



# TITLE VI IMPLEMENTATION PLAN

MAY 3, 2021

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*Pyramid Lake Paiute  
Tribal Transit*

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## **Executive Summary**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 U.S.C. Section 2000d).

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

Executive Order 13166 placed renewed emphasis on Title VI issues, to ensure meaningful and equal access in programs and activities to persons with Limited English Proficiency (LEP).

Recipients of public transportation funding from Federal Transit Administration (FTA), and the Nevada Department of Transportation (NDOT), are required to develop policies, programs, and practices that ensure Federal Transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how the Pyramid Lake Paiute Tribal Transit (PLPTT) incorporates non-discrimination policies and practices in providing services to the public.

## **Jurisdiction and Authorities**

PLPTT of US Department of Transportation (USDOT) funding through funding assistance and is therefore subject to the Title VI compliance conditions associated with the use of these funds pursuant to the following:

### **NON-DISCRIMINATION STATUTES**

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324);
- Age Discrimination Act of 1975;
- Section 504 of the Rehabilitation Act of 1973;
- Americans With Disabilities Act of 1990;
- Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- USDOT Order 1050.2;
- Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited- English Proficiency);
- The Americans with Disabilities Act (42 USC 126)
- Title II of the Americans with Disabilities Act Implementing Regulation (28 CFR 35)
- Section 504 of the Rehabilitation Act of 1973 (29 USC 794, et seq).
- Section 504 of the Rehabilitation Act of 1973 Implementing Regulation 49 CFR 27
- Americans with Disabilities Act Accessibility Guidelines (ADAAG)
- Public Rights-of-Way (PROWAG) Notice of Proposed Rule Making, July 26, 2011
- Uniform Federal Accessibility Standards (UFAS)
- Title VII of the Civil Rights Act of 1964, as amended (<http://www.eeoc.gov/laws/statutes/titlevii.cfm>)
- The Age Discrimination in Employment Act of 1967, as amended (<http://www.eeoc.gov/laws/statutes/adea.cfm>)
- The Equal Pay Act of 1963 (<http://www.eeoc.gov/laws/statutes/epa.cfm>)
- Sections 501 and 502 of the Rehabilitation Act of 1973, as amended (<http://www.eeoc.gov/laws/statutes/rehab.cfm>)
- The Genetic Information Non-discrimination Act of 2008 (<http://www.eeoc.gov/laws/statutes/gina.cfm>)
- The Civil Rights Act of 1991 (<http://www.eeoc.gov/laws/statutes/cra-1991.cfm>)
- Title 29, Code of Federal Regulations, Part 1614 (<http://www.eeoc.gov/federal/directives/1614-final.cfm>)
- No Fear Act (<https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/no-fear-act>)
- 23 CFR 230, Subpart C

# Introduction to Pyramid Lake Paiute Tribal Transit (PLPTT)

## Organizational Structure

PLPTT provides a Deviated Fixed Route transportation service for the community on the Pyramid Lake Indian Reservation, the Cities of Fernley and Reno/Sparks areas. PLPTT operates (5) days a week, Monday thru Friday excluding Tribal Holidays, Federal Holidays and weekends. We currently have six two (2), vehicles in operation, and are Americans with Disabilities Act (ADA), accessible.

PLPTT began operations in October, 2014 with funding from the Federal Transit Administration. Operational funding began with the Nevada Department of Transportation, 5311 Rural Transit Assistance FY2016/2017.

PLPTT is represented by a TEN (10) member Tribal Council. The ethnic percentage of the Pyramid Paiute Tribal Council is: 100% Native American that are members of the Pyramid Lake Paiute Tribe. The Pyramid Lake Paiute Tribal Council are seated at 2-year terms.

Our federally funded transportation program serves the communities of Nixon, Sutcliffe, Wadsworth, Fernley, Reno/Sparks Nevada.

The Pyramid Lake Paiute Tribal Transit Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations ("CFR") Part 200, and Title 49 CFR Part 21.

## General Reporting Requirements

### **Annual Title VI Certification and Assurance**

#### **Requirement**

Federally assisted subrecipients must submit an annual Title VI certification and assurance as part of their Annual Certifications and Assurances submission to NDOT 23 CFR § 200.9 {a}.

#### **Reporting**

PLPTT has submitted the required annual Title VI certification and assurance and is attached as **Attachment A**.

