

# The Metropolitan Topeka Planning Organization

## TITLE VI Program Manual

It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in federally funded activities. Under Title VI and related statutes, each federal agency is required 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 financial assistance on the basis of race, color, or national origin. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of federal-aid recipients, sub-recipients and contractors whether those programs and activities are federally funded or not." (United States Department of Transportation) Public notification of the Rights of Title VI can be found posted on the MTPO website; posted in the MTPO staff office, 620 SE Madison St., 3<sup>rd</sup> floor Planning Dept. and posted at all MTPO sponsored public meetings.

### **Introduction**

The City of Topeka Planning Department serves as the repository for the federally designated Metropolitan Planning Organization (MPO) for the Topeka and Shawnee County region, thus providing a staff and a secretary for the MPO. The City of Topeka Planning Department, in serving as the repository for the MPO is responsible for ensuring that transportation programs utilizing federal funds in the Topeka and Shawnee County region are based on a continuing, comprehensive, and coordinated (3C) planning process.

Through cooperation with the leadership of local governments, and community interest groups, the Metropolitan Topeka Planning Organization (MTPO) is able to create a stronger community, enhancing the effectiveness of local government. These groups represent diverse community interests and thus represent a unique opportunity to address the region's transportation issues and to identify the opportunities for cooperative solutions.

The MTPO plays an active leadership role in strengthening the metropolitan community by providing:

- A forum for addressing regional objectives and diverse community issues;
- Long-range transportation planning and public policy coordination, and
- Technical assistance and services to enhance the effectiveness of local government.

### **MTPO Policy Board (MTPO)**

The MTPO is governed by a transportation policy body, referred to as the Policy Board, which has adopted bylaws that outline membership and operating procedures. The Policy Board is responsible for carrying out the 3C metropolitan planning process as required by 23 USC 134 and 49 USC 5303 as amended and other federal laws and regulations. The MTPO Policy Board is the entity that approves MPO required documents (MTP, TIP, UPWP, etc.). The MTPO Policy Board oversees the work of its advisory committees (TAC, etc.). Voting MTPO Policy Board members include local elected City of Topeka and Shawnee County officials, representatives from KDOT, the TMTA, and the Topeka Planning Commission. The MTPO membership also includes federal officials and others as non-voting members. The membership of the MTPO Policy Board must be consistent with federal regulations and may change

over time. Bylaws adopted by the Policy Board outline membership and operational procedures for this group.

The MTPO also works closely with the following organizations:

- Topeka Metropolitan Transit Authority (TMTA)
- Kansas Department of Transportation (KDOT)
- Federal Transit Administration (FTA)
- Federal Highway Administration (FHWA)
- The City of Topeka
- Shawnee County

Benefits of working with the MTPO include a voice in key regional decisions, distribution of federal transportation dollars, technical assistance to obtain federal and state funding, education and training opportunities, data to meet special planning needs, access to Geographic Information Systems (GIS) databases, access to data products and technical expertise.

### **Policy Statement and Authorities**

The MTPO assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The MTPO 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 the MTPO distributes federal aid funds to another governmental entity, the MTPO will include Title VI language in all written agreements and will monitor for compliance. The MTPO's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other MTPO responsibilities as required by Title 23 Code of federal regulations (CFR) Part 200, and Title 49 CFR Part 21.

  
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Sylvia Ortiz, MTPO Chair

  
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Date

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil rights Restoration Act of 1987 broadened the scope of title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of federal Aid recipients, Sub-recipients, and contractors, whether such programs and activities are federally assisted or not. Additional Authorities and Citations Include: Title VI of the civil Rights Act of 1964, 42 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.

## Organization

An MTPO staff member will be responsible for ensuring implementation of the agency’s Title VI program. An MTPO staff member will be responsible for coordinating the overall administration of the Title VI program, plan, and assurances (See Appendix 1). Five areas of the MTPO’s work program have been identified as applicable to Title VI regulations—they are referred to as the five Title VI Program Areas:

1. Communications and public involvement
2. Planning and programming
3. Environmental affairs
4. Consultant contracts
5. Education and training

The agency’s Title VI-related responsibilities fall into two main categories—“general responsibilities,” applicable to all five Title VI Program Areas, and “Program Area Responsibilities” that are specific to each Title VI Program Area. It is important to note that the first three Title VI Program Areas noted above are extremely interrelated—they have been treated separately for purposes of clarity and corresponding to agency organization. For example, the Communications and Public Involvement program area applies to and affects the agency work program as a whole, particularly agency efforts and responsibilities related to planning, programming, and environmental affairs.

The MTPO’s Secretary is generally responsible for overseeing Title VI compliance in each of the program areas. Staff members and the planning partners are expected to provide information and support to assist the Secretary in performing his/her tasks.

## General Responsibilities

The following are general Title VI responsibilities of the agency applicable to all five Title VI Program Areas. The MTPO staff is responsible for ensuring these elements of the plan are appropriately implemented and maintained.

1. **Data Collection.** Statistical data on race, color, national origin, income level, language spoken, and sex of participants in, and beneficiaries of, federally funded programs is to be gathered and maintained as described in the “Program Area Responsibilities” section of this document. The

data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program.

2. **Annual Report and Update.** An Annual Report and Update is to be submitted by September 1<sup>st</sup> each year, to the KDOT office of Contract Compliance, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The Title VI Coordinator is responsible for gathering information from appropriate staff members and consolidating this information into the final document. The final document is to include
  - (a) A report on the previous year's Title VI-related activities and efforts, including accomplishments and program changes
  - (b) An update on Title VI-related goals and objectives for the upcoming year.
3. **Annual Review of Title VI Program.** Each year, in preparing for the Annual Report and Update, the Title VI Coordinator will review the agency's Title VI program to assure compliance with Title VI. In addition, he or she will review agency operational guidelines and publications, including those for contractors to ensure that Title VI language and provisions are incorporated, as appropriate. KDOT will in turn, also perform a formal review of the MTPO's Title VI Program every five years.
4. **Dissemination of Information Related to the Title VI Program.** Information on the agency'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.
5. **Resolution of complaints.** Any individual may exercise his or her right to file a complaint with the MTPO, 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, or national origin. The MTPO will make a concerted effort to resolve complaints as put forth in its Title VI Complaint Procedure, found in Appendix 2.
6. **Procedures Manual.** A procedures manual for the agency's Title VI program, outlining the procedures necessary to maintain the program is available in the Topeka Planning office and on the MTPO website. This brochure is reviewed periodically by the MTPO and updated when warranted to include any changes or additional responsibilities.

