

# **COLORADO DEPARTMENT OF TRANSPORTATION**



## **Division of Transit and Rail Title VI Program**

**Colorado Department of Transportation  
Civil Rights and Business Resource Center  
November 2020**

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## **Introduction**

The Colorado Department of Transportation (CDOT)'s mission is to provide the best multi-modal transportation system for Colorado that most effectively and safely moves people, goods, and information. To further this mission, the state legislature authorized the creation of the Division of Transit and Rail (DTR) in 2009, which is responsible for the planning, development, operation, and integration of transit and rail into the statewide transportation system. DTR works in coordination with other transit and rail providers to plan, promote, and implement investments in transit and rail services statewide. The primary functions of DTR include:

- Administration of the Federal Transit Administration Award Programs
- Administration of the State Grant Program (FASTER) and other state funding
- Transit and Rail Planning
- Agency and Stakeholder Coordination
- Compliance with Federal Requirements
- Transit Performance Measurement and Asset Management
- Management of CDOT's interregional bus service (Bustang)

The Civil Rights & Business Resource Center (CRBRC) works with DTR to maintain compliance with federal civil rights requirements. Together, DTR and the CRBRC seek to ensure nondiscrimination in programs and activities, provide access for Limited English Proficient (LEP) persons, and uphold the principles of environmental justice. CDOT's policy against discrimination is attached hereto as **Appendix A**.

## **Program Approval**

DTR's Title VI Program has been developed in accordance with FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients." This program has been approved by CDOT's Executive Director. The approval is attached as **Appendix B**.

## **Contents**

### **A) Requirement to Notify Beneficiaries of Protection under Title VI**

In accordance with 49 C.F.R. § 21.9(d), CDOT apprises the members of the public of the protections against discrimination afforded to them by Title VI of the Civil Rights Act of 1964 (Title VI). CDOT's Title VI notice is available in English and Spanish on the CRBRC website at <https://www.codot.gov/business/civilrights/titlevi>. A copy of the notice in English is attached as **Appendix C** and the Spanish version is attached as **Appendix D**.

CDOT provides public transit services through Bustang and Bustang Outrider, and notices have been placed on all transit vehicles. Notices are also currently posted in the lobby of the CDOT headquarters building in Denver, and in CDOT's buildings around the state.

CDOT's subrecipients that provide public transit services are required to post a similar notice at stations, stops and on transit vehicles. Subrecipients have been provided templates of notices and are reminded of the requirement to post such notices during site visits and at transit conferences and trainings.

## **B) Complaint Procedures and Complaint Form**

In accordance with 49 C.F.R. § 21.9(b), CDOT has developed procedures for investigating and tracking Title VI complaints filed against the agency and its subrecipients. CDOT's complaint procedure and complaint forms are available in English and Spanish on the CRBRC website at <https://www.codot.gov/business/civilrights/titlevi>.

The English version of the complaint form is attached as **Appendix E** and the Spanish version is included as **Appendix F**. The English version of the complaint procedure is attached as **Appendix G** as well as the Spanish version as **Appendix H**.

These documents were drafted with the intention of serving as a universal complaint form and procedure for all external discrimination complaints. Complaints are screened by CRBRC staff to determine if a complaint falls under Title VI or another civil rights law.

## **C) Transit-Related Title VI Investigations, Complaints and Lawsuits**

In accordance with 49 C.F.R. § 21.9(b), CDOT prepares and maintains a list of all complaints, investigations and lawsuits that allege discrimination on the basis of race, color, or national origin. In the last three years, CDOT received one Title VI-related complaint. To maintain applicant confidentiality, the complaint log will be provided to FTA concurrent with the submission of this plan.

## **D) Inclusive Public Participation**

DTR seeks public participation in decision-making during the statewide planning process, which is conducted every four to five years. In order to facilitate inclusive public involvement, DTR follows CDOT's "A Guide to the Transportation Planning and Programming Public Involvement Process" available at: <https://www.codot.gov/programs/planning/documents/planning-process/PubInvolvementGuide2015.pdf/view>.

This guidance document integrates the principles of Title VI, environmental justice, and access for LEP persons into the public involvement process. The guidance document addresses specific barriers for minority, low-income, and LEP persons to the transportation planning process. Examples of methods discussed in the guidance document for overcoming cultural and language barriers include cultural training for staff, connecting with local community leaders, and providing web content and documents in Spanish.

CDOT developed the 2045 Statewide Transit Plan concurrently with the 2045 Statewide Transportation Plan (<https://www.codot.gov/programs/your-transportation-priorities/statewide-plan>) to ensure that the State is positioned to think comprehensively about the transportation network, create unified visions and goals, and maximize return on investment across all modes. During the statewide planning process, CDOT looked at the census tracts containing the highest concentrations of minority, older adult, low-income, and disabled populations as the

historically underserved and historically under-represented populations. By overlaying the projects in the 10-Year Vision with the census tracts containing the highest concentrations of historically underrepresented populations, CDOT analyzed how upcoming projects might affect these communities. An Environmental Justice section of the 2045 Statewide Transportation Plan further explains this analysis.

In 2019, over a five-month period, CDOT engaged in public and stakeholder outreach in the statewide planning process which resulted in 81 local elected official and community leader meetings, 15 key stakeholder meetings, 6 telephone town halls with live polls, four rounds of meetings at each of the 10 Transportation Planning Regions, and partnership with local planning organizations at 36 community events. A summary of the public and stakeholder outreach process is available as an attachment to the Statewide Transportation Plan. Outreach varied from website materials, press releases to English and Spanish media, and mailings. Spanish versions of two surveys were prepared in English and Spanish, translation services for language and hearing impaired were offered, meeting locations were held in ADA accessible facilities, and contact information was provided for those needing assistance.

In June and July of 2020, CDOT requested public comment on the draft 2045 Statewide Transit Plan and 2045 Statewide Transportation Plan. To promote the public comment period, CDOT conducted outreach to stakeholder groups and survey respondents who provided input in 2019, the general public via social media, and Spanish-speaking communities through targeted media outreach, including six interviews with popular Spanish radio stations and media outlets. The interviews resulted in radio, print, online and social media coverage across the Denver metro area, northern Colorado, southern Colorado and in mountain communities. Facebook posts ran in English and Spanish and were targeted to social media users that identified themselves as Spanish-speakers. A total of 21 social media posts were shared during the public comment period. To engage the public and key stakeholders who already gave input in 2019, CDOT sent out an email that announced the draft plan was available for review and comments. A separate email in Spanish was sent to Spanish-speaking stakeholders. CDOT also gave presentations about the draft Statewide Transportation Plan to many stakeholder groups that were vital to the input received in 2019.

The Statewide Transportation Plan (which includes the Statewide Transit Plan as an appendix) was adopted by the Transportation Commission of Colorado in August of 2020. It is currently available on CDOT's website at <https://www.codot.gov/programs/your-transportation-priorities/statewide-plan/>. The Statewide Transportation Plan and Statewide Transit Plan will be translated into Spanish and posted online once finalized. Currently, CDOT's [10-year Vision](#) and the [Midpoint Report](#) are available in Spanish and English.

In addition, DTR hosts annual Transit Town Halls to share information and gather feedback related to key policy questions and technical issues relevant to CDOT's management of funds passed through to local transit agencies. A series of four meetings took place in April 2019 in Pueblo, Durango, Eagle, and Denver. The meetings included discussions regarding Bustang Outrider planning and expansion, the Consolidated Capital Call for Projects (CCCP) replacement vehicle scoring process, an integrated and connected transit system, as well as other local and regional transit programs, initiatives, and issues.

CDOT also actively encourages public participation, and considers all public feedback when

making changes to the Bustang fares and schedules. Bustang currently only operates 24 buses and is therefore not subject to the public participation requirements of Chapter IV of the FTA Title VI Circular. Nonetheless, CDOT uses Facebook, Twitter and the public comment form located on the Bustang website at <http://www.ridebustang.com> to collect public comments which has influenced operating decisions.

### **E) Meaningful Access to LEP Persons**

CDOT's plan for providing language assistance to individuals with limited English proficiency is attached as **Appendix I**. Additionally, CDOT has provided subrecipients with a template for completing its LEP plan (<https://www.codot.gov/business/civilrights/titlevi/fta-subrecipients>).

### **F) Minority Representation on Planning and Advisory Boards**

CDOT's Transit and Rail Advisory Committee (TRAC) was created by § 43-1-1104, C.R.S., to provide advice to CDOT and the Transportation Commission of Colorado. Members of TRAC are appointed by the Executive Director and "shall include such representatives of industries and other groups interested in transit and rail issues and such other individuals as the executive director, in consultation with the commission, deems appropriate; except that the committee shall include, at a minimum, one or more:

- Representatives of transit operators
- Representatives of class I railroads
- Representatives of short line railroads
- Representatives of entities or interest groups involved in promotion, planning, or development of passenger rail systems."

As of August of 2020, TRAC had 16 members and 100% of the membership identified as Caucasian.

Additionally, DTR works with a group of CDOT employees who are responsible for reviewing award applications for funding. While the committee members vary from year to year, the membership for the 2021 FTA 5310/5311 Award evaluation committee identified as the following: 4 members identified as Caucasian, and 1 member identified as Vietnamese.

### **G) Subrecipient Assistance and Monitoring**

As a state agency and primary recipient of FTA funds, CDOT is required to provide Title VI related assistance to its subrecipients and to monitor their Title VI Programs. *See* FTA Circular 4702.1B and 49 C.F.R. Part 21. CDOT offers Title VI guidance to subrecipients in a variety of ways, including posting FTA requirements and sample Title VI Plan templates on its website at <https://www.codot.gov/business/civilrights/titlevi/fta-subrecipients>. CDOT further supports subrecipients by providing Title VI training and attending subrecipient meetings and conferences. Civil rights specialists in the CRBRC office are also available to answer any questions that arise and to help subrecipients prepare their Title VI Programs. Demographic information is also available to subrecipients upon request.

As part of its oversight responsibilities, CDOT collects Title VI Plans from its subrecipients.

These plans are submitted and stored electronically in CDOT's COTRAMS award management system. All subrecipients are required to submit a Title VI Plan that is subject to CDOT review. Subrecipients must update and submit Title VI Plans every three years, unless the subrecipient is no longer receiving federal funds, is not still expending a federal award, and does not have any federally funded equipment in operation. A subrecipient's three-year Title VI submittal schedule begins when the subrecipient's Title VI Plan receives a concurrence from CDOT. **See Appendix J.** Each schedule is then tracked in COTRAMS, and subrecipients are automatically notified of upcoming Title VI related expiration and due dates.

After subrecipients submit their Title VI Plan, CDOT reviews them for compliance with FTA requirements. CDOT makes every effort to timely review each subrecipient's Title VI Plan, prioritizing those plans that were submitted at the earliest date. After review, CDOT either concurs or rejects a plan for not satisfying all of the FTA requirements. If a Title VI Plan is rejected, CDOT provides constructive comments on how to correct any deficiencies. CDOT then requests a resubmission of the Title VI Plan until the plan receives a CDOT concurrence. As part of this review, CDOT examines a subrecipient's website to ensure the following information is posted: Title VI public notice, Title VI complaint procedures, and Title VI complaint form.

Additionally, CDOT conducts site reviews (or virtual site reviews when necessary) of subrecipients. This process includes a subrecipient information request (SIR), where subrecipients answer questions about their programs and services, and provide supporting documentation. One of the sections of the SIR includes a review of the subrecipient's Title VI Program. All subrecipients are required to participate in the site review process and complete the SIR at least once as a new subrecipient. After a subrecipient's initial SIR and site visit, the frequency and level of oversight are based on a CDOT risk assessment, which examines a variety of factors including subrecipient details, experience, monitoring/audit, operation, financial, internal controls, conflict of interest/violation of federal laws, and program management.

## **H) Title VI Equity Analysis**

CDOT constructed one transit facility between 2017 and 2020. Although the equity analysis was not conducted during the planning stage, an analysis referencing census data is attached as **Appendix K.**

## **I) Fixed Route Service**

In the spring of 2015, CDOT began the operation of its new interregional bus service, Bustang. This service is provided along three fixed routes, providing transportation for commuters along the I70 and I25 corridors. In 2018, CDOT launched Bustang Outrider, a rural transportation system designed to connect rural agencies within the state.

Bustang is considered a "program or activity" subjecting CDOT to Chapter IV of the FTA circular 4702.1B. Pursuant to this chapter, CDOT has set system-wide service standards and policies to ensure non-discrimination in the criteria of administration of Bustang and Bustang Outrider. The system-wide standards and policies for both services are attached as **Appendix L.**

**J) Demographic Profile of the State, Demographic Maps that Overlay the Distribution of Funds, and an Analysis of the Impacts on the Basis of Race, Color or National Origin**

*Transit funding administered by CDOT*

The federal government categorizes areas into three urbanized area (UZA) types by their populations: Large UZAs (populations above 200,000), Small UZAs (populations from 50,000-199,999), and Non-Urbanized Areas (populations below 50,000). As the designated recipient for FTA rural and small urban transit funding under the authority of the Governor of Colorado, CDOT administers FTA programs for rural and small urban systems in the state. For non-urbanized (rural) federal funding, CDOT has the discretion to allocate these funds. Generally, CDOT has much less discretion regarding the allocation of Large and Small UZAs, as FTA distributes most of their federal funding directly to these areas by predetermined formula.

CDOT was also the designated recipient of funds for the Denver/Aurora Urbanized Area (UZA) for Section 5310 funds until October 2020, when the Denver Regional Council of Governments took over the funding administration.