### **Policy Statement**

#### **Requirement**

All subrecipients must include a Title VI policy statement as part of the Title VI Plan.

#### **Reporting**

The Pyramid Lake Paiute Tribal Transit has submitted the required Title VI Policy Statement as part of the plan and is attached as **Attachment B**.

## Organization & Staffing

### Requirement

All subrecipients must include a description of their staffing and reporting structure, and an organizational chart as part of their Title VI Plan.

### Reporting

Under the ultimate authority of the Pyramid Lake Paiute Tribal Council, delegated Executive Team Member, Transportation Planner, Michele Smith, Transit Manager will serve as the Title VI Coordinator and be responsible for ensuring implementation of the agency's Title VI program.

The Title VI Coordinator and staff are responsible for coordinating the overall administration of the Title VI program, plan and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Title VI Coordinators Responsibilities include but are not limited to:

- Process the disposition of the Title VI complaints received.
- Collect statistical data (race color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
- Conduct annual Title reviews of agency to determine the effectiveness of program activities at all levels.
- Conduct training programs on Title VI and other related statutes for agency employees.
- Prepare a yearly report of the Title VI accomplishments and goals as required.
- Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- Identify and eliminate discrimination.
- Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days. Michele Smith, Transit Manager, administers the Title VI Program for the Pyramid Lake Paiute Tribal Transit. The organizational chart(s) address who Michele Smith is, and she has access to the agency's highest authority and is attached as **Attachment D**.

Included as **Attachment C** is the approved **Resolution PL 030-19** with the Pyramid Lake Paiute Tribal Council official support of the **Pyramid Lake Paiute Tribal Transit's Title VI and LEP Plans**.

## **Program Area Reviews**

### **Requirement**

All subrecipients must include a description of their review/oversight process as part of the Title VI Plan.

### **Reporting**

Each year the Title VI Coordinator will review the agency's Title VI Program to ensure implementation of the Title VI plan in all areas of the organization to ensure non-discrimination. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

## **Special Emphasis Program Areas**

### **Requirement**

All subrecipients must include a statement of all Special Emphasis Program Areas are designated by a USDOT Model Agency as part of their Title VI Plan.

### **Reporting**

Special Emphasis Program Areas are identified by the Federal Transit Administration. No such Special Emphasis Program Area has been identified by the PLPTT.

## **Contractor, Consultant and Vendor Reviews**

### **Requirement**

All subrecipients must include a process to review their contractors, consultants, or vendors as part of their Title VI Plan.

### **Reporting**

PLPTT is committed to non-discrimination in all forms. Currently we do not utilize contractors, consultants, or vendors to perform the required reviews. However, were that to change, we would expect and express compliance with Title VI to ensure non-discrimination in business relations.

## **Data Collection**

### **Requirement**

Federally assisted recipients, including subrecipients, are required to collect and maintain statistical data by race, color, national origin, and sex of affected communities, and participants and beneficiaries of federal aid. (49CFR 21.9 AND 23 CFR 200.9).

### **Reporting**

PLPTT is guided by the Federal regulations to collect statistical data on the race, color, national origin of participants in and beneficiaries of its programs. As required, PLPTT will provide sign in sheets during Public Meetings, when they are held, and will include a space or participants to note race, color and national origin. This information will be retained for one (1) year and made available to authorizing agencies during reviews.

## Training

### Requirement

23 CFR 200.9 (B) (9) States that STA's Title VI designee shall be responsible for conducting training programs on Title VI and related statutes. NDOT provides training in Title VI and related programs annually. NDOT requires all subrecipients to have an approved Title VI Staff Awareness training program in place and given annually. The training must cover Title VI regulations, Title VI elements, and Title VI authorities. Annual training will be provided to all new transit employees and upon new hire.

### Reporting

Title VI Staff Awareness training program by means of in person/electronic/combo was approved by NDOT. Supporting data of Title VI Staff Awareness annual training, such as sign in sheets, handouts and content approval by the Nevada Department of Transportation is attached to this document as **Attachment E**.

## Complaint Procedures

### Requirement

Federally assisted recipients and subrecipients must develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filling a complaint available to members of the public upon request. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website.

### Reporting

PLPTT is committed to ensuring all its programs and activities are operated in a nondiscriminatory manner and uses a general discrimination complaint form which covers the Title VI requirements of race, color and national origin. PLPTT does not have any Title VI complaints or lawsuits during the reporting period.

