

Title VI

Non-Discrimination Plan | 2023

Blue Rivers Area Agency on Aging dba Blue Rivers Public Transit

Under the Civil Rights Act of 1964 and related statutes, Blue Rivers AAA dba Blue Rivers Public Transit 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.



Signed By

Frank L. Lamm
BRAAA Board Chairman
4/23/2023

All entities who receive Federal Transit Administration (FTA) grant dollars either directly from the FTA or through the Nebraska Department of Transportation (NDOT) 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

Blue Rivers Area Agency on Aging operates a demand response public transit program known as Blue Rivers Public Transit (BRPT) serving the residents of Gage, Jefferson, Nemaha, Otoe, and Thayer Counties in Nebraska. 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 BRPT meets the Title VI requirements set forth in FTA Circular 4702.1B.

BRPT is the recipient of the following FTA funds:

- Federal Section 5311 Non-Urbanized Area Formula Grant Program

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

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."

BRPT 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 *Bipartisan Infrastructure Law*, signed into law on November 15, 2021.

How to Contact FTA and BRPT

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 BRPT's Title VI Program, please contact the agency at:

Blue Rivers Area Agency on Aging dba Blue Rivers Public Transit

ATTN: Doug Neemann, Transit Manager

103 Eastside Blvd

Beatrice, NE 68310

(402) 223-1376

doug.neemann@blueriversaaa.org

FTA Headquarters can be contacted at:

Federal Transit Administration

Office of Civil Rights

Attn: Title VI Program Coordinator

1200 New Jersey Avenue SE

Washington, D.C. 20590

888-446-451

The Nebraska Department of Transportation can be contacted at:

Nebraska Department of Transportation

Attn: Title VI Transit Manager

1400 Hwy 2

Lincoln, NE 68502

(402) 479-4694

kari.ruse@nebraska.gov

Governing Body

The governing body of BRPT is comprised of members appointed by the County Commissioners from their service area, including Gage, Jefferson, Nemaha, Otoe, and Thayer Counties.

FTA Circular 4702.1B

BRPT'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. Those requirements are summarized below, accompanied by details on how BRPT'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.

BRPT annually submits its Certifications and Assurances to the Nebraska Department of Transportation (NDOT). NDOT collects BRPT'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.

BRPT is not a first-time applicant and is therefore except 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 decision 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 Blue Rivers Area Agency on Aging 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.

BRPT will submit its Title VI Program to the Nebraska Department of Transportation 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 appraise 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 BRPT's Title VI Notice to the Public is displayed below. The notice is also displayed in English within the agency's service vehicles and in a public location at the agency's main office in Beatrice, Nebraska. The notice is also available in English on the agency website at www.braaa.org.

Title VI Notice to the Public

Blue Rivers Area Agency on Aging dba Blue Rivers Public Transit

Blue Rivers Public Transit 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.braaa.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.dot.nebraska.gov, or by contacting NDOT using the information provided below. A telephone interpreter can be provided to assist persons of limited English proficiency.

**Blue Rivers Area Agency on Aging
dba Blue Rivers Public Transit**

ATTN: Doug Neemann
103 Eastside Blvd
Beatrice, NE 68310
(402) 223-1376

doug.neemann@blueriversaaa.org

**Nebraska Department of
Transportation**

Attn: Title VI Transit Manager
1400 Hwy 2
Lincoln, NE 68502
(402)-479-4694

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

Blue Rivers Public Transit 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.braaa.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 Transporte de Nebraska (NDOT) en www.dot.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.



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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:

BRPT has adopted the Nebraska Department of Transportation's procedures and forms for investigating and tracking Title VI complaints of discrimination. Discrimination Complaint Forms (pictured below) are available in English on the agency website at www.braaa.org and are maintained in print form by BRPT for upon-request distribution; instructions for accessing these forms are provided on the BRPT's Title VI Notice to the Public.

Copies of BRPT's Title VI Complaint Procedures and Complaint Form are displayed below. A description of BRPT's Title VI Complaint Procedures follows the forms.