For state transit funding, CDOT has the authority to allocate funding according to the needs of localities and regions in the state, and distributes the Senate Bill 228, Senate Bill 267, and FASTER funding as directed by the Colorado General Assembly, as well as Colorado’s portion of the Volkswagen settlement funds. Other funds such as Senate Bill 18-001 Multimodal Options Fund (MMOF) grants were not included in this Title VI Plan because the funds had not been obligated within the discrete period covered by this Plan.

For the purposes of this Title VI Plan, the analysis reflects funding distributed by CDOT statewide between 2017 to June 2020. Excluded from the analysis is funding that was distributed to an agency that serves the state as a whole (i.e. Colorado Association of Transit Agencies (CASTA)). The demographic profile of the state and demographic maps that overlay the distribution of funds is attached as **Appendix M**.

**Federal and State Transit Funding in Colorado**

	FEDERAL				STATE			
	5307	5310	5311	5339	SB 228	SB 267	FASTER	VW
Large UZA	X	X			X	X	X	X
Small UZA	X	X			X	X	X	X
Non-UZA		X	X	X	X	X	X	X

- = largely allocated via federal formula
- = CDOT determines allocation of funds according to federal and state criteria



## Colorado Transit Funding Distribution Analysis

### *Urban areas*

When Colorado’s transit funding distribution is viewed along with the minority demographics of the state, some anomalies appear between urban and rural counties. First, the statewide funding picture suggests that CDOT allocates a smaller proportion of funds to urban counties in comparison to the counties’ share of the state’s minority population. Four counties with large urban populations—and a larger share of the state’s minority population—received proportionally less funding from CDOT relative to their share of statewide minority population: Adams, Arapahoe, Denver, and El Paso.

County	Share of statewide minority population	Share of statewide funding allocation	Difference
<i>Urban</i>			
Adams	13.53 %	4.04 %	- 9.49 %
Arapahoe	14.32 %	5.01 %	- 9.31 %
Denver	18.03 %	5.46 %	- 12.57 %
El Paso	12.58 %	4.58 %	- 8.00 %

\* CDOT chose a 4% and greater differential for this analysis to highlight the counties with the largest differences between funding and minority population.

This “disparity” in funding to large urban areas is largely due to the fact that CDOT does not distribute the majority of federal funding to large or small urbanized areas; instead FTA distributes these funds via federal formula directly to Metropolitan Planning Organizations (MPOs), which allocate the funds to their respective counties. CDOT does not have discretion over how these funds are distributed.

### *Rural areas*

Because CDOT does not have allocating authority over the significant amount of funding that is appropriated to urban counties by federal formula, focusing the analysis on the 50 non-urban (rural) Colorado counties provides a better picture of how CDOT allocates funds. For this analysis we excluded the Large and Small UZAs which are all contained in the fourteen Colorado counties that are part of MPOs in the state: Adams, Arapahoe, Boulder, Broomfield, Clear Creek, Denver, Douglas, El Paso, Gilpin, Jefferson, Larimer, Mesa, Pueblo, and Weld counties.

The analysis of rural county funding showed that three rural counties – Alamosa, Fremont, and Morgan – were allocated proportionally less funding from CDOT compared to their minority populations, and five rural counties – Grand, Gunnison, Pitkin, San Miguel, and Summit – received proportionally more funding from CDOT compared to their proportions of minority population. The remaining rural counties held a difference of less than 4% between funding allocations and minority populations, with the majority having a difference of less than 1%.

Rural County	Share of rural counties' minority population	Share of rural counties' funding allocation	Difference
<i>Rural counties receiving proportionally less funding than minority population</i>			
Alamosa	4.29 %	0.06 %	- 4.23 %
Fremont	5.04 %	0.23 %	- 4.81 %
Morgan	5.87 %	0.34 %	- 5.53 %
<i>Rural counties receiving proportionally more funding than minority population</i>			
Grand	0.99 %	7.07 %	+ 6.08 %
Gunnison	1.15 %	5.98 %	+ 4.83 %
Pitkin	1.37 %	20.93 %	+ 19.56 %
San Miguel	0.56 %	4.92 %	+ 4.36 %
Summit	2.91 %	13.98 %	+ 11.07 %

\*CDOT chose a 4% and greater differential for this analysis to highlight the counties with the largest differences between funding and minority population.

The three rural counties that received notably less funding from CDOT than the share of their minority population have a few things in common, most importantly that they do not have transit agencies that serve the general public. Alamosa and Fremont counties are served by Bustang Outrider routes operated by the state, and Morgan county will have similar service beginning in 2021. Funding allocated to the three counties was for regional mobility management and human services transportation, which are typically much smaller grants than funds allocated to public transit agencies since ridership is significantly lower.

The five rural counties that received relatively higher amounts of funding are all counties that include major resort destinations. As a result, they have significantly higher ridership than typical rural counties across the country. The following descriptions include additional explanations for the allocations to these counties between 2017-2020.

**Grand County**

Grand County accounts for 0.99% of the rural counties' minority population in the state and received 7.07% of the total transit funding from CDOT allocated to rural counties. Most funding allocated to Grand County went to the Town of Winter Park, which provides transit service between Winter Park Resort in the southern part of the county and Granby to the north. The Town of Winter Park was recently awarded \$12 million directly by FTA to construct a new facility, for which SB267 funding was also awarded by CDOT. The Town of Winter Park in recent years started a new transit service called The Lift, which they were operating with old used vehicles purchased from other transit agencies. The demand for this service grew quickly, which necessitated new vehicles. The Town of Winter Park also had numerous vehicles beyond their useful life that required replacement, which led to their applications for FASTER funding for vehicle replacements. Essentially, the Town of Winter Park has a new system that was using old assets. This was also the reason why a new facility was needed, because all the vehicles in the expanding fleet were being stored outside in frigid temperatures buried under several feet of snow.

### *Gunnison County*

Gunnison County accounts for 1.15% of the rural counties' minority population in the state and received 5.98% of the total transit funding from CDOT allocated to rural counties. The resort town Crested Butte and Western State University drives higher demand for transit in the county. The subrecipient Mountain Express serves Crested Butte, which requires buses that are able to regularly travel steep slopes at high altitude. The vehicle replacements were needed due to the heavy use due to the terrain and weather in this region. GVRTA runs a commuter service (28 miles) between the City of Gunnison and Crested Butte, providing service to workers in the resort town. The ridership increased significantly due to the demand of the workforce and the student population at the university.

### *Pitkin County*

Pitkin County accounts for 1.37% of the rural counties' minority population in the state and received 20.93% of the total transit funding from CDOT allocated to rural counties. Pitkin County has three main subrecipients: Roaring Fork Transportation Authority (RFTA), Town of Snowmass Village, and City of Aspen. RFTA is the nation's largest rural transit provider with the greatest ridership per year. Most of the ridership is made up of workers who reside in the neighboring counties (Eagle and Garfield), which have much higher minority populations. However, the workers use the RFTA transit service to commute to their jobs in Pitkin County (in Aspen and Snowmass Village) where there are large, wealthy, ski resort communities. While CDOT distributed a large portion of the funding to Pitkin County, the 5339 awards were awarded through a national competitive process directly by FTA. The FASTER award mostly went to RFTA's new maintenance facility in Glenwood Springs.

### *San Miguel County*

San Miguel County accounts for 0.56% of the rural counties' minority population in the state and received 4.92% of the total transit funding from CDOT. The county has 3 main subrecipients including the Town of Telluride, the Town of Mountain Village, and the San Miguel Authority for Regional Transportation (SMART). The Town of Mountain Village, in particular, is the only subrecipient in the state that operates an aerial tramway for transit between the Village and the Town of Telluride, and the high ridership of the system in both winter and summer necessitates investment. In addition to the Town of Telluride's local transit service shuttling tourists around the town, SMART was founded in recent years to serve the rest of San Miguel County and the eastern part of neighboring Dolores County. The service has achieved significant ridership quickly and continues to expand.

### *Summit County*

Summit County accounts for 2.91% of the rural counties' minority population in the state and received 13.98% of the total transit funding from CDOT. Summit County has 2 main subrecipients that received funding: Summit Stage and the Town of Breckenridge. Summit Stage provides a commuter service between the towns. Summit Stage is currently working to replace their old transit center facility in Frisco as well as their maintenance facility that are both state-funded. The state awarded funds for these projects due to the heavy local investment already underway. For the 5339 funds, the Town of Breckenridge applied for the funding to support their focus on electrification

and expanding their use of electric vehicles, partly due to their proximity to resort towns and resources. They operate electric vehicle shuttles to transport passengers between the resort town and the ski area. Currently, the trend appears to be that locally well-funded mountain towns are able to support electrification under mountain conditions, whereas other less locally funded towns and agencies are not able to pursue electrification based on expensive maintenance and engineering needs.

### ***Conclusion***

By focusing the funding distribution analysis to the 50 rural counties to which CDOT has more allocation authority, it appears that through the federal and state funding criteria, CDOT distributed funding to those counties that had mountain resort towns and existing transit service. While some of these counties, such as Pitkin County, may have had lower minority populations than their neighboring counties, it makes sense that a transit service in one county often serves commuters from outside of the county borders, and therefore the transit service benefits not just the ridership in the county but in adjacent counties as well. Through this analysis there does not appear to be a disparate impact from CDOT's distribution of funds.

### **K) Description of the procedures CDOT DTR uses to ensure nondiscriminatory pass-through of FTA Financial Assistance.**

To ensure nondiscriminatory pass-through of FTA Financial Assistance, DTR takes numerous steps at various steps in its award process, from pre-application, to application, to award monitoring, as described below. These steps are designed to ensure that persons in the community are not discriminated against, but also to ensure that applicants that are minority organizations, or organizations that serve minority or low income populations, are not discriminated against.

#### ***Pre-Application Process***

When DTR is contacted by, or made aware of, a local agency that is potentially interested in seeking FTA assistance, DTR provides application materials, including the most recent Notice of Funding Availability (NOFA) for either capital or operating/administrative funds, as appropriate. The 2020 CDOT Consolidated Call for Capital Projects NOFA is attached as **Appendix N**. The local agency is also given a New Applicant Questionnaire to complete. The purpose of the Questionnaire is to ensure the local agency meets minimum threshold requirements, such as financial capacity and technical capacity. By engaging the local agency in advance of the application process, agencies with limited capacity can work with CDOT to establish policies and procedures to ensure it can meet threshold requirements.

The New Applicant Questionnaire also helps to ensure that local agencies are aware of their Civil Rights responsibilities. There are six items related to Civil Rights:

1. New applicants are made aware that as a recipient they would be required to submit various documents related to Civil Rights, such as a Title VI Civil Rights Non-discrimination Plan that conforms to FTA requirements in Circular 4702.1B. They are specifically asked if they would agree to submit a Title VI plan within 30 days of accepting an award.

2. New applicants are informed they would be required to have an Equal Employment Opportunity (EEO) plan that conforms to FTA requirements in Circular 4704.1 if their organization employs 50 or more transit-related employees and requests/receives over \$1 million in operating/capital or over \$250,000 in planning funds in the previous federal fiscal year. If they meet this criteria, they're asked if they would agree to submit an EEO plan within 30 days of acceptance of an award.
3. New applicants are asked whether they have assessed the need and impact of the project for which they intend to submit a funding request, and specifically whether that assessment includes the impact on low-income and minority populations.
4. New applicants are asked whether their "service area include neighborhoods where the predominant population consists of minority or low income persons? If so, please describe. How does your program serve those populations' needs? Describe your program's outreach to those populations? Please include data about the population served through your program (e.g., number of elderly, disabled, minority, and low income persons served).
5. New applicants are informed that they must not discriminate against users or potential users of their service because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, their programs or activities. They are told they must track and report any future complaints if they receive an award. They are then asked whether they have had any **transit service-related** discrimination complaints, investigations, or lawsuits in the last three years? If yes, they're asked to briefly describe them, indicating current status and outcome.
6. Similar to what was outlined in item 5 above, new applicants are informed that they cannot discriminate against their **employees** because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities. They are asked whether they have had any discrimination complaints based on these EEO requirements within the last year? If yes, they are asked to describe any active lawsuit or complaints alleging EEO discrimination, as well as the status or outcome of the lawsuits or complaints.

The new applicants are informed that having a complaint in one of the areas described in 5) or 6) above does not disqualify an applicant. However, any unusually high levels of complaints will result in further investigation by CDOT staff.

### ***Application and Award Process***

CDOT accepts applications every year, for capital requests, planning projects, and for administration and operating awards, making funding available from eight different sources/programs. To make it easier for applicants with scarce staff resources, CDOT makes funding from its many Federal and State funding programs available in applications that **consolidate** those many sources/programs. For example, funding for eight different state and federal sources/programs are made available in one consolidated capital call for projects. Applicants need not even indicate from which program it requests funds; CDOT determines each applicant's eligibility and assigns the most appropriate and available funding source once projects have been evaluated, scored and selected for award.

CDOT issues a Notice of Funding Availability (NOFAs) before it makes an application package available. Eligibility requirements and evaluation criteria for awards are clearly

described in the NOFA.

CDOT emails its Notices of Funding Availability (NOFAs) to a list of agency contacts that includes transit providers, non-profit organizations, senior centers, cities and counties. Included in the mailing are the state's 20 community centered boards for the intellectually and developmentally disabled, as well as the state office that oversees those 20 agencies that serve the entire state; the state's 16 Area Agencies on Aging, as well as the State Office on Aging; the state's two Native American tribes; and the State's Department of Local Affairs. The distribution list is also expanded to include transit providers identified by the Statewide Transit Plan that do not currently receive or request CDOT administered FTA assistance. To ensure that minority populations are made aware of funding availability, DTR uses a list of organizations that serve minority populations.

