



Meeting Agenda  
Monday, Jan 8, 2018  
Via Mobility Services  
2855 N. 63<sup>rd</sup> St. Boulder  
2-4 p.m.

***Collaborating for Accessible, Affordable, and Equitable Transportation***

**AGENDA**

- I. Welcome & Introductions (5 min)**
- II. Presentation by Marta Loachamin (45 min)**  
Resiliency Specialist  
Marta.Loachamin@longmontcolorado.gov  
City of Longmont, Community and Neighborhood Resources
- III. LCC Member Updates**
  - a. Peak to Peak Basic Needs Focus Groups, Rebecca Lawrence
  - b. Age Well Planning Process, Laura Mathews
  - c. Via Passenger Survey, Bob D'Alessandro
  - d. RTD Advisory Committee for People with Disabilities, Aaron Pasterz
  - e. HCPF NEMT Broker Meeting, Lisa Bitzer
- IV. Boulder County Update (20 min)**
  - a. TNC Pilot Project at Aspinwall/Josephine Commons
  - b. Loteria of Transportation Modes Outreach
  - c. Kestrel, Mobility Options Training & Lease Up Process
  - d. RTD Pass Program Working Group
  - e. RTD Advisory Groups and Committees Overview
- V. Advocacy Working Group (15 min)**
  - a. Advocacy Working Group: Letter to the Editor, Policy Brief
  - b. Increase LCC Participation
  - c. Snow Removal
- VI. Needs and Solutions (5 min)**
  - a. What community needs and solutions did you identify during the meeting?
- VII. Conclusion**
  - a. Next meeting: Monday, February 12, 2018, 2:00-3:30 pm

### Who are we missing?

We would love to invite the right groups/field/organizations/individuals to our meetings. If you have a contact or a suggestion for a presentation, please contact: [abond@bouldercounty.org](mailto:abond@bouldercounty.org)

### Needs and Solutions

If you identify any community needs or potential solutions throughout the meeting and presentation, please take notes here for group discussion.

Community Needs	Solutions

# Boulder County Local Coordination Council

[illegible]

***Collaborating for Accessible, Affordable, and Equitable Transportation***

**Meeting Minutes**

**I. Attendees:**

Sue Brant	Community Cycles
Tim Beal	Boulder Housing Partners
Bob D'Alessandro	Via Mobility Services
Kate Williams	Denver Regional Mobility & Access Council
Eden Mayne	City of Boulder Senior Services Manager
Sandy Stewart	OUR Center
Lisa Bitzer	Via Mobility Services
Liz Fuselier	Boulder County Housing Authority
Scott McCarey	Boulder County Transportation
Lindsay Christopher	Safehouse Progressive Alliance for Nonviolence
Marta Loachamin	City of Longmont/ BoCo Strong
Angel Bond	Boulder County Mobility for All

**II. Presentation by Marta Loachamin**

Resiliency Specialist  
Marta.Loachamin@longmontcolorado.gov  
City of Longmont, Community and Neighborhood Resources

Marta Loachamin, City of Longmont Resiliency Specialist gave a presentation on the [Resiliencia Para Todos](#) grant project funded by the Colorado Division of Local Affairs to identify barriers and create a bridge between a vulnerable sector of our Latino population, community resources and local governments in the City of Longmont and Boulder County. A video on the project can be found here, and the Resiliencia para Todos team will be presenting their finding for the next two months (presentation attached). For questions regarding the project or to schedule a presentation, please contact [marta.loachamin@longmontcolorado.gov](mailto:marta.loachamin@longmontcolorado.gov).

Eden Mayne had mentioned the City of Boulder Human Services Community Perceptions Assessment and Open House, which asked residents and other community members about their perception and experience of Boulder as a safe and welcoming community for all. For information regarding that outreach process, please contact, Carmen Atilano, Community Relations Manager, City of Boulder Human Services Department, 303-441-3141, [atilanoc@bouldercolorado.gov](mailto:atilanoc@bouldercolorado.gov).

Kate Williams mentioned that the [Getting There Guide](#) is in four languages and part of DRMAC's LEP plan takes advantage of an on-call translation service [Stratus Video](#), which allows DRMAC to only pay per phone call. Other call centers also use [LanguageLine Solutions](#).

Angel Bond briefly discussed FTA Title VI requirements regarding Limited English Proficiency Plans to ensure equal and meaningful access to public transit services, which critical for minority and LEP individuals who may not have personal transportation. Attached you will find *Executive Order 13166—Improving Access to Services for Persons With Limited English Proficiency*, *DOJ Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency*, *FTA Site Visit Check Sheet*, and a *CDOT Title VI Plan template that includes LEP*. **Example:** Via Mobility Services [Title VI & Limited English Proficiency Plan](#)

### **III. LCC Member Updates**

- a. Lisa Bitzer gave an update on the Colorado Department of Health Care Policy & Financing (HCPF) Transportation Services Benefits Collaborative meeting on Jan 8, 2018. HCPF will be releasing an RFP around the 4<sup>th</sup> Quarter, 2018 to select a new Emergency Medical Transportation (EMT) and Nonemergent Medical Transportation (NEMT) broker. The current broker covers the 9-county Denver Region, but it is likely that the new RFP will include brokerage coverage for all 64 counties in Colorado (agenda attached, [presentation can be found here](#)).
- b. Angel Bond said that Mobility for All is in the process of selecting a vendor for the 6-month Ride- Hailing Pilot Program at Josephine Commons and Aspinwall, Boulder County Housing Authority (BCHA) Affordable Housing Sites in Lafayette. Commuting Solutions is currently under contract to set up administration of the program.
- a. Angel Bond gave an update on the Loteria of Transportation Modes Outreach. Zareen Tasneem, Boulder County Transportation Multimodal Intern, took pictures for the fotonovelas for 5 transportation modes. (Project overview is attached)
- c. Liz Fuselier discussed the Mobility Options training M4A conducted with Via Mobility Services Travel Training at BCHA Kestrel, Dec 19, 2017. Additionally, Boulder County Housing Authority will hold a Kestrel Open House for potential residents Thursday, January 25, from 2:00-6:30 pm, Senior building (1130 S Kestrel Ln, Louisville).
- d. Kate Williams and Angel Bond discussed RTD and Transit Advisory committees that LCC members may be interested in following or attending: 1) *RTD Citizen's Advisory Council (CAC)*, 2) *RTD Advisory Committee for People with Disabilities (ACPD)*, 3) *RTD Access-a-Ride Paratransit Advisory Committee (APAC)*, 4) *RTD Pass Program Working Group*, and 5) *DRMAC Transit and Accessibility Task Force (TAFT)* (An overview of the RTD and DRMAC Transit Advisory Meetings is attached).

### **IV. Brainstorming Session:** February LCC will focus on Housing and Transportation to include what is the LCC role in Regional Housing work groups and committees, Affordable Housing options, HHS Regional Housing Plan, Regional Transportation for workforce access. Prior to the meeting, we will need to research the following: Longmont Housing Authority representatives, a potential City of Boulder citizens' advisory council, can eGo CarShare attend, Thistle and other nonprofits, etc.

### **V. Conclusion**

- a. Next meeting: Monday, February 12, 2018, 2:00-3:30 pm



# Boulder County

## Local Coordinating Council

*x Transportation is a Basic Social and Economic Need*

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# LCC MEETING

JANUARY 8, 2018



# Agenda



- ▣ Welcome & Introductions
- ▣ Presentation by Marta
- ▣ Title VI LEP Plan
- ▣ Member Updates
- ▣ Brainstorm
- ▣ Conclusion





# Presentation



- Marta Loachamin  
Resiliency Specialist  
City of Longmont
- [Marta.Loachamin@longmontcolorado.gov](mailto:Marta.Loachamin@longmontcolorado.gov)





# What is LEP Plan?

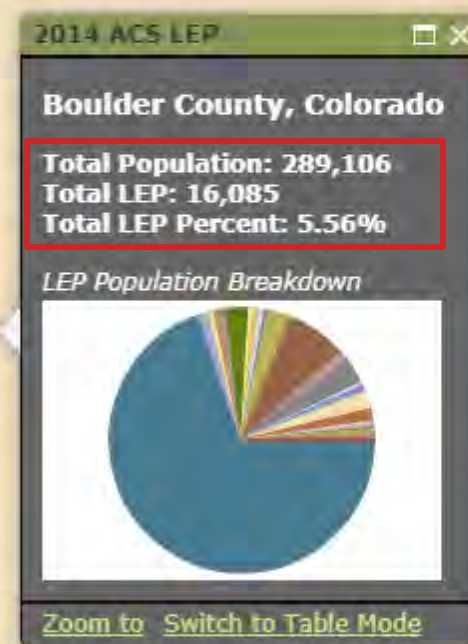


- Limited English Proficiency
  - ▣ Equitable & Meaningful Access to Public Transit
  - ▣ Title VI Civil Rights Act of 1964
    - Protected Class Nation of Origin
  - ▣ FTA Requires LEP Plans

