

RESOLUTION NO. 25

SERIES 2020

A RESOLUTION APPROVING UPDATES TO AND ADOPTING THE REVISED "TOWN OF BRECKENRIDGE TITLE VI PLAN RELATED TO TRANSPORTATION PLANNING, IMPROVEMENTS, AND TRANSPORTATION SERVICES"

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination against any person on the basis of race, color, or national origin in the provision of benefits and services from federally assisted programs and activities; and

WHEREAS, the Town of Breckenridge is currently receiving federal assistance under the Urban Mass Transportation Act of 1964, as amended, and may seek further federal financial assistance funds for its transportation program in the future; and

WHEREAS, it is necessary and appropriate for the Town of Breckenridge to approve and submit to the Federal Transit Administration and the Colorado Department of Transportation a plan evidencing the Town's commitment and plan for fully complying with the requirements of the Title VI of the Civil Rights Act of 1964, and the implementing federal regulations, in connection with the operation of the Town's transit system; and

WHEREAS, the Breckenridge Town Council had previously approved and adopted a Title VI Plan through Resolution No. 1, Series 2009, and a triennial update of said plan is now due along with revisions to meet additional regulations as outlined in the Federal Transit Administration Circular 4702.1B; and

WHEREAS, a proposed "Town of Breckenridge Title VI Plan related to Transportation Planning, Improvements, and Transportation Services" ("Title VI Plan") has been prepared, a copy of which is marked Exhibit "A", attached hereto, and incorporated herein by reference; and

WHEREAS, the Town's Transit Division has advertised the availability of the Title VI Plan for public participation and solicitation of comments on the Town website and in the Summit Daily News; and

WHEREAS, the Town Council has received and given due consideration to any comments submitted concerning the Town's Title VI Plan; and

WHEREAS, the Town Council of the Town of Breckenridge has reviewed the proposed Title VI Plan, and finds and determines that it should be approved and adopted as the Town's required Title VI Plan for the Town's transit system.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, as follows:

Section 1. The "Town of Breckenridge Title VI Plan Related to Transportation Planning, Improvements, and Transportation Services" (Exhibit "A" hereto) is approved and adopted as the Town of Breckenridge Title VI Plan for the Town's transit system; and the Town Manager and Transit Manager are authorized, empowered, and directed to execute such document and all related certificates and assurances, and to file such document, certificates and assurances with the Federal Transit Administration and other applicable state or federal agencies as required.

Section 2. This resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED this 10th day of November, 2020.

TOWN OF BRECKENRIDGE, a Colorado municipal corporation

By: 
Eric S. Mamula, Mayor

ATTEST:



Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM



11/10/20

Town Attorney Date



Town of Breckenridge Title VI Plan

*Related to
Transportation Planning, Improvements, and Transportation Services*

**Endorsed and Approved January 13, 2009 by the:
TOWN OF BRECKENRIDGE
COUNCIL
Resolution No. 1 Series 2009**

Updated to meet Circular 4702.1B
"Title VI Requirements and Guidelines for Federal Transit Administration Recipients"

**Revisions & Additions Endorsed and Approved
November 10, 2020 by the:
TOWN OF BRECKENRIDGE
COUNCIL
Resolution No. 25 Series 2020**

Submitted to:

CDOT Civil Rights & Business Resource Center
4201 East Arkansas Avenue, Room 150
Denver, CO 80222

September 25, 2020

RECIPIENT INFORMATION

RECIPIENT: Town of Breckenridge (TOB)
Rural Transit Agency (population under 200,000)

ORIGINAL TITLE VI PROGRAM SUBMISSION: January 13, 2009

ORIGINAL TITLE VI PROGRAM APPROVAL BY FTA: July 13, 2010

This submission is an UPDATE and conforms to FTA Circular 4702.1B

SUBMITTAL DATE: December 7, 2020

EXPIRATION YEAR: 2023

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WHEREAS, the Town Council has received and given due consideration to any comments submitted concerning the Town's Title VI Plan; and

WHEREAS, the Town Council of the Town of Breckenridge has reviewed the proposed Title VI Plan, and finds and determines that it should be approved and adopted as the Town's required Title VI Plan for the Town's transit system.

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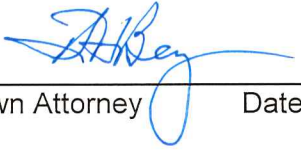
By: 
Eric S. Mamula, Mayor

ATTEST:



Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM



11/10/20

Town Attorney Date

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I. PROVISION OF TITLE VI ASSURANCES

The TOB hereby certifies that, as a condition of receiving Federal financial assistance from the Department of Transportation under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a. TOB shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission to the FTA.
- 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. TOB 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. TOB 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, and/or the Colorado Department of Transportation.

II. TITLE VI COMPLIANCE HISTORY

- a. During the course of the last three (3) years, there have not been any lawsuits or complaints received related to Title VI. Currently, there are no outstanding lawsuits or complaints naming the TOB which allege discrimination on the basis of race, color or national origin with respect to transit service or other transit benefits.
- b. Currently the TOB is applying for Section 5311 & 5339 federal financial assistance funding through the Colorado Department of Transportation as a sub-recipient of FTA pass-through assistance funds.
- c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to the TOB and, to the best of our knowledge, there are not presently any ongoing civil rights compliance review activities being conducted with respect to the TOB.
- d. The Town of Breckenridge has not constructed a transit facility within the last three (3) years. There are currently no pending construction projects which would negatively impact minority communities being performed by the TOB.
- e. The Town of Breckenridge has not in the last three (3) years and currently does not have any sub-recipient grantees that have been passed through federal financial assistance funds by the TOB.

III. INCORPORATION OF THE PROGRAM

The Town of Breckenridge (hereinafter referred to as the “TOB” 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:

The TOB, 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 insure 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.

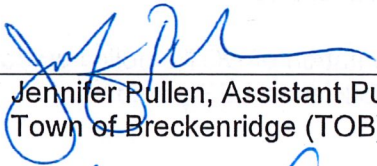
- c. That the Recipient shall insert the clauses contained herein as **APPENDIX A** in every contract subject to this Act and the Regulations.
- d. That the Recipient shall insert the clauses contained herein as **APPENDIX B**, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest herein.
- e. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
- f. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
- g. That the Recipient shall include the appropriate clauses contained herein as **APPENDIX C**, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Transit Administration programs; and (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under Federal Administration programs.
- h. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
- i. 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.
- j. 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.

- k. 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, recipient, or sub-recipient.

Date: 11/10/20



Jennifer Pullen, Assistant Public Works Director
Town of Breckenridge (TOB)

Date: 12/5/2020



Rick Holman, Town Manager
Town of Breckenridge (TOB)

IV. GENERAL GUIDELINES/REQUIREMENTS

a. Annual Certification and Assurance

As stated in Section I, TOB shall submit annually, their Title VI assurance, as part of their annual Certification and Assurance submission to the FTA and/or CDOT. The most recent submission for the TOB was approved by Town Council on November 10, 2020 through Resolution No. 25 Series of 2020 and was executed and submitted to the FTA and CDOT November 11, 2020.

b. Complaint Procedures

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

c. Record Title VI Activities

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

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

d. Access for LEP Persons

TOB 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). TOB will assist persons with limited English proficiency to participate in the transportation planning process. TOB Staff will make every effort to provide translators and document translation, where feasible, upon request. TOB's Limited English Proficiency (LEP) Plan is contained herein as **APPENDIX E**.

e. Public Notification

In compliance with 49 CFT Section 21.9(d), TOB shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by the Title VI. TOB complaint procedures and public notification information are contained herein as **APPENDIX D**.

f. Additional Information

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

g. Timely Submission

TOB acknowledges that their Title VI submissions and/or updates thereto, shall be supplied to their FTA Regional Office and/or CDOT once every three (3) years. The submission shall include, but is not limited to:

- 1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
- 2) TOB's process for persons with limited English proficiency (LEP) and the TOB's plan for Language Assistance;
- 3) Title VI Complaint and Tracking procedures;
- 4) A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
- 5) A copy of TOB's public notice regarding Title VI compliance and public access and instructions to TOB Title VI complaint procedures.
- 6) Service standards, service policies, and monitoring results.

