

Title VI Plan

Pueblo Area Council of Governments (PACOG)



April 26, 2018

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I. Non-Discrimination Policy Statement

It is the policy of the Pueblo Area Council of Governments (PACOG) that no person shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of PACOG as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of PACOG, including its contractors and anyone who acts on behalf of PACOG. This policy also applies to the operations of any department or agency to which PACOG extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

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.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include:

- Denial to an individual any service, financial aid, or other benefit;
- Distinctions in the quality, quantity, or way a benefit is provided;
- Segregation or separate treatment;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided;
- Discrimination in any activities related to highway and infrastructure or facility built or repaired; and
- Discrimination in employment.

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.



Ms. Judy Leonard, Chairperson, Pueblo Area Council of Governments

4/24/18

Date

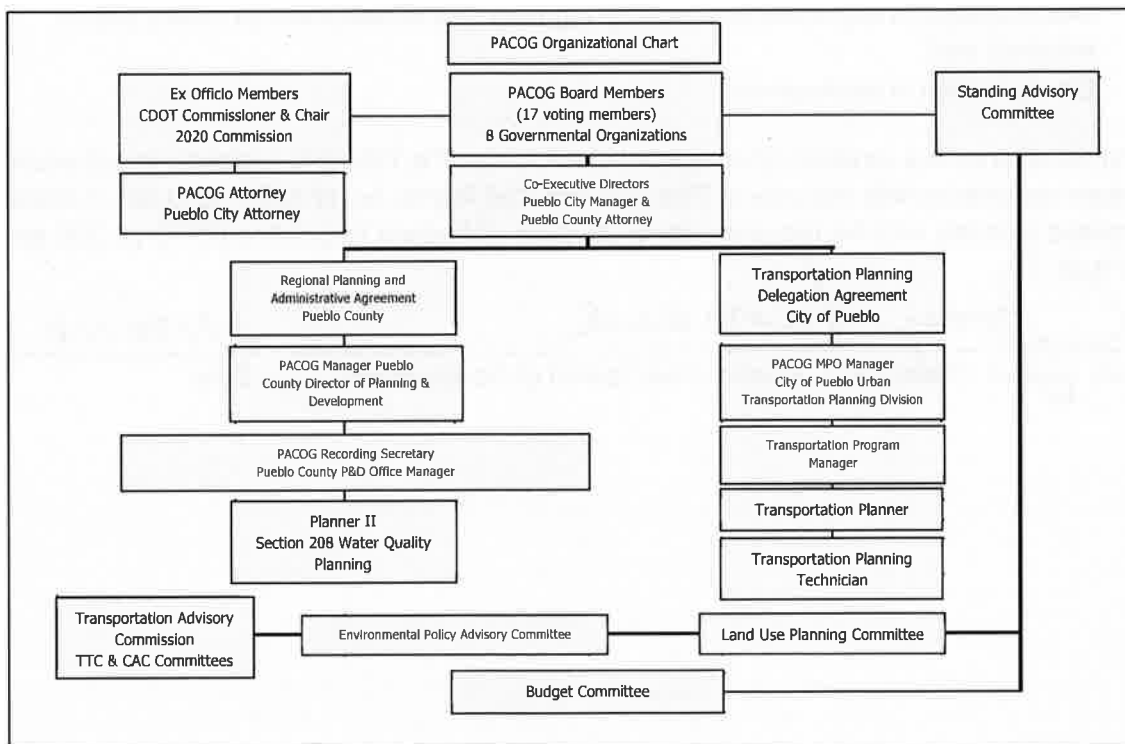
II. Organization, Staffing, and Structure

The co-executive Directors of the Pueblo Area Council of Governments (PACOG) are ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and have directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

PACOG has incorporated the Title VI Coordinator duties into the Transportation Program Manager/PACOG MPO Manager to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of Transportation Program Manager is located within City of Pueblo, Urban Transportation Planning Division (UTPD).

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to CDOT;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination; and
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.



III. Primary Program Area Descriptions & Review Procedures

The Urban Transportation Planning Division engages in the following program areas:

Program Area	General Description
<i>Urban Transportation Planning Program (UTPP)</i>	The Urban Transportation Planning Program (UTPP) addresses the mobility needs of people of all ages, incomes, and abilities. It identifies the desired vision for our transportation system under unrestrained funding conditions.
<i>Long Range Transportation Plan (LRTP)</i>	<p>The Long-Range Transportation Plan (LRTP) identifies the desired 20-year vision for the region's transportation system under unconstrained funding conditions.</p> <p>The Fiscally Constrained LRTP addresses federal requirements for the content and development of a long-range transportation plan. Specifically, it defines transportation elements and services to be provided over the next 20 years based on reasonably expected revenues.</p>
<i>Transportation Improvement Program (TIP)</i>	<p>The Transportation Improvement Program (TIP) is a federal- and state-mandated program document that includes information concerning local highway, state highway, and transit projects and services for a four-year period. PACOG revises the TIP annually and accepts amendment submissions monthly.</p> <p>The TIP lists regionally significant transportation projects that will receive federal funds.</p>
<i>Unified Planning Work Program (UPWP)</i>	The Unified Planning Work Program (UPWP) is a guide for all planning-related work to be completed or continued each year. The UPWP outlines work performed by PACOG staff. PACOG reports progress to the Colorado Department of Transportation (CDOT) bi-annually and reviews and updates the UPWP annually as needed.
<i>Public Participation Plan (PPP)</i>	The Public Participation Plan (PPP) serves as a guide to improve the process for involving the public in regional transportation decision making. It establishes a process to effectively engage citizens in the planning process by outlining the public input procedures, processes, and methods.
<i>Transportation Planning Region (TPR)</i>	The Transportation Planning Region (TPR) has a designated representative to carry out the duties of the State Transportation Advisory Committee (STAC) pursuant to C.R.S. § 43-1-1104 (STAC Responsibilities) as amended, and Section V. of the Rules. The TPR also designates a STAC Alternate to attend regularly scheduled meetings and carry out these duties if the designated representative is unable or unavailable.

Review Procedures for Ensuring Non-Discrimination

PACOG completes environmental justice (EJ) evaluations and assessments for all MPO program areas using demographic data from the U.S. Census Bureau to identify concentrations of minority and low-income populations. PACOG regularly gathers and maintains the following EJ demographic information:

- GIS mapping of EJ areas and other social, economic, and environmental data elements;
- Pueblo County poverty and minority levels based on regional averages; and
- Additional relevant U.S. Census Bureau demographic.

PACOG staff reviews data to identify areas where the targeted populations are significantly higher than the county average and maps target areas in context with capacity expansion projects, maintenance projects, and transportation alternative projects to facilitate EJ impact analysis. PACOG staff completes a subjective analysis for each project, including an environmental justice analysis matrix which considers potential EJ impacts of projects. Impacts PACOG considers when determining potential significant negative EJ impacts include

Environmental Justice Evaluation and Procedures

An environmental justice evaluation and assessment is completed for all MPO TIP projects. Demographic data from the Census is utilized in identifying concentrations of minority and low-income populations. These areas are then mapped, along with other social, economic, and environmental factors using GIS software. Poverty and minority levels are identified in the county based on regional averages. Additional demographic information is also compiled from the Census and the American Community Survey Census data. Data is then reviewed to identify areas where the targeted populations are significantly higher than the county average. Target areas are then mapped along with capacity expansion projects, maintenance projects, and transportation alternative projects to aid in an impact analysis. Subjective analysis for each project is undergone and includes completing an environmental justice analysis matrix which considers potential impacts that a project could have on an identified environmental justice area. The following impacts are considered in determining if projects will significantly have a negative impact on targeted populations:

- Bodily impairment, infirmity, illness or death
- Air, noise, and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion
- Destruction or disruption of a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services

- Vibration
- Adverse employment effects
- Displacement of persons, businesses, farms or nonprofit organizations
- Increased traffic congestion
- Isolation
- Exclusion or separation of minority or low-income individuals within a given community or from the broader community
- The denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies or activities

A complaint form and process information can also be found at www.PACOG.net

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IV. Title VI Complaint Procedures

PACOG Discrimination Complaint Procedure

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any PACOG program or activity. This prohibition applies to all branches of PACOG, its contractors, consultants, and anyone else who acts on behalf of PACOG.

Federal law requires that PACOG investigate, track, and report discrimination complaints. Complaints must be filed in writing and will be investigated within sixty (60) days of submission. If you need assistance to file your complaint or need interpretation services, please contact the Transportation Program Manager for the Urban Transportation Planning Section.

Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any PACOG program or activity because of his or her race, color, national origin, age, sex, or disability may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone who filed a complaint or otherwise participated in a discrimination investigation.

How do you file a complaint?

Complaints must be filed in writing within one hundred eighty (180) days from the last date of the alleged discrimination. However, contact the Transportation Program Manager if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact the Transportation Program Manager.

Complaints may be submitted via mail, email, fax or in person to:

John T. Adams
Transportation Program Manager
PACOG
211 East D Street
Pueblo CO 81003
Phone: 719-553-2242
Fax: 719-553-2359
Email: johnadams@pueblo.us

Complaints may also be filed directly with the following agencies:

Colorado Department of Transportation
Civil Rights & Business Resource Center
4201 East Arkansas Avenue, Room 150
Denver CO 80222
Phone: (800) 925-3427
Fax: (303) 952-7088
Email: dot_civilrights@state.co.us

Federal Highway Administration, Colorado Division
12300 West Dakota Avenue, Suite 180
Lakewood CO 80228
Phone: (720) 963-3000
Fax: (720) 963-3001

What happens after a complaint is filed?

