22- Provided fliers on Wendell Foster programs and services
- Wendell Foster's Special Needs Expo on 10/23/21- Provided fliers on Wendell Foster programs and services
- Wendell Foster's Half Marathon Expo on 11/12/21- Provided fliers on Wendell Foster programs and services
- Wendell Foster is invited to participate in a coordinated plan meeting each year with Audubon Area Community Services/GRITS to discuss and offer input to public transportation decisions.

## 7.0 LANGUAGE ASSISTANCE PLAN

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

Wendell Foster operates a transit system within Daviess, Hancock, Henderson, and Ohio Counties. The Language Assistance Plan (LAP) has been prepared to address Wendell Foster's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In Wendell Foster's service area there are 5,913 residents or 3.5% who describe themselves as not able to communicate in English very well (Source: US Census). Wendell Foster is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. Wendell Foster has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP. The LAP is included in this Title VI Plan as Appendix G.

Label	Daviess County, Kentucky			
	Total		Percent of specified language speakers	
			Speak English only or speak English "very well"	
Label	Estimate	Margin of Error	Estimate	Margin of Error
✓ Population 5 years and over	93,192	±5	91,382	±244
Speak only English	89,290	±393	(X)	(X)
Speak a language other than English	3,902	±394	2,092	±328
✓ SPEAK A LANGUAGE OTHER THAN ENGLISH				
✓ Spanish	2,297	±286	1,230	±259
5 to 17 years old	729	±163	586	±170
18 to 64 years old	1,455	±201	566	±172
65 years old and over	113	±65	78	±47
✓ Other Indo-European languages	694	±210	549	±178
5 to 17 years old	145	±103	142	±103
18 to 64 years old	470	±169	363	±141
65 years old and over	79	±57	44	±39
✓ Asian and Pacific Island languages	702	±183	188	±109
5 to 17 years old	207	±94	52	±45
18 to 64 years old	495	±109	136	±106
65 years old and over	0	±27	0	±27
✓ Other languages	209	±179	125	±133
5 to 17 years old	51	±80	51	±80
18 to 64 years old	139	±120	55	±59
65 years old and over	19	±31	19	±31

	Henderson County, Kentucky			
	Total		Percent of specified language speakers	
			Speak English only or speak English "very well"	
Label	Estimate	Margin of Error	Estimate	Margin of Error
▼ Population 5 years and over	42,490	±71	42,073	±161
Speak only English	41,595	±266	(X)	(X)
Speak a language other than English	895	±265	478	±150
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	508	±169	237	±94
5 to 17 years old	47	±69	32	±40
18 to 64 years old	404	±154	203	±84
65 years old and over	57	±55	2	±3
▼ Other Indo-European languages	190	±124	141	±98
5 to 17 years old	0	±26	0	±26
18 to 64 years old	164	±117	115	±92
65 years old and over	26	±35	26	±35
▼ Asian and Pacific Island languages	176	±176	97	±109
5 to 17 years old	0	±26	0	±26
18 to 64 years old	176	±176	97	±109
65 years old and over	0	±26	0	±26
▼ Other languages	21	±33	3	±5
5 to 17 years old	0	±26	0	±26
18 to 64 years old	18	±32	0	±26
65 years old and over	3	±5	3	±5

  

	Ohio County, Kentucky			
	Total		Percent of specified language speakers	
			Speak English only or speak English "very well"	
Label	Estimate	Margin of Error	Estimate	Margin of Error
▼ Population 5 years and over	22,520	±47	21,949	±244
Speak only English	21,583	±192	(X)	(X)
Speak a language other than English	937	±186	366	±300
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	868	±192	349	±299
5 to 17 years old	280	±237	239	±237
18 to 64 years old	570	±227	97	±78
65 years old and over	18	±17	13	±14
▼ Other Indo-European languages	27	±27	5	±8
5 to 17 years old	0	±23	0	±23
18 to 64 years old	27	±27	5	±8
65 years old and over	0	±23	0	±23
▼ Asian and Pacific Island languages	35	±32	5	±10
5 to 17 years old	5	±10	5	±10
18 to 64 years old	4	±8	0	±23
65 years old and over	26	±32	0	±23
▼ Other languages	7	±11	7	±11
5 to 17 years old	0	±23	0	±23
18 to 64 years old	7	±11	7	±11
65 years old and over	0	±23	0	±23