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

h. Environmental Analysis of Construction Projects

TOB shall integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of transit related construction projects of which require NEPA. If a Categorical Exclusion (CE) is performed, TOB shall complete the FTA's standard CE check-list which includes a section on community disruption and environmental justice. While preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), TOB shall integrate into their documents, the following:

- 1) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population;
- 2) A discussion of all adverse effects that would affect the identified minority and low-income population;
- 3) A discussion of all positive effects that would affect the identified minority and low-income population;
- 4) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues, and the replacement of the community resources destroyed by the project, if applicable;
- 5) A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
- 6) For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison will be completed of mitigation and environmental enhancement actions between the two stated areas. If there is no basis for such a comparison, TOB shall describe why this is so.

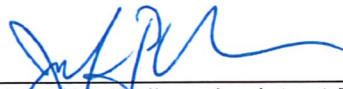
i. Public Participation

The TOB shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. TOB 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 low-income 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 low-income 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 TOB's responsibilities to LEP persons.

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

Date: 11/10/20



Jennifer Pullen, Assistant Public Work Director
Town of Breckenridge (TOB)

Date: 12/5/2020



Rick Holman, Town Manager
Town of Breckenridge (TOB)



**Town of Breckenridge
Contract Clauses for Insertion
APPENDIX A, B, and C**

**Endorsed and Approved November 10, 2020 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

Submitted to:
Federal Transit Administration
Region 8
12300 West Dakota Avenue, Suite 310
Lakewood, CO 80228-2583

September 25, 2020

APPENDIX A - TITLE VI PLAN
(to be inserted into every contract subject to Title VI)
The Town of Breckenridge is herein referred to as the "TOB"

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 the **TOB** 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 the **TOB**, 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 provision of this contract, the **TOB** 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.

APPENDIX A - TITLE VI PLAN (Continued)

(to be inserted into every contract subject to Title VI)

- 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 the **TOB** 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 the **TOB** to enter into such litigation to protect the interests of the **TOB**, 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 PLAN
(to be inserted into real property transactions)
The Town of Breckenridge is herein referred to as the "TOB"

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by Law, and upon the condition that the **TOB** will accept title to the Lands and maintain the project constructed thereon, in accordance with **THE STATE OF COLORADO**, the Regulations for the Administration of **PROGRAM** and the policies and procedures prescribed by **FEDERAL TRANSIT ADMINISTRATION** of the Department of Transportation and, also in accordance with and in compliance with 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 (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **TOB** all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENOUUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the **TOB** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the **TOB**, its successors and assigns.

The **TOB**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person 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 with regard to any facility located wholly or in part on, over or under such lands hereby [,] [and]* (2) that the **TOB** shall use the lands and interest in lands and interests in lands so conveyed, in compliance with 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, and as said Regulations may be amended, and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction. *

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C - TITLE VI PLAN
(to be inserted into Federally funded real property transactions or improvements)
The Town of Breckenridge Village is herein referred to as the "TOB"

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **TOB** pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee Lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the **TOB** shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said (licenses, lease, permit, etc.) to re-enter and repossess said land and facilities thereon, and hold the same as if said (license, lease, permit, etc) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants the **TOB** shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the **TOB** and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the **TOB** pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied. the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other 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, and as said Regulations may be amended.

APPENDIX C - TITLE VI PLAN (Continued)
(to be inserted into Federally funded real property transactions or improvements)

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the **TOB** shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities as thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the **TOB** shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the **TOB** and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.



**Town of Breckenridge
Public Notice of Rights / Complaint Process**

APPENDIX D

**Endorsed and Approved November 10, 2020 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

Submitted to:
Federal Transit Administration
Region 8
12300 West Dakota Avenue, Suite 310
Lakewood, CO 80228-2583

September 25, 2020

APPENDIX D

**TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
TOWN OF BRECKENRIDGE, COLORADO (TOB)**

Public Notice of Rights

The following statement shall be posted on site at the TOB office, the TOB Transit Center, on the TOB website (www.breckfreeride.com); 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. Any person, who believes the Town of Breckenridge (TOB) has violated his /her Title VI protections or would like additional information regarding the statutes or about our Title VI Plan, should contact the TOB Transit Division at 970-547-3140 or email transit@townofbreckenridge.com. TOB 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 TOB's customers upon request. TOB's Title VI policy, complaint procedures and LEP Plan shall be made available upon request by contacting the TOB Free Ride Transit System 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.

A single sentence will be provided in Spanish for people to request information in Spanish.

Title VI Information, Limited English Proficient (LEP) information and Complaint Process (for printed materials, website, and other mediums upon request)

The Town of Breckenridge (TOB) grants all citizens equal access to all its public transportation services. It is further the intent of the TOB that all citizens are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of the TOB programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964.

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, the TOB has developed a Limited English Proficiency (LEP) Plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to TOB 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.

TOB'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 the TOB.

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 the TOB 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 following measures will be taken to resolve Title VI complaints:

- 1) A formal complaint must be filed within calendar 180 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, or 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 TOB strongly encourages the use of the attached **TOB Title VI Complaint Form** when filing official complaints.

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

Title VI Coordinator
Town of Breckenridge
Free Ride Transit System
P.O. Box 168
Breckenridge, CO 80424

- 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 TOB Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the TOB 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, the TOB 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 TOB Transit 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 the TOB's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When the TOB does not have sufficient jurisdiction, the TOB Transit 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 TOB Transit 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 Transit

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 TOB Transit 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 the TOB's resolution of the complaint, he/she has the right to file a complaint with the:

Federal Transit Administration
Region 8
Attn: Civil Rights Officer
12300 West Dakota Avenue
Suite 310
Lakewood, CO 80228
720-963-3300
Fax 720-963-3333

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.

APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS/ COMPLAINT FORM
TOWN OF BRECKENRIDGE, COLORADO (TOB)



Title VI Complaint Form

Complaint Form

Instructions: If you would like to submit a Title VI complaint to the Town of Breckenridge (TOB) Free Ride Transit System, please fill out the form below and send it to: TOB Free Ride Transit System, Attn: Title VI Coordinator, P.O. Box 168, Breckenridge, CO 80424. For questions or a full copy of TOB's Title VI policy and complaint procedures call 970-547-3140 or email transit@townofbreckenridge.com.

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"/> Other Please specify:	

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.

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):

Name:

Address:

Phone number:

13. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

- Yes No

If yes, check all that apply:

- Federal agency Federal court State court
 Local agency State agency

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.

Agency/Court: Contact's Name: Address: Phone number:

Signature (Complainant):

Date of filing:

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 TOB Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the TOB Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.

A translator will be provided for persons with Limited English Proficiency to assist with the process.

Public Notice of Rights:

Free Ride Website:

The screenshot displays the Free Ride website interface. At the top left is the 'free ride' logo with 'breckenridge' underneath. To the right, a navigation bar includes 'Translate', 'Quick Links', and a search icon. Below this is a secondary navigation bar with 'RIDER GUIDE', 'ROUTES / SCHEDULES', 'SERVICES', and 'ABOUT US'. A left sidebar menu lists various topics, with 'Title VI' selected. The main content area is titled 'Title VI' and contains the following text:

[Rider Guide](#)

Title VI

Font Size: [+](#) [-](#) [Share & Bookmarks](#) [Feedback](#) [Print](#)

Non-Discrimination - Your Rights Under Title VI of the Civil Rights Act of 1964
No discriminación - Sus derechos en virtud del título VI del Acta de Derechos Civiles de 1964

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 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.

The Town of Breckenridge (TOB) grants all citizens equal access to all of its public transportation services. It is further the intent of the TOB Free Ride that all citizens are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of the TOB transportation program and services, specifically as it relates to Title VI of the Civil Rights Act of 1964.

