

RESOLUTION NO. 32
Series of 2018

A RESOLUTION APPROVING THE REVISED TITLE VI COMPLIANCE PLAN FOR THE TOWN OF VAIL TRANSIT OPERATIONS; AND SETTING FORTH DETAILS IN REGARD THERETO.

WHEREAS, the Town of Vail (the "Town"), in the County of Eagle and State of Colorado is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the Town Charter (the "Charter");

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified;

WHEREAS, the Federal Transit Administration (the "FTA") provides oversight activities to ensure that recipients of grants use the funds in a manner consistent with the intended purpose and in compliance with regulatory and statutory requirements;

WHEREAS, the Vail Transit Department (the "Vail Transit") provides free bus services throughout town seven days a week and operates as many as six fixed routes;

WHEREAS, the Vail Transit has developed the Town of Vail/Vail Transit Title VI Compliance Plan (the "Compliance Plan") as required by FTA Circular IV-4; and

WHEREAS, the Council's approval of Resolution No. 32, Series 2018, is necessary to adopt the Compliance Plan.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO THAT:

Section 1. The Council hereby approves the Compliance Plan, in substantially the same form as attached hereto as Exhibit A and in a form approved by the Town Attorney.

Section 2. This Resolution shall take effect immediately upon its passage.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Vail held this 7th day of August, 2018.

Dave Chapin,
Town Mayor

ATTEST:

Patty McKenny,
Town Clerk

TOWN OF VAIL/VAIL TRANSIT TITLE VI COMPLIANCE PLAN

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July 2018

PART ONE: Introduction

The Town of Vail, operating Vail Transit, prepared this Title VI Public Notice of Rights and Complaint Process in compliance with the Title VI Circular 4702.1B. Vail Transit has no history of or any active investigations, lawsuits and/or complaints concerning Civil Rights Compliance.

The Town of Vail Transit Department provides free year-round bus service throughout Vail. The town's free bus service offers its residents and guests timely service to and from Vail Mountain and throughout town. Vail Transit service operates as many as six fixed routes. Service is modified to accommodate seasonal fluctuations focused on the need of winter and summer activities. Most service is provided seven days a week between the hours of 6 am and 2 am. All vehicles in the fleet are wheelchair accessible and all stops provide access for mobility devices. The Town of Vail provides next day wheelchair equipped complementary paratransit service for those who are unable to use the fixed route buses. Requirements of FTA Circular IV-4 includes "providers of public transportation that operate fixed route and demand response service, or only fixed route service, are responsible for additional reporting requirements. These requirements only apply to fixed route service." Based on this, the Transit has developed system-wide standards and policies as required for providers that operate less than 50 vehicles on fixed route service. (Part Five)

No sub-recipients are active in providing transit services. All service is provided and facilities are located within the limits of the Town of Vail.

Vail Transit is governed by the elected Town Council and currently includes five males and three females. No non-elected committees and/or councils are authorized to direct policy or operations of transit service. This plan has been approved by Town Council at a regularly scheduled meeting.

No Fixed Facilities are currently being proposed. Therefore, no information about the siting of a facility has been included.

PART TWO: Public Notice of Rights

The following statement shall be posted on site at the Vail Transit office, on Vail Transit website (www.vailgov.com/transit); permanently displayed on public transit vehicles; and other appropriate materials made available to the public: (Documents will be translated into languages other than English, upon request.)

Non-Discrimination - Your Rights under Title VI of the Civil Rights Act of 1964

The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Vail Transit operates without regard to race, color, and national origin. Any person, who believes Vail Transit has violated his /her Title VI protections, should contact Transit at 970-479-2178, JRihanek@vailgov.com. Vail Transit has also developed a policy to assist individuals who are Limited English Proficient (LEP). Translation services in order to assist LEP individuals shall be made available to Vail Transit's customers upon request. The Vail Transit Title VI policy, complaint procedures and LEP Plan shall be made available upon request by

contacting the Vail Transit Department at the above-noted information. For Federal Title VI information please contact the Federal Transit Administration (FTA), Region 8 at 720-963-3300. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at: www.fta.dot.gov.

PART THREE: Complaint Process and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the Transit. All Title VI obligations and complaint procedures will be translated into other languages as needed.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and Vail Transit may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The Town will prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years.