Any persons who believes that they have been discriminated against on the basis of race, color, or national origin by PLPTT, may file a Title VI complaint with the PLPTT, the Nevada Department of Transportation, or the Federal Transit Administration by completing and submitting the Title VI Complaint Form. The Complaint Form is available at our website: [www.plpt.nsn.us/transit](http://www.plpt.nsn.us/transit), at our office and are available in English and Spanish.

***All Title VI complaints are forwarded to NDOT or to FTA for investigation within twenty-one (21) days of receipt of complaint. Complaints will be forwarded to the following:***

<b>Title VI Coordinator</b> Pyramid Lake Paiute Tribal Transit PO Box 256 Nixon NV 89424 (P)775-574-2410 (F)775-574-1008 <a href="mailto:msmith@plpt.nsn.us">msmith@plpt.nsn.us</a>	<b>Civil Rights Officer</b> Nevada Department of Transportation 123 E. Washington Ave., Bldg. G Las Vegas, NV 89101 (P)702-730-3301 (F)702-486-0487 <a href="mailto:jboyster@dot.nv.gov">jboyster@dot.nv.gov</a>	<b>Civil Rights Program Manager</b> U.S. Department of Transportation/Federal Transit Administration 1200 New Jersey Ave., SE Washington, DC 20590 (P)202-366-1783
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**PLPTT TITLE VI COMPLAINT FORMS IN ENGLISH & SPANISH**



**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."

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 Title VI Manager, Nevada Department of Transportation, 1263 S. Stewart St., Carson City, NV 89712

1. Complainant's Name: \_\_\_\_\_

2. Mailing Address: \_\_\_\_\_

3. City/State/Zip Code: \_\_\_\_\_

4. Telephone: \_\_\_\_\_

5. Person discriminated against (if other than complainant):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of:

a. Race:

b. Color:

c. National Origin:

7. What date did the alleged discrimination take place? \_\_\_\_\_

8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe to be responsible. Please use addition sheets of paper if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. List any others who may have knowledge of this event:

Name	Address	City/State/Zip Code

10. 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 each box that applies:

Federal Agency  Federal Court  State Agency   
State Court  Local Agency

11. Please provide a contact name at the agency/court where the complaint was filed: \_\_\_\_\_

Please sign below:

Complainant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***You may attach any written materials or other information that may be relevant to your complaint***

Verbal Complaint Intake by: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ AM/PM

# TITULO VI DENUNCIA FORMA

Titulo VI de la /ey de derechos civiles de 1964 requiere que "ninguna persona en los Estados Unidos, per motives de raza, color y origen nacional, se excluire de la participaci6n en, negar los beneficios de o ser objeto de discriminacion en cualquier programa o actividad que reciba asistencia financiera federal."

La siguiente informaci6n es necesaria para que nos ayuden en el procesamiento de su queja. Si necesita cualquier ayuda para completar este formulario, haganoslo saber.

Completar y devolver este formulario a Title VI Manager, Nevada Department of Transportation, 1263 S. Stewart St., Carson City, NV 89712

1. Su Nombre: \_\_\_\_\_

2. Domicilio: \_\_\_\_\_

3. Ciudad/Estado/Cidigo Postal: \_\_\_\_\_

4. Telefono: \_\_\_\_\_

5. Persona discriminacfinada:

Nombre: \_\_\_\_\_

Domicilio: \_\_\_\_\_

Ciudad/Estado/Cidigo Postal: \_\_\_\_\_

6. I Cual de las siguientes mejor describe la razon por la que creo la discrimlnaciin tuvo lugar? IPuede ser porque?

a. Raza:

b. Color:

c. Origen Nacional:

7. Que fecha la presunta discriminacion llevaron a cabo? \_\_\_\_\_

8. En sus propias palabras, describir la presunta discriminacion. Explicar lo que ocurri6 y a quien considera responsable. Utilice hojas adicionales si es necesario.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Lista de las usuariols que pueden tener conocimiento de este evento.