TOB Free Ride does receive federal financial assistance funds from the Federal Transit Administration for its public transportation program and has an obligation to provide information related to Title VI. TOB Free Ride has filed a Title VI Plan with the Federal Transit Administration. A copy of the TOB Title VI Plan is available 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. TOB Free Ride operates its transportation programs in full compliance with Title VI.

Notices on Free Ride Buses:

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. TOB Free Ride operates its transportation programs in full compliance with Title VI requirements.

Any person, who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Town of Breckenridge (TOB) Free Ride. You may contact the TOB Free Ride Transit Manager at 970-547-3141 or email to obtain a complaint form in which to begin the process to: transit@townofbreckenridge.com.

TOB Free Ride has also developed a plan to assist individuals who are Limited English Proficient (LEP). Translation services, in order to assist LEP individuals, shall be made available to TOB Free Ride's customers upon request.

TOB Free Ride's Title VI Plan, complaint procedures, and LEP Plan shall be made available upon request by contacting the TOB Free Ride Transit System 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

Spanish Notice on Free Ride Buses:



No Discriminación: Sus Derechos en Virtud del Título VI De la Ley de Derechos Civiles de 1964

El Departamento de Transporte de los Estados Unidos (DOT) garantiza el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964 al prohibir la discriminación contra cualquier persona por motivos de raza, color u origen nacional en las disposiciones de beneficios y servicios resultantes de programas con asistencia federal, y actividades. TOB Free Ride opera sus programas de transporte en total cumplimiento con los requisitos del Título VI.

Cualquier persona que crea que ha sido agraviada por alguna práctica discriminatoria ilegal bajo el Título VI puede presentar una queja ante Free Ride de la Ciudad de Breckenridge (TOB). Puede comunicarse con el Gerente de Tránsito de TOB Free Ride al 970-547-3141 o enviar un correo electrónico para obtener un formulario de reclamo para comenzar el proceso a: transit@townofbreckenridge.com.

TOB Free Ride también ha desarrollado un plan para ayudar a las personas con dominio limitado del inglés (LEP). Los servicios de traducción, para ayudar a las personas con LEP, estarán disponibles para los clientes de TOB Free Ride que lo soliciten.

El Plan del Título VI de TOB Free Ride, los procedimientos de quejas y el Plan LEP estarán disponibles a pedido poniéndose en contacto con el Sistema de Tránsito TOB Free Ride en la información mencionada anteriormente.

Para obtener información sobre el Título VI federal, comuníquese con la Administración Federal de Tránsito (FTA), Región 8 al 720-963-3300. También se puede acceder a la información federal del Título VI, incluida la presentación de quejas, en el sitio web de la FTA en: www.fta.dot.gov



**LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS,
COMPLAINTS, AND LAWSUITS**

January 1, 2008 to December 31, 2008 - NONE

January 1, 2009 to December 31, 2009 - NONE

January 1, 2010 to December 31, 2010 - NONE

January 1, 2011 to December 31, 2011 - NONE

January 1, 2012 to December 31, 2012 - NONE

January 1, 2013 to December 31, 2013 - NONE

January 1, 2014 to December 31, 2014 - NONE

January 1, 2015 to December 31, 2015 - NONE

January 1, 2016 to December 31, 2016 - NONE

January 1, 2017 to December 31, 2017 - NONE

January 1, 2018 to December 31, 2018 - NONE

January 1, 2019 to December 31, 2019 - NONE

January 1, 2020 to CURRENT - NONE



**Town of Breckenridge
Limited English Proficiency (LEP) Plan
APPENDIX E**

**Endorsed and Approved November 10, 2020 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

Submitted to:
Federal Transit Administration
Region 8
12300 West Dakota Avenue, Suite 310
Lakewood, CO 80228-2583

September 25, 2020

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I INTRODUCTION

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

II EXECUTIVE ORDER 13166

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as the Town of Breckenridge (TOB), and governments, private and non-profit entities, and sub-recipients.

III PLAN SUMMARY

The TOB has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to TOB services as required by Executive Order 13166. 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.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing the plan while determining the TOB's extent of obligation to provide LEP services, the TOB undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the TOB service area who maybe served or likely to encounter an TOB program, activity, or service; 2) the frequency with which LEP individuals come in contact

with an TOB services; 3) the nature and importance of the program, activity or service provided by the TOB to the LEP population; and 4) the resources available to the TOB and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

IV FOUR FACTOR ANALYSES

1. The number or proportion of LEP persons eligible in the TOB service area who maybe served or likely to encounter a TOB program, activity, or service

The TOB examined the US Census report from 2018 (the Town of Breckenridge was included in an American Community Surveys) and was able to determine that approximately 3.7% of the population in Breckenridge spoke a language other than English. The Town of Breckenridge is located in Summit County, Colorado and may have LEP persons who encounter the TOB program. In Summit County, approximately 16% of the population spoke a language other than English.

2. The frequency with which LEP individuals come in contact with a TOB program, activity, or service

The TOB regularly assesses the frequency of which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. The TOB has never had a request for interpreters, either on the bus or for meetings. The TOB provides, on its own accord, the public transportation use policy documents and bus schedules translated into Spanish. The TOB has had zero requests for other translated TOB documents. The staff and drivers have had very little contact with LEP individuals. Most of our foreign tourists that visit the TOB service area are bi-lingual. We conduct bi-annual on-board customer surveys to determine if our ridership demographics have changed. In addition, our TOB service website is easily translatable to several languages via the “Translate” button.

3. The nature and importance of the program, activity, or service provided by the TOB to LEP community

The overwhelming majority of the population, 96.3% speak only English in the Town of Breckenridge and 84.3% in Summit County as a whole. With 11.5% of the Summit County community identified as speaking Spanish at home, this is the largest LEP community that could encounter the TOB program.

The community has one social organization, the Family and Intercultural Resource Center (FIRC), providing outreach services to LEP individuals within the TOB service area. We provide service information to that organization to assist with their outreach efforts and to ensure we are meeting the needs of our LEP population. Further, we contract one employee from the FIRC each winter to come in and train TOB drivers in basic Spanish.

4. The resources available to the TOB and overall costs

The TOB assessed its available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation

service would cost on as needed basis, which documents would be the most valuable to be translated if and when the populations supports the mandated need, taking an inventory of available organizations that the TOB could partner with for outreach and translation efforts, and what level of staff training is needed to be provided. TOB Transit budgets each year for the support of our LEP Plan.

After analyzing the four factors, the TOB developed the plan outlined in the following section for assisting persons of limited English proficiency.

V LIMITED ENGLISH PROFICIENCY PLAN OUTLINE

a) How to Identify an LEP Person who Needs Language Assistance - Below are tools to help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When TOB sponsored workshops or conferences are held, post on the public notices contact information for people with special needs and/or required translation. Also set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, we will ask a question that requires a full sentence reply;
- Have the Census Bureau's "I Speak Cards" at the workshop or conference sign-in sheet table (contained herein as **SUB-APPENDIX B**). While staff may not be able to provide translation assistance at that particular day's meeting, the cards are an excellent tool to identify language needs for future meetings. Also, have the cards available at the TOB Transit Office and Customer Service Area;
- Frequently survey transit operators and other first line staff of any direct or indirect contact with LEP individuals; and,
- Transit Operators will be trained to recognize people who appear to be confused and may be of need for some assistance. (Language barrier related or not)

b) Language Assistance Measures - The TOB has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least "well," and the lack of resources available in the TOB service area:

- Census Bureau's "I Speak Cards" are to be located at the TOB Transit Customer Service locations at all times.

