

a program of
NORTHWEST NEW MEXICO COUNCIL OF GOVERNMENTS

Northwest Regional Transportation Planning Organization (NWRTPO)



Title VI Plan

2024 Reauthorization

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I. STATEMENTS OF POLICY

Introduction

The Northwest Regional Transportation Planning Organization (NWRTPO) is the rural/non-metro transportation planning agency for the counties of San Juan, Cibola and McKinley including the cities of Gallup and Grants, the Village of Milan, the Navajo Nation, the Pueblo of Acoma, the Pueblo of Laguna, the Pueblo of Zuni, and the non-urbanized area of San Juan County in New Mexico. Federal regulations require that an RTPO be designated to carry out a comprehensive, continuing and coordinated transportation planning process for our non-urbanized region. The Northwest New Mexico Council of Governments (NWNMCOG) is the fiscal and administrative agent for the NWRTPO.

Title VI Nondiscrimination Statement of Policy

The NWRTPO is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The NWRTPO assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any NWRTPO program, activity, or service.

Environmental Justice and Limited English Proficiency Policy Statement

The NWRTPO is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations, as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations.

In addition, the NWRTPO also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency (LEP), in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal financial assistance and recipients affected

Federal financial assistance is defined as any Federal dollars that are assigned to the NWRTPO to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty. The NWRTPO typically receives planning funds from the New Mexico Department of Transportation via Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to carry out the transportation planning requirements as set forth by the federal law Moving Ahead for Progress in the 21st Century (MAP-21) and Fixing America's Surface Transportation Act (FAST Act).

II. TITLE VI ASSURANCES

Specific Forms of Discrimination Prohibited

The NWRTPO efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

Programs and services covered by Title VI

The NWRTPO Title VI Plan applies to all of its programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA funded programs).

Authorities

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability)
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964*);

9. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
10. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation*);
11. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
13. 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
14. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

In keeping with its policy of nondiscrimination, and as a condition to receiving Federal financial assistance from the Department of Transportation, the NWRTPO (hereafter referred to as the "Recipient") hereby agrees that as a condition to receiving 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, to that end in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, national origin, or age 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 (FTA), 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)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to operating assistance projects:

- 1) As defined in Subsections 21.23(b) and 21.23 (e) of the Regulations, the Recipient agrees that each "program" will be conducted and each "facility", will be operated in compliance with all requirements imposed by, or pursuant to, the Regulations; and
- 2) 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 the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

In accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and 49, of the 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 that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, income status or age in consideration for an award.

- 3) The Recipient shall insert the clauses of Appendix A in every contract or agreement subject to the Act and Regulations
- 4) The Recipient shall insert the clauses of Appendix B in any deed from the United States effecting or recording a transfer or lease to the Recipient of real property, structures, use or improvements thereon or interest therein.
- 5) The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in 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;
- 6) 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; and
- 7) This Assurance is 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 Federal-Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.



Signed by Chief Administrative Officer or Designee

01/22/2024

Date

III. TITLE VI AND ENVIRONMENT JUSTICE – RTPPO PLANNING REQUIREMENTS

The NWRTPPO is responsible for ensuring Title VI compliance for the following planning activities:

Data Collection

Census and other statistical data will be collected by the RTPPO as a means of identifying low income and minority populations within the RTPPO. The data will be maintained for the purpose of planning projects and programs that serve various population groups. The data collection process will be reviewed biennially to ensure sufficiency in meeting Title VI requirements.

- RTPPO Actions:
 - Collect, maintain, and update databases of low income and minority concentrations within the RTPPO
 - Utilize the data when developing plans and studies
 - Develop demographic profile maps to help identify neighborhoods with high concentrations of low income and minority populations
 - Use these maps in various planning documents

Regional Work Program

The NWRTPPO Regional Work Program (RWP) is the annual list of projects and activities that are expected to be completed by staff and the two NWRTPPO committees. In this document, the NWRTPPO will identify projects, studies, and other activities that will provide more transportation options to disadvantaged populations.

