



**City of Pueblo Public Works Department
Title VI Compliance Plan**

December 20, 2022

Prepared by: Andrew Hayes, Director of Public Works

I. Nondiscrimination Policy Statement

It is the policy of the City of Pueblo Public Works Department that no person shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the City of Pueblo Public Works Department as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of the City of Pueblo Public Works Department, including its contractors and anyone who acts on behalf of the City of Pueblo Public Works Department. This policy also applies to the operations of any department or agency to which the City of Pueblo Public Works Department extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual of any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; and Discrimination in any activities related to highway and infrastructure or a facility built or repaired.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.



Andrew Hayes, Director of Public Works

12/20/2022

Date

II. Standard DOT Title VI Assurances

The U.S. DOT Standard Title VI/Non-Discrimination Assurances with attached Appendices, DOT Order No. 1050.2A, attachment #1, is attached and incorporated herein.

III. Title VI Coordinator

Andrew Hayes, Public Works Director, is responsible for assuring compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes and has directed that nondiscrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

The City of Pueblo Public Works Department has assigned Andrew Hayes, Director of Public Works Department to serve as the Title VI Coordinator to ensure implementation of the City of Pueblo Public Works Department's Title VI program.

The Title VI Coordinator is responsible for:

- Submitting an FHWA Title VI Plan and Language Assistance Plan to CDOT;
- Responding to and coordinating with any CDOT Title VI Compliance Reviews;
- Developing Title VI complaint procedures and forwarding any Title VI complaints to CDOT within three (3) business days;
- Reviewing, monitoring, and enforcing Title VI responsibilities within the agency;
- Collecting and analyzing data related to Title VI;
- Ensuring that staff is adequately trained on Title VI policies;
- Disseminating Title VI information to the public, including providing notice and opportunities for public participation;
- Reviewing local directives for Title VI implications;
- Incorporating Environmental Justice principles into programs and activities; and
- Ensuring that the Title VI Plan remains up to date.

IV. Primary Program Area Descriptions and Program Review

All staff in the City of Pueblo Public Works Department are responsible for doing their part to ensure that services are provided in a manner free from discrimination. Every staff member has an obligation to report suspected violations of this Plan or of City anti-discrimination policies. All such reports will be properly and completely investigated.

The following chart outlines the City of Pueblo Public Works Department major program areas along with specific Title VI responsibilities and review procedures. All program areas are responsible for ensuring that services are provided in a manner free from discrimination.

Program Area	Title VI/Nondiscrimination Concerns and Responsibilities	Review Procedures for Ensuring Nondiscrimination
<p>Engineering The Engineering Division provides surveying and civil engineering services to design and construct quality infrastructure in order to maintain acceptable levels of service.</p>	<p>Ensure public involvement in the decision-making process through public meetings, information bulletins, web publications and project related signage.</p> <p>Provide accessible meeting locations and provide information in alternative formats.</p> <p>Ensure that appraised values and communications result in equitable treatment.</p> <p>Comply with CDOT/FHWA requirements for acquisition.</p> <p>Ensure construction efforts and resources are applied fairly.</p> <p>Include Title VI requirements in all bid requests and contracts, and discuss at all pre-construction meetings.</p> <p>Provide Title VI training to all employees that have contact with the public.</p> <p>Ensure equitable access to services and that all services are provided in a manner free from discrimination.</p> <p>Provide accessible permitting kiosk and assist customers with the permit application process without discrimination.</p> <p>Ensure fair and equitable application of Engineering Standards to all construction activities.</p> <p>Provide Spanish language assistance and translations for customers as needed.</p>	<p>Review all real property acquisitions to verify the amount paid is consistent with the fair market value.</p> <p>Review all bid documents and contracts for compliance with current Title VI requirements with the Purchasing Department.</p> <p>Review capital improvement projects are provided fairly throughout the City.</p> <p>Ensure Public Works Department lobby area and meeting facilities meet ADA accessibility requirements.</p> <p>Review Title VI training curriculum for employees is kept up-to-date.</p> <p>Ensure all Public Works new-hire employees receive Title VI training.</p> <p>Ensure availability of Spanish speaking staff to assist with customers.</p>