Within 2-3 weeks of releasing a NOFA, CDOT announces and conducts a video conference call to field questions about the application, thus reaching out to those who may need assistance. If a smaller organization has extremely limited staff resources and perhaps a limited level of experience, CDOT will allow a larger organization, such as an MPO or a council of governments, to sponsor an application on behalf of that smaller organization and assist with award submission and reporting requirements.

Once received, award applications are reviewed and scored by a CDOT interdisciplinary team that includes staff besides those of the Division of Transit and Rail. It includes staff from the Office of Civil Rights, planning and the policy office.

For Section 5311 operating and administration awards, CDOT has only denied requests in instances in which the applicant did not meet federal program eligibility requirements. CDOT makes it clear that new applicants are welcome, that it does not limit funding to a set of existing subrecipients; if a new organization applies and is awarded funding, DTR may reduce the awards of existing subrecipients as a means of accommodating new applicants.

Colorado is unique from other states, in that a number of its rural subrecipients are resort communities that have a tax base that is far more affluent than other rural areas. Rather than base its awards only on measures like hours and miles of service, CDOT takes into account budget size and population base. As a result, poorer areas receive a much higher percentage of their operating and administrative revenue from CDOT than do the resort communities. In the case of capital bus replacement requests, CDOT bases its awards more objectively, using FTA's minimum usage standards for miles and age; however, given the larger size of resort community bus fleets and their higher costs, in order to avoid resort communities receiving a disproportionate share of the bus replacement awards, CDOT gives itself the right to deny some requests based on "geographic equity," to ensure that rural and poor applicants are not under-represented in capital funding allocations.

Agencies from poorer and minority communities may have difficulty raising local match funds for capital purchases. Agencies that have this problem are given the opportunity to request State FASTER funds to pay 80% of an FTA local match, usually 80% of a 20% match, leaving 20% of a 20% match or 4% as the sole responsibility of these poorer and minority communities. This resource has been leveraged by a number of organizations that are rural or serve low income populations.

## ***Post Application***

CDOT annually conducts a town hall meeting(s) as a means of getting input from local agencies and specifically for discussing policy changes being considered by CDOT. CDOT offers training opportunities through its contractor, CASTA, and gives a higher priority to rural and lower income operators. Once awards are made, CDOT has one work unit, the Project Coordination Unit, that is responsible for implementing and monitoring awards. This staff provides technical assistance, both by phone and in regular site visits, which is especially helpful to subrecipients that are poorer, with limited staff resources.

### **L) Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations**

DTR provides assistance to potential subrecipients in a variety of ways. Prior to awarding FTA funding and on an ongoing basis, DTR Project Coordinators network with potential subrecipients and encourage them to apply for different funding opportunities. During the awards and subawards pre-application process, DTR provides application materials to potential subrecipients interested in FTA assistance, including a New Applicant Questionnaire. This Questionnaire is not intended to exclude a potential subrecipient from applying for funds, but instead it allows the potential subrecipient to become familiar with the requirements of administering a project, and it allows DTR to learn more information so that it can provide tailored assistance to potential subrecipients on how to meet applicable funding requirements.

Throughout the awards and subawards pre-application and application process, DTR is available to provide one-on-one technical assistance to potential subrecipients in order to help them become eligible for funding. Furthermore, DTR hosts conference calls to answer any general questions and provide further information about the application process.

DTR also provides alternative processes for potential subrecipients that might have difficulty satisfying the project administrative requirements. For example, if a smaller subrecipient has limited resources and experience with federal award requirements, CDOT encourages a larger organization, such as an MPO or a council of governments, to sponsor an application on behalf of that smaller organization and to assist with award application submission and reporting requirements. Additionally, if a potential subrecipient is unable to meet the matching funding requirements of a federal award, CDOT may provide state funding awards to fulfill the match. This resource has been leveraged by a number of subrecipients that are rural or serve low income populations.

DTR's assistance is available to all potential subrecipients, including applicants that would serve predominantly minority populations. CDOT emails its Notices of Funding Availability (NOFAs) to a list of agency contacts that includes transit providers, non-profit organizations, senior centers, cities and counties. This list includes transit providers that do not currently receive or request CDOT administered FTA assistance, but were identified by DTR's Statewide Transit Plan as potential subrecipients.

APPENDIX A:

Policy Directive 604.0



# STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION  
Office of Government Relations  
4201 East Arkansas Avenue, Room 275  
Denver, Colorado 80222  
(303) 757-6772



**To:** All CDOT Employees

**From:** Heidi Humphreys – DAS / Herman Stockinger – OPGR / Katherine Williams - CRBRC

**Re:** Policy Directive 604.0 “Policy on Non-Discrimination”

**Date:** January 27, 2014

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**Background** Policy Directive 604.0 “Policy on Non-Discrimination” updates Policy Directive 604.0 “Non-Discrimination in Federally Funded Programs Policy,” adopted July 7, 2004.

**Rationale for Policy Directive** Outlines CDOT’s general non-discrimination policy for all CDOT programs and activities. Also identifies and describes the forms of discrimination that are prohibited by federal law and highlights objectives related to access for persons with disabilities, access for persons with limited English proficiency, principles of environmental justice, and fair competition for federally funded contracts. This directive does not include CDOT’s Equal Employment Opportunity policy, which is set forth in Policy Directive 600.0.

**Individuals/Entities Impacted in Policy Directive** This Policy Directive applies to all operations of CDOT, including all offices, divisions, regions, and branches of CDOT, its contractors and anyone who acts on CDOT’s behalf. This Policy Directive also applies to the operations of any department or agency to which CDOT extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

**Implementation** The Division of Administrative Services (DAS), Civil Rights and Business Resource Center shall implement this directive.

**Effective Date** January 22, 2014

**Review Date** On or before January 2019

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b>		<input checked="" type="checkbox"/> <b>POLICY DIRECTIVE</b> <input type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b>
Subject <b>POLICY ON NON-DISCRIMINATION</b>		Number <b>604.0</b>
Supersedes <b>604 (7/1/04)</b> <b>611 (4/15/10)</b>	Effective <b>1.22.14</b>	Originating Office <b>Civil Rights &amp; Business Resource Center, Division of Administrative Services</b>

### **I. Purpose**

To ensure that no person shall, on the ground of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in the operations of the Colorado Department of Transportation ("CDOT") or of any department or agency to which CDOT extends federal financial assistance.

### **II. Authority**

See Appendix A. This Policy Directive is intended to meet Federal Highway Administration and Federal Transit Authority requirements.

### **III. Applicability**

This Policy Directive applies to all operations of CDOT, including all offices, divisions, regions, and branches of CDOT, its contractors and anyone who acts on CDOT's behalf. This Policy Directive also applies to the operations of any department or agency to which CDOT extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

### **IV. Policy**

1. It is CDOT's policy that no person shall on the ground of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of CDOT or of any department or agency to which CDOT extends federal financial assistance.

A. Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include:

- (1) Denial to an individual any service, financial aid, or other benefit;
- (2) Distinctions in the quality, quantity, or manner in which a benefit is provided;
- (3) Segregation or separate treatment;
- (4) Restriction in the enjoyment of any advantages, privileges, or other benefits provided;

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(5) Discrimination in any activities related to highway and infrastructure or facility built or repaired; and

(6) Discrimination in employment.

B. Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Instances where seemingly neutral acts may result in discrimination include:

(1) Utilizing criteria or methods of administration that have the effect of subjecting persons to discrimination or have the purpose or effect of substantially reducing the likelihood that persons can benefit from the objectives of a program or activity with respect to persons;

(2) Using different standards or requirements for determining whether a person satisfies any admissions, enrollment, quota, eligibility, membership, or other requirement for any service, financial aid, or other benefit; and

(3) Determining the site or location of a facility that has the effect of excluding persons, denying them the benefits of, or otherwise subject to them discrimination.

C. Harassment and retaliation are also forms of discrimination. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors that are directed against a particular person because of race, color, national origin, sex, disability, or age. This Policy Directive prohibits retaliation against any person because he or she has reported alleged discrimination under this Policy Directive or has testified, assisted or participated in any manner in an investigation of such report, or has opposed such discrimination. No one shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with their rights against discrimination.

D. As part of this Policy Directive, CDOT adheres to the following objectives, which shall not be interpreted in any way to limit the general policy stated above:

(1) Access for Persons with Disabilities – No qualified disabled person shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination. Aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and non-disabled persons, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting that is reasonably achievable. Even if separate or different aid, benefits, or services are available to handicapped persons, a qualified disabled person shall

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not be denied the opportunity to participate in the programs or activities that are not separate or different.

(2) Access for Persons with Limited English Proficiency – Individuals who have a limited ability to read, write, speak, or understand English are considered limited English proficient (“LEP”). Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by CDOT. Ignoring LEP populations may constitute discrimination on the basis of national origin. CDOT shall seek to communicate with LEP populations and provide LEP individuals meaningful access to CDOT programs and activities.

(3) Principles of Environmental Justice – CDOT will meaningfully engage all sectors of the public, including low-income and minority populations, potentially affected by CDOT projects. To help ensure the fair distribution of the benefits and burdens associated with CDOT programs and activities, CDOT will be guided by the following environmental justice principles:

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

(4) Fair Competition for Federally-Funded Contracts – A Disadvantaged Business Enterprise (“DBE”) is a business that is owned and controlled by a socially and economically disadvantaged individual or individuals. The objectives of CDOT’s DBE program are to:

- (a) To ensure nondiscrimination in the award and administration of federally-assisted contracts in CDOT’s highway, transit, and airport programs;
- (b) To create a level playing field on which DBEs can compete fairly for federally-assisted contracts;
- (c) To ensure that CDOT’s DBE program is narrowly tailored in accordance with applicable law;
- (d) To ensure that only firms that fully meet this part’s eligibility standards are permitted to participate as DBEs;

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(e) To help remove barriers to the participation of DBEs in federally-assisted contracts; and

(f) To assist the development of firms that can compete successfully in the marketplace outside the DBE program.

**V. Implementation Plan**

1. This Policy Directive shall be effective immediately upon approval by the Transportation Committee.
2. The Civil Rights & Business Resource Center ("CRBRC") shall implement this Policy Directive and will coordinate education and training to ensure compliance with this Policy Directive. All CDOT employees, its contractors, and anyone who acts on behalf of CDOT, including any department or agency to which CDOT extends federal financial assistance, shall be responsible for assuring that the proscribed discrimination does not occur. Should the potential for discrimination be discovered, action to eliminate the potential shall be taken.
3. Notices informing individuals of their rights under this Policy Directive will be posted on CDOT's internal and external webpages, and be displayed in public office areas. These notices will also be consistent with CDOT's policy for communicating with LEP populations.
4. As required by federal law, the CRBRC and regional civil rights staff shall be responsible for acquiring non-discrimination assurances, investigating discrimination complaints, conducting reviews of program areas, and preparing required reports.

**VI. Review Date**

This Policy Directive shall be reviewed on or before January 2019.

Hermon F. Stockinger III  
Secretary, Transportation Commission

1-22-14  
Effective Date

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## APPENDIX A: Authority for Policy Directive 604.0

### Federal Statutes

Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 2000d

Age Discrimination Act of 1975, 42 U.S.C. § 6101

Federal Aid Highway Act of 1970, 49 U.S.C. § 306

Federal Aid Highway Act of 1973, 23 U.S.C. § 324

Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28

Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 – 12213

Rehabilitation Act of 1973 § 504, 29 U.S.C. § 794

Federal Transit Laws, 49 U.S.C. § 5332

### Federal Regulations

23 CFR §1.36 – Compliance with Federal laws and regulations

23 CFR pt. 200 – Title VI Program and Related Statutes – Implementation and Review Procedures

23 CFR pt. 771 – Environmental Impact and Related Procedures

28 CFR pt. 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services

28 CFR pt. 36 – Nondiscrimination on the Basis of Disability in Public Accommodations and in Commercial Facilities

28 CFR pt. 42, subpart C – Nondiscrimination in Federally Assisted Programs – Implementation of Title VI of the Civil Rights Act of 1964

49 CFR pt. 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964

49 CFR pt. 26 – Participation By Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs

49 CFR pt. 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance

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49 CFR § 37.5 – Nondiscrimination – Transportation Services for Individuals with Disabilities (ADA)

Executive Orders

Exec. Order No. 12898, 59 Fed. Reg. 7629 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Exec. Order No. 13166, 65 Fed. Reg. 50121 – Improving Access to Services for Persons with Limited English Proficiency

APPENDIX B:

Executive Director's Approval of Title VI Plan





## Approval of Updated Title VI Plan

It is the policy of the Colorado Department of Transportation (CDOT) to assure full compliance with Title VI of the Civil Rights Act of 1964. This policy has been incorporated into the Title VI/Nondiscrimination assurances, executed by CDOT in connection with the Federal-Aid Transit Program. It is also embodied in CDOT's Policy Directive 604.0 "Policy on Non-Discrimination" and Procedural Directive 604.1 "Title VI Non-Discrimination" which are binding on all CDOT employees. CDOT assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

CDOT is actively committed to maintaining full compliance with the U.S. Department of Transportation's requirements for direct access to the head of the organization by CDOT's Title VI Coordinator, the Director of the Civil Rights and Business Resource Center, who has been delegated the authority to administer and monitor the Title VI Program at CDOT.

