



Title VI Plan

nectd.org

August 2019

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.

President John F. Kennedy

Contents

1. **Introduction** - 5
 2. **Full Title VI Notice to the Public** - 7
 3. **Title VI and Non-Discrimination Policy Statement** - 9
 4. **Title VI Assurances** - 11
 5. **Organizational Responsibilities** - 13
 6. **Title VI Coordinator Responsibilities** -15
 7. **Title VI Complaint Procedure** - 17
 - *Title VI & Related Programs Discrimination Complaint Form* -21
 8. **Limited English Proficiency Plan** - 25
 - *Meaningful Access: Four Factor Analysis* -26
 - *Language Assistance Plan* - 34
 - *Public Participation Summary* -39
 - *Monitoring and Updating the LEP Plan* - 41
- Appendix A - **Title VI Assurances and Appendices Thereto** - 43
- Appendix B - **Nondiscrimination Clauses** - 47
- Appendix C - **Title VI Notification Statement** - 49
- Appendix D - **Governing Laws, Regulations and Guidance** - 51

Page Left Blank Intentionally

Introduction

This document will serve as the Title VI Nondiscrimination Plan and the Limited English Proficiency (LEP) Plan for the Northeastern Connecticut Transit District (NECTD), to guide NECTD in its administration and management of Title VI-related activities. The Limited English Proficiency (LEP) portion of the plan ensures that individuals with limited English proficiency have meaningful access to the transportation planning process and other programs provided or facilitated by NECTD.

Established in 1978, the Northeastern Connecticut Transit District is the public transportation provider for northeastern Connecticut. Our rides are available for all residents and visitors to our region.

The District provides two types of service: deviated fixed route and dial-a-ride for elderly and disabled persons. The deviated fixed route service operates Monday - Sunday with various scheduled stops located throughout the service area. The elderly and disabled service, which provides door-to-door service, is also available Monday-Friday by reservation with NECTD. NECTD is operated by the member towns of Brooklyn, Killingly, Putnam, and Thompson. The District serves, in addition to its member towns, the towns of Eastford, Plainfield, Pomfret, Woodstock, and Union. The day-to-day administration of NECTD is done by the Northeastern Connecticut Council of Governments.

NECTD serves a range of needs for people living in and visiting northeastern Connecticut. For some it is their link to medical care and basic needs. For others it is a way to work, shop, or to visit friends. Others choose NECTD to help the environment. Whatever the reason NECTD is here and available for everyone.

NECTD is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities and to the delivery of equitable and accessible transportation services. Northeastern Connecticut Transit assures that no person shall on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964, , as amended (42 USC Section 2000d), 49 CFR Part 21, and 23 CFR Part 200, FTA Circular 4702.1.B, 49 CFR Part 303 and other related acts and regulations¹ be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. NECTD further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

NECTD's Title VI objectives are to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- Ensure meaningful access to programs and activities by persons with limited English proficiency.

¹ see Appendix A for a detail list

Title VI of the Civil Rights Act of 1964 prohibits federal agencies and sub-recipients of federal funds from discriminating on the basis of race, color or national origin, against participants or clients of programs that receive federal funding. Succeeding laws and Presidential Executive Orders added sex, age, income status and disability to the criteria for which discrimination is prohibited. In addition to nondiscrimination, this plan provides information relative to Presidential Executive Order 13166 which mandates that federal agencies ensure that people with Limited English Proficiency (LEP) have meaningful access to federally conducted and/or funded programs and activities. Additionally, Presidential Executive Order (Order 12898) mandates that federal agencies address equity and fairness through consideration of Environmental Justice toward low-income and minority populations.

To ensure accordance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement, shall be fulfilled when the applicant submits its annual certifications and assurances to FTA. The text of FTA's annual certifications is available on FTA's website. NECTD complies with this instruction annually in order to receive FTA funding.

The responsibility for carrying out NECTD's commitment to this program has been delegated to the NECTD Executive Director by the Board of Directors as the Title VI Coordinator. However, the Executive Director and all employees share the responsibility for carrying out NECTD's commitment to Title VI.

Full Title VI Notice to the Public

The Northeastern Connecticut Transit District (NECTD) hereby gives public notice that it is the policy of the organization to ensure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related authorities and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which NECTD receives federal financial assistance. Additional protections are provided in other federal and state authorities for discrimination based on income status, limited English proficiency, religion, sex, disability, age, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code) or sexual orientation. Any person who believes they have experienced discrimination under Title VI has a right to file a formal complaint with NECTD. Any such complaint must be filed with NECTD's Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence.

To request additional information on NECTD's non-discrimination obligations or to file a Title VI complaint, please submit your request or complaint in writing to:

Northeastern Connecticut Council of Governments
Attention: John Filchak, Executive Director and Title VI Coordinator - email: john.filchak@NECTD.org -
phone -860-774-1253 - 125 Putnam Pike, Dayville, CT 06241.

Connecticut Department of Transportation
Attention: Debra Goss, Title VI Coordinator - email: Debra.goss@ct.gov
2800 Berlin Turnpike, Newington, Connecticut 06111

U.S. Department of Transportation, Federal Transit Administration's Region I Civil Rights Officer,
Transportation Systems Center - Kendall Square, 55 Broadway, Suite 920. Cambridge, MA 02142-1093 -
Phone: (617) 494-2055, Fax: (617) 494-2865

Federal Transit Administration (FTA) Title VI complaints may be filed directly to:
FTA Office of Civil Rights
1200 New Jersey Avenue, SE - Washington, DC 20590

Page Left Blank Intentionally

Title VI and Non-Discrimination Policy Statement

NECTD is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. Section 601 of Title VI of the Civil Rights Act of 1964 declares it to be the policy of the United States that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”. Consistent with this policy, and in accordance with section 602 of Title VI, codified as amended at 42 U.S.C. § 2000d-1, the Department of Justice promulgated regulations prohibiting recipients of federal funds from “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.” 28 C.F.R. § 42.104(b)(2). The United States Department of Transportation later promulgated nearly identical regulations - See 49 C.F.R. § 21.5(b) (vii) (2). Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted to expand the range and scope of Title VI coverage and applicability:

- THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 - which prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
- THE FEDERAL AID HIGHWAY ACT OF 1973 - which states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- SECTION 504 OF THE REHABILITATION ACT OF 1973 - which states that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.
- THE AGE DISCRIMINATION ACT OF 1975 - which states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
- THE CIVIL RIGHTS RESTORATION ACT OF 1987, P.L.100-209 amends Title VI of the 1964 Civil Rights Act - which made it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.
- THE AMERICAN DISABILITIES ACT (ADA) OF 1990 - which prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency - which requires each federal agency to examine its programs and activities and to develop and to implement plans by which LEP persons can meaningfully access those programs and activities.

- ❑ 23 CFR PART 200 – Federal Highway Administration regulations Title VI Program and Related Statutes – which address Implementation and Review Procedures.

NECTD assures that no person or groups(s) of persons shall, on the grounds of race, color, sex, age, national origin, disability/ handicap, and income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the NECTD, regardless of whether those programs and activities are federally funded or not.

NECTD also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, NECTD will provide meaningful access to services for persons with Limited English Proficiency.

In the event NECTD distributes federal-aid funds to a sub-recipient, NECTD will include Title VI language in all written agreements and will monitor for compliance.

NECTD Title VI Coordinator - current Executive Director - is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

Signature

Date

Title VI Assurances

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

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

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

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, national origin, disability/handicap, or income status in consideration for an award.

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

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

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

Recipient: Northeastern Connecticut Council of Governments

Chair

Date

Secretary

Date

Organizational Responsibilities

The general responsibility for overseeing compliance with applicable nondiscrimination authorities in each transportation planning and programming area NECTD is involved in resides with the Executive Director of NECTD. The Executive Director or his/her designees will perform the duties of the Title VI Coordinator and ensure compliance with provisions of the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21, administering the Title VI complaint procedures, and insuring compliance with Title VI by recipients, sub-grantees, contractors and sub-contractors of NECTD.

Page Left Blank Intentionally

Title VI Coordinator Responsibilities

The Title VI Coordinator is charged with the responsibility for implementing, monitoring, and ensuring NECTD's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by NECTD.
2. Collect Statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs, e.g. affected citizens and impacted communities.
3. Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of consultant contractors and other recipients of federal-aid highway fund contracts administered through the NECTD.
5. Review NECTD program directives. Where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI and other related statutes for NECTD employees and recipients of federal highway funds. Post a copy of the Title VI Plan on the NECTD web-site. Post the Title VI Plan on employee bulletin boards at NECTD worksite. Inform all employees that a copy of the Title VI Plan is available upon request. Instruct all new employees about the Title VI Plan during orientation.
7. Prepare a yearly report of Title VI accomplishments and goals, as required.
8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Post the Title VI Plan on the NECTD web-site.
9. Conduct post-grant reviews of NECTD programs and applicants for compliance with Title VI requirements.
10. Identify and take corrective action to help eliminate discrimination.
11. Establish procedures to promptly resolve identified Title deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.