Program Area	Title VI/Nondiscrimination Concerns and Responsibilities	Review Procedures for Ensuring Nondiscrimination
<p>Recycling Program Recycling drop-off center for conventional recyclable materials and "Large Item" drop-off site for collection of large items from City residents.</p>	<p>Ensure equitable access to services and that all services are provided in a manner free from discrimination.</p> <p>Provide information about the Recycling Program in multiple formats and languages.</p> <p>Provide Title VI training to all employees that have contact with the public.</p> <p>Initiate assistance procedures for those who may not be able to access drop-off areas.</p>	<p>Ensure all Public Works employees receive Title VI training.</p> <p>Review demographic information from addresses provided to ensure all areas of the City, including those in low-moderate income locations, are accessing recycling services.</p> <p>Inspect facilities to ensure fair and equitable access.</p>
<p>Streets and Right-of-Way Maintenance Maintenance and repair of City rights-of-way, including snow removal, sanding, street sweeping, patching and crack-sealing, road stabilization, landscaping and irrigation, and various special projects such as removal of illegal dumping, paving or hard surfacing streets.</p>	<p>Ensure streets and right-of-way are open to all for intended uses.</p> <p>Provide proper maintenance and care.</p> <p>Provide clear and accessible wayfinding and signage.</p> <p>Ensure maintenance efforts and resources are applied uniformly and fairly.</p>	<p>Perform ongoing inspections of right-of-way.</p> <p>Provide ongoing population monitoring to determine if any additional signage in alternate languages is necessary.</p> <p>Review location of maintenance, street sweeping, etc. to ensure maintenance provided was provided fairly throughout the City.</p> <p>Ensure all Public Works employees receive Title VI training.</p>
<p>Building Maintenance Provide safe, healthy, and comfortable structures for city employees and the public, and to protect the City's capital investment in those buildings through maintenance and repair of City-owned buildings.</p>	<p>Maintain accessible access and signage at all public buildings.</p> <p>Review ADA access to all publicly-accessible buildings.</p> <p>Provide notification to the public how to request accommodation or notify the City of ADA concerns.</p>	<p>Review all public buildings for compliance with ADA standards on an annual basis.</p> <p>Review assistance requests and ADA concerns.</p> <p>Ensure all Public Works employees receive Title VI training.</p>
<p>Transportation Provide for the safe and efficient movement of vehicular, pedestrian, and bicycle traffic on the City's public roadways.</p>	<p>Ensure transportation systems throughout all parts of the City are safe and efficient for all users.</p> <p>Apply for grants and complete transportation projects based on need.</p>	<p>Review log of traffic accidents and level of service to ensure fair and equitable allocation of projects.</p> <p>Ensure all Public Works employees receive Title VI training.</p>
<p>Traffic Maintenance Maintain signalized intersection traffic control devices and street markings.</p>	<p>Ensure traffic control devices, street markings and street signs are maintained in a manner free from discrimination.</p>	<p>Review log of traffic maintenance issues to make sure maintenance is done based on need.</p>

Program Area	Title VI/Nondiscrimination Concerns and Responsibilities	Review Procedures for Ensuring Nondiscrimination
Stormwater Construct, operate, and maintain stormwater drainage infrastructure.	Ensure stormwater systems throughout all parts of the City are safe and efficient for all users. Provide for proper maintenance and care of stormwater infrastructure	Perform ongoing inspections of installed stormwater infrastructure. Ensure all Public Works employees receive Title VI training.

V. Compliance, and Enforcement Procedures

Compliance

City of Pueblo Public Works Department actively pursues the prevention and corrective action of Title VI deficiencies and violations and takes the necessary steps to ensure compliance with all program requirements, both within the Public Works Department, its sub-recipients of federal funds, contractors and subcontractors. Title VI compliance requires a collaborative effort among all Public Works program functions. The Title VI Coordinator will provide continuous leadership and guidance to the Public Works personnel, contractors and subcontractors on Title VI matters. Supervisors are also responsible for the ongoing monitoring of their functional activities and services to ensure nondiscrimination.

The Title VI Coordinator will perform overall monitoring and compliance reviews on Public Works programs, contractors and subcontractors to ensure compliance with Title VI responsibilities. The compliance review may be conducted either as a desk audit or an on-site visit. The scope of the compliance review is defined on a case-by-case basis. The following list of factors will contribute to the selection and timeliness of a compliance review:

- Lawsuit and complaints filed by organizations alleging deficiencies or non-compliance with Title VI.
- Issues brought to the attention of the Public Works Department by local civil rights organizations, the public or other government agencies.
- Triennial schedule for general assurance of Title VI compliance on Public Works programs, contractors and subcontractors.