- RTPPO Actions:
 - Identify planning activities that will encourage involvement by all populations
 - Analyze the benefits and impacts that planning studies might have on low income and minority populations
 - Create maps highlighting socio-economic groups and their geographical relationship to jobs, housing, and transportation options for all modes

Regional Transportation Improvement Program Recommendations (RTIPR)

The Regional Transportation Improvement Program – with identified project citations listed within the Regional Transportation Improvement Program Recommendations (RTIPR) document is the short term program of projects that are expected to be designed, engineered, and constructed within the next four to ten years. Projects should be reviewed to assess the benefits and impacts they might have on various aspects of the population.

- RTPPO Actions:

- Work with the entities to identify transportation projects that serve areas of the RTPO with low income and minority populations
- Provide opportunity for all populations to provide input into project identification
- Develop a performance target for a percent of projects that serve Title VI populations

Regional Transportation Plan

The Regional Transportation Plan (RTP) is the long range, comprehensive plan that identifies the projects, programs, and policies needed in the next 20 years to meet the transportation needs of this area. The NWRTPO – RTP is coordinated in its development with the NMDOT statewide Long Range Multimodal Transportation Plan in order to provide consistency with other regions of the state, in its responsiveness to federal guidance for transportation maintenance and development as outlined in the current MAP-21 and/or FAST Act Transportation Bill. Using various data collected by the RTPO, the RTP can estimate growth patterns of disadvantaged populations and address the benefits and burdens that future transportation projects might have.

- RTPO Actions:
 - Develop demographic profile maps that project growth in disadvantaged populations over at least a 20 year planning horizon
 - Give all populations opportunity to provide input into project identification
 - Assess the effects that future land use decisions and transportation projects might have on the neighborhoods, the environment, and the economy
 - Ensure that the benefits and impacts of future transportation systems are equally distributed among all areas of the RTPO
 - Develop a performance target for a percent of projects that serve Title VI populations

Transit Planning

Current Public Transportation Services in the NWRTPO Region of San Juan, Cibola and McKinley Counties include five Public Transit (5311) Providers: Pueblo of Zuni, Navajo Transit, Gallup Express, Cibola Transit Authority, and Pueblo of Laguna – Shaa’srk’a Transit. There is also a Public Transit (5311) service – Red Apple Express – serving the Farmington metropolitan areas in San Juan County under the Farmington MPO. There are also three Elderly & Disabled (5310) transportation services including Presbyterian Medical Services in San Juan County, and Zuni Entrepreneurial Enterprises and Coyote Canyon Rehabilitation Center in McKinley County. Our Public Transit providers collaborate to provide route coordination, to help accommodate regional travel needs for our populations in need of public transportation services.

- RTPO Actions:
 - Using demographic profile maps, ensure that transit routes and stops fully serve those neighborhoods with high concentrations of low income and minority populations.

- Work with Navajo Transit, Gallup Express, Cibola Area Transit and Laguna Shaa'srk'a Transit to identify necessary changes to routes
- Ensure bus stop locations are fully accessible for all users, both at the site and in the vicinity

IV. TITLE VI AND ENVIRONMENTAL JUSTICE – THE PUBLIC PARTICIPATION PROCESS

Public Participation Plan (PPP)

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

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

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

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

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

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

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations

include community centers, senior centers and schools. Where possible, RTPO staff will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.

2. Upon request, all RTPO work products and documents will be made available in alternative formats, including Braille, large type and languages other than English.
3. The following statement will be included in all RTPO documents: The NWRTPPO does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. This document can be made available in alternative formats by calling the RTPO Office at 505-722-4327 (voice) or 505-722-9211 (fax).
4. The following statement will be included in all meeting announcements:
Pursuant to the Americans with Disabilities Act of 1990 and Title VI of the Civil Rights Act of 1964, unless compelling reasons dictate otherwise, public meetings and hearings conducted by the RTPO in conjunction with the NMDOT will be held in accessible buildings and are open to the public. Given reasonable notice, interpreters and readers will be available to the hearing and visually impaired, and to those with limited English proficiency. Contact ADA Coordinator Damian Segura, at NMDOT (505) 827-1778.
5. Agencies and organizations that represent low income, minority and disabled populations will be identified and included in RTPO mailings. Staff will maintain an active listing of contacts for these organizations.
6. The RTPO will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

Communication and Notification to the Public

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

- The NWRTPPO will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the NWRTPPO website and in the Farmington Daily Times, Gallup Independent and Cibola Beacon. Documents and agendas will be available at the RTPO office (NWNM Council of Governments – 106 West Aztec Avenue, Gallup) and at other locations identified in the Public Participation Plan (see Appendix D of the PPP).
- Public notices of RTPO meetings will be posted at the location of the meeting site.
- In appropriate documents, the NWRTPPO will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any NWRTPPO program, activity, or service.

