

# Title VI Plan

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## Kootenai Metropolitan Planning Organization

Approved October 25, 2018



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## Abstract

Title VI of the Civil Rights Act of 1964 states, "*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.*" Subsequent laws, regulations, directives, and Executive Orders broadened the criteria for which discrimination is prohibited. Of note are two Presidential Executive Orders regarding non-discrimination requirements, Executive Order 12898 addressing Environmental Justice (EJ) and Executive Order 13166 which ensure those with Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities.

As a recipient of federal financial funding, Kootenai Metropolitan Planning Organization (KMPO) is required to comply with these and other nondiscrimination laws and regulations. The principal objective of KMPO's Title VI Plan is to provide definitions of Title VI, including Environmental Justice (EJ), and Limited English Proficiency (LEP), explain how they fit in the metropolitan transportation planning process and define the procedures followed to ensure KMPO's compliance with nondiscrimination requirements as outlined in Title 23 CFR, 49 CFR and related laws. EJ outreach strategies for minority, low-income, and LEP populations are included in the KMPO Public Involvement Policy.

## ACKNOWLEDGMENTS

This report was prepared by Kootenai Metropolitan Planning Organization in cooperation with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Idaho Transportation Department (ITD). The contents do not necessarily reflect the official views, policies, and/or regulations of FHWA, FTA, or ITD nor constitute a standard, specification, or regulation. FHWA, FTA, or ITD acceptance of this plan is not evidence of fulfillment of the requirements by this agency nor does it constitute endorsement, reflect the need for recommended improvements or a commitment to fund any such policies.

## QUESTIONS

The Kootenai Metropolitan Planning Organization does not discriminate on the basis of race, color, national origin, income, gender, age, and disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. Title VI and ADA inquiries and/or questions regarding the Kootenai Metropolitan Planning Organization's Title VI Plan should be forwarded to one of the following:

Title VI Coordinator  
Kootenai Metropolitan Planning Organization  
250 Northwest Boulevard, Suite 209  
Coeur d'Alene, ID 83814

Phone:  
(208) 930-4164  
E-Mail:  
[kmpo@kmpo.net](mailto:kmpo@kmpo.net)

For information on Kootenai Metropolitan Planning Organization's work program, reports, publications, board and committee meeting schedules, and other related information, please visit [www.kmpo.net](http://www.kmpo.net).

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# **Kootenai Metropolitan Planning Organization**

## **Board Members and Committees**

### **GLENN F. MILES, DIRECTOR**

The Kootenai Metropolitan Planning Organization is comprised of a policy board, a technical committee, and advisory groups that are created as plans are developed or updated.

### **KMPO POLICY BOARD**

#### **CITY OF COEUR D'ALENE**

Dan Gookin, City Council Member

#### **CITY OF HAYDEN**

Dick Panabaker, City Council Member

#### **CITY OF POST FALLS**

Lynn Borders, City Council Member

#### **CITY OF RATHDRUM**

Vic Holmes, Mayor

#### **COEUR D'ALENE TRIBE**

Jim Kackman, Public Works Director

#### **ITD, DISTRICT 1**

Damon Allen, District Engineer

#### **EAST SIDE HIGHWAY DISTRICT**

John Austin, Highway District Commissioner

#### **LAKES HIGHWAY DISTRICT**

Rod Twete, Highway District Commissioner

#### **POST FALLS HIGHWAY DISTRICT**

Terry Werner, Highway District Commissioner

#### **WORLEY HIGHWAY DISTRICT**

Jim Mangan, Highway District Commissioner

#### **KOOTENAI COUNTY**

Bob Bingham, County Commissioner

### **KOOTENAI COUNTY AREA TRANSPORTATION TEAM (KCATT)**

#### **CITY OF COEUR D'ALENE**

Chris Bosley, Project Manager/City Engineer

#### **CITY OF HAYDEN**

Alan Soderling, Public Works Director

#### **CITY OF POST FALLS**

Robert Palus, Assistant City Engineer

#### **CITY OF RATHDRUM**

Kevin Jump, City Engineer/Public Works Director

#### **ITD, DISTRICT 1**

Marvin Fenn, Resident Engineer

#### **EAST SIDE HIGHWAY DISTRICT**

John Pankratz, District Supervisor

#### **LAKES HIGHWAY DISTRICT**

Eric Shanley, Director of Highways

#### **POST FALLS HIGHWAY DISTRICT**

Kelly Brownsberger, Road Supervisor

#### **WORLEY HIGHWAY DISTRICT**

Kevin Howard, Supervisor

#### **KOOTENAI COUNTY**

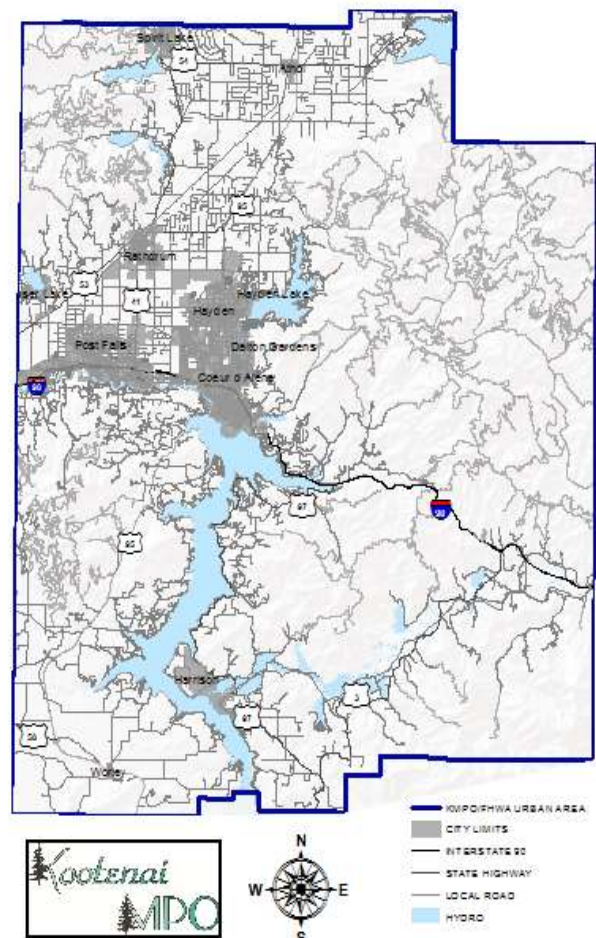
David Callahan, Community Development Director

## Title VI Introduction

Title VI of the Civil Rights Act of 1964 prohibits agencies and subrecipients of federal funds from discriminating on the basis of race, color, or national origin, against participants or clients of programs that receive federal funding. The act states, *"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."* Subsequent laws, regulations, directives, and Executive Orders broadened the criteria adding handicap, sex, age, and income status to the criteria for which discrimination is prohibited. Of note are two Presidential Executive Orders regarding non-discrimination requirements.

Executive Order 12898 requires federal agencies to address equity and fairness, or Environmental Justice (EJ), toward low-income and minority persons and populations; Executive Order 13166 directs federal agencies to ensure individuals with Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities. For that reason, definitions of Title VI and associated nondiscrimination acts, along with an overview of EJ and LEP concepts are included in this Plan. EJ outreach strategies for minority, low-income, and LEP populations are included within the updated KMPO Public Involvement Policy approved in 2015.

As a recipient of federal funding, Kootenai Metropolitan Planning Organization (KMPO) is required to comply with these and other nondiscrimination laws and regulations. The purpose of this Title VI Plan is to provide a brief discussion on Title VI, Environmental Justice (EJ) and Limited English Proficiency (LEP) and how these concepts are incorporated into the metropolitan planning process in the areas of Communication and Public Participation; Programming and Planning; Environmental Justice; Consultant Contracts; and Education and Training. The Plan also clarifies roles, responsibilities and procedures and outlines how to file and process complaints of discrimination.



In order to meet a federal mandate, KMPO was established in 2003 when the combined population of Coeur d'Alene, Post Falls and Hayden exceeded 50,000. KMPO incorporates all of Kootenai County and provides a coordinated planning effort between the public, cities, small towns, the county, highway districts, the state, transit providers, and the Coeur d'Alene Tribe.

## Title VI and Other Non-Discrimination Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, age, creed, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include: Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 28 CFR 50.

Title VI of the Civil Rights Act of 1964 Nondiscrimination in Federally Assisted Programs and Activities is one of eleven titles included in the Civil Rights Act:

Title I	Voting Rights	Title VII	Equal Employment Opportunity
Title II	Public Accommodation	Title VIII	Registration and Voting Statistics
Title III	Desegregation of Public Facilities	Title IX	Intervention & Procedure after Removal Cases in Civil Rights
Title IV	Desegregation of Public Education	Title X	Establishment of Community Relations Service
Title V	Commission on Civil Rights	Title XI	Miscellaneous
<b>Title VI</b>	<b>Nondiscrimination in Federally Assisted Programs &amp; Activities</b>		

**Title VI of the Civil Rights Act of 1964 Nondiscrimination in Federally Assisted Programs and Activities** Section 42.104 of Title VI states *“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”* that receives federal funding.

Related statutes have been enacted to expand the range and scope of Title VI coverage and applicability to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving federal funding on the basis of race, color, national origin, income, gender, age, and disability.

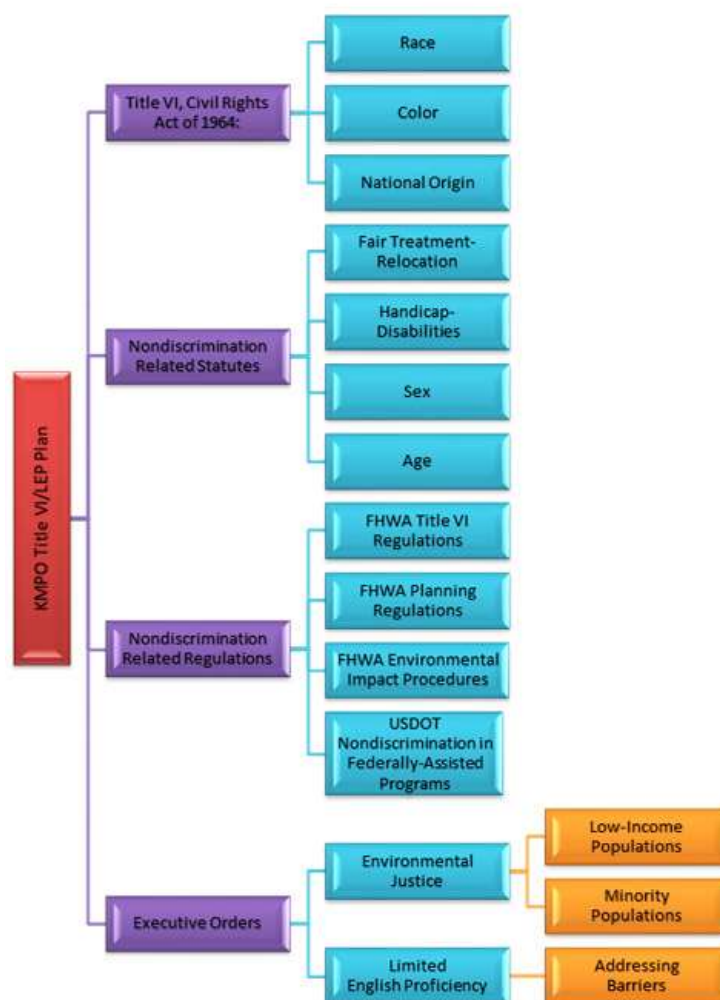


Among others, KMPO's Title VI Plan was developed pursuant to the following authorities:

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq)
- The Federal Aid Highway Act of 1973 (23 USC 324 Desegregation of Public Facilities)
- The Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- The American Disabilities Act (ADA) of 1990
- The Civil Rights Restoration Act of 1987
- 49 CFR part 21
- 23 CFR Part 20
- USDOT 1050.2A
- Executive Order 12898
- US DOT Order 5610.2 (April 15, 1997)
- FHWA Order 6640.23 (December 2, 1998)
- Executive Order 13166
- The National Environmental Policy Act (NEPA) of 1969
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601 et seq)
- FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning (October 7, 1999)
- US Department of Transportation's Federal Transit Administration issued Circular FTA C 4702.1A

**Figure 1: Title VI Authorities**

The chart below identifies Title VI authorities in the KMPO Title VI Plan:





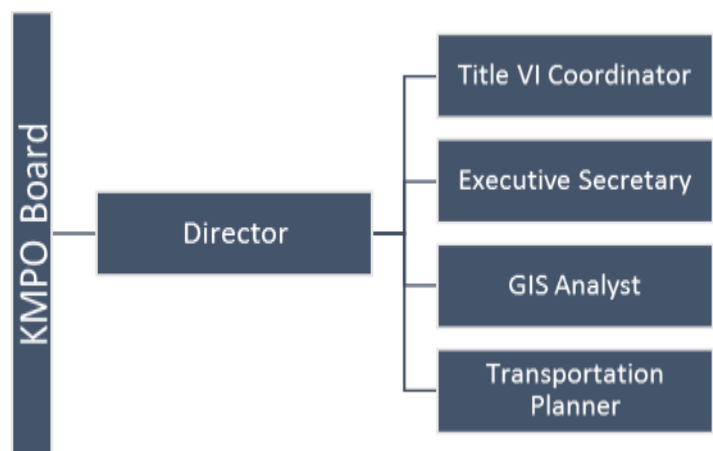
# Kootenai Metropolitan Planning Organization (KMPO)

KMPO is the metropolitan planning organization (MPO) for Kootenai County, Idaho; and designated, under Section 134 of Title 23, U.S. Code, for maintaining and conducting a “continuous, cooperative, and comprehensive” (3-C) regional transportation process that results in plans and programs consistent with adopted plans for development of the metropolitan area.