Title VI Complaint Procedures

Blue Rivers Area Agency on Aging dba Blue Rivers Public Transit

Any person who believes they have been discriminated against on the basis of race, color, or national origin by the Blue Rivers Public Transit 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:

**Blue Rivers Area Agency on Aging dba
Blue Rivers Public Transit**

ATTN: Doug Neemann, Transit Manager
103 Eastside Blvd
Beatrice, NE 68310
(402) 223-1376
doug.neemann@blueriversaaa.org

Nebraska Department of Transportation

Attn: Transit Manager
1400 Hwy 2
Lincoln, NE 68502
(402) 479-4694
kari.ruse@nebraska.gov

Complaints may also be filed with the Federal Transit Administration by obtaining their form at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form>.

Blue Rivers Public Transit will notify the Nebraska Department of Transportation 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 Procedimiento de Queja por Discriminación del Título VI de Blue Rivers Public Transit. Para obtener una copia de este documento en español, comuníquese con el Departamento de Transporte de Nebraska al número de teléfono que figura arriba. Un intérprete telefónico está disponible para ayudar a personas con dominio limitado del inglés.



Title VI Discrimination Complaint Form

Blue Rivers Area Agency on Aging dba Blue Rivers Public Transit

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:

Blue Rivers Area Agency on Aging dba Blue Rivers Public Transit

ATTN: Doug Neemann, Transit Manager

103 Eastside Blvd

Beatrice, NE 68310

(402) 223-1376

doug.neemann@blueriversaaa.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

1400 Hwy 2

Lincoln, NE 68502

(402) 479-4694

kari.ruse@nebraska.gov

Complaints may also be filed with the Federal Transit Administration by obtaining their form at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form>. Complaints using the FTA form may be submitted via email to FTACivilRightsCommunications@dot.gov or mailed to the following address:

Federal Transit Administration

Office of Civil Rights

Attn: Complaint Team

East Building, 5th Floor-TCR

1200 New Jersey Ave., SE

Washington, D.C. 20590

Para obtener una copia de este documento en español, visite el sitio web de la agencia en www.braaa.org. Para asistencia adicional, comuníquese con el Departamento de Transporte

de Nebraska al número de teléfono que figura arriba. Un intérprete telefónico está disponible para ayudar a personas con dominio limitado del inglés.



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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.

OFFICE USE ONLY	
Received By:	Date:

BRPT Title VI Complaint Procedures

BRPT forwards all Title VI complaints of discrimination to the Nebraska Department of Transportation 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 BRPT may file a complaint by completing and submitting the agency's Title VI Complaint Form. 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 a language other than English, complainants may contact the agency by phone 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.

Complaints may be filed with the agency using the following contact information:

Blue Rivers Area Agency on Aging dba Blue Rivers Public Transit

ATTN: Doug Neemann, Transit Manager

103 Eastside Blvd

Beatrice, NE 68310

(402) 223-1376

doug.neemann@blueriversaaa.org

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

Nebraska Department of Transportation

Attn: Title VI Transit Manager

1400 Hwy 2

Lincoln, NE 68502

(402) 479-4694

kari.ruse@nebraska.gov

Complaints may also be filed with the Federal Transit Administration by obtaining their form at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form>. Complaints to FTA may be submitted via email to FTACivilRightsCommunications@dot.gov or mailed to the following address:

Federal Transit Administration
Office of Civil Rights
Attn: Title VI Program Coordinator
1200 New Jersey Avenue SE
Washington, D.C. 20590
888-446-451

If a complaint is received by BRPT, the agency will submit the complaint to the Nebraska Department of Transportation for review. Upon receipt of the complaint, the NDOT Transit Section will notify the Federal Transit Administration that a complaint has been filed. The NDOT 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 NDOT Transit Section and FTA Region VII, with the involvement of BRPT. 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 NDOT'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 NDOT.

A decision by NDOT 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 NDOT is responsible.
- The complaint does not allege any harm covered under the statutes for which NDOT 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, they 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, they have 30 days following the closure letter of LOF to do so.

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

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, BRPT has not received Title VI complaints of discrimination, and therefore there were no investigations or lawsuits to report.

