



Disability Services, Inc., dba Envida

**Federal Transit Administration
Title VI of the Civil Rights Act of 1964
2021-2023 Implementation Plan**

Adopted December 9, 2020

RECIPIENT INFORMATION

SUBRECIPIENT: Disability Services, Inc., dba Envida
FTA Section 5310 Program

SUBMITTAL DATE: December 9, 2020

EXPIRATION YEAR: 2023

CONTACT INFORMATION: Gail Nehls, CEO
Disability Services, Inc., dba Envida
5660 North Academy Blvd.
Colorado Springs, CO 80918
gnehls@envidacares.org
Phone: 719-633-4601
Fax: 719-633-0845

Table of Contents

I.	INTRODUCTION	4
II.	OVERVIEW OF SERVICE	4
III.	PROVISION OF TITLE VI ASSURANCES	5
III.	TITLE VI COMPLIANCE HISTORY: COMPLAINTS, INVESTIGATIONS AND LAWSUITS	7
IV.	INCORPORATION OF THE PROGRAM	8
IV.	GENERAL GUIDELINES/REQUIREMENTS	10
	<i>a. Annual Certification and Assurance</i>	10
	<i>b. Complaint Procedures</i>	10
	<i>c. Record Title VI Activities</i>	10
	<i>d. Access for LEP Persons</i>	10
	<i>e. Public Notification</i>	11
	<i>f. Additional Information</i>	11
	<i>g. Timely Submission</i>	11
	<i>i. Public Participation</i>	12
V.	REQUIREMENTS OF TRANSIT PROVIDERS	14
	APPENDIX A – Title VI Clause Regarding All Contracts Subject to Title VI	15
	APPENDIX B – Title VI and ADA Public Notice of Rights / Complaint Process / Complaint Log	17
	APPENDIX B (Continued)	23
	Disability Services, Inc. / Envida Complaint Form	23
	APPENDIX B (Continued)	25
	Disability Services, Inc. / Envida Complaint Log	25
	APPENDIX C – Limited English Proficiency Plan	26
	APPENDIX D - Title VI Equity Analysis	30
	APPENDIX E - Public Participation Plan	31
	APPENDIX F - DSI Signed Board Resolution Approving Title VI Program	32

I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "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 any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

During the Obama Administration, the Federal Transit Administration ("FTA") placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency ("LEP").

Recipients of public transportation funding from FTA and the Metropolitan Washington Council of Governments ("PPACG") are required to develop policies, programs, and practices that ensure federal transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how Disability Services Inc., dba Envida, incorporates nondiscrimination policies and practices in providing services to the public.

II. OVERVIEW OF SERVICE

Disability Services Inc., dba Envida, is a private nonprofit entity which provides a wide range of transit services to the greater Pikes Peak Region. Within the large urbanized area of Colorado Springs, Envida provides demand responsive human services transportation to individuals with disabilities and the elderly. This demand response program is funded through a combination of Older Americans Act, local RTA funding, and Medicaid Non-Emergent Medical Transportation (NEMT).

Envida also administrates a volunteer driver program in the Monument area, directly north of Colorado Springs. Volunteer drivers utilize their own vehicles while Envida provides administrative support with scheduling, reporting and invoicing. This volunteer program is funded primarily through Older Americans Act dollars.

Envida is also a subrecipient of FTA section 5311 funding which is used to operate two deviated fixed routes in rural El Paso County. These routes are also supported by a Community Development Block Grant. They connect the rural communities of Calhan, Peyton, Falcon, Ellicott, Yoder and Rush in Eastern El Paso county with the urban area of Colorado Springs. These rural routes integrate both with Envida's demand response service in Colorado Springs and the fixed routes of Mountain Metropolitan Transit.

Finally, Envida was awarded an ICAM grant from FTA to build an on-demand transit service in Teller county which is adjacent to El Paso County to the west. This project is focused primarily on improving outcomes in behavioral health, and the bulk of the operating funding for the program is expected to come from Medicaid NEMT.

Overall, Envida envisions facilitating a Regional Transit Network in the Pikes Peak Region which coordinates many providers and modes of service in order to improve the rider experience and expand access to healthcare and other essential services to elderly and disabled individuals.