KMPO is an intergovernmental agency that provides pragmatic regional transportation planning and research to address current issues, and to explore future needs and options that could benefit the region. The agency provides a solid base of technical competence for objective and innovative regional transportation planning, in which the sum of regional and local expertise is greater than the individual parts. KMPO encourages coordination and collaboration between the public, cities, small towns, the county, the state, transit providers, and tribes in order to assure cohesive connectivity throughout Kootenai County. As the regional transportation planning agency, KMPO does not duplicate the activities of local and state operating agencies, but supports their needs with complementary planning and analyses; it is a center for the collection, analysis, and dissemination of transportation-related information vital to citizens, businesses, jurisdictions, and governments in the region.

The Kootenai Metropolitan Planning Organization (KMPO) assures that no person shall, on the grounds of race, color, national origin, income, gender, age, and disability, 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. More specifically, KMPO assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Additionally, KMPO will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency. In the event KMPO distributes federal-aid funds to another governmental entity, KMPO will include Title VI language in all written agreements and will monitor for compliance. KMPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Figure 2: KMPO Organizational Chart



## KMPO Policy Statement

The Kootenai Metropolitan Planning Organization (KMPO) assures that no person shall, on the grounds of race, color, national origin, age, creed, sex, disability, or income status, 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.

KMPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event KMPO distributes federal aid funds to another governmental entity, KMPO will include Title VI language in all written agreements and will monitor for compliance. KMPO's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other KMPO responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

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Signature of Authorizing

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Official Date

Glenn F. Miles  
Executive Director  
Kootenai Metropolitan Planning Organization

## **General Title VI Program Responsibilities**

Following are general Title VI responsibilities of KMPO to ensure compliance with all Title VI laws. The Title VI Coordinator, with involvement and assistance from other members of staff, is responsible for ensuring these elements of the plan are appropriately implement and maintained.

### **Demographic Data Collection**

Statistical data on race, color, national origin, income level, language spoken, and sex of participants in, and beneficiaries of, federally funded programs is to be gathered and maintained by the Title VI Specialist, as described in the "Program Area Responsibilities" section of this document. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program.

### **Annual Report and Update**

An Annual Report and Update is to be submitted by the Executive Director or his delegate 12 months after receiving Idaho Transportation Department's (ITD) Office of Equal Opportunity's official letter of comment regarding the previous year's submission. The Title VI Coordinator is responsible for supplying pertinent information to the Executive Director as needed for drafting the report. Documents should include a report on the previous year's Title VI-related activities and efforts, including accomplishments and program changes, and an update on Title VI-related goals and objectives for the upcoming year.

### **Annual Review of Title VI Program**

Each year, in preparing for the Annual Report and Update, the Executive Director and the Title VI Coordinator will review KMPO's Title VI program to assure compliance with Title VI. In addition, they will review KMPO's operational guidelines and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

### **Dissemination of Information Related to the Title VI Program**

Information on the KMPO's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "Program Area Responsibilities" section of this document, and in other languages when needed.

### **Resolution of Complaints**

Any individual may exercise his or her right to file a complaint with KMPO, if that person believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, income, sex, or disability. KMPO will make a concerted effort to resolve complaints informally at the lowest level, using the agency's Nondiscrimination Complaint Procedures, as described on page 51 of this plan.

## **Procedures Manual**

This document serves as the Title VI Procedures Manual for the KMPO Title VI program, incorporating the day-to-day procedures necessary to maintain the program. This manual will be updated regularly to incorporate changes and additional responsibilities.

### **Responsibilities of the Executive Director and Title VI Coordinator**

The KMPO Executive Director is responsible for ensuring implementation of KMPO's Title VI Plan as well as providing leadership, guidance, direction, and support for the Title VI programs.

The Title VI Coordinator, under supervision of the Executive Director, is generally responsible for coordinating the overall administration of the Title VI Plan and Assurances (see Appendix II), and overseeing compliance with applicable nondiscrimination authorities in each of the metropolitan transportation planning and programming areas. Other staff members may be asked to accept and/or share in the responsibility of the day-to-day administration of the Title VI Program.

General responsibilities of the Title VI Coordinator include:

- Ensure all aspects of KMPO program areas are Title VI compliant.
- Manage day-to-day activities of the Title VI program.
- Develop implementation procedures and methods for training, updating, and communicating Title VI information, including policies, laws, updates and requirements, to employees, contractors, and beneficiaries;
- Coordinate with appropriate federal, state, and regional entities to periodically provide KMPO employees with training opportunities regarding nondiscrimination and Title VI.
- Work with staff involved with Consultant Contracts to ensure contracts are solicited in accordance with federal and state laws.
- Periodically review the KMPO Title VI Plan to determine and identify areas of compliance, noncompliance, effectiveness, and address areas of concern. Review nondiscrimination-related issues with the KMPO Executive Director as needed.
- Participate in the identification and mitigation of Title VI impacts as well as contracting opportunities.
- Monitor, maintain, and update the Title VI Plan, as needed, to ensure process is clearly defined, proactive, and meeting the purpose and need of Title VI; coordinate Title VI program development update with other program areas and provide; disseminate it to appropriate parties including the KMPO board, its committee members, and staff to KMPO, and to the general public through various formats.
- Data collection and analysis – maintain proper statistical, income and demographic data.
- Prepare annual summary of Title VI activities, accomplishments, challenges, and successes.
- Establish and/or implement a community outreach and public participation process that is meaningful for citizens/beneficiaries by providing effective and appropriate communication

among the public and diverse groups of stakeholders by encouraging participation and continued involvement. Ensure procedures are in place for informing beneficiaries of their right to file complaints, on page 35 of this plan.

- Develop and maintain a contact list of interpreters and translation service providers ensuring it is available to staff as well as the community.
- Ensure procedures are in place for receiving and processing discrimination complaints.

## **KMPO Program Area Responsibilities**

Four areas of KMPO's work program have been identified as applicable to Title VI regulations – they are referred to as the four Title VI Program Areas:

1. Communications & Public Involvement
2. Planning & Programming
3. Consultant Contracts
4. Education & Training

The agency's Title VI-related responsibilities fall into two main categories – "general responsibilities," applicable to all four Title VI Program Areas, and "Program Area responsibilities" that are specific to each Title VI Program Area. It is important to note that Program Areas 1 and 2 (noted above) are extremely interrelated – they have been treated separately for purposes of clarity and corresponding to agency organization. For example, the Communications & Public Involvement program area applies to and affects the agency work program as a whole, particularly agency efforts and responsibilities related to planning and programming.

### **1. Communications & Public Involvement**

Note: The Communications & Public Involvement Program Area applies to and affects the agency work program as a whole, particularly agency efforts and responsibilities related to the Planning & Programming Area. It has been treated as a separate program area for purposes of clarity, and corresponding to agency organization. Appendix IV highlights portions of KMPO's adopted Public Involvement Policy.

The goal of KMPO's communications and public involvement program is to ensure early and continuous public notification about, and participation in, major actions and decisions by KMPO. In seeking public comment and review, KMPO makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. KMPO utilizes a broad range of public information and participation opportunities, including dissemination of proposals and alternatives, process for written comments, public meetings after effective notice, settings for open discussion, communication programs, information services, and consideration of and response to public comments. Operational guidelines include KMPO's Public Involvement Policy and KMPO's Policy for Engaging Individuals with Limited English Proficiency (LEP).

## Principles

- Equal access is an essential part of the public involvement process.
- No major public policy decision is reached or large project implemented without significantly affecting someone.
- Professionals do not have a monopoly on good solutions.
- Even if a project or policy decision is sensible and beneficial, it must be arrived at properly to be acceptable.
- People are much more willing to live with a decision that affects different interests unequally if the decision-making process is open, objective, and considers all viewpoints.
- If project or policy staff doesn't provide all relevant information necessary for an informed decision, the public will rely on, and trust, others.
- Interacting with an official representative of an organization or group is no substitute for interacting directly with that organization or group.
- Effective public notification/participation takes time and effort, but is important to sound decision-making.

## Elements

- Website – KMPO maintains and updates frequently [www.kmpo.net](http://www.kmpo.net). The site includes information on the KMPO's responsibilities, programs, publications, and press releases; contact information.
- Publications – each year, KMPO issues a multitude of publications, reports, and maps as part of the agency's work program, and responds to and processes a large number of data requests. The information is used by planning and public works departments throughout the region, and can be accessed by the public through the website and by contacting KMPO directly.
- Press releases – press releases are sent to the local daily newspaper and include the abbreviated Title VI Notice to the public and the contact information for KMPO.
- Meetings open to the public – all KMPO board and committee meetings are open to the public. Time for citizen comments are reserved and announced by the meeting chair. Meeting dates and times are posted in advance on the KMPO website; the agendas contain the following statement, "For special accommodation/translation services, call (208) 930-4164, 48 hours in advance. KMPO assures nondiscrimination in accordance with Title VI of the Civil Rights Act of 1964, and Civil Rights Restoration Act of 1987 (P.O. 100.259) and the Americans with Disabilities Act."
- Opportunities for public comment – KMPO routinely provides opportunities for public comment, and continues to work to find new and innovative ways to solicit public comments and involve all segments of the population in Kootenai County. Comments are accepted by phone, e-mail, US mail, and in person at any of the meetings. KMPO responds to all comments received. See the section below entitled "Opportunities for Public Comment" for details.
- Access to Staff – staff is accessible in person, on the phone, by mail, or by e-mail; contact information is provided on the KMPO website.

- E-Mail – KMPO routinely uses a comprehensive electronic mailing list to keep the public informed of the agency’s programs, public comment periods, meetings, and publications. KMPO is continually adding to and updating its electronic mailing list, and seeks to include groups representing Title VI relevant populations. Anyone can request to be added to the electronic mailing list.
- Events – events such as workshops, open houses, and forums are open to the public and are held on an as needed basis.

## **Opportunities for Public Comments**

KMPO offers three ways for people to comment on activities, programs, and decisions made at the agency:

- Comments are accepted at any time by e-mail, phone, US mail, and in person at any board or committee meeting. Contact information is provided on the agency website. KMPO responds to all comments received.
- Citizen comments are requested at agency meetings – all KMPO Board and committee meetings are open to the public. The meeting dates are posted in advance on the agency’s website and e-mail notification is given to interested parties. Time for citizen comments is included on meeting agendas and/or provided at each meeting; no advance notice is required to speak during this time. Public comments and responses made during these times are kept on record in the official meeting summaries. All of boards and committees maintain electronic mailing lists; anyone can request to be added to the mailing list. KMPO uses voluntary Title VI Attendance forms supplied by ITD are adapted by KMPO and used at agency meetings which are open to the public. When filled out by attendees, KMPO is able to collect statistical data to meet federal guidance designed to help track representation of all segments of the population.
- Formal public comment periods for major activities – Formal public comment and review periods are used to solicit comments on major planning and programming activities including, the proposed distribution of funds, major amendments to the Transportation Improvement Program (TIP), changes to important KMPO policies, for example, the Public Involvement Policy, and major updates to the Metropolitan Transportation Plan (MTP). Generally, information is reviewed and released by one of the policy boards at a monthly meeting for a formal public comment period. The comment period is highlighted on the website, legal notices are published, and press releases are distributed throughout the region. Comments can be made in person at any KMPO meeting, by e-mail, by US mail, or telephone. KMPO responds to all comments received, and forwards comments to other agencies for a response when appropriate. Prior to taking any action, KMPO reviews and considers all comments and responses received during the comment period.



## **Strategies for Engaging Title VI Protected Groups, including Environmental Justice (EJ) and Limited English Proficiency (LEP):**

KMPO uses extensive electronic mailing list to disseminate information and give notice for public comment opportunities. Mailing lists include many community groups that represent Title VI protected groups throughout the region. KMPO uses voluntary attendance forms at agency meetings open to the public to collect statistical data on meeting attendees to meet federal guidance designed to help track representation of all segments of the population.

Groups representing Title VI populations are added to KMPO's electronic mailing lists as they are identified. As described in the next section, KMPO routinely assesses the need for providing information in languages other than English. KMPO also evaluates the effectiveness of all communications and public involvement efforts and makes appropriate adjustments to its communication strategy. KMPO maintains a list of potential interpreters in the event translation services are needed, identified, and/or requested.

The Kootenai Metropolitan Planning Organization Public Involvement Policy was updated and adopted by the KMPO March 2015 and includes EJ and LEP elements and strategies for involving these groups. (See Appendix IV)

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

- Ensure all communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public. Provide information in languages other than English, as needed.
- Disseminate information to help ensure all social, economic, and ethnic interest groups in the region are represented in the planning process.
- Include the abbreviated Title VI Notices to the Public (see Appendix III) in all press releases and on the agency website.
- Notify affected, protected groups of public hearings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified.
- Collect statistical information on attendees of public meetings using an "attendance form" to track how well different segments of the population are represented.
- Ensure that any Advisory Committee KMPO creates has representation from Title VI relevant populations, to the extent that is reasonable and practical.

## **2. Planning & Programming**

KMPO is responsible for developing long- and short-range transportation plans and programs to provide efficient transportation services to the Kootenai County region. A comprehensive transportation planning process is used, which entails the monitoring and collection of varied data

pertaining to transportation issues. KMPO coordinates with ITD, cities, highway districts, counties, and transit agencies; seeks public involvement; and provides technical support when needed.

An outreach plan for long-range transportation plan updates is included within the KMPO Public Involvement Policy (see Appendix IV). Primary guidance is provided by the following, the Metropolitan Planning Organization (MPO) Regulations 23 CFR 450, KMPO's Joint Powers Agreement, Transportation Equity Act for the 21st Century (TEA-21), and State and Federal Clean Air Acts and Amendments.