Section VI of this plan describes the procedures on how members of the public can request additional information regarding the NWRTPO Title VI obligation. This section also identifies the procedures to be followed by members of the public to file a discrimination complaint against the NWRTPO.

V. ORGANIZATION AND STAFF RESPONSIBILITIES

Organization Overview

The NWRTPO was established in 1993 by the Northwest New Mexico Council of Governments under the mandate, authority and recognition of the New Mexico Department of Transportation (NMDOT) as an interagency regional collaborative to assist the State of New Mexico in meeting federal requirements for consultation and cooperation with local and tribal elected officials and their communities in planning, prioritizing and funding transportation projects and initiatives. The NWRTPO geographic area was established as Cibola, McKinley and San Juan Counties.

The NWRTPO consists of member representatives from the Cities of Gallup and Grants, Village of Milan, Counties of Cibola, McKinley and San Juan, Pueblos of Acoma, Laguna and Zuni, and the Navajo Nation. [It should be noted that the northwest New Mexico Cities of Aztec, Bloomfield and Farmington are part of the Farmington Metropolitan Planning Organization (FMPO).]

The NWRTPO Policy and Technical Committee meets monthly, in consultation with NMDOT representatives, to plan and coordinate maintenance and development for a variety of multimodal transportation projects serving the mobility and transportation needs of the citizens and communities of the region. The NWRTPO Policy Committee reports as needed to the Board of Directors of the Northwest New Mexico Council of Governments, consults with their respective local elected leaders, and obtains approvals as appropriate on policy actions.

The Northwest New Mexico Council of Governments serves as fiscal agent for the NWRTPO, administering annually renewed NMDOT contracts for RTP services, and manages the NWRTPO annual work program. The NWNMCOG is an association of governments formed under several State and Federal executive and legislative instruments as the State's regional planning agency for northwestern New Mexico. The COG provides planning and technical assistance services in regional transportation, regional water, infrastructure capital improvement, economic development, community empowerment, statistical data support, and on priority tasks and projects as assigned by the local member governments.

In collaboration with and under the auspices of the NMDOT and the New Mexico office of the Federal Highway Administration (FHWA), the NWRTPO facilitates consultation, planning, technical assistance and implementation activities in support of the equitable, efficient and effective development of multimodal transportation funding, services and infrastructure development and maintenance on behalf of the ten participating member governments. It serves

as a forum for sharing information and technical resources from NMDOT, FHWA, FTA and other sources on trends, opportunities, funding and training; provides consultation on compliance with State and Federal rules, regulations, requirements and deadlines, and support for project development, tracking and reporting. It provides a consultative avenue for member governments to partner in developing safe, efficient, effective and affordable multimodal transportation systems, collect data and identify transportation needs, develop sound projects that are appropriate and affordable, and leverage resources and provide a voice on behalf of small communities and rural counties to facilitate and accelerate transportation funding and infrastructure development.

VI. Primary Program Area & Review Procedures

The NWRTPPO engages in the following program areas.

Program Area	General Description	Title VI Non-discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-discrimination
Planning	Planning for development or maintenance of multi-modal transportation infrastructure	Assure equal access for all citizens	Engage guidance from Title VI regulation, and professionals in the field of disabilities management and accommodation.
Right of Way	Right of Way consideration for equal access concerns for all transportation infrastructure	Assure equal access for all citizens	Engage guidance from Title VI regulation, and professionals in the field of disabilities management and accommodation.
Environmental	Multi-modal access and mobility consideration thru the environmental review process	Assure equal access for all citizens	Engage guidance from Title VI regulation, and professionals in the field of disabilities management and accommodation.
Research	Consideration of equal access and mobility accommodation for all citizens regardless of age, or mobility constraints	Assure equal access and mobility accommodation for all citizens regardless of age or other limiting constraints	Engage guidance from Title VI regulation, and professionals in the field of disabilities management and accommodation.

