

# **Gunnison Valley RTA**

## **Title VI Plan**

*Related to  
Transportation Planning and Transportation Improvements*

Adopted by the Board of Directors – May, 2011

**AGENCY INFORMATION**

**RECIPIENT:** Gunnison Valley Transportation Authority (RTA)  
Rural Transit Agency (population under 200,000)

**CONTACT INFORMATION:**

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## **I. PROVISION OF TITLE VI ASSURANCES**

The RTA hereby certifies that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a. RTA shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission to the FTA.
- b. No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
- c. RTA will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1A and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.
- d. RTA will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

## **II. TITLE VI COMPLIANCE HISTORY**

- a. There are no outstanding lawsuits or complaints naming the RTA which allege discrimination on the basis of race, color or national origin with respect to service or other transit benefits.
- b. There are no pending applications for Federal financial assistance, and there is no Federal financial assistance currently being provided to the RTA other than that being supplied by the Federal Transit Administration (FTA). Currently the RTA is applying for Section 5311 & 5309 funding through the FTA.
- c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to the RTA and, to the best of our knowledge, there are not presently any ongoing civil rights compliance review activities being conducted with respect to the RTA.
- d. There are currently no pending construction projects which would negatively impact minority communities being performed by the RTA.

### III. INCORPORATION OF THE PROGRAM

The Gunnison Valley RTA (hereinafter referred to as the “RTA” or “Recipient”) hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives. 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 otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit 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) 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 Transit Administration program:

- a. 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.
- b. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Transit Administration programs and, in adapted form in all proposals or negotiated agreements:

***The RTA, 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders/proposers that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to the invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.***

- c. That the Recipient shall insert the clauses contained herein as **APPENDIX A** in every contract subject to this Act and the Regulations.
- d. That the Recipient shall insert the clauses contained herein as **APPENDIX B**, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest herein.
- e. 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.
- f. 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.
- g. That the Recipient shall include the appropriate clauses contained herein as **APPENDIX C**, 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 Federal Transit Administration programs; and (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under Federal Administration programs.
- h. 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.
- i. The Recipient shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other 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.
- j. 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.

- k. The Recipient assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

THESE ASSURANCES are 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 Administration and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Transit Administration programs.

The person(s) whose signature appears below, are authorized to sign these assurances on behalf of the grant applicant or recipient.

Date:

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Jonathan Houck, Chairman  
Gunnison Valley RTA Board of Directors

#### IV. GENERAL GUIDELINES/REQUIREMENTS

a. Annual Certification and Assurance

As stated in Section I, RTA shall submit annually, their Title VI assurance, as part of their annual Certification and Assurance submission to the FTA.

b. Complaint Procedures

In compliance with 49 CFR Section 21.9(b), RTA has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. RTA complaint procedures and complaint form are contained herein as **APPENDIX D**.

c. Record Title VI Activities

In compliance with 49 CFR Section 21.9(b), RTA shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming TOB that allege discrimination on the basis of race, color, or nation origin. Such list shall include:

- 1) Date the investigation, lawsuit, or complaint was filed;
- 2) Summary of the allegation(s);
- 3) The status of the investigation, lawsuit, or complaint; and
- 4) Actions taken by the RTA in response to the investigation, lawsuit or complaint.

d. Access for LEP Persons

RTA shall take 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). RTA will assist persons with limited English proficiency to participate in the transportation planning process. RTA Staff will make every effort to provide translators and document translation, where feasible, upon request. RTA's Limited English Proficiency (LEP) Plan is contained herein as **APPENDIX E**.

e. Public Notification

In compliance with 49 CFT Section 21.9(d), RTA 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 the Title VI. RTA complaint procedures and public notification information are contained herein as **APPENDIX D.**

f. Additional Information

RTA acknowledges that, at the discretion of the FTA, information other than that which is required by FTA C 4702.1A, may be requested in writing of the RTA, to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

g. Timely Submission

RTA acknowledges that their Title VI submissions and/or updates thereto, shall be supplied to their FTA Regional Office once every three (3) years. The submission shall include, but is not limited to:

- 1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
- 2) RTA's process for persons with limited English proficiency (LEP);
- 3) Title VI Complaint and Tracking procedures;
- 4) A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
- 5) A copy of RTA's public notice regarding Title VI compliance and public access and instructions to RTA Title VI complaint procedures.