Label	Hancock County, Kentucky			
	Total		Percent of specified language speakers	
			Speak English only or speak English "very well"	
	Estimate	Margin of Error	Estimate	Margin of Error
▼ Population 5 years and over	8,495	±26	8,482	±25
Speak only English	8,316	±139	(x)	(x)
Speak a language other than English	179	±140	166	±141
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	4	±6	4	±6
5 to 17 years old	0	±17	0	±17
18 to 64 years old	4	±6	4	±6
65 years old and over	0	±17	0	±17
▼ Other indo-European languages	132	±142	132	±142
5 to 17 years old	53	±74	53	±74
18 to 64 years old	79	±73	79	±73
65 years old and over	0	±17	0	±17
▼ Asian and Pacific Island languages	43	±23	30	±25
5 to 17 years old	9	±11	9	±11
18 to 64 years old	34	±20	21	±20
65 years old and over	0	±17	0	±17
▼ Other languages	0	±17	0	±17
5 to 17 years old	0	±17	0	±17
18 to 64 years old	0	±17	0	±17
65 years old and over	0	±17	0	±17

Data are based on a sample and are subject to sampling vulnerability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of margin of error. The value shown here is the 90% margin of error. The margin of error can be interpreted roughly as providing a 90% probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for the discussion of nonsampling variability). The effect of nonsampling error is not represented in these tables.

While the 2008 – 2012 American Community Survey (ACS) data generally reflect the December 2009 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes and boundaries of the principal cities shown in the ACS tables may differ than the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2000 data. Boundaries for urban areas have not been updated since Census 2000. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Information concerning the Title VI plan and services available are listed in Wendell Foster's Community Transportation program office, administration lobby, and on the website.

### Safe Harbor Provisions:

Department of Transportation has adopted the Department of Justice's Safe Harbor Provision which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

## 8.0 TRANSIT PLANNING AND ADVISORY BOARDS

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

Wendell Foster's Community Transportation Program does not have a transit related Board.

Wendell Foster's Campus for Developmental Disabilities, Inc. has a Board of Directors consisting of 17 members.

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Service Area Population	89%	4%	5%	2%	0%	0%
Board	88%	6%	6%	0%	0%	0%

Wendell Foster will make efforts to encourage minority participation on the Board. Minorities are recruited through word of mouth and by working with other local organizations.

## 9.0 TITLE VI EQUITY ANALYSIS

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

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

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

Wendell Foster has not recently constructed any facilities nor does it currently have any facilities in the planning stage. Therefore, Wendell Foster Community Transportation Program does not have any Title VI Equity Analysis reports to submit with this Plan.

## 10.0 SYSTEM-WIDE SERVICE STANDARDS AND SERVICE POLICIES

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

Wendell Foster is not a fixed route service provider.

## 11.0 APPENDICES

APPENDIX A	FTA CIRCULAR 4702.1B REPORTING REQUIREMENTS FOR TRANSIT PROVIDERS
APPENDIX B	CURRENT SYSTEM DESCRIPTION
APPENDIX C	TITLE VI PLAN ADOPTION MEETING MINUTES AND KDOT CONCURRENCE LETTER
APPENDIX D	TITLE VI SAMPLE NOTICE TO PUBLIC
APPENDIX E	TITLE VI COMPLAINT FORM
APPENDIX F	PUBLIC PARTICIPATION PLAN
APPENDIX G	LANGUAGE ASSISTANCE PLAN
APPENDIX H	OPERATING AREA LANGUAGE DATA: WENDELL FOSTET SERVICE AREA
APPENDIX I	DEMOGRAPHIC MAPS
APPENDIX J	TITLE VI EQUITY ANALYSIS



# **Appendix A**

## **FTA Circular 4702.1B Reporting Requirements for Transit Providers**

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

## General Requirements

*All recipients must submit:*

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

# **Appendix B**

## **Current System Description**

Since 2018, Wendell Foster has been a subcontractor of Audubon Area Community Services/Green River Intra-county Transit System/GRITS to provide clean, safe, and reliable public transportation to residents of Daviess, Ohio, Hancock and Henderson counties. Wendell Foster provides an essential service to low income, elderly, and those with disabilities, providing efficient transportation to doctor's appointments, day training and adult day programs.

