

## **Purpose of the Plan**

Title VI of the Civil Rights Act of 1964, as amended, applies to the U.S. Department of Transportation Federal Transit Administration (FTA) sub-recipients. The purpose of Title VI is to ensure no person in the United States shall, on the grounds of race, color, and national origin, be excluded from participation in, be denied the benefits of, or be subjected to the discrimination under any program or activity receiving federal financial assistance from the FTA. The program described herein describes Lee-Ogle Transportation System's efforts to comply with Title VI regulations issued by the U.S. Department of Justice and the U.S. Department of Transportation. The objectives of the Lee-Ogle Transportation System Title VI program are to:

- Ensure the level and quality of transportation service is provided equitably and without regard to race, color, and national origin.
- Avoid, minimize, or mitigate 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.
- Ensure 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; and
- Ensure persons with limited English proficiency have meaningful access to programs and activities that are administered by recipients and sub-recipients.

## **The Lee-Ogle Transportation System Title VI Program**

Lee-Ogle Transportation System (LOTS) has established the following program to comply with the Illinois Department of Transportation (IDOT) and FTA, Title VI Regulations.

“All information about the process, materials necessary to apply for eligibility, complaint process, and notices and determinations concerning eligibility will be made available in accessible formats upon request.” Accessible formats in English, large print, audio, and Braille also available in Spanish.

### ***Annual Submissions to Illinois Department of Transportation and the Federal Transit Administration***

LOTS complies with the requirements of the Illinois Department of Transportation (IDOT) Title VI Program. LOTS will submit an annual assurance to verify Title VI compliance as part of the standard certifications and assurances it submits to IDOT with grant applications. LOTS will also submit a Title VI assurance online as part of the online applications with FTA. LOTS shall also collect Title VI Assurances from any sub-recipients prior to passing through FTA funds. Exhibit I on the following page is the LOTS Title VI assurance.

*Exhibit I: LOTS Title VI Assurance*

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*Title VI Assurance to the Federal Transit Administration*

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Lee-Ogle Transportation System hereby agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation that it will comply with Title VI of the Civil Rights Act of 1964, and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of the Title VI of the Civil Rights Act of 1964 and other pertinent directives, to the end and in accordance with the Act, Regulations, and other pertinent directions, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which LOTS received Federal financial assistance from the Department of Transportation, including the Federal Transit Administration and, hereby gives assurance it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations. More specifically and without limiting the above assurances, LOTS gives the assurances as listed in the “Verification of Level and Quality of Service,” with respect to the Federal Transit Administration Grant Program. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Transit Administration.

## **Triennial Submissions to IDOT and FTA**

LOTS will report the information contained in this section to IDOT and FTA on a triennial basis with the first submission parceled as part of the plan. The following report addresses each of the eight primary Title VI considerations and the associated forms, and activities of its Title VI program.

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

In order to comply with 40 CFR Section 21.9 (b), LOTS has developed procedures for investigating and tracking Title VI complaints. Procedures for filing a complaint will be made available to members of the general public. The following measures will be taken in dealing with Title VI complaints:

- 1) A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the Complainant's name, address, and telephone number; the name of the alleged discriminating official, basis of the complaint (race, color, and national origin) and the date of the alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. Exhibit II provides LOTS Title VI complaint form.
- 2) In the case where a Complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to a LOTS Representative. Under these circumstances, the complainant will be interviewed, and the Representative will assist the Complainant in converting the verbal allegation into writing.
- 3) LOTS will investigate complaints filed against contractors, consultants, or other sub-recipients. Complaints filed directly against LOTS shall be forwarded to the IDOT Title VI Coordinator for investigation.
- 4) When a complete complaint is received, the Title VI Coordinator will provide written acknowledgement to the Complainant within five (5) days by registered and regular mail. At the same time, the complaint will be forwarded to the State of Illinois for investigation.
- 5) If a complaint is deemed incomplete, additional information will be requested from the Complainant within 15 business days from the receipt of the original complaint. The Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination that the claim has no investigative merit.
- 6) Within 15 business days from the receipt of a complete complaint, LOTS will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Complainant and Respondent will receive notification of the disposition by registered and regular mail.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.

