

Federal Transit Administration

TITLE VI NON-DISCRIMINATION PLAN

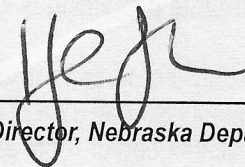
2020

Nebraska Department of Transportation

Non-Discrimination Statement of Policy

Under Title VI of the Civil Rights Act of 1964 and related statutes, the Nebraska Department of Roads Intermodal Planning Division 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 Nebraska Department of Roads.

Signed by



Director, Nebraska Department of Transportation

Date

7/19/20

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF ROADS



Federal Transit
Administration



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I. Introduction and Overview

The Nebraska Department of Transportation Local Assistance Division (NDOT LAD) operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. NDOT LAD submitted the current Title VI Program as evidence of its compliance with Federal Transit Administration (FTA) and U.S. Department of Transportation (DOT) Title VI requirements.

NDOT LAD is the direct recipient of the following FTA funds:

- Section 5311 Formula Grants for Rural Areas
- Section 5310 Enhanced Mobility of Seniors & Individuals with Disabilities
- Section 5303 and 5304 Metropolitan & Statewide Planning and Non-Metropolitan Transportation Planning
- Section 5339 Bus and Bus Facilities

NDOT LAD passes these funds through to rural areas, public purpose organizations, and metropolitan planning organizations (MPO) in small and large urbanized areas. As the primary grant recipient, NDOT LAD is responsible for ensuring that subrecipients administer their programs in accordance with FTA requirements.

How to Contact FTA and NDOT LAD

For more information regarding NDOT LAD's Title VI obligations, contact NDOT LAD at:

Nebraska Department of Transportation
Local Assistance Division
Attn: Transit Manager
PO Box 94759
1500 Hwy 2
Lincoln, NE 68502
(402) 479-4694
kari.ruse@nebraska.gov

FTA can be contacted at:

Federal Transit Administration
Office of Communications and Congressional Affairs
1200 New Jersey Avenue SE
East Building
Washington, DC 20590
Phone: (202) 366-4043; Fax: (202) 366-3472

Overview of Title VI

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin among Federally-assisted programs. NDOT LAD is committed to ensuring that no person, on the basis of race, color, or national origin, is subjected to discrimination under, excluded from participation in, or denied the benefits of its Federally-assisted programs and services.

FTA Circular 4702.1B

NDOT LAD developed the current Title VI program in accordance with the Title VI requirements, guidelines, and definitions set forth in FTA Circular 4702.1B.

Statutory Authority

Section 601 of 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. The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are Federally-assisted. The term “program or activity” means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

Regulatory Authority

The U.S. Department of Justice (“DOJ”) Title VI regulations can be found at 28 CFR § 42.401 et seq., and 28 CFR § 50.3. The U.S. Department of Transportation (“DOT”) Title VI implementing regulations can be found at 49 CFR part 21. All programs receiving financial assistance from FTA are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and DOT’s implementing regulations. In addition, DOJ’s regulations require agencies such as DOT to issue guidelines to recipients to provide Chap. II-2 FTA C 4702.1B detailed information on the requirements of Title VI. In order to assist recipients in carrying out the provisions of DOT’s Title VI regulations, each of the requirements in this Circular includes a reference to the corresponding provision of 49 CFR part 21.

Reporting Requirements

Title 49 CFR Section 21.9(b) requires recipients to “keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with [49 CFR part 21].” FTA requires that all direct and primary recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years. The Title VI Program must be approved by the direct or primary recipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. For State DOTs, the appropriate governing entity is the State’s Secretary of Transportation or equivalent. Recipients shall submit a copy of the Board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

II. General Requirements and Guidelines

1. Requirement to Provide Title VI Assurances

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

The Nebraska Department of Transportation Local Assistance Division (NDOT LAD) carries out its Title VI Program in accordance with Federal Transit Administration (FTA) and U.S. Department of Transportation (DOT) Title VI requirements. NDOT LAD developed the current Title VI Program in accordance with the Title VI requirements and guidelines set forth in FTA Circular 4702.1B. NDOT LAD submits its Title VI certifications and assurances to FTA annually and collects Title VI assurances from subrecipients prior to passing through FTA funds.

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

First-time applicants must submit a Title VI Program that is compliant with this Circular and submit an assurance (as noted in Section 2 above) that it will comply with Title VI. In addition, and consistent with 28 CFR § 50.3, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the previous three years.

N/A: NDOT LAD is not a first-time applicant.

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. For State Chap. III-2 FTA C 4702.1B DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program. FTA will review and concur or request the recipient provide additional information.

NDOT LAD's previous Title VI Program was approved by the FTA Region VII Civil Rights Officer in November 2017. The current Title VI Program is intended to fulfill submission requirements for the 2020-2023 reporting period.

NDOT's Director-State Engineer reviewed and approved the current Title VI Program prior to its submission to FTA; Appendix A contains a signed resolution documenting this 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.

The following page displays a copy of NDOT LAD's Title VI Notice to Beneficiaries. The notice is posted in the following public locations: (a) on the Nebraska Public Transit website (nebraskatransit.com), which is operated by NDOT LAD and serves as a public hub for information about Nebraska's rural and urban transportation systems; and (b) at a visible public location at NDOT LAD's main offices, located at 1500 Hwy 2 in Lincoln, Nebraska. To date, NDOT LAD has translated its Notice to Beneficiaries into Spanish, Simplified Chinese, Traditional Chinese, Vietnamese, Arabic, French, and Somali; these translations are available on nebraskatransit.com, and upon request.

Title VI Notice to the Public

Nebraska Department of Transportation

The Nebraska Department of Transportation (NDOT) 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.dot.nebraska.gov; additionally, the form can be requested by contacting NDOT 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. A telephone interpreter can be provided to assist persons of limited English proficiency.

Nebraska Department of Transportation

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

El Departamento de Transporte de Nebraska (NDOT) 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.dot.nebraska.gov; adicionalmente, se puede solicitar el formulario poniéndose en contacto con NDOT 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. Un interprete telefónico está disponible para asistir personas de dominio de Inglés limitado.



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

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and 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. FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations.

NDOT LAD's Title VI complaint procedures and forms are available to members of the public via nebraskatransit.com, or by request. To date, NDOT LAD has translated copies of these procedures and forms into Spanish, Simplified Chinese, Traditional Chinese, Vietnamese, Arabic, French, and Somali; these translations are available on nebraskatransit.com, and upon request.

NDOT LAD's Title VI Complaint Procedures are described as follows:

Filing a Complaint with the NDOT Local Assistance Division

Any person who believes he or she has been the subject of an unlawful discriminatory practice under Title VI by the Nebraska Department of Transportation Local Assistance Division (NDOT LAD) may file a complaint.

To file a complaint with NDOT LAD, complainants should complete and submit the agency's Title VI Discrimination Complaint Form or send a complaint letter with the following information:

- The name(s) of the persons(s) filing the complaint (the complainant).
- Mailing address and phone number of the complainant(s).
- Date of the incident.
- A detailed description of the incident.
- An explanation of how the incident involved race, color, or national origin discrimination.
- The names, mailing addresses, and phone numbers of witnesses or third parties to the incident.
- Any additional information relevant to the complaint.

A complaint may be filed on behalf of another person with their expressed written consent. The complaint form or letter must be signed by the complainant or his or her agent.

For assistance placing a complaint in writing, or for language assistance, contact the NDOT LAD Transit Manager at (402) 479-4694.

Complaints must be received within 180 calendar days of the incident and must involve allegations of discrimination on the basis of race, color, or national origin in order to be investigated as an unlawful discriminatory practice under Title VI. Once a complaint is received, an investigator will determine if it meets these criteria and will notify the complainant by mail whether the investigation will proceed.

At any time during the investigation, the investigator may request additional information to assist in investigating the incident. Failure to respond to these requests may result in the complaint being invalidated.

At the close of the investigation, the complainant will be notified by mail of the investigator's findings. If no violation of Title VI is found the case will be closed. If a violation of Title VI is found a Letter of Finding will describe any action, such as

disciplinary action or additional staff training, that will occur as a result of the investigation's findings. Complainants have 30 days to appeal the findings of the investigation if they wish to do so.

NDOT LAD Title VI Complaint Form

A copy of NDOT LAD's Title VI Discrimination Complaint Form is displayed on the following page.

Title VI Discrimination Complaint Form

Nebraska Department of Transportation

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:

Nebraska Department of Transportation

Attn: Title VI Transit Manager
1400 Hwy 2
Lincoln, NE 68502
(402) 479-4694
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, visite el sitio web de la agencia en www.dot.nebraska.gov. 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.



6. Requirement to Record and Report Transit-Related Title VI Investigations, Complaints, 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. This list shall be included in the Title VI Program submitted to FTA every three years.

As of the current Title VI Program submission, NDOT LAD has not been the subject of a transit-related Title VI investigation, complaint, or lawsuit; therefore, there are no incidents to track or report.

7. Promoting Inclusive Public Participation

The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities).

As a state-level agency that does not directly operate public transportation, NDOT LAD's direct public engagement activities typically surround transportation-related projects. Examples include the following:

1. Nebraska Statewide Mobility Management Project
2. Intercity Bus Needs Assessment
3. Nebraska Public Transit Week
4. Enterprise Commute Vanpool Project

NDOT LAD typically uses newspaper announcements and/or electronic or social media to inform the public at large of upcoming opportunities for public participation. In the early phases of a planned activity or event, NDOT LAD considers whether circumstances, such as proximity to limited English proficient (LEP) communities, indicate the need for targeted minority outreach and/or the provision of non-English language assistance. For example, public hearing announcements are routinely translated into one or more non-English languages spoken by residents in the vicinity of upcoming projects and published in a widely-circulated newspaper. Additional documents that have been translated in the past include comment cards, community surveys, event advertisements, social media posts, etc.

It is NDOT LAD's policy to translate all vital, publicly-distributed documents into any language upon request, as reasonable. Public comments or inquiries received in languages other than English are translated and reviewed as part of the agency's normal decision-making process to prevent the exclusion of minority or LEP persons. Document translation is provided at no cost to subrecipients, and subrecipients are encouraged to seek assistance in the creation of marketing and/or promotional materials that are accessible to minority and LEP persons and communities.

All public meetings are scheduled for times and locations that are convenient for public attendance and accessible to persons with disabilities. Adequate advance notice of meetings is provided to encourage public participation. Meetings are structured in formats that provide opportunities for the public to engage in dialogue regarding impactful transportation issues.

Over the past three years, NDOT LAD performed a number of public outreach activities as part of a larger effort to promote and enhance public transportation in the state of Nebraska. These included outreach efforts targeted specifically toward

minority and/or limited English proficient (LEP) populations:

For example, in 2019, NDOT LAD completed a renovation of its public transportation website, nebraskatransit.com. The website serves as a central hub for public information about Nebraska's rural and urban transportation systems (e.g., service availability, routes, fares, contact information, etc.). The website is equipped with an interactive map allowing users to select their county and view all available public transportation options in that area, including those in predominately rural portions of the state. The website is equipped with Google Translate, enabling all information to be displayed in nearly any language. The renovation made improving Section 508 compliance a priority to improve accessibility for persons with disabilities.