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

Wendell Foster is a non-profit 501(c)(3)] organization made up of 300 full-time employees, 22 part-time employees, and 32 PRN employees. The Community Transportation Program consists of 7 full-time employees, 3 part time employees, and 2 PRN employees. Our Chief Executive Officer is responsible for all of the day-to-day operations of our organization and reports directly to our Board of Directors. Our Board of Directors is committed to Wendell Foster's Community Transportation Program and has agreed to unite our service with the Audubon Area Community Services/GRITS Public Transportation Program. Transportation services are provided in accordance with the Wendell Foster's approved Community Transportation Policies and Procedures and in accordance with the Wendell Foster's contract with Audubon Area Community Services/GRITS. In 2022, Wendell Foster operated 6 community transportation routes Monday through Friday and provided a total of 24,418 trips to medical appointments, adult day/day training programs, and other Medicaid to Medicaid services. It is expected that Wendell Foster will continue to operate at this level in the foreseeable future as routes are assigned by our contract agency, Audubon Area Community Services/GRITS.

As previously stated, Wendell Foster operates as a non-profit 501(c)(3)] and is a sub-contractor for Audubon Area Community Services/GRITS, with an executed agreement dated July 1, 2022.

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

Wendell Foster's Employee Development/Training Department, in collaboration with the Community Transportation Dispatcher, is responsible for employee training of vehicles. The Vice President of Community Living Options provides administrative oversight to the daily operation of the program. All employees who are expected to drive in their hired position are required to go through a driver's training as part of their new hire orientation. The drivers training includes in- classroom defensive drivers instruction, hands on wheelchair lift and securement training, and on-the-road drivers training. Community Transportation Drivers complete additional on-the-road drivers training with a seasoned driver for an additional time period, up to 80 hours, prior to independent driving. Wendell Foster's Business Office is responsible for annual renewal of all liability insurance for both Wendell Foster's Community Transportation vehicles and agency owned vehicles, as well as vehicle registrations/renewals of all vehicles. It is the Vice President's responsibility to administer all aspects of the Community Transportation Program and to control access and usage of all Community Transportation vehicles.

4. Who provides vehicle maintenance and record keeping?

Maintenance on all agency vehicles is monitored and implemented by Wendell Foster's Vice President of Facilities. To keep Wendell Foster's fleet operating smoothly, each driver conducts a daily pre-trip

inspection that cover a variety of vehicle features, from oil gauge and fluid levels to a vehicle walk around inspection to assess external conditions of the vehicle. Vehicle inspection reports are submitted to the VP of Facilities daily. The VP of Facilities evaluated the data on the pre-inspection reports and schedules immediate appointments to correct issues that are identified through the report. All maintenance and repairs are completed by certified technicians with experience in working on commercial passenger vehicles like Wendell Foster's fleet. All maintenance is performed using the Preventative Maintenance Plan, which conforms to the State Vehicle Maintenance Guidelines set forth in the Kentucky Department of Transportation Preventative Maintenance Guidelines document. All vehicle maintenance files are maintained by the Vice President of Facilities and records are maintained and retained for a minimum of four (4) years.

5. Number of current transportation related employees

As previously stated, Wendell Foster's Community Transportation Program has a total of 12 employees that include: 7 full-time drivers, 3 part-time drivers, 2 PRN drivers. The Vice President of Community Living Options provides administrative oversight to all of these employees and the operations of the department.

6. Who will drive the vehicle, number of drivers, CDL certifications, etc.?

Only Wendell Foster's Community Transportation Program employees and employees who are required to drive as a function of their hired position and have completed all of the required safety and drivers training requirements are allowed to drive the agency vehicles. None of Wendell Foster's Community Transportation drivers (or other Wendell Foster employees) are required to carry a Commercial Driver's License as Wendell Foster does not operate service routes using large vehicles requiring this type of license.