III. PROVISION OF TITLE VI ASSURANCES

Disability Services, Inc., dba Envida, hereby certifies that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a. Envida shall submit on an annual basis its Title VI Assurance, as part of its annual Certification and Assurance submission, to CDOT, the FTA, Pikes Peak Area Council of Governments, and other interested parties.
- b. No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
- c. Envida will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.
- d. Envida will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

III. TITLE VI COMPLIANCE HISTORY: COMPLAINTS, INVESTIGATIONS AND LAWSUITS

- a. There are no outstanding complaints, investigations, or lawsuits naming Envida that allege discrimination on the basis of race, color or national origin with respect to service or other transit benefits.
- b. There are no pending applications for Federal financial assistance, and there is no Federal financial assistance currently being provided to Envida other than that being supplied by the Federal Transit Administration (FTA).
- c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to Envida and, to the best of our knowledge, there are not presently any ongoing civil rights compliance review activities being conducted with respect to Envida.
- d. There are currently no pending construction projects which would negatively impact minority communities being performed by Envida.

IV. INCORPORATION OF THE PROGRAM

Disability Services, Inc., dba Envida (hereinafter referred to as “Envida” or “Recipient”) hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives. 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 otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and hereby gives assurance that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically, and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Transit Administration program:

- a. That the Recipient agrees that each “program” and each “facility”, as defined in subsections 21.23(e) and 21.23(b) of the Regulations will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated, in compliance with all requirements imposed by, or pursuant to, the Regulations.
- b. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Transit Administration programs and, in adapted form in all proposals or negotiated agreements:

Envida, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders/proposers that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to the invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

- c. That the Recipient shall insert the clauses contained herein as **APPENDIX A** in every contract subject to this Act and the Regulations.
- d. The Recipient shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
- e. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.
- f. The Recipient assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

These assurances are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Department of Transportation under the Federal Administration and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Transit Administration programs.

The person(s) whose signature appears below, are authorized to sign these assurances on behalf of the grant applicant or recipient.

Date: 12/09/20

Gail Nehls, CEO
Disability Services, Inc., dba Envida

Date: 12/09/20

Charlotte McClanahan, Chair
Disability Services, Inc., dba Envida, Board of Trustees

IV. GENERAL GUIDELINES/REQUIREMENTS

a. Annual Certification and Assurance

As stated in Section I, Envida shall submit annually its Title VI assurance, as part of its annual Certification and Assurance submission, to the FTA, CDOT, PPACG, and other interested parties.

b. Complaint Procedures

In compliance with 49 CFR Section 21.9(b), Envida has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. Envida complaint procedures and complaint form are contained herein as **APPENDIX B**.

c. Record Title VI Activities

In compliance with 49 CFR Section 21.9(b), Envida shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming Envida that allege discrimination on the basis of race, color, or nation origin. Such a list shall include the following. An example is shown in **APPENDIX B**:

- 1) Date the complaint, investigation, or lawsuit, was filed;
- 2) Summary of the allegation(s);
- 3) The status of the investigation, lawsuit, or complaint; and
- 4) Actions taken by Envida in response to the complaint, investigation, or lawsuit.

d. Access for LEP Persons

Envida shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). Envida will assist persons with limited English proficiency to participate in the transportation planning process. Envida staff will make every effort to provide translators and document translation, where feasible, upon request. Envida's Limited English Proficiency (LEP) Plan is contained herein as **APPENDIX C**.

e. Public Notification

In compliance with 49 CFT Section 21.9(d), Envida shall provide information to the public regarding its Title VI obligations and apprise members of the public of the protections against discrimination afforded by the Title VI regulations. Envida complaint procedures and public notification information, as well as a list of locations where the notice is posted, are contained herein as **APPENDIX B**.

f. Additional Information

Envida acknowledges that, at the discretion of the FTA, CDOT and PPACG, information other than that which is required by FTA Circular 4702.1B, may be requested in writing of Envida, to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

g. Timely Submission

Envida acknowledges that its Title VI Program submissions and/or updates, thereto, shall be supplied to all interested parties once every three (3) years. The submission shall include, but is not limited to:

- 1) A public participation plan (**APPENDIX E**), including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission;
- 2) Envida's process for persons with limited English proficiency (LEP);
- 3) Title VI Complaint and Tracking procedures;
- 4) A list of any Title VI complaints, investigations, or lawsuits filed since the last submission; and
- 5) A copy of Envida's public notice regarding Title VI compliance and public access and instructions to Envida Title VI complaint procedures.

