



ARCHULETA COUNTY TITLE VI PLAN

ADOPTED February 2, 2021

SCOTT WALL
ARCHULETA COUNTY ADMINISTRATOR

PREPARED BY LAURA VANONI, TITLE VI COORDINATOR

TABLE OF CONTENTS

I.	NONDISCRIMINATION POLICY STATEMENT.....	3
II.	INTRODUCTION.....	4
III.	RELATED STATUTES AND AUTHORITIES.....	4
IV.	ASSURANCES.....	6
V.	TITLE VI COORDINATOR DESIGNATION.....	6
VI.	ORGANIZATIONAL CHART.....	7
VII.	PROGRAM AREA DESCRIPTIONS.....	7
VIII.	COMPLIANCE AND ENFORCEMENT PROCEDURES.....	10
IX.	DATA COLLECTION AND ANALYSIS.....	10
X.	STAFF TRAINING.....	12
XI.	REVIEW OF LOCAL DIRECTIVES.....	12
XII.	FTA LIST OF TITLE VI COMPLAINTS, INVESTIGATIONS AND/OR LAWSUITS.....	12
XIII.	PLANNING AND ADVISORY BOARDS.....	12
XIV.	FIXED ROUTE SYSTEMWIDE SERVICE STANDARDS AND POLICIES.....	12
XV.	TITLE VI NOTICES.....	13
XVI.	TITLE VI COMPLIANT PROCEDURES.....	14
XVII.	PUBLIC PARTICIPATION PLAN.....	15
XVIII.	LANGUAGE ASSISTANCE PLAN.....	16

APPENDICES

APPENDIX A: ASSURANCES AND SUB-APPENDICES FOR ASSURANCES

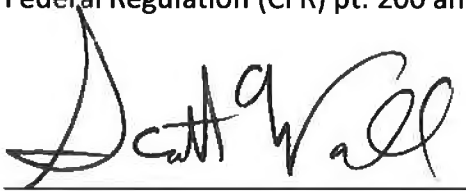
NONDISCRIMINATION POLICY STATEMENT

It is the policy of Archuleta County that no person shall on the grounds of race, color, national origin, sex, disability, age, or income be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the Public Works Department of Archuleta County, as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to operations of Public Works of Archuleta County, including its contractors and anyone who acts on behalf of the County. All other departments, including Human Resources act under the County's policies. This Title VI Plan does not include employees of Archuleta County in respects to their employer/employee relationship, which and are separate from these special requirements for receiving Federal assistance from FHWA and FTA.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.



Scott Wall, County Administrator

2-2-21

Date

INTRODUCTION

Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes require that recipients and sub-recipients of federal financial assistance ensure that no one is excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, national origin, sex, age, or disability in any federally-assisted program and activity.

The term “program or activity” means all of the operations of a department, agency, special district, or other instrumentality of a local government. For example, if a local agency’s public works department receives any federal financial assistance, Title VI program requirements apply to every part of that public works department whether federally funded or not. However, Title VI program requirements **do not apply** to all other departments of the local agency unless the federal assistance is transferred to such departments, this includes Human Resources

While the original Title VI law only prohibits discrimination on the basis of race, color and national origin, the Federal Highway Administration (FHWA) “Title VI Program” incorporates related statutes that have been passed since 1964 and, therefore, prohibits discrimination on the basis of race, color, national origin, sex, age, and disability. Recipients and sub-recipients of federal financial assistance must also comply with federal policies regarding Environmental Justice and Limited English Proficiency. The U.S. Department of Transportation (USDOT)’s Title VI implementing regulations are contained in 49 CFR Part 21 and the FHWA’s Title VI regulations are in 23 CFR Part 200. The Federal Transit Administration’s (FTA) Title VI regulations are contained in FTA Circular 4702.1B.