7. A detailed description of service routes and ridership numbers

Wendell Foster's Community Transportation services provided through our program are available to residents of Daviess, Henderson, Hancock, and Ohio Counties. Although the majority of trips provided are medical in nature, other trip purposes include nutrition, shopping, social service, adult day/day training, social and recreation. Approximately 10% of the medical trips we provide are to medical facilities out of the county; therefore, our out of county services are directed to the nearby highway corridors that surround this community for optimum efficiency of trip duration and the most convenient route. Currently, we use a variety of vehicles to provide passenger services. Our fleet includes a total of 10 transit and cut-a-way multi passenger vans. All of our vehicles are ADA compliant and equipped for wheelchair service. We prioritize grouping trips and multi-loading to the maximum extent possible. We make on average 100 passenger trips per day and leverage our fleet resources so that all vehicles are used in a responsible manner to provide full coverage and retire the vehicles at a consistent pace and appropriate age and mileage.



## **Appendix C**

# **Title VI Plan Adoption Meeting Minutes and FDOT Concurrence Letter**

**WENDELL FOSTER  
BOARD OF DIRECTORS MEETING  
AGENDA  
Wednesday, March 22, 2023**

The Board of Directors meeting of Wendell Foster was held on Wednesday, March 22, 2022, at 7:30 a.m. with the following Directors participating in person and via Zoom:

Mr. Tim Allen, Chairman	Dr. Sally Asefa
Mrs. Linda Overby	Mrs. Brenda Clayton
Mr. Tristan Durbin	Mr. Pedro Gonzalez
Mr. Mark Wright	Dr. Terry Ward
Dr. Trasey Falcone	Mr. Buzz Backstrom
Mr. Ron Graul	Mrs. Pam Smith-Wright
Mrs. Patti Bickett	Mr. Ben Boarman

Also participating in the meeting were Mr. Doug Hoyt, CEO; Mrs. Beth Shepherd, Chief Financial & Administrative Officer; Mrs. Kelly Turnham, Chief Program Officer; Mrs. Sandy Hayden, VP of Outpatient Services; Mrs. Kara Howard, VP of Development and Community Engagement; Ms. Amber Lashley, Executive Assistant; Ms. Sarah Poole, VP of ICF/IID; Mr. Rick Searcy, VP of Community Living Options; Mrs. Samantha Bostick, VP of Human Resources, and Mr. Chad Underhill, VP of Facilities and Environmental Services.

Chairman Allen called the meeting to order, and Mr. Mark Wright offered the invocation.

Craig Payne, Maintenance Team Lead, shared information with the Board regarding the duties and responsibilities of the Wendell Foster maintenance team as part of an educational series for the Board.

The Board unanimously approved the Secretary's Report on a motion by Mr. Pedro Gonzalez that Mrs. Brenda Clayton seconded. The Treasurer's Report was also unanimously approved by the Board on a motion by Mr. Terry Ward that Mr. Pedro Gonzalez seconded.

Vice President of Development and Community Engagement Kara Howard presented a Yes! Moment testimonial video from Denise Parker, a resident of Wendell Foster, and Karissa Riter, her therapist at Wendell Foster. Kara presented the Board with a copy of the 2022 Annual Report. Mrs. Howard reminded the Board of the April 21<sup>st</sup> date for the Whitesville Lion's Club Pie Action and the Wendell Foster Golf Scramble on June 16, 2023. Kara thanked everyone for participating in last month's Honey Do List and challenged each board member to obtain a golf scramble sponsor.

Doug Hoyt discussed the 5310 grant opportunity indicating it was our intention to apply for funds again this year. Applications are due in early April and one of the requirements is adoption of a 5310 resolution authorizing Wendell Foster's CEO, Doug Hoyt, to execute the grant application and any associated documents.

A motion was made by Mr. Ben Boarman to approve the 5310 resolution authorizing Doug Hoyt to execute all documents related to the 5310 grant on behalf of Wendell Foster. Mrs. Brenda Clayton seconded the motion. The motion was approved unanimously.

Doug Hoyt stated that the Title VI Plan was distributed to the Board prior to this meeting and asked for questions and comments. The Title VI Plan was unanimously approved and adopted by the Board on a motion by Mr. Tristan Durbin, seconded by Mr. Pedro Gonzalez.