Portions of the Plan which have not changed since the last submission will not be resubmitted, however, RTA shall include a statement to this effect in lieu of copies of the original documents in order to eliminate redundancy in resubmissions.

h. Environmental Analysis of Construction Projects

RTA shall integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of transit related construction projects of which require NEPA. If a Categorical Exclusion (CE) is performed,

RTA shall complete the FTA's standard CE check-list which includes a section on community disruption and environmental justice. While preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), RTA shall integrate into their documents, the following:

- 1) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population;
- 2) A discussion of all adverse effects that would affect the identified minority and low-income population;
- 3) A discussion of all positive effects that would affect the identified minority and low-income population;
- 4) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues, and the replacement of the community resources destroyed by the project, if applicable;
- 5) A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
- 6) For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison will be completed of mitigation and environmental enhancement actions between the two stated areas. If there is no basis for such a comparison, RTA shall describe why this is so.

i. Public Participation

The RTA shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. RTA shall make every effort to include the following practices:

- 1) Coordination with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- 2) Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;

- 3) Utilization of locations, facilities and meeting times that are convenient and accessible to low-income and minority communities;
- 4) Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
- 5) Implementation of DOT's policy guidance regarding RTA's responsibilities to LEP persons.

The person(s) whose signature appears below, are authorized to sign on behalf of the grant applicant or recipient.

Date:

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Jonathan Houck, Chairman  
Gunnison Valley RTA Board of Directors

**APPENDIX A - TITLE VI PLAN**  
**(to be inserted into every contract subject to Title VI)**  
*The Gunnison Valley RTA is herein referred to as the "RTA"*

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- 1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- 2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- 4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the **RTA** or the **FEDERAL TRANSIT ADMINISTRATION** to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the **RTA**, or the **FEDERAL TRANSIT ADMINISTRATION** as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provision of this contract, the **RTA** shall impose contract sanctions as it or the **FEDERAL TRANSIT ADMINISTRATION** may determine to be appropriate, including but not limited to:
  - a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
  - b) Cancellation, termination, or suspension of the contract, in whole or in part.

**APPENDIX A - TITLE VI PLAN (Continued)**

**(to be inserted into every contract subject to Title VI)**

- 6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the **RTA** or the **FEDERAL TRANSIT ADMINISTRATION** may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the **RTA** to enter into such litigation to protect the interests of the **RTA**, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**APPENDIX B - TITLE VI PLAN**  
**(to be inserted into real property transactions)**  
*The Gunnison Valley RTA is herein referred to as the "RTA"*

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by Law, and upon the condition that the **RTA** will accept title to the Lands and maintain the project constructed thereon, in accordance with **THE STATE OF COLORADO**, the Regulations for the Administration of **PROGRAM** and the policies and procedures prescribed by **FEDERAL TRANSIT ADMINISTRATION** of the Department of Transportation and, also in accordance with and in compliance with 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 (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **RTA** all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENOUOM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the **RTA** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the **RTA**, its successors and assigns.

The **RTA**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby [,] [and]\* (2) that the **RTA** shall use the lands and interest in lands and interests in lands so conveyed, in compliance with 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 Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction. \*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

**APPENDIX C - TITLE VI PLAN**  
**(to be inserted into Federally funded real property transactions or improvements)**  
*The Gunnison Valley RTA is herein referred to as the "RTA"*

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **RTA** pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee Lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the **RTA** shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said (licenses, lease, permit, etc.) to re-enter and repossess said land and facilities thereon, and hold the same as if said (license, lease, permit, etc) had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants the **RTA** shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the **RTA** and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the **RTA** pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied. the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other 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 Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

**APPENDIX C - TITLE VI PLAN (Continued)**  
**(to be inserted into Federally funded real property transactions or improvements)**

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the **RTA** shall have the right to terminate the (license, lease, permit, etc. ) and to re-enter and repossess said land and the facilities as thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the **RTA** shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the **RTA** and its assigns.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## APPENDIX D

### TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS GUNNISON VALLEY RTA (RTA)

#### **Public Notice of Rights**

The following statement shall be posted in conspicuous and accessible locations at the RTA Transit Center, on the RTA website ([www.gunnisonvalleyrta.org](http://www.gunnisonvalleyrta.org)); permanently displayed on public transit vehicles; and other appropriate materials made available to the public: (*Documents will be translated into languages other than English, upon request.*)