Every three years, as directed by FTA, CDOT submits an updated Title VI Plan as part of the Title VI Program pursuant to 49 C.F.R. Part 21 and FTA Circular 4702.1B "Title VI Requirements and Guidelines for FTA Recipients." The updated Title VI Plan is a part of CDOT's continuing commitment to ensure the Title VI Program is implemented in transit-related activities.

As part of Colorado's efforts led by the Governor to implement Equity, Diversity, and Inclusion (EDI) initiatives statewide, CDOT will focus on strategies over the next three years to apply these initiatives in programs and activities. Areas of heightened focus specifically for the CDOT Division of Transit and Rail include evaluating the widespread repercussions from the COVID-19 pandemic to assess strategies to equitably promote transit assistance to underserved areas and transit dependent populations, as well as examining workforce training opportunities to align with Title VI and EDI expectations.

The updated CDOT DTR Title VI Plan is hereby approved.

Shoshana M. Lew  
Executive Director

12/16/20

Date



APPENDIX C:

Title VI Notice (English)



**COLORADO**  
Department of  
Transportation

## Request for Access to CDOT Programs & Activities

It is CDOT's objective to provide access to CDOT programs and activities for all individuals.

*The following services are available:*

**Interpretation & Translation Services:** CDOT provides reasonable language assistance free of charge upon request. Contact the Civil Rights & Business Resource Center at (800) 925-3427 to make translation or interpretation requests related to any CDOT public meeting or service.

**Access for the Visually and Hearing Impaired:** Dial 711 or (800) 659-3656 to reach *Relay Colorado*. *Relay Colorado* is a free service that provides full telephone access to people who are deaf, hard of hearing, deaf-blind or speech-disabled.

**Accessible Meeting Locations & Facilities:** CDOT strives to provide services and hold meetings in locations accessible to people with disabilities. Contact the Civil Rights & Business Resource Center at (800) 925-3427 to make an accommodation request.

## Your Rights Against Discrimination

The Colorado Department of Transportation 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 the benefits of, or otherwise subjected to discrimination under any CDOT program or activity because of their race, color, national origin, age, sex or disability may file a discrimination complaint with CDOT, the Federal Highway Administration or the Federal Transit Administration.

*To file a complaint, please contact one of the following:*

**CDOT Civil Rights & Business Resource Center**  
2829 West Howard Place,  
Suite 139  
Denver, CO 80204  
800.925.3427  
dot\_civilrights@state.co.us

**Federal Highway Administration, Colorado Division**  
12300 West Dakota Avenue,  
Suite 180  
Lakewood, CO 80228  
720.963.3000

**Federal Transit Administration, Office of Civil Rights**  
Attention: Complaint Team  
East Building, 5th Floor TCR  
1200 New Jersey Ave. SE  
Washington, DC 20590

*Si necesita informacion en Espanol, favor contactar (800) 925-3427.*



APPENDIX D:

Title VI Notice (Spanish)



**COLORADO**  
Department of  
Transportation

## Solicitud de acceso a los programas y a las actividades del CDOT

El CDOT tiene el objetivo de proporcionar acceso a sus programas y a sus actividades a todas las personas.

*Están disponibles los servicios siguientes:*

**Servicios de interpretación y traducción:** El CDOT proporciona ayuda razonable en otros idiomas a pedido. Comuníquese con el Centro de Recursos de Negocios y Derechos Civiles (CRBRC) en el (800) 925-3427 para solicitar traducciones o interpretaciones en relación con cualquier reunión pública o servicio del CDOT.

**Acceso para las personas con problemas visuales y auditivos:** Marque 711 o (800) 659-3656 para comunicarse con Relay Colorado. Relay Colorado es un servicio gratuito que ofrece acceso telefónico completo a las personas sordas, que tienen problemas para escuchar, sordas y ciegas o que tienen problemas del habla.

**Ubicaciones para las reuniones e instalaciones:** El CDOT se esfuerza por proporcionar servicios y llevar a cabo reuniones en ubicaciones accesibles para las personas con discapacidades. Comuníquese con el CRBRC en el (800) 925-3427 para solicitar accesibilidad.

## Sus derechos contra la discriminación

El Departamento de Transporte de Colorado (CDOT) opera sus programas y servicios sin discriminar respecto de la raza, el color, el país de procedencia, el sexo, la edad o las discapacidades. La persona que piense que la excluyeron de la participación, que le negaron beneficios o que sufrió discriminación en relación con cualquier programa o actividad del CDOT debido a su raza, color, país de procedencia, edad, sexo o discapacidad puede presentar una queja ante el CDOT, la Administración Federal de Carreteras (Federal Highway Administration) o la Administración Federal de Tránsito (Federal Transit Administration).

*Para presentar una queja, comuníquese con uno de los siguientes:*

**CDOT Civil Rights &  
Business Resource Center**  
2829 West Howard Place,  
Suite 139  
Denver, CO 80204  
800.925.3427  
dot\_civilrights@state.co.us

**Federal Highway Administration,  
Colorado Division**  
12300 West Dakota Avenue,  
Suite 180  
Lakewood, CO 80228  
720.963.3000

**Federal Transit  
Administration, Region 8**  
Attention: Complaint Team  
East Building, 5th Floor TCR  
1200 New Jersey Ave. SE  
Washington, DC 20590

APPENDIX E:

Complaint Form (English)



## Discrimination Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact the Civil Rights and Business Resource Center at (800) 925-3247.

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Mobile \_\_\_\_\_  
Email: \_\_\_\_\_

**Basis of Complaint (check all that apply):**

Race	<input type="checkbox"/>	Age	<input type="checkbox"/>
Color	<input type="checkbox"/>	Disability	<input type="checkbox"/>
National Origin	<input type="checkbox"/>	Retaliation	<input type="checkbox"/>
Sex/Gender	<input type="checkbox"/>		

Are you a CDOT employee? Yes  No

Is this complaint against CDOT and/or a CDOT employee? Yes  No

**Who discriminated against you?**

Name \_\_\_\_\_  
Name of Organization \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_

**How were you discriminated against? (Attach additional pages if more space is needed)**

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**Where did the discrimination occur?**

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**Dates and times discrimination occurred?**

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**Were there any other witnesses to the discrimination?**

Name	Organization/Title	Work Telephone	Home Telephone

**How would you like to see this situation resolved?**

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**Have you filed your complaint, grievance, or lawsuit with any other agency or court?**

Who \_\_\_\_\_ When \_\_\_\_\_  
Status (pending, resolved, etc.) \_\_\_\_\_ Result, if known \_\_\_\_\_  
Complaint number, if known \_\_\_\_\_

**Do you have an attorney in this matter?**

Name \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

<b>Signed</b> _____ <b>Date</b> _____
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**Complaints may be submitted via email, fax or in person to one of the following:**

**Civil Rights & Business Resource**

**Center** Title VI Coordinator  
2829 W. Howard Pl., 1st Floor  
Denver, CO 80204  
[dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us)  
Phone: (800) 925-3427  
Fax: (303) 952-7088

**CDOT Region 1 Civil Rights Office**

Regional Civil Rights Manager  
2829 W. Howard Pl., 1st Floor  
Denver, CO 80204  
Phone: (303) 757-9385  
Fax: (303) 365-7033

**CDOT Region 2 Civil Rights Office**

Regional Civil Rights Manager  
905 Erie Ave.  
Pueblo, CO 81002  
Phone: (719) 546-5432  
Fax: (719) 562-5525

**CDOT Region 3 Civil Rights Office**

Regional Civil Rights Manager  
222 South 6th St.  
Grand Junction, CO 81501-2769  
Phone: (970) 683-6227  
Fax: (970) 683-6210

**CDOT Region 4 Civil Rights Office**

Regional Civil Rights Manager  
10601 W. 10th Street  
Greeley, CO 80634  
Phone: (970) 350-2107  
Fax: (970) 350-2178

**CDOT Region 5 Civil Rights Office**

Regional Civil Rights Manager  
3803 N. Main Ave.  
Durango, CO 81301  
Phone: (970) 385-1403  
Fax: (970) 385-1429

**Complaints may also be filed directly with one of the following agencies:**

**Federal Highway Administration, Colorado Division**

12300 West Dakota Avenue, Suite 180  
Lakewood, Colorado 80228  
Phone: (720) 963-3000  
Fax: (720) 963-3001

**Federal Transit Administration**

Office of Civil Rights  
Attention: Complaint Team  
East Building, 5th Floor - TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Phone: (888) 446-2511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

APPENDIX F:  
Complaint Form (Spanish)



## Formulario de quejas por discriminación

Complete este formulario lo mejor que pueda. Si necesita ayuda con una traducción o de otro tipo, comuníquese con el Centro de Recursos de Derechos Civiles y Negocios (Civil Rights and Business Resource Center) en el (800) 925-3247.

Nombre \_\_\_\_\_  
Dirección \_\_\_\_\_ Ciudad \_\_\_\_\_ Código postal \_\_\_\_\_  
Teléfono: Personal \_\_\_\_\_ Laboral \_\_\_\_\_ Celular \_\_\_\_\_  
Correo electrónico: \_\_\_\_\_

**Fundamento de la queja (marque todas las opciones que correspondan):**

Raza	<input type="checkbox"/>	Edad	<input type="checkbox"/>
Color	<input type="checkbox"/>	Discapacidad	<input type="checkbox"/>
País de procedencia	<input type="checkbox"/>	Represalia	<input type="checkbox"/>
Sexo/género	<input type="checkbox"/>		

¿Es empleado de CDOT? Sí  No

¿Esta queja es contra CDOT o un empleado de CDOT? Sí  No

¿Quién discriminó en su contra?

Nombre \_\_\_\_\_  
Nombre de la organización \_\_\_\_\_  
Dirección \_\_\_\_\_ Ciudad \_\_\_\_\_ Código postal \_\_\_\_\_  
Teléfono \_\_\_\_\_

¿De qué manera discriminaron en su contra? (Adjunte más páginas si necesita más espacio).

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¿Dónde ocurrió la discriminación?

Indique las fechas y las horas en que ocurrió la discriminación

¿Hubo testigos de la discriminación?

Nombre	Organización/cargo	Teléfono laboral	Teléfono personal

¿De qué manera le gustaría que se resuelva esta situación?

¿Presentó su queja, descargo o juicio ante otro organismo o en los tribunales?

Quién \_\_\_\_\_ Cuándo \_\_\_\_\_  
Estado (pendiente, resuelto, etc.) \_\_\_\_\_ Resultado, si lo conoce \_\_\_\_\_  
Número de queja, si lo conoce \_\_\_\_\_

¿Tiene un abogado para este tema?

Nombre \_\_\_\_\_ Teléfono \_\_\_\_\_  
Dirección \_\_\_\_\_ Ciudad \_\_\_\_\_ Código postal \_\_\_\_\_

Firma \_\_\_\_\_ Fecha \_\_\_\_\_

**Pueden enviarse quejas por correo electrónico, por fax o en persona a:**

**Civil Rights & Business Resource Center**

Coordinador de Título VI (Title VI  
Coordinator)

2829 W. Howard Pl., 1st Floor

Denver, CO 80204

dot\_civilrights@state.co.us

Teléfono: (800) 925-3427

Fax: (303) 952-7088

**CDOT Region 1 Civil Rights Office**

Gerente regional de derechos civiles  
(Regional Civil Rights Manager)

2000 South Holly Street

Denver, CO 80222

Teléfono: (303) 757-9385

Fax: (303) 365-7033

**CDOT Region 2 Civil Rights Office**

Gerente regional de derechos civiles  
(Regional Civil Rights Manager)

905 Erie Ave.

Pueblo, CO 81002

Teléfono: (719) 546-5432

Fax: (719) 562-5525

**CDOT Region 3 Civil Rights Office**

Gerente regional de derechos civiles  
(Regional Civil Rights Manager)

222 South 6th St.

Grand Junction, CO 81501-2769

Teléfono: (970) 683-6227

Fax: (970) 683-6210

**CDOT Region 4 Civil Rights Office**

Gerente regional de derechos civiles  
(Regional Civil Rights Manager)

1420 2nd Street

Greeley, CO 80632

Teléfono: (970) 350-2107

Fax: (970) 350-2178

**CDOT Region 5 Civil Rights Office**

Gerente regional de derechos civiles  
(Regional Civil Rights Manager)

3803 N. Main Ave.

Durango, CO 81301

Teléfono: (970) 385-1403

Fax: (970)385-1429

**También pueden presentarse quejas directamente ante los siguientes organismos:****Federal Highway Administration, Colorado Division**

12300 West Dakota Avenue, Suite 180

Lakewood, Colorado 80228

Teléfono: (720) 963-3000

Fax: (720) 963-3001

**Federal Transit Administration**

Office of Civil Rights

Attention: Complaint Team

East Building, 5th Floor - TCR

1200 New Jersey Avenue, SE

Washington, DC 20590

Teléfono: (888) 446-2511

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

APPENDIX G:

Complaint Procedures (English)



## CDOT Discrimination Complaint Procedure

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any CDOT program or activity. This prohibition applies to all branches of CDOT, agencies and organizations that receive money from CDOT, contractors, consultants, and anyone else who acts on CDOT's behalf.

Federal law requires that CDOT investigate if designated to do so by FHWA, track, and report discrimination complaints. Complaints must be filed in writing and will be investigated within sixty days of submission. If you need assistance to file your complaint or need interpretation services, please contact the CDOT Civil Rights and Business Resource Center (CRBRC) toll free at (800) 925-3427.

Este procedimiento de queja y el Formulario de Queja de Discriminación están disponibles en español en [www.codot.gov/business/civilrights/espanol](http://www.codot.gov/business/civilrights/espanol) o llamando a la línea gratuita (800) 925-3427.

