



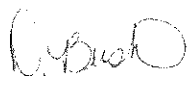
# Transit Department

5033 State Avenue  
Kansas City, Kansas 66102

Phone: (913) 573-8312  
Fax: (913) 573-8315

## MEMORANDUM

**TO:** David W. Johnston  
County Administrator

**FROM:** Deasiray Bush   
Transit Director

**DATE:** December 18, 2023

**SUBJECT:** Federal Motor Carrier Safety Administration (FMCSA) Title VI  
Compliance Plan

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The Transit Department plans to apply for FMCSA grant funds for FFY2024. To be eligible, applicants are required to have an approved FMCSA Title VI Compliance Plan on file. We have an outdated policy on the UGT webpage at <https://www.wycokck.org/Departments/Transportation> from 2017, and it needs to be specified for FMCSA funding. The FMCSA Title VI Program Manager has approved the attached UGT FMCSA Title VI Compliance Plan and is ready for review and signature. The new compliance plan will be posted on the UGT website in addition to the 2017 plan.

This funding opportunity will allow UGT to implement Defensive Driving Training in partnership with APEX and the University of Kansas Transportation Center. In addition, we are planning to transition to a cloud-based vehicle accident management system. Lastly, have the opportunity to purchase collision avoidance equipment and software for the UGT fleet that will consist of mobile eye technology, backup sensors, HD rearview camera, artificial intelligence sensors, and more. The project descriptions can be found on pages 15 and 16.

A signature is required on pages 3 and 8.

We plan to apply for FMCSA fund in January 2024 through grants.gov

Please let me know if you have any questions. Thanks

Forwarded By: Deasiray Bush  
Time Frame: 5 days

**APPROVED**

Ross Stewart

Digitally signed by Ross  
Stewart  
Date: 2023.12.21 14:53:05  
-06'00'

Return To: Deasiray Bush

Attachments: UGT FFY2024 Title VI Program Compliance Plan



**County Administrator's Office**  
**David W. Johnston, County Administrator**

701 N 7<sup>th</sup> Street, Suite 945  
Kansas City, Kansas 66101  
(913) 573-5030 • FAX (913) 573-5540

**MEMORANDUM**

**TO:** Tyrone Garner, Mayor/CEO  
Board of County Commissioners

**FROM:** David W. Johnston, County Administrator

**DATE:** December 20, 2023

**SUBJECT:** ABSENT FROM OFFICE – ACTING COUNTY ADMINISTRATOR

I will be out of the office Thursday, December 21, 2023, thru December 28, 2023. Bridgette Cobbins will be Acting County Administrator.

Please contact Bridgette should you need assistance during my absence.

DWJ/dls

ec: Bridgette Cobbins, Assistant County Administrator  
Alan Howze, Assistant County Administrator  
Angela Lawson, Acting Chief Counsel  
Karl Oakman, Police Chief  
Dan Soptic, Sheriff  
Dennis Rubin, Fire Chief  
Ashley Hand, Director of Strategic Communications  
Monica L. Sparks, Interim Clerk



Unified Government of Wyandotte County/Kansas City, Kansas  
Transportation Department  
FFY 2024 Title VI Program Compliance Plan

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## Unified Government of Wyandotte County/Kansas City, Kansas

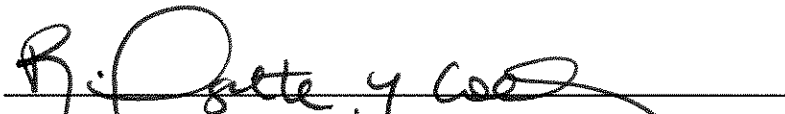
### FMCSA APPLICANT TITLE VI PROGRAM COMPLIANCE PLAN

#### Policy Statement

Unified Government of Wyandotte County/Kansas City, Kansas (UG) certifies its commitment to ensure that no person shall on the basis of race, color, national origin, sex, age, disability, low income, or Limited English Proficiency (LEP) be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination under any and all programs, services, or activities administered by UG. As a recipient of federal financial assistance, UG will ensure full compliance with Title VI of the Civil Rights Act of 1964; comply with 49 C.F.R. part 21 and 49 C.F.R. part 303 and all related nondiscrimination authorities.