# Boulder County Limited English Proficient (LEP) Population

- Total LEP 5.56%
  - ▣ 69.8% Spanish
  - ▣ 7% Chinese
  - ▣ 3% Korean

Boulder County



Broomfield

# Member Updates



- ❑ Loteria of Transportation Modes, Angel Bond
- ❑ EMT and NEMT Broker RFP Meeting, Lisa Bitzer
- ❑ Via Mobility Services Passenger Survey
- ❑ TNC Pilot Project, Angel Bond
- ❑ Kestrel, Liz Fuselier
- ❑ RTD Advisory Groups and Committees, Kate Williams

# Brainstorming Session



- LCC February Topic: Housing and Transportation
  - ▣ Affordable Housing
  - ▣ Regional Housing Plan
    - Advisory Committees
  - ▣ Regional Transportation
    - Workforce



## NEXT MEETING:

Monday, Feb 12, 2:00-3:30 pm





## Background

By 2025 Boulder County communities will have access to the resources and connections needed to allow all residents to adapt and thrive in the face of community stressors.



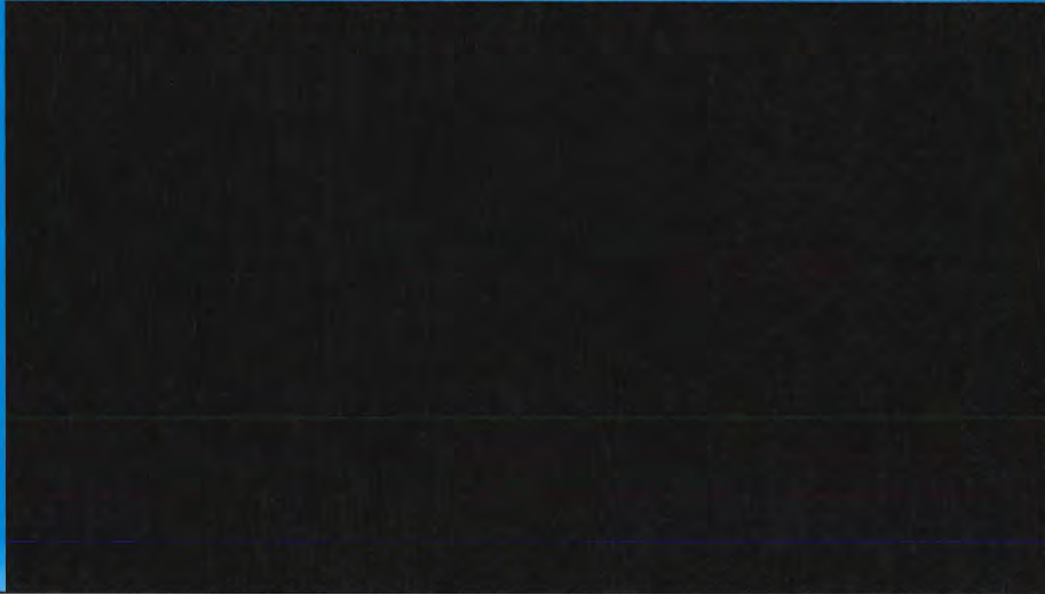
Spanish speaking community members, Bilingual Youth & Cultural Brokers



## FOCUS GROUPS IN BOULDER COUNTY



# Resiliencia para todos Video



Video can be found here: <https://www.longmontcolorado.gov/departments/departments-a-d/community-and-neighborhood-resources/resiliency-for-all>


## Community Defined Barriers



### BARRIERS



- I. RESOURCE INFORMATION
- II. DISCRIMINATION AND FEAR
- III. LANGUAGE/COMMUNICATIONS
- IV. CULTURAL SENSITIVITY
- V. OUTREACH/ENGAGEMENT/EDUCATION





## Recommendations

- Provide connections, guidance, alleviate and/or remove barriers that clients face when accessing services/resources.
- Embrace word of mouth as a trusted source of referral and connection to resources.
- Determine collaborations between department resources agencies and streamline lines of communication to allow client access.
- Provide existing bi-lingual emergency resources to all community partners.
- Exchange resources with local community organizations that provide services/resources that general Emergency Services may not provide.
- Create a safe (local) neutral point of resources for customers to formalize complaints.
- Finance non-profits that focus on outreach teaching English.
- Financially recruit, reward and retain cultural brokers in local agencies and community.
- Implement programming such as Bi-literacy seal or bilingual pay scales.


## Next Steps



In this study alone, we located **41 new community voices** who asked to be included in more events, offered to participate in discussions and volunteered to connect in the future around resiliency work in the Spanish speaking community. Our bilingual community wants to be part of bridging the gap when the requests are genuine and have a focus for the good of all.






# Thank you \*\* Gracias

For more information about



and a digital copy of this report and videos  
please visit our websites  
LongmontColorado.gov  
<http://bit.ly/resilience-longmont>



## Q & A



**Marta Loachamin**

**Carmen Ramirez**



## *Lotería of Transportation Modes*



# What is *Lotería of Transportation Modes*?

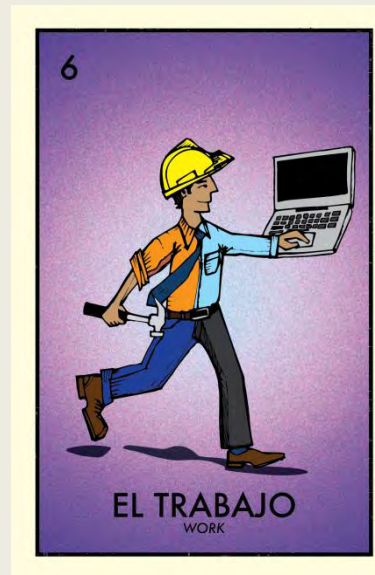
- *Objective: Improve Access to Multimodal Transportation*
  - *Culturally Relevant Outreach and Marketing*
  - *Spanish and English*
  - *Educational Tool*





# Lotería Poster

- How to Use Each Mode
  - *Different modes can be used for various trip purposes*
  - *Poster (11 x 17 in) to be placed in Nonprofits, Businesses, and Government Locations serving Latinos*