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

Blue Rivers Area Agency on Aging dba Blue Rivers Public Transit
ATTN: Doug Neemann, Transit Manager
103 Eastside Blvd
Beatrice, NE 68310
(402) 223-1376
doug.neemann@blueriversaaa.org

7. Plan to Promote Inclusive Public Participation

BRPT'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 application 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 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. Notice of hearings shall include a concise description of the proposed project and will advertise the availability of translated copies of said hearing notice and/or other publicly released meeting documents upon request. Hearings will be held in accessible locations and at times convenient for public attendance.

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.

An agency staff member will record and prepare formal minutes of the public hearing. These minutes will be available to the public upon request. Translations of these minutes, as well as of other publicly released meeting documents (e.g., announcements, surveys, comment cards, etc.) will be made available to members of the public upon request. The availability of translated minutes and/or other public documents will be advertised on the agency's public hearing notice.

Summary of Past Outreach Efforts

BRPT routinely performs outreach to the public through participation in Nebraska Public Transit Week, local parades, and sponsoring special trips open to the public. It should be noted that BRPT personnel

report daily interaction with minority persons or persons of limited English proficiency – an estimate supported by the Service Area Profile data presented in the Four Factor Analysis accompanying the current Title VI Program submission. The agency’s current public participation strategy has been revised as described above to enhance opportunities for participation by persons of limited English proficiency.

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

Blue Rivers Public Transit provides transportation to the general public; transportation is provided to residents in Gage, Jefferson, Nemaha, Otoe and Thayer Counties. Blue Rivers Public Transit personnel report that contacts with clients of limited English proficiency (LEP) is frequent, with LEP clients in daily contact with the program at the current time. The following analysis was carried out to inform a Language Assistance Plan that considers the needs of limited English proficient (LEP) persons who could potentially be encountered by the agency as it administers its programs and services in Gage, Jefferson, Nemaha, Otoe and Thayer Counties.

To facilitate this analysis, 2016-2020 American Community Survey data was analyzed at the county level. This data was used to inform the Language Assistance Plan accompanying this Four Factor Analysis. The data show that the number and proportion of LEP persons in Gage, Jefferson, Nemaha, Otoe and Thayer Counties is low, with approximately 95.8% of the population estimated to speak English only.

BRPT 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

BRPT provides transportation service for the residents of Gage, Jefferson, Nemaha, Otoe and Thayer Counties. To determine the number and proportion of LEP persons residing within the agency’s service area, 2016-2020 American Community Survey data representing languages spoken at home for persons over five years of age was analyzed for Gage, Jefferson, Nemaha, Otoe and Thayer Counties. This analysis resulted in the following service area profile. In this analysis, “LEP” was defined as person 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.

BRPT service area LEP profile

- The total number of persons over the age of five in the two counties included in the BRPT service area is 53,206.

- Approximately 95.8% of this total population speak English only.
- The agency did make surveys on language preference available to all riders from mid-February to mid-March 2022 in English and Spanish with other languages available upon request. The agency received 20 responses, all indicating the respondent felt comfortable using English and only one response listing a language other than English used at home. The one response had Spanish also listed with English.
- Spanish is the largest non-English language group in the BRPT service area. Notably this language group contains 834 LEP persons.
- Asian and Pacific Island speakers comprise approximately 133 LEP persons in this year.
- Other language groups in the BRPT service area contained a low number and proportion of LEP persons and did not near the Safe Harbor Threshold of 1,000 LEP persons nor a 5% or greater proportion of LEP persons. Notably, only 63 LEP persons were identified in the entire BRPT service area as speaking other languages.

Service Area Profile Conclusions

The number and proportion of Spanish-speaking LEP persons in the vicinity of Blue Rivers Public Transit is very low, with no non-English language groups exceeding the Safe Harbor Threshold of 1,000 or more LEP persons or 5% of the service area population. However, agency personnel report that contact with LEP persons is common, with LEP clients in contact with the program on a daily basis.

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

BRPT personnel report that contact with LEP persons while administering its programs and services is common. Contact occurs while scheduling and providing transportation.

