

Title VI Nondiscrimination Plan

Mesa County, Colorado

February 13, 2017

It is the policy of Mesa County 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 Mesa County as provided by Title VI of the Civil Rights Act of 1964 and related statutes. The following pages provide Mesa County's Non-Discrimination Policy Statement, Title VI Complaint Procedures, and Notice of Rights. The following policy and plan also meets Mesa County's requirements as a subrecipient of Federal Highway Administration (FHWA) funds through the Colorado Department of Transportation (CDOT).

**Title VI Nondiscrimination Plan
for CDOT FHWA Subrecipient**

Mesa County, Colorado

February 13, 2017

Prepared by: Dean Bressler, Transportation Planner
Grand Valley MPO / Mesa County RTPO

I. Non-Discrimination Policy Statement

It is the policy of Mesa County 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 Mesa County as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

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

Additional resources can be found at CDOT's Title VI page for FHWA Subrecipients located at <https://www.coloradodot.info/business/civilrights/accessibility/titlevi/title-vi-subrecipients>

DocuSigned by:

Frank Whidden

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Frank Whidden,
County Administrator, Mesa County

2/10/2017 | 10:56 MST

Date

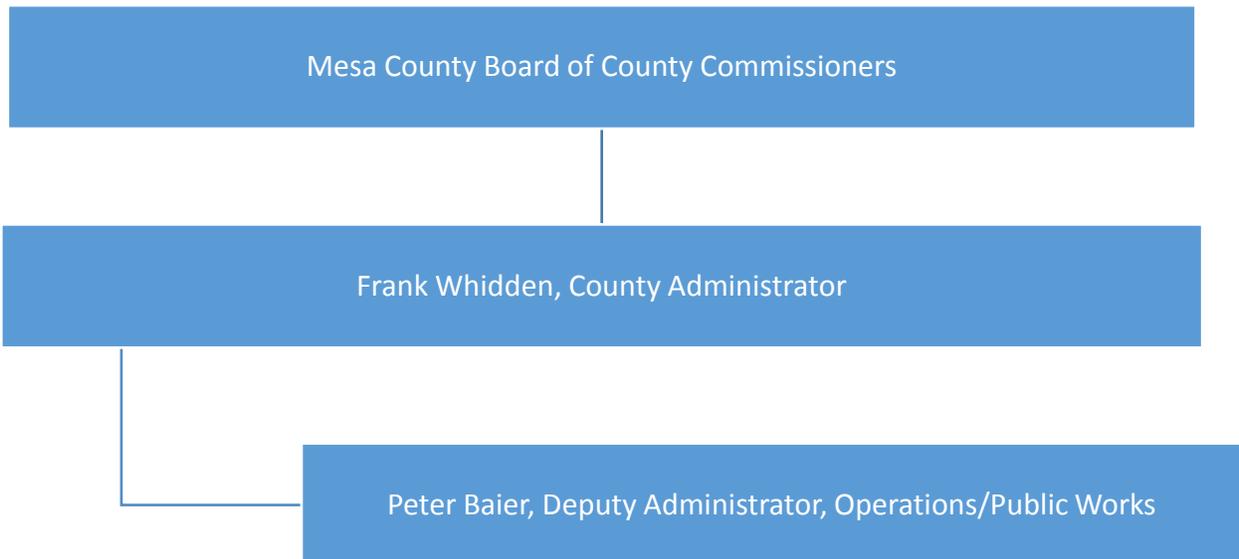
II. Organization, Staffing, and Structure

The County Administrator for Mesa County 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.

Mesa County has assigned Peter Baier, Deputy Administrator, Operations/Public Works, or his designee to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of Title VI Coordinator is located within the Public Works Department, Mesa County.

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 Public Works Department engages in the following program areas:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Right of Way Acquisition	New right of way is acquired by the County for widening and realignment projects, as needed.	Some Mesa County projects are funded in part by state or federal funds. Mesa County complies with all applicable federal and state regulations regarding right of way acquisitions, including but not limited to compliance with the Uniform Act. Projects are subject to competitive bidding processes that are noticed on the County's website, and published in the local newspaper. Mesa County is not aware of any discrimination concerns and has not received any discrimination complaints related to any current or past roadway construction projects.	See Sections VI and VII below. Also, CDOT Region 3 staff is consulted with to ensure compliance with the Uniform Act and for compliance with bidding requirements.
Road and Bridge Construction	Roadway construction projects are undertaken based on assessment of traffic and safety needs in compliance with Title VI and consistent with available funding. Information about capital improvement projects is published on Mesa County's website and available for public review.	Some Mesa County projects are funded in part by state or federal funds. Projects are subject to competitive bidding processes that are noticed on the County's website, and published in the local newspaper. Mesa County is not aware of any discrimination concerns and has not received any discrimination complaints related to any current or past roadway construction projects.	See Sections VI and VII below. Also, CDOT Region 3 staff is consulted with to ensure compliance with bidding requirements.
Road Maintenance and Snow and Ice Control	Mesa County conducts snow and ice removal and control based on its Snow Removal Program, which is available to the public at: http://www.mesacounty.us/publicworks/roads/snow-plowing.aspx Priority is based on the type of roadway, e.g., Primary or Secondary and Average Daily Traffic volumes.	Snowplowing and a majority of road maintenance projects are performed by Mesa County employees who are protected by the County's equal employment and sexual harassment and discrimination policies. The remaining road maintenance projects are subject to competitive bidding processes that are noticed on the County's website, and published in the local newspaper. Mesa County is not aware of any discrimination concerns and has not received any discrimination complaints related to road maintenance or snow and ice control.	See Sections VI and VII below. Also, CDOT Region 3 staff is consulted with to ensure compliance with bidding requirements.