#### *Non-Discrimination - Your Rights Under Title VI of the Civil Rights Act of 1964*

*The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Any person, who believes the Gunnison Valley RTA (RTA) has violated his /her Title VI protections, should contact the Gunnison Valley RTA at 970-275-0111 or email [struex@gunnisonvalleyrta.org](mailto:struex@gunnisonvalleyrta.org). RTA has also developed a policy to assist individuals who are Limited English Proficient (LEP). Translation services, in order to assist LEP individuals, shall be made available to RTA's customers upon request. RTA's Title VI policy, complaint procedures and LEP Plan shall be made available upon request by contacting the Gunnison Valley RTA Bus System at the above-noted information. For Federal Title VI information, please contact the Federal Transit Administration (FTA), Region 8 at 720-963-3300. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at: [www.fta.dot.gov](http://www.fta.dot.gov).*

#### **Title VI Information, Limited English Proficient (LEP) information and Complaint Process (for printed materials, website, and other mediums upon request)**

The Gunnison Valley RTA (RTA) grants all persons equal access to all its public transportation services. It is further the intent of the RTA that all persons are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of the RTA programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964.

#### What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 requiring 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." Note that Title VI does not address gender discrimination. It only covers race, color, and national origin. Other Civil Rights laws prohibit gender discrimination.

#### What is LEP?

As part of Title VI requirements, the RTA has developed a Limited English Proficiency (LEP) Plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to RTA services as required by Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000). 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.

#### RTA's Complaint and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the RTA.

**APPENDIX D (Continued)**

**TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS**  
**GUNNISON VALLEY RTA (RTA)**

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. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the RTA may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The following measures will be taken to resolve Title VI complaints:

- 1) A formal complaint must be filed within 180 calendar 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; name of alleged discriminating official, basis of complaint (race, color, or national origin) and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

The RTA strongly encourages the use of the attached **RTA Title VI Complaint Form** when filing official complaints.

The preferred method is to file your complaint in writing using the **RTA Title VI Complaint Form**, and sending it to:

Title VI Coordinator  
Gunnison Valley RTA  
P.O. Box 39  
Crested Butte, CO 81224

- 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 the RTA Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the RTA Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 calendar days from receipt of a complete complaint, the RTA will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the RTA Executive Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.

**APPENDIX D (Continued)**

**TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS**  
**GUNNISON VALLEY RTA (RTA)**

- b. If the complaint is to be investigated, the notification shall state the grounds of the RTA's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When the RTA does not have sufficient jurisdiction, the RTA Executive Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 7) If the complaint has investigative merit, the RTA Executive Director or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Executive Director within 60 calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
- 8) The RTA Executive Director or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.
- 9) If the Complainant is dissatisfied with the RTA's resolution of the complaint, he/she has the right to file a complaint with the:

Federal Transit Administration  
Region 8  
Attn: Civil Rights Officer  
12300 West Dakota Avenue  
Suite 310  
Lakewood, CO 80228  
720-963-3300  
Fax 720-963-3333

FTA Complaint procedures can also be found on the FTA web site at: [www.fta.dot.gov](http://www.fta.dot.gov). These procedures are also outlined in FTA Circular 4702.1A, Chapter IX.

APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS  
GUNNISON VALLEY RTA

# Title VI Complaint Form

## Complaint Form

Instructions: If you would like to submit a Title VI complaint to the Gunnison Valley RTA Bus System, please fill out the form below and send it to: Gunnison Valley RTA, Attn: Title VI Coordinator, P.O. Box 39, Crested Butte, CO 81224. For questions or a full copy of RTA's Title VI policy and complaint procedures call 970-275-0111 or email [struex@gunnisonvalleyrta.org](mailto:struex@gunnisonvalleyrta.org).

1. Name (Complainant):	
2. Phone:	3. Home address (street no., city, state, zip):
4. If applicable, name of person(s) who allegedly discriminated against you:	
5. Location and position of person(s) if known:	6. Date of incident:
7. Discrimination because of: <input type="checkbox"/> Race <input type="checkbox"/> National origin <input type="checkbox"/> Color	

8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):

Name:

Address:

Phone number:

13. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

Yes                       No

If yes, check all that apply:

Federal agency               Federal court               State court  
 Local agency                   State agency

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.