Through a collaboration with UNO in 2018, NDOT LAD developed Title VI training for transit employees focused on their responsibilities to provide service to all passengers regardless of race, color of skin or nationality. This training also provided guidance on working with LEP persons to ensure accessible service is provided.

NDOT LAD continued to celebrate "Nebraska Public Transit Week", which has declared by Governor Pete Ricketts and was accompanied by a number of public outreach events and corresponding public advertisements from 2017-2020. To advertise the event, social media campaigns in English and Spanish were set up.

NDOT LAD continued the document translation partnership with the University of Nebraska at Omaha (UNO). Subrecipients statewide are granted access to no-cost document translation services in over 35 non-English languages. Additionally, Title VI materials (complaint forms, notices to beneficiaries, etc.) are translated into Nebraska's Safe Harbor languages and distributed to all subrecipients free of charge as a result of this partnership.

In collaboration with UNO, NDOT LAD conducted an Intercity Bus Study in Omaha and Lincoln in 2019-2020 to gain insight into transportation-related issues in Nebraska's largest urban areas. Survey materials were translated into Spanish, and to encourage their input these materials were sent directly sent to Spanish speaking organizations.

NDOT will continue with additional public outreach activities during the subsequent reporting period, including the 7th Annual Nebraska Public Transit Week, scheduled for April 2021.

8. Providing Meaningful Access to LEP Persons

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP).

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

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

Notably, NDOT LAD does not directly operate public transportation in the state of Nebraska. Public transportation systems are operated by subrecipients that receive resources, guidance, technical assistance, and oversight through NDOT LAD. Interaction between NDOT LAD and persons of limited English proficiency (LEP) is most likely to occur in conjunction with the agency's public engagement activities, e.g., announcements, public meetings to discuss transportation policies or projects, public hearings, community surveys, community outreach events (e.g., Nebraska Public Transit Week), etc.

Federal Transit Administration Title VI Non-discrimination Plan 2020

1b. Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each group

Because NDOT LAD is a state agency, the following analysis was performed using state-level data pertaining to English language proficiency. Using the most current U.S. Census Bureau American Community Survey Data available (2014-2018 5-year estimates of language spoken at home for the population 5 years and over), NDOT LAD drew noteworthy conclusions regarding the number, proportion, and locations of LEP persons eligible to be served or most likely to be encountered in the state of Nebraska.

First, we sought to determine general characteristics of Nebraska’s non-English language population. By applying basic arithmetic to data obtained from the American Community Survey, the following observations were made:

1. Approximately 11% of the total population of Nebraska over five years of age speaks a language other than English (i.e., the Other Than English, or, OTE population).
2. Approximately 4.9% of Nebraska’s OTE population is limited English proficient.
3. Nebraska’s OTE population is divided across 12 non-English language groups. Notably, nearly two-thirds (65.9%) of the OTE population speaks Spanish or Spanish Creole.
4. Over two-thirds (67.9%) of all LEP persons in Nebraska speak Spanish or Spanish Creole.
5. Over nine out of 10 OTE persons in Nebraska (93.8%) fall into one of the eight language groups shown in Table 1 below. These were also the only language groups in the state vto surpass the DOT-defined Safe Harbor Threshold, i.e., a guideline that states that vital documents should be translated into non-English languages where greater than 1,000 persons or 5% of the population are not proficient in English. (The language groups displayed in Table 1 are referred to throughout the analysis as “Safe Harbor language groups”).
6. Approximately 9 out of 10 (93.6%) LEP persons in Nebraska speak a Safe Harbor language identified in Table 1. Because these language groups are spoken by the majority of Nebraska’s OTE population and LEP persons, they will be the focus of the remainder of this analysis.

Table 1. Nebraska Safe Harbor Language Groups and Corresponding LEP Totals

Safe Harbor Language	Total Persons	LEP Persons
Spanish or Spanish Creole	131,151	59,587
Other Asian and Pacific Island languages	13,472	7,523
Other Indo-European languages	11,438	4,154
Vietnamese	6,961	4,605
Arabic	5,387	2,126
Chinese (incl. Mandarin, Cantonese)	4,887	2,869
Russian, Polish, or other Slavic languages	4,699	1,413
Total:	186,594	86,244

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

For the next phase of the analysis, we sought to make meaningful observations regarding the locations of Nebraska’s LEP persons and communities. Again, basic arithmetic was applied to American Community Survey data to come to the following conclusions:

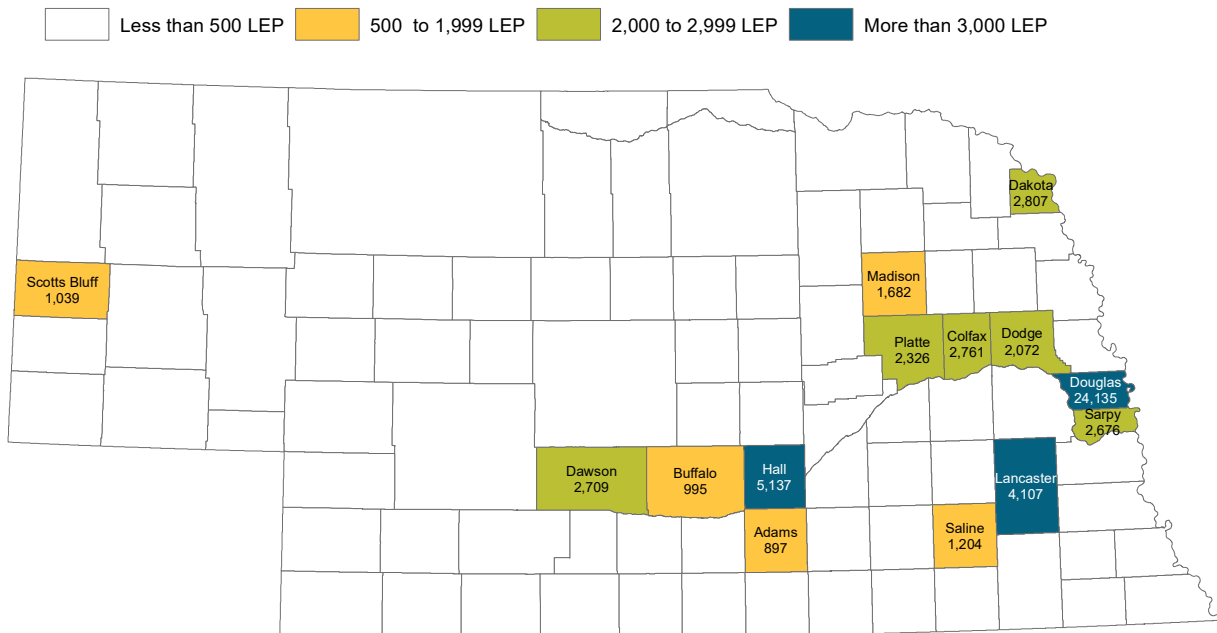
1. 72% of all OTE persons in Nebraska from any language group live in one of the state’s five counties containing a Metropolitan Statistical Areas (MSA). These MSA include the cities of Omaha, Lincoln, and Grand Island, Nebraska, as well as parts of Sioux City, Iowa. In other words, the bulk of Nebraska’s OTE population lives in the state’s four largest urban areas.

- Nearly three-quarters (71.9%) of all persons who speak a Safe Harbor language identified in Table 1 reside in one of the aforementioned MSA, while 73.5% of all LEP persons from these language groups reside in an MSA.
- Notably, when Spanish or Spanish Creole is temporarily removed from the analysis, it can be seen that approximately 9 out of 10 persons (88%) who speak a Safe Harbor language other than Spanish or Spanish Creole live in a county containing an MSA. Similarly, 87% of LEP persons who speak a Safe Harbor language other than Spanish or Spanish Creole reside in county containing an MSA.

For the next phase of the analysis, the locations of LEP persons and communities from Nebraska’s Safe Harbor language groups were examined in greater detail, leading to the following conclusions:

- A total of 65.2% of all LEP persons in Nebraska who speak Spanish or Spanish Creole reside in an MSA. The remainder are distributed primarily in northeast, south central, and western Nebraska, as can be seen in Figure 1, which displays the number of Spanish or Spanish Creole LEP persons by county.

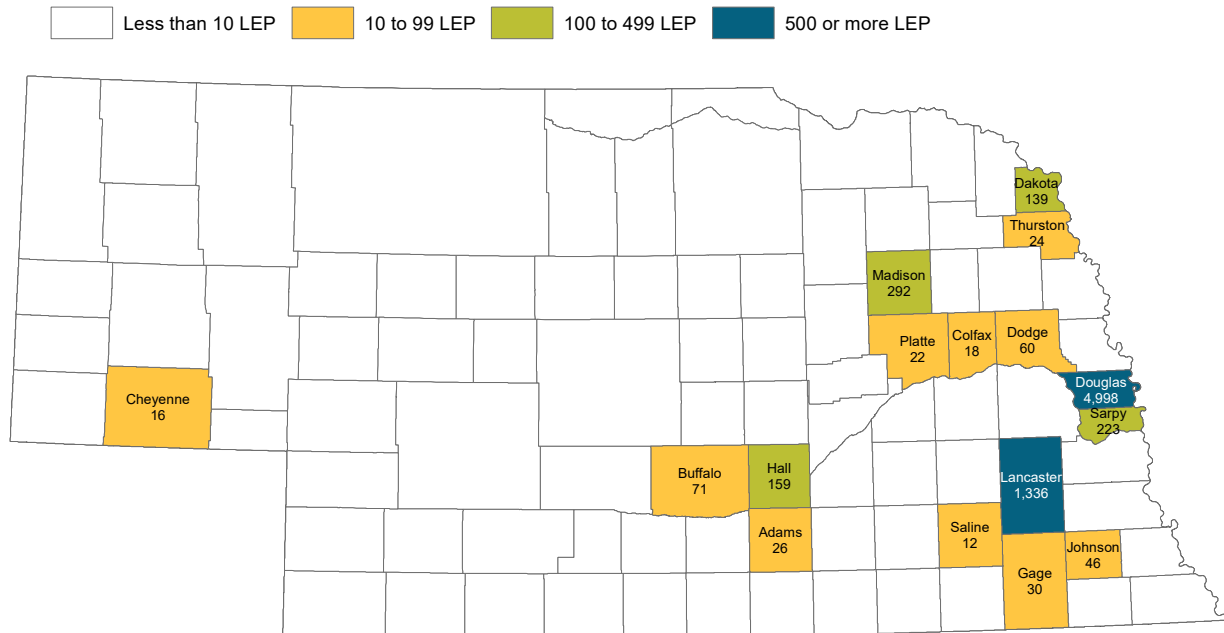
Figure 1. Statewide LEP distribution, Spanish or Spanish Creole



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

- As seen in Figure 2, 91.1% of all LEP persons who speak Other Asian and Pacific Languages reside in one of the counties containing an MSA. As seen in figure 3, the majority (4,998) reside in Douglas County, the site of the Omaha MSA.