The Finance Committee met in March 2023, and minutes were distributed to the Board prior to this meeting. Mrs. Brenda Clayton reviewed and discussed the 403(b) Quarterly Retirement Plan performance. Brenda Clayton presented the FYE 2022 audit indicating it was a clean audit. She reported that there was no management letter this year, only achieved by about 2% of those who are audited, and thanked staff for their work to achieve this goal. The FYE 2022 Audit was unanimously approved by the Board on a motion by Mr. Ben Boarman and was seconded by Mr. Tristan Durbin.

Dashboard Indicators were discussed, as well as the Staff Report. Mr. Doug Hoyt provided an update on the House Bill 334.

With no further business on the agenda, the meeting was adjourned.

Respectfully submitted,

Sally Asefa, Secretary

# **Appendix D**

## **Title VI Notice to Public**

## TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

**TITLE VI NOTICE OF PROTECTIONS AGAINST DISCRIMINATION****Wendell Foster's Community Transportation Program**

- Wendell Foster operates its programs and services without regard to race, color, and national origin.
- To request or receive additional information on its discrimination obligations, including its complaint procedures, please contact the person listed below:  
Vice President of Human Resources  
Telephone (270) 683-4517 ext. 406  
E-mail address: [www.wendellfoster.org](http://www.wendellfoster.org)
- To file a discrimination complaint, the written complaint must be filed to the address above within 180 days of the alleged discrimination. To accommodate limited English proficient individuals, oral complaints may also be filed with the U.S. Department of Transportation/Federal Transit Administration (FTA) no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.

## TÍTULO VI DE LA LEY DE DERECHOS CIVILES DE 1964

## TÍTULO VI AVISO DE PROTECCIONES CONTRA LA DISCRIMINACIÓN

## Programa de Transporte Comunitario de Wendell Foster

- Wendell Foster opera sus programas y servicios sin distinción de raza, color y origen nacional.
- Para solicitar o recibir información adicional sobre sus obligaciones de discriminación, incluidos sus procedimientos de queja, comuníquese con la persona que se indica a continuación:  
Vicepresidente de Recursos Humanos  
Teléfono (270) 683-4517 ext. 406  
Dirección de correo electrónico: [www.wendellfoster.org](http://www.wendellfoster.org)
- Para presentar una queja por discriminación, la queja por escrito debe enviarse a la dirección anterior dentro de los 180 días de la supuesta discriminación. Para acomodar a las personas con dominio limitado del inglés, las quejas orales también pueden presentarse ante el Departamento de Transporte de los EE. UU./Administración Federal de Tránsito (FTA) a más tardar 180 días después de la fecha de la supuesta discriminación, a menos que la FTA extienda el tiempo de presentación.
- Si necesita información en otro idioma, comuníquese al 270-683-4517 ext. 406

# **Appendix E**

## **Title VI Complaint Form**

# Wendell Foster's Community Transportation Program

## Title VI Complaint Form

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Age				
<input type="checkbox"/> Disability <input type="checkbox"/> Family or Religious Status <input type="checkbox"/> Other (explain) _____				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
_____ _____				
<b>Section IV</b>				
Have you previously filed a Title VI complaint with this agency?			Yes	No



**Section V**

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

☐ Yes ☐ No

If yes, check all that apply:

☐ Federal Agency: \_\_\_\_\_

☐ Federal Court \_\_\_\_\_

☐ State Agency \_\_\_\_\_

☐ State Court \_\_\_\_\_

☐ Local Agency \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency:

Address:

Telephone:

**Section VI**

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

Wendell Foster's Vice President of Human Resources  
815 Triplett Street  
Owensboro, KY 42303

# **Appendix F**

## **Public Participation Plan (PPP)**

## Introduction

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

## Public Participation Goals

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

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

## Public Participation Methods

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

Wendell Foster, as a sub-contractor to Audubon Area Community Services/GRITS will participate in community meetings and listening sessions as appropriate with passengers, employers, community based

organizations, and advisory committees to gather public input and distribute information about service quality, proposed changes or new service options.

The public is invited to provide feedback on Wendell Foster's website [www.wendellfoster.org](http://www.wendellfoster.org) and all feedback on the site will be recorded and passed on to Wendell Foster's management team. The public will also be able to call Wendell Foster's Community Transportation Title VI Manager/VP of Human Resources at (270) 852-1406 during its hours of operation. Feedback collected over the phone will be recorded and passed on to Wendell Foster's Vice President of Community Living Options. Formal customer surveys to measure performance will be conducted periodically. The comments recorded as a part of these participation methods will be responded to as appropriate.