Portions of the Plan which have not changed since the last submission will not be resubmitted, however, Envida shall include a statement to this effect in lieu of copies of the original documents in order to eliminate redundancy in resubmissions.

h. Transit Related Board Membership

ENVIDA is owned and Envida Transportation services are managed by a Board of Trustees.

Disability Services, Inc. bylaws require no more than 13 board of trustees, who may serve no more than two consecutive three-year terms. Open board positions are advertised through the Colorado Nonprofit Association of the Pikes Peak Region, which is a local city organization that works with all nonprofits in the area to be successful. Final board membership must be approved by a simple majority of the board. The process of board member solicitation is done through advertising on this public website to ensure that Envida does not discriminate on the basis of race, color or national origin and all notices requesting applications encourage the participation of minorities and individuals with disabilities.

The racial breakdown of the current board is five Caucasian males, two Caucasian females, and one African American male.

Board member	Racial Breakdown
Charlotte McClanahan Chair	100% Caucasian
Steve Eikanger Past Chair	100% Caucasian
Ben Sportel Treasurer	100% Caucasian
Janet Winger	100% Caucasian
William "Doc" Pounds	100% Caucasian
Mike Richardson	100% Caucasian
Fletcher Howard	100% Black
Michael Koch	100% Caucasian

i. Public Participation

Envida shall seek out and consider viewpoints of minority and LEP populations while conducting public outreach and involvement activities in regard to proposed transportation decisions. Envida shall make every effort to include the following practices:

- 1) Coordination with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or LEP communities;
- 2) Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;
- 3) Utilization of locations, facilities and meeting times that are convenient and accessible to LEP and minority communities;
- 4) Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
- 5) Implementation of DOT's policy guidance regarding Envida's responsibilities to LEP persons.

Unless otherwise posted, Envida holds monthly Board meetings on the third Wednesday of every month at 4:00 pm that are open to the public. All meetings are held at the Envida offices, 5660 North Academy Blvd, Colorado Springs, CO 80918.

A public comment period during meetings allows the following subjects for discussion:

- Annual budget adoption;
- Evaluation of service fees and fares, as appropriate;
- Hearings required by State and Federal law or regulation in the pursuit of grants; and
- Any other matter which the board desires to be discussed with the public.

The person(s) whose signature appears below, are authorized to sign on behalf of the grant applicant or recipient.

Date: 12/09/20

Gail Nehls, CEO

Disability Services, Inc.

Date: 12/09/20

Charlotte McClanahan
Disability Services, Inc. Board of Trustees

V. REQUIREMENTS OF TRANSIT PROVIDERS

Service Standards and Policies

FTA Circular 4702.1b Chapter IV requires Envida to establish policies to address how service is distributed across our fixed route transit system. Because our fixed routes primarily serve the needs of rural El Paso county, our service standards are tailored to the low-volume, long-distance reality of the communities being served. Envida has opted to operate these rural fixed routes in 'deviated' mode, offering to divert the vehicle up to $\frac{3}{4}$ mile from the route upon request. The mode of service for Envida's fixed routes is bus (MB).

Vehicle Load

The vehicles used for service hold between 10 and 14 passengers. Because of the rural setting, vehicle load in this mode of service, expressed as the ratio of passengers to total seats, is generally under .2. Because seatbelts are required, vehicle load will not be allowed to exceed 1 under any circumstances.

Vehicle Headway

Headway is the amount of time between two vehicles traveling in the same direction on the same route. Envida's rural routes are serviced by 1 vehicle each, and the headways average 3 hours.

On-Time Performance

On-time performance is a measure of runs completed as scheduled. Because our routes operate in a deviated mode, and those deviations will cause substantial scheduling disruptions, routes will be considered on-time if the vehicle reaches each scheduled stop within 15 minutes of the posted time.

Service Availability

Service availability is a general measure of the distribution of routes within a provider's service area. The area served by Envida's fixed routes is sparsely populated, and it is connected to the region by only two major thoroughfares: highways 24 and 94. Envida provides routes serving each corridor to the neighboring urban area of Colorado Springs. Envida's routes integrate with the fixed routes of Mountain Metro Transit, providing rural riders with direct access to the urban transportation system of Colorado Springs.

Transit Amenities

Transit amenities are items of comfort, confidence and safety that are available to the general riding public, including benches at stops, bus shelters, provision of information, escalators, elevators and waste receptacles. Because Envida has no decision-making authority over the placement of any such amenities along the path of our routes, we are unable to set any policies regarding the distribution of these amenities.