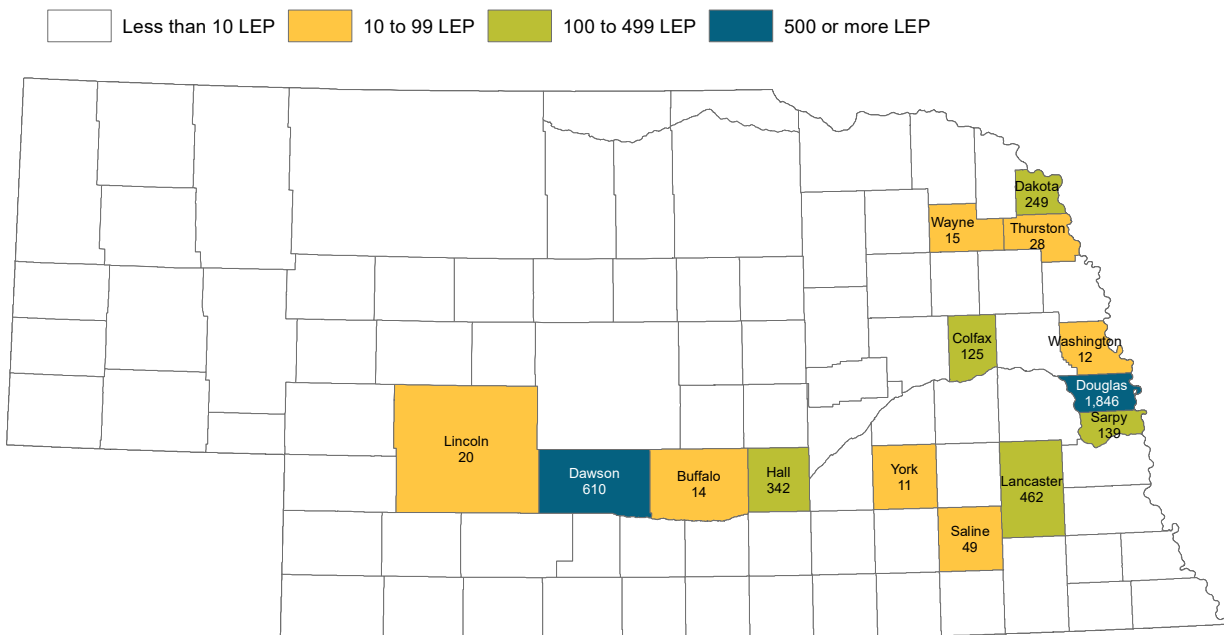
Figure 2. Statewide LEP distribution, Other Asian and Pacific languages



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

- 91.2% of all LEP persons who speak Other Indo-European languages reside in a county containing an MSA. As seen in Figure 3, the majority reside in Lancaster (1,175) or Douglas County (2,339), the sites of the Lincoln and Omaha MSA, respectively.

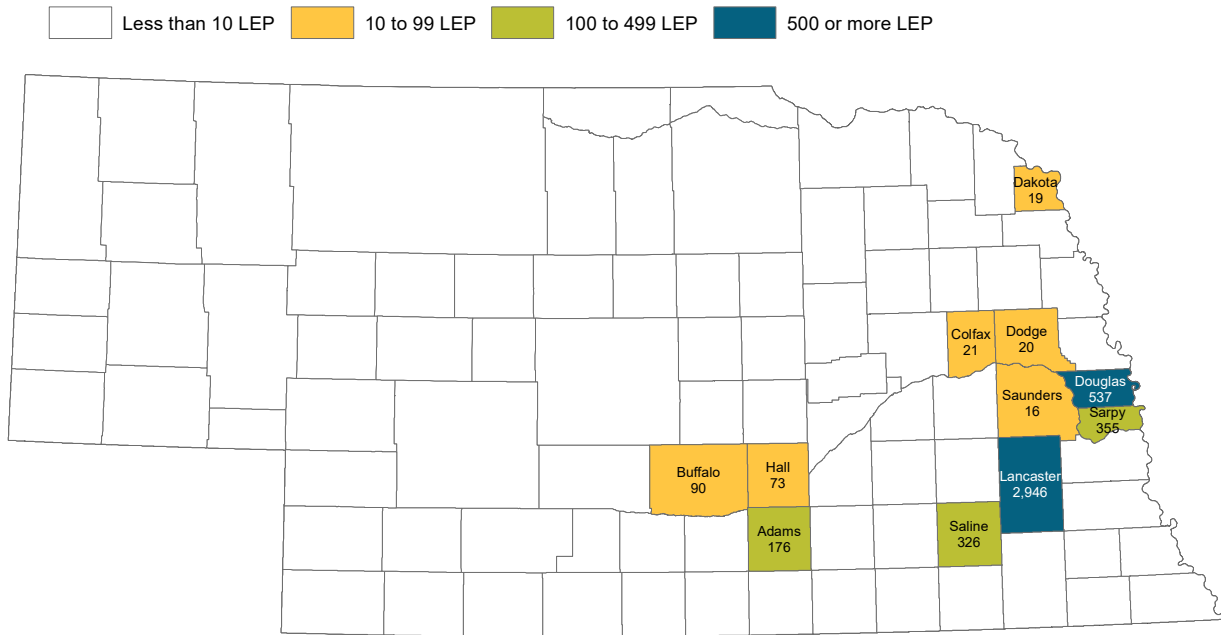
Figure 3. Statewide LEP distribution, Other Indo-European languages



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

- Figure 4 shows the overwhelming majority of Vietnamese LEP persons (2,946) from this group live in Lancaster County, the site of the Lincoln MSA.

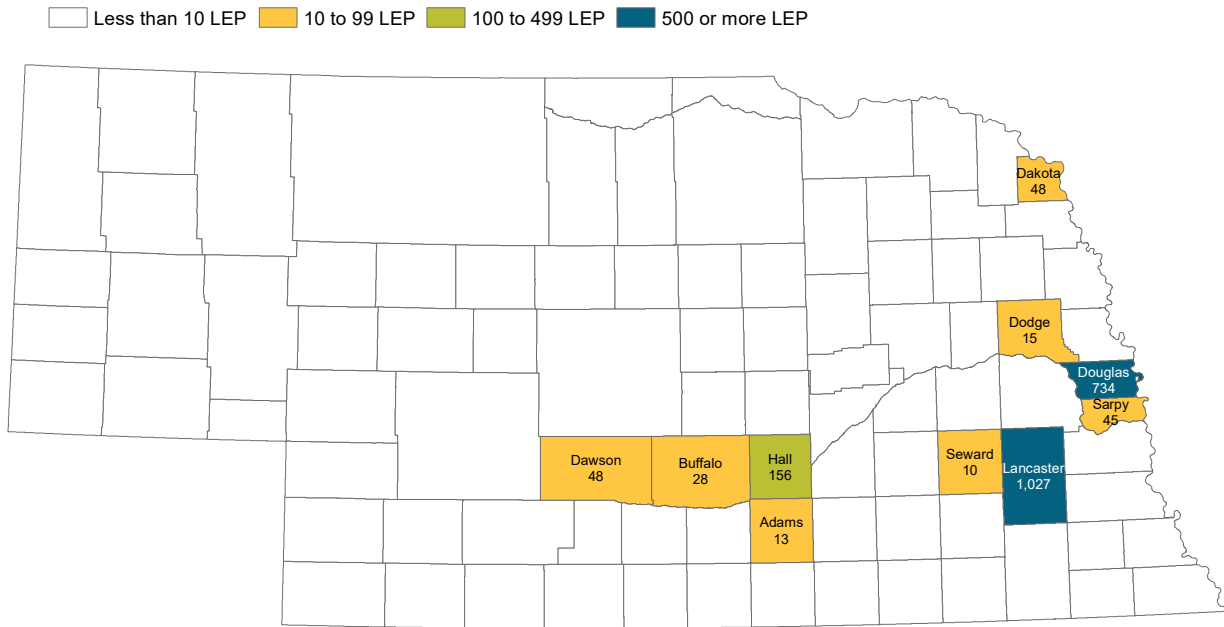
Figure 4. Statewide LEP distribution Vietnamese



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

5. 94.5% of all LEP persons who speak Arabic reside in an MSA. As seen in Figure 5, the majority live in Lancaster (1,027), Douglas (734) the sites of the Lincoln and Omaha MSA, respectively.

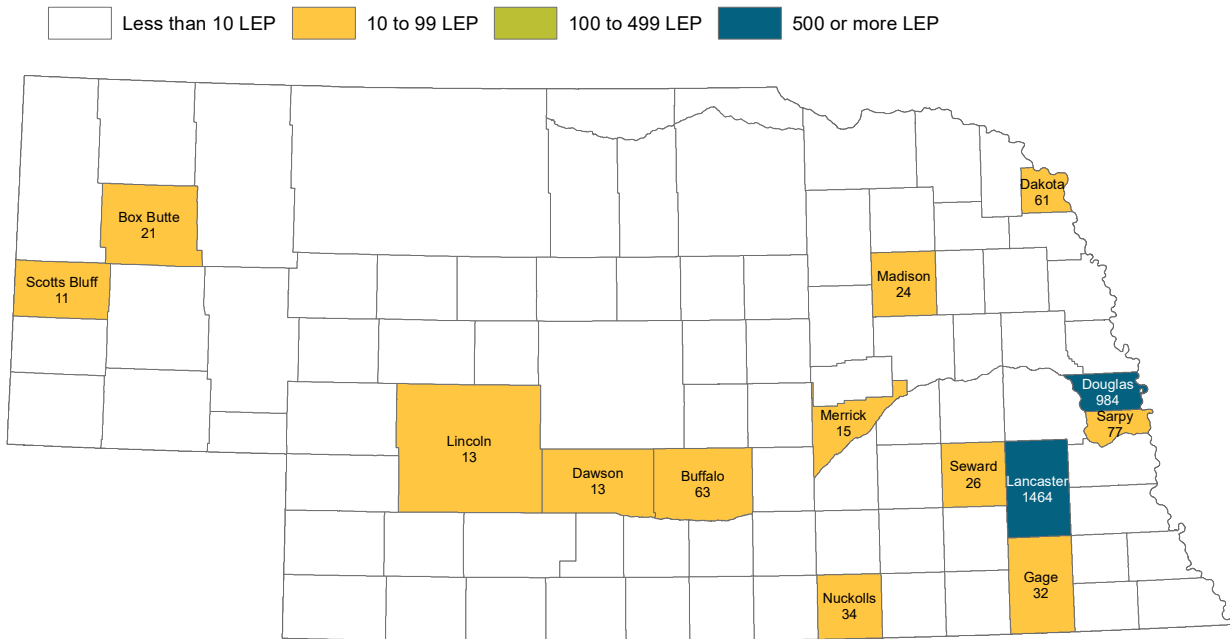
Figure 5. Statewide LEP distribution, Arabic



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

6. As seen in Figure 6, 90% of all LEP persons who speak Chinese reside in a county containing an MSA. The majority reside in Lancaster (1,464) or Douglas County (984), the sites of the Lincoln and Omaha MSA, respectively.

