

*Under the Civil Rights Act of 1964 and related statutes, Eastern Nebraska Office on Aging Rural Transportation Program ensures that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits or services of, or be otherwise subjected to discrimination in all programs, services or activities administered by the agency.*

# Title VI

## Non-Discrimination Plan | 2015

### *Eastern Nebraska Office on Aging Rural Transportation Program*



**Signed By** \_\_\_\_\_

*All entities who receive Federal Transit Administration (FTA) grant dollars either directly from the FTA or through the Nebraska Department of Roads (NDOR) are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation's implementing regulations. This manual provides technical assistance on Title VI compliance requirements*

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## **I. Introduction and Overview**

### ***Plan Statement***

Eastern Nebraska Office on Aging Rural Transportation Program (ENOA) operates a demand response rural public transit program serving the residents of the Nebraska counties of Douglas, Cass, Sarpy, Washington, and Dodge. As a condition of receiving Federal financial assistance to operate these services, the agency ensures that its programs, policies, and activities comply with Title VI of the Civil Rights Act. The following program details how ENOA meets the Title VI requirements set forth in FTA Circular 4702.1B.

ENOA is the recipient of the following FTA funds:

- Federal Section 5311 Non-Urbanized Area Formula Grant Program
- State of Nebraska Program 305 Operating Assistance

ENOA receives Federal funding through the Nebraska Department of Roads Transit Section. NDOR administers ENOA's FTA transit service funding and provides all Title VI program oversight for ENOA.

### ***Policy***

Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

*"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 subjected to discrimination under any program or activity receiving Federal financial assistance."*

ENOA is committed to ensuring that no person, on the basis of race, color, or national origin, shall be excluded from participation in or subjected to discrimination under its programs or services, or be denied the benefits of the level and quality of transit services provided by the agency's employees, affiliates, and contractors.

### ***Authorizing Legislation***

Most Federal transit laws are codified at title 49 U.S.C. Chapter 53. Authorizing legislation is substantive legislation enacted by Congress that establishes or continues the operation of a Federal program or agency. FTA's most recent authorizing legislation is entitled the *Moving Ahead for Progress in the 21st Century (MAP-21) Act*, Public Law 112-141, signed into law on July 6, 2012, and effective as of October 1, 2012.

### ***How to Contact FTA and ENOA***

FTA's regional and metropolitan offices are responsible for providing financial assistance to FTA grant recipients and for oversight of grant implementation for FTA programs. Certain specific programs are the responsibility of FTA headquarters. Inquiries should be directed to either the regional or metropolitan office responsible for the geographic area in which the recipient is located.

For more information regarding ENOA's Title VI Program, please contact the agency at:

**ENOA Rural Transportation Program**

Attn: Title VI Transit Manager  
4780 S 131st Street  
Omaha, NE 68137  
Phone: (402)-444-6536  
Email: [chris.gillette@enoa.org](mailto:chris.gillette@enoa.org)

FTA Headquarters can be contacted at:

**Federal Transit Administration**

Office of Communications and Congressional Affairs  
1200 New Jersey Avenue SE  
East Building, 5<sup>th</sup> Floor-TCR  
Washington, D.C. 20590  
Phone: (202)-366-4033; Fax: (202)-366-3472

The Nebraska Department of Roads can be contacted at:

**Nebraska Department of  
Transportation**

Attn: Title VI Transit Manager  
1500 Hwy. 2  
Lincoln, NE 68502  
(402)-479-4694  
[kari.ruse@nebraska.gov](mailto:kari.ruse@nebraska.gov)

***Governing Body***

The governing body of ENOA is comprised of five appointed members who are elected commissioners from Douglas, Sarpy, Dodge, Washington and Cass counties.

***FTA Circular 4702.1B***

ENOA's Title VI Plan has been developed to address FTA's Title VI requirements and oversight responsibilities. The Plan follows the guidelines set forth in FTA Circular 4702.1B.

## **II. General Reporting Requirements**

Chapter III of FTA Circular 4702.1B addresses the general reporting requirements for recipients and subrecipients of FTA funding to ensure that their activities comply with US DOT Title VI regulations. These requirements are summarized below, accompanied by details on how ENOA's Title VI Transit Program fulfills each requirement.

### **1. Requirement to Provide Title VI Assurances**

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

ENOA annually submits its Certifications and Assurances to the Nebraska Department of Roads (NDOR). NDOR collects ENOA's Title VI Assurances prior to passing through FTA funds.