VII. TITLE VI COORDINATOR AND COMPLAINT PROCESS

Title VI Coordinator Responsibilities

The NWRTPPO Planner serves as the Title VI Coordinator for NWRTPPO activities and will be responsible for the following:

- Ensuring that the transportation planning process fully complies with the requirements of Title VI.
- Monitoring the transportation planning process and overall strategies and goals and ensuring compliance with Title VI requirements.
- Reviewing operational policies and procedures to ensure Title VI compliance.

- Monitoring the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensuring the planning organizational membership attempts to reflect the makeup of the population served. This would include periodically reporting the RTPO racial, ethnic, and gender composition of public involvement organizations or groups.
- Ensuring the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitoring compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Providing evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants in public information settings and reporting any follow-up and conclusions to issues communicated throughout the planning process.
- Monitoring the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency populations to improve access and comprehension of the transportation planning process for LEP individuals.

Title VI Complaint Procedures

The NWRTPPO is committed to ensuring that all citizens have equal access to all transportation services. It is further the intent of the NWRTPPO that all citizens are aware of their rights to such access. Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any transportation service, program or activity (whether Federally funded or not) due to that person's race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a complaint.

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Reporting a Title VI Complaint

An individual, group of individuals or entity may file a formal Title VI complaint. If you believe that you have received discriminatory treatment by the NWRTPPO on the basis of your race, color or national origin, you have the right to file a complaint with the NWRTPPO Planner (who serves as the Title VI Coordinator). The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident.

Title VI complaints may be submitted to the NWRTPPO Planner via phone, email, mail, or direct visit (*please call to set an appointment first for a direct visit if possible*). The NWRTPPO Planner may be contacted as follows:

NWRTPPO Planner/Title VI Coordinator
Northwest New Mexico Council of Governments
106 W. Aztec Avenue
Gallup, NM 87301
505-722-4327

Citizens also have the right to file a complaint with an external entity such as the New Mexico Department of Transportation (DOT), a federal or state agency, or a federal or state court. Complaints to NMDOT must be submitted to the NMDOT Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Attn: Title VI Coordinator
Office of Equal Opportunity Programs
1596 Pacheco St., Suite 107
Santa Fe, NM 87505

The complaint you are submitting to the entity should include the name, address, phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180 day period of the alleged discriminatory act (or latest occurrence).

Should a complaint be filed with the NWRTPPO and an external entity simultaneously, the external complaint shall supersede the NWRTPPO complaint and the NWRTPPO complaint procedures will be suspended pending the external entity's findings.

Filing a Title VI Complaint

Within 10 working days of receipt of the formal complaint, the Title VI Coordinator and NWNMCOG Human Resources Director will notify the complainant and begin an investigation (unless the complaint is filed with an external entity first or simultaneously). The investigation will address complaints against the NWRTPO. The investigation will be conducted in conjunction with and under the advice of the NWNMCOG Human Resources Department.

The investigation may include discussion(s) of the complaint with all affected parties to determine the problem. The complainant may be represented by an attorney or other representative of his/her own choosing and may bring witnesses and present testimony and evidence in the course of the investigation. The investigation will be conducted and completed within 60 days of the receipt of the formal complaint.

Based upon all the information received, an investigation report will be written by the Human Resources Director for submittal to the NWNMCOG Executive Director. The complainant will receive a letter stating the final decision of the Executive Director by the end of the 60-day time limit. The complainant shall be notified of his/her right to appeal the decision. Appeals may be made to NMDOT, the Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Title VI Complaint Form

Completion of a Title VI Complaint form is required when filing a complaint (copy included in Appendix B). These forms are also available from the Finance/Human Resources office at the Northwest New Mexico Council of Governments.

Title VI Related Training

The Title VI Coordinator shall ensure that staff are trained and familiar with related policies and procedures on at least a biennial basis. Related Title VI training can be provided by the NMDOT Title VI Coordinator upon request to senior management and others to discuss practical situations and how Title VI applies to the planning and public participation processes. Training may also be provided through FHWA-sponsored webinars and training resources. The NMDOT Office of Equal Opportunities can be contacted to provide on-site Title VI training.

VIII. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Overview of LEP Plan

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. Any agency receiving federal funds needs to develop a Limited English Proficiency (LEP) Plan.