- The computer(s) located at the TOB Transit office have a Translator, or Google Translate added to the favorites listing for easy access for the translations of blocks of texts.
 - Supervisors have an Android phone with the Google Translate App. This will aid the TOB staff in the interpretation of services on a one-on-one basis for LEP individuals visiting the TOB Transit Center.
 - When the TOB Transit hosts public meetings or conferences and a special need is identified in advance, TOB will make every effort to have a translator available at the meeting. Our public meeting notices shall have a translation available sentence in Spanish and a phone number to arrange for such service.
 - When an interpreter is needed, in person or on the telephone, and the TOB staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service - Language Line Services at <http://www.language.com>. On the Language Line home page the staff will select the Need an Interpreter Now link and follow the directions to receive and access code.
- c) **TOB Staff Training** - All TOB transit staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the TOB staff orientation process for new hires. Training topics are listed below:
- Understanding the Title VI policy and LEP responsibilities;
 - What language assistance services the TOB offers;
 - Use of LEP “I Speak Cards”;
 - How to access translation programs via the transit computer(s) in the TOB Transit Office;
 - How to use the tablet and the Google Translate App;
 - How to use the Language Line interpretation and translation services;
 - Documentation of all language assistance requests;
 - How to handle a Title VI and/or LEP complaint (this process is contained in *APPENDIX D of the TOB Title VI Plan*);
 - Bi-Annual classroom instruction using the Colorado Department of Transportation’s “Basic Spanish for Transit Employees” program or a Spanish instructor for basic vocabulary and common transit phrases in Spanish

- TOB has also created its own basic Spanish training program through a collaboration with the Summit FIRC and teaches this course annually to transit operators.
- d) **Outreach Techniques** - Due to the lack of LEP population and resources available in the service area, the TOB does not have an overly formal practice of outreach techniques. However, the following are a few options that the TOB will incorporate for LEP outreach as the need arises:
- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
 - When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: “Un traductor del idioma español estará disponible” This means “A Spanish translator will be available”.
 - Key print materials, including but limited to schedules and maps, will be translated and made available at the TOB Transit Center and on board transit vehicles. When a specific and concentrated LEP population is identified, we will make every effort to include the community. The TOB Transit Division will provide updated materials to the Family and Intercultural Resource Center to use for their outreach services as they are implemented. The Use Policies for the public transportation system are on public display both in English and Spanish at the Transit Center.
- e) **Monitoring and Updating the LEP Plan** - This plan is designed to be flexible and is one that can be easily updated. At a minimum, the TOB will follow the Title VI Program update schedule for the LEP Plan. However, major updates most likely will not occur until the Census in 2020, which has just been completed unless the TOB finds it necessary and crucial for an update before such time.

Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in TOB service area?

- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified TOB programs? Are there other programs that should be included?
- Have the TOB's available resources, such as technology, staff, and financial costs changed?
- Has the TOB fulfilled the goals of the LEP Plan?; and,
- Were any complaints received?

f) **Dissemination of the TOB Limited English Proficiency Plan** - The TOB includes the LEP Plan with its Title IV Policy and Complaint Procedures. The TOB's Notice of Rights under Title VI to the public is posted in the TOB Transit Center, on all TOB vehicles, on all TOB Bus Stops, and in selected printed materials. A statement in Spanish that indicates if information is needed in another language and contact information is included.

Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan.

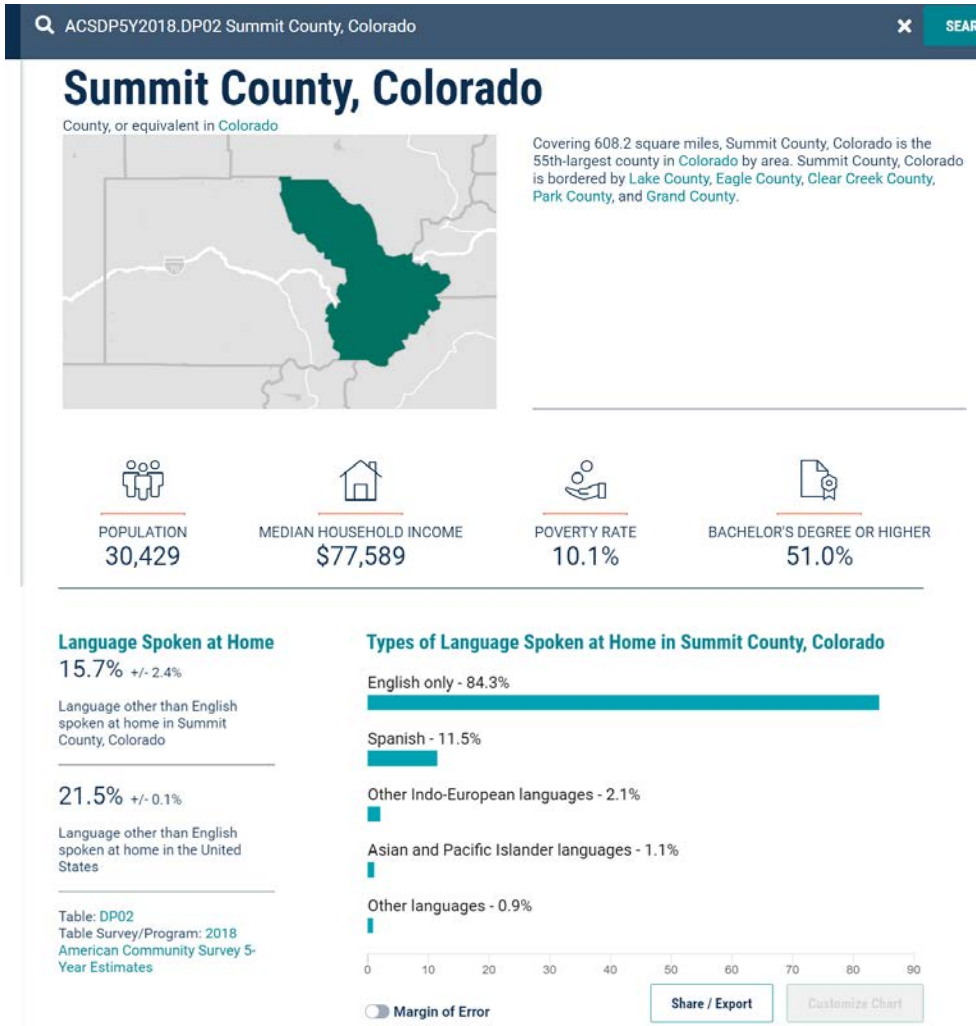
Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the TOB Title VI Coordinator. That individual may be contacted at the coordinates listed below:

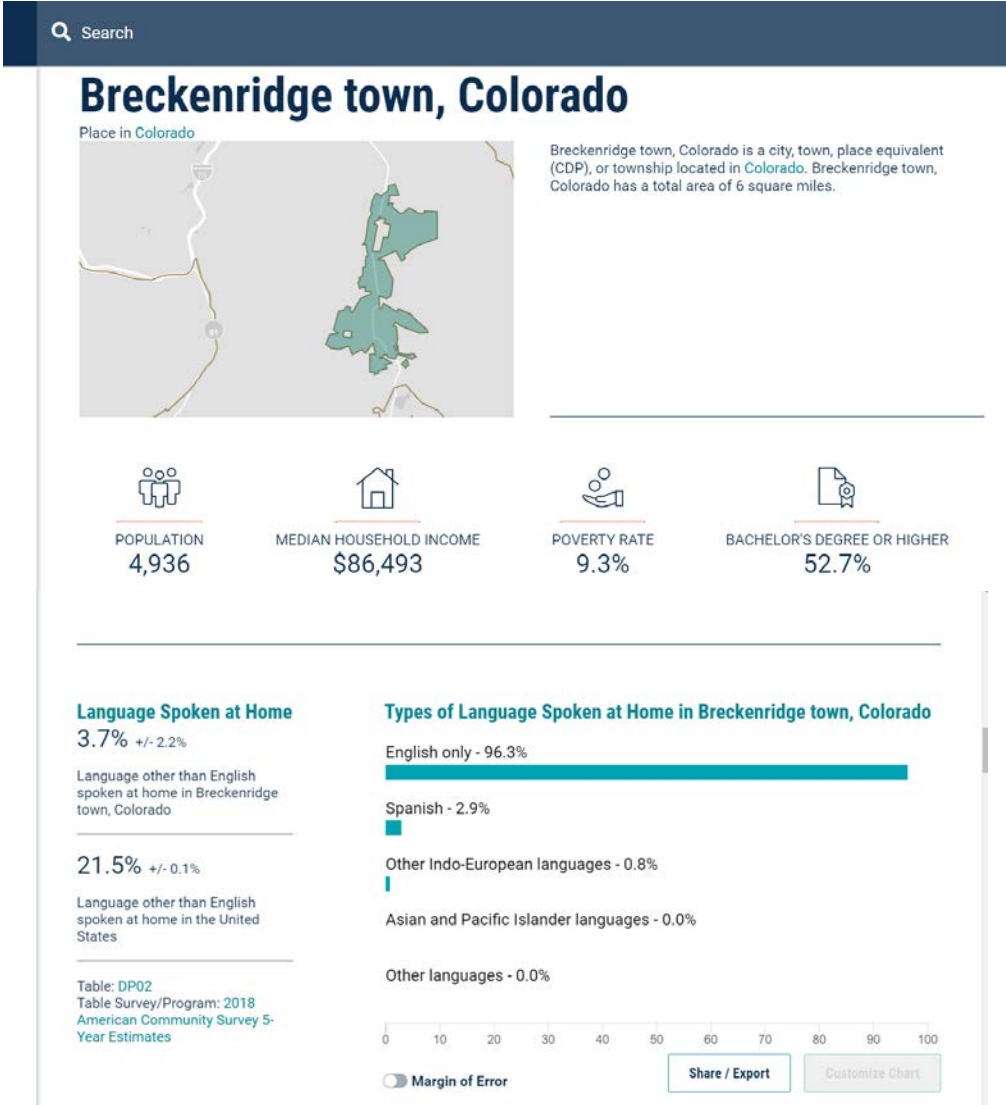
TOB Title VI Coordinator
 Town of Breckenridge Free Ride Transit System
 P.O. Box 168
 Breckenridge, CO 80424
 Phone: 970-547-3141
 Fax: 970-453-0643
 Email: transit@townofbreckenridge.com