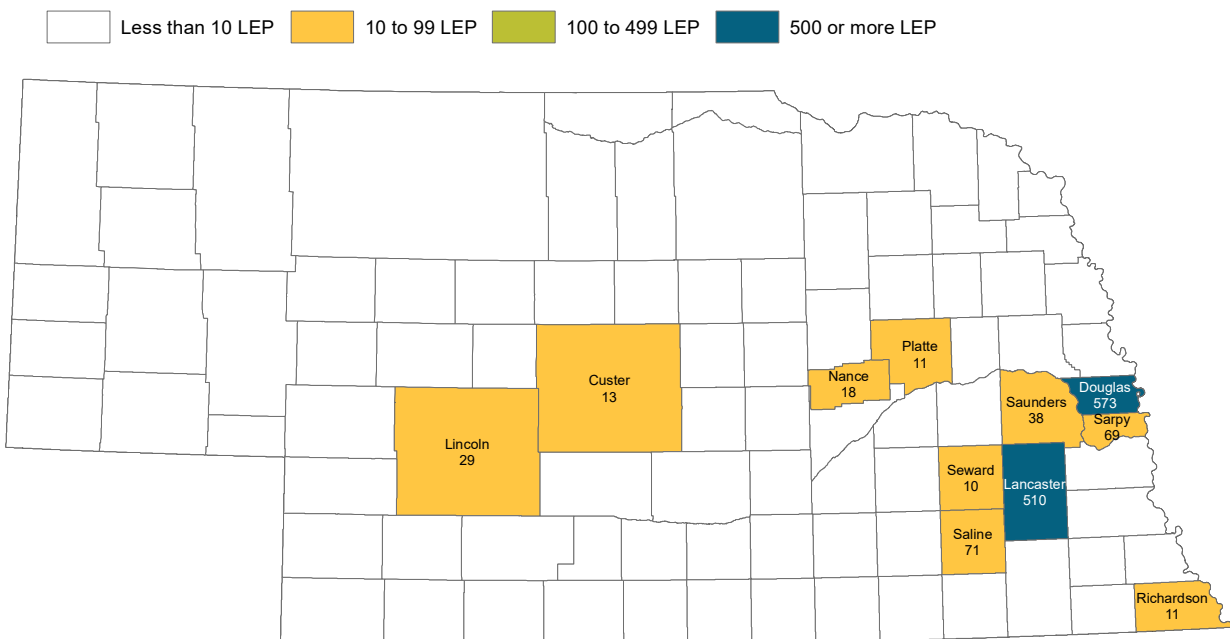
Figure 6. Statewide LEP distribution, Chinese (incl. Mandarin, Cantonese)



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

7. 81.5% of all LEP persons who speak Russian, Polish, and other Slavic languages reside in a county containing an MSA. As seen in Figure 7, the majority (570) reside in Douglas County (570) or Lancaster County (510), the sites of the Omaha and Lincoln MSA, respectively.

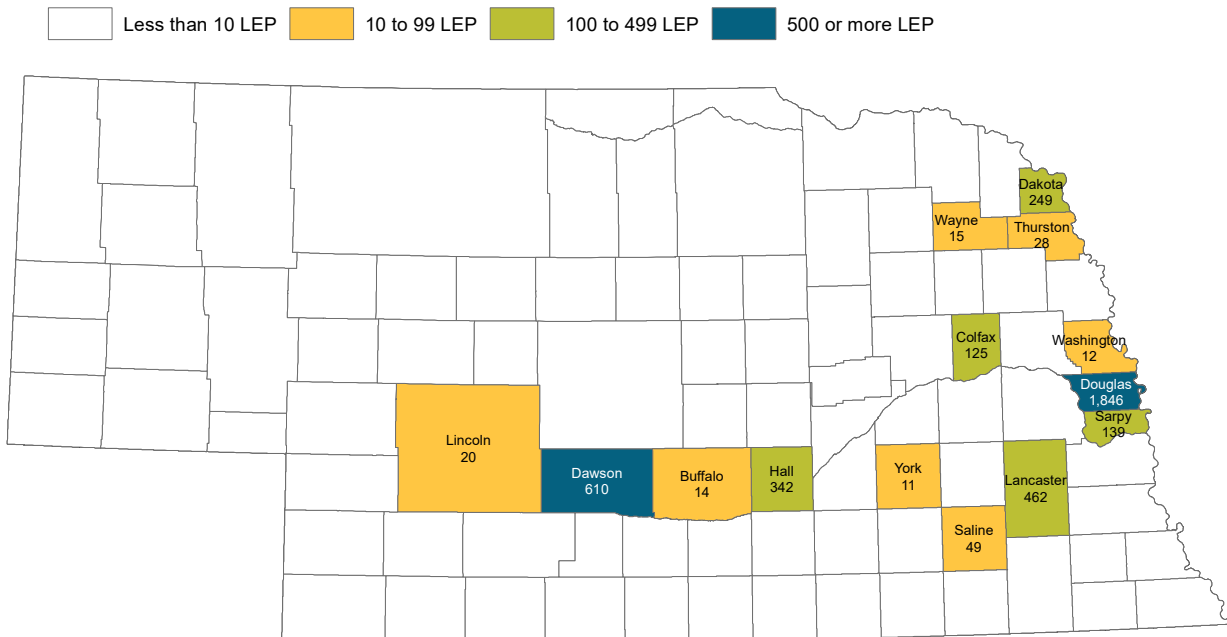
Figure 7. Statewide LEP distribution, Russian, Polish and other Slavic languages



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

8. Though not a Safe Harbor language, it can be helpful to acknowledge the geographic dispersal of the various languages that do not reach Safe Harbor thresholds in Nebraska. 76.6% of all LEP persons who speak Other and Unspecified languages reside in a county with an MSA. As seen in Figure 8, almost half (1,846) reside in Douglas County, the site of the Omaha MSA.

Figure 8. Statewide LEP distribution, Other and Unspecified languages



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Given these conclusions, it is evident that the majority of Nebraska’s LEP persons speak Spanish or Spanish Creole, while 88% of non-Spanish-speaking LEP persons fall within one of six remaining Safe Harbor language groups, identified in Table 1. Therefore, based on data alone, NDOT LAD should be prepared to potentially interact with LEP persons from, at minimum, any of seven (7) non-English languages specified above, with a particular emphasis on Spanish or Spanish Creole.

Geographically, it can be stated with confidence that interaction between NDOT LAD and persons of limited English proficiency is most likely to occur within any of Nebraska’s four MSA. A notable exception is Spanish or Spanish Creole, where LEP persons are more widely distributed across the state, with population concentrations in rural, micropolitan, and metropolitan areas.

Above all, it can be stated with confidence that in most rural settings, interaction between NDOT LAD personnel and LEP persons is most likely to involve the language group Spanish or Spanish Creole, while interactions in urban settings are somewhat more unpredictable, but likely to involve any of the Safe Harbor language groups identified in Table 1.

1c. The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice

NDOT LAD performed an online search for data pertaining to the native language literacy of Nebraska residents, with no results. Should such data become available in the future, NDOT LAD will take the data into consideration as it continues to evaluate the effectiveness of its language assistance resources.

1d. Whether LEP persons are underserved by the recipient due to language barriers

As stated in factor 1a, interaction between NDOT LAD personnel and LEP persons is unlikely to occur outside of public engagement activities, e.g., public meetings or hearings, events, advertisements, surveys, etc. Historically, participation in such events by the general public, including LEP persons, has been very low. For these reasons, it is estimated that LEP persons are not underserved by NDOT LAD as a result of language barriers at the current time.

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

Based on staff estimates, interaction between NDOT LAD personnel and LEP persons is infrequent.

Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives

The operations of NDOT LAD play an integral role in supporting, maintaining, improving, and enhancing public transportation for Nebraska residents statewide. As a direct recipient of federal and state transit funding, NDOT LAD provides necessary oversight and support for transportation systems statewide. A variety of resources are provided including technical assistance, language assistance, marketing, and guidance for subrecipient transportation agencies. Though NDOT LAD does not directly operate public transportation, it plays a key role in ensuring that public transportation remains efficient, affordable, and accessible for all Nebraskans.

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

NDOT LAD has access to no-cost document translation in over 35 non-English languages through a partnership with the University of Nebraska at Omaha (UNO). This partnership is expected to extend, at minimum, through 2021. Through this partnership, NDOT LAD also has as-needed access to additional forms of language assistance. For example, UNO provided technical support in 2018-2019 to equip the Nebraska Public Transit website (nebraskatransit.com) with Google Translate which converted the site's transit directory to other languages to increase accessibility. Other materials were also translated with certified translation companies including social media posts and public announcements.

For competent oral interpreting, NDOT LAD has access to LanguageLine solutions at a rate of .65 cents per minute. This enables NDOT LAD to communicate with LEP persons in multiple non-English languages over the phone. This service has been utilized by NDOT LAD and UNO personnel to aide in phone conversations with individuals in Spanish.

NDOT LAD Language Assistance Plan

To reiterate, the following main conclusions were drawn from the Four Factor Analysis presented above:

1. The nature of NDOT LAD's programs and activities implies that contact with LEP persons is most likely to occur in the context of public engagement activities, e.g., public announcements, public meetings or hearings, events, etc. This implies that NDOT LAD should be prepared to provide adequate language assistance to LEP persons in ways that enable them to participate in the agency's decision-making processes and community dialogue.
2. American Community Survey Data reveals that over two-thirds of Nebraska's LEP population speaks Spanish or Spanish Creole, while 80% of non-Spanish-speaking LEP persons fall within one of six remaining Safe Harbor language groups, identified in Table 1 of the current Title VI Program. It follows that NDOT LAD should be prepared to potentially interact with LEP persons from, at minimum, any of seven (7) non-English languages specified in Table 1, with a particular emphasis on Spanish or Spanish Creole.

3. The statewide distribution of Nebraska's LEP population is such that interaction with LEP persons who speak a language other than Spanish or Spanish Creole is somewhat unlikely to occur outside of one of four metropolitan statistical areas (MSA). Interaction with LEP persons who speak Spanish or Spanish Creole should be anticipated on a much wider scale.

NDOT's plan to provide meaningful access to LEP persons is as follows:

As previously described, NDOT LAD currently has access to professional, no-cost document translation services in more than 35 non-English languages through a partnership with UNO; this includes the Safe Harbor Languages (identified in Table 1) that are spoken by the majority of Nebraska's LEP residents. This service will be utilized to assist NDOT LAD's public engagement process surrounding projects, public meetings, events, etc. The service will also be utilized to provide translations of publicly-distributed documents at the request of LEP persons, as feasible.

Additionally, NDOT LAD has access to professional over-the-phone interpretation through a contract with LanguageLine Solutions, LLC. This service will be used to assist LEP persons who contact NDOT LAD by telephone for information, general assistance, or assistance filing a Title VI complaint.

If additional language assistance resources are deemed necessary, NDOT LAD will consult UNO to develop sufficient strategies to meet this demand.

NDOT LAD informs LEP persons of the availability of language assistance on vital and/or publicly distributed documents, including its Title VI Notice to Beneficiaries and Discrimination Complaint Form.

Monitoring and Updating the Language Assistance Plan

NDOT LAD will update its Language Assistance Plan prior to the subsequent Title VI Program submission (FY 2023). Additionally, the NDOT LAD Transit Manager will revise and update the current plan as necessitated by increased interaction with LEP persons. At minimum, this language assistance plan will be re-evaluated and updated every three years.