Page Left Blank Intentionally

Title VI Complaint Procedure

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with NECTD for the furnishing of goods and/or services. Examples include advertising for bid proposals; pre-qualification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc. Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

NECTD Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, and disability or handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by NECTD, its recipients, sub-recipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

NECTD Title VI Complaint Procedures are written to specify the process employed by the NECTD to investigate complaints, while ensuring due process for Complainants and Respondents. The process does not preclude the NECTD from attempting to informally resolve complaints.

These procedures apply to all external complaints about discrimination on the basis of race, color, national origin (including limited English proficiency), age, sex, or disability related to any program or activity administered by the NECTD and/or its sub-recipients, consultants and contractors, filed under Title VI of the Civil Rights Act of 1964 as amended, (including Disadvantaged Business Enterprise and Equal Employment Opportunity components); or other related laws including, but not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disability Act of 1990.

The NECTD will also use these procedures to document external complaints about discrimination or disproportionate impacts relative to sexual orientation (including lesbian, gay, bisexual, transgender), or low income status.

These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant. Intimidation or retaliation of any kind is prohibited by law.

A Complaint Log will be maintained by NECTD listing any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA, CONNDOT, NECTD and other entities;
- Lawsuits; and
- Complaints naming NECTD

This list will include the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by NECTD in response, or final findings related to the investigation, lawsuit, or complaint. This list will be included in the Title VI Program submitted to FTA every three years.

Sample Form:

Action	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
Lawsuits				
Complaints				

Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with NECTD within 180 days of from the date of the alleged discrimination. These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by NECTD. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. NECTD uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by it. These procedures include but are not limited to:

Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with NECTD. Allegations received do not have to use the key words “complaint,” “civil rights,” “discrimination,” or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of the NECTDs programs for it to be considered and processed as an allegation of a discriminatory practice.

The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. TheNECTD’s Title VI Complaint Form must be used.

If NECTD receives a complaint, the Title VI Compliance Officer will acknowledge receipt of the complaint by notifying the Complainant and immediately transmitting the complaint to the proper federal or state agency (e.g. Federal Highway Administration, Federal Transit Administration, and CONNDOT) for investigation and disposition pursuant to that agency’s Title VI complaint procedures.

Complaints may be made by phone, in-person at our offices (125 Putnam Pike Dayville, CT. Monday -Friday 8:30 am to 4:30 pm) or filed with NECTD in writing (including electronic at: rides@nectd.org and addressed to the Northeastern Connecticut Transit District (attention: Executive Director), 125 Putnam Pike (PO Box 759), Dayville, CT 06241. Upon receipt of the complaint, the Executive Director will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. A copy of all complaints received will be forwarded to the Connecticut Department of Transportation Bureau of Public Transportation within seven (7) days of such receipt.

NECTD will provide appropriate assistance to complainants who are limited in their ability to communicate in English. To accomplish this task, NECTD utilizes several options:

- The computer(s) operated by District dispatchers have AltaVista Babel Fish added to the Favorites Listing for easy access for the translations of blocks of texts. This will aid the NECTD staff in the interpretation of services on a one on one basis for LEP individuals visiting the NECTD Office.
- When an interpreter is needed, in person or on the telephone, and NECTD staff has exhausted the above option, staff will first attempt to determine what language is required. Staff will use the telephone interpreter service - Language Line Services at <http://www.language.com>. On the Language Line home page the staff will select the Need an Interpreter Now link and follow the directions to receive and access code.
- Web site – A free on-line translation service, powered by Google Translate, is available on the NECTD web site (www.nectd.org) by clicking the “Translate” link at the top right of any page on the site. Google Translate enables visitors to translate any page of text into more than 60 languages. Users should be aware, however, that Google Translate has its limitations. It is useful for getting the gist of the material on the BMC website, but it does not translate all linguistic nuances.

All complaints will be investigated promptly and every effort will be made to obtain early resolution of complaints. The option of informal mediation meeting(s) between the affected parties and the Executive Director may be utilized for resolution, at any stage of the process. Materials received will be handled in full accordance with the Connecticut Freedom of Information Act (as amended) and other applicable laws. The Executive Director will review each complaint, and when necessary, assign a neutral party to investigate. In instances where additional information is needed, NECTD will contact the complainant in writing. Failure of the complainant to provide the requested information by a certain date may result in the administrative closure of the complaint or a delay in complaint resolution.

At a minimum the Executive Director/investigating officer will:

- Identify and review all relevant documents, practices and procedures;
- Identify and interview persons with knowledge of the Title VI violation, i.e., the person making the complaint; witnesses or anyone identified by the Complainant; anyone who may have been subject to similar activity, or anyone with relevant information.

Upon completion of the investigation, the Executive Director or designated investigator will complete a final report. If a Title VI violation is found to exist, remedial steps as appropriate and necessary will be taken immediately. The Complainant will also receive the final report together with any remedial steps. The investigation process and final report should take no longer than thirty-five (35) business days (Receipt of additional relevant information and/or simultaneous filing of complaint with NECTD and an external entity may expand the timing of the complaint resolution.) If no violation is found and the complainant wishes to appeal the decision, such appeal may be made directly to the NECTD Board of Directors.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). To that end, NECTD provides translation and interpretation services free of charge upon request by calling (860) 774-3902.

A complainant may also file a Title VI complaint with:

- U.S. Department of Transportation, Federal Transit Administration's Region I Civil Rights Officer, Transportation Systems Center - Kendall Square, 55 Broadway, Suite 920. Cambridge, MA 02142-1093 - Phone: (617) 494-2055, Fax: (617) 494-2865
- Connecticut Department of Transportation
Attention: Debra Goss, Title VI Coordinator - email: Debra.goss@ct.gov
2800 Berlin Turnpike, Newington, Connecticut 06111
- Federal Transit Administration (FTA) Title VI complaints may be filed directly to:
FTA Office of Civil Rights, 1200 New Jersey Avenue, SE - Washington, DC 20590

The NECTD Title VI Compliance Officer will maintain a log of all complaints received by the NECTD.

Questions and Answers for Complaints alleging Violations of Title VI of the Civil Rights Act of 1964: https://www.fhwa.dot.gov/civilrights/programs/docs/FHWA_Title_VI%20_Complaint_QA.pdf

For more information, please contact:

NECTD Executive Director/Title VI Coordinator
Northeastern Connecticut Transit District
125 Putnam Pike
Dayville, CT 06241
Phone: 860-774-3902 Fax: 860-779-2056
email: rides@nectd.org

Title VI & Related Programs Discrimination Complaint Form

We are asking for the following information to assist in processing your complaint. This form is not mandatory – it is simply provided as a means of assistance in making a complaint. If you need help, including another language, in completing this form please let us know 860-774-3902.

If you have a complaint regarding possible discrimination on the grounds of race, color, or national origin - it will be FULLY investigated as a Title VI issue. If your complaint concerns the accessibility of our transit service, or you believe you have been discriminated against because of your disability, you can file a complaint - we will also FULLY investigate your complaint.

Please provide all facts and circumstances surrounding your issue or complaint so we can fully investigate the incident. Please mail or return this form to: Northeastern Connecticut Transit District, 125 Putnam Pike (PO Box 759), Dayville, CT 06241 email - rides@nectd.org

1. Complainant's Information:

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Home): _____ Telephone Number (Work): _____

email: _____

Do you prefer to be contacted via e-mail? Yes No

2. Are you filing this complaint on your own behalf?

Yes, please go to question 6 No, please go to question 3

3. Please provide your name and address

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone Number (Home): _____ Telephone Number (Work): _____

email: _____

Do you prefer to be contacted via e-mail? Yes No

4. What is your relationship to the person for whom you are filing the complaint?

5. Please confirm that you have obtained the permission of the aggrieved party to file a complaint on their behalf.

Yes, I have permission No, I do not have permission

6. I believe that the discrimination I experienced was based on (check all that apply)

Color Race National Origin

7. Date of alleged discrimination (Month, Day, Year):

8. Where did the alleged discrimination take place?

9. Explain as clearly as possible what happened and why you believe that you were discriminated against. Describe all of the persons that were involved. Include the name and contact information of the person(s) who discriminated against you (if known). *Use separate pages if additional space is required.*

10. List names and contact information of persons who may have knowledge of the alleged discrimination. *Use separate pages if additional space is required*

11. What type of corrective action would you like to see taken?

12. Have you filed this complaint with any other federal, state or local agency, or with any federal or state court? Check all that apply.