SUB-APPENDIX A

TOB Languages Spoken at Home Chart – Summit County, CO



TOB Languages Spoken at Home Chart – Breckenridge, CO



SUB-APPENDIX B
FREE RIDE PROCEDURES FOR LIMITED ENGLISH PROFICIENCY

1. USE THE “I SPEAK” CARD TO IDENTIFY THE PERSON’S LANGUAGE

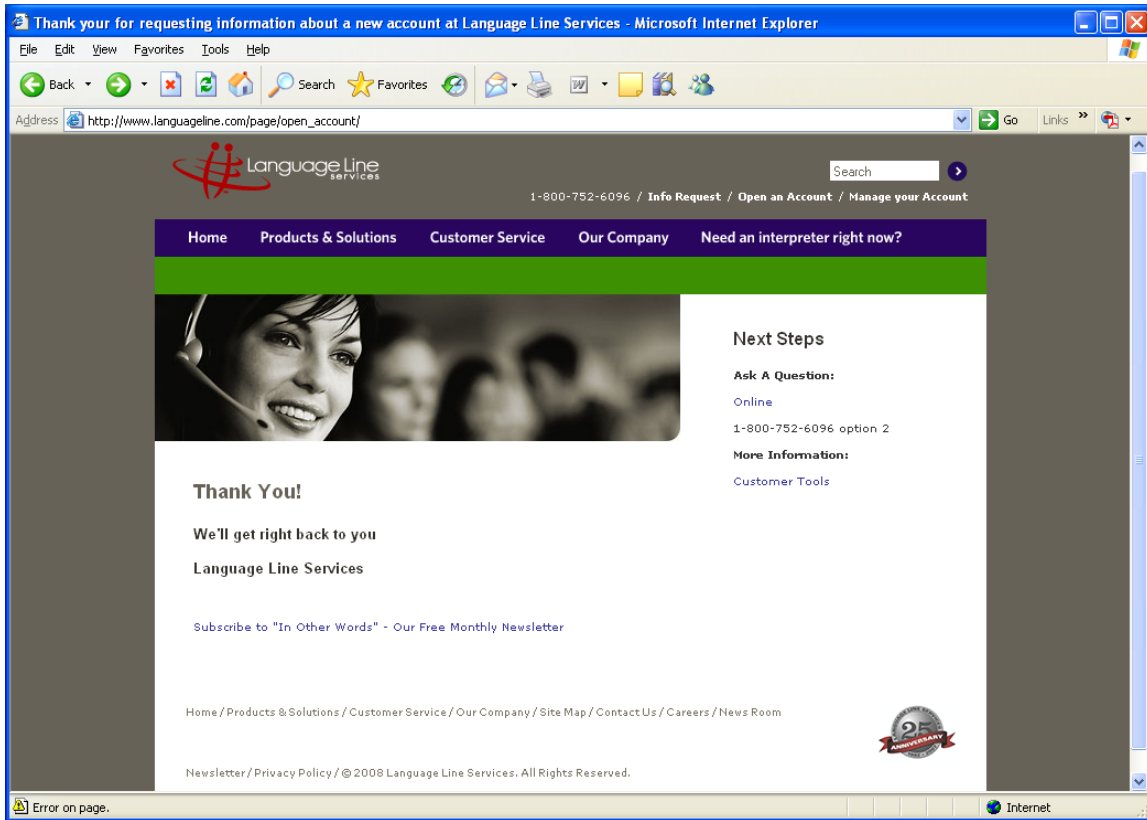
Census Bureau’s “I Speak Cards” Example

2004 Census Test	<small>United States</small> Census 2010
LANGUAGE IDENTIFICATION FLASHCARD	
<input type="checkbox"/> <p>ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.</p>	1. Arabic
<input type="checkbox"/> <p>Խոսողո՞ւմ ե՞նք նշո՞ւմ կատարե՞ք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:</p>	2. Armenian
<input type="checkbox"/> <p>যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।</p>	3. Bengali
<input type="checkbox"/> <p>ឈ្មួចញ៉ាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។</p>	4. Cambodian
<input type="checkbox"/> <p>Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.</p>	5. Chamorro
<input type="checkbox"/> <p>如果你能读中文或讲中文，请选择此框。</p>	6. Simplified Chinese

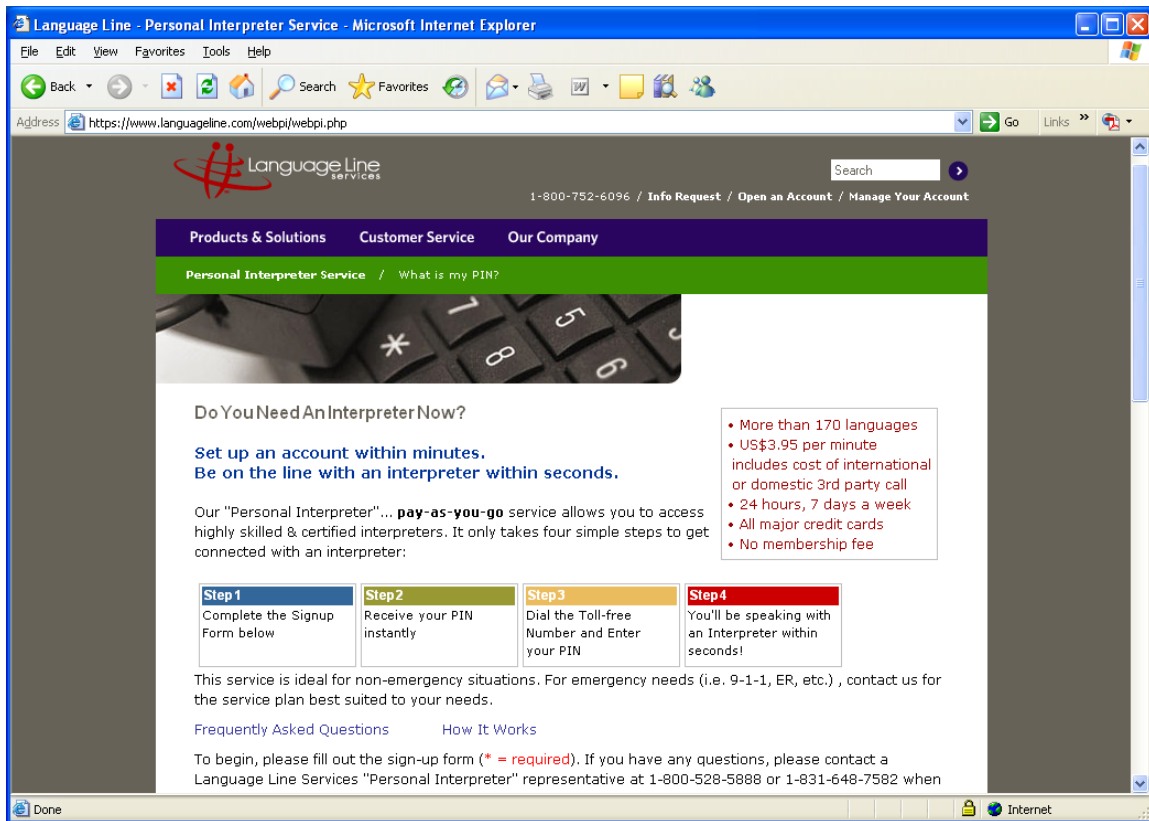
Full card is located: <https://www.lep.gov/sites/lep/files/resources/ISpeakCards2004.pdf>