## **Operational Guidelines**

Primary guidance is provided by:

- The Metropolitan Planning Organization (MPO) Regulations 23 CFR 450 & Title 49 Section 5303
- KMPO Joint Powers Agreement
- Fixing America's Surface Transportation Act (FAST Act)
- State and Federal Clean Air Acts and Amendments

## **Key Planning and Programming Activities**

KMPO is mandated by state and federal law to maintain the region's adopted, long-range Metropolitan Transportation Plan, and the Transportation Improvement Program (TIP), a three year program of federally funded projects in the region. KMPO conducts and supports numerous state and federal planning, compliance, and certification programs, which enable counties, cities, transit agencies, and ITD to obtain state and federal funding. The agency provides forecasts of population, housing, and transportation trends that provide the basis for addressing current issues and exploring future needs and options that could benefit the region's transportation systems. KMPO also serves as a center for the collection, analysis, and dissemination of Census information vital to residents and governments in the region.

KMPO's Joint Powers Agreement with member governments establishes the agency's responsibilities. Major programs and their agreements are highlighted as follows:

- **Metropolitan Transportation Plan (MTP)** – fulfill MPO responsibilities for Kootenai County, develop a regional transportation plan, review and approve expenditures of federal transportation funds, and identify short-range transportation system development needs and financial strategies.
- **Regional TIP** – Federal Planning and Programming requirements; ensure that regional transportation and land-use plans are integrated; and ensure that state, regional, and local transportation plans are consistent.
- **Policy, Plan, and Project Review** – which ensures local, regional, and state planning efforts are compatible and mutually reinforcing/working with local governments for consistency with state and regional planning goals.
- **Technical Services and Regional System Data** – provide technical assistance, demographic, economic, travel, and geographic data to member jurisdictions, other agencies, businesses and

the public. Assist in planning activities of member jurisdictions; collect, analyze, maintain, improve data, and identify, monitor and forecast trends; provide technical assistance to local, state, and federal governments, business and community organizations upon request. Provide a forum for the discussion of emerging regional transportation issues.

## **Consideration of Title VI**

Consideration of Title VI is made throughout KMPO's planning and programming activities, for example:

- **Data Collection** – A large part of the agency's work program involves collecting, analyzing, and reporting on data for Kootenai County. This includes information on population, housing, employment, poverty, income, wages, transportation, traffic, and growth. Member agencies and other groups use this data for activities such as planning and the distribution of funds.
- **Metropolitan Transportation Plan (MTP)** – The development of the MTP includes environmental justice considerations from the outset. KMPO has set out to ensure burdens and benefits of implementing the 2030 plan are equitably distributed across groups based on race, income, age, and disability. KMPO's analysis includes (1) outreach and meaningful participation from minority and low-income population groups in the development of the plan, and (2) will include an assessment to determine any discrimination of minority and low-income population groups in the distribution of impacts and benefits associated with the projects and programs advanced in the Kootenai County region.
- **Regional Transportation Improvement Program (TIP)** – The region's short-term, multi-year TIP implements the plan and policies established in 2010-2035 MTP. Included in the program of projects are federal Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ), and FTA formula funds jointly managed by Kootenai County and KMPO. Kootenai County selects FTA funded projects, after which the KMPO Board approves projects to receive these funds.

## **Title VI Specialist's Responsibilities**

Title VI Coordinator responsibilities include evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the KMPO planning and programming process. The KMPO Title VI Coordinator will:

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

### 3. Consultant Contracts

KMPO is responsible for selection, negotiation, and administration of its consultant contracts. KMPO operates under its internal contract procedures and all relevant federal and state laws. Operational guidelines include KMPO's "Procurement Policies, Guidelines, and Procedures," Title 48, Chapter 1, Part 31 – Contract Cost Principles and Procedures, Title 23, CFR 172 – Administration of Engineering and Design Related Service Contracts.

#### **Contract Procedures**

KMPO verifies Title VI compliance by consultants/contractors with the use of Title VI Compliance Review forms. Responses provided in the forms are evaluated to verify compliance on the part of the consultant. In addition, Title VI text is included in all KMPO Requests for Proposals (RFP) and contracts.

#### **Disadvantaged Business Enterprises (DBE) Program**

When contracting for outside services, KMPO utilizes ITD for determining DBE goals for each contract for outside services.

#### **KMPO Director/Fiscal Officer's Responsibilities**

The KMPO Director/Fiscal Officer is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's consultant contracts process. The Fiscal Officer will:

Include Title VI language in contracts and Requests for Proposals (RFP) as described below:

- Ensure the text in Appendix II is included in all agency contracts.
- Notify contractors of the appropriate text from Appendix II to be included in any subcontracts.
- Ensure the Title VI Notice to the Public is included in all KMPO RFPs.
- Ensure the abbreviated Title VI Notice to the Public is included in all published announcements of KMPO's RFPs (such as those published in newspapers).
- Ensure the text in number 2 of the KMPO Title VI Assurances (see Appendix II) is included in all KMPO RFPs.
- Review consultants for Title VI compliance as described below:
  - Ensure the "Title VI Compliance Review" form is given to all consultants as part of the contract signing process.
  - At the end of each fiscal year, review for Title VI compliance any consultants that have not been reviewed within the past twelve months using the "Title VI Compliance Review" form.
  - Upon receiving a completed form from a consultant, ensure the form was filled out and signed, and review the form for any evidence of noncompliance with Title VI contractual provisions on the part of the consultant.

- If a contractor is found to be not in compliance with Title VI, the Title VI Coordinator and KMPO Fiscal Officer will work with the contractor to resolve the deficiency status and will write a remedial action if necessary, as described in the next section.

### **Remedial Action Related to Consultant Reviews**

KMPO will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with this Title VI program, both within KMPO and with KMPO's contractors. In conducting reviews of contractor, if a contractor is found to not be compliance with Title VI, the Fiscal Officer and Title VI Coordinator will work with the contractor to resolve the identified issues.

If the issues cannot be resolved, KMPO will issue a notification of deficiency status and remedial action for the contractor, as agreed upon by KMPO and ITD, within a period not to exceed 90 calendar days. KMPO will seek the cooperation of the contractor in correcting deficiencies, and will provide the technical assistance and guidance needed for the contractor to comply voluntarily. Contractor placed in a deficiency status will be given a reasonable time, not to exceed 90 calendar days after receipt of the deficiency letter and remedial action, to voluntarily correct deficiencies. If a contractor fails or refuses to voluntarily comply with requirements within the allotted time frame, KMPO will submit to ITD, FHWA, and FTA two copies of the case file and a recommendation that the contractor be found in noncompliance.

A follow-up review will be conducted within 180 calendar days of the initial review to ensure the contractor has complied with the Title VI Program requirements in correcting deficiencies identified. If the contractor refuses to comply, the contractor will be terminated.

## **4. Education & Training**

Minorities, women, veterans, individuals with a disability, and other individuals protected by Title VI and federal and state anti-discrimination laws are provided an equal opportunity and fair treatment in all employment-related decisions, including opportunities for education and training.

### **Operational Guidelines**

- KMPO Employee Handbook
- KMPO Affirmative Action Plan

### **Employees Encouraged to Participate in Training**

KMPO employees are encouraged to participate in continued professional development and training. All materials received by the agency on training and education opportunities are made available to all employees, which includes all information on federally funded training, such as courses provided by the National Highway Institute (NHI) and National Transit Institute (NTI). KMPO will strive to ensure employees maintain up-to-date knowledge of Title VI and other nondiscrimination statutes. The Title VI

Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the education and training program and will:

### **Title VI Specialist's Responsibilities**

- Identify training opportunities through FHWA, FTA, ITD, NHI, and NTI and other related organizations; provide staff and contractor's information on training programs regarding Title VI and related statutes.
- Ensure equal access to, and participation in, applicable NHI and NTI courses for KMPO employees.
- Track staff participation in Title VI, nondiscrimination training.

## **Policy for Engaging Individuals with Limited English Proficiency**

On August 11, 2000, the President signed Executive Order 13166, "**Improving Access to Services for Persons with Limited English Proficiency.**" The Executive Order requires Federal agencies to examine their services, develop and implement processes to ensure those with limited English proficiency (LEP) can have meaningful access to those services. The Order also requires Federal agencies to establish guidance on how recipients can provide meaningful access to LEP individuals, prepare a plan with consistent standards and steps for overcoming language barriers and ensure stakeholders have "adequate opportunity to provide input."

A person who does not speak English as their primary language and has a limited ability to read, speak, write, or understand English may be limited English proficient or "LEP." As such, these individuals may be entitled to language assistance in order to access services and benefits as may be necessary to understand and/or exercise important rights, comply with applicable responsibilities, or understand other information provided by federally funded programs and activities. Like the Environmental Justice Executive Order, the Limited English Proficiency Executive Order is structured to avoid adversely affecting these populations and to develop strategies to better engage them in the community.

**POLICY:** Kootenai Metropolitan Planning Organization (KMPO) has established the following policy for providing information to individuals with Limited English Proficiency (LEP): KMPO will seek opportunities to increase public comment on its activities, including its policies, programs, and transportation studies. KMPO is interested in increasing opportunities for underserved populations to provide input regarding its planning activities. The results of the "four-factor analysis" showed there is not a great need for translation services. The analysis showed that the greatest benefits would be for people who speak Spanish or German. Accordingly, KMPO will focus potential LEP efforts primarily on these populations.

The United States Department of Transportation guidelines require federal agencies and recipients of federal funds to take reasonable steps to ensure meaningful access to programs and activities by LEP persons. While designed to be flexible and a fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

**Demography:** Number and/or proportion of LEPs served and languages spoken in service area.

**Frequency:** Rate of contact with service or program.

**Importance:** Nature and importance of program/service to people's lives.

**Resources:** Available resources, including language assistance services.

This analysis, known as the four-factor analysis, is used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community as well as outreach strategies are included within the KMPO Public Involvement Policy.

The U.S. Census Bureau explains that it "does not define limited English proficiency or non-limited English proficient populations. The Census Bureau reports data based on the four categories of English-speaking ability: very well, well, not well, and not at all which is based on the individuals own perception of his or her own English-speaking ability.

Analyzing the data available on languages is the first step in understanding the population that may require LEP services within the KMPO service area. In order to determine the LEP population, KMPO staff reviewed the 2011-2015 American Community Survey (ACS) 5-year Estimates for "language spoken at home by ability to speak English for the population 5 years and over." Table 1 (below) was derived from this survey and indicates the Kootenai County population 5 years of age and over to be 136,184. While 132,383 or 97.2% of individuals speak only English, 3,148 or 2.31% speak another language, but English very well. The remaining 653 or 0.48% of individuals speak English less than very well.



## Regional Limited English Proficiency (LEP) Demographic Tables and Maps

**Table 1: Language Spoken by Ability to Speak English**

Language Spoken at Home by Ability to Speak English						
Language	Total Number	Percent	Total Speaking Other Languages, but English Very Well	Percent	Total Speaking Other Languages, English Less Than Very Well	Percent
Total Population	136,184					
English speaking only	132,383	97.21				
Spanish or Spanish Creole	1,841	1.35	1,592	1.17	249	0.18
German	381	0.28	367	0.27	14	0.01
French (incl. Patois, Cajun)	287	0.21	229	0.17	58	0.04
Tagalog	196	0.14	122	0.09	74	0.05
Italian	159	0.12	126	0.09	33	0.02
Other Slavic languages	124	0.09	74	0.05	50	0.04
Other Indic languages	103	0.08	93	0.07	10	0.01
Korean	94	0.07	80	0.06	14	0.01
Serbo-Croatian	76	0.06	55	0.04	21	0.02
Scandinavian languages	72	0.05	57	0.04	15	0.01
Chinese	66	0.05	11	0.01	55	0.04
Arabic	51	0.04	19	0.01	32	0.02
Russian	47	0.03	39	0.03	8	0.01
Other Indo-European languages	47	0.03	47	0.03	0	0.00
Japanese	41	0.03	33	0.02	8	0.01
Other West Germanic languages	35	0.03	35	0.03	0	0.00
Other and unspecified languages	31	0.02	31	0.02	0	0.00
Vietnamese	27	0.02	21	0.02	6	0.00
Hmong	25	0.02	25	0.02	0	0.00
Portuguese or Portuguese Creole	24	0.02	20	0.01	4	0.00
Hungarian	21	0.02	21	0.02	0	0.00
Other Native North American languages	20	0.01	20	0.01	0	0.00
Other Pacific Island languages	12	0.01	12	0.01	0	0.00
Laotian	11	0.01	11	0.01	0	0.00
Armenian	6	0.00	6	0.00	0	0.00
Polish	2	0.00	2	0.00	0	0.00
Thai	2	0.00	0	0.00	2	0.00
Total Population	136,184	100.00	3,148	2.31	653	0.48

Source: 2011 – 2015 American Community Survey (ACS) B16001 5-Year Estimates (Note: The data historically collected on the long form of the decennial census is now captured by the American Community Survey. The U.S. Census Bureau notes the 2010 Census focused on count and basic demographics characteristics only and did not gather data on language use)