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 complete data could be obtained regarding the native language literacy of LEP Persons within the BRPT service area. The agency did make surveys on language preference available to all riders from mid-February to mid-March 2022 in English and Spanish with other languages available upon request. The agency received 20 responses, all indicating the respondent felt comfortable using English and only one response listing a language other than English used at home. The one response had Spanish also listed with English. If a complete data set becomes available, it will be utilized by the agency. However, due to the language assistance resources made available by the agency to LEP persons (see 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

BRPT personnel report that interaction with persons of limited English proficiency is frequent. This estimate is partially supported by the below Safe Harbor threshold but over 800 LEP persons residing within the agency service area, as identified in the Service Area Profile above. It is not estimated that barriers to service due to language exist at this time.

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

BRPT personnel report that contact with LEP persons while administering programs and services is common. BRPT believes they serve LEP persons daily.

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

BRPT operates a public transportation service that is open to all individuals. Almost 70 to 80% of the trips are in some way medically related, i.e., doctors, clinics, dentists. BRPT also take the passengers to airports, the Amtrak stations and the Inter-State bus service in the Omaha and Lincoln areas; Passengers are also taken to educational and jobs destinations, and on visits to family and friends throughout the service area. There are also recreational activities that we carry passengers to as well.

These trips provide the passengers with access to educational events, safely transporting children to pre-schools and schools, professional services, shopping, medical and interaction with both family and friends. It is deemed that BRPT's services are of high value to the residents of Gage, Jefferson, Nemaha, Otoe, and Thayer Counties.

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

BRPT has access to Title VI LEP outreach resources through the Nebraska Department of Transportation, including document translation assistance and verbal translation over the phone, Title VI template documents (e.g., Title VI Notice to the Public, Title VI Complaint form, etc.) for BRPT's use, and general Title VI assistance and oversight.

BRPT Language Assistance Plan

Blue Rivers Public Transit currently has access to document translation assistance through the Nebraska Department of Transportation, as well as general Title VI assistance and oversight through this agency. Using this resource, Blue Rivers Public Transit's Title VI Notice to the Public, Discrimination Complaint Form, and Discrimination Complaint Procedures Form have been translated into Spanish, Chinese, Japanese, and Urdu for public distribution and posting on the agency website. In the event of a public hearing by BRPT, publicly distributed meeting documents, including meeting minutes, will be also translated upon request using these resources.

BRPT also has access to verbal translation over the phone through the Nebraska Department of Transportation. The agency will use this resource if in-person or over the phone verbal translation is required when working with riders. The agency will also take reasonable steps to assist LEP persons who may choose to access its programs and services in the future.

Additionally, U.S. Census "I Speak" cards (displayed below) will also 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 a BRPT staff member. This will assist BRPT in determining additional language assistance needs as they arise.

United States[®]
Census
2020

Language Identification Card

I work for the U.S. Census Bureau. Is someone here now who speaks English and can help us?
If not, someone may contact you who speaks _____.

Español (Spanish 02)

Trabajo para la Oficina del Censo de los EE. UU. ¿Se encuentra alguien que hable inglés y pueda ayudarnos? Si no, alguien que habla español podría comunicarse con usted.

普通话、广东话 (Chinese simplified)

我是美国人口普查局的工作人员。请问您这里有没有会说英语的人可以帮助我们？

(Mandarin 03): 如果没有，可能会有会讲普通话的人与您联系。

(Cantonese 04): 如果没有，可能会有会讲广东话的人与您联系。

如果您閱讀繁體中文，請參閱第2頁（普通話或廣東話） (Chinese traditional on pg 2)

Tiếng Việt (Vietnamese 05)

Tôi làm việc cho Cục Thống Kê Dân Số Hoa Kỳ. Hiện có ai ở đây biết nói tiếng Anh và có thể giúp quý vị và tôi không? Nếu không, một nhân viên nói tiếng Việt có thể sẽ liên lạc với quý vị.

한국어 (Korean 06)

저는 미국 인구조사국에서 일하고 있습니다. 여기 계신 분 중에서, 영어를 하실 수 있어서 저희를 도와주실 수 있는 분이 혹시 계신지요? 없으시면, 한국어를 하시는 분이 연락을 드릴 수도 있습니다.