Nombre	Domicilio	Cuidad/Estado/Cidigo Postal

10. Han psentado esta queja con cualquier otro federal, Estado o agencia local; o con cualquier tribunal federal o estatal? Si:  No:

En caso afirmativo, comprobar cada cuadro que se aplica

Federal  Federal Tribunal  Estado Agencia   
Estado Tribunal  Agencia Local

11. Proporcione un nombre de contacto en la Agencia donde se presente la denuncia.

\_\_\_\_\_

Par favor su firma: \_\_\_\_\_ Fecha: \_\_\_\_\_

***Puede adjuntar cualquier materials escrito u otra informacion que puede ser pertinente a su queja.***

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**Verbal Complaint Intake by:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ **AM/PM**

## Dissemination of Title VI Information

### Requirement

Primary recipients must assist their subrecipients in complying with DOT's Title VI regulations, including public posting requirements.

All advertising policies and practices must assure free and open competition. This also relates to requirements and practices involving the following:

*\*Licensing*

*\*Bonding*

*\*Prequalification*

*\*Bidding*

## Title VI, and Non-discrimination Assurances Regarding Race, Color and National Origin

### Reporting

Information on PLPTT's Title VI Program will be disseminated on the agency's website at [www.plpt.nsn.us/transit](http://www.plpt.nsn.us/transit) in the administration office of the Pyramid Lake Paiute Tribal Transit and any of the public buildings open to the public, to agency employees, contactors, and beneficiaries, available inside of any vehicle operated by PLPTT, as well as to the public, at large, according to federal and state laws/regulations. The Title VI program will be available in other languages when needed. In addition to language access measures, other major components of the Public Participation Plan include public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population appropriate outreach methods to be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time. Notice to the Public of their Title VI rights is attached as **Attachment F**.

PLPTT's Title VI Notice to the Public is posted at the following locations:

- PLPTT's website: [www.plpt.nsn.us/transit](http://www.plpt.nsn.us/transit)
- Pyramid Lake Paiute Tribal Administration Office, 208 Capitol Hill, Nixon, NV 89424
- Pyramid Lake Paiute Tribal Transit Office, 309 Highway 447, Nixon, NV 89424
- Transit Buses (Local & Reno Buses)

## Limited English Proficiency (LEP) and Language Assistance Plan (LAP)

### Requirement

Federally assisted recipients must take responsible steps to ensure meaningful access to benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP). Recipients must use the information obtained in the Four-Factor Analysis to determine the specific language services that are appropriate to provide.

### Reporting

PLPTT is committed to assisting people who do not speak English or do not speak English well. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP. These individuals may be entitled to language assistance with respect to a particular type of program, service or activity. This section outlines the LEP protections and plans for compliance. Title VI and Executive Order 13166 prohibit recipients of federal financial assistance from discrimination based on national origin. It is the policy of PLPTT to take reasonable steps to provide Limited English Proficient individuals with meaningful access to all programs, service, or activities. PLPTT shall take reasonable steps to effectively inform the public of the availability of language accessible programs, services, and activities. PLPTT uses a defined methodology of contact to keep track of the frequency of LEP persons in our programs and services. PLPTT understands the importance and nature of program, activity, or services to people's lives and conducts the following:

- Identify the programs, services, and activities that could have a serious consequence if language barriers prevent LEP persons from accessing these programs.
- Determine the potential impacts that inability to access Pyramid Lake Paiute Tribal Transit services, programs, and activities may have on the LEP.

PLPTT has available governmental, state, and agency resources to assist LEP persons. The Title VI Coordinator updates, evaluates and monitors the LEP/LAP annually. All staff will be provided with the LEP plan and will be educated on policy and procedures to assist LEP persons. This training can be included in PLPTT Transit's annual Title VI training. PLPTT will utilize the Four Factor Analysis to determine which languages are needed for PLPTT ridership. See **Attachment G**.

## Environmental Justice (EJ)

### Requirement

All subrecipients must include an Environmental Justice process as part of their Title VI Plan.

### Reporting

23 CFR 771 sets for the policy of environmental analysis is a single process. It defines the roles and responsibilities of FTA and its grant applicants. In conjunction with Executive Order 12898, the FTA outlines the consideration of EJ issues must be considered using an Environmental Impact Statement (EIS). The principles outline the identification of minority or low-income populations, and/or disproportionately high and adverse human health or environmental effects on these populations. PLPTT is committed to Environmental Justice and ensuring meaningful access in our programs and services.

## Public Participation

### Requirement

All subrecipients must include a public participation plan as part of their Title VI Plan. Federally assisted recipients must also 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 Title VI. At a minimum, recipients must disseminate this information to the public through measures including a posting on its website, and in public areas of the agency's office.