Agency/Court:                  Contact's Name:                  Address:                          Phone number:

Signature (Complainant):

Date of filing:

## APPENDIX E

# LIMITED ENGLISH PROFICIENCY PLAN

## Gunnison Valley Transportation Authority (Gunnison Valley RTA)

September 10, 2010

### I. INTRODUCTION

This Limited English Proficiency (LEP) Plan, for the Gunnison Valley RTA has been developed in response to federal requirements included under Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person 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.”

Federal Executive Order No. 13166, issued in August 2000 by President Clinton, "Improving Access to Services for Persons with Limited English Proficiency," was created to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. and Acting Assistant Attorney General, Loretta King directed a strengthening of enforcement of Title VI in a memorandum dated July 10, 2009.

As a sub-recipient of funds from the Federal Transit Administration (FTA), through the Colorado Department of Transportation (CDOT), this Limited English Proficiency (LEP) Plan for the Gunnison Valley RTA has been developed to ensure compliance with Federal LEP regulations. It includes an assessment of the limited English proficiency needs of our area, an explanation of the steps we are currently taking to address these needs, and the steps we plan to take in the future to ensure meaningful access to our transit programs by persons with limited English proficiency.

### II. LIMITED ENGLISH PROFICIENCY NEEDS OF AREA

The *Four-Factor Analysis* developed by the FTA requires that information be included in LEP Plans regarding the number and percentage of LEP persons in our area, and the nature, frequency and importance of the contact we have, with LEP persons, in providing transit services. Each of these elements is addressed below.

**Number and Percentage of LEP Persons in Our Area**

**Permanent Population**

*U.S. Census Data*

The U.S. Census provides information to assist in estimating the number of limited English speakers in the permanent population. While the 2010 Census will provide up-to-date data, that information is not yet available. For small urban areas and rural counties, the best data available is from the U.S. Census 2000. Table 1 presents information for Gunnison County on *Language Spoken at Home by Ability to Speak English*, based on the year 2000 Census.

**TABLE 1 - Individuals Speaking English "Not Well" or "Not at All"**

Data Category	Gunnison County	
	#	%
Total Population (5 years old & older)	13,306	100%
<i>Population Speaking English "Not Well" or "Not at All"</i>	215	1.6%
<i>Population Speaking English "Not Well" or "Not at All"</i>		
Spanish	151	70%
Other Indo-European	64	30%
Asian and Pacific Islander	0	0%
Other	0	0%
Total	215	100%

Source: U.S. Census 2000, population 5 years old and older, speaking another language in the home, who speak English "Not Well" or "Not at All."

As the table shows, there were very low numbers and percentages of persons in the permanent population of Gunnison County, in the year 2000, who had difficulty speaking English; 215 individuals, less than 2% of all persons age 5 and over. Most of those with difficulty were Spanish speakers in the valley who might use the RTA service to get to work but there were also some speakers of other Indo-European languages.

*School District, Gunnison County Multicultural Center, and Other Local Data*

U.S. Census data indicates a very low need to respond to individuals in our service area who have difficulty with English. Those who do have difficulty are primarily Spanish speakers but there is also a significant percentage of individuals speaking other Indo-European languages. Therefore, for this LEP Plan, additional local contacts were not made to clarify the need among the permanent population of our service area. However, we are committed to monitoring LEP needs among the permanent population over time.

**Visitors**

During the March, 2009 survey of our riders, it was noted that only 8% of our riders are not residents of Gunnison County. However, due to the fact that some of our riders are visitors to Crested Butte Mountain Resort there is a potential need for special services for LEP individuals from our visitor population. As a year round resort community, the Crested Butte/Mt. Crested Butte area, as well as Gunnison County as a whole, attracts individuals from all over the world. We are therefore sensitive to LEP needs among visitors to our area.

### **Summary**

Given the resort nature of the Gunnison Valley RTA service area, the fact that many of the Spanish speakers work at the resort, and the large number of visitors we have, including those who potentially have Limited English Proficiency needs, we are committed to addressing those needs.

### **Nature, Frequency and Importance of LEP Contact**

The nature and importance of LEP contact is high for public transit services in general, and in our service area, we are sensitive to those needs. We have daily contact with non-English speakers who are commuting to work. Therefore, strategies to address this need have been developed and will continually be reviewed, and improved where needed.