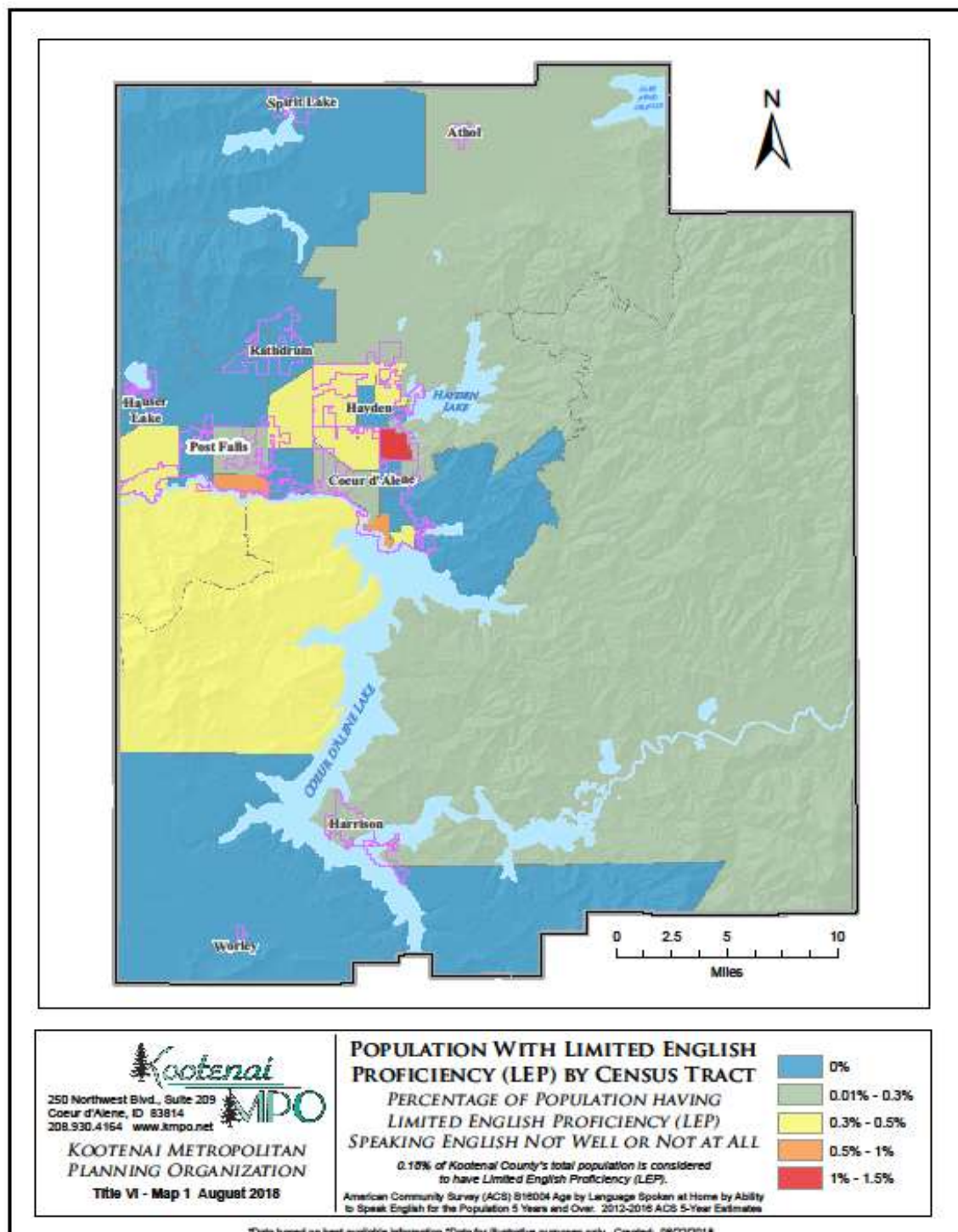
The following Table reflects four major language groups which are used by the US Census Bureau in collecting the language data background. According to the American Community Survey, approximately 248 individuals or 0.18% of the population within KMPO/Kootenai County are limited English proficient.

**Table 2: Limited English Proficient (LEP) Population**

<b>Kootenai County Limited English Proficient (LEP) Population</b>										
Estimated Total Population	Spanish Speaking (English Spoken Not Well or Not at All)	Percentage of Spanish Speaking	Indo-European Speaking (English Spoken Not Well or Not at All)	Percentage of Indo-Euro Speaking	Asian Pacific Islander Speaking (English Spoken Not Well or Not at All)	Percentage of Asian Pacific Islander Speaking	Other Languages (English Spoken Not Well or Not at All)	Percentage of Other Languages Spoken	LEP Total	Percentage of Total LEP
138,812	149	0.11%	39	0.03%	22	0.02%	38	0.03%	248	0.18%

Source: 2012-2016 American Community Survey (ACS) B16004 5-Year Estimates

**Figure 3: Limited English Proficiency (LEP) by Census Tract**



## **KMPO-Identified Translation and Interpretation Services**

The following companies are capable of doing both oral and written translations:

Accredited Language Services

(800) 322-0284

[www.accreditedlanguage.com](http://www.accreditedlanguage.com)

Columbia Language Services Inc.

(888) 202-3301

[www.columbia-language.com](http://www.columbia-language.com)

Spokane International Translation

(509) 327-8064

[www.spokanetranslations.com](http://www.spokanetranslations.com)

ASAP Translations

(509) 747-5121

[www.asap-translations.com](http://www.asap-translations.com)

There are numerous languages spoken throughout the KMPO area. For that reason, links for court certified and/or registered interpreters for the both the Idaho Supreme Court and the Washington State Courts websites have been provided. While the Idaho Supreme Court provides a current approved roster of interpreters, the Washington State Courts website offers an extensive search option based on the searcher's chosen criteria.

Idaho Supreme Court: <http://www.isc.idaho.gov/court-interpreter/court-interpreter>

Washington State Courts: [http://www.courts.wa.gov/programs\\_orgs/pos\\_interpret/](http://www.courts.wa.gov/programs_orgs/pos_interpret/)

# Environmental Justice Demographic Profile in Kootenai County

## Introduction

Since the mid-1990s, a renewed emphasis on environmental justice has become an integral part of the transportation planning process for urban regions in the United States. The concept of “environmental justice” is derived from Title VI of the Civil Rights Act of 1964 and other civil rights statutes, and directs federal agencies to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income population groups in order to ensure full and fair participation by all potentially affected communities, and The order laid out the following environmental justice principles to be integrated into federal transportation programs, policies, and activities:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

With this guidance, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) renewed their commitments to ensure that environmental justice is carried out in the programs and strategies they fund including the activities of metropolitan planning organizations (MPOs).

The FHWA has specifically directed MPOs to:

- Enhance their analytical capabilities to ensure that their long-range transportation plan and their transportation improvement program comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and, where necessary, improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision-making.

Kootenai Metropolitan Planning Organization (KMPO) is the federally designated metropolitan planning organization, as well as the state designated regional transportation planning organization, for Kootenai County. Under these mandates, the KMPO is responsible for developing and regularly updating the region’s long-range transportation plan, the Metropolitan Transportation Plan (MTP), as well as distributing federal transportation funds to local projects through its transportation improvement program. As an initial step toward better integrating environmental justice into its transportation work program, KMPO has developed a baseline demographic profile, which presents key demographic data

describing Kootenai County and identifies population groups and communities to be considered for subsequent environmental justice analyses and activities.

On February 11, 1994, President William J. Clinton signed **Executive Order 12898 (EO 12898) Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**, directing federal agencies to identify and address, as appropriate, the disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. EO 12898 was designed to ensure these populations have access to public information, opportunities for public participating, and/or the benefit of matters relating to human health or the environment.

The FHWA has specifically directed MPOs to:

- Enhance their analytical capabilities to ensure that their long-range transportation plan and their transportation improvement program comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and – where necessary – improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision-making.

The Kootenai Metropolitan Planning Organization (KMPO) is the federally designated metropolitan planning organization as well as the state designated regional transportation planning organization for Kootenai County. Under these mandates, the KMPO is responsible for developing and regularly updating the region's long-range transportation plan, the Metropolitan Transportation Plan (MTP) 5, as well as distributing federal transportation funds to local projects through its transportation improvement program. As an initial step toward better integrating environmental justice into its transportation work program, the KMPO has developed this baseline demographic profile, which presents key demographic data describing Kootenai County and identifies population groups and communities to be considered for subsequent environmental justice analyses and activities.

The Federal Highway Administration states that *"all reasonably foreseeable adverse social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed."* U.S. DOT and FHWA environmental orders state adverse effects may include, but are not limited to:

- Bodily impairment, infirmity, illness, or death.
- Air, noise, and water pollution; and soil contamination.
- Destruction or disruption of man-made or natural resources.
- Destruction or diminution of aesthetic values.
- Destruction or disruption of community cohesion or a community's economic vitality.

- Destruction or disruption of the availability of public and private facilities and services.
- Vibration.
- Adverse employment effects.
- Displacement of persons, businesses, farms, or nonprofit organizations.
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.
- The denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.

Department of Transportation (DOT) Order 5610.2(a) issued May 2, 2012 updates and clarifies the original Executive Order 12898 published April 15, 1997 which continues to be a key component in the strategy to promote the principles of Environmental Justice (EJ). Order 5610.2(a) reaffirms DOT's commitment to EJ setting forth the DOT policy to consider EJ principles in all programs, policies, and activities, describing the way in which EJ goals will be integrated into planning and programming, rulemaking, and policy formulation, and provides steps to prevent and address disproportionately high and adverse effects to minority or low-income populations through Title VI and EJ analyses.

## Definitions

Executive Order 12898, and the DOT, FHWA, and FTA orders on Environmental Justice address persons belonging to any of the following groups:

## Minority Populations

The Order defines five (5) minority groups:

- **Black** – a person having origins in any of the black racial groups of Africa;
- **Hispanic or Latino** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- **Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- **American Indian and Alaskan Native** – a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition.
- **Native Hawaiian and Other Pacific Islander** – a people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Low-Income:** a person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

**Low-Income Population** means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such



as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

**Minority Population** means any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

**Adverse effects** means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

**Disproportionately high and adverse effect on minority and low-income populations** means an adverse effect that is predominately borne by a minority population and/or a low-income population, or will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

## **Objectives**

The KMPO set out to meet two primary objectives in preparing this environmental justice demographic profile:

Compile key demographic data on minority and low-income populations in Kootenai County, as well as other populations of interest, for environmental justice consideration in conducting regional transportation planning and program activities and public outreach.

Identify the locations of communities within the region with significant minority and low-income populations in order to facilitate and enhance environmental justice analyses and activities.

## **KMPO Community Characteristics**

The following section on Community Characteristics presents a demographic profile of the Kootenai Metropolitan Planning area. KMPO relied upon data products from the American Community Survey to develop a baseline demographic profile (Resources). Geographic information systems (GIS) applications were utilized to map graphic representations of the data at the Census Tract level. As the 2010 U.S. Census is nearly nine years old, the American Community Survey, continues to be the most

comprehensive, reliable, and geographically detailed source of demographic information available. KMPO has also identified and listed in Resources additional sources that may be helpful in updating the baseline profile in future years.

## **Regional Environmental Justice (EJ) Demographic Tables and Maps**

Table 3 Race & Ethnicity in Kootenai County, Major Classifications

Table 4 Kootenai County Population by Race and Hispanic/Latino Origin

Table 5 Kootenai County Population Age 65 and Over

Table 6 Kootenai County Poverty Statistics

Table 7 Kootenai County Poverty Statistics by Race and Hispanic/Latino Origin

Table 8 Kootenai County Poverty Over Age 65

Table 9 Kootenai County Disability Statistics by Race and Hispanic/Latino Origin

Table 10 Kootenai County Age by Disability Status by Poverty Status

Map 4 KMPO Minority Population by Census Tract (Hispanic or Latino Origin by Race)

Map 5 KMPO Population Age 65 and Older by Census Tract

Map 6 KMPO Population Living in Poverty by Census Tract

Map 7 KMPO Minority/Ethnicity Population Poverty Level by Census Tract

Map 8 KMPO Population Age 65 and Older Poverty Level by Census Tract

Map 9 KMPO Population with a Disability by Census Tract

Map 10 KMPO Population – Disability Status by Poverty Status by Census Tract

### **Race**

In the 2010 Census, minority referred to people who reported their ethnicity and race as something other than non-Hispanic White alone. According to the Census Brief issued March 2011, *Overview of Race and Hispanic Origin 2010*, the question on race included 15 separate response categories and three areas where respondents could write-in detailed information about their race. The response categories and write-in answers can be combined to create the five minimum race categories, White, Black or African American, American Indian and Alaska Native. For those respondents who were unable to identify with any of these five race categories, a sixth category, Some Other Race, was added and included multiracial, mixed, interracial, or a Hispanic or Latino group (for example, Mexican, Puerto Rican, or Spanish). Hispanic or Latino origin was defined as an ethnic characteristic, separate from race. It is noted that a person who identified their origin as Spanish, Hispanic, or Latino may be of any race, including White. The term “total minority” represents the union between minority race populations and the Hispanic/Latino population, and includes White persons of Hispanic/Latino origin.