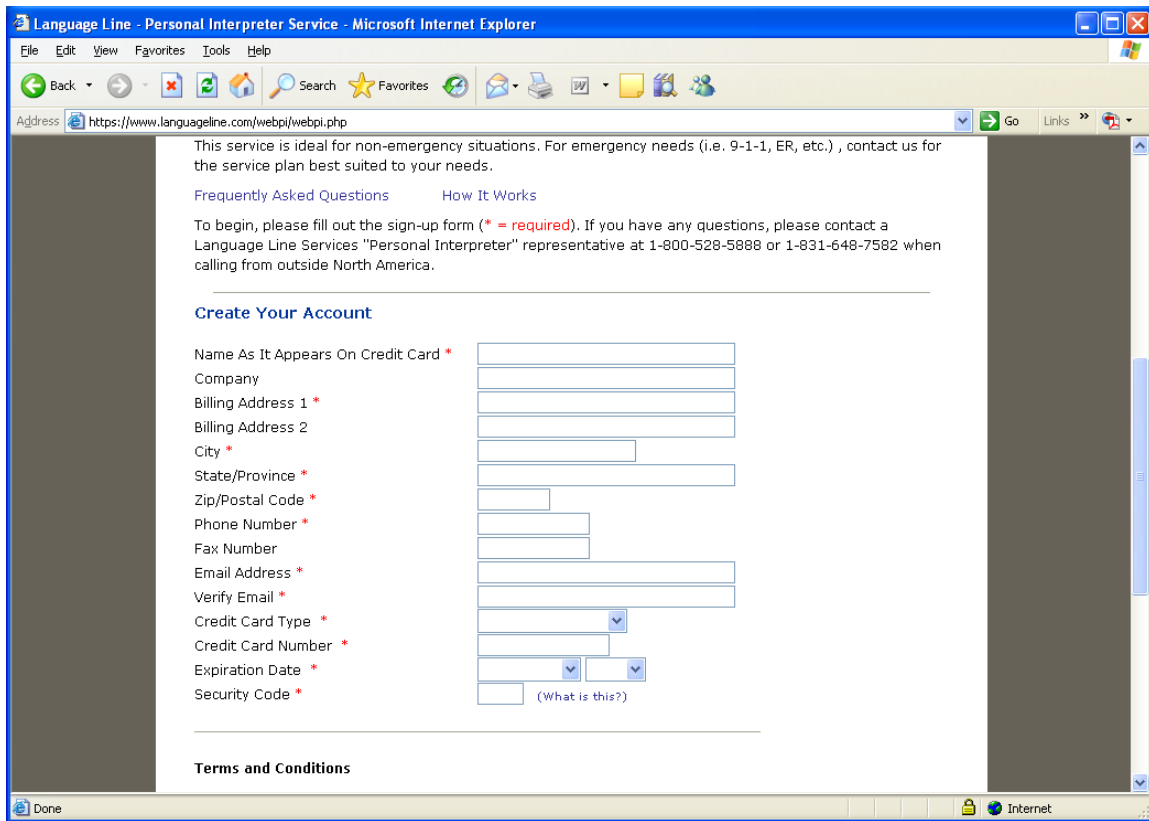
2. GO TO OUR INTERPRETER SERVICE www.language.com

3. CLICK ON “Need an interpreter right now?”



4. WE USE THE PAY AS YOU GO SERVICE. FOLLOW THE STEPS SHOWN.





5. ENTER THE CREDIT CARD NUMBER AND OTHER INFORMATION REQUIRED.
6. YOU WILL RECEIVE AN EMAIL WITH AN 800-NUMBER TO CALL AND YOUR PIN NUMBER.
7. MAKE THE CALL.
8. TELL THE INTERPRETER WHAT YOU WANT TO COMMUNICATE TO THE PERSON.
9. PUT THE PERSON ON THE PHONE AND THE INTERPRETER WILL TELL THE PERSON WHAT YOU SAID.
10. AND YOU GO BACK AND FORTH UNTIL YOU ARE DONE COMMUNICATING.

Please remember this call costs \$3.95 per minute so expedite your communications as much as possible. If you are requiring Spanish translation services, check to see if Officer Esteban Ortega or another police officer fluent in Spanish is on duty to assist you before resorting to Language Line. Another option is the Google Translate app on an Android Tablet. In all cases, TOB shall use any or all resources to assist customers requiring language translation services.

FREE RIDE PROCEDURES FOR LIMITED ENGLISH PROFICIENCY

- When TOB sponsored workshops or conferences are held, post on the public notices contact information for people with special needs. Also set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gage the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- When the TOB Transit hosts public meetings or conferences and a special need is identified in advance, TOB will make every effort to have a translator available at the meeting.
- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into "A (insert alternative Language) translator will be available". For example: "*Un traductor del idioma español estará disponible*" This means "*A Spanish translator will be available*".

Public Notices can either have that a translator will be available at the meeting or we can post information where people with special needs can contact us in advance of the meeting to arrange for accommodations. Public Notices must contain one or the other.



TITLE VI / LEP REQUESTS FOR SERVICES

January 1, 2008 to December 31, 2008 - NONE

January 1, 2009 to December 31, 2009 - NONE

January 1, 2010 to December 31, 2010 - NONE

January 1, 2011 to December 31, 2011 - NONE

January 1, 2012 to December 31, 2012 - NONE

January 1, 2013 to December 31, 2013 - NONE

January 1, 2014 to December 31, 2014 - NONE

January 1, 2015 to December 31, 2015 - NONE

January 1, 2016 to December 31, 2016 - NONE

January 1, 2017 to December 31, 2017 - NONE

January 1, 2018 to December 31, 2018 - NONE

January 1, 2019 to December 31, 2019 - NONE

January 1, 2020 to CURRENT - NONE



Town of Breckenridge Title VI Plan

*Related to
Transportation Planning, Improvements, and Transportation Services*

**Endorsed and Approved November 10, 2020 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

APPENDIX F

Policies and Procedures for the Use of Town of Breckenridge Public Transportation

The following document is on public display, both in English and in Spanish translation, at the TOB Transit Center and summarized on the official TOB website. The document was originally adopted on May 1, 2004 and is reviewed on an annual basis. Any revisions to the policy and procedure document are immediately updated for public information in both languages.

General Use Policies

1. General Policy. Free Ride public transportation vehicles and facilities (Free Ride) are provided by the Town of Breckenridge (Town) for the benefit of the Breckenridge community, visitors, and the general public. All permissible use of public transportation vehicles and facilities (Free Ride Services) shall be strictly limited to conduct consistency with the reasonable use and enjoyment of such services and for their safe and reliable operation.

2. Use of Free Ride Services.

- a. There are no user fees for the use of basic Free Ride Services.
- b. Use of Free Ride Services is available on a first-come, first-served basis until capacity is reached. The buses cannot wait for incomplete boarding parties.
- c. The Town reserves the right to impose user fees for Free Ride Services when it is deemed that such action is necessary and in the best interest of the Town.
- d. Use of the Free Ride Transit System constitutes an acceptance of the terms of use.
- e. All users must wear shirts and shoes and display proper hygiene as to not be overtly offensive to other passengers.