During the design process of our routes, every effort was made to partner with existing services in the community, such as post offices, churches, gas stations and retailers to ensure that all stops along the routes have shelter for riders to wait for their bus.

Vehicle Assignment

Vehicle assignment is the process by which transit vehicles are placed into service through the provider's system. Envida has specific vehicles staged at the origin of each route approximately 30 miles from Envida's main bus yard. Each route is served consistently by the vehicle staged on the route. When the primary vehicles must be taken out of service for repair, a spare vehicle of similar capabilities will be temporarily placed into service until repairs can be completed.

APPENDIX A – Title VI Clause Regarding All Contracts Subject to Title VI (to be inserted into every contract subject to Title VI)

Disability Services, Inc., dba Envida, is herein referred to as "Envida"

During the performance of this contract, the contractor, for itself, its assignees and successors in 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 Department of Transportation (hereinafter, "DOT") 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 Envida 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 **Envida**, 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 the nondiscrimination provision of this contract, **Envida** shall impose contract sanctions as it or the **FEDERAL TRANSIT ADMINISTRATION** may determine to be appropriate, including but not limited to:
 - a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b) 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 (5) 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 **Envida** 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 **Envida** to enter into such litigation to protect the interests of **Envida**, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B – Title VI and ADA Public Notice of Rights / Complaint Process / Complaint Log

DISABILITY SERVICES, INC. (DSI) dba Envida

Public Notice of Rights

The following statement is posted in conspicuous and accessible locations at the Envida office, on the Envida website: <https://envidacares.org>; and permanently displayed on public transit vehicles.

English:

Notifying the Public of Rights Under Title VI and ADA
Disability Services, Inc. dba Envida

Envida operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, and without regard to disability in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI and/or ADA or has a complaint about the accessibility of the transit system, may file a complaint with Disability Services, Inc.

For more information on Envida's civil rights program, and the procedures to file a complaint, contact Gail Nehls, CEO; Phone: 719-633-4602; email: gnehls@envidacares.org; or visit our administrative office at 5660 North Academy Blvd., Colorado Springs, CO 80918. For more information, visit envidacares.org.

A complainant may file a complaint directly with the Colorado Department of Transportation (CDOT) or the Federal Transit Administration (FTA) by filing a complaint directly with the corresponding offices of Civil Rights: **CDOT**: ATTN: Title VI or ADA Program Manager, 2829 W. Howard Place, Denver, CO 80204 **FTA**: ATTN: Title VI or ADA Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington DC 20590.

If information is needed in another language, contact 719-633-4602. Para información en Español llame: Gail Nehls, CEO.

Spanish:

**Aviso al Público Sobre los Derechos Bajo el Título VI y ADA
Disability Services, Inc. dba Envida**

Envida (*y sus subcontratistas, si cualquiera*) asegura cumplir con el Título VI y ADA de la Ley de los Derechos Civiles de 1964, Sección 504 de la Ley de Rehabilitación de 1973 y La Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA). El nivel y la calidad de servicios de transporte serán provehidos sin consideración a su raza, color, o pais de origen y discapacidad.

Para obtener más información sobre la Envida's programa de derechos civiles, y los procedimientos para presentar una queja, Gail Nehls, CEO; Phone: 719-633-4602; email: gnehls@envidacares.org; o visite nuestra oficina administrativa en 5660 North Academy Blvd., Colorado Springs, CO 80918. Para obtener más información, visite envidacares.org.

El puede presentar una queja directamente con Colorado Department of Transportation (CDOT) o Federal Transit Administration (FTA) mediante la presentación de una queja directamente con las oficinas correspondientes de Civil Rights: CDOT: ATTN: Title VI o ADA Program Manager, 2829 W. Howard Place, Denver, CO 80204 FTA: ATTN Title VI o ADA Program Coordinator, East Building, 5th Floor –TCR 1200 New Jersey Ave., SE Washington DC 20590.

Title VI Information, Limited English Proficient (LEP) information, ADA information, and Complaint Process

(for printed materials, website, and other mediums upon request)

Disability Services, Inc. (DSI), dba Envida, grants all persons equal access to all its public transportation services. It is further the intent of Envida that all persons are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand the civil rights laws that protect their benefit of Envida programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 (ADA).