Furthermore, notices will detail a recipient's Title VI obligations in languages other than English, as needed and consistent with the DOT LEP Guidance and the recipient's LAP.

### Reporting

The public outreach strategies employed by the PLPTT area often determined by the circumstances unique to individual projects and typically include a mix of tribal council meetings, community meetings in the three (3) communities on the Pyramid Lake Indian Reservation or as applicable. Information is distributed via the Tribe's website: [www.plpt.nsn.us/transit](http://www.plpt.nsn.us/transit), including public postings in the local area, i.e, post offices and enterprises. PLPTT's commitment to public participation is based firmly on the belief that public involvement fosters an open decision-making process that elicits active participation from affected individuals, groups, communities and other public agencies.

## Review of Directives

### Requirement

All subrecipients must include a process to review internal directives, policies, and procedures for potential Title VI impacts as part of their Title VI Plan.

### Reporting

PLPTT has submitted a review of agency directives as part of their Title VI plan. This consisted of review logs outlining the Directives the Title VI Coordinator reviewed, and took action, if necessary, to ensure that discriminatory language or implications were absent from any changes in policy, procedures, or new directives. **Attachment H.**

## Compliance and Enforcement Procedures

### Requirement

All subrecipients must include compliance and enforcement procedures as part of their Title VI Plan.

### Reporting

PLPTT is committed to ensure the required Compliance and Enforcement Procedures. At this time, PLPTT does not have contractors, vendors, or consultants, however, were this to change, PLPTT would expect and address all non-discrimination efforts in all business relations. All procedures would outline the agency's commitment to compliance in all Title VI and other non-discrimination areas, such as ADA, DBE, and Contract Compliance. In developing the LEP Plan, PLPTT applied the Four-Factor Framework needs assessment in Section V of the *Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency Persons* and prepared a comprehensive LEP Plan supplementing the Title VI Plan.

At minimum, PLPTT will:

- ❖ Provide translation services into Spanish at public meetings, as needed.
- ❖ Translate customer service-related transit schedules into Spanish.
- ❖ Continue to translate program brochures into Spanish, as needed.
- ❖ Provide training to PLPTT employees on how to service LEP persons.
- ❖ Identify a PLPTT employee and or volunteer to provide Spanish translation services for customer public counter service and telephone calls to the PLPTT.
- ❖ Collaborate with minority organizations to ensure LEP persons are aware and have access to PLPTT services.

The LEP Plan reflects the overall goal of improving and maintaining language access for PLPTT customers as transit riders and project recipients. The intent is to achieve a balance that ensures meaningful access to programs and services while avoiding undue burdens on PLPTT resources.



# The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances

## DOT Order No. 1050.2A

The Pyramid Lake Paiute Tribal Transit (herein as to the “Recipient”), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), THROUGH THE Federal Transit Administration, is subject to and will comply with the following:

### Statutory/Regulatory Authorities

- 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);
- 49 C.R.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);
- 28 C.F.R. SECTION 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

### GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

***“No person in the United States, 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 DOT, including the Federal Highway Administration.***

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

## **SPECIFIC ASSURANCES**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Title VI Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23(b) and 21.23€ of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Title VI and, in adapt form, in all proposals for negotiated agreements regardless of funding source:

“Pyramid Lake Paiute Tribal Transit, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 242, 42 US. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

## **SPECIFIC ASSURANCES, Cont.**

6. 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 will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. 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 service or benefits; or
  - b. The period during which the Recipient retains ownership or possession of the property.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regards to any matter arising under the Act, the Regulations, and this Assurance.

By signing this ASSURANCE, the Pyramid Lake Paiute Tribal Transit also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Transit Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Transit Administration. You must keep records, reports, and submit the material for review upon requests to Federal Transit Administration, or its designee in a timely manner and accurately. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.