Federal agency _____ State agency _____ Local agency _____

Federal court _____ State court _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant Signature

Date

Attachments: Yes _____ No _____

Submit form and any additional information to:

NECTD - Title VI Coordinator
125 Putnam Pike, PO Box 759 Dayville, CT 06241
Phone: (860) 774-1253
Fax: (860) 779-2056
Email: rides@nectd.org

Page Left Blank Intentionally

Limited English Proficiency Plan

Introduction

The **purpose** of this limited English proficiency policy plan is to clarify the responsibilities of the Northeastern Connecticut Transit District as a recipient of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations to provide that *no person shall be subjected to discrimination on the basis of race, color, or national origin* under any program or activity that receives federal financial assistance and Executive Order 13166 issued in 2000.

NECTD provides public transportation services to northeastern Connecticut. Specifically, NECTD provides two types of services: deviated fixed route service (the towns of Brooklyn, Killingly, Putnam, Thompson and Woodstock) funded in part through the federal 5311 Program and a door-to-door service (for the towns of Brooklyn, Canterbury, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Thompson, Union and Woodstock) for elderly and disabled persons funded through the Connecticut Municipal Grant Program.

USDOT Limited English Proficiency (LEP) Definition:

Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the transportation provider or other DOT recipient.

*An **LEP person** is an Individual who does not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter. A **Linguistically Isolated Person** living in households in which no one over the age of 14 speaks English well is used as a direct measure of those persons with a severe language barrier.*

Executive Order 13166

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," signed into law on August 11, 2000 (reprinted at 65 FR 50121) has the following stated goal:

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities

they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

The Executive Order directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as the Northeastern Connecticut Transit District (NECTD) and governments, private and non-profit entities, and sub-recipients.

Plan Summary

The NECTD has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to NECTD services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing the plan while determining the NECTD's extent of obligation to provide LEP services, the NECTD undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the NECTD service area who maybe served or likely to encounter an NECTD program, activity, or service; 2) the frequency with which LEP individuals come in contact with an NECTD services; 3) the nature and importance of the program, activity or service provided by the NECTD to the LEP population; and 4) the resources available to the NECTD and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

Four Factor Analyses

Recipients such as NECTD 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:

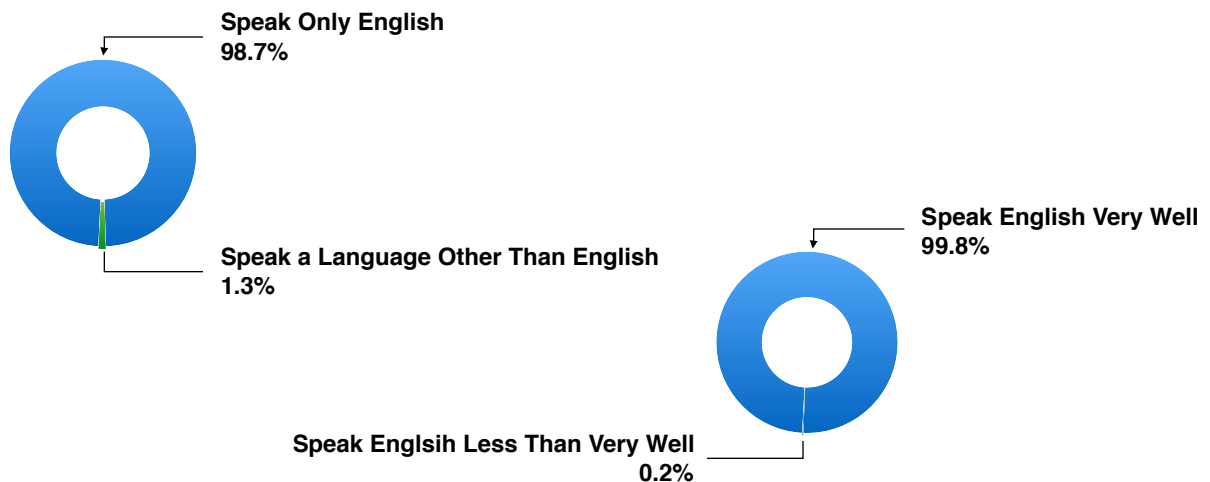
1. **The number or proportion of LEP persons eligible in the NECTD service area who maybe served or likely to encounter an NECTD program, activity, or service.** The NECTD examined the 2007-2011 American Community Survey 5-Year Estimates for our deviated-fixed route service area and was able to determine that approximately 7.5%, or 3,165 people within this service area age 5 and older spoke a language other than English. Of this population, 866 persons or 2 percent reported that they speak English

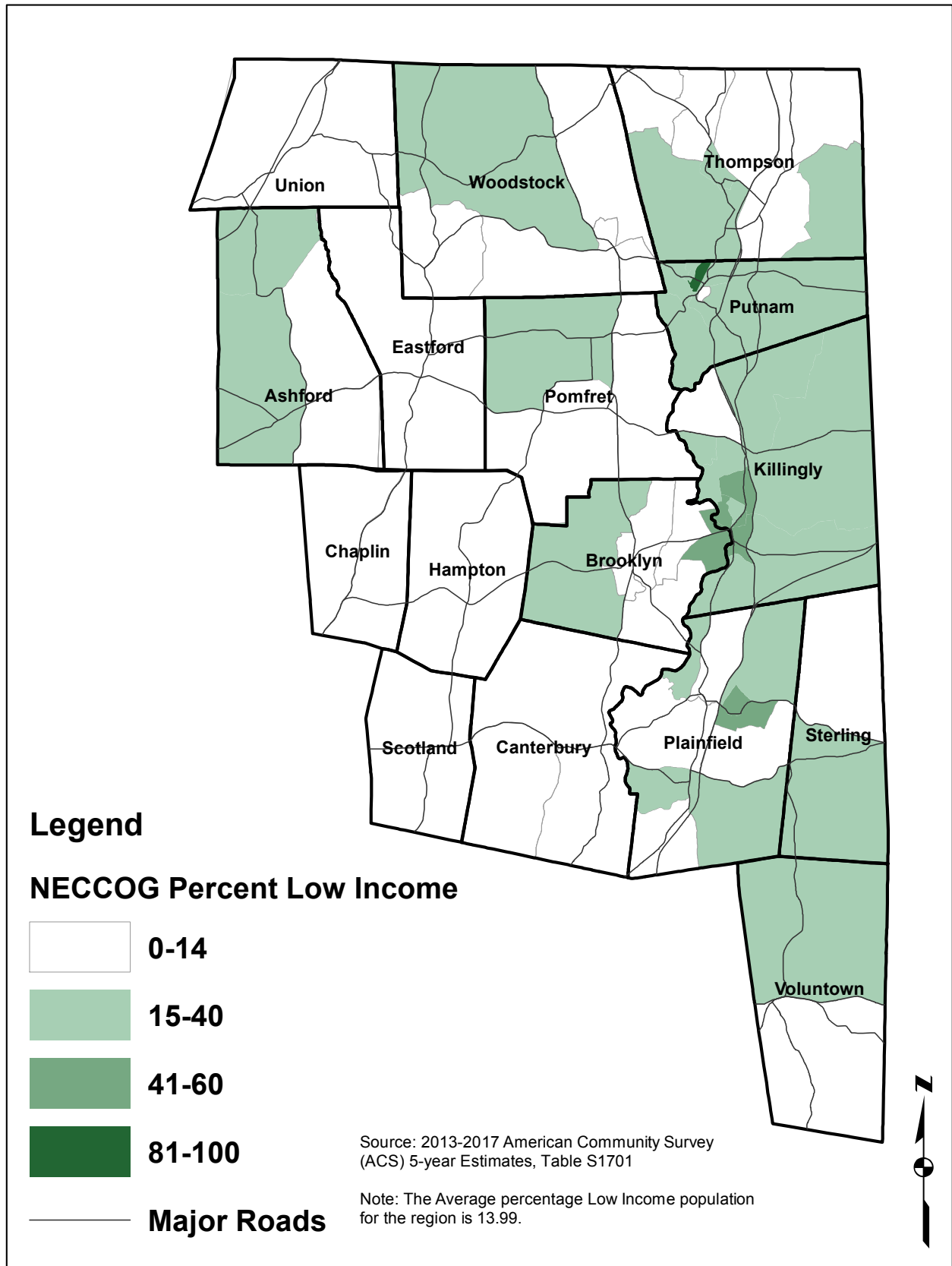
less than “very well.” Looking at the entire service area - 7 percent or 5,270 speak a language other than English and of these people 1.6 percent did not speak English very well.