## **III. CURRENT LEP EFFORTS**

Due to the resort nature of our service area, the potential numbers and percentages of LEP persons are significant. As a public transit provider we are committed to addressing the on-going need to service LEP individuals. Therefore, in recent years we have undertaken the following efforts. We ask our provider (Mountain Express at the time of the adoption of this plan) to follow their own LEP practices and to make our schedules available in Spanish when requested to do so. We adopted an LEP Policy in May, 2010 and adopted this plan in September, 2010.

## **IV. PLANS FOR THE FUTURE LEP EFFORTS**

Given the current and potential future need to respond to individuals with Limited English proficiency our LEP Plan includes the elements identified below.

### **Identifying LEP Persons Who Need Language Assistance**

In order to identify potential future LEP needs with respect to our transit service we will undertake the following:

- Review Census updates as they become available;
- Periodically review perceived LEP needs with our contracted provider and their drivers;
- Make periodic contacts with the Gunnison County Multicultural Center, and other community agencies that may know of LEP persons or groups.

### **Language Assistance Measures**

As the need arises, we will consider the following to respond to LEP needs:

- Asking our provider to obtain copies of "I Speak Cards" to have on hand if needed;
- Develop Spanish versions of marketing materials, public notices, and related information, as appropriate;
- Asking our provider to consider hiring Spanish-speaking drivers;
- Ask our provider to obtain copies of CDOT's "Basic Spanish for Transit Employees" and distribute to drivers and customer service staff, as appropriate;
- Become familiar with Language Line Services at <http://www.language.com>;
- Use CDOT's new translation service when it becomes available to translate more documents into Spanish;
- Identify other community resources such as agencies serving LEP persons which may have resources to share.

### **Staff Training**

Similarly, as the need arises, we will consider requiring our provider to address the following staff training topics:

- Federal LEP requirements, your LEP Plan and Title VI;
- Documenting language assistance requests;
- Use of any of the language assistance measures as described above.

### **Outreach Efforts**

Similarly, as the need arises, we will consider the following staff training topics:

- Identify agencies in our area that may serve LEP populations
- Provide information on your services to them, as appropriate
- Provide opportunities for LEP participation at public meetings, through advertising and conduct of meetings, as appropriate

### **Monitoring and Updating Plan**

We will monitor and update this plan every 2-3 years, as needed. This will include:

- Reviewing our LEP Plan with our provider and make adjustments, as needed
- Pay particular attention to demographic changes in our area and to any LEP-related complaints we receive.

### **Disseminating Our LEP Plan**

- Have copies of our plan available to give to agencies serving LEP populations in our area and or for individual requests;
- Post our plan on our website;
- This plan was adopted by the Board of Directors of the Gunnison Valley Transportation Authority at their September 10, 2010 regular meeting.

## **SUB APPENDIX A**

### **U.S. CENSUS DATA SOURCES**

The U.S. Census provides two good sources for estimating the number of limited English speakers by various geographic areas (counties, urban areas, places, etc.). The year 2000 Census has the most complete data in terms of areas covered. Updates are also provided for cities over 60,000 population (2008 updates) and for cities over 20,000 population (2006 to 2008 updates). Beginning October 2010 data will be updated annually for all geographic areas.

#### **Year 2000 Census Data**

Data from the 2000 Census is available for a variety of geographic areas (counties, urban areas, places, etc.). To access 2000 census data go to the U.S. Census web site at <<http://www.census.gov>> and follow these steps:

Select "American FactFinder"(on left)  
Select "Data sets" and choose "Decennial Census".  
Select "Census 2000 Summary File 3 (SF3) Sample Data" and choose "Detailed Tables".

Click on the geography drop down box and choose "County" (or "Urban Area," "Place" or some other geographic area listed). If you're looking for data by county, select the state of your choice and the county of your choice and then enter "Add" and "Next" or "Show Result". Click on "by keyword" and type in "Language" and then choose "Search." Wait for the data to be retrieved, then click on the desired table and then "Add" and "Show Results."

Two tables appear to be most useful, Table P19 and Table P20:

Table P19 is titled "Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over." It identifies, by age group and language group, the number of individuals who speak English "very well," "well," "not well" and "not at all" in the geographic area you have selected.