**SPECIFIC ASSURANCES, Cont.**

Certifications and Assurances

Fiscal Year 2023

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature  Date: 1-27-23  
Name James J. Phoenix, Chairman Authorized Representative of Applicant

**AFFIRMATION OF APPLICANT'S ATTORNEY**

For (Name of Applicant): PYRAMID LAKE PAIUTE TRIBE

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature  Date: 1/31/23  
Name Wes Williams, Jr. Attorney for Applicant

*Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.*

**ATTACHMENT A**

## APPENDIX A

During the performances of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **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 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 49 CFR Part 21.
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 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.
4. **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 Recipient 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 the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's non-compliance with the Non-discrimination provisions of this contract, the Recipient 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 a contract, in whole or in part.
6. **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 will take action with respect to any subcontract or procurement as the Recipient 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 Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## **APPENDIX B**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Pyramid Lake Paiute Tribal Transit will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of Title VI Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by the Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation 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 Pyramid Lake Paiute Tribal Transit all the right, title and interests of the U.S. Department of Transportation in and said lands described in Exhibit A attached hereto and made a part thereof.

### **(HABENDUM CLAUSE)**

**TO HAVE AND TO HOLD** said lands and interests therein unto Pyramid Lake Paiute Tribal Transit 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 will be binding on the Pyramid Lake Paiute Tribal Transit, its successors and assigns.

Pyramid Lake Paiute Tribal Transit, 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 will 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 conveyed [,] [and]\* (2) that the Pyramid Lake Paiute Tribal Transit will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended.



## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into the Pyramid Lake Paiute Tribe 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:
  1. In the event facilities are constructed, maintained, or otherwise operated on the 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, 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, Pyramid Lake Paiute Tribal Transit 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.) had never been made or issued.\*
- C. With respect to a deed, in the event of a breach of any of the above Non-discrimination covenants, the Pyramid Lake Paiute Tribal Transit 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 Pyramid Lake Paiute Tribal Transit and its assigns. \*

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

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into the Pyramid Lake Paiute Tribal Transit pursuant to the provisions of Assurance 7(b):

- A. The (grantee, license, 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 (1) no person on the ground 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, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the Pyramid Lake Paiute Tribal Transit will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the Pyramid Lake Paiute Tribal Transit will there upon revert to and vest in and become the absolute property of the Pyramid Lake Paiute Tribal Transit and its assigns.\*

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

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- ❖ 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, (23 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 USC § 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 programs 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 US.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 Non-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 programs (70 Federal Regulation 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 (20 U.S.C. 1681 et seq).

# TITLE VI POLICY STATEMENT – TITULO VI DECLARACION DE POLITICAS

## **Title VI of the Civil Rights Act of 1964 States:**

“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.: The Pyramid Lake Paiute Tribal Transit is committed to complying with the requirements of the Title VI in all of its federally funded programs and activities. For additional information about the Pyramid Lake Paiute Tribal Transit’s Title VI obligations, please contact (775)574-2410 or visit our website at [www.plpt.nsn.us/transit](http://www.plpt.nsn.us/transit).

Segun el Titulo VI de los Derechos Civiles de 194 se exege que:

“Ninguna persona dentro de los Estrados Unidos, por motivos de raza, color de la piel o pais de origen le sea excluido de, de negados los beneficios de, o ser sujeto de discriminacion, bajo cualquier programa o actividad en donde se reciba subvencion del gobierno federal”. El Pyramid Lake Paiute Tribal Transit se compromete a cumplir con los requisitos del Titulo VI en todas su programas y financiados el gobierno federal. Para informacion adicional sobre la obligacion de Titulo VI de la Pyramid Lake Paiute Tribal Transit, por favor llamenos al (775)574-2410 o nuestro sitio web [www.plpt.nsn.us/transit](http://www.plpt.nsn.us/transit)

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## **Making a Title VI Complaint**

Any person who believes he or she ha been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with the Pyramid Lake Paiute Tribal Transit. Any such complaint must be in writing and filed with the Pyramid Lake Paiute Tribal Transit within 180 days following the date of the alleged discriminatory occurrence. For information on how to file a complaint, please contact:

## **Remitir Una Queja del Titulo VI**

Cualquier persona quen considere que haya sido subject de discriminacion puede presentar una queja por queja escrito ante el Pyramid Lake Paiute Tribal Transit. La queja debe ser remitida por escrito a Pyramid Lake Paiute Tribal Transit dentrol de ciento-ochenta (180) dias posteriors al ultimo supuesto el incidente. Para informacion en como remitir una queja, por favor en contractor a:

**PYRAMID LAKE PAIUTE TRIBAL TRANSIT, TITLE VI COORDINATOR  
PO BOX 256, NIXON NV 89424 / 775-574-2410**

## **ATTACHMENT B**

# Pyramid Lake Paiute Tribal Council

Post Office Box 256  
Nixon, Nevada 89424  
Telephone: (775) 574-1000  
Fax (775) 574-1054