### **2. Requirement for First-Time Applicants: N/A**

*New applicants will submit a Title VI program that is compliant with FTA Circular 4702.1B, as well as an Assurance that the applicant will carry out the program in compliance with DOT Title VI regulations.*

ENOA is not a first-time applicant, and is therefore exempt from this requirement.

### **3. Requirement to Prepare and Submit a Title VI Program**

*FTA requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA Regional Civil Rights Officer once every three years, or as otherwise directed by FTA. For all recipients (including subrecipients), the Title VI Program must be approved by the recipient's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. Subrecipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.*

The Eastern Nebraska Human Service Agency governing board will approve this Title VI Program by resolution. Documentation of such approval will be submitted with the agency's Title VI Program. The effective date of the Program will be the date of the resolution.

ENOA will submit its Title VI Program to the Nebraska Department of Roads for review and approval.

#### **4. Requirement to Notify Beneficiaries of Protection under Title VI**

*Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc. Recipients should also post Title VI notices at stations or stops, and/or on transit vehicles.*

A copy of ENOA's Title VI Notice to the Public is displayed below. This notice is posted in multiple languages on the agency website at [www.enoa.org](http://www.enoa.org). Because Spanish or Spanish Creole was determined to be significantly larger than other LEP language groups within the ENOA service area, the notice is also displayed in public locations in English and Spanish at ENOA's main office at 4223 Center Street in Omaha, NE, as well as on the agency's service vehicles. The notice is also available at the NDOR Public Transit website at [nebraskatransit.com](http://nebraskatransit.com).

# Title VI Notice to the Public

## Eastern Nebraska Office on Aging Rural Transportation Program

Eastern Nebraska Office on Aging Rural Transportation Program operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint of discrimination by completing and submitting the agency's Title VI Discrimination Complaint Form. This form can be downloaded on the agency website at [www.enoa.org](http://www.enoa.org); additionally, the form can be requested by contacting the agency at the address provided below. A telephone interpreter can be provided to assist persons of limited English proficiency.

To request more information on the agency's Title VI obligations, or to obtain a detailed description of the agency's Title VI discrimination complaint procedures, please visit the agency website or contact the agency using the information provided. Title VI Discrimination Complaint Forms and additional information can also be obtained through the Nebraska Department of Transportation (NDOT) website at [www.transportation.nebraska.gov](http://www.transportation.nebraska.gov), or by contacting NDOR using the information provided below. A telephone interpreter can be provided to assist persons of limited English proficiency.

### **ENOA Rural Transportation Program**

Attn: Title VI Transit Manager  
4780 S 131st Street  
Omaha, NE 68137  
Phone: (402)-444-6536  
Email: [chris.gillette@enoa.org](mailto:chris.gillette@enoa.org)

### **Nebraska Department of Transportation**

Attn: Title VI Transit Manager  
1500 Hwy 2  
Lincoln, NE 68502  
(402)-479-4694  
[kari.ruse@nebraska.gov](mailto:kari.ruse@nebraska.gov)

### **Federal Transit Administration Office of Civil Rights**

Attn: Title VI Program Coordinator  
East Building, 5th Floor-TCR  
1200 New Jersey Ave., SE  
Washington, D.C. 20590

Eastern Nebraska Office on Aging Rural Transportation Program opera sus programas y servicios sin tomar en cuenta raza, color, u origen nacional de conformidad con el Título VI del Acta de Derechos Civiles. Cualquier persona que cree que ha sido agraviada por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja de discriminación por completar y enviar el Formulario de Queja de Discriminación de Título VI de la agencia. Este formulario se puede descargar en el sitio de web de la agencia en [www.enoa.org](http://www.enoa.org); adicionalmente, se puede solicitar el formulario poniéndose en contacto con la agencia a la dirección proporcionada arriba. Un interprete telefónico está disponible para asistir personas de dominio de Inglés limitado.

Para solicitar mas información sobre las obligaciones de Título VI de la agencia, o para obtener una descripción detallada del procedimiento de Quejas de Discriminación del Título VI, favor de visitar la pagina de la agencia o contactar la agencia a la dirección proporcionada arriba. También se puede obtener los Formularios de Quejas de Discriminación del Título VI y información adicional en el sitio de web del Departamento de Transportación de Nebraska (NDOT) en [www.transportation.nebraska.gov](http://www.transportation.nebraska.gov) o poniéndose en contacto con NDOT a la dirección proporcionada arriba. Un interprete telefónico está disponible para asistir personas de dominio de Inglés limitado.