The Civil Rights Restoration Act of 1987 clarified Title VI and related nondiscrimination authorities to specify that entire institutions receiving Federal Funds must comply with Federal civil rights authorities, rather than just the particular programs or activities that receive funds. Federal Motor Carrier Safety Administration (FMCSA) Title VI Program Coordinator will be responsible for implementing the FMCSA Title VI Program. Additionally, Center Directors, and all other responsible personnel are directed to assist the Title VI Program Coordinator in the effective implementation of the Title VI Program.

The Unified Government County Administrator, David W. Johnston, an authorized representative, has signed the FMCSA Title VI Program Assurance and will ensure that the Unified Government of Wyandotte County/Kansas City, Kansas is compliant with all requirements.



David W. Johnston

County Administrator

Unified Government of Wyandotte County/Kansas City, Kansas

Date: 12.22.23

Acting

Brittany D. Cobbins

**Unified Government of Wyandotte County/Kansas City, Kansas**

**The United States Department of Transportation**

Standard Title VI/Non-Discrimination Assurances

**DOT Order No. 1050.2A**

Unified Government of Wyandotte County/Kansas City, Kansas (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

Statutory/Regulatory 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice:

[http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 DOT, including the FMCSA.”*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

### **Specific Assurances**



More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“Unified Government of Wyandotte County/Kansas City, Kansas, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will 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 will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- 8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
- 9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, 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 Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Unified Government of Wyandotte County/Kansas City, Kansas, also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Unified Government of Wyandotte County/Kansas City, Kansas gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on the Unified Government of Wyandotte County/Kansas City, Kansas, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Unified Government of Wyandotte County/Kansas City, Kansas  
(Name of Recipient)

by   
(Signature of Authorized Representative)

Date 12.22.23

~~David W. Johnston~~, County Administrator

Bridgette D. Cullins, Acting

## Appendix A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
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 will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.

**Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

#### Clauses for Deeds Transferring United States Property

##### Appendix B

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the Unified Government of Wyandotte County/Kansas City, Kansas will accept title to the lands and maintain the project constructed thereon in accordance with the State of Kansas the Regulations for the Administration of **Federal Motor Carrier Safety Administration (FMCSA) Program**, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation 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 Unified Government of Wyandotte County/Kansas City, Kansas 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 Unified Government of Wyandotte County/Kansas City, Kansas 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 will be binding on the Unified Government of Wyandotte County/Kansas City, Kansas its successors and assigns.

The Unified Government of Wyandotte County/Kansas City, Kansas, 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 will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 Unified Government of Wyandotte County/Kansas City, Kansas will 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, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will 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 purpose of Title VI.)

#### Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility or Program

#### Appendix C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Unified Government of Wyandotte County/Kansas City, Kansas pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, 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:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Unified Government of Wyandotte County/Kansas City, Kansas will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and

repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Unified Government of Wyandotte County/Kansas City, Kansas will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Unified Government of Wyandotte County/Kansas City, Kansas and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

#### Clauses for Construction/Use/Access to Real Property Acquired Under the Activity, Facility or Program

#### Appendix D

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Unified Government of Wyandotte County/Kansas City, Kansas pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, 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 (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Unified Government of Wyandotte County/Kansas City, Kansas will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Unified Government of Wyandotte County/Kansas City, Kansas will there upon revert to and vest in and become the absolute property of Unified Government of Wyandotte County/Kansas City, Kansas and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

## Appendix 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:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- 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, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. 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 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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*).