Employee Training

The NDOT LAD Transit Manager is primarily responsible for administering language assistance, including requesting translated documents and operating LanguageLine as needed. This staff member is assisted by personnel from UNO who are also familiar with FTA's Title VI compliance requirements.

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, non-elected 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.

N/A: NDOT LAD does not have a transit-related, non-elected planning board, advisory council, or other committee.

10. Providing Assistance to Subrecipients

Title 49 CFR Section 21.9(b) states that if “a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.” See Appendix L for clarification of reporting responsibilities by recipient category. Primary recipients should assist their subrecipients in complying with DOT’s Title VI regulations, including the general reporting requirements. Assistance shall be provided to the subrecipient as necessary and appropriate by the primary recipient.

NDOT LAD provides ongoing assistance for all subrecipients in achieving and maintaining Title VI compliance:

All subrecipients are assisted in the formulation of an FTA-complaint Title VI Program.

All subrecipients are provided sample Title VI Notices to Beneficiaries and Discrimination Complaint Forms. These documents are provided in non-English translations corresponding to the limited English proficiency (LEP) characteristics of the subrecipient’s service area; the proper translations are determined in advance by using the latest U.S. Census Bureau data. Copies of the sample Title VI documents provided to first-time grant recipients are located in the Appendix of the current Title VI Program.

All subrecipients are provided with sample procedures for investigating and tracking Title VI complaints, which subrecipients are encouraged, but not required, to adopt.

Subrecipients are advised that they may, at any time, request translation of any vital document into over 35 different non-English languages at no cost to the subrecipient.

Upon request, NDOT LAD facilitates in-person or teleconferenced Title VI training for subrecipient transportation personnel, including drivers and dispatchers.

11. Monitoring of Subrecipients

In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

Subrecipient Title VI programs are reviewed and stored electronically by NDOT LAD. Following initial Title VI Program submission, all subrecipients are required to submit approved Title VI Programs to NDOT on a schedule of every 10 years. The most recent primary Title VI submission cycle occurred in 2014-15, to be renewed in 2024-25 or following the publication of 2020 census data whichever comes first.

To monitor ongoing compliance, NDOT LAD staff conduct site visits at each 5310 and 5311 subrecipient location at a minimum of once every three years. A site visit checklist is utilized to review critical Title VI elements, e.g., complaint form availability, proper display of the Notice to the Public. Deficiencies are noted and corrective action is required for subrecipients who are not in compliance.

NDOT LAD also monitors Title VI compliance among MPOs receiving Section 5303 funds. Title VI assurances are included in the 5303 agreements signed by MPOs. MPO work plans submitted with funding applications are reviewed to ensure they reference Title VI compliance.

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 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.

NDOT LAD conducts a Title VI site equity analysis for facilities construction projects utilizing FTA funds to determine that their location is not selected with regard to race, color, or national origin, and to compare the impact of various siting alternatives. Copies of subsequent equity analyses will be included in NDOT LAD's 2023 Title VI Program submission. For projects requiring land acquisition with or without federal participation, NDOT LAD follows the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

13. Requirement to Provide Additional Information Upon Request

FTA may request, at its discretion, information other than that required by this Circular 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.

NDOT LAD will provide additional information to FTA upon request.

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

N/A: NDOT LAD does not operate public transportation.

IV. Requirements for States

1. Requirement to Prepare and Submit a Title VI Program

NDOT LAD's previous Title VI Program was submitted to the FTA Region VII Civil Rights Officer and approved in November 2017. The current Title VI Program is intended to fulfill submission requirements for the 2020-2023 reporting period. NDOT's Director-State Engineer reviewed and approved the current Title VI Program prior to the Program's submission to FTA.

2. All general requirements set out in section 4 of Chapter III of [FTA Circular 4702.1B]

NDOT LAD's compliance with the requirements set out in section 4 of Chapter III is detailed in Part II of the current Title VI Program.

3. All requirements for transit providers set out in Chapter IV of [FTA Circular 4702.1B] if the State is a provider of fixed route public transportation services: N/A

N/A: NDOT LAD does not operate public transportation.

4. A demographic profile of the State that includes identification of the locations of minority populations in the aggregate.

NDOT LAD obtained U.S. Census Bureau 2014-2018 American Community Survey 5-Year Estimates to generate a demographic profile of the state of Nebraska broken down by race and ethnicity. Table 2 presents this demographic profile.

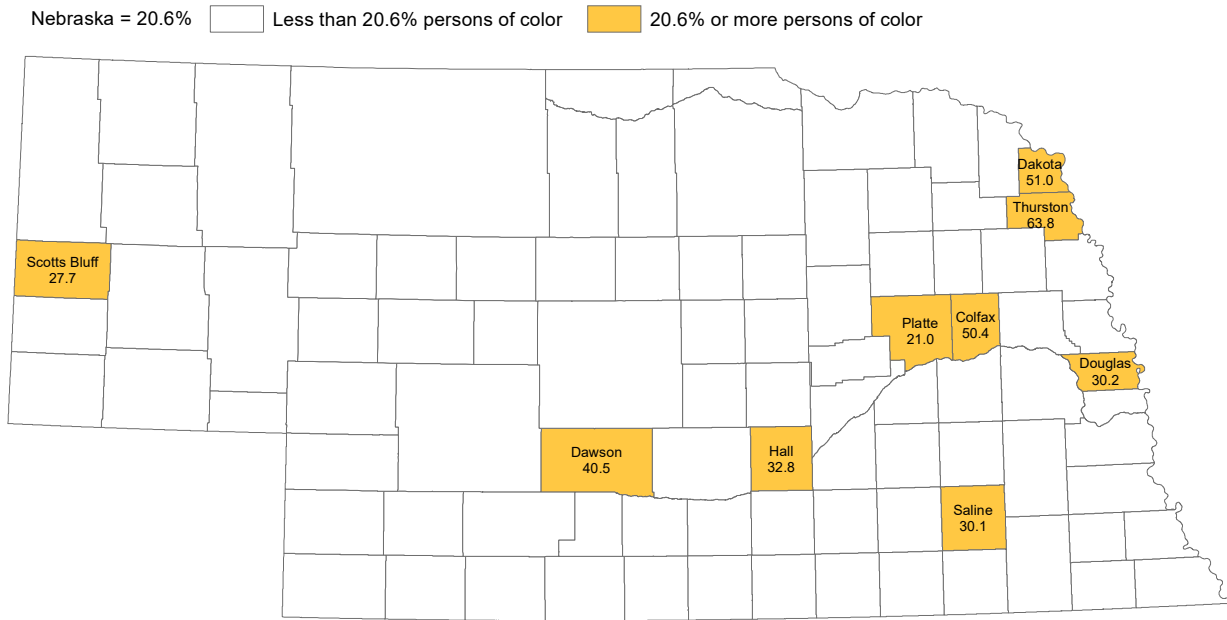
Table 2. Demographic Profile of Nebraska

Race	Percent of Total Population
White (not Hispanic or Latino)	79.4%
Hispanic or Latino (of any race)	10.7%
Black or African American	4.6%
Asian or Pacific Islander	2.4%
American Indian	0.7%

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

To determine the primary locations of Nebraska's minority persons and groups, NDOT LAD used 2014-2018 American Community Survey 5-Year Estimate data to generate a map of the state that identifies counties in which the percentage of White, not Hispanic or Latino, persons is less than the statewide average of 79.4% (fig. 9). In other words, Figure 9 highlights counties (in gold) where the percentage of minority persons in the aggregate is greater than or equal to the statewide average of 20.6%. Percentage labels in the figure represent the highlighted county's proportion of minority (i.e., non-White) persons.

Figure 9. Nebraska counties, greater than 20.6% minority persons



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

For clarity, Table 3 lists the counties highlighted in Figure 9, as well as their corresponding minority population percentages.

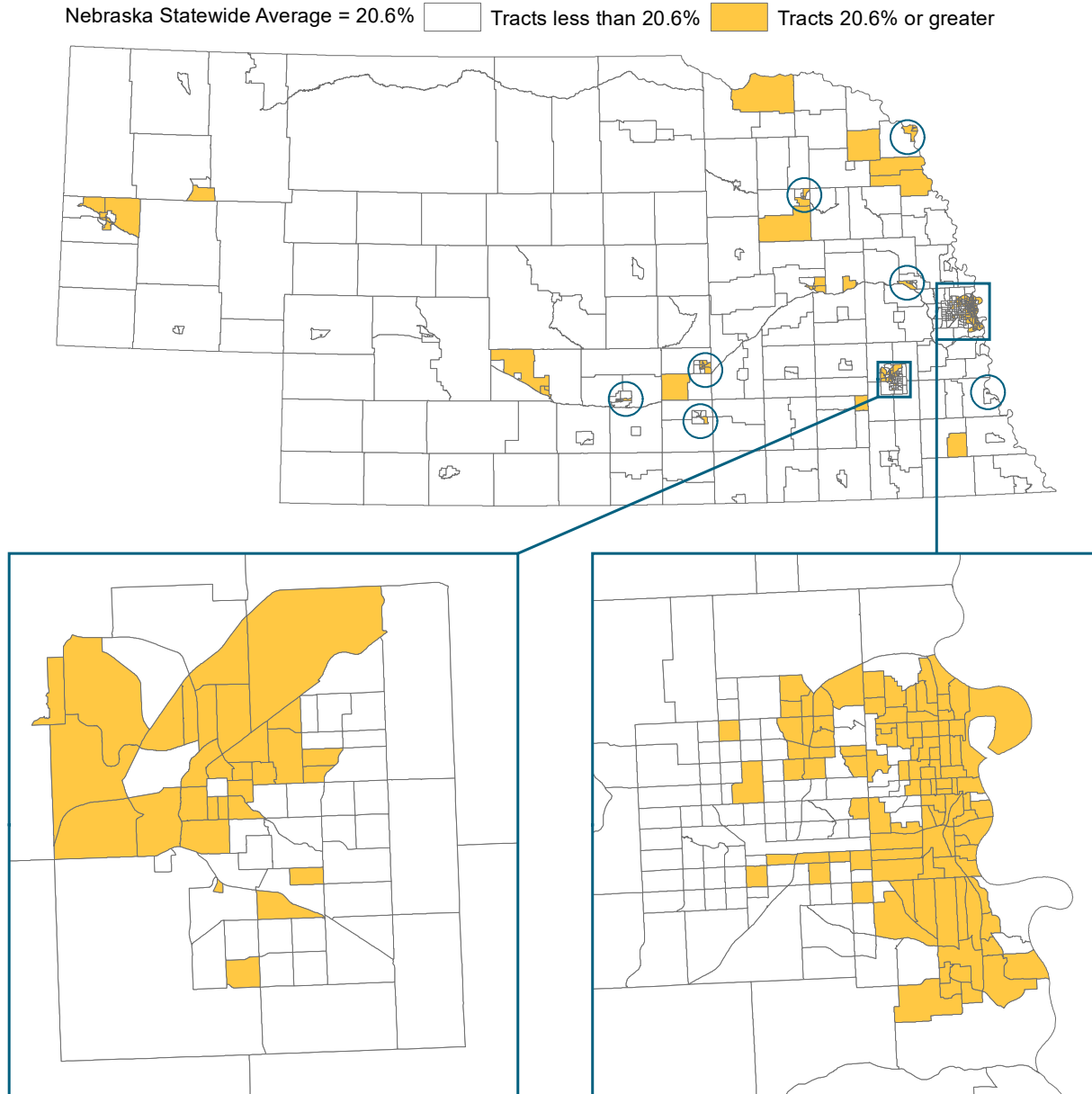
Table 3. Nebraska Counties Greater than 20.4% Minority Persons

County	Percent minority
Thurston	63.8
Dakota	51.0
Colfax	50.4
Dawson	40.5
Hall	32.8
Douglas	30.2
Saline	30.1
Scotts Bluff	27.7
Platte	21.0

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

To provide a more detailed perspective, Figure 10 highlights the Nebraska census tracts where the percentage of minority persons in the aggregate is greater than or equal to the statewide average of 20.6%.