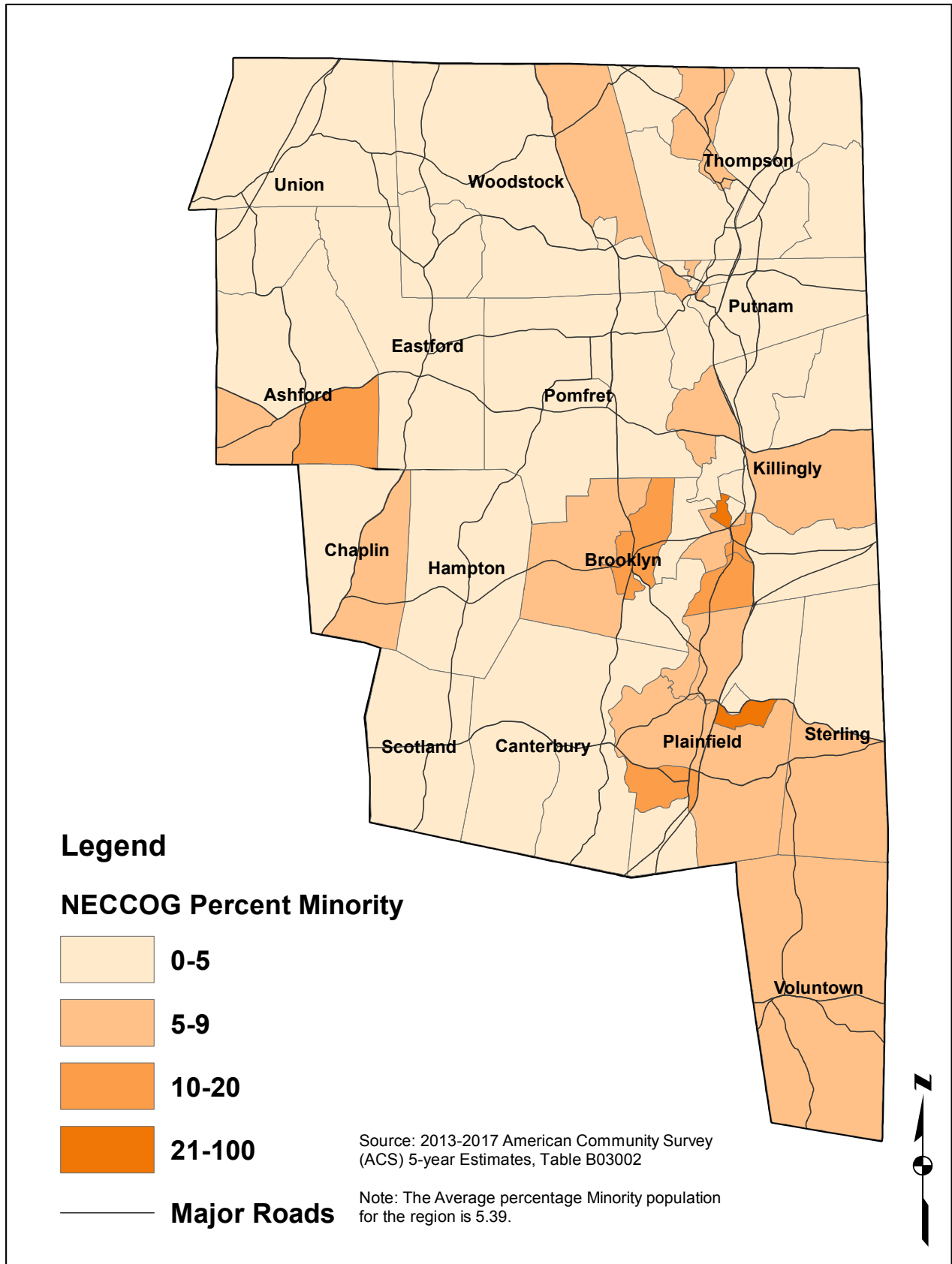
Language Spoken at Home, 2017 Estimates

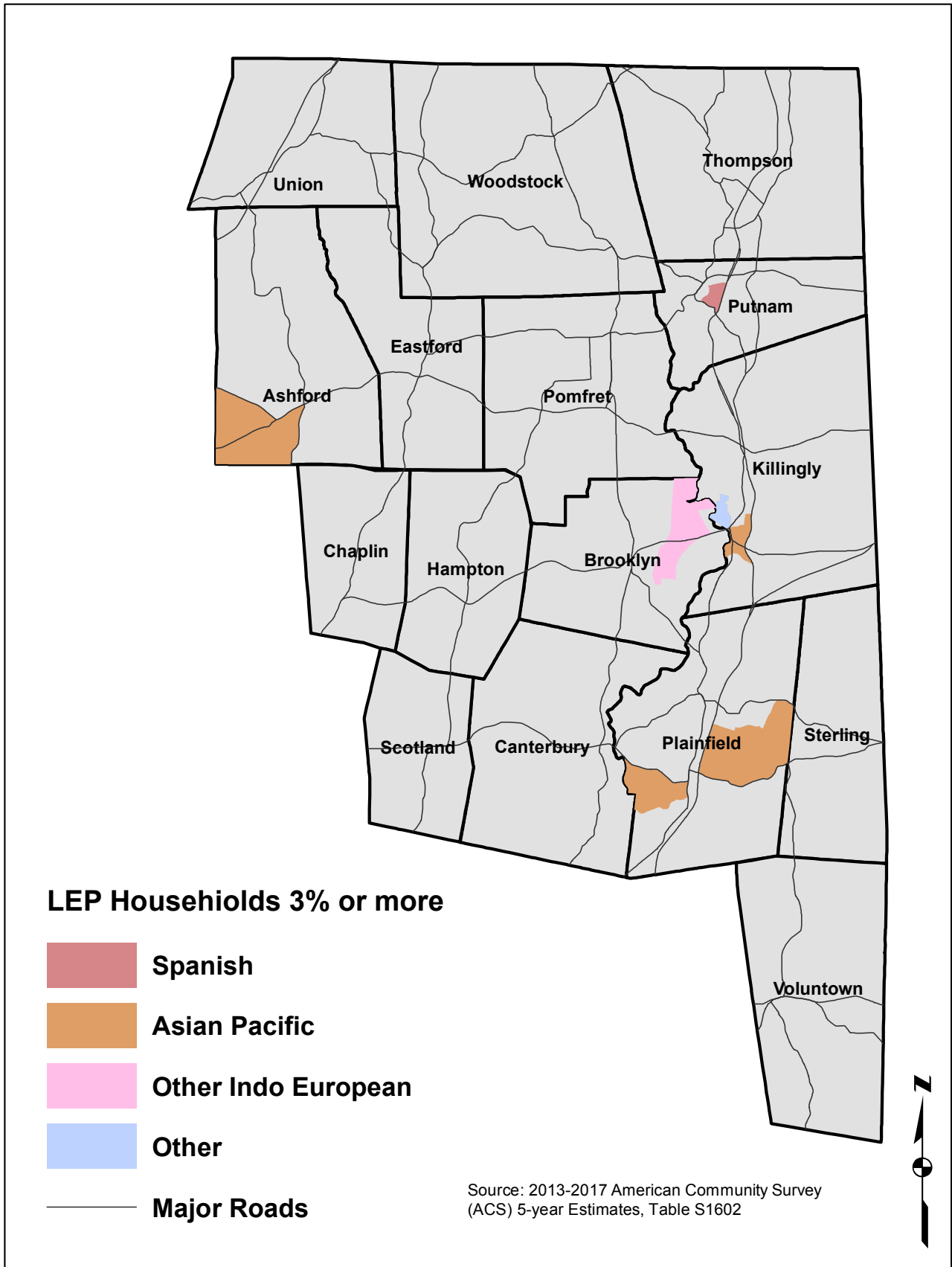
Town	Population 5 Years and Over	Speak Only English	Speak a Language Other than English	Speak English "very well"	Speak English less than "very well"	Spanish	Other Indo-European languages	Asian and Pacific Island languages	Other
Ashford	4,098	95.8%	4.2%	97.8%	2.2%	.9%	2.4%	1.0%	0%
Brooklyn	7,799	92.7%	7.3%	96.7%	3.3%	2.7%	3.7%	.3%	.6%
Canterbury	4,895	96.1%	3.9%	98.5%	1.5%	.4%	2.9%	.4%	.1%
Chaplin	2,254	95.1%	4.9%	98.5%	1.5%	3.4%	1.1%	.4%	0%
Eastford	1,550	94.7%	5.3%	99.4%	.6%	1.6%	3.4%	.3%	0%
Hampton	1,754	97.1%	2.9%	99.8%	.2%	1.2%	1.7%	0%	0%
Killingly	16,066	90.7%	9.3%	96.4%	3.6%	3.0%	3.4%	1.5%	1.4%
Plainfield	14,358	94.0%	6.0%	97.7%	2.3%	2.6%	2.2%	.7%	0.5%
Pomfret	4,140	95.3%	4.7%	99.5%	.5%	.9%	3.5%	.1%	.2%
Putnam	8,916	94.9%	5.1%	99.0%	1.0%	1.8%	3.2%	0%	0%
Scotland	1,626	97.4%	2.6%	99.2%	.8%	1.5%	1.2%	0%	0%
Sterling	3,516	98.8%	1.2%	99.6%	.4%	1.0%	.2%	0%	0%
Thompson	8,882	95.1%	4.9%	99.1%	0.5%	1.7%	3.0%	.1%	.1%
Union	915	94.9%	5.1%	97.6%	2.5%	1.0%	3.6%	.5%	0%
Voluntown	2,480	96.4%	3.6%	99.2%	.8%	.6%	2.1%	.3%	.6%
Woodstock	7,504	98.2%	1.8%	99.5%	0.5%	.5%	1.3%	0%	0%