- b. If the decision is to be investigated, the notification shall inform the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 7) When LOTS does not have sufficient jurisdiction, the complaint will be deferred to IDOT for further investigation.
- 8) If the complaint has investigative merit, an investigator will be assigned. A complete investigation will be conducted, and an investigative report will be submitted within 45 days of receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations.
- 9) A letter of finding will be issued to the Complainant and Respondent. Where appropriate, these letters will include conciliatory measures. A copy of the investigative report shall be forwarded to IDOT within 60 days of receipt of the complaint. If the investigation is delayed for any reason, the investigator will notify the appropriate authorities, and an extension will be requested.
- 10) If the Complainant is dissatisfied with LOTS resolution of the complaint, he/she has the right to file the complaint with the IDOT Title VI Coordinator directly.

#### **Title VI Investigations, Complaint, and Lawsuit Record Keeping Procedures**

In order to comply with 49 CFR Section 21.9 (b), LOTS has prepared and maintains a list of active investigations, lawsuits, or complaints naming LOTS that allege discrimination on the basis of race, color, or national origin. The list includes:

- The date the investigation, lawsuit, or complaint was filed;
- A summary of the allegation;
- The status of the investigation; and
- Actions taken in response to the investigation, lawsuit, or complaint. LOTS has adopted Title VI record keeping procedures for complaints, lawsuits, and investigations. Exhibit III depicts this format.

Exhibit II: LOTS Title VI Complaint Form

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Lee-Ogle Transportation System Title VI Complaint Form (Page One)

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**Section I:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number(s): HOME: \_\_\_\_\_ WORK: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Do you have accessible format requirements? Check each that applies:

Large Print \_\_\_\_\_ Audio Tape \_\_\_\_\_ TDD \_\_\_\_\_ Other \_\_\_\_\_

The Federal Transit Administration (FTA) Office of Civil Rights is responsible for civil rights compliance and monitoring, which includes ensuring that providers of public transportation properly abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations," and the Department of Transportation's Guidance to Recipients on Special Language Services to Limited English Proficiency (LEP) Beneficiaries.

In LOTS complaint investigation process, we analyze the complainant's allegations for possible Title VI and related deficiencies by the transit provider. If deficiencies are identified, they are presented to the transit provider and assistance is offered to correct the inadequacies within a predetermined timeframe. The State of Illinois may also refer the matter to the U.S. Department of Just for Enforcement.

**Section II:**

Are you filing this complaint on your own behalf? Yes \_\_\_\_\_ No \_\_\_\_\_ (If you answered "Yes" to this question, go to Section III)

If the answer was "No", please supply the name of the person for whom you are submitting the complaint for: \_\_\_\_\_

Please explain why you have filed for a third party:

\_\_\_\_\_  
\_\_\_\_\_

Please confirm you have obtained the permission of the aggrieved party if you are filing on behalf of a third party: Yes \_\_\_\_\_ No \_\_\_\_\_

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*Lee-Ogle Transportation System Title VI Complaint Form (Page One)*

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**Section III:**

Have you ever filed with any other organizations? Yes \_\_\_\_\_ No \_\_\_\_\_ *(If you answered "No" to this question, go to Section IV)*

*Check all that applies below:*

IDOT: \_\_\_\_\_

Department of Justice: \_\_\_\_\_

Equal Employment Opportunity Commission: \_\_\_\_\_

Other: \_\_\_\_\_

If you selected "Other", please be specific when providing the name of organization(s) within the lines provided below.

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

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

If necessary, please provide on separate sheet(s) all contact information of each organization indicated above.

*(Note: The above information is helpful for administrative tracking purposes. However, if litigation is pending regarding the same issue(s), we will defer to the decision of the court.)*

**Section IV:**

On separate sheets of paper, please describe your complaint. You should include specific details such as names, dates, times, route or bus number, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to your complaint.

*(Note: We cannot accept your complaint without a signature.)*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit III: Title VI Complaint Record Keeping

Table 1 Title VI Complaint Record Keeping

File Date	Summary of Allegation	Actions Taken in Response	Status of Investigation

**Meaningful Access to LEP Persons**

Title VI and its implementing regulations require FTA sub-recipients take reasonable steps to ensure meaningful access to the benefits, services, information, and other important portions of their program and activities that have Limited English Proficient (LEP) individuals. Circular 4702.1B states LEP persons are “*persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well, or do not speak English at all.*”

LOTS has assessed the four main factors involved in developing a Language Assistance Plan as described in the Federal Transit Administration guidance entitled “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers.” These steps are as follows:

- 1) Identify the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or the recipient grantee. Based on the 2021 American Community Survey 5 Year Estimates (<https://data.census.gov/cedsci/>), LOTS undertook an analysis of the languages spoken in Lee County, Illinois and Ogle County, Illinois and estimated the number of residents with Limited English Proficiency by language group. A summary of the Lee County data is provided below in Exhibit IV; a summary of the Ogle County data is provided below in Exhibit V.