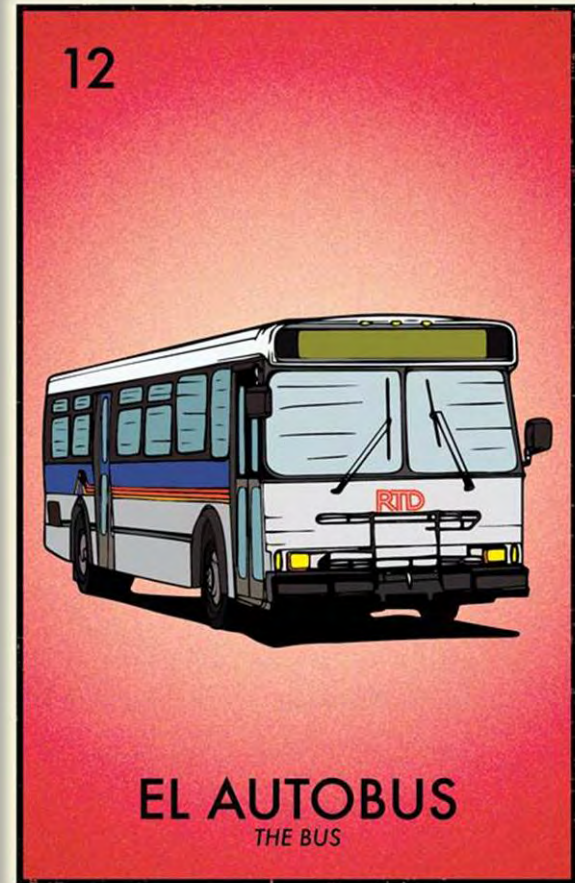


*Mode*

*Destinations*

# Lotería Cards

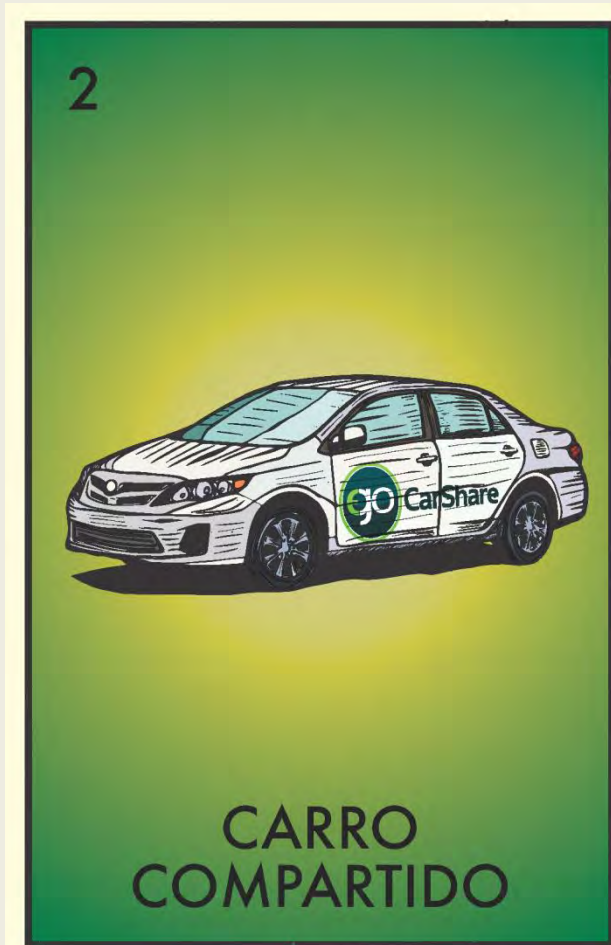
- *6 Transportation Modes*
  - *Mexican Lotería Game Cards (similar to Bingo in the U.S.)*
  - *8.5 x 5.5 inches on card stock*
  - *Mode Image on one side*
  - *Fotonovela (picture-based) style and information on the back*





# Sample CarShare Lotería Card

*Front*



*Back*



# Focus Group Proposed Changes

Front



Back

TITLE

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How to Images		

Mode

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Destinations

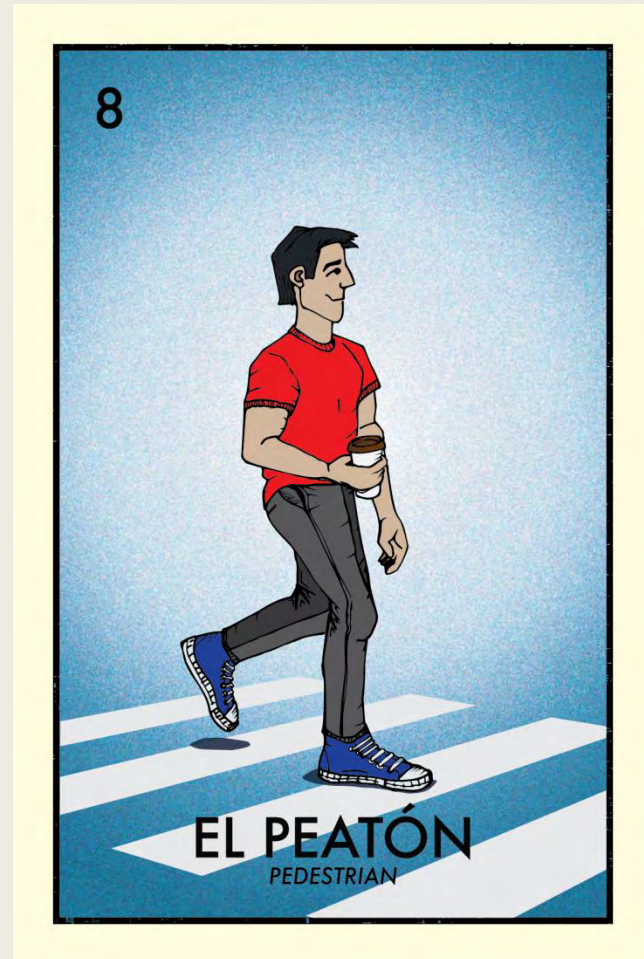
# Photos for Cards





# QUESTIONS?

Angel Bond  
Mobility for All Program Manager  
720-564-2218  
[abond@bouldercounty.org](mailto:abond@bouldercounty.org)





# Federal Register

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Wednesday,  
August 16, 2000

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## Part V

### The President

Executive Order 13166—Improving Access  
to Services for Persons With Limited  
English Proficiency

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### Department of Justice

Enforcement of Title VI of the Civil  
Rights Act of 1964—National Origin  
Discrimination Against Persons With  
Limited English Proficiency; Notice

# Presidential Documents

Title 3—

Executive Order 13166 of August 11, 2000

The President

## Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and 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), it is hereby ordered as follows:

### **Section 1. Goals.**

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

### **Sec. 2. Federally Conducted Programs and Activities.**

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

### **Sec. 3. Federally Assisted Programs and Activities.**

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the **Federal Register** for public comment.

**Sec. 4. Consultations.**

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

**Sec. 5. Judicial Review.**

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.



THE WHITE HOUSE,  
*August 11, 2000.*



## DEPARTMENT OF JUSTICE

**Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance**

**AGENCY:** Civil Rights Division, Department of Justice.

**ACTION:** Policy guidance document.

**SUMMARY:** This Policy Guidance Document entitled "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency (LEP Guidance)" is being issued pursuant to authority granted by Executive Order 12250 and Department of Justice Regulations. It addresses the application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency. This policy guidance does not create new obligations, but rather, clarifies existing Title VI responsibilities. The purpose of this document is to set forth general principles for agencies to apply in developing guidelines for services to individuals with limited English proficiency. The Policy Guidance Document appears below.

**DATES:** Effective August 11, 2000.

**ADDRESSES:** Coordination and Review Section, Civil Rights Division, P.O. Box 66560, Washington, D.C. 20035-6560.

**FOR FURTHER INFORMATION CONTACT:** Merrily Friedlander, Chief, Coordination and Review Section, Civil Rights Division, (202) 307-2222.

**Helen L. Norton,**

*Counsel to the Assistant Attorney General, Civil Rights Division.*

Office of the Assistant Attorney General  
Washington, D.C. 20530

August 11, 2000.

TO: Executive Agency Civil Rights Officers

FROM: Bill Lann Lee, Assistant Attorney General, Civil Rights Division

SUBJECT: Policy Guidance Document: *Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency* ("LEP Guidance")

This policy directive concerning the enforcement of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, as amended, is being issued pursuant to the authority granted by

Executive Order No. 12250<sup>1</sup> and Department of Justice regulations.<sup>2</sup> It addresses the application to recipients of federal financial assistance of Title VI's prohibition on national origin discrimination when information is provided only in English to persons who do not understand English. This policy guidance does not create new obligations but, rather, clarifies existing Title VI responsibilities.

Department of Justice Regulations for the Coordination of Enforcement of Non-discrimination in Federally Assisted Programs (Coordination Regulations), 28 C.F.R. 42.401 *et seq.*, direct agencies to "publish title VI guidelines for each type of program to which they extend financial assistance, where such guidelines would be appropriate to provide detailed information on the requirements of Title VI." 28 CFR § 42.404(a). The purpose of this document is to set forth general principles for agencies to apply in developing such guidelines for services to individuals with limited English proficiency (LEP). It is expected that, in developing this guidance for their federally assisted programs, agencies will apply these general principles, taking into account the unique nature of the programs to which they provide federal financial assistance.

A federal aid recipient's failure to assure that people who are not proficient in English can effectively participate in and benefit from programs and activities may constitute national origin discrimination prohibited by Title VI. In order to assist agencies that grant federal financial assistance in ensuring that recipients of federal financial assistance are complying with their responsibilities, this policy directive addresses the appropriate compliance standards. Agencies should utilize the standards set forth in this Policy Guidance Document to develop specific criteria applicable to review the programs and activities for which they offer financial assistance. The Department of Education<sup>3</sup> already has

established policies, and the Department of Health and Human Services (HHS)<sup>4</sup> has been developing guidance in a manner consistent with Title VI and this Document, that applies to their specific programs receiving federal financial assistance.

**Background**

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities. Section 601 of Title VI, 42 U.S.C. § 2000d, provides:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The term "program or activity" is broadly defined. 42 U.S.C. § 2000d-4a.

Consistent with the model Title VI regulations drafted by a Presidential task force in 1964, virtually every executive agency that grants federal financial assistance has promulgated regulations to implement Title VI. These regulations prohibit recipients from "restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program" and "utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination" or have "the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin."