## **Responsibilities of the MTPO Title VI Coordinator**

The Title VI Coordinator is responsible for supervising staff activities pertaining to Title VI regulations and procedures set forth in federal guidance and according to the MTPO's Title VI Procedures Manual. In support of this, the Title VI Coordinator will:

- Identify, investigate, and work to eliminate discrimination when found to exist
- Process Title VI complaints received by the MTPO, as described in Appendix 2.
- Meet with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the MTPO's title VI program.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.

- If a federal funding recipient is found to not be in compliance with Title VI, work with staff involved with Consultant Contracts and the recipient to resolve the noncompliance issue(s) and write a remedial action if necessary, as described in the Consultant Contracts section of this plan.
- Review important Title VI related issues as needed.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when needed.

## Program Area Responsibilities

### Program Area 1: Communications and Public Involvement

Note: The Communications and Public Involvement Program Area applies to and affects the MTPO work program as a whole, particularly agency efforts and responsibilities related to the Planning and Programming and Environmental Affairs Program Areas. It has been treated as a separate program area for purposes of clarity, and corresponding to agency organization. See Appendix 4 for the MTPO's Public Participation Plan (PPP).

It is the goal of the MTPO to have significant and ongoing public involvement in the transportation planning process. The MTPO also seeks to empower the public to voice their ideas and values regarding transportation issues. The MTPO strives to ensure early and continuous public involvement in all major actions and decisions. The PPP provides the outline of the MTPO procedures for ensuring open and effective communication with citizens in the MTPO Area.

Principles of MTPO's Public Participation Plan:

- Equal access is an essential part of the public involvement process
- Public notification is one of the primary functions of the Metropolitan Topeka Planning Organization.
- It is the responsibility of the agency to offer access to information and provide timely public notice, as well as to educate the public about the planning process.

### Elements of the MTPO's Public Participation Plan:

- **Meetings:** The MTPO's committee structure provides an opportunity for local governments and citizens to interact in order to address transportation issues. The committees allow those who work in the field and those with interests in transportation to meet on a regular basis to discuss issues, share information, and coordinate planning activities. The MTPO complies with Chapter 75 of the Statutes of Kansas, as amended, known as the Sunshine Law as it pertains to open records and open meetings, and encourages any interested citizen to attend open meetings.
- **Website:** The MTPO maintains a website through the City of Topeka web page <http://www.topeka.org>, which is updated regularly. This site includes information on the agency's responsibilities, programs, publication, and press releases; contact information for all staff; a search function; the Title VI Plan, complaint procedures, and complaint form.
- **Press releases:** Press releases are sent to the news media when press coverage of specific events or decisions is warranted.
- **Publications:** The MTPO publishes reports and maps about MTPO and MTPO partner projects. In addition to these reports and maps, the MTPO publishes the "Citizen's Guide to Transportation Decision Making," which is designed to help area residents understand the complex process of transportation decision making and learn how they can more effectively provide input. These

materials are available through the MTPO website, or directly by contacting MTPO staff. These publications will be provided free of charge to anyone requesting hard copies from the Topeka Planning Department.

- **Opportunities for public comment:** The MTPO 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 the MTPO region. Comments are accepted by phone, fax, email, US mail, and in person at any open meeting. See the section below entitled “Opportunities for Public Comments” for more information.
- **Staff is accessible:** Staff is accessible in person, on the phone, by US mail, by fax, or by email. Contact information for all staff is provided on the agency’s website.
- **Events:** Events such as workshops, open houses, and forums are held on an as-needed basis. These events are open to the public.

## Opportunities for Public Comments

The MTPO routinely offers three different ways for people to comment on activities, programs, and decisions made at the agency. These three ways are:

- **Comments are accepted at any time:** Comments are accepted via phone, fax, email, US mail, and in person at any board or committee meeting. Contact information for all staff is provided on the agency website, and contact information for the MTPO is included in all publications produced for the MTPO. The MTPO makes every effort to respond to all comments received.
- **Citizen comments are requested at meetings:** All MTPO Board and committee meetings are open to the public. Meeting dates are posted well in advance on the agency’s website. Public comments and responses made during these meetings are kept on record in the official meeting summaries. The MTPO Staff maintains mailing lists, to which anyone can request to be added.
- **Formal public comment periods for major activities:** Formal public comment and review periods are used to solicit comments on major planning and programming activities, for example, the proposed distribution of funds, major amendments to the Transportation Improvement Program (TIP), changes to MTPO policies (such as the Public Participation Plan), and updates to the MTPO’s Metropolitan Transportation Plan (MTP). The comment period is highlighted via agency publications, on the MTPO website, and when warranted through press releases. Comments can be made in person, using a comment form on the agency’s website, by email, by US mail, fax, or telephone. The MTPO will make every effort to respond to any comments received, and will forward comments to other agencies when appropriate. Received comments and staff responses will be reviewed at the next applicable committee meeting(s), at which time the committee(s) will determine whether it is appropriate to proceed with the recommended action. All comments will be indexed and amended into the documents for which they pertained.

## Strategies for Engaging Title VI Protected Groups

The MTPO realizes that there are large segments of the population from whom input is rarely if ever received. In an effort to hear a truly representative voice of the public, the MTPO will take the approach of “going to the public,” in addition to receiving public comment from and educating those already interested and involved. As part of this effort, the MTPO will take the following steps on its major efforts involved with the all MTPO publications requiring public input:

- **Plan meeting locations carefully:** Public meetings should be held in locations that are accessible by public transit. Also, facilities should be compliant with the Americans with Disabilities Act. If a targeted population is located in a certain geographic area, then the meeting location should be in that area for their convenience. Convenient meeting times will also be adhered to when setting up public meetings.
- **Seek help from community leaders and organizations:** To facilitate involvement of traditionally underserved populations, community leaders and organizations that represent these groups should be consulted about how to most effectively reach their members. Relationships with these groups should be maintained for future partnerships in the planning process.
- **Provide services for persons with disabilities/limited English proficiency:** Upon advance notice, deaf interpreters, or translators, may be provided for public meetings. Notifications of opportunities for public involvement will include contact information for people needing these or other special support.
- **Be sensitive to diverse audiences:** At public meeting, the MTPO staff should attempt to communicate as effectively as possible. Technical jargon should be avoided and appropriate dress and conduct are important. For some meetings, it may be best to use trained facilitators or language translators to better communicate with the audience.