**Table 3: Race and Ethnicity, Major Classifications**

Race and Ethnicity in Kootenai County, Major Classifications	
<b>White/Non-Hispanic</b> 134,752	<b>Non-White/Non-Hispanic</b> 6745
<b>White/Hispanic</b> 4308	<b>Non-White/Hispanic</b> 1911

Source: 2012-2016 American Community Survey (ACS) B03002 5-Year Estimates

**Table 4: Population by Race and Hispanic/Latino Origin**

Kootenai County Population by Race and Hispanic/Latino Origin							
Total Population	Race (all categories)					Ethnicity	Race and Ethnicity
	White Alone	Black/African American alone	American Indian/Alaskan Native alone	Asian/Pacific Islander Alone	Other Race alone or Two or More Races	Hispanic or Latino	Total Minority (non-White, including White/Hispanic)
147,716	134,752	470	1,867	1,074	3,334	6,219	12,964
100%	91.22%	0.32%	1.26%	0.73%	2.26%	4.21%	8.8%

Source: 2012-2016 American Community Survey (ACS) B03002 5-Year Estimates

**Table 5: Population Age 65 and Over**

Kootenai County Population Age 65 and Over		
Estimated Population of Kootenai County	Population Age 65 and Over	
	Total	Percent of Population
147,716	24,988	16.9%

Source: 2012-2016 American Community Survey (ACS) DP05 5-Year Estimates

Figure 4: Minority by Census Tract

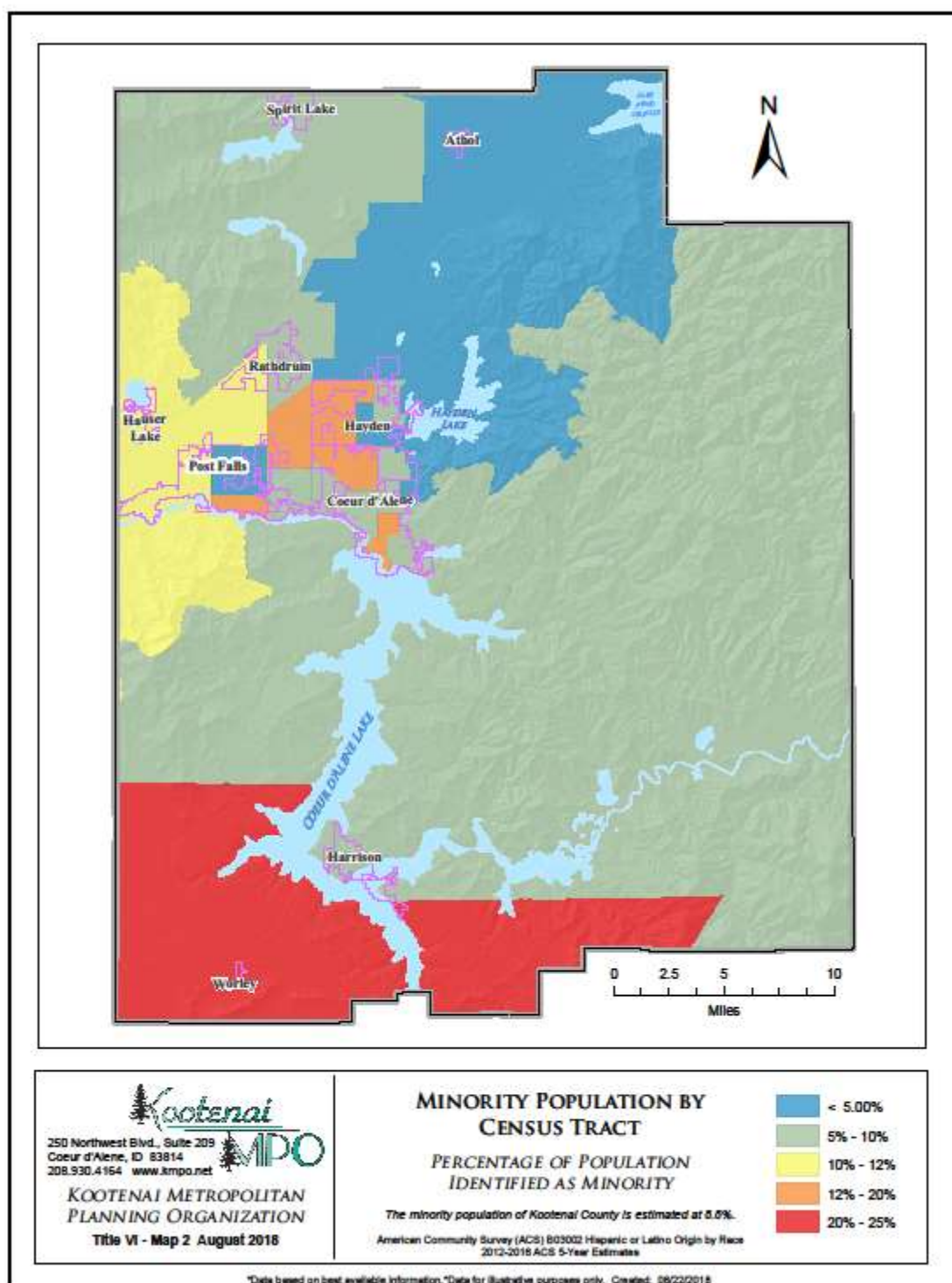
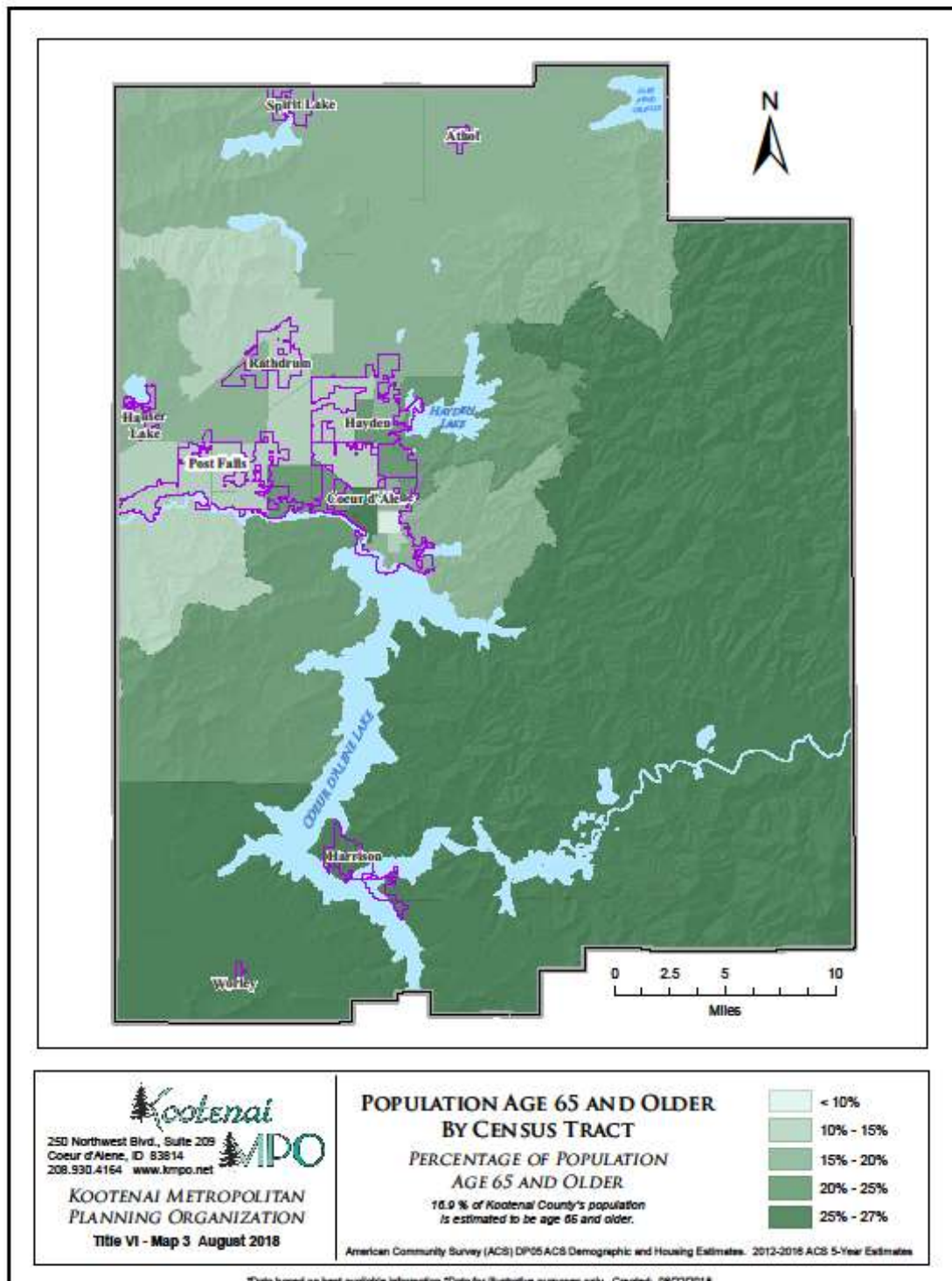


Figure 5: Age 65 and Older by Census Tract



## Poverty

The following Tables report statistics for the percentage of the MPO/County's population for whom poverty status has been determined as well as those whose income falls below 125, 150, and 200 percent of the federal poverty level. The American Community Survey statistics indicate that of the estimated 145,863 Kootenai County residents, 49,655, or 34.0% fall below the 200% poverty level. The 200% of Poverty Level threshold is used to indicate families and individuals in the region whose incomes are above the federal poverty level, but within a range that may still be considered lower income.

**Table 6: Poverty Statistics**

Kootenai County Poverty Statistics				
Total Population	Total persons for whom poverty status has been determined	All individuals:		
		Below 125 percent poverty level	Below 150 percent poverty level	Below 200 percent poverty level
145,863	18,412	25,073	31,885	49,655
100%	12.6%	17.2%	21.9%	34.0%

Source: 2012-2016 American Community Survey (ACS) S1701 5-Year Estimates

**Table 7: Poverty Statistics by Race and Hispanic/Latino Origin**

Kootenai County Poverty Statistics by Race and Hispanic/Latino Origin								
Poverty Rate								
	Total persons for whom poverty status has been determined	Race (all categories)					Ethnicity	Race and Ethnicity
		White Alone	Black/ African American alone	American Indian/ Alaskan Native alone	Asian/ Pacific Islander alone	Other Race alone or Two or More Races	Hispanic/ Latino	Total Minority (non-White, including White/Hispanic)
<b>Total Pop</b>	145,863	137,312	557	2,112	1,341	4,541	6,097	14,648
<b>Poverty Pop</b>	18,412	17,016	146	584	149	517	771	2,170
<b>Percentage</b>	12.6%	12.4%	26.2%	27.7%	11.1%	11.3%	12.7%	14.8%

Source: 2012-2016 American Community Survey (ACS) S1701 5-Year Estimates



Figure 6: Poverty by Census Tract

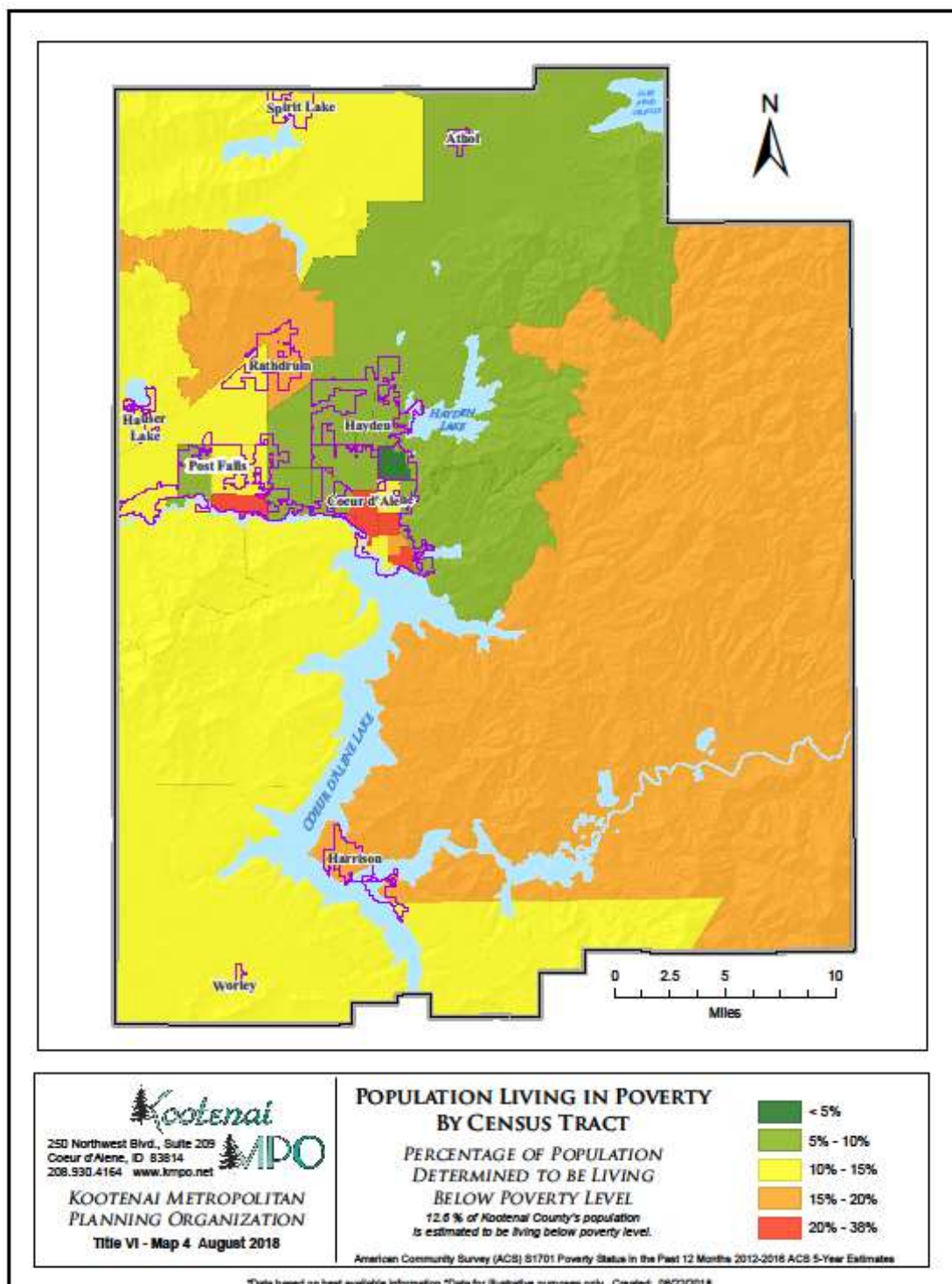
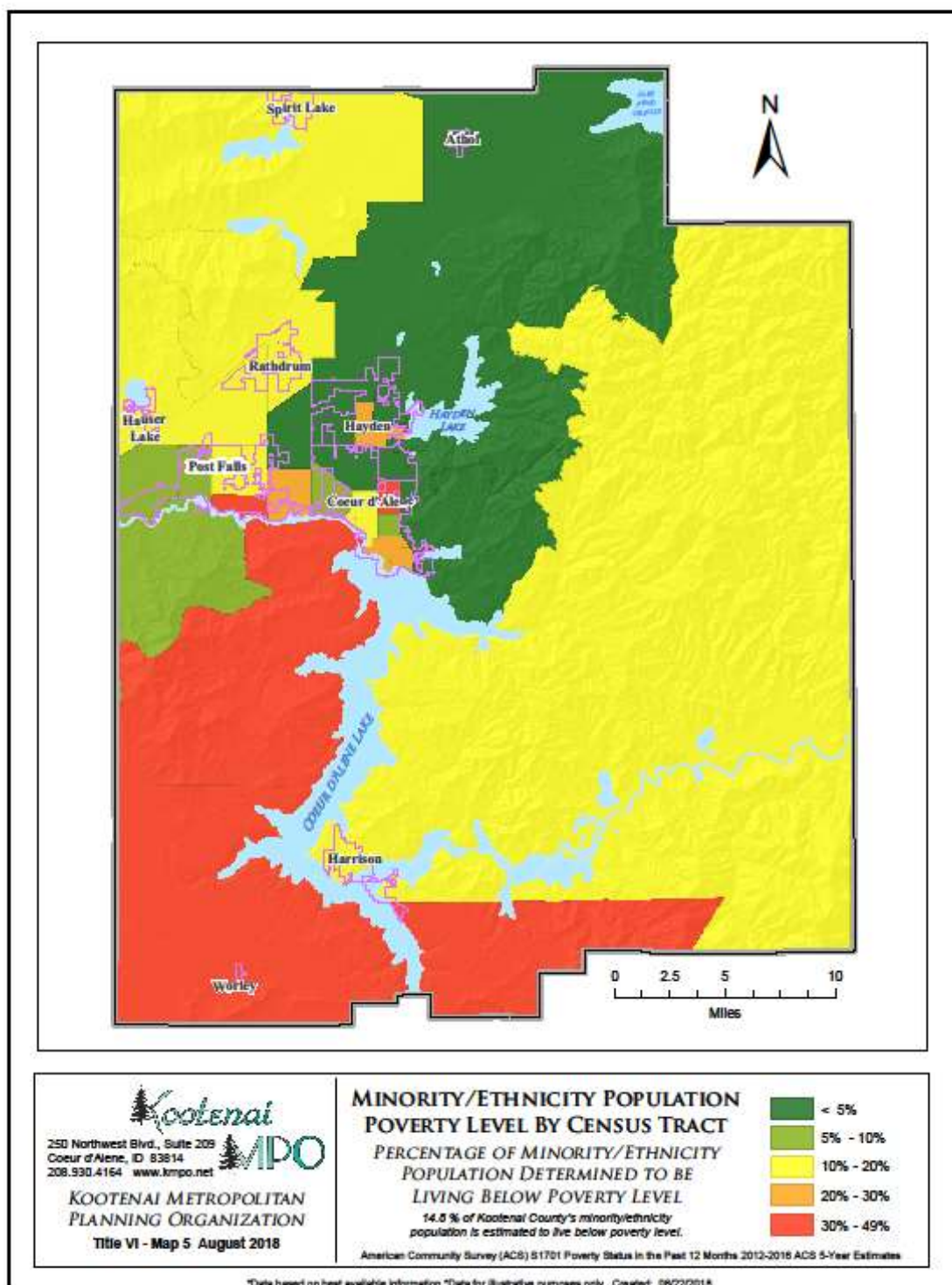