What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 requiring that “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 any program or activity receiving federal financial assistance.” Note that Title VI does not address gender discrimination. It only covers race, color, and national origin. Other Civil Rights laws prohibit gender discrimination.

What is LEP?

As part of Title VI requirements, Envida has developed a Limited English Proficiency (LEP) Plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to Envida services as required by Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000). A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

What is the ADA?

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities. Since passage of the ADA in 1990, transit agencies such as Envida have worked to make their public transit systems accessible for people with disabilities by ensuring all transit buses and facilities are ADA accessible to allow for mobility aids such as wheelchairs. Envida also follows a strict set of federal transit service requirements to ensure proper accessibility is available to persons with disabilities.

Envida’s Complaint 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 Envida.

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 Envida may be utilized for resolution. Any individual, group of individuals, or entity that believes they have been

subjected to discrimination prohibited under Title VI or ADA and related statutes may file a complaint.

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

The preferred method is to file your complaint in writing using the **Envida Title VI and ADA Complaint Form**, and sending it to:

Title VI/ADA Coordinator
Disability Services, Inc., dba Envida
5660 North Academy Blvd.
Colorado Springs, CO 80918
Phone: 719-633-4602

- 1) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed and dated 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, or disability) and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.
- 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 Envida Title VI / ADA Coordinator by calling the phone number listed above. Under these circumstances, the complainant will be interviewed, and the Envida Title VI / ADA Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Envida Title VI / ADA 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, Envida 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 Envida CEO 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 Envida's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When Envida does not have sufficient jurisdiction, Envida CEO 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, Envida CEO or his/her authorized designee will instruct the Title VI / ADA Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the CEO 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 / ADA Coordinator will notify the appropriate authorities, and an extension will be requested.
 - 8) The Envida CEO or his/her authorized designee will issue written letters of finding summarizing the results of the investigation, stating the findings, and advising of any corrective action to be taken as a result of the investigation to the Complainant within 90 calendar days from receipt of the complaint.
 - 9) If the Complainant disagrees with Envida's determination, he/she may request reconsideration by submitting a request in writing to Envida's Board Chair within seven (7) days after the date of Envida's letter, stating with specificity the basis for the reconsideration. Envida Board Chair will notify the Complainant of the decision either to accept or reject the request for reconsideration within ten (10) days. In cases where reconsideration is granted, Envida Board Chair will issue a determination letter to the Complainant upon completion of the reconsideration review.
 - 10) If the Complainant remains dissatisfied with Envida's resolution of the complaint, he/she has the right to file a complaint with the:

Colorado Department of Transportation
Division of Transit and Rail
2829 W. Howard Place
Denver, CO 80204

303-757-9766

Eric Medina, eric.medina@state.co.us

or

Federal Transit Administration

Region 8

Attn: Civil Rights Officer

12300 West Dakota Avenue

Suite 310

Lakewood, CO 80228

Phone: 720-963-3300

Fax: 720-963-3333

DSI / Envida Title VI / ADA Complaint Form

Instructions: If you have a complaint about the accessibility of our transit system or believe you have been discriminated against on the basis of race, color, national origin or disability, please fill out the form below and send it to: Envida, Attn: Title VI / ADA Coordinator, 5660 North Academy Blvd., Colorado Springs, CO 80918.

For questions or a full copy of DSI's Title VI and ADA policy and complaint procedures call 719-633-4602 or email: gnehls@envidacares.org

1. Name (Complainant):	
2. Phone:	3. Home address (street no., city, state, zip):
4. If applicable, name of person(s) who allegedly discriminated against you:	
5. Location and position of person(s) if known:	6. Date of incident:
7. Discrimination because of: <input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Color <input type="checkbox"/> Disability <input type="checkbox"/> Accessibility Issue	
8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.	

<p>9. Why do you believe these events occurred?</p>		
<p>10. What other information do you think is relevant to the investigation?</p>		
<p>11. How can this/these issue(s) be resolved to your satisfaction?</p>		
<p>12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):</p> <p>Name: _____ Address: _____ Phone number: _____</p>		
<p>13. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, check all that apply:</p> <p><input type="checkbox"/> Federal agency <input type="checkbox"/> Federal court <input type="checkbox"/> State court</p> <p><input type="checkbox"/> Local agency <input type="checkbox"/> State agency <input type="checkbox"/> County court</p> <p>If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.</p> <p>Agency/Court: _____ Contact's Name: _____ Address: _____ Phone number: _____</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;">Signature (Complainant):</td> <td style="width: 40%; padding: 5px;">Date of filing:</td> </tr> </table>	Signature (Complainant):	Date of filing:
Signature (Complainant):	Date of filing:	

Title VI and ADA Complaint Log Example

- Title VI and ADA Complaints, Investigations, and Lawsuits
- This form will be submitted annually. If no complaints, investigations, or lawsuits, or were filed, a blank form will be submitted.