*Exhibit IV: English and Non-English-Speaking Residents of Lee County, Illinois*

**Table 1: Lee County English and Non-English-Speaking Residents<sup>1</sup>**

<i>English and Non-English-Speaking Residents</i>	<i>Estimated Population</i>	<i>% of Total Population</i>
<b>Total Population (Over 5 Years)</b>	32,668	N/A
Speak Only English	31,235	95.61%
<b>Speak Spanish</b>	1,009	3.09%
Speak English “Very Well”	780	2.39%
Speak English less than “Very Well”	229	0.70%
<b>Speak other Indo-European Languages</b>	246	0.75%
Speak English “Very Well”	174	0.53%
Speak English less than “Very Well”	72	0.22%
<b>Speak Asian and Pacific Island Languages</b>	144	0.44%
Speak English “Very Well”	77	0.24%
Speak English less than “Very Well”	67	0.21%
<b>Other Languages</b>	34	0.10%
Speak English “Very Well”	25	0.08%
Speak English less than “Very Well”	9	0.03%

*Exhibit V: English and Non-English-Speaking Residents of Ogle County, Illinois*

**Table 2: Ogle County English and Non-English-Speaking Residents<sup>2</sup>**

<i>English and Non-English-Speaking Residents</i>	<i>Estimated Population</i>	<i>% of Total Population</i>
<b>Total Population (Over 5 Years)</b>	48,042	N/A
Speak Only English	44,684	93.01%
<b>Speak Spanish</b>	2,888	6.01%
Speak English “Very Well”	1,390	2.89%
Speak English less than “Very Well”	1,498	3.12%
<b>Speak other Indo-European Languages</b>	385	0.80%
Speak English “Very Well”	241	0.50%
Speak English less than “Very Well”	144	0.30%
<b>Speak Asian and Pacific Island Languages</b>	78	0.16%
Speak English “Very Well”	38	0.08%
Speak English less than “Very Well”	40	0.08%
<b>Other Languages</b>	7	0.01%
Speak English “Very Well”	2	0.00%
Speak English less than “Very Well”	5	0.01%

Please note the following: the communities included in the Other Indo-European Languages are French, French Creole, Italian, Portuguese, Portuguese Creole, German, Yiddish, Scandinavian, Greek, Russian, Polish, Serbo-Croatian, Armenian, Persian, Gujarati, Hindi, and Urdu. The communities within the Speak Asian and Pacific Island Languages are Chinese, Japanese, Korean, Mon-Khmer, Cambodian, Hmong, Thai, Laotian, Vietnamese, Tagalong, and Navajo. Within the other languages, the communities that exist are Navajo, Hungarian, Arabic, and Hebrew.

<sup>1</sup> Data Source: <https://data.census.gov/table?q=lee+county,+illinois+language&tid=ACSST5Y2021.S1601>

<sup>2</sup> Data Source: <https://data.census.gov/table?q=ogle+county,+illinois+language&tid=ACSST5Y2021.S1601>

- 2) Determining the frequency with which LEP individuals come in contact with the program. LOTS receives ride requests from individuals who have a difficulty communicating in English. In the case that an individual does speak in a foreign language such as Spanish, LOTS does employ a bilingual Dispatcher who is able to communicate with the passenger to assist them with their requests and/or questions. It is uncommon for passengers who speak other languages to contact LOTS. LOTS intends to explore translation services to have available for the future.
- 3) Defining the nature and importance of the program, activity, or service provided by the recipient to peoples' lives. LOTS provides transportation for the general public. The organization does not discriminate by race, color, and/or national origin. The benefit of our transportation to the LEP individuals or any individual is to ensure they are able to get to and from a location that they could not obtain otherwise. This includes but is not restricted to medical appointments, shopping, employment, and other publicly accessible entities.
- 4) Describing the resources available to the recipient and costs involved. Brochures and ride schedules have been translated into Spanish; other languages are available as needed. Verbal interpretations of rides are also possible, and cost varies based on numerous factors. Organizations that are willing to translate or interpret can be found online. For example, Language Line is an organization that provides translation services as needed. LOTS employs a Dispatcher who is fluent in Spanish and can communicate with Spanish speaking passengers. Third-party interpreters could be hired by the organization if necessary.