The following measures will be taken to resolve Title VI complaints:

- 1) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

The Transit strongly encourages the use of the attached *Vail Transit Title VI Complaint Form* when filing official complaints. The preferred method is to file your complaint in writing using the *Vail Transit Title VI Complaint Form*, and sending it to:

Supervisor's Office
Title VI Coordinator
241 S. Frontage Road East, Suite 4
Vail, Colorado 81657

or
CDOT
Civil Rights Office
Civil Rights and Business Resource Center
4201 East Arkansas Avenue
Denver, CO 80222

or Federal Transit Administration
Region 8
Attn: Civil Rights Officer
12300 West Dakota Avenue
Suite 310
Lakewood, CO 80228
Fax 720-963-3333

- 2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Vail Transit Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Vail Transit Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 calendar days from receipt of a complete complaint, Vail Transit will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the Transportation Manager or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of Vail Transit's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When Vail Transit does not have sufficient jurisdiction, the Transportation Manager or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 7) If the complaint has investigative merit, the Transportation Manager or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Transportation Manager within 60 calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
- 8) The Transportation Manager or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.
- 9) If the Complainant is dissatisfied with Vail Transit's resolution of the complaint, he/she has the right to file a complaint with the CDOT Civil Rights and Business Resources Center or FTA Region 8 Civil Rights Officer. (Contact information in Section 1)

FTA Complaint procedures can also be found on the FTA web site at: www.fta.dot.gov. These procedures are also outlined in FTA Circular 4702.1B, Chapter IX.

Title VI Complaint Form

Instructions: If you would like to submit a Title VI complaint to the Vail Transit, please fill out the form below and send it to: Vail Transit, Attn: Title VI Coordinator, 241 Frontage Rd. East, Vail, CO 81657. For questions or a full copy of Transit's Title VI policy and complaint procedures call 970-479-2178 or email JRihanek@vailgov.com.

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
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
Section III:				
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. _____ _____				
Section IV				
Have you previously filed a Title VI complaint with this agency?			Yes	No
Section V				
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:	
Section VI	
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:
 Vail Transit Title VI Coordinator
 241 Frontage Rd. East
 Vail, CO 81657
 For assistance contact 970-479-2178

PART FOUR Public Participation

Public Participation Plan (PPP)

The Vail Transit Public Participation Plan (PPP) describes how Vail Transit communicates and distributes information to the public as well as how the public can interact and provide comments to Vail Transit. The needs of those traditionally underserved by the existing system will be sought and considered by the transit system.

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

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Title VI states that no person shall, on the ground of race, color, or national origin, be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Vail Transit will ensure that the input and feedback from all people will be considered in the development of Transit planning documents and activities.

EJ concerns and goals should be considered throughout all public engagement efforts, from project planning through construction and operation. This includes public outreach conducted during transportation planning and during the environmental reviews required by the National Environmental Policy Act (NEPA).

The following actions relating to Environmental Justice and Title VI are meant to reduce the barriers for participation in the decision-making process by low income, minority or disabled individuals.

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations include community centers, senior centers and schools. Where possible, Vail Transit staff will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.
2. Upon request, all Vail Transit work products and documents will be made available in alternative formats, including Braille, large type and languages other than English.
3. The following statement will be included in all Vail Transit documents:
Vail Transit does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. This document can be made available in alternative formats by calling the Supervisor's Office at 970-479-2178.
4. The following statement will be included in all meeting announcements:
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Title VI Coordinator at 970-47-2178, at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Title VI Coordinator if a summary or other type of accessible format is needed.

5. Agencies and organizations that represent low income, minority and disabled populations will be identified and included in Vail Transit mailings. Staff will maintain an active listing of contacts for these organizations.
6. Vail Transit will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

Communication and Notification to the Public

All members of the public are ensured protections against discrimination which are afforded to them by Title VI. To ensure open communication with the public, Vail Transit will adhere to the following requirements:

- Vail Transit will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the transit's website and in the Vail Daily. Documents and agendas will be available at the Supervisor Office, 241 S. Frontage Road East, Fleet Building, Vail, CO 81657
- Public notices of Vail Transit meetings will be posted at the location of the meeting site.
- In appropriate documents, Vail Transit will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any transit program, activity, or service.

PART FIVE System-Wide Service Standards/Policies

Service Standards and Policies have been developed to assure that frequency of service, age and quality of vehicles assigned to routes, quality of stations and location of routes are not determined on the basis of race, color, or national origin. No person will be excluded from participation or denied benefits of the service based on race, color or national origin.