## **5. Requirement to Develop Title VI Complaint Procedures and Complaint Form**

*All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them, and shall make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website:*

ENOA has developed procedures and forms for investigating and tracking Title VI complaints of discrimination, and these forms (displayed below) are available to the public in multiple languages on the agency website at [www.enoa.org](http://www.enoa.org). Copies of these forms in multiple languages are also maintained at the agency's main office in Omaha, Nebraska, and within the agency's service vehicles.

A description of ENOA's Title VI Complaint Procedures follows the forms presented below.



# Title VI Complaint Procedures

## Eastern Nebraska Office on Aging Rural Transportation Program

Any person who believes they have been discriminated against on the basis of race, color, or national origin by Eastern Nebraska Office on Aging Rural Transportation Program may file a complaint by completing and submitting the agency's Title VI Complaint Form. Complaints must be submitted within 180 days following the alleged incident. Complaints received after 180 days will not be eligible for investigation.

All Title VI and related statute complaints are considered formal—there is no informal process. Complaints must be made in writing and signed by the complainant on the Complaint Form provided. If complaints are received by telephone, the information will be documented in writing and provided to the complainant for confirmation or revision and signature prior to processing. Complaints must include the complainant's name, address, and telephone number, and should specify all issues and circumstances of the alleged discrimination. Allegations must be based on issues involving race, color, or national origin. Complaints can be submitted to the agency at the following contact information:

### **ENOA Rural Transportation Program**

Attn: Title VI Transit Manager  
4780 S 131st Street  
Omaha, NE 68137  
Phone: (402)-444-6536  
Email: [chris.gillette@enoa.org](mailto:chris.gillette@enoa.org)

Complaints may also be filed directly with the Nebraska Department of Transportation at:

### **Nebraska Department of Transportation**

Attn: Transit Liaison Manager  
1500 Hwy. 2 Lincoln, NE 68502  
(402)-479-4694  
[kari.ruse@nebraska.gov](mailto:kari.ruse@nebraska.gov)

Complaints can also be filed directly with the Federal Transit Administration at:

### **Federal Transit Administration**

Attn: Title VI Program Coordinator  
East Building, 5th Floor-TCR  
1200 New Jersey Ave. SE  
Washington, D.C. 20590

Title VI complaints of discrimination received by Eastern Nebraska Office on Aging Rural Transportation Program will be directed to the Nebraska Department of Transportation (NDOT) Local Assistance Division for review. NDOT will notify the Federal Transit Administration that a complaint has been received. The complainant will receive an acknowledgment letter informing her/him whether the complaint will be investigated. NDOT has 30 days to investigate the complaint. If more information is needed to resolve the case, the agency may contact the complainant to request additional information. The complainant has 15 days from the date of the letter to supply requested information to the investigator assigned to the case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and interviews regarding the alleged incident and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days following the closure letter or LOF to do so.

*Este documento describe el Título VI Procedimiento de Eastern Nebraska Office on Aging Rural Transportation Program. Para obtener una copia de este documento en Español, favor de visitar el sitio de web de la agencia a [www.enoa.org](http://www.enoa.org). Para asistencia adicional, favor de ponerse en contacto con la agencia o el Departamento de Transportación de Nebraska al numero telefónico dado anteriormente. Un interprete telefónico está disponible para asistir personas de dominio de Inglés limitado.*

# Title VI Discrimination Complaint Form

## Eastern Nebraska Office on Aging Rural Transportation Program

To file a Title VI complaint of discrimination, please complete this Complaint Form in full and submit it within 180 days following the alleged incident using the provided agency contact information. Complaints received after 180 days will not be eligible for investigation. Title VI complaints must involve issues pertaining to race, color, or national origin. Complaint Forms may be submitted by an individual or a representative of that individual.

Complaints must be made in writing and contain as much information as possible about the alleged discrimination. If complaints are received by telephone, the information will be documented in writing and provided to the complainant for confirmation or revision and signature prior to processing. The written complaint should include the complainant's name, address, and telephone number, as well as a detailed description of the issues and the name(s) and job title(s) of individuals perceived as parties in the complaint.