Agencies or municipalities that receive federal funds from CDOT are referred to as sub-recipients. Sub-recipients that receive FHWA and/or FTA funds through CDOT are required to establish a Title VI program that is subject to review by CDOT pursuant to 23 CFR 200.9(b)(7) and FTA Circular 4702.1B. The purpose of the program is to not only prohibit discrimination but to ensure nondiscrimination through policies, procedures and regular program reviews. CDOT’s Civil Rights & Business Resource Center (CRBRC) monitors CDOT sub-recipients for Title VI compliance.

RELATED STATUTES AND AUTHORITIES

Title VI of the Civil Rights Act of 1964 [Pub. L. 88-352 (1964), codified as 42 U.S.C. §§2000d through 2000d-4]:

Title VI of the Civil Rights Act of 1964 prohibits the discrimination in, or the denial of benefits under, any program or activity receiving federal financial assistance on grounds of race, color or national origin.

The Civil Rights Restoration Act of 1987, [Pub. L. 100-259, Sec. 6 (1988), codified as 42 U.S.C. §2000d-4a] :

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

Federal Aid Highway Act of 1973, [Pub. L. 93-87 (1973), codified as 23 U.S.C. §324]:

The Federal Aid Highway Act of 1973 provides that no person shall, on the basis 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.

Age Discrimination Act of 1975, [Pub. L. 94-135 (1975), codified as 42 U.S.C. §6102]:

The Age Discrimination Act of 1975 provides that no person in the United States 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 assistance.

Americans with Disabilities Act of 1990, Subchapter 2, Part A [Pub. L. 101-336 (1990); codified as 42 U.S.C. §§12131-12134]:

The Americans with Disabilities Act of 1990 provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973 [Pub. L. 93-112 (1973), codified as 29 U.S.C. §794]:

Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

23 CFR Part 200:

23 CFR 200 are administration regulations promulgated by the Federal Highway Authority that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

49 CFR Part 21:

49 CFR 21 are administration regulations promulgated by the US Department of Transportation that specify the Title VI implementation requirements for state departments of transportation at state and local levels.

Exec. Order No. 12898:

Executive Order 12898 regards federal actions to address Environmental Justice in minority populations and low income populations. (Environmental justice seeks equal protection from environmental and public health hazards for all people regardless of race, income, culture and social class. Additionally, environmental justice means that no group of people including racial, ethnic or socioeconomic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, land-use planning and zoning, municipal and commercial operations or the execution of federal, state, local and municipal program and policies).

Exec. Order No. 13166:

Executive Order 13166 regards the improvement of access to services for persons with Limited English Proficiency.

ASSURANCES

The Procurement Office is responsible for the County's general contracting, consultant selection, negotiation, and administration of contracts. The Procurement Office will ensure that all federally funded contracts administered by the County contain Title VI Assurances. The Department's project administrator or grant administrator will monitor the performance of the contract or grant for compliance.

The Title VI Coordinator and Department administrator will coordinate efforts to ensure that the requirements of Title VI are met throughout the entire contracting and grant performance process. The Assurances is attached as **Attachment A**.

TITLE VI COORDINATOR DESIGNATION

Archuleta County has assigned the position of Transportation Coordinator to perform the duties of the Title VI Coordinator and to ensure implementation of Archuleta County's Title VI program. The position of Transportation Coordinator is located within the Public Works Department.

The Title VI Coordinator is responsible for:

- Submitting an FHWA Title VI Plan and Language Assistance Plan to CDOT;
- Responding to and coordinating with any CDOT Title VI Compliance Reviews;
- Developing Title VI complaint procedures and forwarding any Title VI complaints to CDOT within three (3) business days;
- Reviewing, monitoring, and enforcing Title VI responsibilities within the agency;
- Collecting and analyzing data related to Title VI;
- Ensuring that staff is adequately trained on Title VI policies;
- Disseminating Title VI information to the public, including providing notice and opportunities for public participation;
- Reviewing local directives for Title VI implications;
- Incorporating Environmental Justice principles into programs and activities; and
- Ensuring that the Title VI Plan remains up to date.