### **Who is eligible to file a complaint?**

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any CDOT program or activity because of their race, color, national origin, age, sex, or disability may file a complaint.

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

### **How do you file a complaint?**

Complaints must be filed in writing within **180 days** from the last date of the alleged discrimination. However, contact the CRBRC if you believe your complaint may fall outside this deadline. The CRBRC will respond with a confirmation that the complaint was received within 10 days of submission.

CDOT will make reasonable efforts to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact the Civil Rights & Business Resource Center at (800) 925-3427.

While not required, complainants are encouraged to use the Discrimination Complaint Form which can be found at [www.codot.gov/business/civilrights/your-rights](http://www.codot.gov/business/civilrights/your-rights).

**Complaints may submitted via email, fax or in person to one of the following:**

**Civil Rights & Business Resource Center** Title VI Coordinator  
2829 W. Howard Pl., 1st Floor Denver, CO 80204  
[dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us)  
Phone: (800) 925-3427  
Fax: (303) 952-7088

**CDOT Region 1 Civil Rights Office**  
Regional Civil Rights Manager  
2829 W. Howard Pl., 1st Floor  
Denver, CO 80204  
Phone: (303) 757-9385  
Fax: (303) 365-7033

**CDOT Region 2 Civil Rights Office**  
Regional Civil Rights Manager  
905 Erie Ave.  
Pueblo, CO 81002  
Phone: (719) 546-5432  
Fax: (719) 562-5525

**CDOT Region 3 Civil Rights Office**  
Regional Civil Rights Manager  
222 South 6th St.  
Grand Junction, CO 81501-2769  
Phone: (970) 683-6227  
Fax: (970) 683-6210

**CDOT Region 4 Civil Rights Office**  
Regional Civil Rights Manager 10601  
W. 10th Street  
Greeley, CO 80634  
Phone: (970) 350-2107  
Fax: (970) 350-2178

**CDOT Region 5 Civil Rights Office**  
Regional Civil Rights Manager  
3803 N. Main Ave.  
Durango, CO 81301  
Phone: (970) 385-1403  
Fax: (970)385-1429

**Complaints may also be filed directly with one of the following agencies:**

**Federal Highway Administration, Colorado Division**  
12300 West Dakota Avenue, Suite 180  
Lakewood, Colorado 80228  
Phone: (720) 963-3000  
Fax: (720) 963-3001

**Federal Transit Administration**  
Office of Civil Rights  
Attention: Complaint Team  
East Building, 5th Floor - TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Phone: (888) 446-2511  
<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>



## **What happens after a complaint is filed with CDOT?**

Most complaints will be investigated within **sixty days**. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties.

Complaints related to employment with CDOT will be investigated by the Office of Strategic Workforce Solutions or regional civil rights staff in accordance with CDOT policy. All other complaints will be investigated by the CRBRC or regional civil rights staff and, upon completion of the investigation, formal findings will be issued to the complainant. You may specify if there is a particular individual or individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

Complaints alleging Title VI violations against CDOT should be filed in writing, directly with the Federal Transit Administration or the Federal Highway Administration listed above. If your complaint is received by CDOT, but needs to be forwarded to one of these agencies, you will be provided the name and contact information of the federal employee handling your complaint.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

## **Questions?**

Contact the Civil Rights & Business Resource Center toll free at (800) 925-3427 or email [dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us)

APPENDIX H:

Complaint Procedures (Spanish)



## **Procedimiento para quejas por discriminación del CDOT**

Las leyes federales prohíben la discriminación en base a la raza, el color, el país de procedencia, la edad, el sexo o las discapacidades en todos los programas y en todas las actividades del CDOT. Esta prohibición se aplica a todas las ramas del CDOT y a los organismos y a las organizaciones que reciben dinero del CDOT, contratistas, consultores y cualquier otra persona que actúe en representación del CDOT.

Las leyes federales requieren que el CDOT investigue, controle e informe las quejas por discriminación. Las quejas deben presentarse por escrito y se investigarán dentro de los sesenta días posteriores a recibirse. Si necesita ayuda para presentar su queja o necesita servicios de interpretación, comuníquese con el Centro de Recursos de Derechos Civiles y Negocios (Civil Rights and Business Resource Center, CRBRC) del CDOT en el (800) 925-3427 (llamada gratuita).

### **¿Quiénes son elegibles para presentar una queja?**

Toda persona que piense que ha sido excluida de la participación, que le negaron beneficios o que sufrió discriminación en relación con cualquier programa o actividad del CDOT debido a su raza, color, país de procedencia, edad, sexo o discapacidad puede presentar una queja.

La discriminación incluye falta de acceso, acoso, represalias e impactos desproporcionados en un programa o en una actividad. El acoso incluye una extensa variedad de conductas verbales o físicas abusivas y humillantes. Las represalias incluyen la intimidación, las amenazas, la coacción o las conductas discriminatorias contra una persona por haber presentado una queja o haber participado en una investigación de discriminación.

### **¿Cómo se presentan las quejas?**

Las quejas deben presentarse por escrito dentro de los **180 días** posteriores a la fecha de la presunta discriminación. Sin embargo, comuníquese con el CRBRC si piensa que su queja puede estar fuera de este plazo límite.

El CDOT tomará medidas razonables para asistir a las personas con discapacidades o que no hablen inglés y a otras personas que no puedan presentar una queja por escrito. Para obtener ayuda para presentar una queja, comuníquese con el Centro de Recursos de Derechos Civiles y Negocios (Civil Rights and Business Resource Center) en el (800) 925-3427.

Aunque esto no es obligatorio, se recomienda a las personas que presentan la queja que usen el formulario de quejas por discriminación que se encuentra en [www.coloradodot.info/business/civilrights/espanol.html](http://www.coloradodot.info/business/civilrights/espanol.html)

Las quejas pueden presentarse por correo electrónico, fax o en persona a:

**CDOT CRBRC (Headquarters)**

Coordinador de Título VI (Title VI Coordinator)  
4201 East Arkansas Ave., Room 150  
Denver, CO 80222  
[dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us)  
Teléfono: (800) 925-3427  
Fax: (303) 952-7088

**CDOT Region 1 Civil Rights Office**

Gerente regional de derechos civiles (Regional Civil Rights Manager)  
2000 South Holly Street  
Denver, CO 80222  
Teléfono: (303) 757-9385  
Fax: (303) 365-7033

**CDOT Region 2 Civil Rights Office**

Gerente regional de derechos civiles (Regional Civil Rights Manager)  
905 Erie Ave.  
Pueblo, CO 81002  
Teléfono: (719) 546-5432  
Fax: (719) 562-5525

**CDOT Region 3 Civil Rights Office**

Gerente regional de derechos civiles (Regional Civil Rights Manager)  
222 South 6th St.  
Grand Junction, CO 81501-2769  
Teléfono: (970) 683-6227  
Fax: (970) 683-6210

**CDOT Region 4 Civil Rights Office**

Gerente regional de derechos civiles (Regional Civil Rights Manager)  
1420 2nd Street  
Greeley, CO 80632  
Teléfono: (970) 350-2107  
Fax: (970) 350-2178

**CDOT Region 5 Civil Rights Office**

Gerente regional de derechos civiles (Regional Civil Rights Manager)  
3803 N. Main Ave.  
Durango, CO 81301  
Teléfono: (970) 385-1403  
Fax: (970) 385-1429

**También pueden presentarse quejas directamente ante uno de estos organismos:**

**Federal Highway Administration, Colorado Division**

12300 West Dakota Avenue, Suite 180  
Lakewood, Colorado 80228  
Phone: (720) 963-3000  
Fax: (720) 963-3001

**Federal Transit Administration**

Office of Civil Rights  
Attention: Complaint Team  
East Building, 5th Floor - TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Teléfono: (888) 446-2511  
<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>

## **¿Qué ocurre después de presentar una queja ante el CDOT?**

La mayoría de las quejas se investigan dentro de los **sesenta días**. La investigación de una queja incluye entrevistar a todos los participantes y a los testigos principales. El investigador también puede solicitar información pertinente como libros, registros, información electrónica y otras fuentes de información de todos los participantes.

Las quejas relacionadas con el empleo en el CDOT serán investigadas por la Oficina de Soluciones Estratégicas de la Fuerza Laboral (Office of Strategic Workforce Solutions) o por el personal de derechos civiles en conformidad con las políticas del CDOT. Todas las demás quejas serán investigadas por el CRBRC o por el personal de derechos civiles y, después de finalizada la investigación, se enviarán las determinaciones formales a la persona que presentó la queja. Puede especificar si hay personas en específico que piensa que no deben investigar su queja debido a conflictos de intereses u otros motivos.

Las quejas que alegan violaciones del Título VI contra CDOT se deben presentar por escrito, directamente ante la Administración Federal de Tránsito (Federal Transit Administration) o la Administración Federal de Carreteras (Federal Highway Administration) que se mencionó anteriormente. Si el CDOT recibe su queja, pero necesita ser enviada a una de estas agencias, se le proporcionará el nombre y la información de contacto del empleado federal que maneja su queja.

Las leyes federales prohíben las represalias contra las personas por presentar una queja por discriminación o por participar en una investigación de discriminación. Toda presunta represalia debe informarse por escrito al investigador.

## **¿Tiene alguna pregunta?**

Comuníquese con el Centro de Recursos de Derechos Civiles y Negocios (Civil Rights and Business Resource Center) en el (800) 925-3427 (llamada gratuita) o por correo electrónico a [dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us)

APPENDIX I:

CDOT Division of Transit and Rail  
Limited English Proficiency (LEP) Plan

## **CDOT Division of Transit and Rail (DTR) Limited English Proficiency (LEP) Plan**

### **Four-Factor Analysis**

A four factor analysis has been conducted for DTR's current services, programs, and activities. When DTR develops new services or programs, or expands existing ones, DTR staff must conduct a four factor analysis to determine the appropriate language assistance measures to be provided to ensure meaningful access for LEP persons. Additionally, as described later in the language assistance plan, this analysis should be reviewed on a regular basis to ensure reasonable language assistance measures are provided to LEP persons.

### **Overview of DTR's programs, services and activities**

DTR is responsible for the planning, development, operation, and integration of transit and rail in the statewide transportation system. DTR works in coordination with other transit and rail providers to plan, promote, and implement investments in transit and rail services statewide.

DTR's primary activities are (1) statewide transit planning and research, (2) operation of CDOT's interregional bus service, and (3) distribution and oversight of state and federal grants.

### **Statewide Transit Planning and Research**

CDOT's first Statewide Transit Plan was adopted in March 2015. The most recent Plan, the 2045 Statewide Transit Plan, was adopted in August 2020. This Plan was created in tandem with the Statewide Transportation Plan and is included as an appendix to the Statewide Plan.

The Statewide Transit Plan establishes a framework for creating an integrated statewide transit system and prioritizes transit investment. Development of the Statewide Transit Plan involved frequent interaction with the public in the form of surveys - including the Older Adults and Adults with Disabilities Survey and the MetroQuest Survey, pop-up events and community outreach booths, email blasts to underserved communities, county meetings, stakeholder and Transportation Planning Region (TPR) meetings, and public comment periods. In the past DTR has also conducted other research, such as evaluation of rail on the I-70 corridor which requires public feedback and input at both the statewide and regional level.

### **Interregional Bus Service**

CDOT's interregional bus service, Bustang began in the summer 2015 and services three routes. The I-25 North route connects Fort Collins, Loveland, and Denver along I-25. The I-25 South route connects Denver and Colorado Springs. The I-70 route services Glenwood Springs, Grand Junction, Vail, Frisco, Lakewood, and Denver along the I-70 corridor.

Each route is intended to connect riders with local transit agencies between the various state regions, as well as with Outrider routes to serve local communities statewide. The majority of clients are travelers, commuters, and individuals seeking resources provided in the Denver metro area.

## **Distribution and Oversight of State and Federal Awards**

DTR is responsible for the distribution of both state and federal grants to rural and small urban transit agencies, service providers and coordinating councils in Colorado. Through these activities, DTR supports and oversees transit services across the state. DTR interacts with transit agencies, private service providers, and coordinating councils who arrange and provide fixed route and on demand services to the public.

Additionally, DTR along with CRBRC ensures subrecipient compliance with federal regulations.

***Factor #1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service.***

All of the activities of DTR are conducted in or around impact areas throughout the state. Therefore, the geographic boundaries of DTR's functions are the borders of Colorado.

According to the data in Appendix A, the most prevalent LEP population in Colorado is Spanish-speaking LEP individuals, who make up 4.18% of Colorado's overall population. There are no other significant LEP populations at the statewide level.

**Bustang:** When considering the proportion of LEP persons eligible to be served or likely to be encountered, it is also helpful to look at the specific programs and activities of DTR. One such program that DTR oversees is Bustang. In looking at the Bustang routes and the counties served along these routes, it is likely that the percentage of LEP persons encountered by DTR increases along certain routes. The data in Appendix A also indicates that the most prevalent LEP population of the impacted counties Bustang serves is Spanish-speaking LEP individuals.

Therefore, it is consistent that Spanish speaking LEP individuals have a higher likelihood of being encountered than other LEP groups. For example, the North Line, South Line, West line, and all other routes of Bustang, serve counties with more than 8% Spanish speaking LEP populations. Of the counties served by Bustang, Denver County has the highest percentage of non-Spanish speaking LEP persons.