Figure 10. Nebraska census tracts greater than 20.6% Persons of Color



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

The following section provides further insight into the locations of Nebraska's minority populations.

5. Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient.

5(A): Maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level

NDOT LAD obtained U.S. Census Bureau 2014-2018 American Community Survey 5-Year Estimates to create maps showing the percent of minority and non-minority populations in Nebraska at the census tract level. It should be noted that a full list of Nebraska census tracts and their corresponding minority proportions is beyond the scope of the current program; however, NDOT LAD maintains access to the full list of Nebraska census tracts, and their corresponding demographic information, via the U.S. Census Bureau at the following link:

<https://data.census.gov/cedsci/>

In Figure 11, census tracts where the proportion of Hispanic or Latino persons of any race is greater than or equal to the statewide average of 10.7% are displayed in gold. Some census tracts are circled in blue for greater visibility. For better viewing, Figure 11 breaks out census tracts in the cities of Omaha and Lincoln where the proportion of Hispanic or Latino persons of any race is greater than the statewide average of 10.7%.

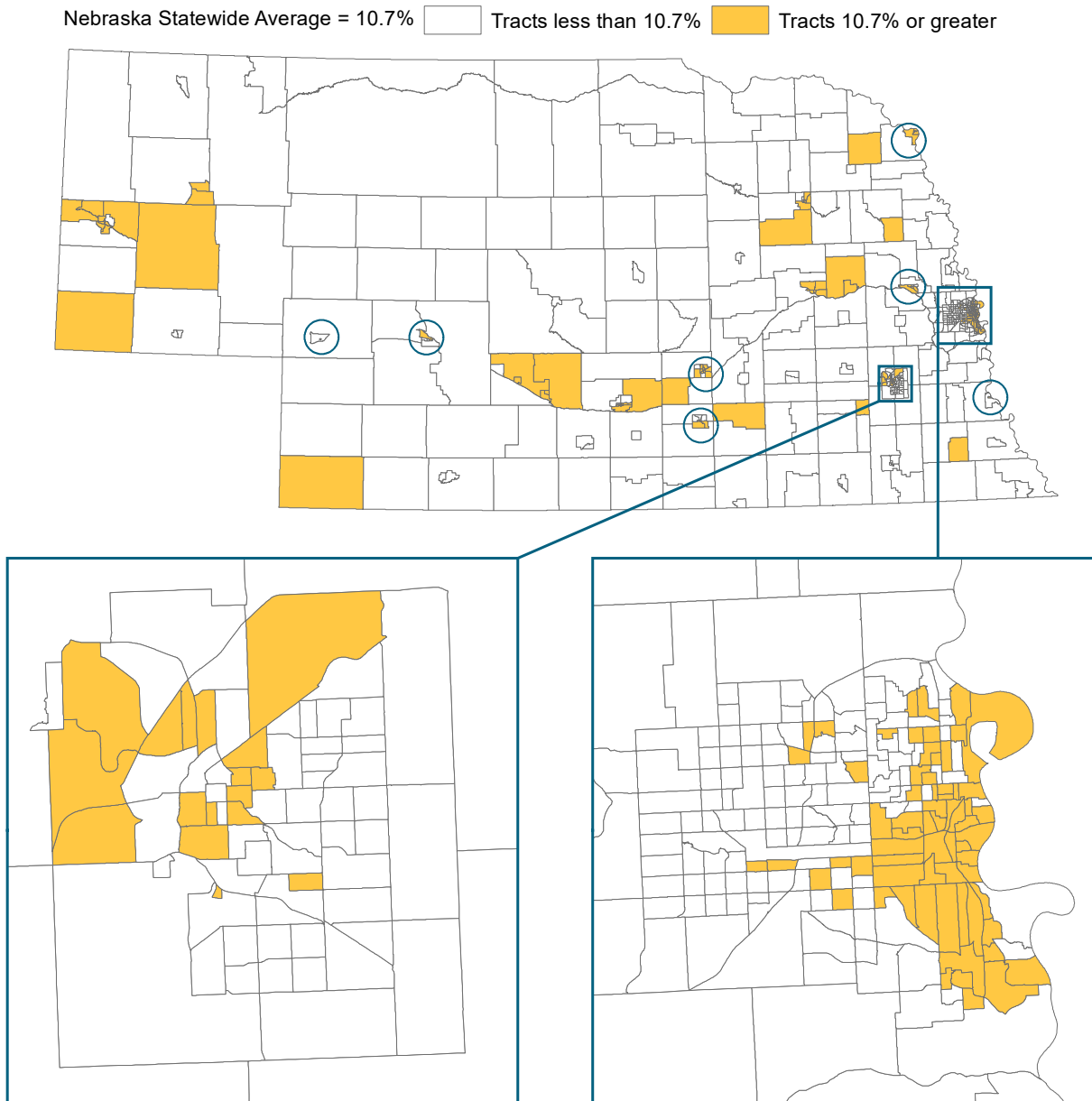
For convenience, Table 4 lists all Nebraska counties that contain one or more census tracts where the proportion of Hispanic or Latino persons is greater than the statewide proportion of 10.7%.

Table 4. Counties Containing One or More Census Tracts Having Greater than 10.7% Hispanic or Latino Persons

Adams	Box Butte	Buffalo	Clay	Colfax
Cuming	Dakota	Dawson	Dixon	Dodge
Douglas	Dundy	Hall	Johnson	Keith
Kimball	Lancaster	Lincoln	Madison	Morrill
Otoe	Platte	Saline	Sarpy	Scotts Bluff

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Figure 11. Greater than 10.7% Hispanic or Latino, by census tract.



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

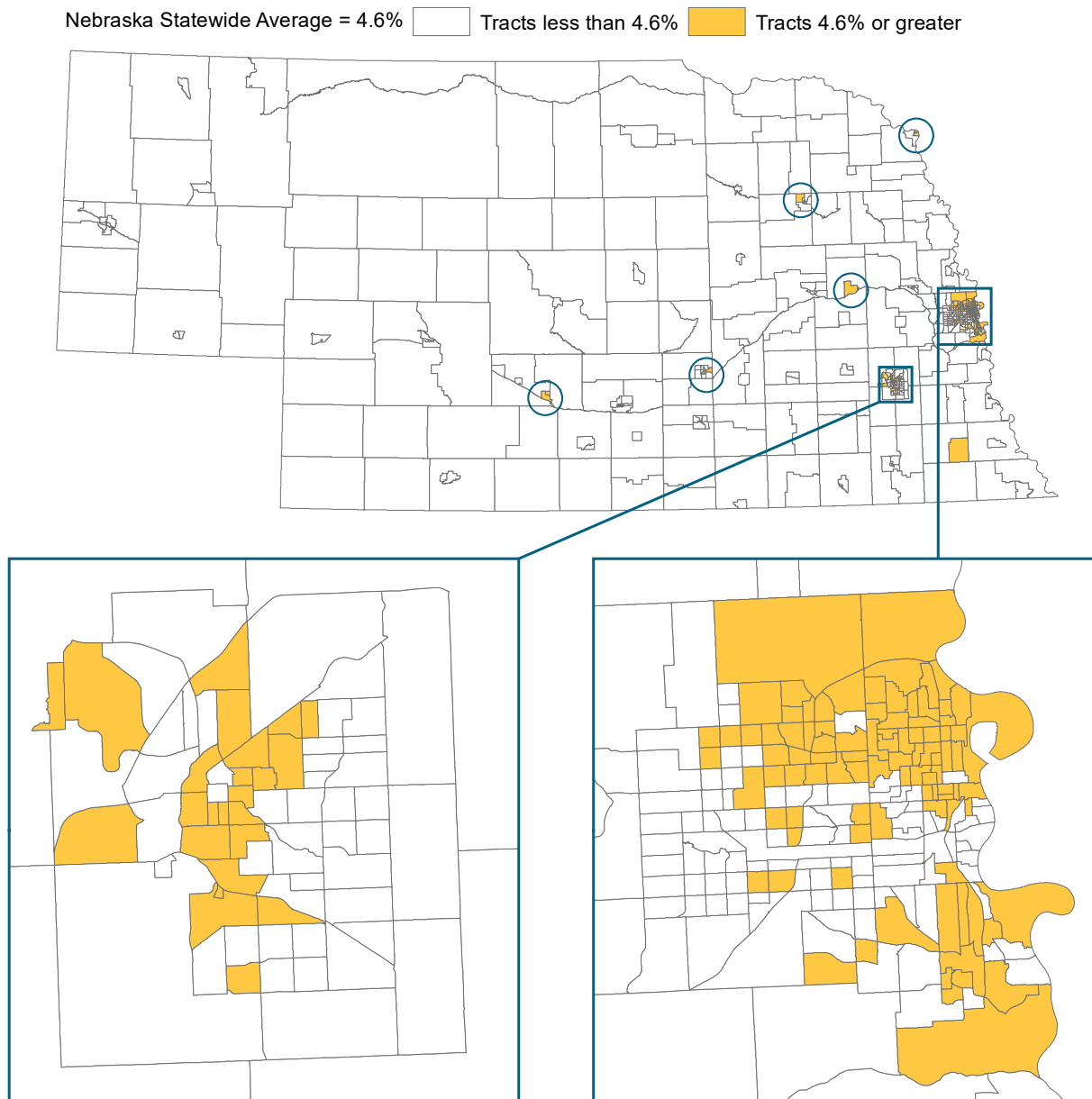
Figure 12 displays Nebraska census tracts in gold where the proportion of Black or African American persons is greater than the statewide average of 4.6%. For better viewing, Figure 12 breaks out census tracts in the cities of Omaha and Lincoln where the proportion of Black or African American persons is greater than the statewide average of 4.6%. Table 5 lists all Nebraska counties containing one or more census tracts where the proportion of Black or African American persons is greater than the statewide average of 4.6%.

Table 5. Counties Containing One or More Census Tracts Having Greater than 4.6% Black or African American Persons

Colfax	Dakota	Dawson
Douglas	Hall	Johnson
Lancaster	Madison	Sarpy

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Figure 12. Greater than 4.6% Black or African American, by census tract



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

In Figure 13, census tracts displayed in gold are where the proportion of Asian persons is greater than the statewide average of 2.4%. For better viewing, Figure 13 breaks out census tracts in the cities of Omaha and Lincoln where the proportion of Asian persons is greater than the statewide average of 2.4%.