After completing this Complaint Form, please return it to the address below:

**ENOA Rural Transportation Program**

Attn: Title VI Transit Manager  
4780 S 131st Street  
Omaha, NE 68137  
Phone: (402)-444-6536  
Email: [chris.gillette@enoa.org](mailto:chris.gillette@enoa.org)

Complainants may also choose to return this form to the Nebraska Department of Transportation at the following address:

**Nebraska Department of Transportation**

Attn: Title VI Transit Manager  
1500 Hwy 2  
Lincoln, NE 68502  
(402)-479-4694  
[kari.ruse@nebraska.gov](mailto:kari.ruse@nebraska.gov)

This form may also be submitted to the Federal Transit Administration at the following address:

**Federal Transit Administration**

Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5th Floor-TCR  
1200 New Jersey Ave., SE  
Washington, D.C. 20590

*Para obtener una copia de este documento en Español, favor de visitar el sitio de web de la agencia a [www.enoa.org](http://www.enoa.org). Para asistencia adicional, favor de ponerse en contacto con la agencia o el Departamento de Transportación de Nebraska al número telefónico dado anteriormente. Un interprete telefónico está disponible para asistir personas de dominio de Inglés limitado.*



Complainant:	Phone:
Address:	Email:
Person Discriminated Against if Different from Above:	Phone:
Address:	Email:
What is the full legal name of the organization that discriminated against you?:	
Type of Discrimination: <input type="checkbox"/> Race/Color <input type="checkbox"/> National Origin <input type="checkbox"/> Retaliation	Date of Incident:
Date and place of alleged discriminatory actions. Please include earliest date of discrimination and most recent date of discrimination:	
Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also, attach any written material pertaining to your complaint (attach additional pages if necessary):	
Names and contact information of persons (witnesses, others) whom we may contact for additional information to investigate your complaint:	

The complaint will not be accepted if it has not been signed. Please sign and date this complaint form below. You may attach any written materials or other supporting information that you believe is relevant to the complaint.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Attachments:  Yes  No

Please submit this completed form using the contact information provided on page 1.

<b>OFFICE USE ONLY</b>	
Received By:	Date:

## ***ENOA Title VI Complaint Procedures***

ENOA forwards all Title VI complaints of discrimination to the Nebraska Department of Roads Rail and Public Transit section for review. Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by ENOA may file a complaint by downloading or requesting and completing the agency's Title VI Complaint Form. These forms are available in multiple languages on the agency website at [www.enoa.org](http://www.enoa.org). Only complaints received no more than 180 days following the alleged incident will be subject to investigation.

All Title VI and related statute complaints are considered formal—there is no informal process. Complaints must be made in writing and signed by the complainant on the form provided. Complaints received by telephone will be placed in writing and provided to the complainant for confirmation or revision and signing prior to processing. For assistance filing a complaint in language other than English, complainants may contact the agency, and an interpreter will be provided to assist the individual as necessary.

Complaints may be filed by the affected individual or a representative of that individual. Complaints must include the complainant's name, address, and telephone number, and should specify all incidences and circumstances of the alleged discrimination. Allegations must be based on issues involving race, color, or national origin. Complaint forms should be submitted to the agency using the contact information below:

### **ENOA Rural Transportation Program**

Attn: Title VI Transit Manager  
4780 S 131st Street  
Omaha, NE 68137  
Phone: (402)-444-6536  
Email: [chris.gillette@enoa.org](mailto:chris.gillette@enoa.org)

Complainants who do not wish to file with the transit agency may contact the Nebraska Department of Roads to receive assistance filing a complaint. NDOR can also assist individuals in submitting a Title VI Complaint in a language other than English. NDOR can be contacted using the following information:

### **Nebraska Department of Transportation**

Attn: Title VI Transit Manager  
1500 Hwy. 2  
Lincoln, NE 68502  
(402)-479-4694  
[kari.ruse@nebraska.gov](mailto:kari.ruse@nebraska.gov)

Complaints may also be filed with the Federal Transit Administration at the following address:

**Federal Transit Administration**  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Ave., SE  
Washington, D.C. 20590

If a complaint is received by ENOA, the agency will submit the complaint to the Nebraska Department of Roads (NDOR) for review. Upon receipt of the complaint, the NDOR Transit Section will notify the Federal Transit Administration that a complaint has been filed. The NDOR Transit Manager or other investigator will contact the complainant to:

- Acknowledge receipt of the complaint by the investigator.
- Confirm the complainant received adequate assistance to file the complaint
- Confirm that the complainant wishes to proceed with the complaint.
- Confirm the existence of allegations that require investigation and/or resolution.
- Gather additional facts and further clarify the complaint.