Table P20 is titled "Household Language by Linguistic Isolation" and shows the numbers of households which are "linguistically Isolated" by language group for your area you selected. Households that are "linguistically isolated" are those in which all household members age 14 and over have some difficulty with English.

#### **Census Updates**

For 2008 estimates (available for cities over 60,000 population) and for 2006-2008 estimates (available for cities over 20,000 population), go to [www.census.gov](http://www.census.gov).

Then, after going to American FactFinder, select "American Community Survey" as the data set. Then work your way through the choices in the same manner as for the year 2000 data set.

For additional information, contact either: 1) the U.S Census, Information Resources and Dissemination Branch, Data Integration Division, U.S. Census Bureau, 301-763-2422 or toll free 1-866-758-1060 (on ask a question on-line and you will get a response in a day or two), or 2) the Colorado Demographers Office, Colorado Department of Local Affairs, 303 866-2156

# Title VI Plan

*Related to  
Transportation Planning and Transportation Improvements*

## APPENDIX F

### **Policies and Procedures for the Use of Gunnison Valley RTA Public Transportation**

The following document is on public display at the Gunnison Valley RTA Transit Center and on the official Gunnison Valley RTA website.

#### General Use Policies

1. General Policy. Public transportation vehicles and facilities are provided by the Gunnison Valley RTA (RTA) for the benefit of the Crested Butte/Mt. Crested Butte community, visitors, and the general public. All permissible use of public transportation vehicles and facilities shall be strictly limited to conduct consistency with the reasonable use and enjoyment of such services and for their safe and reliable operation.

2. Use of Gunnison Valley RTA Services.

- a. There are currently no fares for the use of RTA services, however the board may adopt fares from time to time..
- b. Use of RTA services is available on a first-come, first-served basis until capacity is reached. The buses cannot wait for incomplete boarding parties.
- c. Use of the RTA Transit System constitutes an acceptance of the terms of use.
- d. All users must wear shirts and shoes and display proper hygiene as to not be overtly offensive to other passengers.

3. Standing Passengers. All standing passengers (whether adults or children) must use the handrails or other stabilization devices provided on the vehicles in order to stabilize themselves while the vehicle is in operation. Passengers are not permitted to stand forward of the Standee Line per federal regulations. Passengers stand at their own risk.

4. Children.

- a. Riders age eight (8) and younger must be under the supervision of a responsible adult at all times when using RTA services.

- b. Children must be removed from strollers while on the RTA.
- c. All children under the age of six (6) must be seated.
- d. Diapers may not be changed aboard a RTA Transit vehicle.

5. Strollers; Wagons.

- a. Only collapsible strollers, wagons and similar child transport devices are permitted on the RTA. Non-collapsible strollers, wagons, and similar child transport devices are not permitted on the RTA.
- b. All strollers, wagons, and similar child transport devices shall be carried on the RTA vehicle in their collapsed condition.

6. Bicycles, Skis, and Snowboards.

- a. On a seasonal basis, RTA vehicles are equipped to carry bicycles on a first-come, first-served basis until capacity is reached.
- b. Any rider traveling with a bicycle, skis, or snowboard must be able to load without assistance.
- c. Bicycles may not be brought on-board transit vehicles. If space is available, skis and snowboards may be brought on-board. Use of the provided bicycle rack is at the user's own risk.

7. Carry-On Items.

- a. RTA vehicles do not have space specifically designed for storage, and anything other than carry-on baggage is not allowed on RTA vehicles.
- b. Riders may bring small packages and groceries on-board vehicles if space is available and if they maintain control of these items within their immediate seating area.
- c. Any rider traveling with carry-on items must be able to board without assistance.
- d. Carry-on items must not interfere with passenger safety or obstruct the aisles.
- e. Portable music devices such as radios, iPods, etc. must not be played at a volume that would disrupt the safe operation of the transit vehicle or annoy other passengers. Transit riders are required to use headphones for their radios or iPods while on board a transit vehicle as a courtesy to your fellow passengers.
- f. No food or beverages may be consumed aboard a RTA vehicle. Beverages should be transported in a spill proof container.