Description/Name	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin or disability)	Status	Action(s) Taken (Final findings?)
Complaints				
1)				
2)				
Investigations				
1)				
2)				
Lawsuits				
1)				
2)				

APPENDIX C – Limited English Proficiency Plan

Disability Services, Inc. dba Envida

November 2020

I. INTRODUCTION

This Limited English Proficiency (LEP) Plan, for Disability Services, Inc. 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 PPACG and the Colorado Department of Transportation (CDOT), this Limited English Proficiency (LEP) Plan for Disability Services, Inc. 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 Disability Services, Inc. to ensure that our programs and activities, normally provided in English, are accessible to Limited English Proficiency (LEP) persons and thus do not discriminate on the basis of national origin in violation of the Title VI prohibition against national origin discrimination. Disability Services, Inc. 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.

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.

Number and percentage of LEP Persons in El Paso County

Permanent population

U.S Census data

The U.S. Census provides information to assist in estimating the number of limited English speakers in the permanent population. For small urban areas and rural towns and counties, the best data available is from the U.S. Census American Survey 2019. Table 1 presents information for El Paso County, the Envida service area, *Persons with language other than English spoken at home*.

Data Category	El Paso County		
	Total #	% of Population	% of LEP Population
Total Population	720,403		
Total Population under age 18	172,896	24%	9%
Total Population over age 18	547,507	76%	12%
Spanish (18+)	38,325	7%	58%
Indo-European (18+)	10,950	2%	17%
Asian/Pacific Islander (18+)	10,950	2%	17%
Other (18+)	5,475	1%	8%

Source: U.S. Census, American Community Survey, 2019

As the table shows, there is a sizeable number of LEP persons in the permanent population of our service area, even though the percentage is small. Of those with difficulty speaking English, most, but not all, are Spanish speakers.

U.S. Census indicates a need to respond to individuals in our service area who have difficulty with English. Given that recent data is available, additional local contacts were not made to clarify the need among the permanent population.

Visitors

There are also many visitors to our service area, and while they are not likely to use our transportation service, which focuses on the elderly and persons with disabilities, there may be visitors who would like to ride our service.

Summary

There are substantial numbers of LEP individuals in our service area. While most of those who have difficulty with English are Spanish speakers, many speak a variety of other languages.

Nature, Frequency and Importance of LEP Contact

The nature and importance of LEP contact is high for specialized transportation services. Therefore, strategies to address this need have been developed and will continually be reviewed and improved when needed. Because our primary contact with customers starts with reservations and dispatch, all administrative staff work to provide information in an understandable manner to all our customers.

IV. CURRENT LEP EFFORTS

The numbers and percentages of LEP persons are significant for our service area. As a specialized transportation provider, we are committed to addressing the on-going need to serve LEP individuals. Therefore, in recent years we have undertaken the following efforts:

1. We have a Title VI / ADA notice on our brochures and on our website in both English and Spanish.
2. We employ and recruit staff members fluent in Spanish.
3. We use Google Translate when a bilingual staff member is unavailable to assist.

V. PLANS FOR THE FUTURE LEP EFFORTS

Given the current and potential future need to respond to individuals with Limited English Proficiency, our LEP Plan includes the elements identified below.

Identifying LEP Persons Who Need Language Assistance

In order to identify LEP needs, we will undertake the following:

- Review Census updates as they become available;
- Periodically review perceived LEP needs with drivers and administrative staff; and
- Make periodic contacts with school districts, Mountain Metropolitan Transit (primary fixed route provider), and other community agencies that may know of LEP persons or groups.

Language Assistance Measures

As the need arises, we will consider the following to respond to LEP needs:

- Update inventory of Census Bureau's "I Speak Cards";
- Maintain Spanish versions of marketing materials, customer complaint forms, public notices, and related information, as appropriate;
- Keep/Hire Spanish-speaking customer service staff and/or drivers;
- Use web-based **Babel Fish**: <https://www.babelfish.com/> for phrase translation into or from multiple languages; and
- Use other community resources such as agencies serving LEP persons which may have resources to share.