The complainant will be notified in writing that the complaint was received and will be reviewed by the NDOR Transit Section and FTA Region VII, with the involvement of ENOA. If the complaint is determined to have validity, it will be investigated. As part of the review, the investigator will, at minimum:

- Gather relevant documentation from the complainant that was not included in the complaint, such as forms, memos, letters, and photographs;
- Maintain a log of all activities associated with the complaint;
- Complete an investigative report containing information, findings, photos, and recommendations for corrective action, to be submitted to FTA.

A copy of the complaint, together with a copy of NDOR's investigative report, shall be forwarded to the FTA Region VII Office in Kansas City, MO within 60 days of the date at which the complaint was received by NDOR.

A decision by NDOR to dismiss a complaint can be made for the following reasons:

- The complaint was not filed within 180 days.
- The complaint is not covered by the Title VI statutes for which NDOR is responsible.
- The complaint does not allege any harm covered under the statutes for which NDOR is responsible.
- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeat, documented requests for additional information needed to process the complaint.
- The complainant cannot be located after documented reasonable attempts.

A log will be maintained which is to include the following information:

- The date the complaint/lawsuit was filed.
- A summary of the allegation(s).
- The status of the investigation.
- The actions taken by the recipient/subrecipient in response to the complaint/lawsuit and investigation.
- Documentation to be retained includes the complaint form and a summary of findings.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and the complaint will be closed. An LOF summarizes the allegations and interviews regarding the alleged incident and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wished to appeal the decision, she/he has 30 days following the closure letter or LOF to do so.

For additional questions regarding ENOA's Title VI complaints procedure or Civil Rights Program, individuals may contact the transit agency at the contact information provided above. For more information on NDOR's Title VI complaints procedure or Civil Rights Program, individuals may contact NDOR at the address provided.

## **6. Requirement to Record and Report Title VI Complaints, Investigations, and Lawsuits**

*In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint.*

At this time, ENOA has not received Title VI complaints of discrimination, and therefore there are no investigations or lawsuits to report

ENOA will maintain a list of all investigations, lawsuits, and/or complaints naming the agency, in accordance with the guidelines specified by FTA C 4702.1B. A copy of the form that will be used to track such complaints is displayed below. ENOA will maintain permanent records of all complaint-related documents. The agency will report all Title VI complaints of discrimination to the Nebraska Department of Roads and the Federal Transit Administration.

# Title VI Complaint and Lawsuit Tracking Form

Title VI Complaints							
Complainant Name	Date of Incident	Date Filed	Summary of Complaint (include basis of complaint: race, color, or national origin)	Complaint resulted in investigation? (Y/N)	Status of complaint: active or closed?	Summary of Findings OR Reason Complaint was not Investigated (N/A if active)	Notes

Title VI Lawsuits						
Name of plaintiff	Date of Incident	Date Filed	Allegation(s)	Status: Active or Closed?	Result (N/A if active)	Notes:

**Submitted by:**  
 ENOA Rural Transportation Program  
 4780 S 131st Street  
 Omaha, NE 68137  
 Phone: (402)-444-6536  
 Email: [chris.gillette@enoa.org](mailto:chris.gillette@enoa.org)

## **7. Plan to Promote Inclusive Public Participation**

ENOA's public involvement strategy is intended to promote awareness and provide ample opportunity for the public to participate in the agency's transportation decision-making process surrounding projects, fare and/or service changes, and applications for Federal operating assistance. This process allows for:

- Ensuring the timely dissemination of information to the public
- Considering the input and encouraging the participation of underserved groups in the agency's transportation decision-making processes.
- Granting timely public notice and an adequate review period through this process.
- Facilitating adequate public review of major project revisions.
- Granting opportunity for the review of proposed and final plans.
- Encouraging and documenting public comment.

For these purposes, the agency will announce and hold a public hearing in the event of a fare increase, major change in service, or in the event of a capital construction project. Additionally, the agency will provide adequate public notice in the event of a vehicle purchase or upon the submission of an application for State or Federal operating assistance funds with no major service changes or fare increases.