Specifically, along the North line, Bustang serves Denver County and Larimer County. Denver County has a Spanish-speaking LEP population of 7.71%. This percentage is almost two times greater than the statewide Spanish-speaking LEP percentage, making it likely that Bustang will encounter Spanish-speaking LEP populations along this route.

Along the West Line Bustang serves Garfield County (8.15%), Eagle County (10.96%), Jefferson County (1.79%), Summit County (6.65%), and Denver County (7.71%). These counties include several resort towns. As mentioned above, the majority of Bustang's customers are commuters. Some of the commuters that benefit from Bustang's services include employees that work in the resort towns served by Bustang. In Jefferson County the percentage of Spanish-speaking LEP persons is not as significant, showing a 1.79% Spanish-speaking population. However, in Denver County, LEP populations amount to nearly 8% of the population, and Eagle County has a significant percentage of LEP population – over 10%.



On the South Line Bustang serves Denver County and El Paso County. In looking at the data in Appendix A, El Paso County only has a 2.5% Spanish speaking LEP population; however, Denver County has nearly 8% Spanish speaking LEP population.

**Outrider:** Outrider serves four routes across the state. The Lamar to Colorado Springs line serves El Paso County, Crowley County, Prowers County, Bent County, Otero County, and Pueblo County. Prowers County has a Spanish LEP population of 7.92%, and the two other highest counties with the Spanish LEP population are Crowley (5.99%) and Bent (5.84%). The Alamosa to Pueblo route serves Alamosa (7.94% Spanish LEP population), Chaffee (2.19%), Fremont (3.10%), Saguache (9.49%), and Pueblo (2.20%) Counties. The Gunnison to Denver route serves Gunnison (2.46%), Chaffee (2.19%), Park (0.10%), Jefferson (1.79%), and Denver (7.71%). The Durango to Grand Junction line serves La Plata (0.91%), Dolores (0.34%), Montezuma (1.20%), San Miguel (2.20%), Ouray (0.66%), Mesa (1.68%), and Montrose (5.79%).

Not all of the activities or services are likely to encounter the entire state population. Due to their nature and purpose, statewide transit planning and Bustang should both be assumed to encounter the entire population. Conversely, research projects may only be local. A separate analysis should be conducted for each research project to determine the potential interaction with LEP persons.

In regards to award administration, DTR indirectly serves LEP individuals by interacting directly with local transit providers. LEP persons may seek out DTR for information or for filing complaints against local providers. To date there have been no complaints submitted by LEP persons nor has there been any translation services requested.

### ***Factors #2 and #3: The Frequency of Contact and Importance of DTR's Programs and Services.***

For this analysis, frequency of contact and importance are evaluated together. The importance of DTR's services to LEP populations partly depends on how frequently those services are expected to come into contact with LEP individuals.

DTR has the most frequency of contact with LEP populations through its interregional bus service, Bustang. DTR's frequency of contact with LEP Spanish-speaking persons has increased due to Bustang. Bustang is a very important part of people's lives as it serves commuters up and down the I-25 corridor and those living in the mountain regions seeking services in the metro area. Additionally, it is likely that Bustang will encounter frequent contact with those Spanish-speaking LEP persons that commute for employment purposes. Accordingly, Bustang's website provides routes, maps, and schedules in both English and Spanish.

Additionally, when conducted, transit planning and research should result in frequent contact with LEP persons because both require significant public involvement to be effective. For the 2045 Statewide Plan period, the Planning Team conducted: 81 local elected official and community leader meetings, including 64 county and two tribal meetings; 15 stakeholder meetings including the military community; six telephone town halls where thousands of Coloradans were asked transportation questions and participated in live polling; 36 community

events, and four rounds of meetings at each of the 10 rural Transportation Planning Regions. While individuals may not always take advantage of these opportunities, the planning process seeks to accurately identify needs throughout the state and ensure an equitable distribution of funds, therefore it is highly important to ensure access to all persons.

As explained above, DTR staff in award administration will rarely have direct contact with LEP persons. However, not having access to complaint forms and procedures could have a significant negative impact on LEP individuals' lives and is, therefore, of high importance.

Additionally, it is possible that in some circumstances, the staff of subrecipients representing underserved populations may have limited English proficiency.

Subrecipients that provide services in areas with LEP populations may have both frequent and important contact with LEP persons. The services provided by subrecipients may be the primary mode of transportation for LEP individuals. Therefore, DTR must ensure that they have conducted a four factor analysis and developed language assistance measures that ensure meaningful access.

***Factor #4: The resources available and the costs of such resources.***

The following is a summary of the language assistance resources and services that have already been or are currently being utilized by DTR:

Translation of Notices for Statewide Planning Meetings: The process for creating CDOT's Statewide Transit Plan included the translation of various outreach materials into Spanish. Information on websites and social media for outreach events with notices of the availability of free translation services were provided in Spanish. Additionally, various components of the statewide plan website are available in Spanish. The Statewide Transit Plan, 10-Year Vision for Colorado's Transportation System, and the Midyear Executive Summary were all professionally translated to Spanish and are available on the CDOT website: <https://www.codot.gov/programs/your-transportation-priorities>. Additionally, other information on the Plan website is available in Spanish with Google Translate.

Language Assistance for Bustang: Bustang, CDOT's interregional express bus service, began service in the summer 2015. DTR has identified that information regarding Bustang's routes, schedules, and fares are vitally important to ensure meaningful access to the service. Schedule and fare information is printed in Spanish and it is available on the buses and at park and ride stations. Schedule and fare information is available on the Bustang website in English and Spanish. Additionally, each bus will contain a copy of "Basic Spanish for Transit Employees." CDOT funded the creation of this book, which was produced by the Roaring Fork Transit Authority and Colorado Mountain College. It includes requests and commands that vehicle operators can use in Spanish.

Subrecipient Training and Compliance: For its oversight of state and federal awards, CDOT's CRBRC provides guidance on its website to subrecipients on FTA's Title VI and LEP requirements.

## DTR Language Assistance Plan

### **Translation of all Vital Materials**

DTR’s primary services and activities have a statewide focus. Appendix A contains demographic data for LEP individuals at a statewide and county level which shows that Spanish-speaking LEP individuals make up 4.18% of Colorado’s overall population. DTR has determined that all documents that are vital to providing meaningful access will be translated into Spanish. At a minimum, vital documents include CDOT’s discrimination complaint form and procedures, website information and schedules for Bustang, and public notices and website information for statewide planning. For future statewide activities, DTR will evaluate whether documents are vital and must be translated into Spanish.

### **Statewide Transit Planning**

The planning process for the 2045 Statewide Transit Plan and 10 Coordinated Public Transit - Human Services Transportation Plans began in 2019. Spanish outreach for the Plans included Spanish language interviews with the following radio stations during the 60-day public review period:

La Nueva Mix (TBC)	Location: Aspen/Vail (10,982 total unique listeners)
KNVR 1150 AM	Location: Denver metro area, Colorado Springs, Pueblo (30,500 listeners per hour)
La Invasora 87.7	Location: Denver metro area (Front Range, Boulder, Arvada) (23,776 listeners)
El Comercio de Colorado (Newspaper)	Location: 1,500 locations covering Denver Metro, Northern Colorado, and Colorado Springs (30,000 issues bi-weekly, 6,699 Facebook followers)
La Jota Mexicana 1630 AM	Location: Greeley, Northern Colorado, and Cheyenne, WY (260,000 coverage, 6,450 followers on Facebook)
KVAY 105.7 FM	Location: Lamar, La Junta (150,000+ population coverage)

Other outreach included a Spanish email blast for the MetroQuest survey and two public events where Spanish speaking staff were available to help with the survey. A Spanish version of the Older Adults and Adults with Disabilities Survey and the MetroQuest survey were made available. In addition, outreach materials stated that free language assistance was available upon request. DTR was prepared to provide translation or interpretation services at outreach events upon request or if there is knowledge that LEP individuals will be attending.

DTR will also continue to make vital planning information available in any language spoken by an LEP population exceeding 5% of the statewide total. The Statewide Transit Plan, 10-Year Vision for Colorado's Transportation System, and the Midyear Executive Summary were all professionally translated to Spanish and are available on the CDOT website:

<https://www.codot.gov/programs/your-transportation-priorities>. Additionally, other information on the Plan website is available in Spanish with Google Translate.

### **Interregional Express Bus Service**

DTR has identified that information regarding Bustang's routes, schedules, and fares are vitally important to ensure meaningful access to the service. Schedule and fare information is printed in Spanish and made available on the buses and at park and ride stations. Schedule and fare information is also available on the Bustang website in both English and Spanish.

Bustang staff will track customer service issues and respond accordingly to LEP individuals. The Bustang operator is able to respond to passenger concerns in English and Spanish. Tracking customer service issues related language assistance allows Bustang staff to better understand its frequency of contact with LEP individuals and adopt other language assistance measures if necessary.

### **Distribution and Oversight of State and Federal Awards**

Transit providers receiving awards from DTR are required to submit their LEP plans as part of their Title VI plan every three years to DTR. As part of its oversight responsibilities, DTR and CDOT CRBRC will provide technical assistance to its subrecipients and provide Title VI and LEP training when requested.

### **Providing Notice to LEP Persons**

DTR is required to notify LEP populations that language assistance is available free of charge. Notice must be provided in languages LEP persons would understand. DTR shall continue to provide notice to Spanish-speaking LEP individuals by doing, at minimum, the following:

- Posting CDOT's general accessibility and non-discrimination public notice, which includes information about obtaining free translation and interpretation services in English and Spanish in areas with public access.
- Providing notice of free language assistance with public notices in English and Spanish on its buses and on Bustang's website, which is available in Spanish with Google Translate.
- During the statewide transit planning process, information concerning outreach events with notices of the availability of free language assistance were distributed in Spanish.

### **Language Assistance Resources**

The following are additional language assistance resources for DTR staff to consider for future language assistance needs:

- Bilingual Staff: DTR is encouraged to identify bilingual staff in order to quickly and effectively respond to unexpected encounters with LEP individuals.
- CDOT Civil Rights & Business Resource Center: DTR is encouraged to consult with the Civil Rights & Business Resource Center (CRBRC) on the development of additional language assistance measures or on how best to respond to specific language assistance requests. The CRBRC may also be able to provide funding and additional resources to DTR for future language assistance measures.
- Language Identification Cards: Language identification cards can be utilized when first encountering someone who needs language assistance. The U.S. Census Bureau's language identification card is available at [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf). Cards can be used by staff to identify the primary language of LEP individuals during face to face contact.
- CTS LanguageLink: The State of Colorado has a price agreement with CTS LanguageLink for professional translation and interpretation services. CTS LanguageLink offers an over-the-phone interpretation service. CTS LanguageLink can also translate written documents into more than 100 languages. For more information, contact CRBRC or LanguageLink Client Relations (Toll Free 855.779.2704; [clientrelations@ctslanguage.com](mailto:clientrelations@ctslanguage.com); [www.ctslanguage.com](http://www.ctslanguage.com))
- Automated Computer Translation: Google Translate and other automated translation services can be a tool for translating basic information in limited circumstances. For example, various CDOT websites can be translated into other languages using Google Translate. However, caution should be used when using automated translation to convey vital information. The U.S. Department of Labor recommends using automated translation only if someone is capable of reviewing and correcting the translation to ensure that it is conveying the intended message. While CDOT's website can be translated into several languages using Google Translate, the website also contains Spanish information that was professionally translated. The Civil Rights & Business Resource Center created a page in Spanish that contains information about the public's rights to equal access and nondiscrimination. The Bustang website can also be translated into Spanish using Google Translate.

### **Monitoring and Updating LEP Efforts**

DTR is responsible for ensuring that access is provided to LEP persons through language assistance services. This plan must be incorporated by reference into the appropriate procedure manuals to ensure that employees are aware of their obligations for compliance.

The Civil Rights & Business Resource Center will monitor DTR activities to ensure LEP requirements are fulfilled and report to the Federal Transit Administration (FTA). DTR will update this LEP plan at least every three years when DTR's Title VI Plan is due to the FTA. DTR must also update this Plan whenever one of its primary activities substantially changes or if it starts a new primary activity, program or service. CRBRC will provide periodic training to DTR staff on resources available for LEP assistance.

## Appendix A

### Colorado LEP Demographic Data

Colorado has a total population of 5,695,564 people. Colorado has a total Limited English Proficient (LEP) population of 306,727 which is 5.4% of Colorado’s overall population. The following table shows the top five languages spoken by LEP persons in Colorado and their percentage of the total Colorado population, according the U.S. Census Bureau.<sup>1</sup>

Language	Number of LEP Persons	Percent of Colorado Population
Spanish	217,269	4.18%
Chinese	12,178	0.24%
Vietnamese	10,987	0.21%
Russian, Polish, or other Slavic Languages	9,243	0.18%
Korean	7,025	0.14%

#### Demographic data by county and CDOT Transportation Region

CDOT is geographically structured into five Transportation Regions. The following pages contain LEP demographic data for each CDOT Transportation Region and the counties within in each region using U.S. Census data.

#### CDOT Region 1

CDOT Region 1 is comprised of the five counties listed in the table below. LEP individuals make up 7.18% of Region 1’s total population. LEP individuals that speak Spanish represent 3.1% of Region 1’s population. Adams, Arapahoe, and Denver counties have the largest Spanish-speaking LEP populations in Region 1.