The compliance review scope will assess the program, contractors and subcontractors efforts to meet the Plan requirements.

The results of the compliance review will be summarized; include findings of no deficiency, findings of deficiency, advisory comments, identified best practices and if necessary, corrective action.

Enforcement

In the event of a contractor's non-compliance with the Non-discrimination provisions of this Plan, the City of Pueblo Public Works Department will impose such contract sanctions as it or the Federal Highway Administration or CDOT, may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

In the event of an employee's non-compliance with the non-discrimination provisions of this Plan, the City of Pueblo Public Works Department may impose disciplinary action through its personnel policies.

VI. Data Collection and Analysis

The Public Works Department may review data on the race, color, national origin, and sex of participants and beneficiaries of Public Works programs and activities as shown below.

Program Area	<i>Type of Data Collected & Process for Collecting</i>	<i>Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)</i>
Engineering	Request demographic information, method of communication and amount paid with all real property acquisitions. Track the location of all construction activities that are performed on behalf of the City of Pueblo.	The information collected by the Engineering Division will be used to determine if the programs and activities are being provided fairly and free from discrimination.
Recycling Program	Request address during the sale of recycling vouchers.	The information collected will be used to ensure the recycling program is accessible to all and administered free from discrimination.
Streets and Right-of-Way Maintenance	Log maintenance including location, street assessment, work completed, and time spent.	The information collected will be used to determine if maintenance is being provided fairly across the City.
Building Maintenance	Track assistance requests and or notifications of ADA concerns.	Review assistance requests and ADA concerns to ensure ADA access to Public Buildings and make improvements where necessary.
Transportation	Log traffic accidents and level of service to determine need. Compile information related to grant requests and transportation projects based on location	Make sure the grant requests and projects are executed based on need and free from discrimination.
Traffic Maintenance	Log maintenance, complaints, and requests for maintenance, based on location.	Make sure maintenance is completed based on need and free from discrimination.

Sources of information may also include US Census demographic information; US Department of Labor data; and/or formal and informal surveys.

Information collected will be reviewed annually to determine whether any protected class is disproportionately affected by access (or lack of access) to Public Works Department services.

A summary of any significant findings will be included in the Annual Title VI Accomplishment Report and findings will inform Plan updates and other relevant program management decisions.

VII. Staff Training

The Title VI Coordinator is responsible for Title VI-related training of project management staff. The Coordinator will conduct a minimum of one review and training of procurement and project management staff annually. CDOT's Civil Rights & Business Resource Center may be asked to provide additional training. Additionally, trainings regarding Title VI and the requirements for contractors and subcontractors will be conducted at project pre-construction meetings. If discriminatory trends or patterns are identified, the Title VI Coordinator will schedule a meeting or training to remediate. In addition, the Title VI Coordinator will document the identified pattern or trend and troubleshoot the best course of action for remedy. If any action, remedy or process change is identified, it will be documented in the Annual Title VI Accomplishment Report, and the Public Works Department Title VI Plan will be updated to reflect any new process or change.

VIII. Complaint Procedures

FHWA Title VI Complaint Procedure for the City of Pueblo Public Works Department

Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes prohibit discrimination on the basis of race, color, national origin, sex, age, and disability in programs and activities that receive Federal financial assistance (See 23 CFR Part 200 and 49 CFR Part 21).

Who is eligible to file an FHWA Title VI complaint?

The Federal Highway Administration (FHWA) requires that the City of Pueblo Public Works Department report Title VI discrimination complaints. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Pueblo Public Works Department program or activity related to road and highway transportation programs because of their race, color, national origin, sex, age, and disability may file an FHWA Title VI complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

How do you file a complaint?

Title VI complaint forms are provided as an attachment to the plan and will be made available to the public at the Public Works Department.

Title VI complaints must be filed within 180 days from the last date of the alleged discrimination, unless the time for filing is extended by the processing agency. Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written

complaint. For assistance in filing a complaint, please contact Andrew Hayes, the City of Pueblo Public Works Department Title VI Coordinator.