In *Lau v. Nichols*, 414 U.S. 563 (1974), the Supreme Court interpreted these provisions as requiring that a federal financial recipient take steps to ensure that language barriers did not exclude LEP persons from effective participation in its benefits and services. *Lau* involved a group of students of Chinese origin who did not speak English to whom the recipient provided the same services—an education provided solely in English—that it provided students who did speak English. The Court held that, under these circumstances, the school's practice violated the Title VI prohibition against discrimination on

<sup>1</sup> 42 U.S.C. § 2000d-1 note.

<sup>2</sup> 28 C.F.R. § 0.51.

<sup>3</sup> Department of Education policies regarding the Title VI responsibilities of public school districts with respect to LEP children and their parents are reflected in three Office for Civil Rights policy documents: (1) the May 1970 memorandum to school districts, "Identification of Discrimination and Denial of Services on the Basis of National Origin," (2) the December 3, 1985, guidance document, "The Office for Civil Rights' Title VI Language Minority Compliance Procedures," and (3) the September 1991 memorandum, "Policy Update on Schools Obligations Toward National Origin Minority Students with Limited English Proficiency." These documents can be found at the Department of Education website at [www.ed.gov/office/OCR](http://www.ed.gov/office/OCR).

<sup>4</sup> The Department of Health and Human Services is issuing policy guidance titled: "Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency." This policy addresses the Title VI responsibilities of HHS recipients to individuals with limited English proficiency.

the basis of national origin. The Court observed that “[i]t seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents’ school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by” the Title VI regulations.<sup>5</sup> Courts have applied the doctrine enunciated in *Lau* both inside and outside the education context. It has been considered in contexts as varied as what languages drivers’ license tests must be given in or whether material relating to unemployment benefits must be given in a language other than English.<sup>6</sup>

### Link Between National Origin And Language

For the majority of people living in the United States, English is their native language or they have acquired proficiency in English. They are able to participate fully in federally assisted programs and activities even if written and oral communications are exclusively in the English language.

The same cannot be said for the remaining minority who have limited English proficiency. This group includes persons born in other countries, some children of immigrants born in the United States, and other non-English or limited English proficient persons born in the United States, including some Native Americans. Despite efforts to learn and master English, their English language proficiency may be limited for some time.<sup>7</sup> Unless grant recipients take steps to respond to this difficulty, recipients effectively may deny those who do not

speak, read, or understand English access to the benefits and services for which they qualify.

Many recipients of federal financial assistance recognize that the failure to provide language assistance to such persons may deny them vital access to services and benefits. In some instances, a recipient’s failure to remove language barriers is attributable to ignorance of the fact that some members of the community are unable to communicate in English, to a general resistance to change, or to a lack of awareness of the obligation to address this obstacle.

In some cases, however, the failure to address language barriers may not be simply an oversight, but rather may be attributable, at least in part, to invidious discrimination on the basis of national origin and race. While there is not always a direct relationship between an individual’s language and national origin, often language does serve as an identifier of national origin.<sup>8</sup> The same sort of prejudice and xenophobia that may be at the root of discrimination against persons from other nations may be triggered when a person speaks a language other than English.

Language elicits a response from others, ranging from admiration and respect, to distance and alienation, to ridicule and scorn. Reactions of the latter type all too often result from or initiate racial hostility \* \* \*. It may well be, for certain ethnic groups and in some communities, that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis.<sup>9</sup>

While Title VI itself prohibits only intentional discrimination on the basis of national origin,<sup>10</sup> the Supreme Court has consistently upheld agency regulations prohibiting unjustified discriminatory effects.<sup>11</sup> The Department of Justice has consistently adhered to the view that the significant

discriminatory effects that the failure to provide language assistance has on the basis of national origin, places the treatment of LEP individuals comfortably within the ambit of Title VI and agencies’ implementing regulations.<sup>12</sup> Also, existing language barriers potentially may be rooted in invidious discrimination. The Supreme Court in *Lau* concluded that a recipient’s failure to take affirmative steps to provide “meaningful opportunity” for LEP individuals to participate in its programs and activities violates the recipient’s obligations under Title VI and its regulations.

### All Recipients Must Take Reasonable Steps To Provide Meaningful Access

Recipients who fail to provide services to LEP applicants and beneficiaries in their federally assisted programs and activities may be discriminating on the basis of national origin in violation of Title VI and its implementing regulations. Title VI and its regulations require recipients to take reasonable steps to ensure “meaningful” access to the information and services they provide. What constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors. Among the factors to be considered are the number or proportion of LEP persons in the eligible service population, the frequency with which LEP individuals come in contact with the program, the importance of the service provided by the program, and the resources available to the recipient.

#### (1) Number or Proportion of LEP Individuals

Programs that serve a few or even one LEP person are still subject to the Title VI obligation to take reasonable steps to provide meaningful opportunities for access. However, a factor in determining the reasonableness of a recipient’s efforts is the number or proportion of people who will be excluded from the benefits or services absent efforts to remove language barriers. The steps that are reasonable for a recipient who serves one LEP person a year may be different than those expected from a recipient that serves several LEP persons each day. But even those who serve very few LEP persons on an infrequent basis should utilize this balancing analysis to determine whether reasonable steps are

<sup>5</sup> 414 U.S. at 568. Congress manifested its approval of the *Lau* decision requirements concerning the provision of meaningful education services by enacting provisions in the Education Amendments of 1974, Pub. L. No. 93-380, §§ 105, 204, 88 Stat. 503-512, 515 codified at 20 U.S.C. 1703(f), and the Bilingual Education Act, 20 U.S.C. 7401 *et seq.*, which provided federal financial assistance to school districts in providing language services.

<sup>6</sup> For cases outside the educational context, *see, e.g., Sandoval v. Hagan*, 7 F. Supp. 2d 1234 (M.D. Ala. 1998), *affirmed*, 197 F.3d 484, (11th Cir. 1999), *rehearing and suggestion for rehearing en banc denied*, 211 F.3d 133 (11th Cir. Feb. 29, 2000) (Table, No. 98-6598-II), *petition for certiorari filed* May 30, 2000 (No. 99-1908) (giving drivers’ license tests only in English violates Title VI); and *Pabon v. Levine*, 70 F.R.D. 674 (S.D.N.Y. 1976) (summary judgment for defendants denied in case alleging failure to provide unemployment insurance information in Spanish violated Title VI).

<sup>7</sup> Certainly it is important to achieve English language proficiency in order to fully participate at every level in American society. As we understand the Supreme Court’s interpretation of Title VI’s prohibition of national origin discrimination, it does not in any way disparage use of the English language.

<sup>8</sup> As the Supreme Court observed, “[l]anguage permits an individual to express both a personal identity and membership in a community, and those who share a common language may interact in ways more intimate than those without this bond.” *Hernandez v. New York*, 500 U.S. 352, 370 (1991) (plurality opinion).

<sup>9</sup> *Id.* at 371 (plurality opinion).

<sup>10</sup> *Alexander v. Choate*, 469 U.S. 287, 293 (1985).

<sup>11</sup> *Id.* at 293-294; *Guardians Ass’n v. Civil Serv. Comm’n*, 463 U.S. 582, 584 n.2 (1983) (White, J.), 623 n.15 (Marshall, J.), 642-645 (Stevens, Brennan, Blackmun, JJ.); *Lau v. Nichols*, 414 U.S. at 568; *id.* at 571 (Stewart, J., concurring in result). In a July 24, 1994, memorandum to Heads of Departments and Agencies that Provide Federal Financial Assistance concerning “Use of the Disparate Impact Standard in Administrative Regulations Under Title VI of the Civil Rights Act of 1964,” the Attorney General stated that each agency “should ensure that the disparate impact provisions of your regulations are fully utilized so that all persons may enjoy equally the benefits of federally financed programs.”

<sup>12</sup> The Department’s position with regard to written language assistance is articulated in 28 CFR § 42.405(d)(1), which is contained in the Coordination Regulations, 28 CFR Subpt. F, issued in 1976. These Regulations “govern the respective obligations of Federal agencies regarding enforcement of title VI.” 28 CFR § 42.405. Section 42.405(d)(1) addresses the prohibitions cited by the Supreme Court in *Lau*.

possible and if so, have a plan of what to do if a LEP individual seeks service under the program in question. This plan need not be intricate; it may be as simple as being prepared to use one of the commercially available language lines to obtain immediate interpreter services.

#### *(2) Frequency of Contact with the Program*

Frequency of contacts between the program or activity and LEP individuals is another factor to be weighed. For example, if LEP individuals must access the recipient's program or activity on a daily basis, e.g., as they must in attending elementary or secondary school, a recipient has greater duties than if such contact is unpredictable or infrequent. Recipients should take into account local or regional conditions when determining frequency of contact with the program, and should have the flexibility to tailor their services to those needs.