Figure 7: Minority Poverty Level by Census Tract

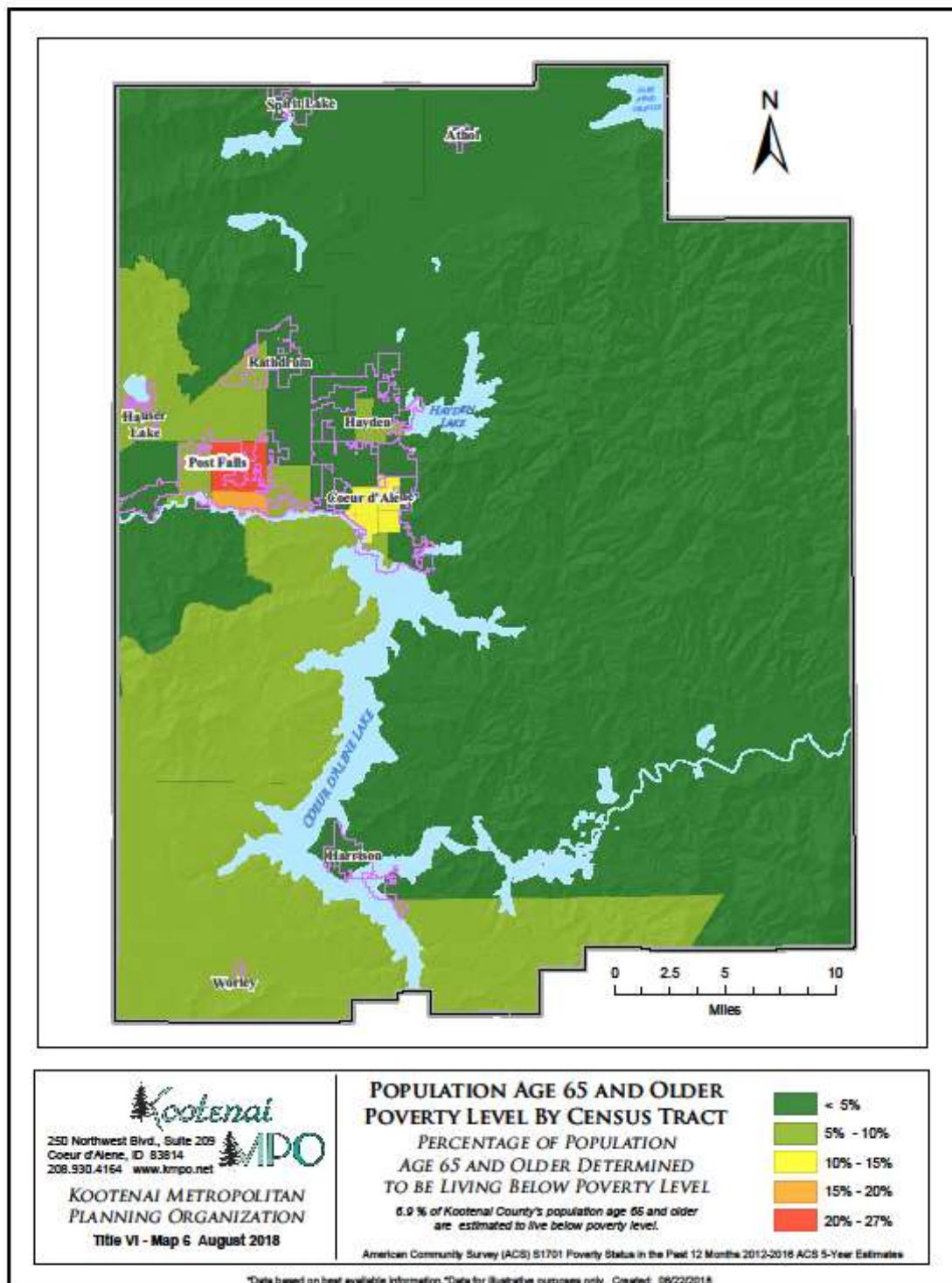


**Table 8: Poverty Over Age 65**

<b>Kootenai County Poverty Over Age 65</b>			
Total persons for whom poverty status has been determined	Population 65 and over for whom poverty status has been determined	For whom poverty status is determined	
		Income below poverty level	Poverty rate
145,863	24,501	1,684	6.9%

Source: 2012-2016 American Community Survey (ACS) S1701 5-Year Estimates

**Figure 8: Age 65 and Older Poverty Level by Census Tract**



## Disability

In 2008, the ACS introduced new questions on health insurance, marital history, and Veterans' service-connected disability ratings; questions introduced in 2008 are found in the current ACS questionnaire. Respondents who report anyone of the six disability types are considered to have a disability:

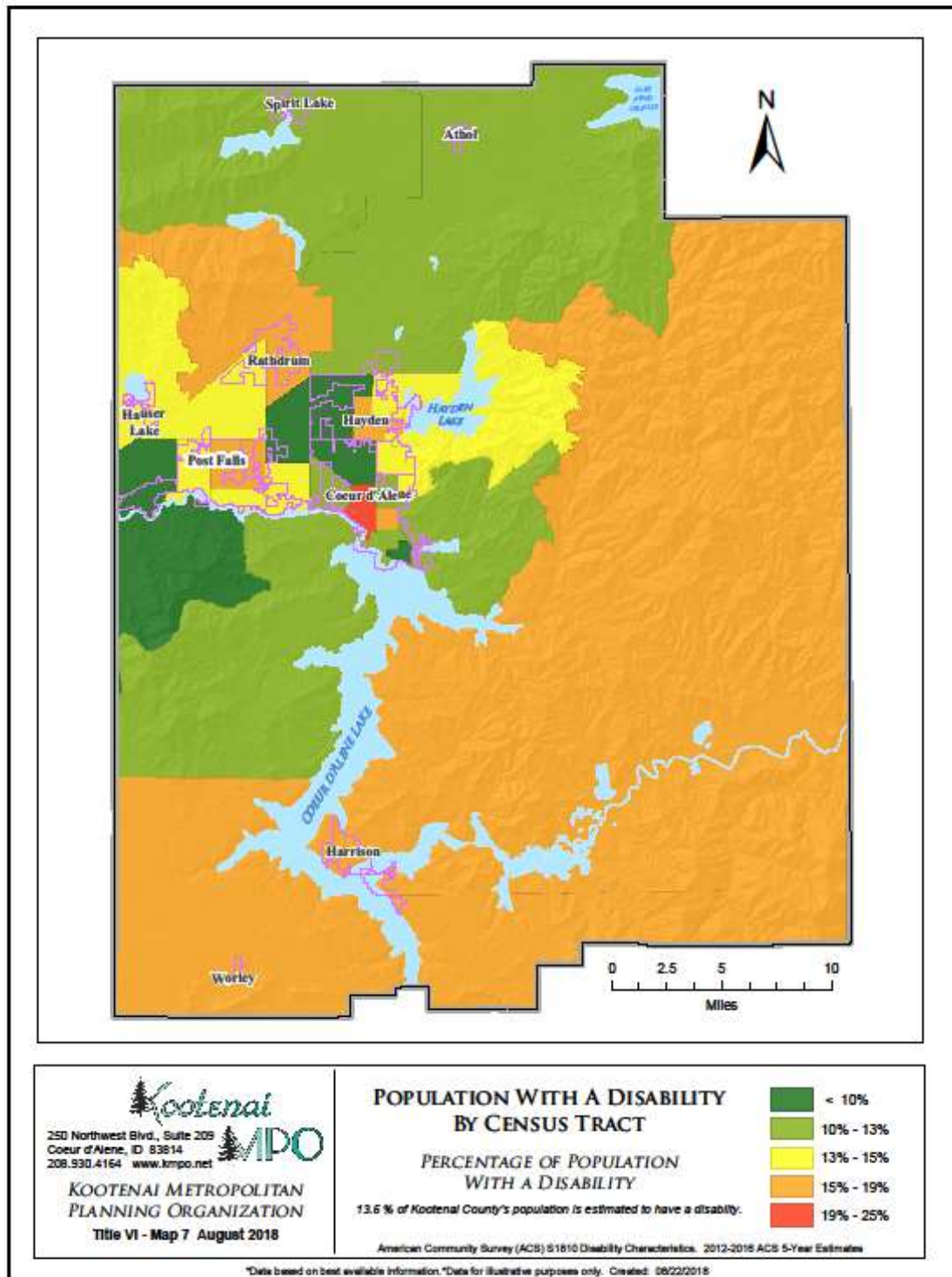
- **Hearing difficulty** - deaf or having serious difficulty hearing (DEAR).
- **Vision difficulty** - blind or having serious difficulty seeing, even when wearing glasses (DEYE).
- **Cognitive difficulty** - because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions (DREM).
- **Ambulatory difficulty** - having serious difficulty walking or climbing stairs (DPHY).
- **Self-care difficulty** - having difficulty bathing or dressing (DDRS).
- **Independent living difficulty** - because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor's office or shopping (DOUT).

**Table 9: Disability by Race and Hispanic/Latino Origin**

Kootenai County Disability Statistics by Race and Hispanic/Latino Origin								
Disability Rate								
Total persons with a disability	Race (all categories)					Ethnicity	Race and Ethnicity	
	White Alone	Black/ African American alone	American Indian/ Alaskan Native alone	Asian/ Pacific Islander alone	Other Race alone or Two or More Races	Hispanic/ Latino	Total Minority (non-White, including White/Hispanic)	
<b>Total Non-Institutionalized Population</b>	146,447	137,886	557	2,115	1,347	4,542	6,159	14,720
<b>Disability Pop</b>	19,729	18,921	76	211	77	444	610	1,418
<b>Percentage</b>	13.5%	13.7%	13.6%	10.0%	5.72%	9.78%	9.9%	9.63%

Source: 2012-2016 American Community Survey (ACS) S1810 5-Year Estimates.

Figure 9: Disability by Census Tract



## Age by Disability Status by Poverty Status

Table 10 reflects demographic statistics for the region's disabled population. The American Community Survey indicates 13.49% of the population, or 19,655 individuals in Kootenai County have a disability with 3,785 determined to have income below poverty level. Of those who are age 65 years and over, 8,219 have a disability and 810 are determined to have income below poverty level.