8. Hazardous Materials. Hazardous materials such as explosives, flammable liquids, firearms, or weapons (except as authorized by law) are prohibited on RTA vehicles. Mention of any such materials

is considered to be threatening behavior and will not be tolerated. Any violation of this prohibition will result in immediate notification of the appropriate law enforcement officials.

9. Animals. All animals are prohibited from RTA, subject to the following limited exceptions:

- a. Legitimate service animals under the control of a guest with a disability as permitted by the ADA.
- b. Animals stored in an approved carrier under the control of a responsible guest.
- c. Any rider traveling with an animal may be expelled if the animal's behavior compromises the safe operation of RTA or otherwise poses a threat to the health, safety, and welfare of the public.

10. Smoking. Smoking is strictly prohibited while using RTA vehicle.

11. Loitering. Remaining on board a RTA vehicle without a destination, sleeping on-board a RTA vehicle, or loitering at a Public Transit Station or designated Bus Stop is not permitted.

12. Disruptive Behavior. Loud, obnoxious behavior or the use of foul language is not permitted aboard a RTA Transit Vehicle, at a designated public bus stop, or at a Public Transit Station. Disruptive passengers may be denied RTA Services at the discretion of the Transit Operator.

13. Flash Photography, Laser Pointers. Taking flash photographs or the use of a laser pointer while on board a transit vehicle is extremely dangerous and not permitted.

14. Alcohol; Illegal Drugs.

- a. The consumption of alcohol is prohibited while using the RTA services.
- b. The possession of an open alcoholic beverage container is prohibited while using the RTA services.
- c. No person may ride the RTA services while he or she is visibly intoxicated and not in control of their own person.
- d. The possession, sale, or use of any illegal drug is prohibited while using RTA services.

14. Deviated Fixed Route System. The Gunnison Valley RTA Transit System is a deviated fixed route public transportation system. We are prohibited by federal law from making undesignated stops in which to board or disembark passengers unless prior arrangements have been made by following the RTA Deviated Fixed Route Bus Policy which is available by online at <http://www.gunnisonvalleyrta.org/docs/RTA-Deviated-Fixed-Route-Policy.pdf> or by calling the provider. The RTA Transit System complies with all state and federal regulations for public transportation and is under the jurisdiction of the Federal Transit Administration and Federal Motor Carrier Safety Regulations.

15. Emergencies. In the event of an unforeseen emergency, the Transit Operator shall provide passengers with specific directions for evacuation and/or other necessary actions. For your safety and that of our other passengers, you must comply with the directions provided. Transit Operators are licensed Commercial Drivers and are provided extensive training to meet federal regulations for safety.

16. Compliance with Use Policies. The RTA Transit System reserves the right to deny boarding or RTA services to any person not complying with the Use Policy and Procedures for the transit system. Refusal to comply with the directions of a Transit Operator or Transit Supervisor and/or the hindering of the movement of public transportation is punishable by Federal Law with up to 16 years in prison and up to \$750,000 in fines. Other state and local laws may also apply. Persons not following the basic requirements for Use of the RTA Services will not be allowed to board or will be told they must disembark.

The RTA Transit System will notify law enforcement officials of any misconduct involving RTA Services at its discretion.

17. Non-Discrimination. The Gunnison Valley RTA complies with Title VI of the Civil Rights Act of 1964. The level and quality of transportation service will be provided without regard to race, color, or national origin in accordance with Title VI. All RTA services are provided with equal access to all.

18. Accessibility. All RTA vehicles shall meet the standards of accessibility for persons with disabilities established by the Federal Transit Administration pursuant to the Americans with Disabilities Act, 42 U.S.C. §12101, et seq. (Public Law 101-336). Accessibility is provided along our fixed route system at designated bus stops only.

Notice

Any person who believes he/she or any specific class of persons is subjected to discrimination prohibited by Title VI Civil Rights Act or the provisions of the Americans with Disabilities Act may by him/herself or by a representative file a written complaint with Gunnison Valley RTA and/or the Federal Transit Administration. All complaints will be promptly investigated.

To request additional information on the Gunnison Valley RTA nondiscrimination obligations or the Americans with Disabilities Act, contact:

Executive Director  
Gunnison Valley RTA  
507 Maroon Avenue  
P.O. Box 39  
Crested Butte, Colorado 81224

Information in languages other than English will be provided as needed and will be consistent with DOT LEP Guidance. Additionally, alternative formats, i.e. large print are available upon request.