#### *(3) Nature and Importance of the Program*

The importance of the recipient's program to beneficiaries will affect the determination of what reasonable steps are required. More affirmative steps must be taken in programs where the denial or delay of access may have life or death implications than in programs that are not as crucial to one's day-to-day existence. For example, the obligations of a federally assisted school or hospital differ from those of a federally assisted zoo or theater. In assessing the effect on individuals of failure to provide language services, recipients must consider the importance of the benefit to individuals both immediately and in the long-term. A decision by a federal, state, or local entity to make an activity compulsory, such as elementary and secondary school attendance or medical inoculations, serves as strong evidence of the program's importance.

#### *(4) Resources Available*

The resources available to a recipient of federal assistance may have an impact on the nature of the steps that recipients must take. For example, a small recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP

assistance in programs that have a limited number of eligible LEP individuals, where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to an individual's day-to-day existence. Claims of limited resources from large entities will need to be well-substantiated.<sup>13</sup>

#### **Written vs. Oral Language Services**

In balancing the factors discussed above to determine what reasonable steps must be taken by recipients to provide meaningful access to each LEP individual, agencies should particularly address the appropriate mix of written and oral language assistance. Which documents must be translated, when oral translation is necessary, and whether such services must be immediately available will depend upon the factors previously mentioned.<sup>14</sup> Recipients often communicate with the public in writing, either on paper or over the Internet, and written translations are a highly effective way of communicating with large numbers of

<sup>13</sup> Title VI does not require recipients to remove language barriers when English is an essential aspect of the program (such as providing civil service examinations in English when the job requires person to communicate in English, see *Frontera v. Sindell*, 522 F.2d 1215 (6th Cir. 1975)), or there is another "substantial legitimate justification for the challenged practice." *Elston v. Talladega County Bd. of Educ.*, 997 F.2d 1394, 1407 (11th Cir. 1993). Similar balancing tests are used in other nondiscrimination provisions that are concerned with effects of an entity's actions. For example, under Title VII of the Civil Rights Act of 1964, employers need not cease practices that have a discriminatory effect if they are "consistent with business necessity" and there is no "alternative employment practice" that is equally effective. 42 U.S.C. § 2000e-2(k). Under Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, recipients do not need to provide access to persons with disabilities if such steps impose an undue burden on the recipient. *Alexander v. Choate*, 469 U.S. at 300. Thus, in situations where all of the factors identified in the text are at their nadir, it may be "reasonable" to take no affirmative steps to provide further access.

<sup>14</sup> Under the four-part analysis, for instance, Title VI would not require recipients to translate documents requested under a state equivalent of the Freedom of Information Act or Privacy Act, or to translate all state statutes or notices of rulemaking made generally available to the public. The focus of the analysis is the nature of the information being communicated, the intended or expected audience, and the cost of providing translations. In virtually all instances, one or more of these criteria would lead to the conclusion that recipients need not translate these types of documents.

people who do not speak, read or understand English. While the Department of Justice's Coordination Regulation, 28 CFR § 42.405(d)(1), expressly addresses requirements for provision of written language assistance, a recipient's obligation to provide meaningful opportunity is not limited to written translations. Oral communication between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provision of written materials may not be allowing LEP persons "effectively to be informed of or to participate in the program" in the same manner as persons who speak English.

In some cases, "meaningful opportunity" to benefit from the program requires the recipient to take steps to assure that translation services are promptly available. In some circumstances, instead of translating all of its written materials, a recipient may meet its obligation by making available oral assistance, or by commissioning written translations on reasonable request. It is the responsibility of federal assistance-granting agencies, in conducting their Title VI compliance activities, to make more specific judgments by applying their program expertise to concrete cases.

#### **Conclusion**

This document provides a general framework by which agencies can determine when LEP assistance is required in their federally assisted programs and activities and what the nature of that assistance should be. We expect agencies to implement this document by issuing guidance documents specific to their own recipients as contemplated by the Department of Justice Coordination Regulations and as HHS and the Department of Education already have done. The Coordination and Review Section is available to assist you in preparing your agency-specific guidance. In addition, agencies should provide technical assistance to their recipients concerning the provision of appropriate LEP services.

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BILLING CODE 4410-13-P

# FTA Site Visit Title VI Check Sheet

## 10. TITLE VI

**BASIC REQUIREMENT:** Recipients must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance without regard to whether specific projects or services are federally funded. The recipient must ensure that all transit services and related benefits are distributed in an equitable manner.

**NOTE:** For files used to satisfy multiple requested documents, please indicate where in the file, i.e., page number, section, etc., the information can be found.

Required Documents	Applicability	Date submitted	Electronic file name	Comments from Recipient
a. Most recent Title VI program, if not uploaded to TrAMS	All recipients of FTA funds			
b. List of Title VI complaints/lawsuits that have occurred since the latest Title VI program submission	All recipients of FTA funds			
c. Any service equity and/or fare equity analyses conducted since submission of the last Title VI program for fare or major service changes	All recipients of FTA funds that operate fixed route public transportation meeting the peak vehicle and UZA threshold			
d. Any service equity and/or fare equity analyses conducted since submission of the last Title VI program for new fixed guideway service, or New Starts or Small Starts projects	All recipients of FTA funds that operate fixed route public transportation meeting the peak vehicle and UZA threshold			
e. Competitive selection or annual program of projects process	States			

Required Documents	Applicability	Date submitted	Electronic file name	Comments from Recipient
f. List of all subrecipient applications received during the review period and identify those: <ul style="list-style-type: none"> <li>accepted or rejected</li> <li>applicants that are minority organizations or that serve minority or low-income communities</li> <li>amount of funds allocated</li> </ul>	States and all MPO direct recipients			

***Note: The following is a suggested Title VI Plan template for CDOT's FTA Grant Partners.***

**[agency name]**

# **Title VI Program**

**[insert logo here]**

**Adopted [date]**

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## TITLE VI PROGRAM QUESTIONNAIRE

*The Federal Transit Administration (FTA) requires all grant partners (sub-recipients) of FTA financial assistance to develop a Title VI program. Please use this as a template only and remember to delete the italicized information that is provided before sending it to CDOT. Contact Eboni Younger-Riehl at 303-757-9072, if you have any questions.*

*Please ensure that this plan is approved by a governing body before submitting it to CDOT. Please attach the approval of the governing body as an appendix.*

### **PART I.**

#### **General Title VI Requirements for All Grant Partners**

#### **BACKGROUND**

*Please describe the type of transit service you provide. Where are you located? What is the size of your division? Which grant types do you receive? Are you a fixed route provider or a paratransit provider? Does your organization conduct any planning activities?*

#### **NOTICE TO THE PUBLIC**

*FTA requires that each grant partner notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI program. The notice must include the following:*

- A statement that the agency operates programs without regard to race, color, and national origin.*
- A description of the procedures that members of the public should follow in order to request additional information on the grant partner's nondiscrimination obligations.*
- A description of the procedures that members of the public should follow in order to file a Title VI discrimination complaint against the grant partner.*
- A statement that the agency's Title VI obligations and complaint procedures will be translated into other languages as needed. (Make sure this sentence is also provided in any language spoken by LEP populations that meet the Safe Harbor Threshold)*

***The notice can be a separate document, such as a posted sign, a statement that is in another document, or a stand-alone document, such as a Title VI brochure.***

*At a minimum, a grant partner must post a Title VI notice on its website and in the reception area and public meeting spaces of its offices, as well as all vehicles used for public transit. FTA recommends that each agency place the notice in other locations, such as on bus shelters, on schedules or other printed materials, and at stations.*



*Appendix A is a copy of a notice in English from the FTA circular. Grant partners are welcomed to use the notice in Appendix A or to develop their own.*

1. Have you adopted a title VI notice? If so, please provide a copy of your Title VI notice(s).
2. Where are the notices posted? At a minimum, has the agency posted a Title VI notice on the agency's website, in the reception area of your office, and in the public meeting spaces of agency's office?

#### **COMPLAINT INSTRUCTIONS AND FORM**

*FTA requires each grantee to have instructions for the public to follow and a form for the public to use for filing a Title VI complaint. Appendix B presents a form and instructions for filing a Title VI complaint in English and Spanish developed by CDOT. The grant partner can use the CDOT form and instructions.*

3. Please attach a copy of your complaint form and instructions that is used.
4. Please attach your complaint procedures as Appendix C.
5. Where are the complaint procedures posted?