Complaints should be filed in writing and signed, and may be submitted via mail, email, or in person to:

City of Pueblo Public Works Department Title VI Coordinator

Attn: Andrew Hayes, Director of Public Works

211 East D Street

Pueblo, CO 81003

pubworks@pueblo.us

Phone: 719-553-2295

Complaints may also be filed directly with the following agencies:

Colorado Department of Transportation Civil Rights & Business Resource Center 2829 W. Howard Place, Suite 139 Denver, CO 80204 dot_civilrights@state.co.us Phone: (800) 925-3427 Fax: (303) 952-7088	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8 th Floor E81-105 Washington, DC 20590 Civilrights.fhwa@dot.gov Phone: (202) 366-0693 Fax: (202) 366-1599
Federal Highway Administration, Colorado Division 12300 West Dakota Avenue, Suite 180 Lakewood, Colorado 80228 Phone: (720) 963-3000 Fax: (720) 963-3001	

What happens after a complaint is filed?

The City of Pueblo Public Works Department must forward any Title VI complaint related to a Federal-aid highway program to the Colorado Department of Transportation (CDOT) within three (3) business days. CDOT will then forward the Title VI complaint to the appropriate FHWA Division Office for further processing.

Once an FHWA Title VI complaint is received, the City of Pueblo Public Works Department will log the complaint information in its records. After forwarding the complaint to CDOT, the City of Pueblo Public Works Department will provide the complainant with the name and contact information of the CDOT employee responsible for coordinating the complaint. FHWA Headquarters Office of Civil Rights (HCR) will determine whether a Title VI complaint is accepted

or dismissed, as well as whether FHWA or CDOT will investigate the complaint. FHWA HCR will notify the complainant, as well as appropriate agencies, on its decision. For more information, please visit the FHWA website at

https://www.fhwa.dot.gov/civilrights/programs/title_vi/titleviqa.cfm.

Complainants are encouraged, but not required, to use the attached complaint form when filing a complaint with the City of Pueblo Public Works Department or CDOT. At a minimum, each complaint should contain a written explanation of the alleged discrimination, complainant's contact information, the basis of the complaint (e.g., race, color, national origin, sex, age, or disability), the names of specific individuals or agencies involved, sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance, and date(s) of the alleged discrimination. A Spanish version of the Complaint Form and information is provided as an attachment to this plan and it can also be accessed at <https://www.codot.gov/business/civilrights/complaints>.

IX. Dissemination of Title VI Information

a. Title VI Notice

The following notices are placed on the City of Pueblo Public Works Department's website and posted at the Public Works Engineering Division office in English and Spanish. Alternative formats can be made available upon request for people who are blind, have low vision or require translation to a language other than English or Spanish.

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

The City of Pueblo Public Works Department operates its programs and services without regard to race, color, national origin, sex, age, or disability. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Pueblo Public Works Department program or activity related to road and highway transportation programs because of their race, color, national origin, sex, age, or disability may file a Title VI discrimination complaint.

To file an FHWA Title VI discrimination complaint, contact:

City of Pueblo Title VI Coordinator
Attn: Andrew Hayes, Director of Public Works
211 East D Street
Pueblo, CO 81003
pubworks@pueblo.us
Phone: 719-553-2295

Title VI complaints related to Federal-aid highway programs may also be filed directly with the following agencies:

<p>Colorado Department of Transportation Civil Rights & Business Resource Center 2829 W. Howard Place, Suite 139 Denver, CO 80204 dot_civilrights@state.co.us Phone: (800) 925-3427 Fax: (303) 952-7088</p>	<p>Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590 Civilrights.fhwa@dot.gov Phone: (202) 366-0693 Fax: (202) 366-1599</p>
<p>Federal Highway Administration, Colorado Division 12300 West Dakota Avenue, Suite 180 Lakewood, Colorado 80228 Phone: (720) 963-3000 Fax: (720) 963-3001</p>	

b. Public Participation Plan

The City of Pueblo encourages citizen involvement and participation in its public involvement process. There are many opportunities for citizens to be informed about and participate in City activities and decisions. The Public Works Department advertises and provides outreach to all residents for programs and public meetings through the City of Pueblo’s website, social media platforms, mailed newsletters, utility billing inserts and/or public posting at City offices.

All meetings of City Council, as well as meetings of appointed Boards and Commissions, are open to the public and include an opportunity for the public to comment on City issues and meeting agenda items. City Council meetings are televised and available on the City’s website. The City works on targeted outreach with community organizations to help reach special populations, including those that specifically serve seniors and aging residents, individuals with disabilities, low-income and limited-English speaking residents.