ORGANIZATIONAL CHART

ARCHULETA COUNTY PUBLIC WORKS DIVISION ORGANIZATIONAL CHART



PROGRAM AREA DESCRIPTIONS

All staff in the Archuleta County Public Works Department are responsible for doing their part to ensure that services are provided in a manner free of unlawful discrimination. Every staff member has an obligation to report suspected violations of this Plan or of County anti-discrimination policies. All such reports will be properly and completely investigated.

The below chart outlines the major program areas, along with specific Title VI responsibilities assigned to each group. As noted, all program areas are responsible for ensuring that services are provided in a manner free from unlawful discrimination. All program areas are required to take annual training, which is managed by the Title VI Coordinator.

Program Area and Description	Title VI Non-Discrimination Responsibilities	Review Procedures for Ensuring Non-Discrimination
Transportation Planning	Ensure that access to services and all services provided are done in a manner free from unlawful discrimination	Review and contribute to the Title VI Plan updates

	<p>Follow County HR policies to ensure fair and non-discrimination hiring and personnel practices</p> <p>Participate in Title VI and related trainings as required</p> <p>Develop demographic profile maps that project growth in disadvantaged populations over at least a 20 year planning horizon</p> <p>Give all populations opportunity to provide input into project identification</p>	<p>Review personnel practices and policies with HR</p>
Transit Planning and Operations	<p>Ensure that access to services and all services provided are done in a manner free from unlawful discrimination</p> <p>Follow County HR policies to ensure fair and non-discrimination hiring and personnel practices</p> <p>Participate in Title VI and related trainings as required</p> <p>Develop demographic profile maps that project growth in disadvantaged populations over at least a 20 year planning horizon</p> <p>Give all populations opportunity to provide input into project identification</p>	<p>Review and contribute to the Title VI Plan updates</p> <p>Review personnel practices and policies with HR</p>
Road and Bridge Transportation	<p>Ensure that access to services and all services provided are done in a manner free from unlawful discrimination</p> <p>Follow County HR policies to ensure fair and non-discrimination hiring and personnel practices</p> <p>Participate in Title VI and related trainings as required</p> <p>Include Title VI requirements in all RFPs and contracts</p> <p>Provide opportunity for DBEs and other small businesses to participate in procurement activities</p>	<p>Review and contribute to the Title VI Plan updates</p> <p>Review personnel practices and policies with HR</p> <p>Review contract documents for compliance</p>

	Ensure construction efforts and resources are applied in a non-discriminatory manner	
Solid Waste and Building Maintenance	<p>Ensure that access to services and all services provided are done in a manner free from unlawful discrimination</p> <p>Follow County HR policies to ensure fair and non-discrimination hiring and personnel practices</p> <p>Participate in Title VI and related trainings as required</p> <p>Include Title VI requirements in all RFPs and contracts</p> <p>Provide opportunity for DBEs and other small businesses to participate in procurement activities</p> <p>Ensure construction efforts and resources are applied in a non-discriminatory manner</p>	<p>Review and contribute to the Title VI Plan updates</p> <p>Review personnel practices and policies with HR</p> <p>Review contract documents for compliance</p>
Weed and Pest	<p>Ensure that access to services and all services provided are done in a manner free from unlawful discrimination</p> <p>Follow County HR policies to ensure fair and non-discrimination hiring and personnel practices</p> <p>Participate in Title VI and related trainings as required</p> <p>Include Title VI requirements in all RFPs and contracts</p> <p>Provide opportunity for DBEs and other small businesses to participate in procurement activities</p> <p>Ensure construction efforts and resources are applied in a non-discriminatory manner</p>	<p>Review and contribute to the Title VI Plan updates</p> <p>Review personnel practices and policies with HR</p> <p>Review contract documents for compliance</p>
Engineering Services and Capital Project Management	<p>Ensure that access to services and all services provided are done in a manner free from unlawful discrimination</p>	<p>Review and contribute to the Title VI Plan updates</p> <p>Review personnel practices and policies with HR</p>