#### **TITLE VI COMPLAINTS, INVESTIGATIONS AND LAWSUITS**

*FTA requires that the Title VI program include a list of transit-related Title VI complaints, investigations, and lawsuits. CDOT must be informed whenever there is a Title VI complaint. Please note that Equal Employment Opportunity (EEO) and Americans with Disabilities Act (ADA) complaints are not Title VI complaints so do not list them. If the agency is a part of a city, county, or human service agency, only list Title VI complaints, investigations, or lawsuits related to transit service.*

6. Since submitting the last grant application to CDOT, has the agency had any Title VI complaints, investigations, or lawsuits related to your transit program? If yes, please complete the table in Appendix B.

#### **PUBLIC PARTICIPATION ELEMENT**

*FTA requires that the Title VI program include a public participation plan that includes an outreach plan to engage minority and Limited English Proficient (LEP) populations. The plan may include other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others. Public participation methods include open Board/ council meetings, council meetings of cities and counties that provide local funding, transit/client advisory committees, public involvement efforts for Transit Development Plans (TDPs), passenger surveys, marketing efforts, such as booths at fairs, and presentations to service and other organizations.*

7. Does your organization conduct planning activities? If so, please describe the past process.
8. Are any agency meetings open to the public? If so, which of these meetings are open to the public?
9. How does your organization publicize the dates, times, and locations of these meetings?
10. Where are the meetings held? Are these meetings scheduled at times and locations that are convenient and accessible to minorities?

11. Is the location accessible to persons with disabilities?
12. Has your organization employed different meeting sizes and formats?
13. Is transit service available to the location and during the hours of these meetings? If yes, please describe. If not, does your organization offer transportation to these meetings upon request?
14. What other efforts has your organization made to ensure that transit riders or clients can attend these meetings?
15. Does your organization rely on any counties or cities for funding? If yes, please describe how interested parties can comment on your budget and services at city and town council meetings.
16. Has your organization coordinated with community or faith-based organizations, educational institutions or other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities?
17. Discuss any other outreach efforts, including transit advisory committees, procedures for soliciting comments for fare increases and service changes, passenger surveys, public involvement for transit development plans, presentations, etc.
18. Please describe any specific outreach efforts to involve minority, low-income or LEP person.

#### **LIMITED ENGLISH PROFICIENCY (LEP) ELEMENT**

*FTA requires that the Title VI program include a plan for providing meaningful access and language assistance to LEP persons. An LEP person is someone “who speaks English less than very well,” as per US Census Bureau designation. To document what languages are spoken by LEP persons and to help determine what language assistance efforts the grant partner should undertake, FTA requires that the grant partner analyze the following four factors:*

- *the number and proportion of LEP persons served or likely to be encountered in your service area*
- *the frequency with which LEP individuals come into contact with your transit service*
- *the nature and importance of your transit service*
- *the language assistance resources potentially available to assist LEP persons*

*If you have an LEP plan please attach with this document. A CDOT created LEP template is available on the provided zip drive.*

#### **PLANNING AND ADVISORY BOARDS**

*FTA requires that the Title VI program present the racial make-up of all transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, and a description of the efforts to encourage the participation of minorities on such committees.*

19. List all transit-related advisory boards and committees and the purpose of each.

20. How are members selected?

21. What is the racial makeup of each board and committee? Please provide a table depicting the membership of each committee/board broken down by race.

22. What efforts are undertaken to encourage participation of minorities on these committees?

23. Provide a copy of board meeting minutes showing the board of directors or appropriate governing entity.

## **FACILITY LOCATION EQUITY ANALYSIS**

*FTA requires the Title VI program to include procedures for ensuring an equity analysis of facility locations is conducted during the planning for a construction of a new facility. The Division of Transit and Rail ensures compliance with this requirement when providing FTA funding for a new facility.*

*A grant partner planning to acquire land to construct certain types of facilities must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. "Facilities" in this context does not include transit stations or bus shelters, but instead refers to storage facilities, maintenance facilities, and operation centers. There are many steps involved in the planning process prior to the actual construction of a facility. It is during these planning phases that attention needs to be paid to equity and non-discrimination through equity analysis. The Title VI Equity Analysis must be done before the selection of the preferred site.*

*Note: Even if facility construction is financed with non-FTA funds, if the grant partner organization receives any FTA dollars, it must comply with this requirement.*

24. Has your organization constructed any facilities in the last three years? If so, please attach equity analysis. For further guidance please see the FTA Circular 4702.1B, Chapter 4 section 7.

## **PART II.**

### **REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS ONLY**

#### **FIXED-ROUTE SYSTEMWIDE SERVICE STANDARDS**

*The remaining questions only apply to operators of fixed-route service. The following information does not include requirements for Urbanized Areas (UZA) of 200,000 or more in population. Grant partners that only provide demand-response service can stop here. Please note that all 5310-provided service and route deviation service are considered demand-response service for the purposes of Title VI.*

*FTA requires operators of fixed-route service to set system wide service standards for each fixed-route mode of service provided and include the standards in the Title VI program. The service standards must address vehicle loads, headways, on-time performance, and service availability. Please refer to Appendix E and Appendix F for examples of standards and policies.*

25. What types of fixed-route bus service does your organization provide (local, express, commuter)?

### **Vehicle Load (Capacity) Standards**

- 26. Describe your organization's vehicle capacity standards?
- 27. Does your transit service allow standees on buses for each type of service provided? If no, please explain.
- 28. Does your transit service allow standees on buses at all times of the day (peak and off-peak)?
- 29. Has your organization adopted the manufacturers' capacity standards for seated and standing passengers?
- 30. Does your organization regularly have standees on buses? If yes, does grantee have plans to increase the amount of service to reduce the number of standees?

### **Vehicle Headway Standards**

- 31. Describe your organizations vehicle headway standards.
- 32. What are the headways for each type of fixed-route service?
- 33. Are the headways the same for peak and off-peak hours? If no, discuss the differences.
- 34. What are the headways for evening service?
- 35. What are the headways for Saturday and Sunday service?
- 36. How has grantee set the headways?

### **On-time Performance Standards**

- 37. What is the on-time performance standard(s)?
- 38. Has grantee set a system wide goal for on time performance? If yes, what is the goal?
- 39. Does grantee have problems with on time performance?

### **Service Availability Standards**

- 40. What criteria are used to decide where to locate local fixed-route service?
- 41. Does your organization provide general public demand responsive service in areas serviced by fixed routes? If no, how far from the fixed-routes does your organization provide general public demand-response service?
- 42. Discuss spacing of bus stops, if used.

43. Discuss grantee policy regarding activity centers served (employers, shopping centers, hospitals, clinics, senior housing centers, Rail Runner stations, city halls, etc.)

#### **FIXED-ROUTE SYSTEM-WIDE POLICIES**

*FTA requires operators of fixed-route service to set system wide policies for each fixed-route mode of service provided and include the policies in the Title VI program. The policies must address distribution of service amenities, such as passenger shelters, and the assignment of buses to garages and routes.*

44. Describe the passenger amenities, such as passenger shelters, benches, and waste receptacles and where they are located.

45. How does your organization determine where to place each type of passenger amenity?

46. How does organization distribute route and schedule information?

47. What kind of route and schedule information, if any, is provided at bus stops?

48. Discuss implementation or plans for electronic/passenger information for bus departures and arrivals, if any.

49. Discuss the number of bus garages/storage locations, how buses are allocated to the different locations? If only one location, respond "N/A".

50. How are buses assigned to routes?

#### **PART III.**

##### **METROPOLITAN PLANNING ORGANIZATIONS (MPOs) ONLY**

*Metro Planning Organizations have additional reporting requirements to be included in the Title VI Programs. Below is a list of requirements specific to MPOs. If the MPO is a provider of fixed route public transportation it must also complete the requirements in Part II of this template.*

51. Provide a demographic profile of the metropolitan area.

52. Describe the procedures by which the mobility needs of minority populations are identified and considered within the planning process.

53. Provide demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects.

54. Provide an analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts.

55. Describe the procedures your organization uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested).
56. Describe the procedures your organization uses to provide assistance to potential subrecipients in a nondiscriminatory manner (if requested).