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

According to Census 2010 data, over 7% of persons in the MTPO Area speak a language other than English at home, with Spanish being the most used non-English language. The MTPO will maintain a list of those staff members who speak a language other than English to provide points of contact for persons needing information. In some instances, it may be appropriate, depending upon the target audience to use bi-lingual publications or mailings. Providing interpreters at meetings, or persons who perform sign language for the hearing impaired may also be considered when warranted.

### **Title VI Responsibilities**

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

- Ensure that all communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public.
- Disseminate information to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in the region are represented in the planning process.
- Include the Title VI Notice to the Public, full or abbreviated versions, in relevant 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 to track how well different segments of the population are represented.
- Encourage the MTPO's committee structure to include representation from Title VI relevant populations.

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

The MTPO is responsible for developing long-and short-range transportation plans to provide efficient transportation services to the MTPO Area. A comprehensive transportation planning process is used, which entails the monitoring and collection of carried data pertaining to transportation issues. The MTPO coordinates with KDOT, the Topeka Metropolitan Transit Authority, the City of Topeka and Shawnee County; seeks public involvement; and provides technical support when needed.

### **Operational Guidelines**

Primary guidance is provided by:

- The Metropolitan Topeka Planning Organization (MTPO)
- Moving Ahead for Progress in the 21st Century (MAP21)

### **Key Planning and Programming Activities**

As the designated MPO for the Topeka and Shawnee County region, the MTPO receives federal funds to develop regional transportation plans and programs and to coordinate technical and policy studies on a wide range of transportation and other programs. The primary products of the transportation planning process include:

- Metropolitan Transportation Plan (MTP) 2040
- Transportation Improvement Program (TIP)
- Public Participation Plan (PPP)
- Unified Planning Work Program (UPWP)

### **Considerations of Title VI**

Considerations of Title VI legislation are made throughout the MTPO's planning and programming activities, for example:

- **MTP:** The development of the MTPO's MTP includes an environmental justice analysis to ensure that the burdens and benefits of planned transportation activities are equitably distributed across racial and socio-economic groups. The MTPO staff reviewed the impacts that planned programs and projects would have on low-income and minority residents in such area as transportation investments, effect of projects on travel times of area residents, and access to transit.
- **Transportation Improvement Program (TIP)** The Area's five-year TIP includes an analysis of effects of planned transportation investments on disadvantaged residents similar to that of MTP 2040.

### **Title VI Responsibilities**

Staff involved in planning and programming is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's planning and programming processes. These staff members will:

- Ensure that all aspects of the planning and programming process operation comply with Title VI.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. Make the document available to the public and member agencies on the MTPO's website or in hard copy format, if requested.
- Develop a process for assisting the distributional effects of transportation investments in the region as part of actions on plan and programming documents.



- Continue to ensure that staff makes concerted efforts to involve members of all social, economic and ethnic groups in the planning process.

### **Program Area 3: Environmental Justice**

The concept of environmental justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on minority and low-income population groups. Within the context of regional transportation planning, environmental justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

#### **Operational Guidelines**

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

#### **Title VI Responsibilities**

Staff members are responsible for evaluating and monitoring environmental justice compliance with Title VI. Staff members will:

- Ensure Title VI Environmental Justice compliance.
- Analyze and make findings regarding the population affected by the action.
- Analyze and make findings regarding the impacts of planned projects on protected Title VI groups, and determine if there will be a disproportionately high and adverse impact on these groups.
- Disseminate information to the public on the processes used and findings of any analysis, in accordance with all agency public involvement procedures. This includes dissemination to groups representing minority media and ethnic/gender related organizations and the use of public comment periods and public hearings and interpreters, as needed.

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

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

#### **Operational Guidelines:**

- Title 49—FTA Grant Contracting Requirements
- Title 23, CFR 172—Administration of Engineering and Design related Service Contracts

#### **Contract Procedures**

The MTPO's contract procedures are outlined in the City of Topeka Purchasing Policy." The MTPO verifies Title VI compliance by consultants (sub-recipients of federal funds) in the contracting process. Signature of the terms of the contract is used to verify compliance on the part of the consultant. In addition, Title VI text is included in all MTPO Request for Proposals.

#### **Title VI Responsibilities**

Title VI responsibilities associated with consultant contracts include the following:

- Ensure inclusion of Title VI language in contracts and Requests for Proposals (RFPs).
- Review consultants for Title VI compliance as described below:
  - Ensure that all consultants verify their compliance with Title VI procedures and requirements.

- If a recipient or sub-recipient is found to be not in compliance with Title VI, the Title VI Coordinator and relevant staff will work with the recipient or sub-recipient to resolve the deficiency status and will write a remedial action if necessary.

**Program Area 5: Education and Training**

Education and training opportunities in Title VI procedures and regulations will be made available to staff as needed.

**Title VI Responsibilities**

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

- Assisting in the distribution of information to MTPO staff on training programs regarding Title VI and related statutes.
- Ensure equal access to, and participation in, applicable NHI and NTI courses for qualified MTPO employees.
- Track staff participation in Title VI, NHI and NTI courses.
- Establish, maintain, and update a Title VI procedures manual containing general information pertaining to the administration of the MTPO’s Title VI program, as well as related documents (such as a complaint form).

**Title VI MTPO Area Demographic Profile and Project Location Analysis Procedure**

The population of the MTPO Planning area according to the 2010 Census is approximately 165,429 persons, of which 132,587 or 80% are Caucasian and 32,842 are Non-White. The median income for the MTPO Area is \$51,223. The table that follows shows the racial breakdown and income levels for the MTPO Area, as well as an area designated as a Title VI Concentration Area. For the purpose of analyzing the distribution of public Transportation projects within the MTPO Area, an Area was selected that included higher concentrations of minority and low income persons. The Title VI concentration area is a 20 square mile section contained in the central core of the urbanized area. The minority population of the Title VI concentration area is 27% and the median income of \$38,493, which is only 75% of the MTPO Area median. The Department of Housing and Urban Development (HUD) defines low income areas as those which have a median Household income of 80% or less of the Area median. This table allows for a side-by-side comparison of the demographic profiles of both the MTPO and Title VI concentration area. The accompanying Maps (figs. 1-4) illustrate the racial compositions of all of the Census Block groups within the MTPO area.