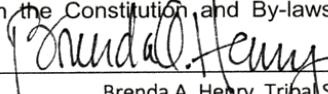
RESOLUTION NO.: PL 030-19

## RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

- WHEREAS,** the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and
- WHEREAS,** the Pyramid Lake Paiute Tribe, pursuant to Article VI, Section 1 of the Constitution and By-laws of the Tribe,
- WHEREAS,** The Federal Government enacted the Title VI of the Civil Rights Act of 1964, as amended, to prevent discrimination on the grounds of race, color, sex age, disability or national origin and to ensure that individuals are not excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, sex, age disability or national origin; and
- WHEREAS,** under the Tribal organization, the Pyramid Lake Paiute Tribal Transit (PLPTT) is required to comply with the requirements of the Act and applicable implementing regulations; and
- WHEREAS,** Title VI and Limited English Proficiency plans are required to be established and updated triennially; and
- WHEREAS,** PLPTT staff has prepared the Title VI and LEP Plans attached hereto as Exhibit A.
- NOW, THEREFORE BE IT RESOLVED,** that the Pyramid Lake Paiute Tribal Council hereby approves the Title VI and LEP Plans for the Pyramid Lake Paiute Tribal Transit.

### CERTIFICATION

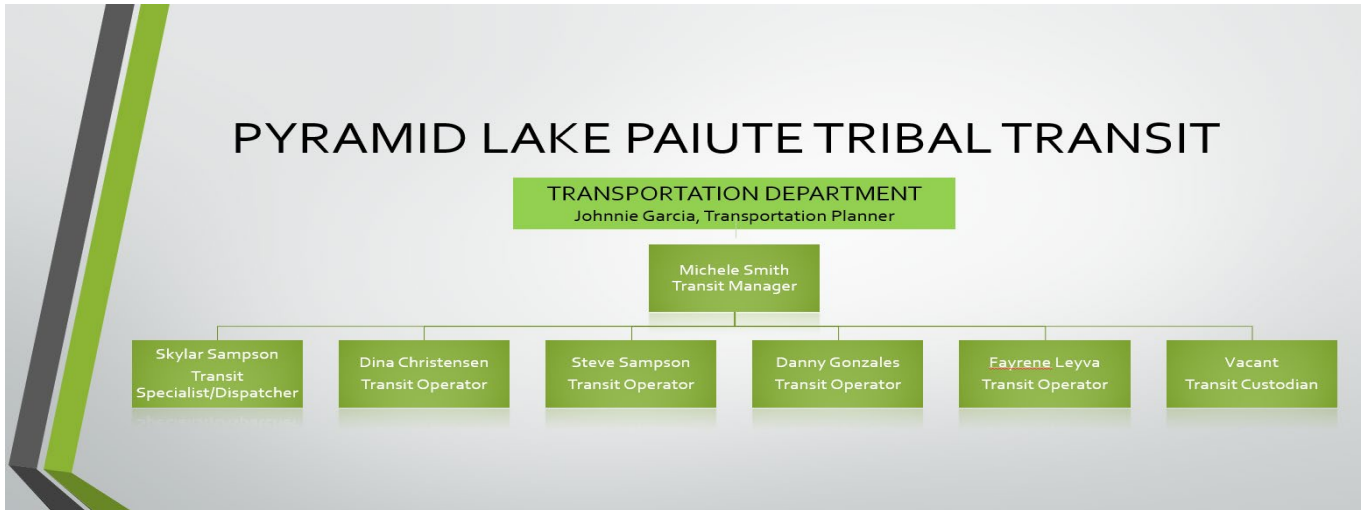
It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, ten (10) of whom constituting a quorum were present at a meeting duly held on the 15<sup>th</sup> day of March, 2019 was adopted by the affirmative vote of seven (7) FOR and two (2) AGAINST, with two (2) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.