For the purpose of definition, a major change or reduction in service shall include a reduction in total system vehicle hours of 10% or more, the elimination of service in an area with a population of 2,000 or more, the elimination of service on one or more days of the week, or a change in the type of transit service in an area with a population of 2,000 or more. A fare increase shall include an increase in single ride fare for any transit service including other fare categories, or a decrease in the discount(s) offered for fare categories.

Public hearings will be advertised in a newspaper of general circulation in the geographic area the project will serve at least 14-21 calendar days in advance of the public hearing, and again no later than 5-12 calendar days in advance of the public hearing. Public hearing notices shall include a concise description of the project, and will contain instructions to the public for obtaining publically-released project documents, e.g., public hearing meeting minutes, in languages other than English via the agency website or by request. This hearing notice will be available to the public in multiple languages on the agency website.

An agency staff person will record and prepare meeting minutes of the public hearing, and these minutes will be translated and distributed to the public upon request. The availability of translated meeting minutes will be advertised on the aforementioned public hearing notice.

Written or verbal comments from the public will be accepted during and for at least 10 days following the public hearing. These comments will be reviewed as part of the agency's decision-making process surrounding transportation projects.



## Summary of Past Outreach Efforts

ENOA drivers regularly distribute program information to local business, and ENOA maintains a website that is kept current with information on the agency's programs, activities, and services. ENOA has updated its public outreach strategy for the current Title VI program submission to encourage and facilitate participation by minority and LEP persons in the agency's decision-making processes, particularly through the provision of LEP language assistance.

### **8. Providing Meaningful Access to LEP Persons**

*Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits.*

### **Four Factor Analysis Results Summary**

The total number and proportion of LEP persons residing within the ENOA service area is significant, reaching the Safe Harbor Provision threshold of 1,000 LEP persons or 5% or more LEP persons. The following language groups exceeded the Safe Harbor Threshold of 1,000 or more LEP persons or 5% of the total service area population: Spanish or Spanish Creole, French, Vietnamese, African languages, and other Asian languages. Based on these findings, the agency should be prepared to take reasonable steps to ensure equal access for LEP persons who may choose to access its programs and services, as detailed in the accompanying Language Assistance Plan.

### **ENOA Four Factor Analysis**

#### **Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient**

ENOA operates a rural public transit program serving the residents of the Nebraska counties of Douglas, Cass, Sarpy, Washington, and Dodge. To determine the number and proportion of LEP persons residing within the agency's service area, 2008-2012 American Community Survey Data representing languages spoken at home for persons over five years of age was analyzed at the combined county level. This analysis resulted in the following service area profile. In this analysis, "LEP" was defined as persons who speak English "less than very well" according to the American Community Survey. LEP can also be defined as a person who has a limited ability to speak, read, or write the English language.

## ***ENOA service area LEP profile***

- The total number of persons over five years of age in the ENOA service area is 700,911.
- Of the total service area population, 620,142 persons, or approximately 88.5% of the population, speak English only.
- Five (5) non-English language groups in the ENOA service area surpassed the Safe Harbor Threshold of 1,000 or more LEP persons or 5% of the total service area population. These language groups included Spanish or Spanish Creole, French, Vietnamese, African languages, and Asian languages. By comparison, the number of LEP persons in additional non-English language groups is comparatively low.
- The agency should be prepared to provide language assistance to ensure equal access for LEP persons from the five (5) aforementioned Safe Harbor language groups.

## ***Service Area Profile Conclusions***

The total number and proportion of LEP persons residing within the ENOA service area is significant, reaching the Safe Harbor Provision threshold of 1,000 LEP persons or 5% or more LEP persons in five (5) separate language groups. Based on these findings, the agency should be prepared to take reasonable steps to ensure equal access for LEP persons who may choose to access its programs and services, as detailed in the accompanying Language Assistance Plan.

### ***Factor 1a: How LEP persons interact with the recipient's agency***

While the number and proportion of LEP persons within the agency's service area is significant, agency personnel report that the frequency of interaction with LEP persons is somewhat low. It is estimated that interactions with LEP persons occur primarily during the transit phase.

### ***Factor 1b: The literacy skills of LEP persons in their native languages, in order to determine whether the translation of written documents will be an effective practice***

No data could be obtained regarding the native language literacy of LEP persons within the ENOA service area, nor does the agency maintain such data at this time. Such data will be utilized in the instance that it becomes available. However, due to the language assistance resources made available by the agency to LEP persons (see the accompanying Language Assistance Plan), it is not estimated that barriers to service due to native language literacy would prevent LEP persons from accessing the agency's programs or services at this time.