**Table 1. MTPO AREA Demographics:**

2010 Demographics for MTPO Area and Designated Title VI Area													
	Area Sq.Mi.	Med. HH Income	Income % of Med.	Households	Population	White	Black	Am. Indian	Asian	Hawaiian	Hispanic Orgn.	Other	% Minority
<b>MTPO Area</b>	286.73	\$51,223	100%	68,952	165,429	132,587	15,276	1,839	2,232	34	18,039	6,999	19.85%
<b>Title VI Area</b>	20.02	\$38,493	75.15%	22,687	52,962	38,642	6,688	845	461	18	8,736	3,821	27.04%

Source: 2010 US Bureau of the Census

Tables 2 & 3 below listing all of the projects currently in the Transportation Improvement Plan (TIP) and the Projects that are within the Title VI Concentration area. There are 26 projects in the current TIP which cover approximately 46 miles of road, and have an aggregate cost of \$380,604,000. These projects represent the total federal funding dollars spent for public transportation in the MTPO Area. Projects include Roadway, Bridge, and Transportation Enhancement projects. The following maps illustrate how these projects are dispersed throughout

the MTPO area and the Title VI Concentration area. These maps also reflect the racial composition of the MTPO area by 2010 Census block group.

By mapping out the locations of TIP projects and overlaying them with the Title VI Concentration Areas, the MTPO is able to quickly ascertain if there are any inequities in the dispersion of federal transportation spending with regards to racially diverse areas. Further examination of the types of projects will assist in determining whether or not there are any disparate impacts to persons within the Title VI concentration area. This practice is adhered to during the biennial updating of the TIP, and recorded in the Environmental Justice EJ section of the TIP.

**Table 2. Projects within the MTPO Area**

All Projects in MTPO Area (2014-2017 TIP)							
#	Year	Route	Location	Work	Cost_x1000	Type	length (Mi.)
1	2013	SW 10th St.	Bridge, W.10th St. West of Wanamaker	Replace Bridge	\$359	Roadway/Bridge	0.04
2	2013	SE10th Street over Shunga Creek	Bridge, E.10th Street over Shunga Creek	Replace Bridge	\$2,134	Roadway/Bridge	0.19
3	2012	NW Topeka Blvd.	US Highway 24 Intersection	Intersection Improvements	\$3,274	Roadway/Bridge	0.81
4	2010	SW 21st St. from City Limits to Urish Rd.	SW 21st St. from City Limits to Urish Rd.	Widening	\$3,680	Roadway/Bridge	0.38
5	2013	NW 46th & NW Topeka Blvd. Int.	NW 46th & NW Topeka Blvd. Int.	Intersection Improvements	\$3,015	Roadway/Bridge	0.31
6	2014	NW 46th & Rochester Int.	NW 46th & Rochester Int.	Grading/Surfacing	\$2,109	Roadway/Bridge	0.15
7	2013	SW 29th St.	SW Indian Hills Rd. to Urish Rd.	Grading/Surfacing	\$3,152	Roadway/Bridge	0.92
8	2010	Polk/Quincy Viaduct	Polk/Quincy Viaduct	Bridge Replacement	\$270,100	Roadway/Bridge	1.53
9	2013	K-4	Bridge over Blacksmith Creek	Bridge Replacement	\$1,662	Roadway/Bridge	0.14
10	2013	I-70	Bridge Over Deer Creek	Bridge Replacement	\$4,978	Roadway/Bridge	0.08
11	2013	US75	Osage/Shawnee Co. line N. to Topeka Blvd.	Road Improvements	\$3,227	Roadway/Bridge	2.47
12	2013	Gage Blvd.	Between 10th and 21st Streets	Signal Coordination	\$300	Roadway/Bridge	1.50
13	2013	US-24	Countryside Rd E. to existing 4-lane	Road & Bridge Rehab	\$47,691	Roadway/Bridge	1.27
14	2013	SE 45th St.	S.Topeka to SE Adams	Road widening (5-lanes)	\$6,488	Roadway/Bridge	0.94
15	2014	se 45th St.	SE Adams to California Ave.	Road widening (5-lanes)	\$7,595	Roadway/Bridge	1.01
16	2013	SW Urish Rd.	SW 29th to SW 33rd St.	Road Widening to 3 lanes	\$1,631	Roadway/Bridge	0.49
17	2014	SW 45th St.	Bridge over Deer Creek	Bridge Replacement	\$976	Roadway/Bridge	0.13
18	2014	SW Urish Rd.	Bridge over Trib. to KS River	Bridge Replacement	\$375	Roadway/Bridge	0.07
19	2014	NW 86th St	Bridge over Soldier Creek	Bridge Replacement	\$871	Roadway/Bridge	0.16
20	2015	NW Wilson Rd.	Bridge over Halfday Creek	Bridge Replacement	\$265	Roadway/Bridge	0.06
21	2015	SW Urish Rd.	SW 17th to SW 21st	Roadway Connection	\$1,800	Roadway/Bridge	0.49
22	2010	SW 49th St.	Bridge	Bridge Replacement	\$594	Roadway/Bridge	0.10
23	2013	SW 10th St.	Between SW Gage Blvd. and SW Fairlawn Ave.	Road widening w/sidewalks(3-lanes)	\$6,000	Roadway/Bridge	1.00
24	2013	SW 21st St.	From SW Urish Rd. to SW Indian Hills Rd.	Widening to 5 lanes	\$6,100	Roadway/Bridge	0.91
25	2013	Great Overland Station	Curtis St/Harrison St.	Preservation and Restoration	\$606	Enhancement	0.06
26	2013	Bikeways Phase I	Various	Signage/Bike lanes/Side Paths	\$1,622	Enhancement	30.73
<b>Total:</b>					<b>\$380,604</b>		<b>45.94</b>

**Table 3: TIP projects within the Title VI Concentration Area:**

2013-2017 TIP Projects in the Title VI Concentration Area							
#	Year	Route	Location	Work	Cost_x1000	Type	length (Mi.)
1	2010	Polk/Quincy Viaduct	Polk/Quincy Viaduct	Bridge Replacement	\$270,100	Roadway/Bridge	1.53
2	2013	Great Overland Station	Curtis St/Harrison St.	Preservation and Restoration	\$606	Enhancement	0.06
3	2013	SE10th Street over Shunga Creek	Bridge, E.10th Street over Shunga Creek	Replace Bridge	\$2,134	Roadway/Bridge	0.17
4	2013	Gage Blvd.	Between 10th and 21st Streets	Signal Coordination	\$300	Roadway/Bridge	1.00
5	2013	Bikeways Phase I*	Various	Signage/Bike lanes/Side Paths	\$1,054	Enhancement	19.87
6	2012	NW Topeka Blvd.	US Highway 24 Intersection	Intersection Improvements	\$3,274	Roadway/Bridge	0.08
<b>Total</b>					<b>\$277,468</b>		<b>22.71</b>

\*Because approximately 65% of the total bikeways routes are within the Title VI Concentration Area, Only 65% of the costs are attributed to the Title VI Area.