#### U.S. Census Data

County	Total Population	Total LEP Population	LEP	Percent	Language
Adams	460,437	52,479	42454	9.22%	Spanish
			2530	0.55%	Other Asian and Pacific Island languages
			1663	0.36%	Vietnamese
			1625	0.35%	Other Indo-European languages
			1065	0.23%	Chinese (incl. Mandarin, Cantonese)
			1058	0.23%	Russian, Polish, or other Slavic languages
			1050	0.23%	Other and unspecified languages
			410	0.09%	French, Haitian, or Cajun

<sup>1</sup> Data tabulated by “Limited English Proficient Individuals in the United States: Linguistic Diversity at the County Level.” Data was tabulated using the US Census Bureau’s 2017 American Community Survey, Table B16001 “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over.” For more information about LEP data, visit <https://data.census.gov/cedsci/table?q=Table%20B16001%20&tid=ACSDT1Y2017.B16001&moe=true&hidePreview=true>

			225	0.05%	Tagalog (incl. Filipino)
			207	0.04%	Korean
			107	0.02%	German or other West Germanic languages
			85	0.02%	Arabic
Arapahoe	596,161	51,853	26814	4.50%	Spanish
			4182	0.70%	Other and unspecified languages
			3603	0.60%	Other Asian and Pacific Island languages
			3348	0.56%	Russian, Polish, or other Slavic languages
			3092	0.52%	Other Indo-European languages
			2959	0.50%	Chinese (incl. Mandarin, Cantonese)
			2692	0.45%	Korean
			2177	0.37%	Vietnamese
			1316	0.22%	Arabic
			892	0.15%	French, Haitian, or Cajun
			455	0.08%	Tagalog (incl. Filipino)
			323	0.05%	German or other West Germanic languages
Boulder	305,960	14,338	8752	2.86%	Spanish
			1582	0.52%	Chinese (incl. Mandarin, Cantonese)
			1120	0.37%	Other Asian and Pacific Island languages
			1012	0.33%	Other Indo-European languages
			462	0.15%	Russian, Polish, or other Slavic languages
			456	0.15%	Korean
			219	0.07%	Vietnamese
			184	0.06%	French, Haitian, or Cajun
			170	0.06%	German or other West Germanic languages
			170	0.06%	Other and unspecified languages
			161	0.05%	Arabic
			50	0.02%	Tagalog (incl. Filipino)
Broomfield	62,386	2,244	1096	1.76%	Spanish
			308	0.49%	Other Asian and Pacific Island languages
			282	0.45%	Chinese (incl. Mandarin, Cantonese)
			121	0.19%	Vietnamese
			120	0.19%	Other Indo-European languages
			95	0.15%	Russian, Polish, or other Slavic languages
			58	0.09%	Korean
			56	0.09%	Other and unspecified languages
			33	0.05%	German or other West Germanic languages
			26	0.04%	Arabic
			25	0.04%	Tagalog (incl. Filipino)
			24	0.04%	French, Haitian, or Cajun
Clear Creek	9,029	136	50	0.55%	Other and unspecified languages
			37	0.41%	Spanish
			27	0.30%	Chinese (incl. Mandarin, Cantonese)
			22	0.24%	Other Indo-European languages
Denver	649,996	66,200	50140	7.71%	Spanish
			3400	0.52%	Vietnamese
			2527	0.39%	Other and unspecified languages

			2170	0.33%	Chinese (incl. Mandarin, Cantonese)
			2056	0.32%	Other Indo-European languages
			1522	0.23%	Other Asian and Pacific Island languages
			1276	0.20%	Arabic
			1186	0.18%	Russian, Polish, or other Slavic languages
			952	0.15%	French, Haitian, or Cajun
			625	0.10%	Korean
			229	0.04%	Tagalog (incl. Filipino)
			117	0.02%	German or other West Germanic languages
Douglas	308,690	6,749	2244	0.73%	Spanish
			1341	0.43%	Other Indo-European languages
			820	0.27%	Chinese (incl. Mandarin, Cantonese)
			465	0.15%	Russian, Polish, or other Slavic languages
			420	0.14%	Other Asian and Pacific Island languages
			390	0.13%	Vietnamese
			312	0.10%	Korean
			234	0.08%	French, Haitian, or Cajun
			207	0.07%	Tagalog (incl. Filipino)
			177	0.06%	German or other West Germanic languages
			70	0.02%	Arabic
			69	0.02%	Other and unspecified languages
Gilpin	5,678	86	69	1.22%	Spanish
			10	0.18%	Other Indo-European languages
			7	0.12%	French, Haitian, or Cajun
Jefferson	540,436	16,940	9686	1.79%	Spanish
			1503	0.28%	Vietnamese
			1118	0.21%	Chinese (incl. Mandarin, Cantonese)
			1115	0.21%	Other Indo-European languages
			850	0.16%	Russian, Polish, or other Slavic languages
			757	0.14%	Other Asian and Pacific Island languages
			442	0.08%	German or other West Germanic languages
			399	0.07%	Korean
			359	0.07%	Other and unspecified languages
			354	0.07%	French, Haitian, or Cajun
			204	0.04%	Arabic
			153	0.03%	Tagalog (incl. Filipino)
<b>Region 1</b>	<b>2,938,773</b>		<b>211,025</b>	<b>7.18%</b>	

## CDOT Region 2

CDOT Region 2 is comprised of the 14 counties listed in the table below. LEP individuals make up 3.5% of Region 2's population. Most of the Spanish-speaking LEP population in Region 2 is found in El Paso and Pueblo counties.

## U.S. Census Data

County	Total Population	Total LEP Population	LEP	Percent	Language
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Baca	3,376	140	136	4.03%	Spanish
			4	0.12%	Russian, Polish, or other Slavic languages
Bent	5,600	338	327	5.84%	Spanish
			11	0.20%	Other Asian and Pacific Island languages
Crowley	5,456	327	327	5.99%	Spanish
Custer	4,539	140	84	1.85%	German or other West Germanic languages
			41	0.90%	Spanish
			15	0.33%	French, Haitian, or Cajun
El Paso	641,191	24,028	16050	2.50%	Spanish
			1809	0.28%	Korean
			1363	0.21%	Other Asian and Pacific Island languages
			789	0.12%	Chinese (incl. Mandarin, Cantonese)
			741	0.12%	Vietnamese
			674	0.11%	German or other West Germanic languages
			639	0.10%	Tagalog (incl. Filipino)
			554	0.09%	Other Indo-European languages
			528	0.08%	Russian, Polish, or other Slavic languages
			322	0.05%	French, Haitian, or Cajun
			302	0.05%	Other and unspecified languages
			257	0.04%	Arabic
Fremont	45,140	1,816	1399	3.10%	Spanish
			104	0.23%	Arabic
			97	0.21%	Other and unspecified languages
			58	0.13%	Tagalog (incl. Filipino)
			38	0.08%	Russian, Polish, or other Slavic languages
			37	0.08%	Other Indo-European languages
			26	0.06%	German or other West Germanic languages
			21	0.05%	Korean
			19	0.04%	Vietnamese
			17	0.04%	Chinese (incl. Mandarin, Cantonese)
Huerfano	6,418	147	131	2.04%	Spanish
			5	0.08%	Other Asian and Pacific Island languages
			11	0.17%	Chinese (incl. Mandarin, Cantonese)
Kiowa	1,296	14	11	0.85%	Spanish
			3	0.23%	Russian, Polish, or other Slavic languages
Las Animas	13,557	532	428	3.16%	Spanish
			45	0.33%	Other and unspecified languages
			14	0.10%	Arabic
			13	0.10%	German or other West Germanic languages
			8	0.06%	Other Indo-European languages
			7	0.05%	French, Haitian, or Cajun
			6	0.04%	Russian, Polish, or other Slavic languages
			6	0.04%	Vietnamese
			5	0.04%	Chinese (incl. Mandarin, Cantonese)
Otero	17,230	819	716	4.16%	Spanish
			65	0.38%	Chinese (incl. Mandarin, Cantonese)

			26	0.15%	Other Asian and Pacific Island languages
			8	0.05%	Vietnamese
			4	0.02%	Korean
Park	16,565	44	17	0.10%	Spanish
			16	0.10%	Other Asian and Pacific Island languages
			11	0.07%	Arabic
Prowers	11,241	929	890	7.92%	Spanish
			18	0.16%	Arabic
			16	0.14%	Vietnamese
			5	0.04%	French, Haitian, or Cajun
Pueblo	155,048	3,814	3410	2.20%	Spanish
			151	0.10%	Other Indo-European languages
			56	0.04%	Korean
			49	0.03%	German or other West Germanic languages
			47	0.03%	Russian, Polish, or other Slavic languages
			28	0.02%	Chinese (incl. Mandarin, Cantonese)
			21	0.01%	Arabic
			20	0.01%	Vietnamese
			14	0.01%	Other Asian and Pacific Island languages
			12	0.01%	Tagalog (incl. Filipino)
			6	0.00%	French, Haitian, or Cajun
Teller	23,135	161	72	0.31%	German or other West Germanic languages
			35	0.15%	Spanish
			23	0.10%	Other Indo-European languages
			18	0.08%	Other and unspecified languages
			13	0.06%	Vietnamese
<b>Region 2</b>	<b>949,792</b>		<b>33,249</b>	<b>3.50%</b>	

### CDOT Region 3

CDOT Region 3 is comprised of the 15 counties listed in the table below. LEP individuals make up 5.2% of Region 3's total population. The majority of the Spanish-speaking LEP population in Region 3 is located in Eagle and Garfield counties.

### U.S. Census Data

County	Total Population	Total LEP Population	LEP	Percent	Language
Delta	28,832	1,025	870	3.02%	Spanish
			61	0.21%	Chinese (incl. Mandarin, Cantonese)
			58	0.20%	Other Indo-European languages
			15	0.05%	Russian, Polish, or other Slavic languages
			15	0.05%	Tagalog (incl. Filipino)
			6	0.02%	Korean
Eagle	51,212	6,312	5613	10.96%	Spanish
			151	0.29%	Other Asian and Pacific Island languages
			150	0.29%	Russian, Polish, or other Slavic languages
			100	0.20%	French, Haitian, or Cajun

			97	0.19%	Chinese (incl. Mandarin, Cantonese)
			53	0.10%	Arabic
			51	0.10%	Other Indo-European languages
			50	0.10%	German or other West Germanic languages
			33	0.06%	Other and unspecified languages
			14	0.03%	Tagalog (incl. Filipino)
Garfield	54,522	4,669	4444	8.15%	Spanish
			83	0.15%	Russian, Polish, or other Slavic languages
			47	0.09%	Other Asian and Pacific Island languages
			30	0.06%	Vietnamese
			25	0.05%	German or other West Germanic languages
			21	0.04%	Other Indo-European languages
			10	0.02%	Other and unspecified languages
			9	0.02%	French, Haitian, or Cajun
Grand	14,503	382	254	1.75%	Spanish
			99	0.68%	Other Indo-European languages
			10	0.07%	Other Asian and Pacific Island languages
			8	0.06%	Vietnamese
			7	0.05%	Other and unspecified languages
			4	0.03%	Tagalog (incl. Filipino)
Gunnison	15,793	388	388	2.46%	Spanish
			9	0.06%	Vietnamese
Hinsdale	840	0	0	0.00%	N/A
Jackson	1,213	96	96	7.91%	Spanish
Lake	7,261	405	357	4.92%	Spanish
			48	0.66%	Other and unspecified languages
Mesa	141,275	2,908	2374	1.68%	Spanish
			134	0.09%	Chinese (incl. Mandarin, Cantonese)
			96	0.07%	Other Indo-European languages
			64	0.05%	Other Asian and Pacific Island languages
			52	0.04%	Tagalog (incl. Filipino)
			51	0.04%	French, Haitian, or Cajun
			51	0.04%	Other and unspecified languages
			44	0.03%	German or other West Germanic languages
			42	0.03%	Korean
Moffat	12,220	391	353	2.89%	Spanish
			38	0.31%	Other and unspecified languages
Montrose	38,956	2,478	2256	5.79%	Spanish
			108	0.28%	Vietnamese
			79	0.20%	Other Asian and Pacific Island languages
			14	0.04%	Korean
			8	0.02%	Other Indo-European languages
			8	0.02%	Tagalog (incl. Filipino)
			5	0.01%	French, Haitian, or Cajun
Pitkin	17,086	653	388	2.27%	Spanish
			129	0.76%	Other and unspecified languages
			79	0.46%	Other Indo-European languages

			57	0.33%	Russian, Polish, or other Slavic languages
Rio Blanco	6,044	92	92	1.52%	Spanish
Routt	23,820	782	421	1.77%	Spanish
			209	0.88%	Russian, Polish, or other Slavic languages
			57	0.24%	Arabic
			51	0.21%	Vietnamese
			30	0.13%	Other and unspecified languages
			7	0.03%	Korean
			5	0.02%	Other Indo-European languages
			1	0.00%	Tagalog (incl. Filipino)
			1	0.00%	Chinese (incl. Mandarin, Cantonese)
Summit	29,119	2,440	1936	6.65%	Spanish
			267	0.92%	Russian, Polish, or other Slavic languages
			225	0.77%	Other and unspecified languages
			9	0.03%	Chinese (incl. Mandarin, Cantonese)
			3	0.01%	Other Asian and Pacific Island languages
Region 3	<b>442,696</b>		<b>23,030</b>	<b>5.20%</b>	

#### CDOT Region 4

CDOT Region 4 is comprised of the 13 counties listed in the table below. LEP individuals make up 4.7% of Region 4's total population. The majority of the Spanish-speaking LEP population in Region 4 is located in Boulder, Larimer, and Weld counties.