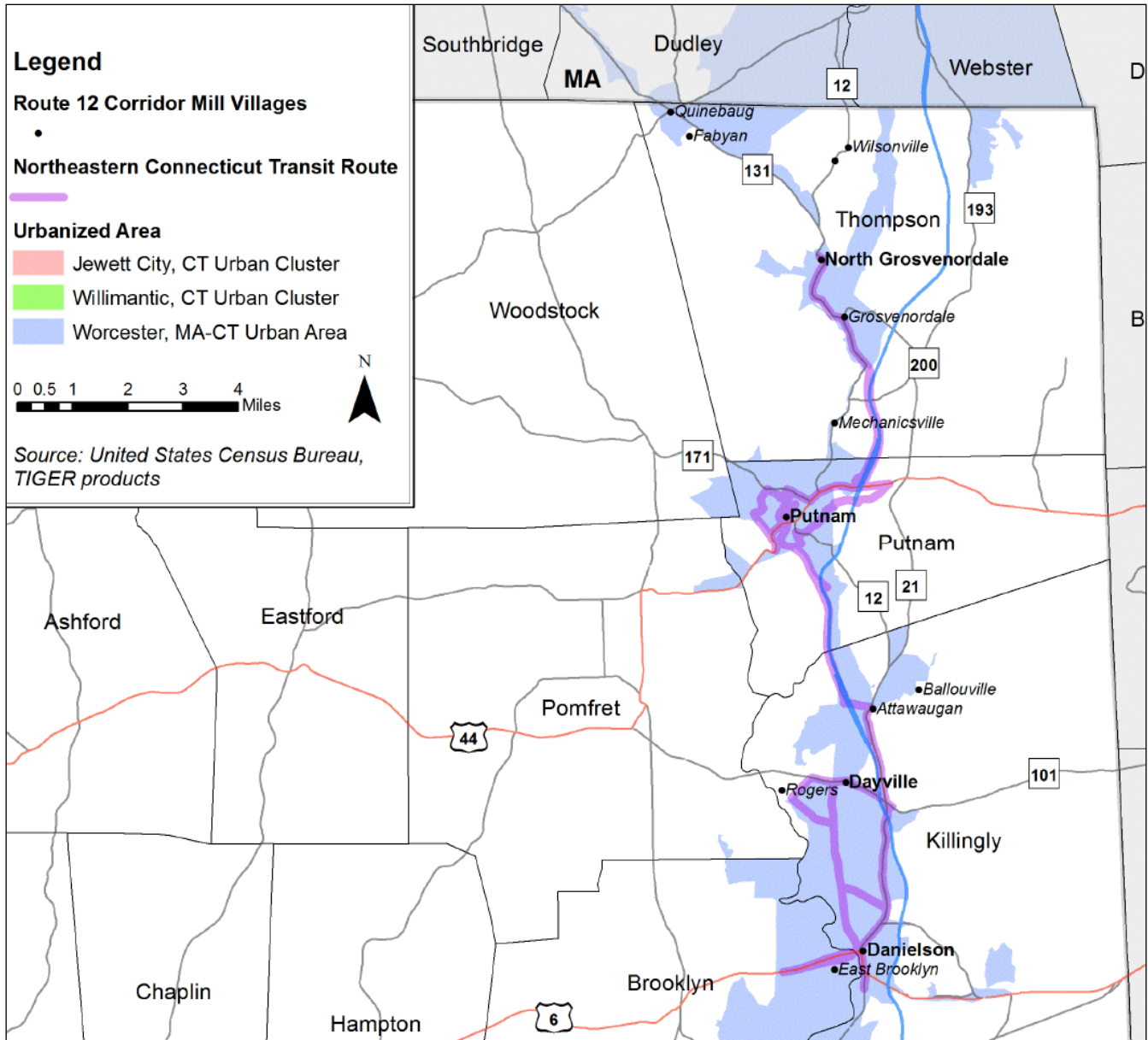
Source | 2017 American Community Survey 5-Year Estimates











One measure used by NECTD is the ALICE (Asset Limited, Income Constrained, Employed) ranking for the towns served. What this data confirms is the challenge that households face in northeastern Connecticut. “ALICE is an acronym for Asset Limited, Income Constrained, Employed – households that earn more than the Federal Poverty Level, but less than the basic cost of living for the county (the ALICE Threshold). Combined, the number of ALICE and poverty-level households equals the total population struggling to afford basic needs. The number of households below the ALICE Threshold changes over time; households move in and out of poverty and ALICE status as their circumstances improve or worsen. The recovery, which started in 2010, has been uneven across the state. Conditions have improved for some families, but with rising struggling².”

² http://alice.ctunitedway.org/wp-content/uploads/2018/09/Windham-County-_2018-ALICE-9.26.18.pdf

Windham County, 2016		
Town	Total HH	% ALICE & Poverty
Ashford	1,659	32%
Brooklyn	2,955	31%
Canterbury	1,829	26%
Chaplin	858	27%
Eastford	667	25%
Hampton	720	25%
Killingly	6,974	42%
Plainfield	5,645	35%
Pomfret	1,625	31%
Putnam	3,865	46%
Scotland	585	20%
Sterling	1,294	28%
Thompson	3,701	35%
Windham	8,740	56%
Woodstock	3,144	25%

Household Survival Budget, Windham County		
	SINGLE ADULT	2 ADULTS, 1 INFANT, 1 PRESCHOOLER
Monthly Costs		
Housing	\$608	\$935
Child Care	\$-	\$1,575
Food	\$182	\$603
Transportation	\$341	\$682
Health Care	\$213	\$792
Technology	\$55	\$75
Miscellaneous	\$165	\$542
Taxes	\$247	\$761
Monthly Total	\$1,811	\$5,965
ANNUAL TOTAL	\$21,732	\$71,580
<i>Hourly Wage</i>	<i>\$10.87</i>	<i>\$35.79</i>

2. **The frequency with which LEP individuals come in contact with an NECTD program, activity, or service**
Since July 1998, the NECTD has had no requests for interpreters and zero requests for translated NECTD documents. The staff and drivers have had very little to no contact with LEP individuals. The NECTD assesses the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers.

NECCOG, which administers/staffs NECTD, coordinates the Regional Human Services Advisory Council. This council is made up of representatives of most of the social/human service providers in the region and provides us the opportunity to hear directly their concerns as well as potential outreach to LEP populations.

3. **The nature and importance of the program, activity, or service provided by the NECTD to LEP community**
Based on the most recent Census information, there is no large geographic concentration of any one type of LEP individuals in the NECTD service area. The overwhelming majority of the population - 93.7 percent speak only English. At this time, there is a lack of any social, service, professional and leadership organizations within the NECTD service area that focuses on outreach or membership of LEP individuals.

While there are currently no significant geographic concentration of any type of LEP individuals in NECTD region, as stated in item 2, NECCOG staffs and hosts the regional Human Services Advisory Council. This council is made up of representatives of most of the social/human service providers in the region and provides us the opportunity to hear directly their concerns as well as potential outreach to LEP populations.

4. **The resources available to the NECTD and overall costs** Below are tools to help identify persons who may need language assistance:

- Examine records (including route schedules) requests for language assistance from past meetings and events, individuals and groups to anticipate the possible need for assistance at upcoming meetings or in the publication of materials;
- When NECTD sponsored workshops or conferences are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- Have the Census Bureau's "I Speak Cards" at all meeting sign-in sheet tables. While staff may not be able to provide translation assistance at this meeting, the cards are an excellent tool to identify language needs for future meetings. Also, have the cards available at the NECTD Transit Office; and
- Survey drivers and other first line staff on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.
- Reviewing individual census tracts for targeted outreach.