### Title VI and Transit projects

Ninety percent (90%) of the persons living in the Title VI concentration area are within a quarter of a mile of an existing bus route. (Figure 4) At present, the 2014-2017 TIP contains only funding for Capital investments, i.e. bus replacements and Job Access Reverse Commute (JARC) grants for lift vehicles. However, several transit projects and studies are scheduled over the next four years. Topeka Metro has hired On-Call Consultants who will be providing some of these services, as well as recommending other consultants to carry out projects as warranted. These projects will be carried out along various bus routes, as needed. With the virtual complete coverage of the bus route quarter-mile buffer over the Title VI concentration area, the protected classes of Title VI should be adequately served by transit.

**Questions**

For questions on the MTPO's Title VI Plan and Procedures, please contact the Title VI Coordinator at 785-368-3728 or by email at [cscroggins@topeka.org](mailto:cscroggins@topeka.org). For information on the MTPO's work programs or publications, please see the City of Topeka website. [www.topeka.org](http://www.topeka.org)

# MTPO Planning Area; Adjusted Urbanized Area w/TIP Projects & Racial Composition

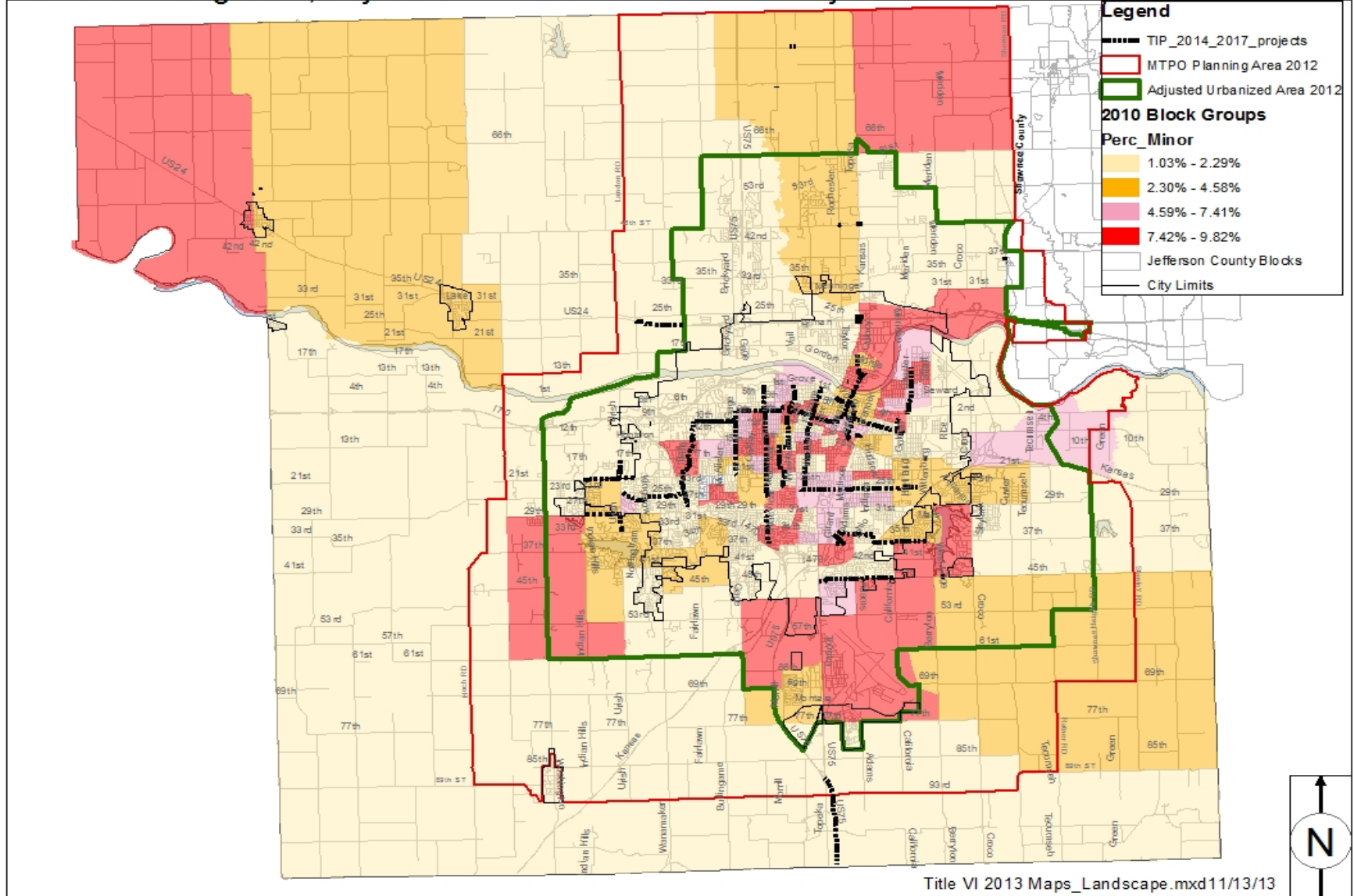


Figure 1

# MTPO Area; Title VI Concentration Area w/ TIP Projects

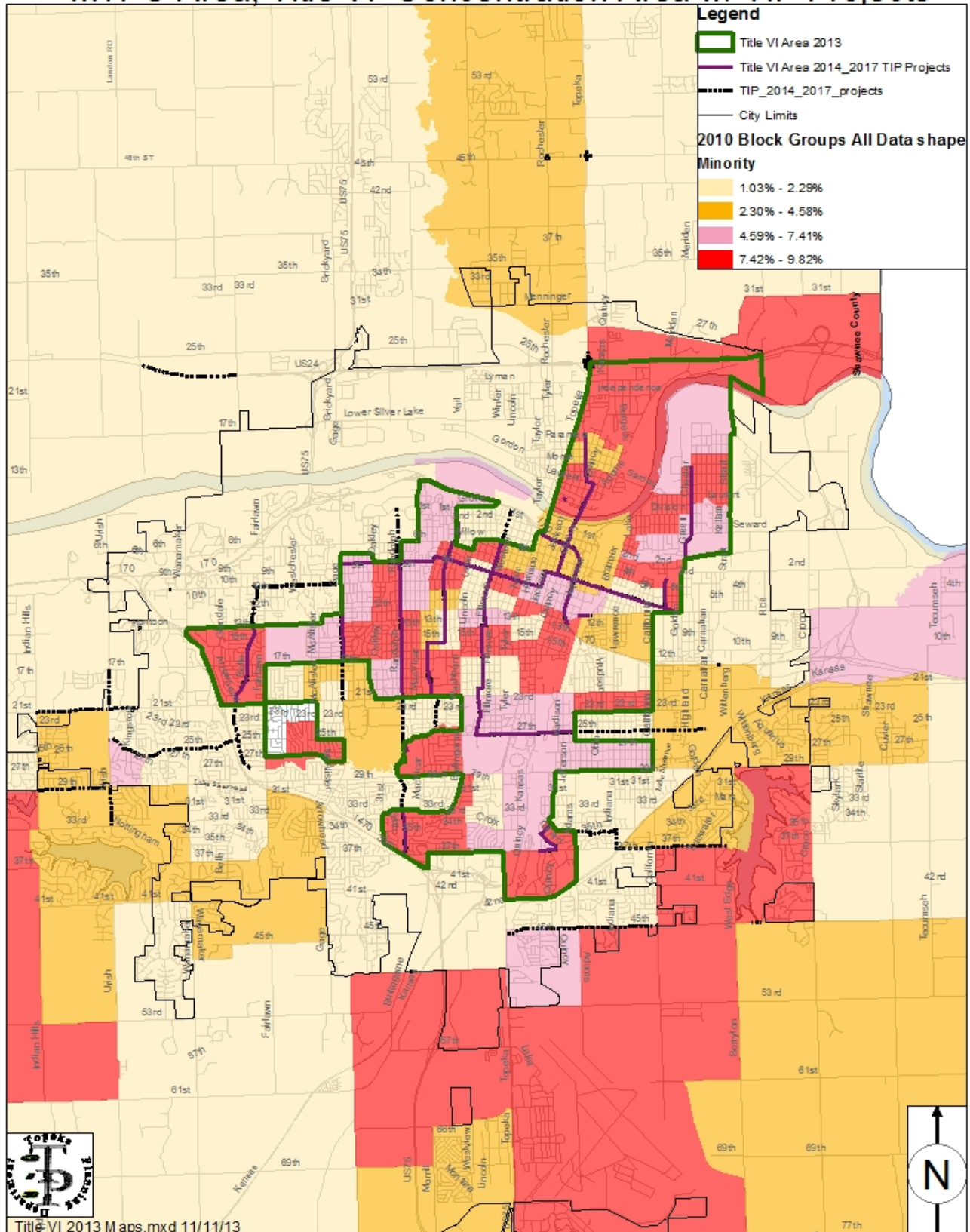


Figure 2

# MTPO Planning Area; Adjusted Urbanized Area w/TIP Projects & Racial Composition

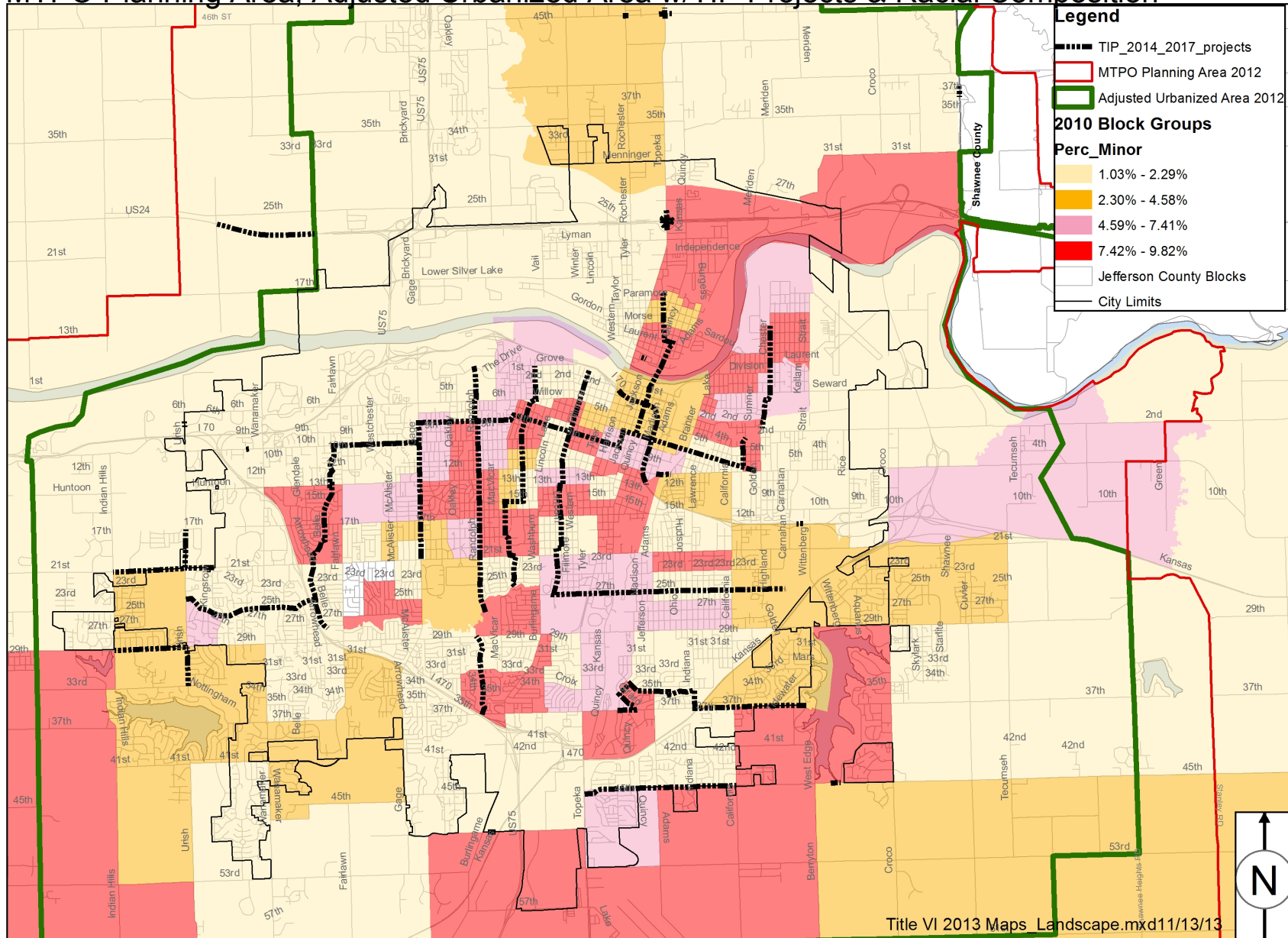


Figure 3

# MTPO Title VI Concentration Area w/Bus Routes Quarter mile buffer & Racial Composition

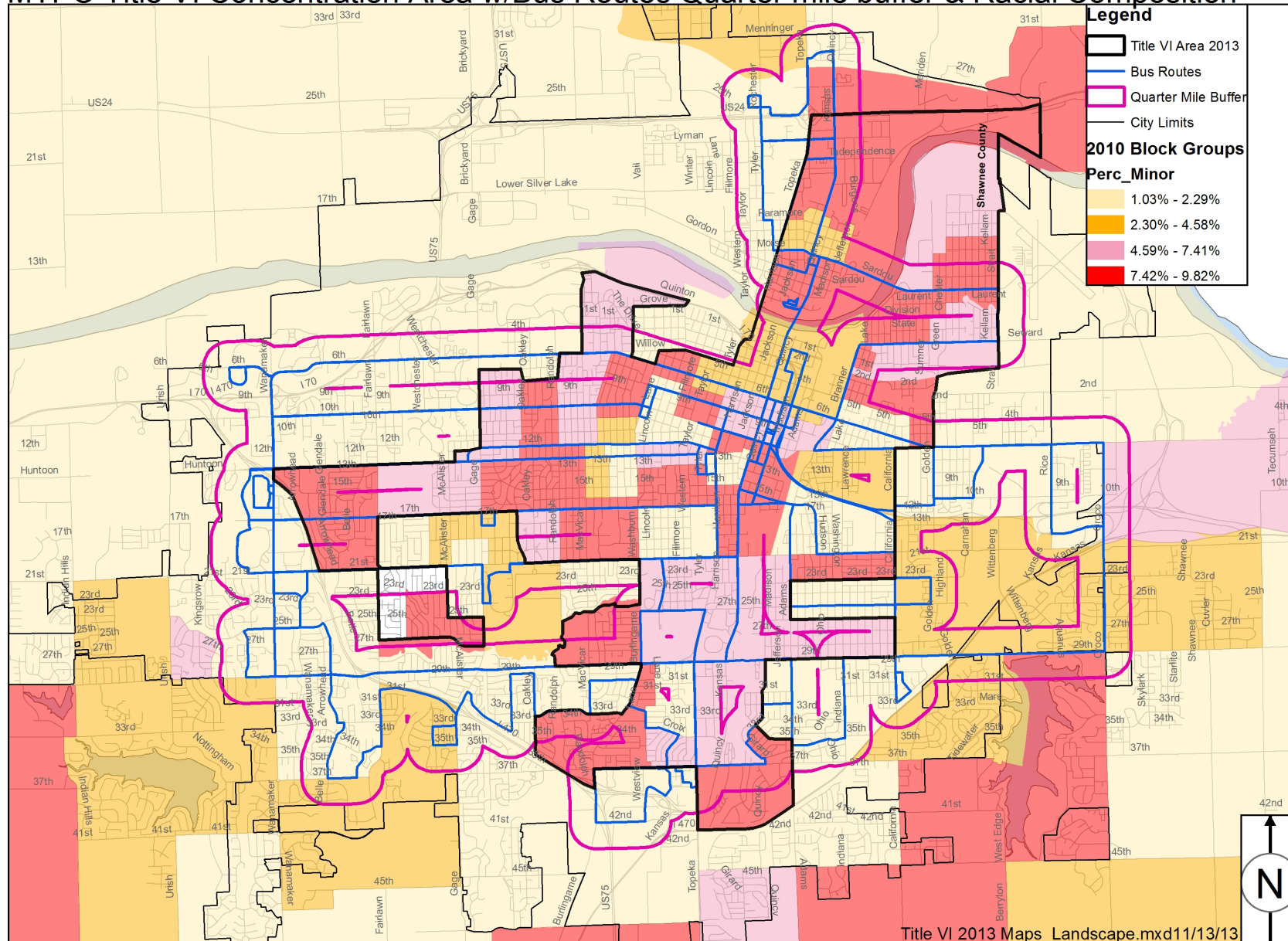


Figure 4



**Appendix 1**

**MTPO Title VI Assurances**

The MTPO HEREBY CERTIFIES THAT, as a condition of receiving federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The MTPO will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The MTPO will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint MTPO, State DOT and with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature(s) appear below are authorized to sign this assurance on behalf of the grant applicant or recipient.

  