Русский (Russian 07)

Я представляю Бюро переписи населения США. Присутствует здесь кто-нибудь, кто говорит по-английски и мог бы помочь нам? Если нет, то тогда возможно, с Вами свяжется наш сотрудник, говорящий по-русски.

العربية (Arabic 08)

أنا أعمل لمكتب الإحصاء الأمريكي. هل يوجد شخص هنا يتكلم الإنجليزية و يمكنه ان يساعدنا الآن؟ إذا لا، فقد يتصل بكم شخص يتكلم اللغة العربية.

Tagalog (Tagalog 09)

Nagtatrabaho ako para sa Kawanihan ng Senso ng U.S. Mayroon ba rito ngayong nagsasalita ng Ingles at maaaring tumulong sa amin? Kung wala, maaaring may kumontak sa inyo na nagsasalita ng Tagalog.

Polski (Polish 10)

Jestem pracownikiem Urzędu Spisu Ludności USA. Czy w tej chwili jest tu ktoś, kto mówi po angielsku i może nam pomóc? Jeżeli nie, może skontaktować się z Państwem ktoś, kto mówi po polsku.

Français (French 11)

Je travaille pour le Bureau de recensement des États-Unis. Y a-t-il quelqu'un ici qui parle anglais et qui pourrait nous aider? Sinon, quelqu'un qui parle français pourrait vous contacter.

Kreyòl Ayisyen (Haitian Creole 12)

Mwen travay pou Biwo Resansman Etazini. Èske gen yon moun la ki pale anglè ki ka ede nou? Si pa genyen, yon moun isit la ki pale kreyòl ka rele ou.

Português (Portuguese 13)

Trabalho para a Agência do Censo dos EUA. Há alguém aqui, agora, que fale inglês e que possa nos ajudar? Caso não haja, uma pessoa que fala português poderá entrar em contato com você.

日本語 (Japanese 14)

私はアメリカ合衆国国勢調査局の係員です。こちらには英語を理解できこの調査にご協力いただける方がいらっしゃいますか？もしない場合は、日本語を話す係員があなたに連絡をすることがあります。

Monitoring, Evaluating, and Updating the LEP Plan

Blue Rivers Public Transit will update the current Language Assistance Plan as required. At minimum, the plan will be reviewed and updated every three 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

BRPT's transit personnel are required to review the current Title VI Program document and sign a written statement declaring their understanding of their obligation to provide service regardless to race, color, or national origin.

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

BRPT's Transit Manager has taken part in Title VI planning and training sessions through the Nebraska Department of Transportation and University of Nebraska.

Additional resources for employee training include a Title VI training hosted by the Nebraska Department of Transportation and the University of Nebraska, and ongoing Title VI assistance and oversight provided by the Nebraska Department of Transportation and University of Nebraska at 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.

BRPT currently does not have a transit-related, non-elected planning board or committee. In the event such a committee were established prior to the agency's next Title VI program submission, the following table (pictured below) would be used to depict minority representation on said committee.

Sample Minority Representation Table

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

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

In order to ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:

- (1) Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.*
- (2) Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.*
- (3) At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.*

BRPT contracts with Yellow Cab company in Beatrice for off-peak hours and days service to the public. To meet the requirements, BRPT will get Yellow Cab to comply with this Title VI plan and provide Title VI forms for notifying the public, tracking and filing complaints, and the complaint process.

BRPT will collect a signed copy of the Yellow Cab Title VI program to ensure their compliance with these requirements and require Yellow Cab to update their plan on the same schedule provided above as BRPT.

BRPT will comply with FTA requests regarding the quality and level of service provided by Yellow Cab company.

11. Monitoring of Subrecipients: N/A

BRPT 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.

In the last seven years, BRPT has acquired land to build a new facility including storage, maintenance, and operations.

In possible future circumstances, BRPT 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, BRPT 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 regulation.

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

III. Requirements and Guidelines for Fixed-Route Transit Providers: N/A

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

IV. Requirements for States: N/A

**V. Requirements for Metropolitan Planning Organizations:
N/A**

VI. FTA Compliance Reviews: N/A