# **Appendix G**

## **Language Assistance Plan (LAP)**

## Introduction

Wendell Foster operates a transit system within Daviess, Hancock, Henderson, and Ohio Counties. The Language Assistance Plan (LAP) has been prepared to address Wendell Foster's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In Wendell Foster's service area there are 5,913 residents or 3.5% who describe themselves as not able to communicate in English "very well" (Source: US Census). Wendell Foster is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. Wendell Foster has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP.

The U.S. Department of Transportation Handbook, titled "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers, (April 13, 2007) " (hereinafter "Handbook"), states that Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance (Handbook, page 5). The Handbook further adds that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (Handbook, page 5).

Executive Order 13166 of August 16, 2000 states that recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons (Handbook, page 6). Additionally recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP (Handbook, page 6). These provisions are included in FTA Circular 4702.1B in Paragraph 9 of Chapter III (pages III-6 to III-9).

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

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

- Identification: Identifying LEP populations in service areas
- Notification: Providing notice to LEP individuals about their right to language services
- Interpretation: Offering timely interpretation to LEP individuals upon request
- Translation: Providing timely translation of important documents

- Staffing: Identifying Wendell Foster staff to assist LEP customers
- Training: Providing training on LAP to responsible employees.

## **I. Four Factor Analysis**

The analysis provided in this report has been developed to identify LEP population that may use Wendell Foster Community Transportation services and identify needs for language assistance. This analysis is based on the “Four Factor Analysis” presented in the Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, dated April 13, 2007, which considers the following factors:

1. The number and proportion of LEP persons in the service area who may be served or are likely to encounter a Wendell Foster program, activity or service.
2. The frequency with which LEP persons come in contact with Wendell Foster programs, activities or services.
3. The nature and importance of programs, activities or services provided by Wendell Foster’s Community Transportation Program to the LEP population.
4. The resources available to Wendell Foster’s Community Transportation Program and overall costs to provide LEP assistance

### **a. Factor 1: The Number and Proportion of LEP Persons Serviced or Encountered in the Eligible Service Population**

Of the 166,697 residents in the Wendell Foster Community Transportation Service area 5,913 residents describe themselves as speaking English less than “very well”. People of Hispanic descent are the primary LEP persons likely to utilize Wendell Foster’s Community Transportation services. For the Wendell Foster Community Transportation service area, the American Community Survey of the U.S. Census Bureau shows that among the area’s population 96% speak English “very well”. For groups who speak English “less than very well”, 3.5% speak Spanish and .5% speak a language other than English or Spanish.

### **b. Factor 2: The Frequency with which LEP Individuals Come into Contact with Your Programs, Activities, and Services**

The Federal guidance for this factor recommends that agencies should assess the frequency with which they have contact with LEP individuals from different language groups. The more frequent the contact with a particular LEP language group, the more likely enhanced services will be needed.

Wendell Foster has assessed the frequency with which LEP individuals come in contact with the transit system. The methods utilized for this assessment include analysis of Census data, examining phone inquiries, requests for translated documents, and staff survey. As discussed above, Census data indicates that Wendell Foster’s Community Transportation Program drivers interact infrequently with LEP persons. The majority of these interactions have

occurred with LEP persons who mainly spoke Spanish. Over the past 5 years, Wendell Foster's Community Transportation Program has had 0 requests for translated documents.

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

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

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

Wendell Foster assessed its available resources that are currently being used, and those that could be used, to provide assistance to LEP populations. Wendell Foster provides a reasonable degree of services for LEP populations in its service area.

### **Training Staff**

It is important that staff members, especially those having contact with the public, know their obligation to provide meaningful access to information and services for LEP persons. Even staff members who do not interact regularly with LEP persons should be aware of and understand the LEP plan. Properly trained staff is a key element in the effective implementation of the LEP plan.