\_\_\_\_\_  
Sylvia Ortiz, MTPO Policy Board Chair

Date: 2/8/23

  
\_\_\_\_\_  
Stephen Wade, City of Topeka City Manager

Date: 2/08/23

**Stephen Wade**

\_\_\_\_\_  
Printed Name

## Part A

### Department of Transportation Title VI Assurance

The MTPO (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 200d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its FTA Programs 5307 and 5309:

1. That Recipient agrees that "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 (or the most current approved clause approved by the FTA) notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FTA Programs 5307 and 5309 and, in adapted form in all proposals for negotiated agreements:

The MTPO, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds leases, permits, licenses, and similar agreements enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the FTA Programs 5307 and 5309: and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under FTA Programs 5307 and 5309.
8. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the subcontractors, transferees, successors in interest and other participants in the FTA Programs 5307 and 5309. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

  
Sylvia Ortiz, MTPO Chair

DATED: 2/1/23

**Part B**  
**Contract Assurances**

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

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, “DOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by if during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the MTPO or the Federal Transit Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the MTPO, or the Federal Transit Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor’s noncompliance with nondiscrimination provisions of this contract, the MTPO shall impose contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding of payments to the contractor under the contract until the contractor complies; and/or
  - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the MTPO or the Federal Transit Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the MTPO to enter into such litigation to protect the interests of the MTPO, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## Part C

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

(GRANTING CLAUSE)

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

(HABENDUM CLAUSE)

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

The (Name of Recipient), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and] \* (2) that the (Name of Recipient) shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary,

Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above- mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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

#### Part D

**The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Metropolitan Topeka Planning Organization pursuant to the provisions of Assurance 7(a).**

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

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

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

[Include in deeds]\*

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

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Metropolitan Topeka Planning Organization pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, sex or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, sex or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

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

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

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, the Metropolitan Topeka Planning Organization shall have the right to re-enter said land and facilities thereon, and the above described lands

and facilities shall thereupon revert to and vest in and become the absolute property of the Metropolitan Topeka Planning Organization and its assigns.