## FMCSA Applicant Title VI Program Compliance Plan

### Description of Federal-Aid Programs

#### **Project #1: Defensive Driving Training**

##### *Hands-on Training*

The Unified Government Transportation (UGT) Department will collaborate with APEX CDL Institute, a local CDL accredited educational institute that provides CDL training, defensive driving, and basic vehicle control. UGT has 35 Transit Operators in need of annual hands-on defensive driving training due to ongoing minor incidents and accidents. Since 2020, we have recorded 13 incidents/accidents that were preventable by employees due to the lack of updated training and curriculum. Additionally, lack of training is also due to internal limitations of administrative capacity. Training will include pre and post evaluation of driver skills, road signs, operating and maneuverability of commercial vehicles, vehicle inspections, and behind the wheel driving techniques for safe driving.

##### *Lecture-Based Training*

The UGT Department will collaborate with the University of Kansas Transportation Center (KUTC) to provide onsite training on topics such as safety and liability, equipment operation, hands-on practice, Kansas driving laws, communication and customer service skills, and emergency procedures.

##### *Microlearning Courses*

Microlearning courses are short e-learning courses that teach a single skill or concept. Courses are designed to address a specific performance goal or provide a quick overview or refresher on a topic. The UGT microlearning courses will focus on key performance indicators (KPI) of preventable accidents/incidents and safety procedures. Microlearning is an additional training solution that meets real-time needs. Training and development can easily connect learning to individual needs.

Key partnerships and microlearning training will help the UGT Department increase training opportunities, safety practice and awareness, job recruitment, retain employees, decrease preventable accidents and incidents, and ensure employees are afforded the opportunity of up-to-date training and resources. Training will emphasize safety procedures, resulting in fewer accidents, lower liability, and enhanced service image.

#### **Project #2: Commercial Motor Vehicle Accident Management System**

UGT aims to strengthen its commitment to employees, facilities, and fleet safety. Accident reporting is vital to safety operations and tracking metrics to pinpoint critical areas for assessment and training. UGT uses tangible documents to report fleet accidents and manual track accidents. Transitioning to a cloud-based set of tools to manage risk, incidents, accidents, and safety compliance across the agency allows for complete customization of all event types and workflows. In addition to tracking, systems will allow gainful insight into meaningful metrics with a comprehensive data dashboard, allowing UGT to conduct safety data for improvement.

### **Project #3: Collision Avoidance**

A collision avoidance system (CAS) is an advanced driver-assistance system designed to prevent or reduce the severity of a collision. It can detect and warn the driver of an imminent crash or intervene by braking or steering the vehicle. The system uses various technologies and sensors, such as radar, lasers, cameras, GPS, and artificial intelligence. The system monitors the vehicle's speed, the speed of the vehicle in front of it, and the distance between the vehicles so that it can warn the driver if the vehicles get too close, potentially helping to avoid a crash. CAS can detect fixed dangers, such as approaching stop signs through a location database. Once an impending collision is detected, these systems warn the driver. When the collision becomes imminent, they can take action autonomously without any driver input (by braking or steering or both).

UGT has a commercial fleet of approximately 35 vehicles and provides coverage of 156.07 square miles. Using collision avoidance systems can reduce the frequency and severity of accidents, improve road safety, and protect drivers and the public.

## Notification to Beneficiaries/Participants



### Unified Government of Wyandotte/Kansas City, Kansas

#### Public Notice of Title VI Program Rights

The Unified Government of Wyandotte County/Kansas City, Kansas, gives public notice of its policy to uphold and ensure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, disability, income level, or Limited English Proficiency, 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.

The Unified Government Transportation Department will post the FMCSA Title VI Compliance Plan on its website at <https://www.wycokck.org/Departments/Transportation> and tangible copies will be posted in public accessible facilities by February 1, 2024.