3. Standing Passengers. All standing passengers (whether adults or children) must use the handrails or other stabilization devices provided on the vehicles in order to stabilize themselves while the vehicle is in operation. Passengers are not permitted to stand forward of the Standee Line per federal regulations. Passengers stand at their own risk.

4. Children.

- a. Riders age eight (8) and younger must be under the supervision of a responsible adult at all times when using Free Ride Services.
- b. Children must be removed from strollers while on the Free Ride.
- c. All children under the age of six (6) must be seated.
- d. Diapers may not be changed aboard a Free Ride Transit vehicle.

5. Strollers; Wagons.

- a. All strollers, wagons, and similar child transport devices shall be carried on the Free Ride in their collapsed condition.
- b. All strollers, wagons, and similar child transport devices that cannot be collapsed shall be secured by the rider.

6. Bicycles, Skis, and Snowboards.

- a. On a seasonal basis, public transportation vehicles are equipped to carry bicycles, skis, and snowboards on a first-come, first-served basis until capacity is reached.
- b. Any rider traveling with a bicycle, skis, or snowboard must be able to load without assistance.
- c. Bicycles may not be brought on-board transit vehicles. If space is available, skis and snowboards may be brought on-board. Use of the provided bicycle rack is at the user's own risk.

7. Carry-On Items.

- a. Free Ride Services do not have space specifically designed for storage.
- b. Riders may bring packages and groceries on-board vehicles if space is available and if they maintain control of these items within their immediate seating area.
- c. Any rider traveling with carry-on items must be able to board without assistance.
- d. Carry-on items must not interfere with passenger safety or obstruct the aisles.
- e. Portable music devices such as radios, iPods, etc. must not be played at a volume that would disrupt the safe operation of the transit vehicle or annoy other passengers. Transit riders are required to use headphones for their radios or iPods while on board a transit vehicle as a courtesy to your fellow passengers.
- f. No food or beverages may be consumed aboard a Free Ride transit vehicle. Beverages should be transported in a spill proof container. The Free Ride may impose a total ban of all beverage containers for special events and holidays. Notice will be posted.

8. Hazardous Materials. Hazardous materials such as car batteries, explosives, flammable liquids, firearms, or weapons (except as authorized by law) are prohibited on Free Ride Services. Mention of any such materials is considered to be threatening behavior and will not be tolerated. Any violation of this prohibition will result in immediate notification of the appropriate law enforcement officials.

9. Animals. All animals are prohibited from Free Ride Services, subject to the following limited exceptions:

- a. Legitimate service animals under the control of a guest with a disability as permitted by the ADA.
- b. Small animals stored in an approved carrier under the control of a responsible guest, at the discretion of the transit operator.
- c. Any rider traveling with an animal may be expelled if the animal's behavior compromises the safe operation of Free Ride Services or otherwise poses a threat to the health, safety, and welfare of the public.

10. Smoking. Smoking is strictly prohibited while using Free Ride Services. This includes inside the buses, inside transit facilities, and at bus stops. Outdoor smoking areas may be provided, as designated by the Town in the exercise of its sole discretion. Electronic cigarette devices and Marijuana are included in the definition of smoking as being prohibited.

11. Loitering. Remaining on board a Public Transit Vehicle without a destination, sleeping on-board a transit vehicle, or loitering at a Public Transit Station or designated Bus Stop is not permitted.

12. Disruptive Behavior. Loud, obnoxious behavior or the use of foul language is not permitted aboard a Free Ride Transit Vehicle, at a designated public bus stop, or at a Public Transit Station. Disruptive passengers may be denied Free Ride Services at the discretion of the Transit Operator.

13. Flash Photography, Laser Pointers. Taking flash photographs or the use of a laser pointer while on board a transit vehicle is extremely dangerous and not permitted.

14. Alcohol; Illegal Drugs.

- a. The consumption of alcohol is prohibited while using the Free Ride Services.
- b. The possession of an open alcoholic beverage container is prohibited while using the Free Ride Services.

- c. No person may ride the Free Ride Services while he or she is visibly intoxicated and not in control of their own person.
- e. The possession, sale, or use of any illegal drug is prohibited while using Free Ride Services.
- f. Medical marijuana or Recreational marijuana may not be used on-board, at designated bus stops, or at a Public Transit Station.

14. Fixed Route System. The Free Ride Transit System is a fixed route public transportation system. We are prohibited by federal law from making undesignated stops in which to board or disembark passengers. All bus stops are hail stops. The Free Ride Transit System complies with all state and federal regulations for public transportation and is under the jurisdiction of the Federal Transit Administration and Federal Motor Carrier Safety Regulations.

15. Emergencies. In the event of an unforeseen emergency, the Transit Operator shall provide passengers with specific directions for evacuation and/or other necessary actions. For your safety and that of our other passengers, you must comply with the directions provided. Transit Operators are licensed Commercial Drivers and are provided extensive training to meet federal regulations for safety.

16. Compliance with Use Policies. The Free Ride Transit System reserves the right to deny boarding or Free Ride Services to any person not complying with the "Use Policy and Procedures" for the transit system. Refusal to comply with the directions of a Transit Operator or Transit Supervisor and/or the hindering of the movement of public transportation is punishable by Federal Law with up to 16 years in prison and up to \$750,000 in fines. Other state and local laws may also apply. Persons not following the basic requirements for Use of the Free Ride Services will not be allowed to board or will be told they must disembark. The Free Ride Transit System will notify law enforcement officials of any misconduct involving Free Ride Services at its sole discretion.

17. Audio & Video Surveillance. The Free Ride Transit System has on-board camera surveillance technology for the safety and security of our passengers. Each bus and facility equipped with such technology shall have a notice posted.

18. Non-Discrimination. The Town of Breckenridge complies with Title VI of the Civil Rights Act of 1964. The level and quality of transportation service will be provided without regard to race, color, or national origin in accordance with Title VI. The Town of Breckenridge also does not discriminate based upon disability, religion, creed, sex, age, orientation, political ideology, or any other similar factor. All Free Ride services are provided with equal access to all.

19. Accessibility. All Free Ride Services provided by The Town shall meet the standards of accessibility for persons with disabilities established by the Federal Transit Administration pursuant to the Americans with Disabilities Act, 42 U.S.C. §12101, et

seg. (Public Law 101-336). Accessibility is provided along our fixed route system at designated bus stops only. All mobility devices aboard a Free Ride transit vehicle must be secured. Persons requiring point-to-point accessibility service may contact our contracted service provider, Mountain Mobility, at (970) 389-1041 to arrange for that type of ADA mobility service.

Notice

Any person who believes he/she or any specific class of persons is subjected to discrimination prohibited by Title VI Civil Rights Act or the provisions of the Americans with Disabilities Act may by him/herself or by a representative file a written complaint with Town of Breckenridge and/or the Federal Transit Administration. All complaints will be promptly investigated.

To request additional information on the Town of Breckenridge nondiscrimination obligations or the Americans with Disabilities Act, contact:

Transit Manager
Town of Breckenridge
Free Ride Transit System
1105 Airport Road
P.O. Box 168
Breckenridge, Colorado 80424-0168

Information in languages other than English will be provided as needed and will be consistent with DOT LEP Guidance. Additionally, alternative formats, i.e. large print, Braille, audio or video tapes of the use policies and procedures are available upon request.