	<p>Follow County HR policies to ensure fair and non-discrimination hiring and personnel practices</p> <p>Participate in Title VI and related trainings as required</p> <p>Include Title VI requirements in all RFPs and contracts</p> <p>Provide opportunity for DBEs and other small businesses to participate in procurement activities</p> <p>Ensure construction efforts and resources are applied in a non-discriminatory manner</p>	<p>Review contract documents for compliance</p>
--	---	---

COMPLIANCE AND ENFORCEMENT PROCEDURES

The Title VI Coordinator will conduct an annual Title VI Plan review to assess the Department's effectiveness in ensuring compliance with the Title VI Requirements. The Title VI Program review will include an evaluation of administrative procedures and staffing; review of operational guidelines for County staff, contractors and sub recipients; and assessment of resources available to ensure compliance with the Title VI Requirements.

The Title VI Coordinator will assist CDOT in periodically conducting Title VI compliance reviews of Archuleta County's' sub-recipients. The review of select recipients of Federal highway or other Federal funds, will be conducted to ensure adherence to Title VI requirements. Archuleta County will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub- recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Archuleta County will submit to CDOT copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, Archuleta County and CDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

DATA COLLECTION AND ANALYSIS

Census and other statistical data will be collected by, or provided to the Coordinator as a means of identifying low income and minority populations within the Archuleta County Planning Area. The data will be maintained for the purpose of planning projects and programs that serve various population

groups. The data collection process will be reviewed regularly to ensure sufficiency in meeting Title VI requirements. Data Collection and analysis efforts will include:

- Collecting, maintaining, and updating databases of low income and minority concentrations within the County Planning and zoning areas
- Utilizing the data when developing plans and studies
- Developing demographic profile maps, along with block map information, to help identify areas with high concentrations of low income and minority populations

Statistical data on Affected Parties will be compiled by the Title VI Coordinator. The data compilation process will be reviewed regularly by the Coordinator, Department staff, and the County Administrator to ensure the data is sufficient to meet the requirements of this Title VI Plan. The table below reflects the status of Archuleta County in the past 12 months:

POVERTY STATUS IN THE PAST 12 MONTHS

TABLE ID: S1701
 SURVEY/PROGRAM: American Community Survey
 PRODUCT: ACS 5-Year Estimates Subject Tables

	Archuleta County, Colorado		
	Total	Below poverty level	Percent below
Label	Estimate	Estimate	Estimate
Population for whom poverty status is determined	12,805	1,370	10.7%
AGE			
Under 18 years	2,207	375	17.0%
Under 5 years	577	100	17.3%
5 to 17 years	1,630	275	16.9%
Related children of householder under 18 years	2,207	375	17.0%
18 to 64 years	7,478	833	11.1%
18 to 34 years	2,152	299	13.9%
35 to 64 years	5,326	534	10.0%
60 years and over	4,561	320	7.0%
65 years and over	3,120	162	5.2%
SEX			
Male	6,494	619	9.5%
Female	6,311	751	11.9%
RACE AND HISPANIC OR LATINO ORIGIN			
White alone	10,708	843	7.9%
Black or African American alone	249	39	15.7%
American Indian and Alaska Native alone	192	34	17.7%
Asian alone	133	8	6.0%
Native Hawaiian and Other Pacific Islander alone	0	0	-
Some other race alone	1,372	424	30.9%
Two or more races	151	22	14.6%
Hispanic or Latino origin (of any race)	2,361	513	21.7%
White alone, not Hispanic or Latino	9,798	789	8.1%

STAFF TRAINING

Annual training will be made available to Division management and other County staff responsible for the implementation of the Title VI Requirements. Training will provide information on the Title VI Requirements and its application to specific programs or operations; assistance on the identification of Title VI issues; and an overview of the complaint process.