Language Assistance Plan

NECTD has implemented the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least “well,” and the lack of resources available in NECTD service area:

- a. NECTD will, for all notices of public hearings and meetings include the following statement:
“Whenever NECTD holds a public hearing/meeting, the legal notice regarding the hearing/meeting will indicate that LEP persons requiring language assistance may make reasonable requests to NECTD within the time period provided and NECTD will accommodate all timely and reasonable requests at no cost to the requester.”
- b. Web site – A free on-line translation service, powered by Google Translate, is available on the NECTD web site (www.nectd.org) by clicking the “Translate” link at the top right of any page on the site. Google Translate enables visitors to translate any page of text into more than 60 languages. Users should be aware, however, that Google Translate has its limitations. It is useful for getting the gist of the material on the BMC website, but it does not translate all linguistic nuances.
- c. Census Bureau’s “I Speak Cards” are to be located at our NECTD Office - personnel will receive training in their proper use.
- b. NECTD receptionist has AltaVista Babel Fish added to the favorites listing for easy access for the translations of blocks of texts. This will aid the staff in the interpretation of services on a one on one basis for LEP individuals visiting NECTDOffice.
- c. When an interpreter is needed, in person or on the telephone, and staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service - Language Line Services at <http://www.language.com>. On the Language Line home page the staff will select the “Need an Interpreter Now” link and follow the directions to receive and access code.
- d. All NECTD staff are provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of NECTD staff orientation process for new hires and will be part of annual staff training updates. Training topics are listed below:
 - I. Understanding the Title VI policy and LEP responsibilities;
 - II. What language assistance services NECTD offers;
 - III. Use of LEP “I Speak Cards”;
 - IV. How to access Alta Vista Babel Fish via NECTD computers in NECTDOffice;
 - When an interpreter is needed, in person or on the telephone, and the NECTD staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service - Language Line Services at <http://www.language.com>. On the Language Line home page the staff will select the Need an Interpreter Now link and follow the directions to receive and access code.

- V. How to use the Language Line interpretation and translation services;
 - VI. Documentation of language assistance requests;
 - VII. How to handle a Title VI and/or LEP complaint
- f. As previously noted, NECTD staffs and hosts the regional Human Services Advisory Council. This council is made up of representatives of most of the social/human service providers in the region and provides us the opportunity to hear directly their concerns as well as potential outreach to LEP populations. Additionally:
- I. If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
 - II. When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available.”
 - III. Key print materials will be translated and made available at NECTD Office and in communities when a specific and concentrated LEP population is identified.

All NECTD staff are provided with the LEP Plan and will be educated on procedures to follow. This information is also be part of the NECTD staff orientation process for new hires and will be part of annual staff training updates. Training topics are listed below:

- *Understanding the Title VI policy and LEP responsibilities;*
- *What language assistance services the NECTD offers;*
- *Use of LEP “I Speak Cards”;*
- *How to access AltaVista Babel Fish via NECTD computers in the NECTD Transit Office;*
- *How to use the Language Line interpretation and translation services;*
- *Documentation of language assistance requests;*
- *How to handle a Title VI and/or LEP complaint*

Whenever NECTD holds a public hearing/meeting, the legal notice regarding the hearing/meeting will indicate that LEP persons requiring language assistance may make reasonable requests to NECTD within the time period provided and NECTD will accommodate all timely and reasonable requests at no cost to the requester.

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP

person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.

- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available” and a statement “*Whenever NECTD holds a public hearing/meeting, the legal notice regarding the hearing/meeting will indicate that LEP persons requiring language assistance may make reasonable requests to NECTD within the time period provided and NECTD will accommodate all timely and reasonable requests at no cost to the requester.*”
- Key print materials, including but limited to schedules and maps, will be translated and made available at the NECTD Office, on board vehicles and in communities when a specific and concentrated LEP population is identified.

Limited English Proficient Persons Documentation

1. **American Community Survey** - NECTD will continue to periodically evaluate the LEP population by language as defined by the ACS via the U.S. Census. Once there is any significant concentration of LEP persons not speaking English very well over the 1,000 person threshold, NECTD will work to update its plan to provide written vital documents in that particular LEP language(s).
2. **Documentation of LEP Contact** - NECTD will document, to the extent practicable, the LEP individuals served each year and determine their preferred national language if communication in English is a barrier or limitation to receiving NECTD services. This includes instances, connections, occurrences between LEP persons and NECTD staff including dispatchers and administrative staff. Based upon this list, NECTD will review to determine if language assistance may be improved or if any internal procedural changes are necessary to ensure all NECTD programs, services or activities are accessible to LEP persons.

Networking/Outreach

1. **Human Service Organizations** - Network with local human service organizations (NECCOG Human Services Advisory Council, ACCESS, TVCCA, TEEG, United Services, Generations Health Care, Day Kimball Hospital) that provide services to LEP individuals; seek input regarding the needs of LEP persons.

Surveys

1. Drivers and administrative staff will be surveyed as part of the hiring process for their alternative language skills to determine language resources available within NECTD’s organization. Their experience with LEP persons during the previous year will also be analyzed each January.
2. Surveys, conducted not less than twice per calendar year, to passengers/public will request minority and low-income information demographics to detail needs by these particular groups. NECTD has requested that the member towns, business community and human service

organizations of NECTD post such surveys on their respective websites.

Vital Documents

It is important to ensure that written materials routinely provided in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by a NECTD program or activity. A document will be considered vital if it contains information that is critical for obtaining the NECTD services and/or benefits, or is required by law. Vital documents include, but are not limited to: ***Route Schedules, Applications; General Complaint Forms; Title VI Policy, Title VI Complaint Procedures and Form, ADA Policy, Affirmative Action Policy, Limited English Proficiency Plan and LEP persons of the Availability of Free Language Assistance; and Letters or Notices Requiring a Response from a Person Receiving NECTD Services.***

Vital documents will be translated when a significant number or percentage of the population eligible to be served, or likely to be directly affected by a NECTD service or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of customer rights or services. Though meaningful access to a program requires an awareness of the program's existence, we recognize that it would be impossible, from a practical and cost-based perspective, to translate every piece of outreach material into every language. Title VI does not require this of recipients of federal financial assistance, and EO 13166 does not require it of federal agencies. Nevertheless, because in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access, it is important for NECTD to continually survey/ assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

Dissemination of the NECTD Limited English Proficiency Plan

The NECTD includes the LEP plan on the NECTD website (nectd.org). Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan. NECTD's Notice of Rights under Title VI to the public posted in the NECTD Office, on all NECTD vehicles, and in selected printed materials also refers to the LEP Plan's availability. Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request. Any questions or comments regarding this plan should be directed to the NECTD Executive Director.

NECTD Executive Director - Northeastern Connecticut Transit District
125 Putnam Pike
Dayville, CT 06241
Phone: 860-774-3902 Fax: 860-779-2056
email: rides@nectd.org

page left blank intentionally

Public Participation

This is a summary of the plan

NECTD is committed to transparency and access to services, information and the decision-making process for people throughout the region. Because planning is about people and the communities they call home, it is about where and how the region's residents live, work and play, making life better for people of all ages, incomes and abilities. Community participation improves the relevance of plans, policies, services and projects, and helps NECTD meet people's needs today and into the future.

NECTD's Public Involvement Plan and Limited English Proficiency Plan has an emphasis on engaging individuals and segments of the public who are directly affected by a project. NECTD staff is encouraged to both reach out to groups of people traditionally underrepresented and significantly affected by the decisions a project entails. However, leveraging NECTD's existing, robust relationships with the jurisdictions where the members of the public reside will also be useful.

NECTD is committed to an engagement model that fosters shared problem-solving, supportive partnerships and reciprocal relationships. NECTD believes that the region's decision-makers need to hear its residents' full range of perspectives to better understand issues, explore alternatives and create a shared action plan. Through the principles, NECTD intends to demonstrate that it provides clear and concise information, is responsive to the people of the region and addresses ideas and concerns raised.

Principles To support the commitment described above, NECTD uses the following principles to guide engagement:

- **EARLY ENGAGEMENT** - NECTD engages the public toward the beginning of each project, or when members of the public can have the greatest effect on shaping the direction of NECTD's efforts.
- **ONGOING ENGAGEMENT** - NECTD engages the public throughout development of a project, or at specific phases identified early in the process. NECTD provides members of the public with clear and specific timelines and methods for providing their perspectives.
- **TIMELY AND ADEQUATE NOTICE** - NECTD ensures that the public receives timely and adequate notice of opportunities for public engagement.
- **CONSISTENT ACCESS TO INFORMATION** - NECTD follows state, federal and funding partner requirements, as well as organization policies, regarding making supporting material available for topics on which it has invited members of the public to provide their perspectives.
- **INVITATION FOR PUBLIC REVIEW AND COMMENT** - NECTD invites public review of, and comment on, essential plans and programs. Invitations will be made no later than is required by federal and state requirements or funding partners (typically 30 to 45 days). For projects lacking specific partner requirements for public engagement, NECTD will determine the appropriate length of the review period. Copies of public review drafts are made available at NECTD's office and website. Comments are accepted by mail, email and via NECTD.org.

