

# **Title VI Nondiscrimination Plan**

## **Mesa County, Colorado**

January 4, 2021

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**

January 4, 2021

Prepared by: Dean Bressler  
Senior Engineer, Transportation Planning  
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>

  
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Peter Baier,  
County Administrator, Mesa County

Date 1/4/21

See also the signed **USDOT Standard Title VI Assurances** included in **Appendix A** of this plan.

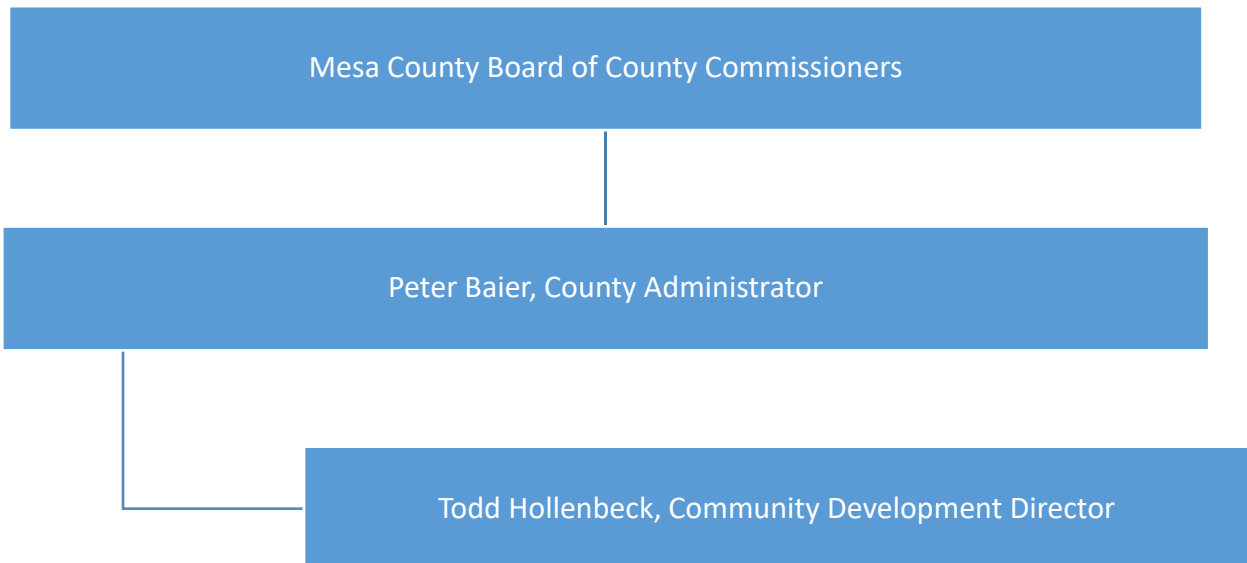
## II. Organization, Staffing, and Structure

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 Todd Hollenbeck, Community Development Director, 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: <a href="https://www.mesacounty.us/publicworks/road-and-bridge-department/services/">https://www.mesacounty.us/publicworks/road-and-bridge-department/services/</a>  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 Todd Hollenbeck at 970-255-7168 (Mesa County's Title VI Coordinator).

Mesa County must forward FHWA Title VI complaints to CDOT within three (3) business days from receipt of the complaint. CDOT will then forward any Title VI complaints to FHWA for further processing.

##### 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 Todd Hollenbeck at 970-255-7168 (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 Todd Hollenbeck at 970-255-7168 (Mesa County's Title VI Coordinator).

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

Todd Hollenbeck  
Mesa County Title VI Coordinator  
Department of Public Works  
200 South Spruce Street  
Grand Junction, CO 81501  
Email: [todd.hollenbeck@mesacounty.us](mailto:todd.hollenbeck@mesacounty.us)  
FAX: 970-244-1769

Complaints may also be filed directly with the following agencies:

Colorado Department of Transportation  
Civil Rights & Business Resource Center  
2829 W. Howard Place, Suite 139  
Denver, CO 80204  
[dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us)  
Phone: (800) 925-3427  
Fax: (303) 952-7088

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

Federal Highway Administration  
U.S. Department of Transportation Office of Civil Rights  
1200 New Jersey Avenue, SE  
8<sup>th</sup> Floor E81-105  
Washington, DC 20590  
[Civilrights.fhwa@dot.gov](mailto:Civilrights.fhwa@dot.gov)  
Phone: (202) 366-0693  
Fax: (202) 366-1599

#### What happens after a complaint is filed?

Mesa County will log the FHWA Title VI complaint information in its records. Mesa County will forward the complaint to CDOT within three (3) business days from receipt of the complaint. CDOT will then forward any Title VI complaints to FHWA for further processing. Mesa County will provide the complainant with the name and contact information of the CDOT employee responsible for coordinating the complaint.

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.

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?

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Dates and times discrimination occurred?

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Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

How would you like to see this situation resolved?

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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 activities. 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 from 2010 Census data with July 1, 2019 updated estimates (US Bureau of the Census, Quickfacts).