The primary element of the LEP Plan is the Four Factor Analysis that considers the following factors:

- **Number or Proportion of LEP Individuals**: a summary of LEP persons in the service area and a description of efforts to provide meaningful opportunities for the LEP population to be involved in programs and services.
- **Frequency of Contact with the Program**: a record of how often LEP persons access or come into contact with programs and services.
- **Nature and Importance of the Program**: a description of how LEP individuals have access to benefits and services from programs and services.
- **Resources Available**: a summary of the resources that the organization can use for providing assistance to LEP populations.

The NWRTPPO serves a large, rural, multicultural and multi-ethnic region in northwest New Mexico. As such, the RTPO moves its meetings around the region to assure more equitable access to the public for attendance and input at meetings at least several times per year. The hosting government at each meeting works with the NWRTPPO to host meetings in accessible facilities, and accommodate public access and participation. Interpretive assistance can be made available as needed with adequate advance notice. Public notices which generally are posted annually in the three major newspapers for each county (San Juan, Cibola, McKinley) always include the following statement:

Pursuant to the Americans with Disabilities Act of 1990 and Title VI of the Civil Rights Act of 1964, unless compelling reasons dictate otherwise, public meetings and hearings conducted by the RTPO in conjunction with the NMDOT will be held in accessible buildings and are open to the public. Given reasonable notice, interpreters and readers will be available to the hearing and visually impaired, and to those with limited English proficiency. Contact ADA Coordinator Damian Segura, at NMDOT (505) 827-1778.

The populations of Northwest New Mexico include the primary languages of English and Spanish along with Native languages inherent to the Pueblos of Laguna, Acoma, and Zuni, and the Navajo Nation. There are also some smaller populations representing other language groups. Most of these, especially the younger generations, are adequately proficient in English. When meetings are hosted in the various communities or areas of the region, at times there may be some who show up from the public – most often the local public with limited English proficiency; in most cases there are other relatives or acquaintances in the audience who assist them in understanding and participating in discussion. This is an extremely rare occurrence within the NWRTPPO, as most monthly meetings are technical in nature and of less interest to the public, but the RTPO does advertise as indicated above in a manner that is non-prohibitive, and stands prepared to provide interpretive assistance, with adequate notice.

The NWRTPO accommodates the development and maintenance of multimodal transportation infrastructure intended to benefit all of the general public of the region, and supports all efforts to meet ADA compliance regulations for multimodal public transportation infrastructure, in collaboration with the New Mexico Department of Transportation, and the New Mexico offices of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). This includes addressing methods beneficial to Low English Proficiency populations, such as signage that include symbols, and the availability of interpretive assistance at meetings.

IX. External Communication (Notification to Public Beneficiaries)

The NWRTPO shall provide information to members of the public detailing their Title VI obligation and notify members of the public of the protections against discrimination afforded to them by Title VI. Requirements include:

- Dissemination of Information: The NWRTPO shall disseminate this information to members of the public via accessible printed and electronic media, including posting on your organization's website.
- Contents of Notification: At a minimum, the notification should include the following:
 1. Statement that the NWRTPO operates the Federal Program(s) without regard to race, color, national origin, sex, age, or disability.
 2. Identify procedures to be followed by members of the public to request additional information regarding your organization's Title VI obligation.
 3. Identify procedures to be followed by members of the public to file a discrimination complaint against your organization.

X. Notice of Rights

Your Rights Against Discrimination Under Title VI of the Civil Rights Act of 1964

The NWRTPO operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any NWRTPO program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with the NWRTPO, NWNM Council of Governments, or the New Mexico Department of Transportation.

To file a Title VI discrimination complaint, please contact:

- NWRTPO Program Manager: 505-722-4327
- NMDOT Title VI Program Coordinator: 505-470-9668

NWRTPO notice of Title VI / ADA compliance is disseminated to the public through area Newspaper meeting notices. A sample notice is provided below. You may contact the NWRTPO through the N.W.N.M. Council of Governments, 106 West Aztec Avenue, Gallup, NM 87301; phone: 505-722-4327. Example of Public Notice with Title VI and ADA compliance statement included in attachments below.

Appendix A

Contractor's Assurances

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

1. Compliance with the Authorities: The contractor agrees to comply with non-discriminatory statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (29 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (U.S.C. 1681 *et seq.*)

2) Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, 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.