Service Standards:

Vehicle Load:

Vehicle loads will be determined by the seating capacity of specific vehicles: All vehicles are lift equipped and have standee bars/rails.

Seated Vehicle Capacity

Cutaway	14
Large	28

Headway:

Headway standards are related to vehicle load experience. As would be anticipated when serving a resort community, schedules are modified to accommodate anticipated demand. Vail Transit generally publishes four schedules. Headways for the busiest demand, the Winter months are shown below.

Headway Standards by Route: Minutes		
Route	From App. 6:00 am to 8:00 pm	From App. 8:00 pm to 2:00 am
West Vail Red	:30	:40
West Vail Green	:30	:40
East Vail	:15	:30
Sandstone	:20	:30
Golf Course	:30	:30
	6:30 am to 1:30 am	
Intown	:5 to :10 minutes	
	Peak Hours Only	
West Vail Express	:10 minutes	

On Time Performance:

On-time performance is monitored several ways. The Dispatch Office is staffed during all hours of operations. All buses have two-way communication with driver's advising of any delays due to traffic/weather or unanticipated loading/unloading time exceptions. Printed schedules are provided with timed stops. Riders may report any delays by phone or on the website.

Vail also provides real-time arrival information to passengers within the Vail Village, Lionshead and Golden Peak corridor. The real-time information is provided by NextBus Information Systems, which uses Global Positioning Satellite (GPS) technology to track buses while en route and then transmits the information to the Internet and digital bus signs. Vail is one of the only ski towns in North America to offer passengers this technology.

Service Availability Standards:

The system has been developed to service major activity centers. Service is provided to Vail Village on both the East and West sides of Interstate 70. The commercial and residential areas of Sandstone and Lionshead are important routes. Service is also provided to the Gold Course and Fords Park on a seasonal basis. The West Vail Express Route was added to accommodate work trips with service between 6:30am to 10:30am and 2:00pm to 5:30pm. Stops have been located to equalize the distance between stops and accommodate the densely populated locations.

Service Policies

Distribution of Transit Amenities:

Bus stop signs are located along the route. The signs are provided and maintained by the Town of Vail Public Works Department.

Printed information is available on each vehicle. Route maps and visitor information are also posted on each vehicle.

Video technology, available on all vehicles, is used to provide current information.

Waste receptacles are placed throughout the Town.

Shelters or other amenities are provided at all major stops.

Vehicle Assignment

The average age of the vehicles is 5 years. Vehicles are assigned based on capacity required and route ridership experience. All vehicles have similar technology such as video capacity.

PARTSIX: Limited English Proficiency Plan

I. INTRODUCTION

This Limited English Proficiency (LEP) Plan, for the Town of Vail/dba Vail Transit has been developed in response to federal requirements included under Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person 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 any program or activity receiving Federal financial assistance.”

Federal Executive Order No. 13166, issued in August 2000 by President Clinton, "Improving Access to Services for Persons with Limited English Proficiency," was created 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)..." President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. and Acting Assistant Attorney General, Loretta King directed a strengthening of enforcement of Title VI in a memorandum dated July 10, 2009.

As a sub-recipient of funds from the Federal Transit Administration (FTA), through the Colorado Department of Transportation (CDOT), this Limited English Proficiency (LEP) Plan for the Town of Vail has been developed to ensure compliance with Federal LEP regulations. It includes an assessment of the limited English proficiency needs of our area, an explanation of the steps we are currently taking to address these needs, and the steps we plan to take in the future to ensure meaningful access to our transit programs by persons with limited English proficiency.

II. POLICY

It is the policy of the Town of Vail to ensure that our programs and activities, normally provided in English, are accessible to Limited English Proficiency persons and thus do not discriminate on the basis of national origin in violation of the Title VI prohibition against national origin discrimination. The Town of Vail will, to the maximum extent feasible in its official deliberations and communications, community outreach and related notifications, provide appropriate alternative non-English formats for persons with LEP to access information and services provided.

The Town of Vail will comply with the “safe harbor” concept as it applies to the translation of written documents when certain thresholds are exceeded. At this time, no population group served by the Town meets the Safe Harbor guidelines.