Staff Training

As the need arises, we will consider the following staff training topics:

- Federal LEP requirements, LEP Plan and Title VI;
- Administrative staff and driver awareness training; and
- Documenting language assistance requests.

Outreach Efforts

As the need arises, we will consider the following outreach:

- Coordinate with school districts to survey language groups in need of assistance;
- Identify agencies that may serve LEP populations; and
- Provide opportunities for LEP participation at public meetings, through advertising and have translators available, as appropriate.

Monitoring and Updating Plan

We will monitor and update this plan every 2-3 years, as needed. This will include:

- Reviewing our LEP Plan with staff and make adjustments, as needed.
- Pay particular attention to demographic changes in our area and to any LEP-related complaints we receive.

Disseminating Our LEP Plan

- Have copies of our plan available to give to agencies serving LEP populations in our area and/or for individual requests;
- Post our plan on our website; and
- Adopt plan by Disability Services, Inc. Board of Trustees.

APPENDIX D - Title VI Equity Analysis

A FTA subrecipient planning to acquire land to construct certain types of facilities must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. “Facilities” in this context does not include transit stations or bus shelters, but instead refers to storage facilities, maintenance facilities, and operation centers.

There are many steps involved in the planning process prior to the actual construction of a facility. It is during these planning phases that attention needs to be paid to equity and non-discrimination through equity analysis. A Title VI Equity Analysis must be done before the selection of the preferred site.

Note: Even if facility construction is financed with non-FTA funds, if the subrecipient organization receives any FTA dollars, it must comply with this requirement.

Disability Services, Inc. has no current or anticipated plans to develop new transit facilities covered by these requirements. If a new transit facility will ever be planned, DSI will complete and document a Title VI Equity Analysis and include that information in this Appendix.

APPENDIX E - Public Participation Plan

Disability Services, Inc. is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys. As an agency receiving federal financial assistance, Disability Services, Inc. has the following community outreach efforts:

Disability Services, Inc. Board of Trustees meets on the third Wednesday of every month, for a total of 11 meetings annually. All meetings are held at Envida offices, 5660 North Academy Blvd, Colorado Springs, CO 80918. The meeting agenda, along with location and time of public Board meetings, is listed on the DSI / Envida website: <https://envidacares.org/>, the Wednesday before each meeting and includes a public comment period at each meeting.

In the upcoming year Disability Services, Inc. will make the following community outreach efforts:

Disability Services, Inc. Board of Trustees will continue to meet on the third Wednesday of every month, for a total of 11 meetings annually.

Public Meetings:

- (1) Public meetings are scheduled to increase the opportunity for attendance by stakeholders and the general public. This may require scheduling meetings during non-traditional business hours, holding more than one meeting at different times of the day or on different days, and checking other community activities to avoid conflicts.
- (2) When a public meeting or public hearing is focused on a planning study or program related to a specific geographic area or jurisdiction within the region, the meeting or hearing is held within that geographic area or jurisdiction.
- (3) Public meetings are held in locations accessible to people with disabilities and are located near a transit route when possible.

APPENDIX F - DSI Signed Board Resolution Approving Title VI Program

See Disability Services, Inc. signed Board Resolution below from December 9, 2020, approving the Title VI Program.



Board Resolution

Subject: Adoption of Title VI Program

Date: December 09, 2020

At the Board of Trustees meeting of Disability Services Inc, dba Envida held on December 9, 2020, the Board ratified into the minutes the adoption of the agency's new Title VI Program Plan. The Program as presented is to comply with Federal Transit Administration (FTA) grant funding requirements. The Board-approved Title VI Program Plan will be submitted to the Colorado Department of Transportation (CDOT) and the Pikes Peak Area Council of Governments (PPACG) for approval, as Envida is a subrecipient under both organizations for FTA and State FASTER grant funds.

On the motion of Board Member Janet Winger, seconded by Board Member Michael Koch, and on the following vote:

Ayes: 6

Noes:

Absent: 2

The foregoing resolution is hereby passed, approved and adopted by the Board of Trustees of Disability Services Inc., dba Envida on December 9, 2020.

Attest:

Charlotte McClanahan, Chair, Board of Trustees
Envida