3) Non-discrimination: The contractor, with regard to the work performed by it during the contract, will 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 will not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of the 49 CFR Part 21.

4) 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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

5) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, 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 NWRTPPO or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

6) Sanctions for Noncompliance: In the event of the contractor's non-compliance with the nondiscrimination provisions of this contract, the NWRTPPO will impose such contract sanctions as it or the Federal Highway Administration 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 the contract, in whole or in part.

7) Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the NWRTPPO or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the NWRTPPO to enter into any litigation to protect the interests of the NWRTPPO. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B
Clauses for Transfer or Lease of Real Property
Acquired or Improved Under the Activity, Facility, or Program

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the State of New Mexico, pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, 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 U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) and never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the State of New Mexico and its assigns.*

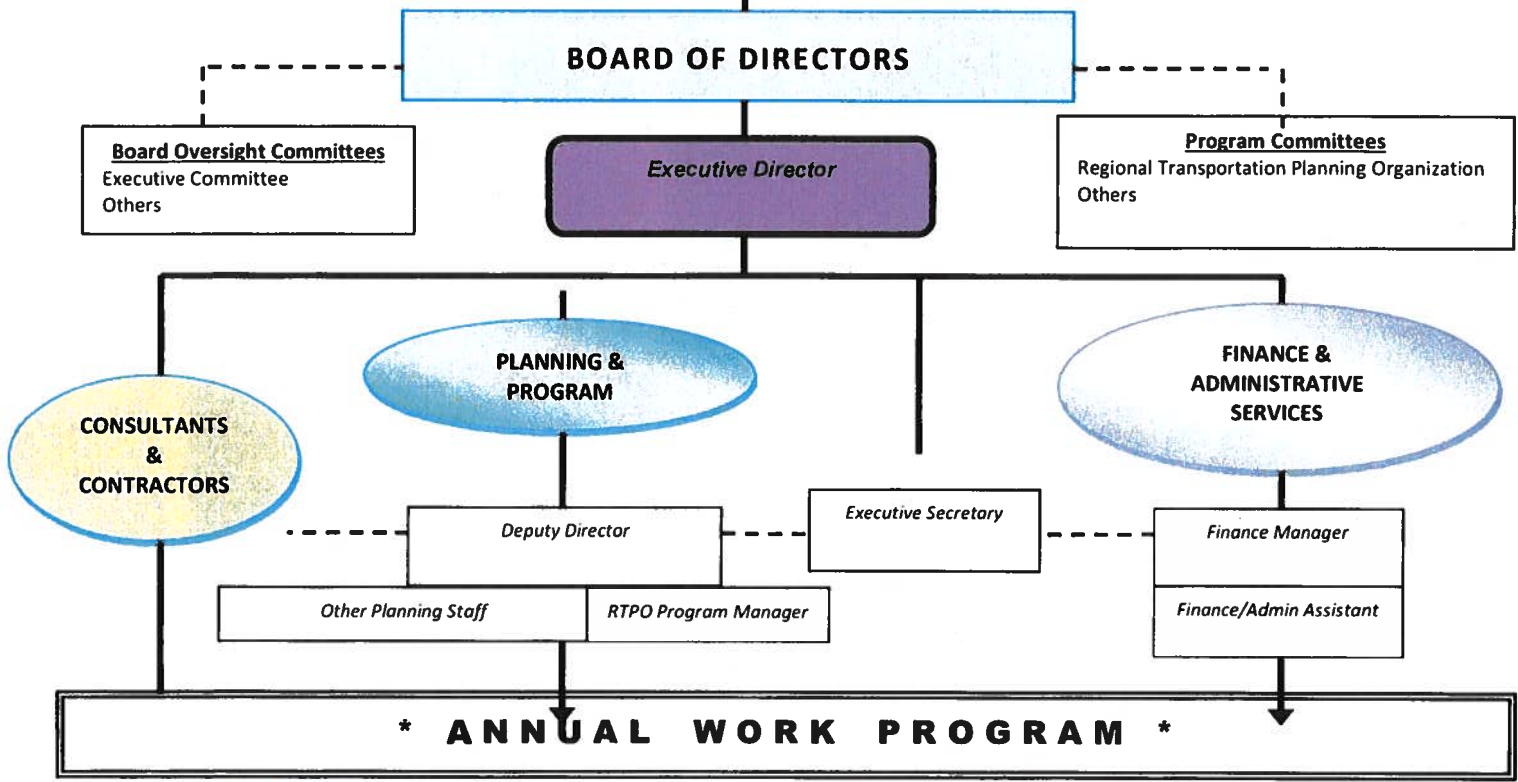
(Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)*