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

## **APPENDIX 2 Title VI Complaint Procedures**

The following pertains only to Title VI complaints regarding the programs of the MTPO.

Title VI, 42 U.S.C. §2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement that:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The MTPO has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter VII of the Federal Transit Administration Circular 4702.1, dated May 26, 1988. If you believe that the MTPO's programs have discriminated your civil rights on the basis of race, color, or national origin you may file a written complaint by following the procedure outlined below:

### **TITLE VI COMPLAINT PROCEDURE**

**1. Submission of Complaint.** Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the MPO may file a written complaint with the MTPO's Transportation Manager. A sample complaint form may be downloaded or is available in hard copy from the MTPO. Such complaints must be filed within 180 calendar days after the date the discrimination occurred. *Note: Upon request, assistance in the preparation of any necessary written material will be provided to a person or persons as requested.* Complaints should be mailed to:

**MTPO**  
Title VI Coordinator  
620 SE Madison St. Unit 11  
Topeka KS 66607

**2. Referral to Review Officer.** Upon receipt of the complaint, MTPO's Secretary shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with an approved MTPO Attorney. The Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the MPO received the complaint. If more time is required, the MTPO's Chairperson shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the MPO's processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the MTPO's Chairperson for concurrence. If the MTPO's Chairperson concurs, he or she shall issue the MTPO's written response to the Complainant. *Note: Upon receipt of a complaint, the MTPO shall forward a copy of this complaint and the resulting written response to the appropriate KDOT, FHWA, and FTA-Region 7 contacts.*

**3. Request for Reconsideration.** If the Complainant disagrees with the MTPO's Secretary's response he or she may request reconsideration by submitting the

request, in writing, to the MTPO's Chairperson within 10 calendar days after receipt of the MTPO's Chairperson's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the MTPO's Secretary. The MTPO's Chairperson will notify the Complainant of his or her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the MTPO's Chairperson agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with

Paragraph 2 above.

**4. Appeal.** If the request for reconsideration is denied, the Complainant may appeal The MTPO's Chairperson's response by submitting a written appeal to the MTPO Board no later than 10 calendar days after receipt of the MTPO's Chairperson's written decision rejecting reconsideration.

#### **5. Submission of Complaint to the State of Kansas**

**Department of Transportation.** If the Complainant is dissatisfied with the MTPO's resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the State of Kansas Department of Transportation for investigation.

KDOT Office of Contract Compliance  
Eisenhower State Office Building  
700 SW Harrison 3<sup>rd</sup> Floor West  
Topeka, KS 66603  
785-296-7940

### **APPENDIX 3**

#### **Public Involvement Plan**

The MTPO's approved Public Involvement Plan may be accessed at on the MTPO website at <http://www.topeka.org>, or you may contact the MTPO office to request a hard copy.

### **APPENDIX 4**

#### **Notice to the Public**

The paragraph below will be inserted into all significant publications that are distributed to the public, such as future versions and updates of the Long Range Transportation Plan. The text will be placed permanently on the agency's website [www.topeka.org](http://www.topeka.org). The version below is the preferred text, but where space is limited or in publications where cost is an issue, the abbreviated version can be used in its place.

The MTPO hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the MTPO 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 the MTPO. Any such complaint must be in writing and filed with the MTPO's Title VI Coordinator within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discriminatory Complaint Form, please see our website at <http://www.topeka.org>

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

The MTPO fully complies with Title VI of the Civil Rights Act of 1964 and related statutes



and regulations in all programs and activities. For more information or to obtain a Title VI Complaint Form, SEE <http://www.topeka.org>, or call 785-368-3728.

## **Appendix 5 Data Collection & Reporting Requirements**

The MTPO will comply with the following data collection and reporting requirements as outlined in Urban Mass Transit Administration (UMTA)

General Reporting Requirements:

\*

All applicants, recipients, and subrecipients are required to maintain and provide to FTA the information outlined below. The information is required under DOJ regulation and must be submitted prior to the approval of any grant application. Recipients and subrecipients should provide updated information as conditions warrant. Updates must at a minimum be provided every three years. Information previously submitted under the General Reporting Requirements may be referenced in subsequent submissions, as appropriate.

All applicants, recipients, and subrecipients shall maintain and submit the following general requirements:

- a. A list of any active lawsuits of complaints naming the applicant, which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits. The list should include: the date the lawsuit or complaint was filed; a summary of the allegation; and the status of the lawsuit or complaint, including whether the parties to the lawsuit have entered into a consent decree. For applicants of assistance under Section 6, 10, 16(b)(2) and 18, this information should be maintained and made available to FTA on request. For all applicants for FTA assistance, this information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part (e.g., not all information on all modes of transportation).
- b. A description of all pending applications for financial assistance, and all financial assistance currently provided by other federal agencies. For applicants of assistance under Section 6, 10, 16(b)(2) and 18, this information should be maintained and made available to FTA on request. For all applicants for FTA assistance, this information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.
- c. A summary of all civil rights compliance review activities conducted in the last 3 years. The summary should include: the purpose or reason for the review; the name of the agency or organization that performed the review; a summary of the findings and recommendations of the review; and, a report on the status and/or disposition of such findings and recommendations. For all applicants for FTA assistance, this information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.
- d. A signed FTA Civil Rights Assurance that all of the records and other information required under Circular 4702.1 have been or will be compiled, as appropriate, and maintained by the applicant, recipient, or subrecipient. In the case of State administered programs, this assurance should be provided by the primary and subrecipient (Appendix 1).
- e. A signed standard DOT Title VI Assurance. This assurance will be maintained as part of the FTA "One Time Submission" file (Appendix 1, Part A).

f. For construction projects, a fixed-facility impact analysis to assess the effects on minority communities. If this information has been prepared as a result of an environmental assessment or environmental impact statement, the applicant, recipient, or subrecipient should reference the relevant information by document, page number(s), and date of submission to FTA. The analysis should include:

- A discussion of the potential impact on minority communities and minority-owned businesses during and after construction;
- A discussion of all potential negative environmental impact, such as noise, air, or water pollution;
- A detailed list of minority-owned businesses and households that will be affected by the

construction project;

- A description of other significant changes or impacts on the minority community, such as increased traffic, reductions in the amount of available parking, etc.; and
- A description of the relocation program and/or other measures adopted by the applicant that will be used to mitigate any identified adverse social, economic, or environmental effect of the proposed construction project.

\*The original circular references UMTA. The wording in this document has been changed to FTA to reflect the agency's name modification.