The Coordinator is responsible for overall Title VI training and staff development. The Coordinator will organize or conduct an online training module that reflects current policies and procedures. Records will be maintained in the office of the Coordinator.

REVIEW OF LOCAL DIRECTIVES

Archuleta County will conduct annual and ongoing reviews of directives originating from the Public Works Department, and any transportation directives originating from the County Administration Offices. The Title VI Coordinator will conduct the reviews to ensure compliance.

FTA LIST OF TITLE VI COMPLAINTS, INVESTIGATIONS AND/OR LAWSUITS

Archuleta County has no allegations or complaints on file. Should any future complaints be lodged, the following log will be maintained annually by the Title VI Coordinator:

- The name and address of the person filing the complaint
- The date of the complaint
- The basis of the complaint
- The disposition of the complaint
- The status of the complaint

PLANNING AND ADVISORY BOARDS

Archuleta County does not currently have a Planning or Advisory Board that is transit or transportation-related. In the event the County decides to install either a Planning, or Advisory Board, the Coordinator will encourage participation of minorities through a formal application process.

FIXED ROUTE SYSTEMWIDE SERVICE STANDARDS AND POLICIES

Vehicle Load Standard:

The average of all loads on Mountain Express Transit (MET) commuter routes during the peak operating period should not exceed vehicles' achievable capacities, which is 14 passengers for our passenger vans. Due to Covid restrictions, the bus capacity is limited to the current code requirements, per agency mandates.

Vehicle Headway Standard:

Headway is the interval of time between two vehicles running in the same direction on the same route. Archuleta County currently has only one route, which runs five routes per day, therefore there is no headway standard to apply to these routes.

On Time Performance Standard:

MET vehicles are considered on time if a vehicle departs the first scheduled time point on the route at or after the scheduled departure and no more than 15 minutes late. MET's on-time performance objective is 95% or greater. MET monitors on-time performance monthly and out of compliance, departures are reported as part of performance reports covering all aspects of operations.

Service Availability Standards:

MET's routes will distribute transit service so that 90% of all residents in the Pagosa Springs service area are within a 1/4 mile walk.

Service Policies:

Transit Amenities: It is the policy of the MET that bus stop placement and design comply and integrate with local planning, land use ordinances, and other local guidelines. The MET want so tenure members of the community use public transit through safe, comfortable, convenient and consistent bus stops.

An amenity is defined for RTA purposes as, "any physical improvement made to a bus stop or transit facility that contributes to a rider's comfort, access and/or safety while either waiting to board or alighting any RTA bus." These include: bus stop signage, concrete boarding pads, benches, shelters, trash receptacles, bus pads, schedule information, lighting, and park and ride facilities. The MET will continue to make improvements with regards to the above amenities, including additional benches, shelters, access, and establishing a park and ride location that is convenient to all routes.

Vehicle Assignment: The fixed route has two vehicles in service, the main bus vehicle, and a back-up vehicle, both with the same amenities. The back-up vehicle is always available when the main vehicle is being serviced for maintenance.

TITLE VI NOTICES

The following statement will be posted in conspicuous and accessible locations at the MET transit center, on the Archuleta County website (<http://archuetacounty.org/520/Transportation>), on all public transit vehicles; and other appropriate materials made available to the public. All documents will be translated into Spanish, and other languages, 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 Archuleta County Mountain Express Transit (MET) has violated his /her Title VI protections, should contact the MET at 970-264-2250 or email Ivanoni@archuletacounty.org .

The MET 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 MET's customers upon request. MET's Title VI Plan, complaint procedures and LEP Plan are available through the Archuleta County website: <http://archuletacounty.org/520/Transportation>, or by contacting the MET at the above number or email. 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.

TITLE VI COMPLIANT PROCEDURES

Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Archuleta County Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence. The County will not officially act or respond to complaints made orally, unless.

The complaint should include the name, address, phone number, and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail. The attached exhibit will be posted in offices and on the website.