## **APPENDICES**

Appendix A: Notice to The Public (English and Spanish versions)

Appendix B: Complaint/Investigations Table

Appendix C: Complaint Procedure

Appendix D: Complaint Form

Appendix E: Sample Service Standards for Fixed Route Provider

Appendix F: Sample Policies for Fixed Route Provider

Appendix G: Staff LEP survey



## **APPENDIX A**

### **Notice to Beneficiaries (English)**

#### **Notifying the Public of Rights Under Title VI**

### **THE CITY OF USA**

- The City of USA operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of USA.
- For more information on the City of USA's civil rights program, and the procedures to file a complaint, contact 800-555-1212, (TTY 800-555-1111); email [title.vi.complaint@city.ca.us](mailto:title.vi.complaint@city.ca.us); or visit our administrative office at 1234 Center Street, City of USA, State 11111. For more information, visit [www.city.ca.us](http://www.city.ca.us)
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 800-555-1212.
  - *MAKE SURE THE SENTENCE ABOVE IS ALSO PROVIDED IN ANY LANGUAGE(S) SPOKEN BY LEP POPULATIONS THAT MEET THE SAFE HARBOR THRESHOLD*

**APPENDIX B**

**INVESTIGATIONS/COMPLAINTS CHART**

Type	Date	Summary (basis)	Status	Action(s) taken
Complaints and Investigations Naming the recipient				

Lawsuits				
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## APPENDIX C

### TITLE VI COMPLAINT PROCEDURE (GENERAL REQUIREMENT)

#### **Background**

*Recipients' Title VI Programs must include a copy of the agency's Title VI complaint procedure. The complaint procedure and complaint form shall be available on the recipient's website. The Title VI Complaint Procedure is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the complaint procedure should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, the complaint procedure should include a notice—"If information is needed in another language, then contact [phone number]"—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.*

The sample below is provided for the purposes of guidance only.

#### **SAMPLE Title VI Complaint Procedure**

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of USA Transit Authority (hereinafter referred to as "the Authority") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The City of USA Transit Authority investigates complaints received no more than 180 days after the alleged incident. The Authority will process complaints that are complete.

Once the complaint is received, the Authority will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The Authority has XX days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has XX business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within XX business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has XX days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 2059

## **APPENDIX D**

### **SAMPLE TITLE VI COMPLAINT FORM (GENERAL REQUIREMENT)**

#### **Background**

Grant Partners must create and make available a Title VI Complaint Form for use by customers who wish to file a Title VI complaint. The complaint form shall be available on the grant partner's website. A recipient's Title VI Complaint Form shall specify the three classes protected by Title VI—race, color, and national origin—and allow the complainant to select one or more of those protected classes as the basis/bases for discrimination. The Title VI Complaint Form is a vital document. If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold, then the procedure should be provided in English *and* in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold.

*The sample below is provided for the purposes of guidance only.*

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format	Large Print		Audio Tape	

Requirements?	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?		Yes*	No	
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No	
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
_____ _____				
<b>Section IV</b>				
Have you previously filed a Title VI complaint with this agency?		Yes	No	
<b>Section V</b>				
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, check all that apply:				
<input type="checkbox"/> Federal Agency: _____				
<input type="checkbox"/> Federal Court _____		<input type="checkbox"/> State Agency _____		
<input type="checkbox"/> State Court _____		<input type="checkbox"/> Local Agency _____		
Please provide information about a contact person at the agency/court where the complaint was filed.				
Name:				
Title:				



Agency:
Address:
Telephone:
<b>Section VI</b>
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

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

Signature and date required below

Signature	Date

Please submit this form in person at the address below, or mail this form to:

City of USA Title VI Coordinator

1234 Center Street

City of USA, State 1111

## **APPENDIX E**

### **SERVICE STANDARDS (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)**

#### **Background**

FTA requires all fixed route transit providers of public transportation to develop *quantitative* standards for the following indicators. Individual public transportation providers will set these standards; therefore, these standards will apply to each individual agency rather than across the entire transit industry.

- *Vehicle load for each mode*: Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. Transit providers can specify vehicle loads for peak vs. off-peak times, and for different modes of transit.
- *Vehicle headways for each mode*: The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- *On-time performance for each mode*: A measure of runs completed as scheduled.
- *Service availability for each mode*: A general measure of the distribution of routes within an agency's service area.

*The samples below are provided for the purposes of guidance only.*

#### **SAMPLE Standards**

##### ***SAMPLE Vehicle Load Standards***

##### ***1. Expressed in writing***

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which are 30 passengers for a 15' mini-bus, 51 passengers for low-floor 40-foot buses, 60 passengers for standard 40-foot buses, and 133 passengers on a light rail car.

##### ***2. Expressed in tabular format***

Vehicle Type	Average Passenger Capacities			
	Seated	Standing	Total	<u>Maximum</u> <u>Load</u> <u>Factor</u>
15' Mini-Bus	28	2	30	1.1
40' Low Floor Bus	39	12	51	1.3
40' Standard Bus	43	17	60	1.4
Light Rail Vehicle	64	69	133	2.1

## **SAMPLE Vehicle Headway Standards**

### **1. Expressed in writing**

Service operates on regional trunk lines every 15 minutes or better from early morning to late in the evening, seven days a week. On weekdays, 15 minute or better service should begin no later than 6:00 a.m. and continue until 10:30 p.m. On weekends, 15 minute or better service should begin by 8:00 a.m. and continue until 10:30 p.m.

Scheduling involves the consideration of a number of factors including: ridership productivity, transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to the *Regional Transportation Plan*, relationship to major transportation developments, land use connectivity, and transportation demand management.

### **2. Expressed in tabular format**

#### **POLICY HEADWAYS AND PERIODS OF OPERATION**

WEEKDAY	Peak	Base	Evening	Night
Regional Trunk	10	15	15	30
Urban Radial	15	15	30	60
Cross-Town	15	15	30	--
Secondary Radial	30	30	60	--
Feeder	30	30	60	--
Peak Express	30	--	--	--
Employer Feeder	60	--	--	--

\* Peak: 7-9 am and 4-6 pm; Base 9am - 4pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;  
"--" means no service is provided during that time period.

SATURDAY	Day	Evening	Night
Regional Trunk	15	30	30
Urban Radial	30	60	--
Cross-Town	15	30	--
Secondary Radial	60	60	--
Feeder	60	60	--
Peak Express	--	--	--
Employer Feeder	--	--	--

\* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm – Midnight;  
"--" means no service is provided during that time period.

SUNDAY	Day	Evening	Night
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Regional Trunk	30	60	--
Urban Radial	30	60	--
Cross-Town	30	--	--
Secondary Radial	--	--	--
Feeder	--	--	--
Peak Express	--	--	--
Employer Feeder	--	--	--

\* Day 7am - 6pm; Evening: 6-9:30 pm; Night: 9:30pm-Midnight;  
 "--" means no service is provided during that time period.

### ***SAMPLE On-Time Performance Standards***

#### ***Expressed in writing***

- Sample 1:
  - Ninety-five (95) percent of the City of USA's transit vehicles will complete their established runs no more than 5 minutes early or late in comparison to the established schedule/published timetables.
- Sample 2:
  - A vehicle is considered on time if it departs a scheduled timepoint no more than 1 minute early and no more than 5 minutes late. The City of USA's on-time performance objective is 90% or greater. The City of USA continuously monitors on-time performance and system results are published and posted as part of monthly performance reports covering all aspects of operations.

### ***SAMPLE Service Availability Standards***

#### ***Expressed in writing***

The City of USA will distribute transit service so that 90% of all residents in the service area are within a ¼ mile walk of bus service or within a ½ mile walk of rail service.

#### ***AND/OR***

Local bus stops will be not more than 3 blocks apart. Express bus stops will be one-half to three-quarters of a mile apart.

## **APPENDIX F**

### **SERVICE POLICIES (REQUIREMENT FOR ALL FIXED ROUTE TRANSIT PROVIDERS)**

#### **Background**

FTA requires that all providers of fixed route public transportation develop *qualitative* policies for the following procedures. These policies are to be set by individual transit providers; therefore, these policies will apply to individual agencies rather than across the entire transit industry.

- Vehicle Assignment
- Transit Amenities

*The samples below are provided for the purposes of guidance only.*

#### **Policies**

##### ***SAMPLE Vehicle Assignment Policy***

###### ***Expressed in writing***

Vehicles will be assigned to the South, North, and East depots such that the average age of the fleet serving each depot does not exceed “x” years. Low-floor buses are deployed on frequent service and other high-ridership lines, so these buses carry a higher share of ridership than their numerical proportion of the overall bus fleet. Low-floor buses are also equipped with air conditioning and automated stop announcement systems.

All rail cars are equipped with air conditioning, and high-floor rail cars are always paired with a low-floor car to provide accessibility.

Bus assignments take into account the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route. Local routes with lower ridership may be assigned 30-foot buses rather than the 40-foot buses. Some routes requiring tight turns on narrow streets are operated with 30-foot rather than 40-foot buses.

##### ***SAMPLE Transit Amenities Policy***

###### ***Expressed in writing***

Installation of transit amenities along bus and rail routes are based on the number of passenger boardings at stops and stations along those routes.