There are three primary group of staff members who are critical to the LEP plan: Community Transportation drivers, the dispatcher, the Vice President fo Community Living Options, and the Vice President of Human Resources. Drivers have the most frequent contact with LEP persons, through daily interactions with passengers. The dispatcher may also have contact with LEP persons, either in person or phone contact. These two groups are most likely to encounter LEP persons and provide language assistance. LEP training for both of these groups occur in new hire training. The training includes:

- Understanding the Title VI LEP responsibilities
- What language assistance services Wendell Foster offers
- Spcific procedures to follow when encountering a LEP person

## **II. Language Assistance Plan**

In developing a Language Assistance Plan, FTA guidance recommends the analysis of the following five elements:

1. Identifying LEP individuals who need language assistance
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the plan



The five elements are addressed below.

**a. Element 1: Identifying LEP Individuals Who Need Language Assistance**

Federal guidance provides that there should be an assessment of the number or proportion of LEP individuals eligible to be serviced or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

Wendell Foster's Community Transportation Program has identified the number and proportion of LEP individuals within its service area using United States Census data (see Appendix H). As presented earlier, 96% of the service area population speaks English only. The largest non-English spoken language in the service area is Spanish (3.5%). Those residents whose primary language is not English or Spanish and who identify themselves as speaking English less than "very well" account for .5% of the service area population.

Wendell Foster's Community Transportation Program may identify language assistance need for an LEP group by:

1. Examining records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events or meetings.
2. Vehicle operators and front-line staff (i.e. Dispatchers, Drivers etc.) will be surveyed on their experience concerning any contacts with LEP persons during the previous year.

**b. Element 2: Language Assistance Measures**

Federal Guidance suggests that an effective LAP should include information about the ways in which language assistance will be provided. This refers to listing the different language services an agency provides and how staff can access this information.

For this task Federal Guidance recommends that transit agencies consider developing strategies that train staff as to how to effectively deal with LEP individuals when they either call agency centers or otherwise interact with the agency.

Wendell Foster will undertake the following actions to improve access to information and services for LEP individuals:

1. Survey transit drivers and annually on their experience concerning any contacts with LEP persons during the previous year.
2. When an interpreter is needed in person or on the telephone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteers.

Wendell Foster will utilize the demographic maps provided in Appendix I in order to better provide the above efforts to the LEP persons within the service area.

**c. Element 3: Training Staff**

Federal guidance states staff members of an agency should know their obligations to provide meaningful access to information and services for LEP persons and that all employees in public contact positions should be properly trained.

Suggestions for implementing Element 3 of the Language Assistance Plan, involve: (1) identifying agency staff likely to come into contact with LEP individuals; (2) identifying existing staff training opportunities; (3) providing regular re-training for staff dealing with LEP individual needs; and (4) designing and implementing LEP training for agency staff.

**d. Element 4: Providing Note to LEP Persons**

Wendell Foster's Community Transportation Program will make Title VI information available in English and other languages upon request.

**e. Element 5: Monitoring and Updating the Plan**

The plan will be reviewed and updated on an ongoing basis. Updates will consider the following:

- The number of documented LEP person contacts encountered annually
- How the needs of LEP persons have been addressed
- Determination of the current LEP population in the service area
- Determination as to whether the need for translation services has changed
- Determine whether Wendell Foster's financial resources are sufficient to fund language assistance resources needed

**III. Safe Harbor Provision**

DOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Wendell Foster's Community Transportation service area does have LEP populations which qualify for the Safe Harbor Provision.

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

**Appendix H**

**Operating Area Language Data:**

**Wendell Foster's Community  
Transportation Program Service Area**

**3.5% speak a language other than English  
at home**

# Appendix I

## Demographic Map



# **Appendix J**

## **Title VI Equity Analysis**

**Title VI Equity Analysis**

Title 49 CFR, Appendix C, Section (3)(iv) requires that “the location of projects requiring land acquisition and the displacement of persons from their residences and business may not be determined on the basis of race, color, or national origin.”

Wendell Foster has not completed a Title VI equity analysis as we are not in any planning stages for land acquisition or building projects.

**Service area population characteristics:**

The 2020 Census defined the following population characteristics for the Wendell Foster Community Transportation service area.

- 89% White
- 5% Black
- 4% Hispanic/Latino
- 2% Asian

# Wendell Foster

Empowering People With Disabilities



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