The responsible agency must investigate Title VI complaints within sixty days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties. You may specify if there is an individual or individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

In some cases, PACOG will forward complaints to either the Colorado Department of Transportation or the Federal Highway Administration for investigation. If your complaint is forwarded to one of these agencies, you will be provided the name and contact information of the employee handling your complaint.

Federal law prohibits retaliation against individuals because who file a discrimination complaint or otherwise participate in a discrimination investigation. You should report any alleged retaliation in writing to the investigator.

V. Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact The Transportation Program Manager @ 211 East "D" Street, Pueblo, Colorado 81003.

Name _____

Address _____ City _____ Zip _____

Phone: Home _____ Work _____ Mobile _____

Email: _____

Basis of Complaint (circle all that apply):

Race	Color
National Origin	Sex/Gender
Age	Disability
Retaliation	Other:

Whom do you believe discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

How do you believe you were discriminated against? (Attach additional pages if more space is needed)

Where did the alleged discrimination occur?

Dates and times the alleged discrimination occurred

Were there any other witnesses to the alleged discrimination?

Name	Organization/Title	Work Phone	Home Phone

How would you like to see this situation resolved?

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who _____ When _____

Status (pending, resolved, etc.) _____ Result, if known _____

Complaint number, if known _____

Do you have an attorney in this matter?

Name _____ Phone _____

Address _____ City _____ Zip _____

Signature _____ **Date** _____

VI. Data Collection

PACOG collects and analyzes data on the race, color, national origin, and sex of participants and beneficiaries of PACOG programs and activities as shown below.

Program Area	Type of Data and Data Collection Process	Title VI Purpose of Data Collection and Analysis
All PACOG Transportation Programs	PACOG collects demographic and household spatial data, primarily from the U.S. Census Bureau, and incorporates it into its Geographic Information System (GIS).	PACOG collects and identifies data to: <ul style="list-style-type: none">• identify areas with higher than average concentrations of poverty and/or minority populations to identify and mitigate potential negative impacts on vulnerable populations; and• identify households with limited English proficiency to assist in engaging potentially underserved populations in the planning process.

VII. Public Participation Plan (Appendix A)

Pueblo Area Council of Governments (PACOG) approved Public Participation Plan was adopted 9/28/2017. The new plan establishes performance measures to gauge the effectiveness of PACOG's outreach to the vulnerable and underserved persons and persons with disabilities.

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VIII. Notice of Rights

PACOG Title VI Program Commitment

The Primary goal of PACOG Title VI program is to ensure awareness of and compliance with the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964 and other laws.

What is Title VI of the Civil Rights Act of 1964 and the Title VI program?

Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving federal financial assistance." (42 U.S.C. 2000d) The Title VI program is made up of the Title VI Civil Rights Act of 1964 and other related laws as included in the brochure.

Covered programs or services provided by PACOG that receive Federal Funds include, but are not limited to:

- ✓ Urban Transportation Planning Program (UTPP)
- ✓ Long Range Transportation Plan (LRTP)
- ✓ Transportation Improvement Program (TIP)
- ✓ Unified Planning Work Program (UTWP)
- ✓ Public Participation Plan (PPP)
- ✓ Transportation Planning Region (TPR)

Title VI Federal aid contract provisions

All Federal aid contracts must include contract assurance language in compliance with Title VI of the Civil Rights Act of 1964. Consultants and subconsultants may not discriminate in selection and retention of subconsultants and cannot discriminate in their employment practices in connection with projects under contract with PACOG.

Discrimination is prohibited by Title VI and other laws

Discriminatory action or effects are those that are made based upon a person's (a) race, (b) color; (c) national origin; (d) sex/gender; (e) age, or (f) disability and may include, but are not limited to:

Denying a person access or equal access to a service or program;

Denying a person the opportunity or equal opportunity to participate in a program through the provision of services or otherwise;

- ✓ Providing a service to a person that is different, or is provided in a different manner, than the same service is provided to others under the program;
- ✓ Treating a person differently from others in determining whether he/she meets the criteria necessary to receive services or participate in a program; Subjecting a person to segregation or separate treatment in any matter related to his/her receipt of services.

Who must comply with Title VI?

All entities that receive financial assistance from the federal government.

Limited English Proficiency (LEP) status includes persons who do not speak English as their primary language and who have a limited ability to read, speak, and write or understand English. These individuals are entitled to language assistance at no cost to them.

The Federal government and those receiving assistance from the Federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide.

Americans with Disabilities Act (ADA) The Americans with Disabilities Act (ADA) of 1990 provides civil rights protection to persons with disabilities in the areas of employment, public accommodations, and services made available by state and local governments, transportation, and telecommunications. The ADA calls for the removal of communication and architectural barriers. Individuals covered by the ADA are those with a physical or mental impairment that substantially limits life activities, or someone perceived as having a disability.

To file a Title VI discrimination complaint, contact:

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Transportation Program Manager
PACOG
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Pueblo CO 81003
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