### ***Language Assistant Plan for LEP Individuals***

LOTS wants to ensure strong evidence of compliance for FTA purposes, so a review of FTA Circular 4702.1B, "Safe Harbor Provision" was completed. The provision states a LEP group that speaks "English less than very well" and consists of more than 1,000 individuals or 5% of the total population, whichever is less, is the necessary threshold of supplying the group with written material in their corresponding language. Based on analysis of the 2021 American Community Survey 5 Year Estimates, Ogle County has a population of 1,498 individuals who speak "English Less Than Very Well". Since the threshold defined above has been met, LOTS has printed marketing material in Spanish and updated its website to allow users the option to change their preferred language.

### ***Beneficiary Notification Protection Under Title VI***

To comply with 49 CFR Section 21.9(d), sub-recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. LOTS disseminates this information to the public through measures that include posting on the transit system website and social media sites and postings at county offices and areas frequented by LOTS riders. The note will be translated into languages other than English consistent with LEP Guidelines. Exhibit VI is LOTS Title VI Protection Notice to the Public.

*Exhibit VI: LOTS Title VI Protection Notice to the Public*

Lee-Ogle Transportation System hereby gives the public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related statutes. Title VI and related statutes prohibiting discrimination in Federally-assisted programs require no person in the United States of America shall on the grounds of race, color, and national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to, discrimination under any program or activity receiving Federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discretionary practice regarding LOTS programs has the right to file a formal complaint. To obtain the formal complaint procedures, an official complaint form, and any other information, call 815-288-2117 or come to the LOTS office located at 210 E. Progress Drive in Dixon, IL 61021. Complaint forms must be completed, signed, and delivered to the LOTS office within sixty (60) days following the date of the alleged occurrence. A passenger may also file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., Washington, D.C. 20590.

All information about the process, materials necessary to apply for eligibility, complaint process, and notices and determinations concerning eligibility will be made available in accessible formats upon request. Accessible forms in English, large print, audio, and Braille also available in Spanish.

## **Additional Information Requests**

LOTS fully understands that FTA and IDOT may request additional information to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI. LOTS will cooperate with the FTA and IDOT, and all requested information will be provided in a timely manner.

## **Submission of Title VI Program**

To ensure compliance with 49 CFR Section 21.9 (b), this report will serve as documentation of LOTS Title VI Compliance. LOTS will prepare and submit updates to this Title VI program to IDOT and FTA on a triennial basis.

## **Conducting Analysis of Construction Projects**

LOTS will integrate an environmental justice analysis into the National Environmental Policy Act (NEPA) document of construction projects. If a construction project requires NEPA documentation, LOTS will complete IDOT's standard environmental assessment (EA) and will submit the EA as part of each triennial Title VI submission.

## **Promoting Inclusive Public Participation**

In compliance with the DOT Order on Environmental Justice, LOTS conducts public outreach and involvement activities with minority and low-income populations. LOTS undertakes public outreach activities including:

- Provide notice and affording members of the public, including minority and low-income populations, the opportunity to comment on proposed service and fare changes.
- Provide members of the public the opportunity to participate in the decision-making process for projects subject to the National Environmental Policy Act (NEPA).
- Provide members of the public, including minority and low-income populations the opportunity to participate in or to comment on the agency's strategic plan or capital improvement program.
- Offers the public, including low-income and minority populations' routine opportunities to provide feedback or comment on the level and quality of service.

## **Service Equity Analysis**

### ***Minority, Low-Income, and Limited English Proficiency Populations Concentrations***

LOTS provides transportation services via demand response. Rider access and travel times vary with each request. Management ensures a balance of resources available to meet specific demand. Demand factors related to concentrations of persons with disabilities and households without access to a vehicle are also considered.

Included on the following pages are demographic profile maps that illustrate minority, low income and LEP populations in relations to the LOTS service area.

## **Service Monitoring**

The LOTS staff will monitor service level and service quality to ensure no person or group of persons shall be discriminated against with regard to the route, scheduling, or quality of

transportation service furnished by the LOTS system on the basis of race, color, and national origin. Frequency of service, age, quality of vehicles assigned, quality of facilities, and location of routes shall not be determined based on race, color, and national origin.

### **LOTS Environmental Justice and Title VI Summary**

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin. IDOT, FTA, and LOTS advance Title VI and environmental justice by involving the public in transportation decisions. Effective public involvement programs enable transportation professionals to develop systems, services, and solutions that meet the needs of the public, including minority and low-income communities. There are three fundamental environmental justice principles. The three principles are:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.