### ***Factor 1c: Whether LEP persons are underserved by the recipient due to language barriers***

Based on agency personnel estimates, the frequency of interaction with LEP persons is somewhat low, despite the significant number of LEP persons residing within the agency's service area. Based on the language assistance measures provided by the agency to assist Spanish-speaking LEP persons, it is not estimated that barriers to service due to language exist at the current time.

**Factor 2: The frequency with which LEP persons come into contact with the program**

Despite the significant number and proportion of LEP persons within the agency service area, ENOA staff estimate that the frequency at which LEP persons come into contact with the program is low. It is estimated that contact with LEP persons occurs primarily during the transit phase.

**Factor 3: The Nature and Importance of the Program, Activity, or Service in People's Lives**

ENOA operates a public transportation service that is open to all individuals. Service is typically provided to the general public, students, seniors, and people with disabilities. It is deemed that the services of ENOA are of high value to the residents who access these services.

**Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach**

ENOA has access to a variety of Title VI LEP outreach resources through the Nebraska Department of Roads. These resources are provided to ENOA at either no-cost, or at a 90% cost-reimbursed rate. No-cost resources include document translation assistance (assistance is available in Spanish, Mandarin, Somali, and Vietnamese; the agency will take reasonable steps to provide additional translations if needed); Title VI template documents (e.g., Title VI Notice to the Public, Title VI Complaint form, etc.) for ENOA's use; and general Title VI assistance and oversight. Cost-reimbursed resources include the use of LanguageLine Solutions as a competent oral interpreter.

## ***ENOA Language Assistance Plan***

Based on the findings of the Four Factor Analysis presented above, ENOA should be prepared to take reasonable steps to provide language assistance for the significant number of LEP persons residing within its service area who speak Spanish or Spanish Creole, French, Vietnamese, African languages, and other Asian languages. The agency will provide the following language assistance measures to assist LEP persons who may come into contact with the program:

***Plan to use a Competent Interpreter***

On an as-needed basis, ENOA personnel will use LanguageLine Solutions as a competent interpreter to enable communication between agency staff and persons of limited English proficiency. LanguageLine is an over-the-phone professional interpreting service that can provide assistance in over 200 spoken languages. This service will enable ENOA personnel to communicate effectively with LEP persons who contact the agency either in-person or over the phone. The personnel member must simply dial a toll-free number and (if not already identified) prompt the LEP speaker to identify their spoken language. The corresponding LanguageLine interpreter can then relay verbal messages between the staff person and LEP individual. Additional information on LanguageLine can be found by visiting the company website at <http://www.language.com/>.

As a safeguard, U.S. Census Bureau "I Speak" cards (displayed below) will be located at the agency's main office to enable LEP persons to quickly identify their spoken language when it cannot be readily identified by the staff member. These cards will be distributed by agency personnel in the event they are deemed necessary.

The availability of non-English language assistance will be advertised, at minimum, on the agency's Title VI Notice to the Public, as well as on the agency's Title VI Complaint Procedures and Title VI Complaint Forms.

**Sample U.S. Census Bureau "I Speak" Card**

2004 Census Test	United States Census 2010
<b>LANGUAGE IDENTIFICATION FLASHCARD</b>	
<input type="checkbox"/> ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Ներդրում՝ նախ նշում՝ կատարե՞ք այս քանակություն՝ եթե խոսում կամ կարդում եք հայերեն:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/> ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese

**Plan to Translate Vital Documents**

ENOA will translate vital Title VI public documents into the primary LEP languages of the ENOA service area, and such documents will be made available to the public on the agency's website. Currently, the agency has access to no-cost document translation services through the Nebraska Department of Roads; this service will be utilized to facilitate upon-request document translation as it remains available. In the event this service becomes unavailable, the agency will take reasonable steps to seek alternative means of document translation, with regard to resources available for this service.

ENOA's Title VI Notice to the Public, Discrimination Complaint Procedures, and Discrimination Complaint Form have been translated into the primary LEP languages of the agency service area, and these documents are available on the agency website.

**Plan to Provide Translated Scheduling, Route, and Fare Information**

ENOA will make available translated information on its hours of service, fares, contact information, etc., in print and/or electronic form. This information will be posted in at least one of the following locations: (a) on the agency website; (b) in print in one or more public locations throughout the agency service area selected with regard to their general accessibility to LEP persons (e.g., post office, gas stations, grocery

stores, etc.); (c) in print within the agency's service vehicles.