The following is a list of current plans and programs with established public engagement processes:

- When NECTD conducts a formal public hearing, members of the public are provided the opportunity to testify. Some plans and projects are also discussed in committee meetings prior to the formal public hearing.
- Comments collected during formal public comment periods and hearings are provided in their entirety and with staff responses to the Board of Directors when it is slated to take action. The format of these responses may vary based on the project, but will typically be incorporated into a matrix. In other instances, NECTD balances its employees' professional expertise and technical analysis with perspectives gathered from the public during project development.
- For formal comment periods and hearings, all comments are provided to the Board of Directors for consideration. During other opportunities for the public to provide their perspectives, NECTD responds as is appropriate to the situation.

Invitation And Consideration Of Perspectives From Those Traditionally Under Represented

NECTD invites participation by members of populations traditionally under-represented in regional decision making processes due to demographic, geographic or economic circumstances, to allow NECTD to appropriately consider their needs. Such populations include, but are not limited to, individuals who speak languages other than English, individuals representing diverse cultural backgrounds, low-income individuals, people with disabilities, older adults and young adults. NECTD uses demographic and stakeholder analysis to identify communities for projects for which it seeks public engagement. NECTD's Limited English Proficiency plan guides staff in providing customer service to, and facilitating participation by, members of the public whose proficiency in English is limited .

Regular Review Of Public Engagement Processes

NECTD regularly reviews the implementation of this plan and the ability of the principles, steps, techniques and tools in this document to advance meaningful public engagement. NECTD will use a variety of means to determine the effectiveness of engagement strategies including data collection, feedback from participants of public events, review of attendance at public events and evaluation of the implementation of a variety of techniques and tools. The outcomes of these evaluations will inform future engagement, and successful activities will be continued while those that underperform will be eliminated. A routine evaluation summary of engagement activities will also be compiled to share results of the organization's recent engagement efforts and review areas of success and potential improvement. In addition to NECTD's commitment to continuous improvement and evaluation of its public engagement activities, the organization's efforts are periodically reviewed by funding partners and agencies such as the Connecticut Department of Transportation.

The Public Participation Plan is reviewed every three years (from date of most recent adoption) by the staff of the Regional Planning Commission to assess the effectiveness of its procedures. Staff shall submit recommended revisions or amendments to the Transportation Technical and Policy Committees. Pursuant to 23 CFR 450.316(a)(3), action by the Technical and Policy Committees to adopt revisions to or amendment of the Public Participation Plan shall be preceded by a period of public review and comment of not less than 45 days.

Monitoring and Updating the LEP Plan

NECTD's LEP Plan will be reviewed and updated every three years through the Title VI Program Update, when new American Community Survey numbers are available as well as periodically through the coordinated human services-transit provider plan process as required by the Connecticut Department of Transportation. Specifically, NECTD will continue to conduct the following efforts towards to provide meaningful access to LEP persons within the service region:

Each update shall examine all plan components such as:

1. How many LEP persons were encountered?
2. Were their needs met?
3. What is the current LEP population in NECTD service area?
4. Has there been a change in the types of languages where translation services are needed?
5. Is there still a need for continued language assistance for previously identified NECTD programs?
6. Are there other programs that should be included?
7. Have the NECTD's available resources, such as technology, staff, and financial costs changed?
8. Has NECTD fulfilled the goals of the LEP Plan?
9. Were any complaints received?

Appendix A - Title VI Assurances and Appendices Thereto

The text below is an example of the contract language used when engaging consultants or other entities in connection with an NECTD project. In accordance with and consistent with Connecticut Law, projects undertaken by the NECTD and under CONNDOT oversight are required to employ the contract language and the required assurances as set forth below.

The Northeastern Connecticut Council of Governments (NECTD), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d, et seq. (“Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

NECTD hereby gives the following specific assurances regarding its federal aid assisted programs:

NECTD agrees to comply with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200d et seq., and with U.S. DOT regulations, “Nondiscrimination in Federally- Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act,” 49 CFR part 21.

NECTD assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity. NECTD further ensures every effort will be made to ensure non-discrimination in all programs and activities, whether those programs and activities are federally funded or not.

NECTD further assures that meets the objectives of the above-cited requirements including NECTD and its third-party contractors by promoting actions that:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin.
- Identify and address, as appropriate, disproportionately high and adverse effects of programs and activities on minority populations and low-income populations.
- Promote the full and fair participation of all affected Title VI populations in transportation decision making.
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
- Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

3. That the Recipient agrees that each “program” and each “facility”, as defined in the Regulations, will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
4. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with federal aid assisted programs, and in adapted form in all proposals for negotiated agreements:
 5. “The Northeastern Connecticut Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d, et seq., and Title 49, Code of Federal Regulations hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex or national origin in consideration for an award.”
6. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
7. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
8. That the Recipient shall include the appropriate clauses regarding a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under federal aid-assisted programs; and (b) for the construction or use of, or access to space on, over, or under real property acquired or improved under federal aid-assisted programs.
9. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
10. The Recipient shall provide for such methods of administration for the program, as are found by the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
11. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

Page Left Blank Intentionally

Appendix B - Nondiscrimination Clauses

The following nondiscrimination clauses are included in NECTD Requests for Proposals and other solicitations for submission, subject to requirements by the Connecticut Department of Transportation.

DBE – The Northeastern Connecticut Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000 d – 42 and Title 49, Code of Federal Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex or national origin in consideration for an award.

The following nondiscrimination clauses are included in FTA-funded procurements or where DBE is otherwise assessed:

DBE Assurance – The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

The following nondiscrimination clauses are included in NECTD contracts and sub-grant agreements:

- **Civil Rights Requirements** – 29 U.S.C. § 62, 42 U.S.C. § 2000, 42 U.S.C. § 602, 42 U.S.C. § 12112, 42 U.S.C. § 12132, 49 U.S.C. § 5332
- **Nondiscrimination** – In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and all other provisions of Federal law, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations.
- **Equal Employment Opportunity** – The following equal employment opportunity requirements apply to the underlying contract:
 - ✓ **Race, Color, Creed, National Origin, Sex** – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor,” 41 CFR Parts 60 et seq., (which implement Executive Order No. 11246, “Equal Employment Opportunity”, as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” 42 U.S.C. § 2000e note), and with any applicable Federal Statutes, executive

orders, regulations, and Federal policies that may in the future affect activities undertaken in the course of this Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

- ✓ **Age** – In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and other applicable law, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

- ✓ **Disabilities** – In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act”, 29 CFR Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal Assistance, modified only if necessary to identify the affected parties.

Appendix C

The following is made part of all meeting notices by NECTD:

NECTD meetings are conducted in accessible locations and materials can be provided in accessible formats. If you would like special accommodations, such as an interpreter, please contact the NECTD at: (860)774-1253, or neccogoffices@NECTD.org at least 3 days prior to the meeting. The NECTD fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. The NECTD does not discriminate on the basis of race, color, national origin, English proficiency, income, religious creed, ancestry, disability, age, gender, sexual orientation, military service, or gender identity or expression.

Any person who believes himself/herself or any specific class of persons have been subjected to discrimination prohibited by Title VI or related statutes or regulations may, himself/herself or via a representative, file a complaint with the NECTD.

Page Left Blank Intentionally

Appendix D

Federal Statutes

Moving Ahead for Progress in the 21st Century Act (MAP-21) (07/06/2012) The Age Discrimination in Employment Act of 1967, as amended (02/20/2009) The Equal Pay Act of 1963 (02/20/2009)

Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 252 (1964) (42 U.S.C. §§ 2000d-2000d-7) – provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Age Discrimination Act of 1975 (42 U.S.C §§ 6101-6107) – prohibits age discrimination in Federally Assisted Programs.

The Federal-aid Highway Act, (49 U.S.C. § 306) – Outlines responsibilities of the U.S. DOT and the Secretary's authority to determine compliance with applicable Civil Rights statutes.

The Federal-aid Highway Act, Pub. L. No. 97-449, 96 Stat. 2421 (1983) (codified as amended at 49 U.S.C. § 306) – added the requirement that there be no discrimination on the grounds of sex in DOT financial assistance programs.