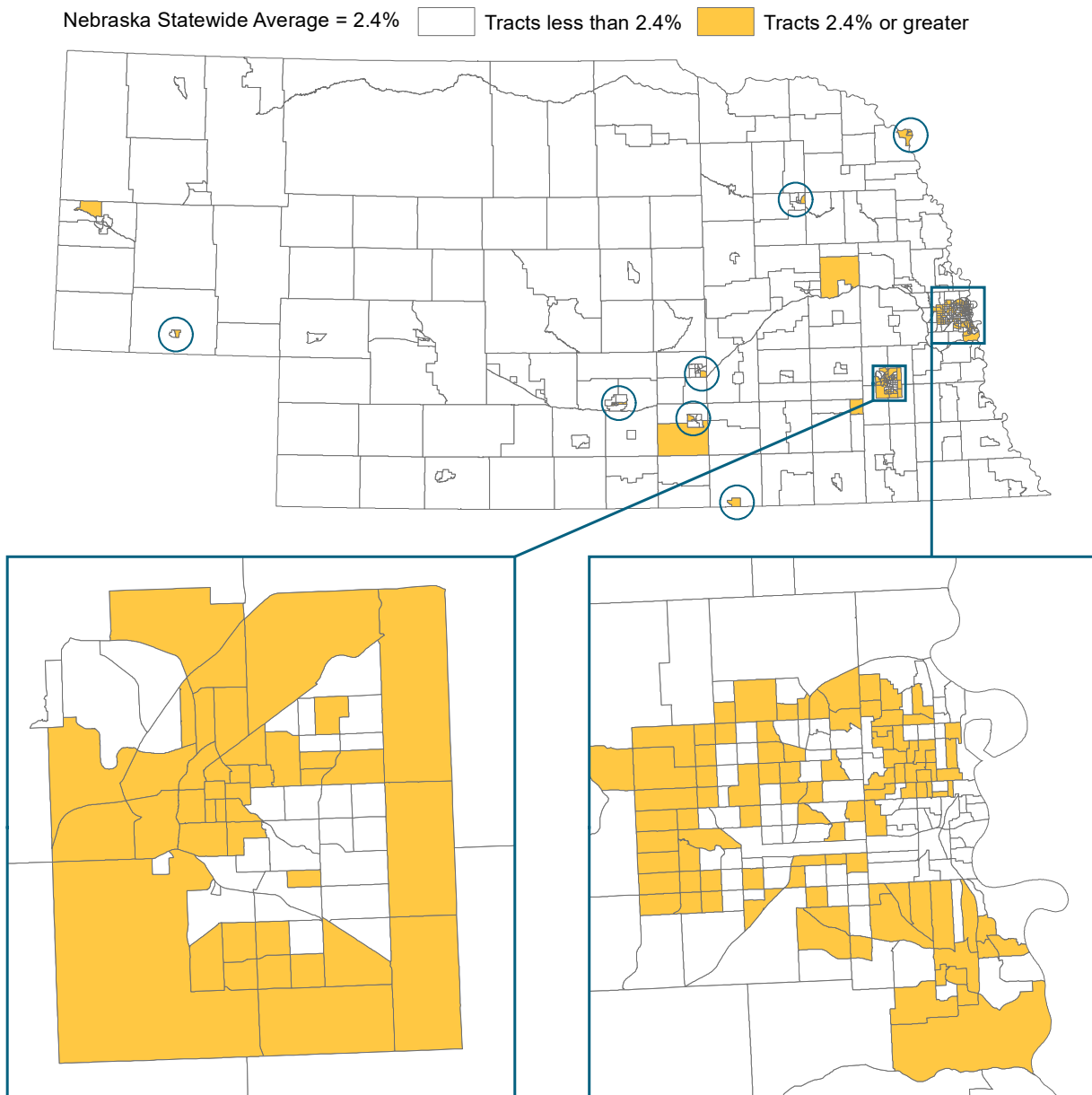
Table 6 lists all Nebraska counties containing one or more census tracts where the proportion of Asian persons is greater than the statewide average of 2.4%.

Table 6. Counties Containing One or More Census Tracts Having Greater than 2.4% Asian Persons

Adams	Buffalo	Cheyenne	Colfax	Dakota
Douglas	Hall	Lancaster	Madison	Nuckolls
Saline	Sarpy	Scotts Bluff		

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Figure 13. Greater than 2.4% Asian, by census tract



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Figure 14 displays in gold Nebraska census tracts where the proportion of American Indian and Alaska Native persons is greater than the statewide average of 0.7%. For better viewing, Figure 14 breaks out the census tracts in the cities of Omaha and Lincoln where the proportion of American Indian and Alaska Native persons is greater than the statewide average of 0.7%.

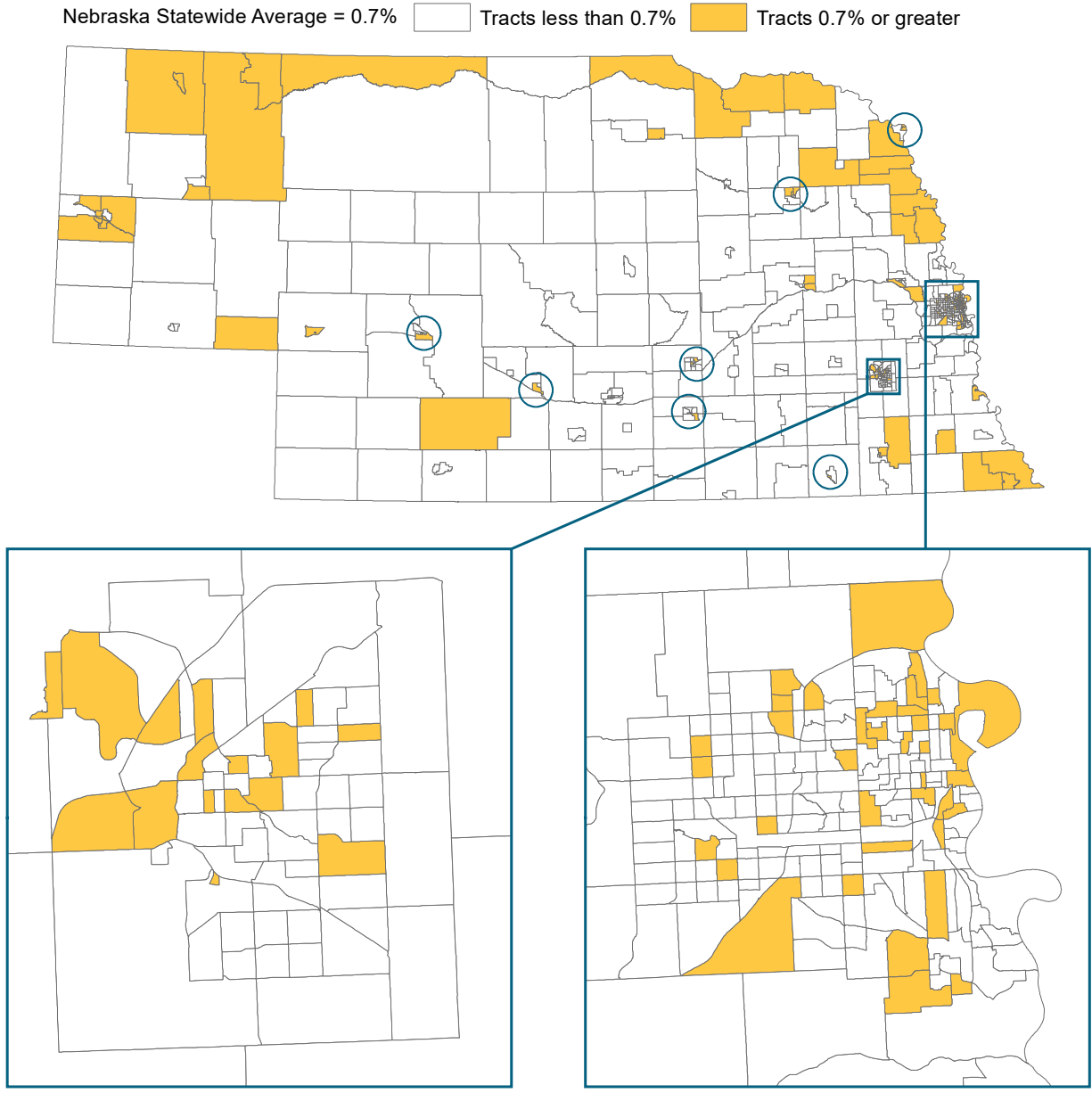
Table 7 lists all Nebraska counties containing one or more census tracts where the proportion of Native American and Alaska Native persons is greater than the statewide average of 0.7%.

Table 7. Counties Containing One or More Census Tracts Having Greater than .07% Native American and Alaska Native Persons

Adams	Box Butte	Boyd	Burt
Cedar	Cherry	Dakota	Dawes
Dawson	Deuel	Dodge	Douglas
Frontier	Gage	Hall	Holt
Jefferson	Johnson	Keith	Knox
Lincoln	Madison	Otoe	Lancaster
Platte	Richardson	Sarpy	Scotts Bluff
Sheridan	Thurston	Wayne	

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Figure 14. Greater than 0.7% American Indian and Alaska Native, by census tract



Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

In the following section, data from the current section was used to analyze the impacts of NDOT LAD's distribution of State and Federal transportation funds.

5(B): Charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient.

Federal Transit Administration Title VI Non-discrimination Plan 2020

To analyze the impact of the distribution of State and Federal funds in the aggregate for transportation purposes, NDOT LAD adopted an analytical approach based on public transportation service availability. The goal was to determine whether disparate impacts toward a particular minority group may have occurred as a result of NDOT LAD's distribution of State and Federal funds during the current reporting period.

During the current reporting period, NDOT LAD distributed State and Federal funds to a total of 60 rural, two large urban, two small urban, and six intercity bus public transportation providers across the state of Nebraska. Combined, these transportation providers service approximately 86 of Nebraska's 93 counties. To identify potentially disparate impacts as a result of this funding distribution, NDOT LAD sought to identify counties where both of the following conditions are true:

- a. The county contains one or more census tracts where the proportion of persons from any minority group (as identified in Table 2) is greater than the statewide proportion for that minority group.
- b. Within that county, no public transportation service is available, or, public transportation service is available, but does not extend to the minority census tract in question.

In this way, the current analysis was tailored to identify locations in Nebraska where comparatively high-minority census tracts are not serviced by public transportation, i.e., the locations of potentially disparate impacts.

Table 9 lists all Nebraska counties containing one or more census tracts where the proportion of Hispanic or Latino persons is greater than the statewide average of 10.7%. The table also identifies whether public transportation is available throughout the entire county. In instances where public transportation is not available throughout the entire county, e.g., is available only within city limits, the table identifies whether public transportation extends, at minimum, to the minority census tract(s) in question. This was accomplished by comparing the location of the minority census tract in question (using American Community Survey Data) to the service area(s) of the public transportation provider(s) in the county being examined. Counties where the minority census tract(s) in question are not serviced are in bold.