Any person who desires more information regarding the Unified Government of Wyandotte County/Kansas City, Kansas's Title VI Program can contact the Director of Transportation at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level, or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

#### **Unified Government Transportation Department**

Deasiray Bush, Transportation Director & Title VI Coordinator

5033 State Avenue

Kansas City, Kansas 66104

Email: [UGTransit@wycokck.org](mailto:UGTransit@wycokck.org)

Telephone: 913-573-8351

Website: <https://www.wycokck.org/Departments/Transportation>

#### Sub-Recipient Compliance Reports

The Unified Government Transportation Department has no Sub-Recipients under the Program.

#### Training

The Unified Government Transportation (UGT) Department is the designated office for the Title VI Program Coordinator. This department has established mandatory training programs that are required to be completed annually by specific UGT personnel.

UGT will use the PowerPoint “CMVOST-Related Activities and The Title VI Program” developed by FMCSA to train the required personnel annually who work directly on the projects funded by FMCSA. Furthermore, UGT aims to develop an e-learning videos by 2025 that will be used for onboarding training and can be used during annual training.

#### Access to Records

The Unified Government Transportation (UGT) Department is required to maintain all records relating to the effective implementation of the Title VI Program available for FMCSA review, either at a specified time for a complaint investigation, compliance review, or any other reason. To access records, please contact the Title VI Program Coordinator.

#### Complaint Disposition Process

The Unified Government Transportation (UGT) Department has established Title VI Complaint Procedures, which outline the process for local review and disposition of Title VI complaints. The local complaint procedures have five steps, which are outlined below:

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, national origin, age, sex, disability, religion, or low-income status, has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity of UGT may file a written complaint with the Transportation Director at the following address:

**Unified Government Transportation Department**  
Deasiray Bush, Transportation Director & Title VI Coordinator  
5033 State Avenue  
Kansas City, Kansas 66104  
Email: [UGTransit@wycokck.org](mailto:UGTransit@wycokck.org)  
Telephone: 913-573-8351

Complaint forms (**Appendix F**) are available at the UGT office listed above, via the UGT website at <https://www.wycokck.org/Departments/Transportation> by calling 913-573-8351 and requesting a form.

2. **Filing of Complaint:** A complaint shall be filed in writing or website at <https://www.wycokck.org/Departments/Transportation> and include the name and

- address of the complainant, as well as a brief description and date of the alleged violation. Such complaint must be filed within 180 calendar days after the date the person believes the discrimination occurred.
3. **Complaint Acceptance:** The Transportation Director will process complaints that are complete. Upon receipt of a completed Title VI Complaint Form, the Director will review it to determine if UGT has jurisdiction. The Complainant will receive an acknowledgement letter informing him/her whether or not the complaint will be investigated. Furthermore, UGT is required to maintain a Complaints Log for all complaints filed by members of the Public (**Appendix G**).
  4. **Investigation of Complaint:** The Director shall evaluate and investigate the complaint in consultation with UG legal counsel. If more information is needed to resolve the case, the Director may contact the Complainant. Unless a longer period is specified by the Director, the Complainant will have 10 days from the date of the letter send requested information to the Director. If the requested information is not received within that timeframe, the case will be closed. Also, a case can be administratively closed if the Complainant no longer wishes to pursue the complaint. The Director shall complete the investigation no later than 45 calendar days after the date the Director received the complaint. If more time is required, the Director shall notify the Complainant of the estimated timeframe for completing the investigation.
  5. **Letters of Closure or Finding:** Upon completion of the investigation, the Director shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the Director may recommend improvements to UGT's processes relative to Title VI, as appropriate. The Director will issue UGT's written response to the Complainant in either a closure letter or letter of finding. A closure letter summarizes the allegations and states that there was not a Title VI violation, and the case will be closed. A letter of finding summarizes the allegations and provides an explanation of the corrective action taken.
  6. **Request for Reconsideration:** If the Complainant disagrees with the Director's response, he/she may request reconsideration by submitting a written request to the Director at the above address within 7 calendar days after receipt of the Director's written decision. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Director. The Director will notify the Complainant of his/her decision either to accept or reject the request for reconsideration within 10 calendar days of receipt of the Complainant's request. In cases where the Director agrees to reconsider, the Director will issue a determination letter to the Complainant upon completion of the reconsideration review.
  7. **Appeal:** If the request for reconsideration is denied, the Complainant may appeal the Director's response to the complaint by submitting a written appeal to the Assistant County Administrator of the UG no later than 10 calendar days after receipt of the Director's written decision rejecting reconsideration. The address for the Assistant County Administrator is as follows:

Assistant County Administrator  
701 North 7<sup>th</sup> Street  
Kansas City, Kansas 66101

8. Submission of Complaint to the Federal Transit Administration Office (FTA): In addition to the UGT complaint process, the Complainant can also submit a complaint to the FTA for investigation.

Individuals may file a complaint by completing the Title VI Complaint Form (**Appendix F**) available at the UGT office or Complaint forms (**Appendix F**) are available at the UGT office, via the UGT website at <https://www.wycokck.org/Departments/Transportation>, or by calling 913-573-8351 and requesting a form. Complaints must be received within 180 days of the alleged incident. The complaint form can be mailed to FTA as follows:

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

Should information concerning a Title VI complaint be needed in a language other than English, UGT will accommodate these requests by providing such information through a translator (for verbal communication), utilizing a translation service (for documents), or by providing translated documents that may already exist. UGT is only required to submit complaint-related documentation to FMCSA upon request.

## Complaint Form



## Unified Government Transit (UGT) - Complaint Form

Unified Government Transportation strives to provide safe, reliable, equitable, and courteous transportation service to the residents and patrons of Wyandotte County. If you have experienced unsatisfactory customer service, please complete this online form.

You can also call our office at 913 573 8351 to speak with an on-duty manager.

Choose One Required

IF filing a Title VI Discrimination complaint, it must be filed within 180 days from the date of the alleged discrimination.

- ☐ Regular Complaint
- ☒ Discriminatory Complaint

First and Last Name Required

Street Address Required

City Required



State Required

Zip Code Required

Phone Number Required

Email Address

Person(s) discriminated against (if someone other than complainant): Name(s) Required

Which of the following best describes the reason for the alleged discrimination? Required

- ☐ Race
- ☐ Color
- ☐ National Origin (Limited English Proficiency)

Date of Incident Required



Description the Incident Required

Please describe the alleged incident. Provide the names and titles of all Metro employees involved, if available. Explain what happened and who you believe was responsible.

Have you filed a Title VI complaint with any other federal, state or local agencies? Required

- ☐ Yes
- ☐ No

Complainant's Signature Required

- ☒ Draw signature below      ☐ Upload photo of signature



Please complete the following:

☐ I'm not a robot

reCAPTCHA  
[Privacy](#) - [Terms](#)

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## Appendix G



## Unified Government Transportation Department Title VI Compliant Log

[illegible]

Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review

The Unified Government Transportation (UGT) Department has had no deficiencies identified and has had no corrective actions implemented against the organizations by and any Federal Agency.

## Community Participation Process

*UGT does not conduct motorist licensure/motor vehicle registration activities or services.*

## Public Participation Plan

Pursuant to the Memorandum of Understanding with the Mid-America Regional Council (MARC), UGT utilizes MARC's Public Participation Plan, updated in December 2020 ([Public Participation Plan | MARC](#)). UGT will continue to assist in the development and update of the Public Participation Plan and use strategies from the plan in project development activities.

In addition to the regional plan, UGT has also developed processes that are specific to the planning and implementation of services. Involving the general public in planning and decision-making processes is critical to UGT's mission. Generally, UGT's public participation methods include:

- Public Notices – via e-newsletters, email distribution lists, social media, and flyers.