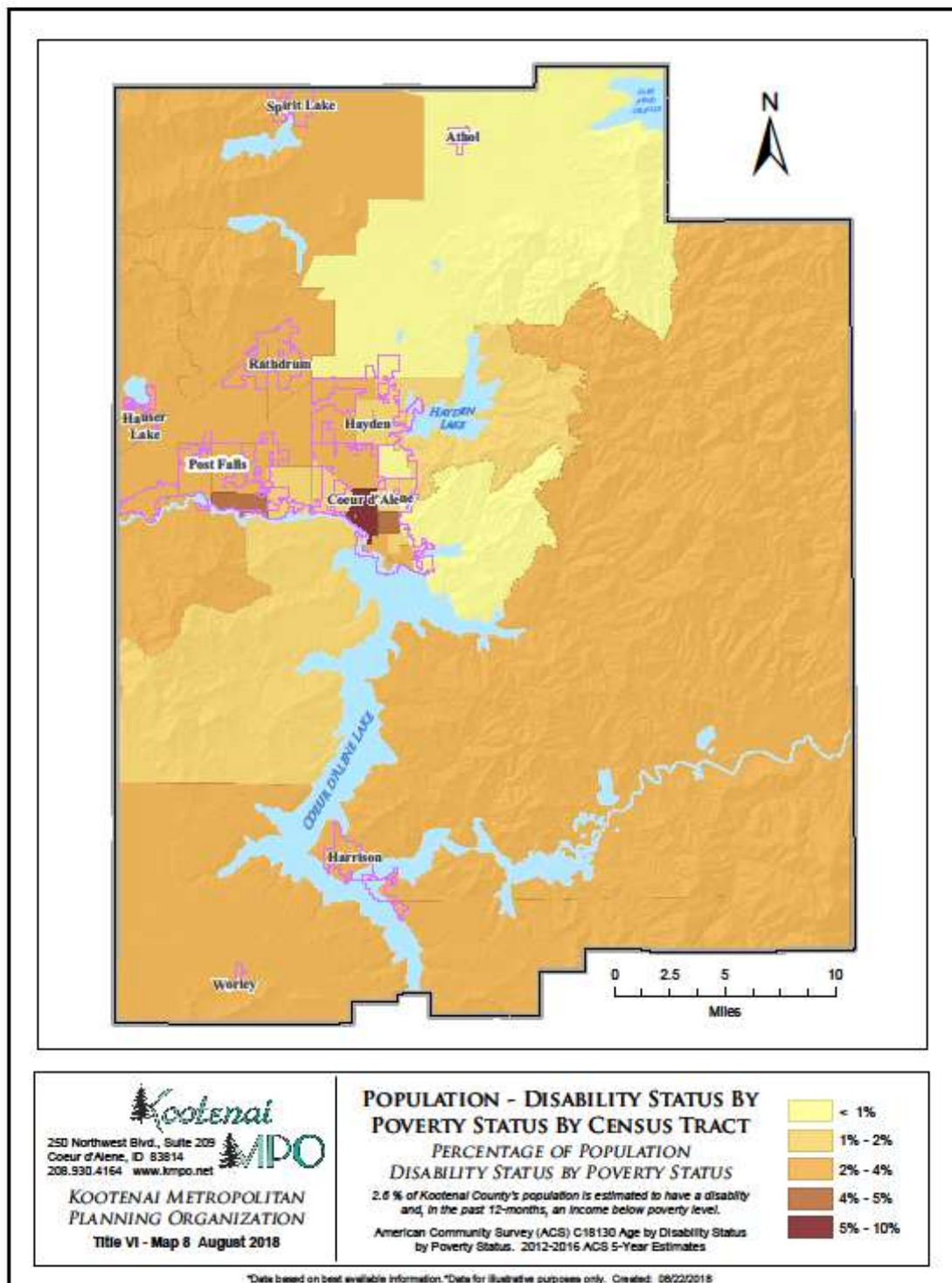
**Table 10: Disability by Poverty Status**

Kootenai County Age by Disability Status by Poverty Status							
Total Population	Population WITH DISABILITY	Population for whom poverty status is determined		65 Years and Over			
		Income BELOW POVERTY LEVEL (12 months) DISABILITY	Percentage of Population BELOW POVERTY LEVEL with DISABILITY	Total population 65 years and over	Population 65 years and over with DISABILITY	Income BELOW POVERTY LEVEL (12 months) with DISABILITY	Percentage of Population BELOW POVERTY LEVEL with DISABILITY
145,723	19,655 13.49%	3,785	2.6%	24,501 16.81%	8,219 5.64%	810	0.6%

Source: 2012-2016 American Community Survey (ACS) C18130 5-Year Estimates.



**Figure 10: Disability by Poverty Status by Census Tract**



## **Non-Discrimination Complaint Procedures**

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by KMPO or its consultants and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

### **Procedures**

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with KMPO's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for KMPO to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to KMPO for processing.



2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of KMPO's contractors of federal funds, KMPO will assume jurisdiction and will investigate and adjudicate the case. Complaints against KMPO will be referred to the Idaho Transportation Department's (ITD) Office of Equal Opportunity (OEO), the Federal Highway Administration, or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. In order to be accepted, a complaint must meet the following criteria:
  - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - b. The allegation(s) must involve a covered basis such as race, color, national origin, sex, disability, or retaliation.
  - c. The allegation(s) must involve a program or activity of a federal aid recipient, sub-recipient, or contractor, or, in the case of Americans with Disabilities Act (ADA) allegations, an entity open to the public.
  - d. The complainant(s) must accept reasonable resolution based on KMPO's administrative authority (reasonability to be determined by KMPO).
4. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
5. Once KMPO or ITD decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in KMPO's or ITD's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
6. In cases where KMPO assumes the investigation of the complaint, KMPO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of KMPO's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where KMPO assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, KMPO's Investigator\* will prepare an investigative report for review by the agency's legal counsel and Executive Director. The report shall include a narrative description of

the incident, identification of persons interviewed, findings, and recommendations for disposition.

*\*This will preferably be KMPO's Title VI Coordinator, or secondarily, KMPO's Title VI Specialist.*

8. The investigative report and its findings will be sent to KMPO's legal counsel and Executive Director for review. Council will review the report and associated documentation and provide input to the Investigator within 10 calendar days.
9. Any comments or recommendations from KMPO's legal counsel will be reviewed by KMPO's Executive Director. The Investigator will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.
10. KMPO's final investigative report and a copy of the complaint will be forwarded to ITD's OEO within 60 calendar days of the acceptance of the complaint. ITD's OEO will share the report with FHWA and FTA as part of its Annual Title VI Update and Accomplishment Report.
11. KMPO will notify the parties of its preliminary findings, which are subject to concurrence from ITD's OEO. ITD's OEO will issue the final decision to KMPO based on KMPO's investigative report.
12. Once ITD's OEO issues its final decision, KMPO will notify all parties involved about such determination. ITD's final determination is not subject to an appeal.
13. ITD will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by KMPO. ITD will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

## Title VI Discrimination Complaint Form

### KOOTENAI METROPOLITAN PLANNING ORGANIZATION Title VI Discrimination Complaint Form

<b>SECTION I</b>					
Name:			Date:		
Address:					
City:		State:	Zip Code:		
Telephone (Home):		Telephone (Business):			
<b>SECTION II</b>					
Are you filing this complaint on your own behalf? *Yes No					
*If Yes, go to Section III					
If No, please provide the following contact information for the person discriminated against:					
Name:					
Address:					
City:		State:	Zip Code:		
Telephone (Home):		Telephone (Business):			
What is your relationship to this person:					
<b>SECTION III</b>					
Name of Person or Organization you believe has discriminated:					
Date of the alleged discrimination (Month/Day/Year):					
Which of the following best describes the reason you believe the discrimination occurred? Circle all that apply.					
Race/Color	National Origin	Age	Sex	Religion	Disability
Have you discussed your complaint with anyone within the organization? Yes No					
If yes, provide name(s) and position(s):					
<b>SECTION IV</b>					
Explain what happened and why you believe you were discriminated against (if more space is needed, use the back of the form or additional sheets of paper.) Please attach any written material pertaining to this incident.					
Please provide names and contact information for anyone who may have witnessed the alleged discrimination or can support/clarify the allegations:					
<b>SECTION V</b>					
Please describe the corrective action you are seeking if allegations of wrong doing are proven.					
<b>SIGNATURE</b>			<b>Date:</b>		

## References

### ***2011-2015 American Community Survey (ACS) 5-Year Estimates***

Smallest geographic unit: Census Tract

Table B16001 Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

### ***2012-2016 American Community Survey (ACS) 5-Year Estimates***

Smallest geographic unit: Census Tract

Table B16004 Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

Table B03002 Hispanic or Latino Origin by Race

Table DP05 ACS Demographic and Housing Estimates

Table S1701 Poverty Status in the Past 12 Months

Table S1810 Disability Characteristics

Table S18130 Age by Disability Status by Poverty Status

### **ALTERNATIVE DATA SOURCES**

KMPO has identified the Idaho Division of Financial Management, the Idaho Department of Labor, and the National Center for Education Statistics as possible data sources in updating future baseline demographics.

# Appendices

# **Appendix I**

## **Standard U.S. DOT**

### **Assurances and Appendices A-E**



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 11, 2013

**ACTION MEMORANDUM TO THE SECRETARY**

From: *for Mary N. Whigham Jones*  
Camille M. Hazeur, Director  
Departmental Office of Civil Rights, S-30  
X64648

Through: Mary N. Whigham Jones, Deputy Director  
Departmental Office of Civil Rights, S-30  
X64648

Prepared by: Joseph E. Austin, Associate Director  
External Civil Rights Programs Division, S-33  
X65992

Subject: DOT Standard Title VI Assurances and Non-Discrimination Provisions

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**ACTION REQUIRED**

I request that you sign the attached order, which contains the U.S. Department of Transportation (DOT) Standard Title VI Assurances and Non-Discrimination Provisions.

**SUMMARY**

The Departmental Office of Civil Rights has prepared the attached DOT Order, which revises the Standard DOT Title VI Assurances in DOT Order 1050.2, signed August 24, 1971. The Assurances apply to the Office of the Secretary and the operating administrations with regard to any program or activity for which Federal financial assistance is authorized under a law administered by the Department.

**BACKGROUND**

Section 21.7(a) of 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, requires that all applications for Federal financial assistance from the U.S. Department of Transportation must contain Title VI Assurances. This order requires the Office of the Secretary and each operating administration to secure from applicants and recipients receiving Federal financial

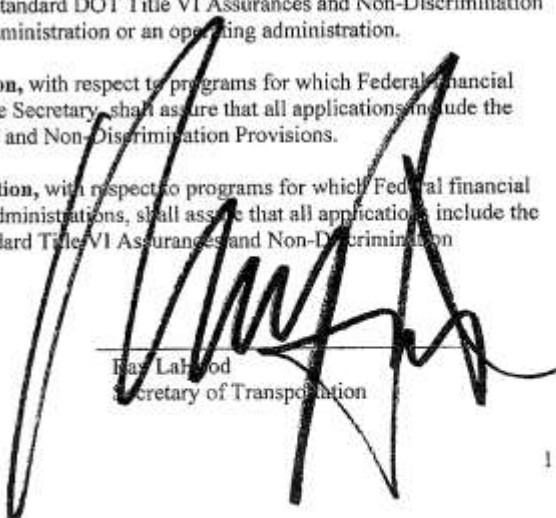


U.S. Department of  
Transportation  
Office of the Secretary  
of Transportation

DOT 1050.2A

**SUBJECT: DOT STANDARD TITLE VI ASSURANCES AND NON-DISCRIMINATION PROVISIONS**

1. **PURPOSE.** This order updates DOT 1050.2, Standard DOT Title VI Assurances.
2. **SCOPE.** This order applies to the Office of the Secretary and the operating administrations with regard to any program for which Federal financial assistance is authorized under a law administered by the U.S. Department of Transportation.
3. **BACKGROUND.** Section 21.7(a) of Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, requires that all applications for Federal financial assistance from the Department of Transportation must contain Title VI Assurances. This order requires the Office of the Secretary and each operating administration to secure from applicants and recipients receiving Federal financial assistance the attached Standard DOT Title VI Assurances. The reverter clause in Appendices B and C of the assurances should be used only when it is determined that such a clause is necessary in order to make clear the purposes of Title VI. The assurances may be supplemented by additional paragraphs by the Office of the Secretary and operating administrations desiring to expand the assurances in order to make them more applicable to a particular program. All such changes or expansions shall be coordinated with the Departmental Office of Civil Rights.
4. **RESPONSIBILITIES.**
  - a. **The Departmental Director of Civil Rights** will monitor compliance with this order, including review of any expansion or addenda to the Standard DOT Title VI Assurances and Non-Discrimination Provisions by the Assistant Secretary for Administration or an operating administration.
  - b. **The Assistant Secretary for Administration**, with respect to programs for which Federal financial assistance is requested from the Office of the Secretary, shall assure that all applications include the attached Standard DOT Title VI Assurances and Non-Discrimination Provisions.
  - c. **The Head of Each Operating Administration**, with respect to programs for which Federal financial assistance is requested from the operating administrations, shall assure that all applications include the attached Standard DOT Order 1050.2, Standard Title VI Assurances and Non-Discrimination Provisions.

  
Ray LaHood  
Secretary of Transportation

1



**The United States Department of Transportation (USDOT)**

**Standard Title VI/Non-Discrimination Assurances**

**DOT Order No. 1050.2A**

The **(Title of Recipient)** (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through **(Title of Modal Operating Administration)**, 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);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 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);

*Modal Operating Administration may include additional Statutory/Regulatory Authorities here.*

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

**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, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the **(Title of Modal Operating Administration)**.*

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.

*Modal Operating Administration may include additional General Assurances in this section, or reference an addendum here.*

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **(Name of Appropriate Program)**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (c) of 49 C.F.R. § 21 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 all (Name of Appropriate Program) and, in adapted form, in all proposals for negotiated agreements regardless of funding source:  
  

*“The (Title of Recipient), 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, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*
3. 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.

***Modal Operating Administration may include additional Specific Assurances in this section.***

By signing this ASSURANCE, *[Name of the recipient]* 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 *[insert Agency name]* 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 *[insert Agency name]*. You must keep records, reports, and submit the material for review upon request to *[insert Agency here]*, 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.

*[Name of Recipient]* 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 U.S. Department of Transportation under the *(Name of Appropriate Program)*. This ASSURANCE is binding on *[insert State]*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *(Name of Appropriate Program)*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

\_\_\_\_\_  
(Name of Recipient)

by \_\_\_\_\_  
(Signature of Authorized Official)

DATED \_\_\_\_\_

## 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 Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, (Title of Modal Operating Administration), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21. *[Include Modal Operating Administration specific program requirements.]*
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, or national origin. *[Include Modal Operating Administration specific program requirements.]*
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 (Title of Modal Operating Administration) 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 (Title of Modal Operating Administration), 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 (Title of Modal Operating Administration) 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.
6. **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 (Title of Modal Operating Administration) 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.