  
Brenda A. Henry, Tribal Secretary  
Pyramid Lake Paiute Tribal Council

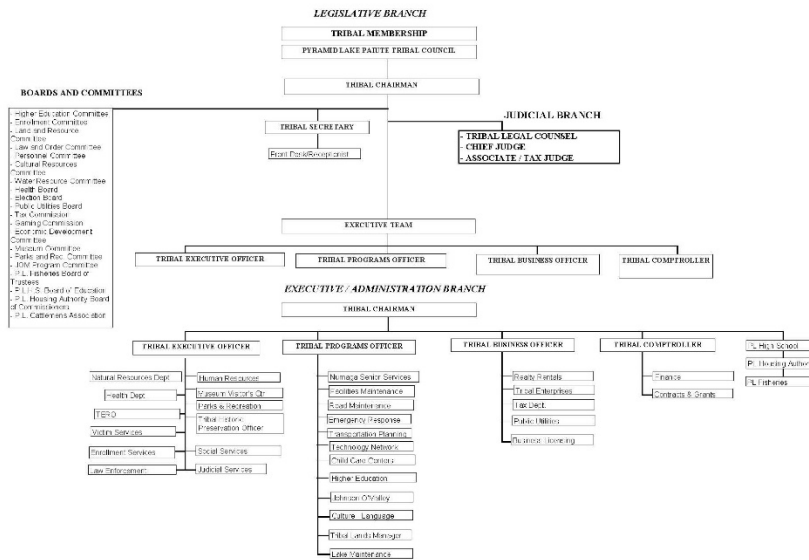
### ATTACHMENT C

PYRAMID LAKE PAIUTE TRIBAL TRANSIT ORGANIZATIONAL CHART:

**\*Note: The Tribal Transit Manager is the Title VI Coordinator**



PYRAMID LAKE PAIUTE TRIBE ORGANIZATIONAL CHART:



**ATTACHMENT D**

**PYRAMID-LAKE-PAIUTE-TRIBAL-TRANSIT**  
**TITLE-VI-TRAINING**

(Date)

**SIGN-IN-SHEET**

<i>Name</i>	<i>Department</i>	<i>Email</i>	<i>Address/Phone</i>

**ATTACHMENT E**

**PYRAMID LAKE PAIUTE TRIBAL  
TRANSIT'S  
NONDISCRIMINATION NOTICE  
TO THE PUBLIC**

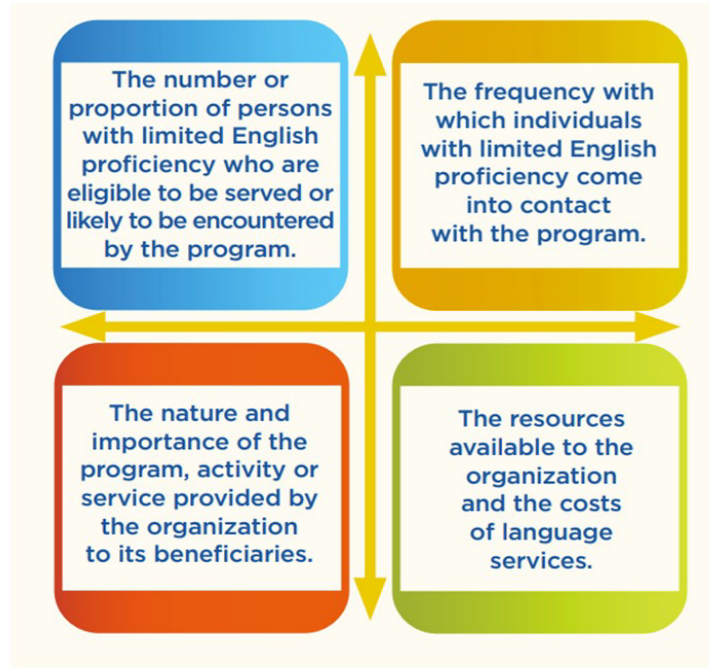
The Pyramid Lake Paiute Tribal Transit (PLPTT) hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990 (ADA), and other related authorities in all of its programs and activities. PLPTT's Title VI and ADA Programs require that no person shall, on the grounds of race, color, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Any person, who believes his/her title VI or ADA rights have been violated, may file a complaint. Any such complaint must be in writing and filed with PLPTT's Administration Office within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about PLPTT'S civil rights programs and the procedures to file a complaint, contact:

**PYRAMID LAKE PAIUTE TRIBAL TRANSIT  
PO BOX 256  
NIXON NV 89424  
775)574-2410 / msmith@plpt.nsn.us**

**ATTACHMENT F**



# THE FOUR FACTORS



## The FOUR FACTOR ANALYSIS:

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits.

## ATTACHMENT G