III. LIMITED ENGLISH PROFICIENCY NEEDS OF AREA

The *Four-Factor Analysis* developed by the FTA requires that information be included in LEP Plans regarding the number and percentage of LEP persons in our area, and the nature, frequency and importance of the contact we have with LEP persons in providing transit services. Each of these elements is addressed below.

Factor 1. Number and Percentage of LEP Persons in Our Area

1. Permanent Population

Because of the regional scope of workers in Vail, the entire area of Eagle County has been used to review population data. The Town of Vail proper has an approximate permanent population of 5,400.

Data Category	Eagle		
	Total #	% of Population	% of LEP Population
Total Population (5 years old & older)	49,414	100.0%	
Population Speaking English "Well" "Not Well" or "Not at All"	6220	12.6%	
Population Speaking English "Well" "Not Well" or "Not at All"			
Spanish	5780	11.7%	93%
Other Indo-European	217	0.4%	3%
Asian and Pacific Islander	40	0.1%	1%
Other	183	0.4%	3%
Total	6220	12.6%	100%

Source: U.S. Census American Community Survey 2010-2014 estimates, population 5 years and older, speaking another language in the home who speak English "Well," "Not Well" or "Not at All." Provided by CDOT Office of Civil Rights

Based on this data, 12.6% of the population of Eagle County have limited English Language skills. The majority of these, 93%, are Spanish speaking. Other Indo-European make the second largest non-English speaking group at 3%.

2. Summary

In summary, the total LEP population is 12.6%. Spanish language is the predominant alternate language representing 5,780 permanent residents of Eagle County.

Factor 2 & 3 Nature, Frequency and Importance of LEP Contact

1. Nature of Contact

Vail Transit provides fixed route service throughout the community. Mobility limited persons are accommodated in compliance with the Americans with Disabilities Act. Service is provided seven days a week for extended hours. No fares are collected.

Contacts with all riders as well as LEP persons include:

- A printed information sheet is provided outlining the details of the service. This brochure is available in both English and Spanish.
- The Vail Village/Lionshead Route operates on a continuous schedule without timed stops. Frequency varies between 6:30 am and 1:30 am. This service provides important connections for workers.
- Other routes operate on a timed schedule depending on the season/time of day.
- The Vail West Express provided important connection to ECO Transit and access to major employee housing and services in Leadville, Minturn, Avon, Edwards, Eagle, and Gypsum. These vehicles are carefully timed to coincide with worker shift schedules. Service operates on a 10 minute frequency between 6:42 and 10:42 am and 2:00 pm and 5:50 pm.
- Phone numbers to contact for additional information are prominently displayed on both the printed schedule and each bus.

2. Frequency of Contact

Based on driver feedback, there are minimal requests for alternate language information. Vail Transit supports limited English speakers by providing schedules in Spanish and opportunities for direct contact by phone or email.

3. Importance of Contact

In rating the importance of current contacts or potential contacts with LEP individuals, Vail Transit is taking the position that all riders are important and while there are limited requests for alternate languages, this service will be provided.

Factor 4. Resources Available for LEP Outreach

Vail Transit will allocate the necessary resources for LEP outreach. At this time it is prepared to budget if requested for translation service (\$500) and website enhancement (\$500).

IV. LANGUAGE ASSISTANCE PLAN

A. How Will You Identify LEP Persons Who Need Language Assistance?

- Driver Team will be front line for identifying needs
- Major employers will be advised of access to alternate languages if needed.
- Town Council will be advised of plan.

B. How Will You Identify Language Assistance Measures?

- Actively review additional options for providing service.

C. How Will Your Staff Be Trained?

- Driver Team training will include a module on Limited English Proficiency riders as well as Customer Service standards.
- Supervisor's Office receives and responds to all Customer Service issues.

D. What Will Be Your Outreach Efforts?

- Brochure is currently translated to Spanish and updates will be provided when needed. Drivers have access to the manual *Basic Spanish for Transit Employees*, prepared by CDOT, Colorado Mountain College, and Roaring Forks Transit Agency.

E. What Is Your Monitoring and Updating Plan?

- Request routine feedback from Driver Team contractor concerning any increased demand/incidents of needing information.
- Update brochure in alternate languages as needed.

F. How Will You Disseminate Your LEP Plan?

- Copies will be provided to Driver Team Supervisors
- Driver Team has Spanish Language Brochures and Handbook.