Upon receiving a written complaint, the Title VI Coordinator and an officer from the Public Works Office will determine the jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the County may request the Colorado Department of Transportation (CDOT) Office of Civil Rights to conduct the investigation. In the event CDOT handles the investigation, CDOT must follow their agency's adopted procedures for investigating discrimination complaints in accordance with the current CDOT Title VI Plan.

If the complaint is against a sub-recipient, consultant, or contractor, under contract with the County, the appropriate sub-recipient, consultant, or contractor shall be notified of the complaint within 15 calendar days.

Once the County decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified.

Within 60 days of receipt of the complaint, the Title VI Coordinator or CDOT investigator will prepare a written investigative report for the County Public Works Director, County Attorney, and County Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall be given a copy of the investigative report during the briefings and will be notified of their respective appeal rights.

A copy of the complaint and the County investigative report will be issued to CDOT's Office of Civil Rights within 60 calendar days of the receipt of the complaint.

If either the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s), that party shall be advised of its rights to appeal the County's decision to CDOT, the U.S. Department of Transportation, or the U.S. Department of Justice. The complainant will have 180 calendar days after the investigating agency's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration of the final determination by the investigating agency will not be available.

PUBLIC PARTICIPATION PLAN

Through its public involvement efforts, Archuleta County will strive to achieve the following Title VI and Environmental Justice (EJ) goals:

- 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.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The Title VI Coordinator will assist County staff in the creation and dissemination of Title VI Program information to County employees, sub recipients, contractors, Affected Parties, and the general public, where applicable. Public dissemination efforts may include: posting public statements setting forth the non-discrimination policy, inclusion of Title VI Assurances in City contracts and grants, posting a Title VI Policy Statement in vicinity of proposed City projects and transit facilities, and including a Title VI Policy Statement on the a County website.

Archuleta County will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the website. Documents and agendas will be available at the Archuleta County Administrative office

Mailing: P.O. Box 1507
Pagosa Springs, CO 81147
Office: 398 Lewis Street
Pagosa Springs, CO 81147

- Public notices of Archuleta County meetings will be posted at the location of the meeting site.
- In appropriate documents, Archuleta County will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any Archuleta County program, activity, or service.

LANGUAGE ASSISTANCE PLAN

Executive Order 13166, titled, *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. Any agency receiving federal funds needs to develop a Limited English Proficiency (LEP) Plan.

This plan is developed to ensure equal access to services provided by Archuleta County for persons with limited English proficiency. Limited English proficient individuals are defined as individuals who do 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.

The primary element of the LEP Plan is the Four Factor Analysis, which includes the following factors:

- **Number or Proportion of LEP Individuals:** Archuleta County will identify the demographic analysis of its area. This includes census data that details socio-demographic information that provides an understanding of languages primarily spoken in Archuleta County.
- **Frequency of Contact with the Program:** To determine the frequency with which LEP persons come in contact with Archuleta County activities, services, and programs, the Coordinator Archuleta County will utilize information shared by other departments, such as Social Services, to determine the frequency of contacts and the languages being requested.
- **Nature and Importance of the Program:** : To determine the nature and importance of Archuleta County activities, services and programs provided to LEP persons, the Coordinator will identify the programs, services, and activities that may have a serious consequence to program access and receipt of services, benefits, and activities if language barriers impact the ability of LEP persons to fully participate.
- **Resources Available:** To determine resources available to assist LEP persons and the costs associated with those resources, Archuleta County will explore the most cost-effective means of delivering competent and accurate language services.

Archuleta County will provide oral interpretation by certified contractors, if needed. At the point of first contact with an LEP person, the Archuleta County staff will: (1) determine whether the individual is an LEP person by determining his or her primary language; and (2) secure the appropriate language assistance service. Depending on the circumstances, as in publicly held meetings, the County will require advance notice of 24 hours to arrange for a certified contractor.