**APPENDIX G**  
**STAFF LEP SURVEY**

[Agency] is studying the language assistance needs of its riders so that we can better serve, communicate, and increase access with Limited English Proficient persons. Please complete the following survey and return it to [Name of Program Manager by date].

How often do you come into contact with passengers who do not speak English or have trouble understanding you when you speak English to them? (Circle one)

Daily

Weekly

Monthly

Less frequently than monthly

What languages do these passengers speak? Please list.

What languages other than English do you understand or speak?

Would you be willing to serve as a translator when needed?





**COLORADO**

Department of Health Care  
Policy & Financing

# Benefits Collaborative Public Meeting: Transportation Services

Monday, January 8, 2018

10:30 a.m. – Noon

Department of Health Care Policy and Financing

303 E 17<sup>th</sup> Ave, Seventh Floor Conference Rooms A, B & C

## Agenda

<b>Welcome and Introductions</b>	10:30 a.m. – 10:35 a.m.
<b>What is the Benefits Collaborative Process?</b>	10:35 a.m. – 10:55 a.m.
<ul style="list-style-type: none"><li>• Process Goals</li><li>• Expectations<ul style="list-style-type: none"><li>○ Process steps and Timeline</li><li>○ Participant Roles</li><li>○ Guiding Principles</li><li>○ Ground Rules</li></ul></li></ul>	
<b>Frame for Today's Meeting</b>	10:55 a.m. – 11:00 a.m.
<ul style="list-style-type: none"><li>• Purpose of today's meeting is to share the following and take stakeholder questions and feedback<ul style="list-style-type: none"><li>○ Proposed changes to EMT and NEMT rule language outlining coverage policy</li><li>○ Proposed content for inclusion in new NEMT broker contract Request for Proposals (RFP)</li></ul></li></ul>	
<b>Listening Session</b>	11:00 a.m. – 11:55 a.m.
<ul style="list-style-type: none"><li>• General Discussion of proposed EMT and NEMT rules.<ul style="list-style-type: none"><li>• This is an opportunity for stakeholders to propose changes to both rule language and to coverage policy (i.e. the types of services covered under the benefit, who can provide them, where, and under what circumstances).</li><li>• <b>NOTE:</b> Draft revisions to rule will be sent to participants by 1/2/2018, for review prior to the meeting.</li></ul></li><li>• General Discussion of possible content for inclusion in new NEMT broker contract and associated RFP<ul style="list-style-type: none"><li>• The Department will provide suggestions for: possible changes to the nature of the NEMT broker contract; and content for inclusion in the associated RFP.</li><li>• Stakeholders are also encouraged to offer suggestions.</li></ul></li></ul>	
<b>Next Steps</b>	11:55 a.m. – Noon

### Facilitators:

- Kimberley Smith, Compliance and Stakeholder Relations Unit Manager, Department of Health Care Policy & Financing (HCPF)
- Elizabeth Reekers-Medina, Transportation policy specialist, HCPF

*Questions, comments, or concerns?* Please contact Kimberley Smith, Compliance and Stakeholder Relations Unit Manager, by phone: (303) 866-3977 or email at: [Kimberley.Smith@state.co.us](mailto:Kimberley.Smith@state.co.us)

*To attend the meeting by telephone/webinar:*

The webinar can be accessed at <https://cohcpf.adobeconnect.com/rshg1ahhfj8k/>

You may dial 1-877-820-7831 for audio.

When you dial the number above, please enter the participant passcode: 946029# then wait to be added to the conference.  
**Please mute your phone when you are not speaking by dialing \*6\*.**

We request that you do not place your call on hold, otherwise everyone attending the meeting or listening on their phone will hear your “on hold” music. Instead please put your phone on ‘mute.’

*A webinar recording of each of the Benefit Collaborative meeting will be made available* for those who cannot participate. Further information will be provided in an email after the meeting.

*Reasonable Accommodations:* will be provided upon request for persons with disabilities. Please contact [Kimberley.Smith@state.co.us](mailto:Kimberley.Smith@state.co.us) so that arrangements can be made.

*Parking and Public Transportation:*

Two-hour free parking is available on several streets near 303 E. 17th Ave., including Pennsylvania and Logan. The Colfax bus stops two blocks south of the Department’s location.

**Notes:**

## RTD and DRMAC Transit Advisory Meetings

Official Meeting Name	RTD Access-a-Ride Paratransit Advisory Committee (APAC)
Meeting Purpose	To promote effective, efficient, and customer-responsive paratransit services provided by RTD, APAC will consult with RTD staff on issues, trends, needs, policies, and resources pertaining to Access-a-Ride services throughout the district and offer a unique perspective with the goal of continuously improving those services. Paratransit is a demand-responsive transit service required by the Americans with Disabilities Act.
Meeting Frequency	<i>Every Other Month:</i> January 16, 2018, March 13, 2018, May 8, 2018, July 10, 2018, September 11, 2018, November 13, 2018
Time	10a.m. – 12:00noon
Location	19th floor Conference Room 1560 Broadway Denver, CO 80202
RTD Staff Point of Contact	Larry Buter: <a href="mailto:larry.buter@rtd-denver.com">larry.buter@rtd-denver.com</a>
Link to meeting webpage	No Webpage
Official Meeting Name	RTD Advisory Committee for People with Disabilities (ACPD)
Meeting Purpose	Through multi-directional communication, apprises the ADA Steering Committee on ADA-community related issues/concerns and provides suggestions, ideas, and feedback on matters as they relate to people with disabilities. ACPD shall serve in an advisory capacity and be assisted by a designated staff liaison to the ADA Steering Committee.
Meeting Frequency	<i>Quarterly:</i> February 22, 2018, May 24, 2018, August 23, 2018, November 8, 2018
Time	2:00-3:30 pm
Location	Rooms T & D 1660 Blake Street Denver, CO80202
RTD Staff Point of Contact	Zamy Silva: <a href="mailto:Zamy.Silva@RTD-Denver.com">Zamy.Silva@RTD-Denver.com</a>
Link to meeting webpage	No Webpage

## RTD and DRMAC Transit Advisory Meetings

Official Meeting Name	RTD Citizen's Advisory Council
Meeting Purpose	The Regional Transportation District (RTD) Citizens Advisory Committee (CAC) is made up of residents and business persons from around the region. Members are appointed by RTD Board of Directors and volunteer their time to advise the District on a range of issues that affect citizens and impact the region.
Meeting Frequency	<i>Monthly, 3<sup>rd</sup> Wednesday:</i> January 17, 2018, February 21, 2018, March 21, 2018, April 18, 2018, May 16, 2018, June 20, 2018, July 18, 2018, August 15, 2018, September 19, 2018, October 17, 2018, November 14, 2018, December 12, 2018
Time	3:00-5:00 pm
Location	RTD Administrative Office 1660 Blake Street, Denver, CO 80202 Conference Room A
RTD Staff Point of Contact	Roger Sherman: <a href="mailto:Roger.Sherman@rtd-denver.com">Roger.Sherman@rtd-denver.com</a> , 303-506-8895
Link to meeting webpage	No Webpage
Official Meeting Name	RTD Pass Program Working Group
Meeting Purpose	The purpose of the study is to evaluate RTD's existing pass programs, including equity and underlying policies, and recommend whether new pass programs are needed.
Meeting Frequency	As Needed: January 16, 2018, February 6, 2018, February 27, 2018
Time	Varies
Location	Varies
RTD Staff Point of Contact	Michael Washington: <a href="mailto:Michael.Washington@rtd-denver.com">Michael.Washington@rtd-denver.com</a>
Link to meeting webpage	<a href="http://www.rtd-denver.com/PassProgramStudy.shtml">http://www.rtd-denver.com/PassProgramStudy.shtml</a>

## RTD and DRMAC Transit Advisory Meetings

Official Meeting Name	DRMAC Transit and Accessibility Task Force (TATF)
Meeting Purpose	The Denver Regional Mobility and Access Council Transit and Accessibility Task Force's goal is to facilitate greater use of and access to RTD fixed route service.
Meeting Frequency	<i>Quarterly on Wednesdays:</i> February 7, 2018, May 2, 2018, August 1, 2018, November 7, 2018
Time	10:00 – 11:30 am
Location	RTD District Shops 1900 31st Street Denver, CO 80216
DRMAC Staff Point of Contact	Carol Buchanan: <a href="mailto:cbuchanan@drmac-co.org">cbuchanan@drmac-co.org</a>
Link to meeting webpage	<a href="https://tockify.com/drmac.calendar/detail/35/1518022800000">https://tockify.com/drmac.calendar/detail/35/1518022800000</a>