Policies and Procedures
for the Use of Town of Breckenridge Public Transportation -
Free Ride Transit System

Adopted: May 1, 2004

Reviewed: September 25, 2020



**Town of Breckenridge
Title VI Plan**

*Related to
Transportation Planning, Improvements, and Transportation Services*

APPENDIX G

**Endorsed and Approved November 10, 2020 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

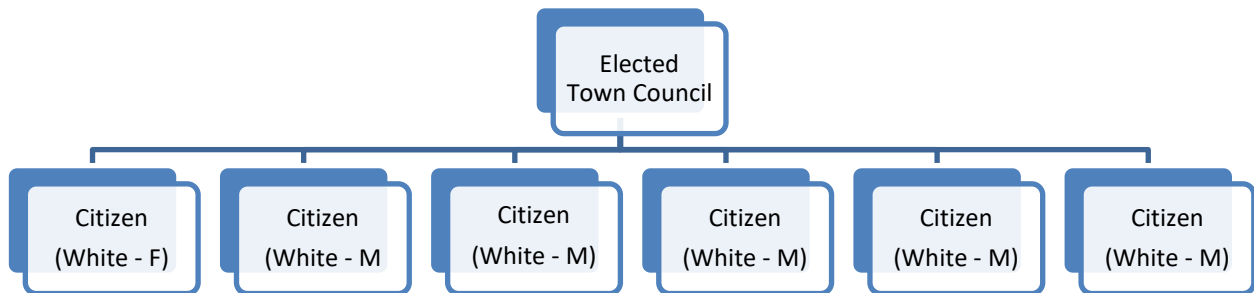
Demographics of non-elected Commissions & Committees

The Town of Breckenridge Free Ride Transit System is governed by the Town Council of the Town of Breckenridge. All policy decisions, service plans, and budget appropriations must be approved by the Town Council. The Town Council is an elected body.

The Town of Breckenridge operates on the Council – Manager Form of government. The Town of Breckenridge is a Home Rule municipality in the State of Colorado.

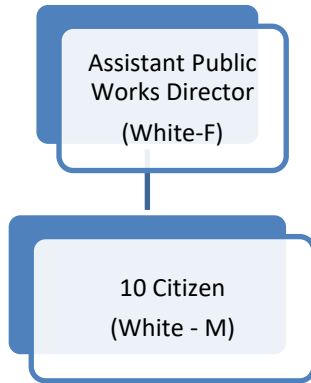
For Transit Planning, the Town of Breckenridge Free Ride utilizes the services of The Town of Breckenridge Community Development Department. The Planning Commission is the body that reviews submitted planning applications and then recommends planning decisions to the Town Council for approval.

TOWN OF BRECKENRIDGE PLANNING COMMISSION



The demographics of this commission are representative of the community make-up. It can be challenging in such a small community to get any participation for commissions or committees. All of our advertisements for commission/committee appointments are placed into the newspaper with the widest local circulation and on the town website.

The Town of Breckenridge Free Ride utilizes the services of The Town of Breckenridge Transit and Parking Advisory Committee. This volunteer committee serves in an advisory capacity. The demographics of this committee are representative of the community make-up. It can be challenging in such a small community to get any participation for various committees. Future efforts to diversify this committee is a priority. Any new vacancies will be advertised on the Town of Breckenridge’s website to encourage participation.





Town of Breckenridge Title VI Plan

*Related to
Transportation Planning, Improvements, and Transportation Services*

APPENDIX H

**Endorsed and Approved November 10, 2020 by the:
TOWN OF BRECKENRIDGE
COUNCIL**

Service Standards & Service Policies For Fixed Route Service

**No monitoring required – less than 200,000 population
and less than 50 vehicles in operation**

I. Vehicle Load for Fixed Route Service

The Town of Breckenridge Free Ride Transit System currently has four (5) different models of transit coaches in its Fleet. Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle.

**FREE RIDE TRANSIT SYSTEM
VEHICLE LOAD STANDARDS**

Vehicle Type	Average Passenger Capacities			Maximum Load Factor	# of units in Fleet
	Seated	Standing	Total		
27' Low Floor Cutaway (Med Duty) Champion Bus	22	14	36	1.64	2
29' Low Floor Opus/Optima Bus	20	35	55	2.75	2
29' Low Floor Gillig Bus	22	23	45	2.05	4
32' Low Floor El Dorado Bus	27	48	75	2.8	5
35' Low Floor El Dorado Bus	28	48	76	2.71	1
35' Low Floor Hybrid Gillig Bus	28	48	76	2.71	2
35' Low Floor Proterra Bus	27	48	75	2.8	2

The average of all loads during the peak operating period generally should not exceed vehicles' achievable capacities, which are 36 passengers for 27-foot cutaway buses, 55 passengers for 29-foot Opus/Optima buses, 45 for 29-foot Gillig buses, 75 passengers for 32-foot El Dorado buses, 76 passengers for 35-foot Hybrid Gillig buses and El Dorado buses and 75 passengers for 35-foot Proterra buses.

When consistent loads meeting these standards appear on any route, the route will be evaluated for increased service frequencies or other alternative strategies to meet the transit demand.

II. Vehicle Headways for Fixed Route Service

Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour).

The Town of Breckenridge Free Ride Transit System adjusts its service plan approximately twice per year. The levels of transit demand vary with the summer and winter seasons. The transit service ramps up in the winter and down in the summer in response to the transit demand. With Breckenridge being home to the most visited ski area in North America, the highest transit demands level exist during the winter months and that is when the greatest level of transit service is provided. The tables below outline the minimum service headways by season.

**FREE RIDE TRANSIT SYSTEM
POLICY HEADWAYS AND PERIODS OF OPERATION**

WINTER SEASON	Base Service Interval (in minutes)
Yellow Route	15
Black Route	30
Brown Route	15
Purple Route	30
Trolley	30
6:15 am - 10:45 pm	

SUMMER SEASON	Base Service Interval (in minutes)
Gray Route	30
Black Route	30
Purple Route	30
Trolley Route	30
6:15 am – 10:45 pm	

Headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.

III. On-time Performance for Fixed Route Service

a. Definition of “On-time Window”:

The Free Ride Transit System prohibits as a matter of policy any bus from servicing a bus stop ahead of the scheduled pick-up time or running early. (At times, we may fall behind during gridlock conditions to where the bus is late and not actually running early. This is different that running ahead of schedule.) The Free Ride further defines an on-time performance if a bus is no more than 2 minutes late for servicing a particular stop or the origin & destination points of an entire route. These guidelines are the established “On-time Window” for calculating the overall System On-Time Performance.

b. Established Service Standard

95 percent of all runs system-wide or on a particular route or line completed within the allowed “on-time” window during the summer season.

During the winter season, we face conditions that are beyond our control, including weather and traffic congestion, so in the winter 90 percent of all runs system-wide or on a particular route or line completed within the allowed “on-time” window is the established standard.

IV. Service Availability for Fixed Route Service

The standard is expressed by bus stop spacing. Bus stop spacing generally depends on ridership. Ridership, in turn, is typically affected by surrounding land use type, such as residential, commercial, or Central Business District. The range of spacing between each stop in Breckenridge is standardized on average to be between 600 and 1,000 feet on all routes in developed areas.

Typical Bus Stop Spacing

<u>Land Use</u>	<u>Range of Spacing</u>	<u>Typical Spacing</u>
Central Business District	300 to 1,000 feet	600 feet
Service or Activity Center	500 to 1,200 feet	750 feet
Residential	600 to 2,500 feet	1,000 feet
Rural	650 to 2,640 feet	1,250 feet

V. Distribution of Transit Amenities for Fixed Route Service

Distribution of all transit amenities such as bus shelters, benches, and trash receptacles is determined through ridership levels. Based upon boarding counts and bus stop utilization, the following table outlines the standard for how the transit amenities are placed by the transit system.

Transit Amenity Placement

Activity	Amenity
Less than 25 passenger boardings per day	None
Between 25 and 80 passenger boardings per day	Bench
81 or more passenger boardings per day	Shelter

Some private entities, such as homeowner’s associations and property developers, have added their own transit amenities that may not conform to the standards above. We use the above standard when making a determination if an amenity is warranted that does not currently exist.

VI. Vehicle Assignment for Fixed Route Service

It is the policy of the Free Ride Transit System to assign vehicles with more capacity to routes with higher ridership and/or to routes with additional capacity needs during peak periods.

The Free Ride Transit System has a robust Preventative Maintenance Program as well as a Capital Replacement Plan to ensure a fully functioning Fleet. It has performed mid-life cycle refurbishments on several buses in its Fleet; therefore the quality of the equipment available for use is equal - regardless of its age.