Additionally, all forms and notices will be translated into Spanish language, including those on the Archuleta County website. The Coordinator will identify when translation is needed and ensure the translation is provided.

APPENDIX A

ASSURANCES AND SUB-APPENDICES FOR ASSURANCES

The United States Department of Transportation (USDOT)
Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

Archuleta County's Public Works Department, (Recipient), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA) and Federal Transit Authority (FTA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurances that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the FHWA and FTA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted Mountain Express Transit program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (c) of 49 C.F.R. §21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitation for bids, Requests for Proposals for work, or material subject to the Acts and the regulations made in connection with all Mountain Express Transit programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Mountain Express Transit, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the ground of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recoding a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will 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 will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. For the subsequent transfer or real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or 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 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 will provide for such methods of administration to the program as are found by the Secretary of Transportation or the official to whom he/she designates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial

assistance under such program will comply with all requirements imposed or pursuant to the Acts, 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 Acts, the Regulations, and this Assurance.

By signing this Assurance, Archuleta County Public Works Department also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA and FTA access to records, accounts, documents, information, facilities, and staff. The Recipient also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA or FTA. The Recipient must keep records, reports, and submit the material for review upon request to FHWA or FTA, or its designee in a timely, complete, and accurate way. Additionally, the Recipient must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Archuleta County Public Works Department gives this Assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U. S. Department of Transportation under the Mountain Express Transit. This Assurance is binding on Colorado, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Mountain Express Transit Program. The person(s) signing below is authorized to sign this Assurance on behalf of the Recipient.

Name of Recipient

By: Signature of Authorized Official

Date

APPENDIX A

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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Transit Authority, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of material and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contract for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor or the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contract is in the exclusive possession of another who fails or refuses to furnish the information, the contract will so certify to the Recipient or the FTP, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contract will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interest of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Archuleta County Public Works Department (Recipient) will accept title to the lands and maintain the project constructed thereon in accordance with Colorado Department of Transportation, the Regulations for the Administration of the Mountain Express Transit, and the policies and procedures prescribed by the FTA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation 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 to the Archuleta County Public Works Program all the right, title and interest of the U. S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made part hereof.

TO HAVE AND TO HOLD said lands and interests therein unto the Recipient 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 will be binding on the Recipient, its successors and assigns.

The Recipient, 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 will, 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 conveyed, and 2) that the Recipient will use the lands and interest in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, CFR, U. S. Department of Transportation, Subtitle A, Office of the Secretary, Party 21, Non-discrimination in Federally-assisted programs of the U. S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and 3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U. S. Department of Transportation and its assigns as such interest existed prior to this instruction.

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Archuleta County Public Works Department (Recipient) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, 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 property described in this (deed, license, lease, permit, etc.) for a purpose for which a U. S. Department of Transportation activity, facility, or program is extended for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above non-discrimination covenants, the Recipient will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.
- C. With respect to a deed, in the event of breach of any of the above non-discrimination covenants, the Recipient will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Recipient and its assigns.

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following will be included in deeds, licenses, permits, or similar instruments/agreement entered into by Archuleta County Public Works Department, pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration thereof, does hereby covenant and agree (in the 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, will be excluded from participation in, 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 of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and 3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the Recipient will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
- C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants, the Recipient will thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), which prohibits discrimination on the basis of race, color, and national origin; and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), which prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), which prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, which prohibits discrimination on the basis of disability; and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101, *et seq.*), which prohibits discrimination on the basis of age;
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, which prohibits discrimination based on race, creed, color, national origin, or sex;
- The Civil Rights Restoration Act of 1987, (PL 100-209), which broadens 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 prohibits 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 (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123), which prohibits discrimination on the basis of race, color, national origin, and sex;
- Executive Order 12898, Federal Actions to address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, notional origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, reasonable steps must be taken to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination because of sex in education programs or activities (20 U.S.C 1681 *et seq.*).