IV. Title VI Complaint Procedures

The Mesa County Title VI Nondiscrimination Policy complaint procedures are posted on the Mesa County website. It is available in English, however, Limited English Proficient services are offered at all Mesa County offices.

Discrimination Complaint Procedure for Mesa County, Colorado

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

Federal law requires that Mesa County 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 Peter Baier at (970) 244-1689 (Mesa County's Title VI Coordinator).

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 Mesa County 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 Peter Baier at (970) 244-1689 (Mesa County's Title VI Coordinator) 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 Peter Baier at (970) 244-1689 (Mesa County's Title VI Coordinator).

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

Peter Baier
Mesa County Title VI Coordinator
Department of Public Works
200 South Spruce Street
Grand Junction, CO 81501
Email: peter.baier@mesacounty.us
FAX: 970-255-7171

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

Federal Highway Administration regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. Mesa County accomplishes this through the use of census data and American Community Survey results. Mesa County may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in its public involvement events. This information assists the County with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to the County will always be voluntary and anonymous. Moreover, the County will not release or otherwise use this data in any manner inconsistent with the federal regulations.

Table 1 shows Mesa County's racial demographics compared to the state of Colorado taken from the 2010 Census data.

Table 1 – Comparison of Racial Demographics

People QuickFacts		
Source: US Census Bureau State & County QuickFacts		
	Mesa County	Colorado
Population, 2014 estimate	148,255	5,355,866
White alone, percent, 2013 (a)	94.3%	88.0%
Black or African American alone, percent, 2013 (a)	0.9%	4.4%
American Indian and Alaska Native alone, percent, 2013 (a)	1.5%	1.6%
Asian alone, percent, 2013 (a)	0.9%	3.0%
Native Hawaiian and Other Pacific Islander alone, percent, 2013 (a)	0.1%	0.2%
Two or More Races, percent, 2013	2.2%	2.8%
Hispanic or Latino, percent, 2013 (b)	13.8%	21.0%
White alone, not Hispanic or Latino, percent, 2013	82.4%	69.4%
(a) Includes persons reporting only one race.		
(b) Hispanics may be of any race, so also are included in applicable race categories.		

VII. Public Participation

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, Mesa County actively seeks the input of its public. Mesa County expends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The County holds a number of transportation meetings, workshops and other events designed to gather public input on project planning and construction. Further, County staff attends and participates in other community events to promote its services to the public. This includes staff participation at neighborhood meetings and community events across the geographic and demographic spectrum of Mesa County. Finally, the County is continuously seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the County and / or to offer suggestions for improvement of County public involvement may contact:

Peter Baier
 Mesa County Title VI Coordinator
 Department of Public Works
 200 South Spruce Street
 Grand Junction, CO 81501
 Email: peter.baier@mesacounty.us
 FAX: 970-255-7171

To estimate the number or proportion of Limited English Proficiency (LEP) persons in Mesa County, the American Community Survey report from 2009-2013 was examined.

Table 2 presents information for the City of Grand Junction, City of Fruita, Town of Palisade and Mesa County, based on the American Community Survey 2012 estimates on *Language Spoken at Home by Ability to Speak English*.

Table 2 – Individuals Speaking English “Not Well” or “Not at All”

Data Category	City of Fruita		City of Grand Junction		Town of Palisade		Mesa County	
	Total	%	Total	%	Total	%	Total	%
Total Population 5 years or older	11,802		55,432		2,585		137,694	
English only	10,588	90%	50,676	91%	2,419	94%	126,340	92%
Language other than English	1,214	10%	4,756	9%	166	6%	11,354	8%
Speak English less than "very well"	228	2%	1,781	3%	39	2%	3,671	3%
Spanish	1,036	9%	3,740	7%	122	5%	9,340	7%
Speak English less than "very well"	228	2%	1,535	3%	39	2%	3,126	2%
Other Indo-European languages	164	1%	447	1%	44	2%	1,172	1%
Speak English less than "very well"	0	0%	70	0%	0	0%	251	0%
Asian and Pacific Islander languages	14	0%	423	1%	0	0%	594	0%
Speak English less than "very well"	0	0%	140	0%	0	0%	203	0%
Other languages	0	0%	146	0%	0	0%	248	0%
Speak English less than "very well"	0	0%	36	0%	0	0%	91	0%

Table 2 shows that there were a relatively low number of persons in these areas as a whole who had difficulty speaking English in the years 2009-2013.

The analyses of these factors suggest that LEP services are not likely to be in regular demand; however, to be responsive to any need for LEP services, the County has committed to the development of the following:

- Maintain a list of employees who competently speak Spanish and other languages and who are willing to provide translation and/or interpretation services.
- Distribute this list to staff that regularly has contact with the public.
- Provide notification in Spanish of the availability of LEP assistance in public meeting notices and on public involvement event signage.
- Translate this Title VI Nondiscrimination Policy and Plan document into Spanish.

VIII. Notice of Rights

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

Mesa County 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 Mesa County program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with Mesa County or the Colorado Department of Transportation.

To file a Title VI discrimination complaint, contact:

Peter Baier
Mesa County Title VI Coordinator
Department of Public Works
200 South Spruce Street
Grand Junction, CO 81501
Email: peter.baier@mesacounty.us
FAX: 970-255-7171

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