A

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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 U.S. Department of Transportation as authorized by law and upon the condition that the (Title of Recipient) will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate Program), and the policies and procedures prescribed by the (Title of Modal Operating Administration) of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. 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 (Title of Recipient) all the right, title and interest of the U.S. 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 (Title of Recipient) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (Title of Recipient), its successors and assigns.

The (Title of Recipient), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the (Title of Recipient) 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, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. 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 U.S. 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 make clear the purpose of Title VI.)

B

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (Title of Recipient) 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 U.S. 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, or national origin, 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, (Title of Recipient) 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 (Title of Recipient) 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 (Title of Recipient) and its assigns.\*

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

C

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by (Title of Recipient) 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, or national origin, 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, or national origin, 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, (Title of Recipient) 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, (Title of Recipient) will there upon revert to and vest in and become the absolute property of (Title of Recipient) and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear 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:

### Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures 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.*).

E



## **Appendix II**

### **KMPO Title VI Assurances**

## **KMPO Title VI Assurances**

The Kootenai Metropolitan Planning Organization (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

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

1. That the Recipient agrees that each "program" and each "facility", as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program and in adapted form in all proposals for negotiated agreements:

"The Kootenai Metropolitan Planning Organization, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21: Nondiscrimination in Federally Assisted Programs of the Department of Transportation Issued Pursuant to Such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex, or national origin in consideration for an award."

3. That the Recipient shall insert the following clauses in every contract subject to the Act and the Regulations:

- **CIVIL RIGHTS:** The Contractor shall comply with all applicable civil rights statutes and implementing regulations including, but not limited to:

**Equal Employment Opportunity:** The Contractor agrees to comply with, and assures compliance by each third party contractor at any tier, with all requirements of Title VII of the Civil Rights Act 1964, as amended, 42 U.S.C. 2000e, and 49 U.S.C. 5332 and any implementing requirements FTA may issue. These equal employment opportunity (EEO) requirements include, but are not limited to, the following:

The Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, sex, disability, age, or national origin. The Contractor agrees to take affirmative action to ensure that applicants are employed and that employees are treated during employment, without regard to their race, color, creed, sex, disability, age, or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall also comply with any implementing requirements USDOT may issue.

If the Contractor is required to submit and obtain Federal Government approval of its EEO program, that EEO program approved by the Federal Government is incorporated by reference and made part of this Agreement. Failure by the Contractor to carry out the terms of that EEO program shall be treated as a violation of this Agreement. Upon notification to the Contractor of its failure to carry out the approved EEO program, the Federal Government may impose such remedies as it considers appropriate, including termination of Federal financial assistance, or other measures that may affect the Contractors eligibility to obtain future Federal financial assistance for transportation projects.

**Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

**Nondiscrimination in Federal Transit Programs:** The Contractor agrees to comply, and assures compliance by each third party contractor at any tier, with the provisions of 49 U.S.C. 5332, which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity.

**Nondiscrimination – Title VI of the Civil Rights Act:** The Contractor agrees to comply, and assures compliance by each third party contractor at any tier, with all requirements prohibiting discrimination on the basis of race, color, or national origin, pursuant to Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d; and USDOT regulations, "Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Right Act, "49 CFR Part 21, and any implementing requirements FTA may issue.

**Nondiscrimination on the Basis of Sex:** The Contractor agrees to comply with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et seq., with USDOT regulations "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 49 CFR Part 25, and with any implementing directives that USDOT or FTA may promulgate, which prohibit discrimination on the basis of sex.

**Nondiscrimination on the Basis of Age:** The Contractor agrees to comply with applicable requirements of the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq., and implementing regulations, which prohibits discrimination on the basis of age.

**Other Nondiscrimination Statutes:** The Contractor agrees to comply with all applicable requirements of any other nondiscrimination statute(s) that may apply to the Project.

**Access Requirements for Persons with Disabilities:** The Contractor agrees to comply with the requirements of 49 U.S.C. 5301(d). The Contractor also agrees to comply with all applicable requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibit discrimination on the basis of handicap; with the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. 12101 et seq., which requires the provision of accessible facilities and services; and with the Federal regulations, including any amendments thereto following:

- A. USDOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR Part 27;
- B. U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 CFR Part 35;

- C. U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 CFR Part 36;
- D. U.S. GSA regulation, "Accommodations for the Physically Handicapped," 41 CFR Subpart 101-19;
- E. U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 CFR Part 1630;
- F. Any other nondiscrimination statute(s) that may apply to the Project.

**Access to Services for Persons with Limited English Proficiency:** The Contractor agrees to comply with applicable Federal guidance issued in compliance with Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000.

**Drug or Alcohol Abuse – Confidentiality and Other Civil Rights Protections:** The Contractor agrees to comply with the confidentiality and other civil rights provisions of the Drug Abuse office and Treatment Act of 1972, Pub. L. 92-255, March 21, 1972, as amended; the Comprehensive Alcohol abuse and alcoholism Prevention, Treatment and Rehabilitation Act of 1970, Pub. L. 91-616, December 31, 1970, as amended; and the Public Health Service Act of 1912, as amended, 42 U.S.C. 290dd-3, and any subsequent amendment to these acts.

- **PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES:** The Contractor shall take the following measures to facilitate participation of disadvantaged business enterprises (DBE) in the Project: The Contractor agrees to comply with Section 1101(b) of TEA-21, 23 U.S.C. 101 note, and USDOT regulations, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," 49 CFR Part 26; and the Contractor agrees that it shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any third party contract, or subagreement supported with Federal assistance derived from the USDOT or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Contractor agrees to take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of all third party contracts and subagreements supported with Federal assistance derived from the USDOT. The Contractor DBE program, as required by 49 CFR Part 26 and approved by the USDOT, is incorporated by reference and made part of this Agreement. Implementation of the DBE program is a legal obligation, and failure to carry out its terms shall be treated as violation of this Agreement. Upon notification to the Contractor of its failure to implement its approved DBE program, the USDOT may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C.1001, and/or the Program Fraud Civil Remedies Act, 31 U.S.C. 3801 et seq.

▪ **ADDITIONAL AGREEMENTS**

**Compliance With Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Kootenai Metropolitan Planning Organization (hereinafter referred to as KMPO), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

**Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

**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 KMPO or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the KMPO or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

**Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the KMPO shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

**Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the KMPO or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the KMPO enter into such litigation to protect the interests of the KMPO

and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

4. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

5. The Recipient shall provide for such methods of administration for the program, as are found by the Director of ITD or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

6. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

**This \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

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**Glenn F. Miles, Executive Director**

## **Appendix III**

### **Notices to the Public**



## **Notices to the Public**

### **Full Title VI Notice to the Public**

The paragraph below will be inserted in all significant publications that are distributed to the public, such as future versions and updates of the Metropolitan Transportation Plan and the Transportation Improvement Program for Kootenai County. The text will remain permanently on the agency's website, [www.kmpo.net](http://www.kmpo.net). The version below is the preferred text, but where space is limited or in publications where cost is an issue, the abbreviated version can be used in its place.

The Kootenai Metropolitan Planning Organization (KMPO) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which KMPO receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with KMPO. Any such complaint must be in writing and filed with KMPO's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see our website at <http://www.kmpo.net> or call (208) 930-4164.

### **Abbreviated Title VI Notice to the Public**

The following shortened version of the above paragraph can be used in publications where space or cost is an issue, and in classified newspaper announcements:

KMPO assures nondiscrimination in accordance with the Title VI of the Civil Rights Act of 1964, and Civil Rights Restoration Act of 1987 (P.O. 100.259) and the American with Disabilities Act. For more information, or to obtain a Title VI Complaint Form, see <http://www.kmpo.net> or call (208) 930-4164.

### **Advertisements for Request for Proposals/Qualifications**

Kootenai Metropolitan Planning Organization (KMPO), in accordance with Title VI of the Civil Rights Act of 1964, as amended, and regulations, hereby notifies all proposers that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit proposals/bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, creed, or national origin in consideration for an award.

## **Job Announcements**

KMPO shall not discriminate against any applicant for employment because of race, color, sex, age, creed, national origin, marital status or handicap, except for a bona fide occupational qualification.

## **Appendix IV**

# **KMPO Public Involvement Policy**

## **Public Involvement Policy for the Kootenai Metropolitan Planning Organization**

The goal of the Kootenai Metropolitan Planning Organization's Public Involvement Policy is to ensure early and continuous public notification about and participation in major actions and decisions by the KMPO. This plan establishes consistent, minimum procedures to accomplish this goal; procedures beyond these minimums may be applied as warranted and are encouraged. *A complete copy of the KMPO Public Involvement Policy is available online at [www.kmpo.net](http://www.kmpo.net) or by request.*

The term "major" is to be applied loosely. If a proposed action or decision is clearly a normal-course-of-business activity that does not significantly affect the public or alter public policy, it may not be necessary to apply these procedures. But, if there is a question as to whether these procedures should be followed, then the agency should follow them to ensure appropriate public notification and participation. However, failure to exactly comply with these procedures shall not, in and of itself, render any decisions or actions invalid.

### **Public Involvement Policy Revision, 2015**

Kootenai Metropolitan Planning Organization encourages a proactive and meaningful public involvement process to the citizens of Kootenai County and its partner agencies. In the spirit and intent of KMPO's bylaws which state, "...the interests of all citizens will best be served by coordinated and cooperative transportation planning," KMPO holds the same standard true for public involvement.

KMPO will provide timely public notice and disclosure of information and public access unbiased by race, ethnicity, gender, economic level or any other population boundary. Early and continuing public involvement in transportation planning (i.e. regional plans, major investment studies, the Transportation Improvement Plan, etc.) is the goal and main objective of the public involvement portion of KMPO. This includes identification of transportation issues of citizen concern through a well-considered public participation process.

KMPO's Public Involvement Policy is a fluid document. Revisions will be considered annually and all changes in any KMPO policy are available for public review and comment.

### **KMPO's Public Involvement Policy is based on the following principles:**

- Public education through distribution of information strengthens regional transportation policy and regional plans.
- Inclusion of the traditionally underserved through alternate modes of communication fortifies the whole.
- Public input is highest when citizens of all ethnicity, gender and backgrounds are well informed; when they have the opportunity to voice their concerns; and when their concerns have been addressed.
- There are many solutions to a problem.

## Public Involvement Procedure

1. Prior to review and action by the KMPO Board, all regional plans, TIPs, and major amendments will be subject to review and comment by the standing committee: KCATT.
2. KMPO may create, when necessary, new citizen committees. Conversely, KMPO may eliminate committees that are no longer deemed productive or necessary.
3. All committee meetings will be open to the public.
4. The scheduled meeting dates of the KMPO Board will be published on the agency website, [www.kmpo.net](http://www.kmpo.net), and in newspapers of general circulation. Various ethnic community groups as well as organizations that assist individuals with disabilities will be informed of these dates in order to access all facets of the population. Notice of additional meetings will be sent to newspapers of general circulation a minimum of 10 days prior to the meeting. Regularly scheduled meeting dates of all board-created committees will be issued to the general public on a regular basis through such avenues as the news media, general mailings, and so on.
5. Public comment will be solicited on all regional plans, TIP or major amendments (including a TIP amendment which adds or deletes a project which contributes to and /or reduces transportation-related emissions). At least 30 days prior to the KMPO Board adopting a regional plan, TIP, or amendment, a legal notice summarizing the document or amendments indicating where copies for review can be obtained and where to send comments will be placed in newspapers of general circulation.
6. KMPO staff will consider all public comments. When significant comments are received on the regional plan or TIP, a summary, analysis and report on the disposition of those comments will be made part of the final document.
7. If the final document differs substantially from the one that was made available for public comment or raises new issues, an additional opportunity for public comment will be made available.
8. The KMPO public process will be coordinated with ongoing local, regional and statewide public involvement processes wherever possible enhance public involvement.

## Publications

- Copies of all reports, Major Investment Studies, bylaws, policies, etc., will be published on the KMPO website.
- *A Guide to Transportation Decision Making* is available through the US Department of Transportation at the following website:  
[http://www.fhwa.dot.gov/planning/publications/transportation\\_decision\\_making/](http://www.fhwa.dot.gov/planning/publications/transportation_decision_making/).
- The Idaho Supreme Court website maintains a current list of court interpreters which are certified by the Idaho Administrative Office of the Courts:  
<http://www.isc.idaho.gov/court-interpreter/court-interpreter>
- Free internet translation programs such as "Google Translator" or "Bing Translator" can be used for translation into Spanish, German, or other languages.

## **Public Meetings**

Meetings for public comment will be held prior to the adoption of any major plan or TIP. A record of comments received and responses will be archived and included with the final document.

- Public meetings will be held prior to the adoption of the regional plan or TIP. Notice of such meetings will be published in newspapers of general circulation at least ten days prior to such meetings.
- Semi-annually KMPO will hold a public meeting to review planning assumptions and the plan-development process with interested parties and the general public.
- KMPO will actively seek feedback and encourage participation from all public sectors
- All public meetings will be accessible to the disabled.

## **Public Outreach Strategies**

- Public participation activities will require a wide variety of tools to reach various audiences. The following lists those audiences, strategies, techniques and materials that may increase public involvement.

### **Key Audiences:**

- Public voters
- Media
- Legislators/elected officials
- Special interest groups/involved members of the public, this includes environmental, social, civic, and business groups
- Neighborhoods

### **Strategies:**

- Research
- Media relations
- Citizen involvement
- Paid communication
- Public information
- Special projects
- Surveys

### **Materials:**

KMPO public information materials communicate simply, efficiently, and concisely to the public concerning transportation projects. Examples of materials include but are not limited to: brochures, maps, line drawings, renderings, presentations, fact sheets and websites.

**Techniques:**

These are specific activity ideas designed to implement strategies and meet goals. It may be that not all listed techniques are implemented.