Table 8. Public Transportation Availability, Hispanic or Latino Persons, Census Tract Level

County	County-Wide Service? (Y/N)	Minority Census Tract(s) Serviced? (Y/N)	Service Provider
Adams	Y	Y	Reach Your Destination Easily (RYDE)
Box Butte	N	Y	Alliance Public Transit; Panhandle Trails
Buffalo	Y	Y	RYDE; Burlington Trailways; Express Arrow
Clay	Y	Y	Midland Area Agency on Aging (Midland AAA)
Colfax	Y	Y	Butler County Transit Service; City of Schuyler Handi Bus; Express Arrow
Cuming	Y	Y	Norfolk Public Transportation
Dakota	Y	Y	Ponca Express
Dawson	Y	Y	RYDE; Burlington Trailways; Express Arrow
Dixon	Y	Y	Ponca Express
Dodge	Y	Y	Butler County Transit Service; Eastern Nebraska Office on Aging (ENOA); Omaha Metro; Ponca Express; Express Arrow
Douglas	Y	Y	ENOA; Omaha Metro; Ponca Express; Burlington Trailways; Express Arrow
Dundy	Y	Y	City of Benkelman Handi Bus; Hitch & Hay Public Transit
Hall	Y	Y	CRANE Public Transportation; Burlington Trailways; Express Arrow
Johnson	Y	Y	City of Tecumseh/Johnson County Public Transit
Keith	Y	Y	City of Ogallala Public Transit; KCTS; Burlington Trailways; Express Arrow; Panhandle Trails
Kimball	Y	Y	KCTS
Lancaster	Y	Y	Butler County Transit Service; Lancaster County Public Rural Transit; StarTran; Ponca Express; Burlington Trailways; Express Arrow
Lincoln	Y	Y	North Platte Public Transit System; RYDE; Burlington Trailways; Express Arrow
Madison	Y	Y	Norfolk Public Transportation; Ponca Express; Express Arrow
Morrill	Y	Y	KCTS; Morrill County Public Transit; Panhandle Trails
Otoe	Y	Y	Blue Rivers Transportation System
Platte	Y	Y	Butler County Transit Service; Columbus Area Transit System; Nance Trans; Express Arrow
Saline	Y	Y	Saline County Area Transit
Sarpy	Y	Y	ENOA; Omaha Metro
Scotts Bluff	Y	Y	KCTS; Tri-City Roadrunner; Panhandle Trails

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Table 10 lists all Nebraska counties containing one or more census tracts where the proportion of Black or African American persons is greater than the statewide average of 4.6%. Again, the table identifies whether public transportation is available throughout the entire county. In instances where public transportation is not available throughout the entire county, e.g., is available only within city limits, the table identifies whether public transportation extends, at minimum, to the minority census tract(s) in question. Counties where the minority census tract(s) in question are not serviced are in bold.

Table 9. Public Transportation Availability, Black or African American Persons, Census Tract Level

County	County-Wide Service? (Y/N)	Minority Census Tract(s) Serviced? (Y/N)	Service Provider
Colfax	Y	Y	Butler County Transit Service; City of Schuyler Handi Bus; Express Arrow
Dakota	Y	Y	Ponca Express
Dawson	Y	Y	RYDE; Burlington Trailways; Express Arrow
Douglas	Y	Y	ENOA; Omaha Metro; Ponca Express; Burlington Trailways; Express Arrow
Hall	Y	Y	CRANE Public Transportation; Burlington Trailways; Express Arrow
Johnson	Y	Y	City of Tecumseh/Johnson County Public Transit
Lancaster	Y	Y	Butler County Transit Service; Lancaster County Public Rural Transit; StarTran; Ponca Express; Burlington Trailways; Express Arrow
Madison	Y	Y	Norfolk Public Transportation; Ponca Express; Express Arrow
Sarpy	Y	Y	ENOA; Omaha Metro

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Table 11 lists all Nebraska counties containing one or more census tracts where the proportion of Asian persons is greater than the statewide average of 2.4%. Counties where the minority census tract(s) in question are not serviced are in bold.

Table 10. Public Transportation Availability, Asian, Census Tract Level

County	County-Wide Service? (Y/N)	Minority Census Tract(s) Serviced? (Y/N)	Service Provider
Adams	Y	Y	Reach Your Destination Easily (RYDE)
Buffalo	Y	Y	RYDE; Burlington Trailways; Express Arrow
Cheyenne	Y	Y	City of Sidney Transportation System; KCTS; Panhandle Trails
Colfax	Y	Y	Butler County Transit Service; City of Schuyler Handi Bus; Express Arrow
Dakota	Y	Y	Ponca Express
Douglas	Y	Y	ENOA; Omaha Metro; Ponca Express; Burlington Trailways; Express Arrow
Hall	Y	Y	CRANE Public Transportation; Burlington Trailways; Express Arrow
Lancaster	Y	Y	Butler County Transit Service; Lancaster County Public Rural Transit; StarTran; Ponca Express; Burlington Trailways; Express Arrow
Madison	Y	Y	Norfolk Public Transportation; Ponca Express; Express Arrow
Nuckolls	Y	Y	Midland AAA
Saline	Y	Y	Saline County Area Transit
Sarpy	Y	Y	ENOA; Omaha Metro
Scotts Bluff	Y	Y	KCTS; Tri-City Roadrunner; Panhandle Trails

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Table 12 lists all Nebraska counties containing one or more census tracts where the proportion of American Indian and Alaska Native persons is greater than the statewide average of 0.7%. Counties where the minority census tract(s) in question are not serviced are in bold.

Table 11. Public Transportation Availability, American Indian and Alaska Native, Census Tract Level

County	County-Wide Service? (Y/N)	Minority Census Tract(s) Serviced?	Service Provider
Adams	Y	Y	Reach Your Destination Easily (RYDE)
Box Butte	N	Y	Alliance Public Transit; Panhandle Trails
Boyd	Y	Y	Avera Creighton Hospital, Avera St. Anthony's Hospital
Burt	Y	Y	Oakland Transportation System
Cedar	Y	Y	Avera Creighton Hospital; Cedar County Transit
Cherry	N	N	No service available
Dakota	Y	Y	Ponca Express
Dawes	N	Y	City of Chadron Handi Bus; Crawford Public Transportation; Panhandle Trails
Dawson	Y	Y	RYDE; Burlington Trailways; Express Arrow
Deuel	Y	Y	KCTS
Dodge	Y	Y	Butler County Transit Service; Eastern Nebraska Office on Aging (ENOA); Omaha Metro; Ponca Express; Express Arrow
Douglas	Y	Y	ENOA; Omaha Metro; Ponca Express; Burlington Trailways; Express Arrow
Frontier	Y	Y	Hitch & Hay Public Transit
Gage	Y	Y	Blue Rivers Transportation System
Hall	Y	Y	CRANE Public Transportation; Burlington Trailways; Express Arrow
Holt	Y	Y	Avera Creighton Hospital; Avera St. Anthony's Hospital
Jefferson	Y	Y	Blue Rivers Transportation System
Johnson	Y	Y	City of Tecumseh/Johnson County Public Transit
Keith	Y	Y	City of Ogallala Public Transit; KCTS; Burlington Trailways; Express Arrow; Panhandle Trails
Knox	Y	Y	Avera Creighton Hospital; Avera St. Anthony's Hospital; Santee Sioux Nation Tatanka Transit; Ponca Express
Lancaster	Y	Y	Butler County Transit Service; Lancaster County Public Rural Transit; StarTran; Ponca Express; Burlington Trailways; Express Arrow
Lincoln	Y	Y	North Platte Public Transit System; RYDE; Burlington Trailways; Express Arrow
Madison	Y	Y	Norfolk Public Transportation; Ponca Express; Express Arrow
Otoe	Y	Y	Blue Rivers Transportation System
Platte	Y	Y	Butler County Transit Service; Columbus Area Transit System; Nance Trans; Express Arrow
Richardson	Y	Y	Richardson County Transit System
Sarpy	Y	Y	ENOA; Omaha Metro
Scotts Bluff	Y	Y	KCTS; Tri-City Roadrunner; Panhandle Trails
Sheridan	Y	Y	Sheridan County Public Transportation System
Thurston	Y	Y	Ponca Express
Wayne	Y	Y	Norfolk Public Transportation; Wayne Public Transit

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

The following section presents the findings of the current disparate impact analysis.

6. An analysis of impacts identified in paragraph d that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

An analysis of the information presented in Tables 9-12 shows that NDOT LAD's distribution of State and Federal funds during the current reporting period resulted in only one instances of public transportation unavailability among census tracts having higher-than-average minority concentrations, as follows:

1. No public transportation is currently available in Cherry County, where Census Tract 9558 contains an American Indian and Alaska Native proportion of 4.6%, compared to the statewide average of 0.7% (U.S. Census Bureau). Notably, census data for this tract show that the total American Indian and Alaska Native population in Census Tract 9558 consists of only 188 persons.

Based on these observations, no disparate impacts are identified at the current time, for the following reasons:

- a. No public transportation is currently available in Cherry County, largely due to the county's extremely rural composition and low population (4,126), and therefore no group is estimated to be disparately affected.

7. A description of the statewide planning process that identifies the transportation needs of minority populations.

As of the current Title VI Program submission, NDOT LAD does not have an active role in greater Nebraska Department of Transportation (NDOT) formal statewide planning process. NDOT LAD does contribute information upon request to facilitate NDOT's formal Long-Range Transportation Plan. This may consist of cost and ridership data, descriptive system data, summaries of gaps, needs, and barriers, etc. To encourage coordination with the needs of minority group the LAD Transit Manager participates in meetings including the Nebraska Tribal Transportation Conference and annual Nebraska Federation for the Blind annual meetings.

8. A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner.

NDOT LAD includes required Title VI, equal employment opportunity, and disadvantaged business enterprise certifications and assurances in its financial assistance agreements with subrecipients, which are signed awarding funds. Section 5310 and 5311 subrecipients are required to develop and submit a Title VI Program to NDOT for review and approval. Title VI programs must be reviewed and approved by the subrecipient's governing board or appropriate governing entity/official, and proof of this approval (e.g., meeting minutes, board resolution) must be submitted with the approved Title VI program to the Division. NDOT LAD does not discriminate on the basis of race, color, or national origin in its pass-through of financial assistance to FTA recipients.

9. A description of the procedures that State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations.

The Division contacts potential Section 5311(f) Intercity Bus applicants annually to inform them when program applications will be accepted. Private, for-profit intercity bus providers are encouraged to apply for funding. In addition, the Division may release a request for proposal soliciting intercity bus providers to apply for funding. Applicants are provided with an application form, instructions, procedures, and other sample documents.

The Division maintains and updates a list of potential applicants for the Section 5310, Enhanced Mobility and Seniors with Disabilities Program. Eligible local entities are notified of the availability of the program, and current subrecipients and other potential applicants are contacted when the 5310 application process begins. The release of applications for the Lincoln/Lancaster County area is accomplished through coordination with the MPO. Applicants are provided with an application form, instructions, procedures, and other sample documents.

The Division notifies awarded recipients of the availability of no-cost Title VI program assistance, including assistance with Title VI program and limited English proficiency (LEP) plan formulation, the provision of city and/or county demographic and/or LEP data, no-cost document translation, etc.