

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

What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 requiring that “No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Note that Title VI does not address gender discrimination. It only covers race, color, and national origin. Other Civil Rights laws prohibit gender discrimination.

What is LEP?

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

What is the ADA?

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

MX’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 MX.

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 MX may be utilized for resolution. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited under Title VI or ADA and related statutes may file a complaint.

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

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

Title VI/ADA Coordinator
Mountain Express
P.O. Box 3482

Crested Butte, CO 81224
Phone: 970-349-5616

- 1) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed and dated by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin, or disability) and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.
- 2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the MX Title VI / ADA Coordinator by calling the phone number listed above. Under these circumstances, the complainant will be interviewed, and the MX Title VI / ADA Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Title VI / ADA Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 calendar days from receipt of a complete complaint, the MX 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 MX 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 MX's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When the MX does not have sufficient jurisdiction, the MX 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 MX Transit Manager or his/her authorized designee will instruct the Title VI / ADA Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the 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 / ADA Coordinator will notify the appropriate authorities, and an extension will be requested.

- 8) The MX Transit Manager or his/her authorized designee will issue written letters of finding summarizing the results of the investigation, stating the findings, and advising of any corrective action to be taken as a result of the investigation to the Complainant within 90 calendar days from receipt of the complaint.
- 9) If the Complainant disagrees with the Mountain Express determination, he/she may request reconsideration by submitting a request in writing to the Mountain Express's Board Chair within seven (7) days after the date of the Mountain Express's letter, stating with specificity the basis for the reconsideration. The Mountain Express Board Chair will notify the Complainant of the decision either to accept or reject the request for reconsideration within ten (10) days. In cases where reconsideration is granted, the Mountain Express Board Chair will issue a determination letter to the Complainant upon completion of the reconsideration review.
- 10) If the Complainant remains dissatisfied with the MX's resolution of the complaint, he/she has the right to file a complaint with the:

Colorado Department of Transportation
Division of Transit and Rail
2829 West Howard Place
Denver, CO 80204
303-757-9767
brodie.ayers@state.co.us

or

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