

Title VI Plan for CDOT Federal Transit Administration Subrecipient

San Miguel Authority for Regional Transportation
(SMART)

January 10th, 2019

Prepared by: David Averill, Executive Director

I. Non-Discrimination Policy Statement

It is the policy of the San Miguel Authority for Regional Transportation (SMART) 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 SMART as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of SMART, including its contractors and anyone who acts on behalf of SMART. This policy also applies to the operations of any department or agency to which SMART 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 manner in which 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.

Executive Director

Date

II. Organization, Staffing, and Structure

The SMART Executive Director is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

SMART has created the position of Executive Director to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of Executive Director is located within the management team of SMART.

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;
- 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 management team of SMART engages in the following program areas:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
<i>Planning</i>	Planning for service expansion, special projects, etc.	None whatsoever.	Public outreach and notification of changes to service, planning efforts, public participation opportunities and major decision points.
<i>Operations</i>	Manages operations of vanpools, regional fixed route commuter services, etc.	None whatsoever.	Public outreach and notification of changes to service, planning efforts, public participation opportunities and major decision points.

IV. Title VI Complaint Procedures

SMART complaint procedures are published on our agency website at www.smarttelluride.com, on passenger materials (including schedules, brochures, posters and other printed materials) and on meeting materials.

Discrimination Complaint Procedure for San Miguel Authority for Regional Transportation (SMART)

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

Federal law requires that SMART investigate, track, and report discrimination complaints. Complaints must be filed in writing and will be investigated within sixty days of submission. If you need assistance to file your complaint or need interpretation services, please contact David Averill, Executive Director.

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 SMART program or activity because of their 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 because they filed a complaint or otherwise participated a discrimination investigation.

How do you file a complaint?

Complaints must be filed in writing within 180 days from the last date of the alleged discrimination. However, contact David Averill 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 David Averill.

Complaints may be submitted via mail, email, fax or in person to:
David Averill, Executive Director
PO Box 3140
Telluride CO, 81435

David.averill@smarttelluride.com

Complaints may also be filed directly with the following agencies:

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

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

What happens after a complaint is filed?

Title VI complaints must be investigated 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 a particular individual or individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

In some cases, complaints will be forwarded 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 they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Where did the discrimination occur?

Dates and times discrimination occurred?

Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

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 _____

Signed _____ Date _____

VI. Data Collection

SMART collects and analyzes data on the race, color, national origin, and sex of participants and beneficiaries of our programs and activities in several ways. These include tracking the race/ethnicity of residents using our transit programs; tracking the race/ethnicity of members of the public participating in public meetings; and collecting U.S. Census data on populations impacted by your SMARTs projects.

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
Transit Operations	Ridership demographics through on-board surveys and public surveys. Complaint tracking.	To ensure that our services are used by all members of the public.
Planning	Ridership demographics through on-board surveys and public surveys. Public meetings in all affected areas of planning efforts.	To ensure that our planning and decision making efforts provide meaningful public participation by all members of the public.

VII. Public Participation

The following are SMARTs processes for conducting public outreach:

All SMART public meetings and input opportunities are noticed on the SMART website, in local print media, and on our local jurisdiction websites.

- SMART identifies minority populations for outreach by using demographic data (from the US census and the Colorado Demographers Office) to identify minority populations in need of targeted outreach.
- SMART communicates with and conducts outreach to minority populations through our website, newsletters, public meetings, etc.
- SMART communicates with and conduct outreach to Limited English Proficient by translating printed materials advertising our services and public participation opportunities.
- SMART considers and provides equal weight to input from minority populations for decision making within its all of its program areas.

VIII. Notice of Rights

SMARTs notice of civil rights is disseminated to the public by posting on our buses and website, and on printed materials. It is published on our website in Spanish. The notice is provided below.

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

SMART operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any SMART or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with SAMRT or the Colorado Department of Transportation.

To file a Title VI discrimination complaint, contact:

David Averill
PO Box 3140
Telluride CO, 81435
David.averill@smarttelluride.com

Colorado Department of Transportation
Civil Rights & Business Resource Center
4201 East Arkansas Avenue, Room 150
Denver, CO 80222
(303)757-9234
dot_civilrights@state.co.us