Appendix C

Organizational Chart



COUNTIES	CITIES	AFFILIATES
Cibola County	Aztec	NWNM Reg. Solid Waste Authority
McKinley County	Bloomfield	
San Juan County	Farmington	
	Gallup	
	Grants	
	Milan	



LOCAL & REGIONAL GOVERNMENT SERVICES

CIBOLA COUNTY	PLANNING & T.A.: • Member Dues & NM DFA/State Grant: In-Aid • Legislative T.A. • Projecteering • ICIP & COBG • Grantsmanship & eCivis Research • Rural Development • Clearinghouse • Regional Initiatives • Strategic Planning • Panoramic Website
MCKINLEY COUNTY	
SAN JUAN COUNTY	
CITY OF AZTEC	
CITY OF BLOOMFIELD	
CITY OF FARMINGTON	
CITY OF GALLUP	
CITY OF GRANTS	
VILLAGE OF MILAN	

BASE PROGRAMS [Recurring Grants & Contracts]

ECONOMIC DEVELOPMENT: USDOC/EDA: <ul style="list-style-type: none"> Regional CEDS Planning & TA Regional Economic Dev Orgs Collaborative Statewide CEDS Plan & Jobs Council TA Native American EDIS Quarterly EDA Consultation Project Management/TA EDA Project Applications Reporting Data/Demographics 	TRANSPORTATION: NMDOT: NORTHWEST RTPO <ul style="list-style-type: none"> Long Range Planning Regional Work Program, Budget, Public Participation Regional Transportation Improvement Program RTPO Management Technical Support Other Activities & Projects Reporting Panoramic Website Dev/Mgt
EDA: Enterprise Loan Fund	

CENTER FOR REGIONAL INNOVATION

WATER DEVELOPMENT: <ul style="list-style-type: none"> Regional & State Water Planning Navajo-Gallup Water Supply Project McKinley County Water System Regionalization Water System Finance 	REGIONAL TOURISM: <ul style="list-style-type: none"> Adventure Gallup & Beyond Trail of the Ancients Byway Four Corners GeoTourism Initiative Zuni Mountain Trails Partnership Ancient Way Arts Trail Route 66 National Byway
REGIONAL ENERGY EFFICIENCY PROGRAM: <ul style="list-style-type: none"> McKinley County Facility Audits Gallup Facility Audits McKinley County Energy Services Performance Contract 	MEMBER SUBCONTRACTS: <ul style="list-style-type: none"> BOR/Water System Regionalization-McKinley County
USDA: <ul style="list-style-type: none"> RBEG Microenterprise Trg SET IV/Rural Econ Dev 	RURAL MICROENTERPRISE INCUBATOR PROGRAM: <ul style="list-style-type: none"> NM Community Capital Seed Grants USDA/RBEG Grant
EPA: Regional Brownfields Assessment Coalition	SPECIAL INITIATIVES: <ul style="list-style-type: none"> Aztec Vision Plan Energizing the Workforce RMGHCS Strategic Planning Regional & State Broadband Plan

Appendix D

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall on the ground 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: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know.

Complete and return this form to the NWRTPPO Planner at the Northwest NM Council of Governments, 106 W. Aztec Avenue, Gallup, NM 87301, Phone: 505-722-4327.

Complainant's Name	
Address	
City, State and Zip Code	
Telephone Number (home & business)	

Person discriminated against (if someone other than the complainant)

Name	
Address	
City, State and Zip Code	

Which of the following best describes the reason you believe the discrimination took place?

Race/Color		
National Origin		
Age		
Sex		
Other: (please describe)		

What date did the alleged discrimination take place?

--

In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

--

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

Yes	
No	

If so, which agency (check all that apply)

Federal agency		Federal Court	
State Agency		State Court	
Local Agency			

Please provide information about a contact person at the agency/court where the complaint was filed.

Name	
Address	
City, State and Zip Code	
Telephone Number	

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Complainant's Signature:		Date:	
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