- Providing a public comment period for service or significant policy changes where comments can be made by phone, mail, electronic mail, or in person.
- Holding public meetings at times and locations that are accessible to the public, especially those that are most directly affected by the subject of the meeting.
- Utilizing the expertise of regional partners such as MARC and its Public Participation Plan as well as local jurisdictions that are impacted by proposed changes and assisting in distributing information to the general public or specific groups to be affected.

### Engaging Title VI Protected Groups

Specifically, UGT strives to engage Title VI protected groups in public participation and involvement activities so that their issues are considered in the UGT's decision-making process. To accomplish this goal, UGT will utilize the following public participation strategies, as appropriate:

- Ensure that all communication and public engagement efforts comply with Title VI of the Civil Rights Act and the UGT Title VI Program.
- Coordinate with individuals, institutions, and organizations and implement community-based public involvement strategies to reach Title VI protected populations. To identify the most appropriate engagement methods, utilize local jurisdictions, the business community, community organizations, local media, or other resources.
- Provide opportunities for public participation through means other than written communication, such as public meetings, by telephone, email, or social media.
- Use locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities. This may require holding meetings at different locations and times depending on the subject of the meeting.
- Use different meeting sizes or formats or vary the type and number of news media used to announce public participation opportunities to tailor communications to the particular community or population.
- Include the Title VI public notification statement on UGT's website and other important documents where appropriate.
- Overcome barriers to public participation for individuals with Limited English Proficiency (LEP) by providing language resources as appropriate and as further detailed in the Language Assistance Plan (LAP) included in this document.
- On all public notices, include a statement where interpretation or other communication aids can be provided with advance notice.
- Advertise public participation opportunities with media organizations that reach minority and ethnic populations to help ensure representation in the planning process.

### Language Assistance Plan

The following Language Assistance Plan (LAP) outlines measures that UGT will implement to ensure that LEP individuals have meaningful access to UGT programs and services.

#### Identifying LEP individuals who need language assistance:

- Periodically examine customer service records to determine what language assistance requests have been received to determine what assistance may need to be provided in the future.
- Monitor new demographic data as it becomes available to determine the number of LEP individuals in the county and the eligible service area. The ACS annual estimates (provided in One-Year, Three-Year, and Five-Year datasets) will be utilized as appropriate. Specifically, determine whether populations of LEP individuals over 1,000 (currently, those populations speaking Spanish, Chinese, and Korean) are growing and increasingly likely to utilize UGT services and monitor the growth of populations speaking languages that are currently below the 1,000 threshold.
- Enact procedures for drivers, dispatchers, and other front-line staff to report instances of contact with LEP individuals.

#### Limited English Proficiency Public Participation

UGT is committed to including Limited English Proficiency (LEP) individuals in the public participation process; specific actions include:

- On all public notices, include a statement where interpretation or other communication aids can be provided with advance notice. This statement will be provided in Spanish as well as English.
- Advertise public participation opportunities with media organizations that reach minority and ethnic populations to help ensure representation in the planning process.
- If a proposed service change will impact a geographic area that is known to have a large LEP population, UGT will coordinate with municipal governments and community organizations to determine needed language assistance measures and translation services.

#### Monitoring and Updating the Language Assistance Plan

Due to changing demographics and customer needs, UGT will review the abovementioned implementation measures annually. Specific actions for monitoring and updating the plan are as follows:

- Analyze Census Bureau data and ACS annual estimates to determine the need for additional services for LEP individuals.
- Periodically assess records of contact with LEP individuals to determine future needs.
- Collaborate with MARC and other transit providers in the Kansas City region to share LEP "best practices" and coordinate on providing LEP resources.
- Collect information from community organizations that serve LEP individuals to determine appropriate language assistance materials and procedure changes.

### Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement

The Unified Government Transportation Department does not conduct commercial motor vehicle (CMV) safety inspections specifically and traffic enforcement activities generally. Therefore, this section is not applicable to the Unified Government Transportation Department.