The 1973 Federal-Aid Highway Act, Pub. L. No. 93-87, 87 Stat. 250 (1973) (23 U.S.C. § 324) – added the requirement that there be no discrimination on the grounds of sex in Title 23 programs.

The Civil Rights Restoration Act of 1987, Pub L. No 100-259, 102 Stat. 28 (1988) - restored the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Pub. L. No. 91-646, 84 Stat. 1894 (1971) (codified as amended at 42 U.S.C. §§ 4601-4638) – provides for fair treatment of persons displaced by Federal and Federal-aid programs and projects.

The Uniform Relocation Act Amendments of 1987, Pub. L. No. 101- 246 – Updated the 1970 Act and clarified the intent of Congress in programs and projects which cause displacement.
Rehabilitation Act Amendments of 1986, Pub L. No. 99-506, 100 Stat. 1807 (1986) (42 U.S.C. § 2000d-7) – abrogated recipient state sovereign immunity from suit under Title VI.

The American with Disabilities Act, Pub. L. 101-336 – provides enforceable standards to address discrimination against individuals with disabilities.

The American with Disabilities Act, Pub. L. No. 101-336, 104 Stat. 327 (1990) (codified as amended at 42 U.S.C. § 12101 et seq.) – added the requirement that there be no discrimination on the grounds of disability, abrogated sovereign immunity, and provided enforceable standards to address discrimination against individuals with disabilities.

The Civil Rights Act of 1991, Pub. L. No. 102–166, 105 Stat. 1071 (1991) (codified in part at 42 U.S.C. § 1981) – in part, amended Section 1981 of 42 U.S.C. to provide a definition for the term “make and enforce contracts”, and to provide protection of the rights protected by this section against impairment by nongovernmental discrimination under color of State law.

Title VIII of the 1968 Civil Rights Act, Pub. L. No. 90-284, 82 Stat. 81 (1968) (codified as amended at 42 U.S.C. § 3601 et seq) – Requires fair housing practices in the sale or rental of housing, and zoning and planning by localities.

The National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (1969) (42 U.S.C. § 4321) – Requires the preparation of environmental impact statements for major federal agency actions affecting the human environment. Under NEPA, federal agencies and federal aid recipients are required to consider several alternative actions, including the “no- action” alternative, and to consider social, environmental and economic impacts, public involvement.

Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 374 (1972) (20 U.S.C.A. § 1682) – makes financial assistance available to institutions of higher education.

Transportation Equity Act for the 21st Century, Pub. L. No. 105–178, 112 Stat. 107 (1999) (codified in part at 23 U.S.C. § 101) – in part, mandates expenditures in federally assisted transportation programs through Disadvantaged Business Enterprises.

Executive Orders

E.O. 12250, 28 C.F.R. Pt. 41, App. A (1980) – Orders DOJ Leadership and Coordination of Nondiscrimination Laws.

E.O. 12259, 46 Fed. Reg. 1253 (1980) – Orders HUD Leadership and Coordination of Federal Fair Housing Programs.

E.O. 12898, 59 Fed. Reg. 7629 (1994) – Orders Federal actions to address Environmental Justice in minority populations and low-income populations.

E.O. 13160, 65 Fed. Reg. 39775 (2000) – Orders nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs.

E.O. 13166, 65 Fed. Reg. 50121 (2000) – Orders Federal agencies and their recipients to improve access to federally sponsored programs for persons with Limited English Proficiency (LEP).

E.O. 13175, 65 Fed. Reg. 218 (2000) – Orders Consultation and Coordination with Indian Tribal Governments.
Regulations

23 C.F.R. §200 – FHWA’s Title VI Program Implementation and Review Procedures.

23 C.F.R. Part 420.121(h) – part of FHWA’s planning regulations that specify the applicability of Title VI of the 1964 Civil Rights Act and Restoration Act of 1987 to FHWA funded planning and research activities.

23 C.F.R. Part 450 –Federal Highway Administration’s Statewide and Metropolitan Planning Regulations.

23 C.F.R. Part 450.316(b) (2) & (3) – requires that the metropolitan planning process be consistent with Title VI of the 1964 Civil Rights Act and the recipient’s Title VI Assurances.

23 C.F.R. Part 633, Subpart A – specifies required contract provisions to be included in all Federal-aid construction contracts under Title VI and other federal provisions.

23 C.F.R. Part 633, Subpart B, Appendix A – specifies the types of contracts to which Title VI of the 1964 Civil Rights Act applies.

23 C.F.R. Part 771.105(f)—FHWA’s Policy on Title VI – expands on 23 C.F.R. 200.7 and names categories covered with wording similar to Title VI of the Civil Rights Act of 1964 – race, color, national origin, age, sex, handicap.

28 C.F.R. Part 35 – DOJ regulations governing nondiscrimination on the basis of disability in State and local government services.

28 C.F.R. Part 41 – Requires DOJ to coordinate the implementation of Section 504 of the Rehabilitation Act, and provides guidelines for determining discretionary practices.

28 C.F.R. Part 42, Subpart C – DOJ’s implementation of Title VI of the Civil Rights Act of 1964.

28 C.F.R. Part 42.200, Subpart D – “Nondiscrimination in Federally assisted Programs – Implementation of Section 815 (c) (1) of the Justice System Improvement Act of 1979” – implements E.O. 12138.

28 C.F.R. Part 50.3 – DOJ’s guidelines for the enforcement of Title VI, Civil Rights Act of 1964. **49 C.F.R. Part 21** – DOT’s implementation of Title VI of the Civil Rights Act of 1964.

49 C.F.R. Part 24 – DOT’s implementation of the Uniform Relocation and Real Property Acquisition Act for Federal and federally assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders.

49 C.F.R. Part 25 – DOT’s implementation of Title IX of the Education Amendments Act of 1972. **49 C.F.R. Part 26** – DOT’s implementation of Participation by Disadvantaged Business Enterprises in DOT Financial Assistance Programs.

49 C.F.R. Part 27 – DOT’s implementation of Section 504 of the Rehabilitation Act of 1973 as amended.

49 C.F.R. Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.

49 C.F.R. Part 37 – Transportation Services for Individuals with Disabilities, implementing the transportation and related provisions of Title II and III of the ADA proscriptions included in Form FHWA 1273.

Administrative Guidance

FHWA Order 4710.1 – Right-of-Way Title VI Review Program.

FHWA Order 4710.2 – Civil Rights Compliance Reviews of Location Procedures.

FHWA Order 4720.6 – Civil Rights Restoration Act of 1987 in FHWA Programs.

FHWA Order 6640.23 – Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

Joint FHWA/FTA Memorandum dated October 7, 1999: Guidance on Implementing Title VI in Metropolitan and Statewide Planning.

DOJ Title VI Legal Manual (September, 1998) Processing Complaints Filed Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Americans with Disabilities Act of 1990 (ADA)

DOJ Policy Guidance Document dated January 11, 2002 – Memo re: E.O. 13166, Improving Access to Services for persons with Limited English Proficiency.

DOJ Policy Guidance Document dated January 18, 2002 – Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons.

FTA C 4702.1B (October 1, 2012) –“Title VI Requirements and Guidelines for Federal Transit Administration Recipients.” Provides FTA financial assistance recipients with guidance on implementing Title VI regulations.

Appendix A: Authorities

- Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d to 2000d-4);
- Federal Transit Laws, as amended (FTA C 4702.1B) - This Circular delineates the Federal Transit Administration's (FTA) Title VI requirements;
- Title VIII of the Civil Rights Act of 1968, as amended (42 USC 3601-3619)- This Act is known as the Fair Housing Act and Title VIII of this Act prohibits discrimination with respect to the sale or renting of housing;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601-4655)- This Act is known as the Uniform Act and provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and establishes uniform and equitable land acquisition policies for Federal and federally assisted programs;
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794)- No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance (cite taken from 49 CFR 27.1);
- 23 USC 109(h)- Requires the promulgation of guidelines intended to ensure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decision on the project are made in the best overall public interest;
- 23 USC 324- Prohibits discrimination on the basis of sex;
- 23 CFR 200- This part delineates the Federal Highway Administration's (FHWA) Title VI regulation;
- 23 CFR 450 & 49 CFR 613- "Planning Assistance and Standards" (October 28, 1993, unless otherwise noted);
- 23 CFR 771 -Joint FTA/FHWA regulation: "Environmental Impact and Related Procedures" (August 28, 1987);
- 28 CFR 42, Subpart F (Department of Justice regulation)- "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted);
- 49 CFR 21- "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, as amended" (June 18, 1970, unless otherwise noted);
- DOT Order 5610.2-"U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations" (EJ) (April 15, 1997);
- DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons (LEP) (December 14, 2005).
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131 - 12189) as implemented by Department of transportation regulations at 49 C.F.R. pmts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).