X. Review of Local Directives

The City of Pueblo Public Works Department will review local city and county directives for Title VI implications. If directives are identified as implicating Title VI, the City of Pueblo Public Works Department will provide an interpretation of how those directives impact program areas. The City of Pueblo Public Works Department will include such information in its Annual Title VI Accomplishment Report and will update the Title VI Plan accordingly.

XI. Language Assistance Plan

Limited English Proficient (LEP) individuals are those who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. In keeping with Title VI requirements, City of Pueblo Public Works Department provides language assistance to ensure that its LEP users have meaningful access to its services, including ADA compliant permit kiosk, in-person and telephone-based customer service, printed materials including public meeting notices, and other customer-based services.

The City of Pueblo Public Works Department has completed the four-factor analysis to determine what measures are necessary to provide meaningful access for Limited English Proficient (LEP) individuals.

- 1. Identify the number or proportion** of LEP persons eligible to be served or likely to be encountered by the subrecipient.

In addition to Non-Hispanic, White (43.6%), a large proportion of the City of Pueblo population is made up of individuals of Hispanic or Latino origin (51.1%). The remainder of the Race or Hispanic Origin in the City of Pueblo is American Indian & Alaskan Native (5.1%), Black or African American (2.7%), and Native Hawaiian and other Pacific Islander (0.1%).

The City of Pueblo has approximately 10.3% of the population over 18 years of age that speak Spanish as their primary language compared to 86.4% that speak English only. A total of 1.3% of the population over 18 years of age speak other languages besides English or Spanish.

- 2. Determine the frequency** with which LEP persons come into contact with the subrecipient.

With over 50% of the individuals in the City of Pueblo service area being of Hispanic or Latino origin, approximately 50% of the contact with the Public Works Department will be by individuals of Hispanic or Latino origin and approximately 50% will be by individuals of Non-Hispanic White origin. Given that assumption, approximately 5.15% will come into contact with the City.

- 3. Determine the nature and importance** of the program, activity, or service provided by the subrecipient.

Many services of the Public Works Department are critical to the citizens of the City of Pueblo. The Public Works Department, through its programs and activities, does infrastructure planning, acquisition, construction services (in house and through contract), a recycling program, permitting and inspections, engineering services, surveying and mapping for public projects, maintenance of streets, rights-of-way and City-owned buildings, plat, subdivision and development review, and transportation and traffic services. These programs and activities are necessary to enhance the quality of life for the citizens of Pueblo by providing safe, compliant, and efficient public infrastructure solutions.

4. Identify the resources available to the subrecipient and the costs.

The City of Pueblo has an established program to provide bilingual staff members to provide services to the public.

The Public Works Department has Spanish-speaking staff available to translate or assist Spanish-speaking members of the public.

In addition, immediately upon entrance to the Public Works Department, notice is provided that bilingual language services are available. The Department will log the requests for language assistance, service provided, (application, meeting, etc.) and who provided the language services (e.g., bilingual employee, contract vendor, or telephone interpreter services), language and amount of time each applicant, resident or participant requires in providing services.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others who require alternative means of communication for program information or to file a claim (e.g., Braille, large print, audiotape, American Sign Language, translation services, etc.). The City of Pueblo Public Works Department will make reasonable efforts to hold public meetings in facilities that are Americans with Disabilities Act (ADA)-compliant and arrange for reasonable accessibility and accommodation to persons with disabilities. Further, to provide equally effective communication, the City of Pueblo Public Works Department will make due preparation, when appropriate, for a person or persons requiring assistance, such as the hearing or visually impaired. Upon request, staff will make reasonable efforts to provide translators and document translation where feasible.

Individuals who are deaf, hard of hearing or have speech disabilities may contact the City of Pueblo Public Works Department through Relay Colorado - 711. Elderly persons or non-vehicle households who are unable to attend meetings may request information from the City of Pueblo Public Works Department. Public Works Department staff, coordinating availability, is willing to speak with groups in an effort to eliminate participation barriers and involve citizens in the transportation planning process. Additionally, program information may be made available in languages other than English. To request assistance please contact Director Andrew Hayes, the Public Works Department's Title VI Coordinator, at (719) 553-2295 or email to pubworks@pueblo.us.