**Table 1 – Comparison of Racial Demographics**

US Bureau of the Census, QuickFacts			
Fact	Fact Note	Mesa County, Colorado	Colorado
Population estimates, July 1, 2019, (V2019)		154,210	5,758,736
White alone, percent		93.9%	86.9%
Black or African American alone, percent	(a)	0.9%	4.6%
American Indian and Alaska Native alone, percent	(a)	1.5%	1.6%
Asian alone, percent	(a)	1.0%	3.5%
Native Hawaiian and Other Pacific Islander alone, percent	(a)	0.1%	0.2%
Two or More Races, percent		2.4%	3.1%
Hispanic or Latino, percent	(b)	14.8%	21.8%
White alone, not Hispanic or Latino, percent		81.1%	67.7%
Fact Notes			
(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:

Todd Hollenbeck  
Mesa County Title VI Coordinator  
Department of Public Works  
200 South Spruce Street  
Grand Junction, CO 81501  
Email: [todd.hollenbeck@mesacounty.us](mailto:todd.hollenbeck@mesacounty.us)  
FAX: 970-244-1769

To estimate the number or proportion of Limited English Proficiency (LEP) persons in Mesa County, the American Community Survey report from 2014 was reviewed.

Table 2 on the following page shows *Household Language by Household Limited English Speaking Status* for Mesa County, based on American Community Survey 2014 estimates (the most current for Mesa County as of December 2020).

**Table 2 – Household Language by Household Limited English Speaking Status**

Household Language by Household Limited English Speaking Status			
2014 American Community Survey (most current for Mesa County as of December 2020)			
	Estimate (Households)	Percent of Total	Margin of Error
Total:	59,703		+/- 1,228
<b>English only</b>	<b>54,264</b>	<b>90.9%</b>	+/- 1,510
<b>Spanish:</b>	<b>3,886</b>	<b>6.5%</b>	+/- 785
Limited English speaking household	660	1.1%	+/- 462
Not a limited English speaking household	3,226	5.4%	+/- 718
<b>Other Indo-European languages:</b>	<b>786</b>	<b>1.3%</b>	+/- 451
Limited English speaking household	-	0.0%	+/- 192
Not a limited English speaking household	786	1.3%	+/- 451
<b>Asian and Pacific Island languages:</b>	<b>584</b>	<b>1.0%</b>	+/- 283
Limited English speaking household	94	0.2%	+/- 145
Not a limited English speaking household	490	0.8%	+/- 276
<b>Other languages:</b>	<b>183</b>	<b>0.3%</b>	+/- 268
Limited English speaking household	-	0.0%	+/- 192
Not a limited English speaking household	183	0.3%	+/- 268

Table 2 shows that there were a relatively low number of persons in Mesa County, approximately 1.3%, who had difficulty speaking English when this data was most recently compiled for the American Community Survey.

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:

Todd Hollenbeck  
Mesa County Title VI Coordinator  
Department of Public Works  
200 South Spruce Street  
Grand Junction, CO 81501  
Email: [todd.hollenbeck@mesacounty.us](mailto:todd.hollenbeck@mesacounty.us)  
FAX: 970-244-1769

Complaints may also be filed directly with the following agencies:

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Civil Rights & Business Resource Center  
2829 W. Howard Place, Suite 139  
Denver, CO 80204  
[dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us)  
Phone: (800) 925-3427  
Fax: (303) 952-7088

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

Federal Highway Administration  
U.S. Department of Transportation Office of Civil Rights  
1200 New Jersey Avenue, SE  
8<sup>th</sup> Floor E81-105  
Washington, DC 20590  
[Civilrights.fhwa@dot.gov](mailto:Civilrights.fhwa@dot.gov)  
Phone: (202) 366-0693  
Fax: (202) 366-1599

**Appendix A**

**Signed USDOT Standard Title VI Assurances**

GRAND VALLEY METROPOLITAN PLANNING ORGANIZATION  
ANNUAL TITLE VI ASSURANCES

1. There have been no lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against the Grand Valley Metropolitan Planning Organization (GVMPO) within the last year January 1, 2019, through to the present.
2. There are no pending applications to any federal agency by the GVMPO other than to the Federal Transit Administration (FTA).
3. There were no civil rights compliance reviews performed on the GVMPO by any local, state, or federal agency during the period January 1, 2019, through to the present.
4. Title VI will be enforced by the GVMPO for all contractors. All contracts with the GVMPO include compliance measures that, in effect, state that failure to comply with Title VI requirements will result in termination of the contract. A copy of the standard contract language regarding Title VI is attached as Appendix A.

Dated: June 18, 2020



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Dana Brosig, Director  
Grand Valley Metropolitan Planning Organization



## APPENDIX A TO TITLE VI ASSURANCE: STANDARD CONTRACT LANGUAGE REGARDING TITLE VI

During the performance of this contract, the contractor, for itself, its assignees and successors in the interest (hereinafter referred to as the contractor) agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the U.S. Department of Transportation (hereinafter, USDOT) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Mesa County or the Federal Transit Administration, to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to Mesa County, or the Federal Transit Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with nondiscrimination provisions of the contract, Mesa County shall impose contract sanctions as it or the Federal Transit Administration, may determine to be appropriate, including, but not limited to:
  1. Withholding of payments to the contractor under the contract until the contractor complies;
  - and/or 2. Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as Mesa County or the Federal Transit Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request Mesa County to enter into such litigation to protect the interests of Mesa County, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.