### ***Monitoring, Evaluating, and Updating the LEP Plan***

ENOA will update the current Language Assistance Plan as required. At minimum, the plan will be reviewed and updated every two years. Updates may include the following:

- The number of documented LEP person contacts encountered since the last update. Description of how the needs of LEP persons have been addressed.
- Determination of the current LEP population within the agency service area.
- Determination of whether the need for language assistance has changed.
- Determination of whether local language assistance has been effective and sufficient at meeting needs.
- Determination of whether the agency's available outreach resources are sufficient to supply necessary language assistance.
- Determination of whether complaints have been received concerning the agency's failure to meet the needs of LEP persons.

### ***Employee Training***

Employees at all levels within ENOA should be fully aware of and understand the importance of Title VI, as well as the current Language Assistance Plan, so they can reinforce its importance and ensure its agency-wide implementation. ENOA personnel are required to review the current Title VI Program document and sign a written statement that they have done so.

In addition, necessary personnel will be familiar with the use of the Language Line interpreting service and Bureau "I Speak" cards to facilitate potential contact with LEP persons.

All transit agency personnel will also be familiar with the agency's procedures for handling a potential Title VI complaint.

ENOA's Title VI Transit Manager has attended Title VI awareness training through the Nebraska Department of Roads and University of Nebraska-Omaha, and is responsible for ensuring that agency personnel have the knowledge and resources to operate under the requirements and guidelines of DOT's Title VI regulations.

Additional resources for employee training include a Title VI training workshop hosted by the Nebraska Department of Roads and University of Nebraska-Omaha, and ongoing Title VI assistance provided by the Nebraska Department of Roads and University of Nebraska-Omaha.

## **9. Minority Representation on Planning and Advisory Bodies**

*Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.” Recipients that have transit-related, nonelected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees:*

ENOA does not currently have a nonelected transit board or advisory council; however, in the event that one were established, the agency would ensure proper minority representation on said board or council. A sample Table Depicting Minority Representation on Committees and Councils, which would be utilized to report the racial makeup of such a planning or advisory body in the event one were established, is presented below.

## MINORITY REPRESENTATION TABLE

# of non-elected members	% Caucasian	% African American	% Latino	% Asian American	% Native American	Other Ethnicity	Notes

## **10. Requirement to Provide Assistance to Subrecipients: N/A**

ENOA is not a primary recipient, and is therefore exempt from this requirement.

## **11. Monitoring of Subrecipients: N/A**

ENOA is not a primary recipient, and is therefore exempt from this requirement.

## **12. Equity Analysis to Determine Site or Location of Facilities**

*Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For the purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc.*

ENOA has not conducted a project requiring land acquisition or the displacement of persons during the current reporting period.

In possible future circumstances, ENOA will ensure that both environmental analysis and Title VI environmental justice requirements are incorporated into the scope of work for all facilities projects. The agency will complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. The agency will engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis will compare the equity impacts of various siting alternatives, and the analysis will occur prior to the selection of the preferred site.

When evaluating the locations of facilities, ENOA will give attention to other facilities with similar impacts in the area to determine whether any cumulative adverse impacts might result. Analysis will be conducted at the Census tract or block group, where appropriate, to ensure that proper perspective is given to localized impacts.

If the agency determines that the location of a project will result in a disparate impact on the basis of race, color, or national origin, the agency will only locate the project in that location if there is a substantial legitimate justification for locating the project there, and when there are no alternative locations that would have a less disparate impact on the basis of race, color, or nation origin. The agency will show how both tests are met, and will consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin; the agency will then implement the least discriminatory alternative.



### **13. Requirement to Provide Additional Information upon Request**

FTA may request, at its discretion, information other than that required by [FTA Circular 4702.1B] from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations:

ENOA will fully cooperate with any FTA investigation of discrimination complaints to the extent required by Title VI regulations.

#### **IV. Requirements and Guidelines for Fixed-Route Transit Providers: N/A**

ENOA is not a provider of fixed route transportation, and is therefore exempt from this requirement.

#### **V. Requirements for States: N/A**

#### **VI. Requirements for Metropolitan Planning Organizations: N/A**

#### **VII. FTA Compliance Reviews: N/A**