#### U.S. Census Data

County	Total Population	Total LEP Population	LEP	Percent	Language
Cheyenne	1,823	69	60	3.29%	Spanish
	1,823		9	0.49%	Tagalog (incl. Filipino)
Elbert	24,076	97	77	0.32%	Spanish
			15	0.06%	Other Indo-European languages
			3	0.01%	Chinese (incl. Mandarin, Cantonese)
			2	0.01%	French, Haitian, or Cajun
Kit Carson	7,246	593	565	7.80%	Spanish
			20	0.28%	Other Indo-European languages
			8	0.11%	German or other West Germanic languages
Larimer	320,425	8,454	5028	1.57%	Spanish
			572	0.18%	German or other West Germanic languages
			560	0.17%	Chinese (incl. Mandarin, Cantonese)
			476	0.15%	Other Asian and Pacific Island languages
			363	0.11%	Other Indo-European languages
			330	0.10%	Arabic
			258	0.08%	Russian, Polish, or other Slavic languages
			245	0.08%	Vietnamese
			206	0.06%	Korean
			192	0.06%	French, Haitian, or Cajun
			119	0.04%	Tagalog (incl. Filipino)
			105	0.03%	Other and unspecified languages

Lincoln	5,243	311	289	5.51%	Spanish
			10	0.19%	Other and unspecified languages
			9	0.17%	Chinese (incl. Mandarin, Cantonese)
			2	0.04%	Other Indo-European languages
			1	0.02%	Korean
Logan	19,976	660	579	2.90%	Spanish
			29	0.15%	Other Asian and Pacific Island languages
			20	0.10%	Chinese (incl. Mandarin, Cantonese)
			18	0.09%	German or other West Germanic languages
			14	0.07%	Russian, Polish, or other Slavic languages
Morgan	26,185	3,266	2735	10.44%	Spanish
			331	1.26%	Other and unspecified languages
			91	0.35%	Chinese (incl. Mandarin, Cantonese)
			27	0.10%	Russian, Polish, or other Slavic languages
			26	0.10%	Other Asian and Pacific Island languages
			20	0.08%	Arabic
			17	0.06%	German or other West Germanic languages
			9	0.03%	Other Indo-European languages
			8	0.03%	Vietnamese
			2	0.01%	French, Haitian, or Cajun
Phillips	4,073	393	393	9.65%	Spanish
Sedgwick	2,196	54	52	2.37%	Spanish
			2	0.09%	Chinese (incl. Mandarin, Cantonese)
Washington	4,596	83	73	1.59%	Spanish
			7	0.15%	Tagalog (incl. Filipino)
			3	0.07%	Russian, Polish, or other Slavic languages
Weld	273,535	18,376	16241	5.94%	Spanish
			641	0.23%	Other Asian and Pacific Island languages
			520	0.19%	Other and unspecified languages
			222	0.08%	Vietnamese
			158	0.06%	Chinese (incl. Mandarin, Cantonese)
			130	0.05%	Other Indo-European languages
			116	0.04%	German or other West Germanic languages
			110	0.04%	Korean
			107	0.04%	French, Haitian, or Cajun
			45	0.02%	Russian, Polish, or other Slavic languages
			44	0.02%	Arabic
			42	0.02%	Tagalog (incl. Filipino)
Yuma	9,296	833	816	8.78%	Spanish
			17	0.18%	Russian, Polish, or other Slavic languages
Region 4	<b>700,493</b>		<b>33,189</b>	<b>4.74%</b>	

## CDOT Region 5

CDOT Region 5 is comprised of the 14 counties listed in the table below. LEP individuals make up 3.7% of Region 5's total population.

**U.S. Census Data**

County	Total Population	Total LEP Population	LEP	Percent	Language
Alamosa	15,286	1,385	1214	7.94%	Spanish
			161	1.05%	Other and unspecified languages
			6	0.04%	Other Asian and Pacific Island languages
			4	0.03%	Vietnamese
Archuleta	12,329	310	291	2.36%	Spanish
			15	0.12%	Chinese (incl. Mandarin, Cantonese)
			3	0.02%	German or other West Germanic languages
			1	0.01%	Other Indo-European languages
Chaffee	18,529	485	406	2.19%	Spanish
			46	0.25%	French, Haitian, or Cajun
			19	0.10%	Other Asian and Pacific Island languages
			8	0.04%	Other Indo-European languages
Conejos	7,569	587	500	6.61%	Spanish
			76	1.00%	German or other West Germanic languages
			7	0.09%	Tagalog (incl. Filipino)
			4	0.05%	Other Indo-European languages
Costilla	3,548	592	590	16.63%	Spanish
			2	0.06%	Russian, Polish, or other Slavic languages
Dolores	1,758	10	6	0.34%	German or other West Germanic languages
			2	0.11%	Other Indo-European languages
La Plata	52,256	690	476	0.91%	Spanish
			89	0.17%	Chinese (incl. Mandarin, Cantonese)
			78	0.15%	Other and unspecified languages
			20	0.04%	French, Haitian, or Cajun
			10	0.02%	Arabic
			8	0.02%	Other Indo-European languages
Mineral	811	7	6	0.01%	Vietnamese
			3	0.01%	German or other West Germanic languages
			5	0.62%	Other Indo-European languages
			2	0.25%	Spanish
			293	1.20%	Spanish
			125	0.51%	Other and unspecified languages
Montezuma	24,385	451	15	0.06%	German or other West Germanic languages
			11	0.05%	French, Haitian, or Cajun
			7	0.03%	Chinese (incl. Mandarin, Cantonese)
			30	0.66%	Spanish
			5	0.11%	Other and unspecified languages
Rio Grande	10,658	778	733	6.88%	Spanish
			43	0.40%	German or other West Germanic languages
			2	0.02%	French, Haitian, or Cajun
Saguache	6,141	621	583	9.49%	Spanish
			34	0.55%	Other Asian and Pacific Island languages

			4	0.07%	German or other West Germanic languages
San Juan	529	23	23	4.35%	Spanish
San Miguel	7,648	262	168	2.20%	Spanish
			40	0.52%	Chinese (incl. Mandarin, Cantonese)
			28	0.37%	Other Indo-European languages
			26	0.34%	Tagalog (incl. Filipino)
Region 5	<b>166,011</b>		<b>6,234</b>	<b>3.76%</b>	

APPENDIX J:

Subrecipient Title VI Plan  
Submission Schedule



### DTR Subrecipient Title VI Plan Submission Schedule

<b>Subrecipient</b>	<b>Title VI Plan Due Date</b>
Adams County	July_2020
Alpine Express (AEX)	October_2020
Archuleta County	December_2020
Avon, Town of	December_2020
Bent County	October_2020
Black Hawk, City of	June_2021
Breckenridge, Town of	October_2020
Broomfield, City & County of	December_2020
Boulder, City of	July_2020
Colorado Nonprofit Development Center (CNDC) (DRMAC)	October_2020
Community Options, Inc.	May_2020
Continuum of Colorado	June_2022
Cripple Creek, City of	November_2020
Denver Regional Council of Governments	May_2022
Disability Services, Inc.	March_2022
Dolores County	October_2023
Douglas County Department of Community Development	November_2020
Durango, City of	April_2020
Eagle County	October_2020
East Central Council of Local Governments	March_2020
Easter Seals Colorado	September_2020
Estes Park, Town of	May_2022
Glenwood Springs, City of	February_2021
Goodwill Industries of Denver	March_2021
Greeley, City of	June_2019
Greyhound Lines, Inc.	November_2020
Gunnison Valley Rural Transportation Authority	March_2022
HopeWest	April_2020
Horizons Specialized Services	June_2019
Huerfano/Las Animas Area Council of Governments (SCCOG)	January_2020
Inspiration Field	October_2023
La Junta, City of	December_2020
Lake County	August_2022
Laradon Hall Society for Exceptional Children & Adults	February_2020
Mesa County RTPO	December_2020
Montezuma County	December_2020
Montrose County Senior Citizens Transportation, Inc.	February_2020
Mountain Express	July_2022

November 2020

Mountain Valley Developmental Services, Inc.	December_2020
Mountain Village, Town of	August_2019
Neighbor to Neighbor Volunteers	June_2022
North Front Range Transportation & Air Quality Council - NFRMPO	June_2021
Northeastern Colorado Association of Local Governments - NECALG	February_2022
Northwest Colorado Center for Independence - NWCCI	December_2020
Northwest Colorado Council of Governments - NWCCOG	November_2021
Prowers County	March_2021
Pueblo, City of	November_2021
Roaring Fork Transportation Authority - RFTA	May_2021
Routt County Government	December_2020
San Luis Valley Development Resources Group	December_2020
San Miguel Authority for Regional Transportation	October_2023
Senior Resource Development Agency, Pueblo, Inc. - Pueblo SRDA	December_2020
Snowmass Village, Town of	July_2022
Southern Colorado Community Action Agency, Inc.	October_2022
Southwest Colorado Council of Governments	January_2020
Steamboat Springs, City of	November_2020
Summit County - Summit Stage	August_2021
Teller Senior Coalition	April_2022
Telluride, Town of	December_2020
Upper Arkansas Area Council of Governments	March_2021
Vail, Town of	October_2022
Via Mobility Services	November_2020
Winter Park, Town of	December_2020
Burlington Stage Lines	December_2020

APPENDIX K:

Bijou St. Facility Equity Analysis

## **Title VI Equity Analysis**

### **Bijou Street Bustang Storage and Maintenance Facility in Colorado Springs 5710 E Bijou Street, Colorado Springs, CO 80915**

#### **Site Selection Process**

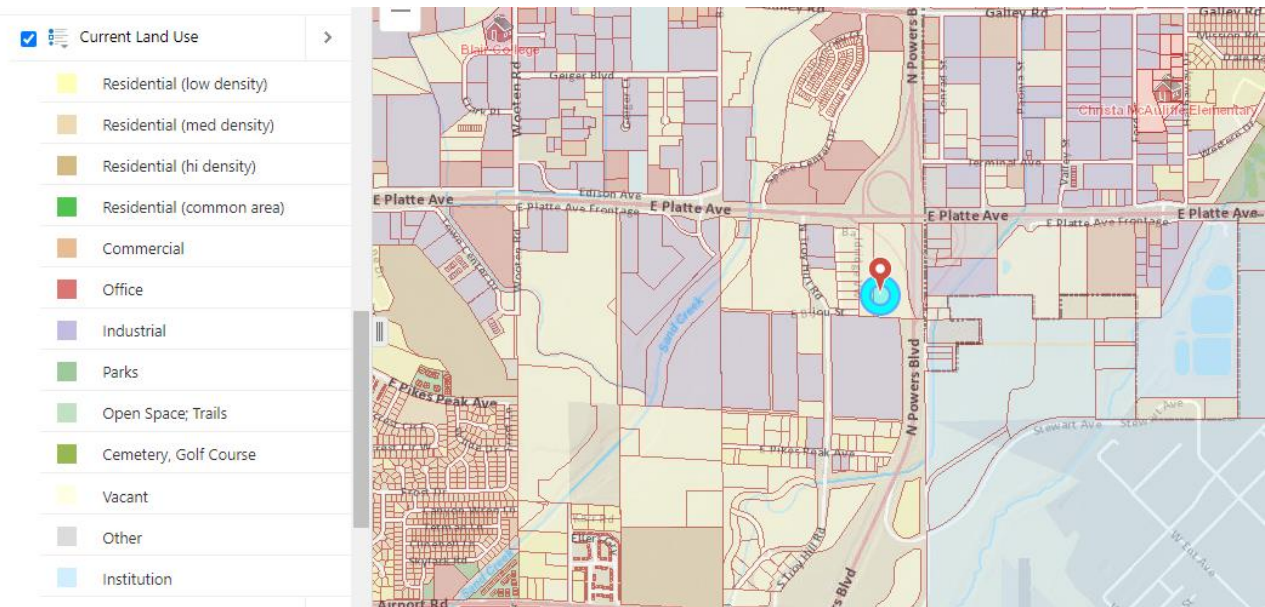
When selecting a location for a new maintenance facility, the Colorado Department of Transportation (CDOT) takes into consideration several factors to ensure that the location serves the operational needs of the agency and considers the impact to the surrounding community. Consistent with 49 C.F.R. § 21.9(b)(3), CDOT does not discriminate on the basis of race, color, or national origin when determining the site or location of facilities.

Logistically, the main priority of a maintenance facility is to be closely located to State and Federal highways for quick access on and off the highway. This locational proximity to highways allows for quick response time for maintenance operations and for transportation routes for transit buses or maintenance vehicles. Another factor is the demographics of that location, in order to provide the best operational efficiencies while minimizing any negative impacts on the community. The preference is to have the facility located in an industrial area rather than a residential area, due to the noisy and industrial nature of the facility itself and to minimize the impacts on the residential roads. Whenever possible, CDOT will move existing facilities that are in residential areas to State highway ROW or more industrial locations to minimize the impact on the local community. In addition, CDOT's preference is also to locate a facility on existing CDOT-owned ROW so there will be no displacement of residents.

#### ***Bijou Street Location - Zoning***

CDOT has owned the property at 5710 E Bijou Street, Colorado Springs, CO 80915, since 1998. It is in an industrial zoned area with quick and easy access to State Highway 24. Zoning of all properties adjacent to the site is commercial or industrial. Most immediate property surrounding the location is owned by CDOT, and an Air Force base is located to the east of the highway as well as additional industrial-zoned areas in the east and north of the location. This property had been underutilized until it was chosen as the location of a new highway maintenance facility in 2016. In state fiscal year 2016, CDOT obtained fiscal year 2019 funding for the construction of a maintenance facility on this property.

The maps and photo below indicate the zoning of the area as well as the highways bordering the property:

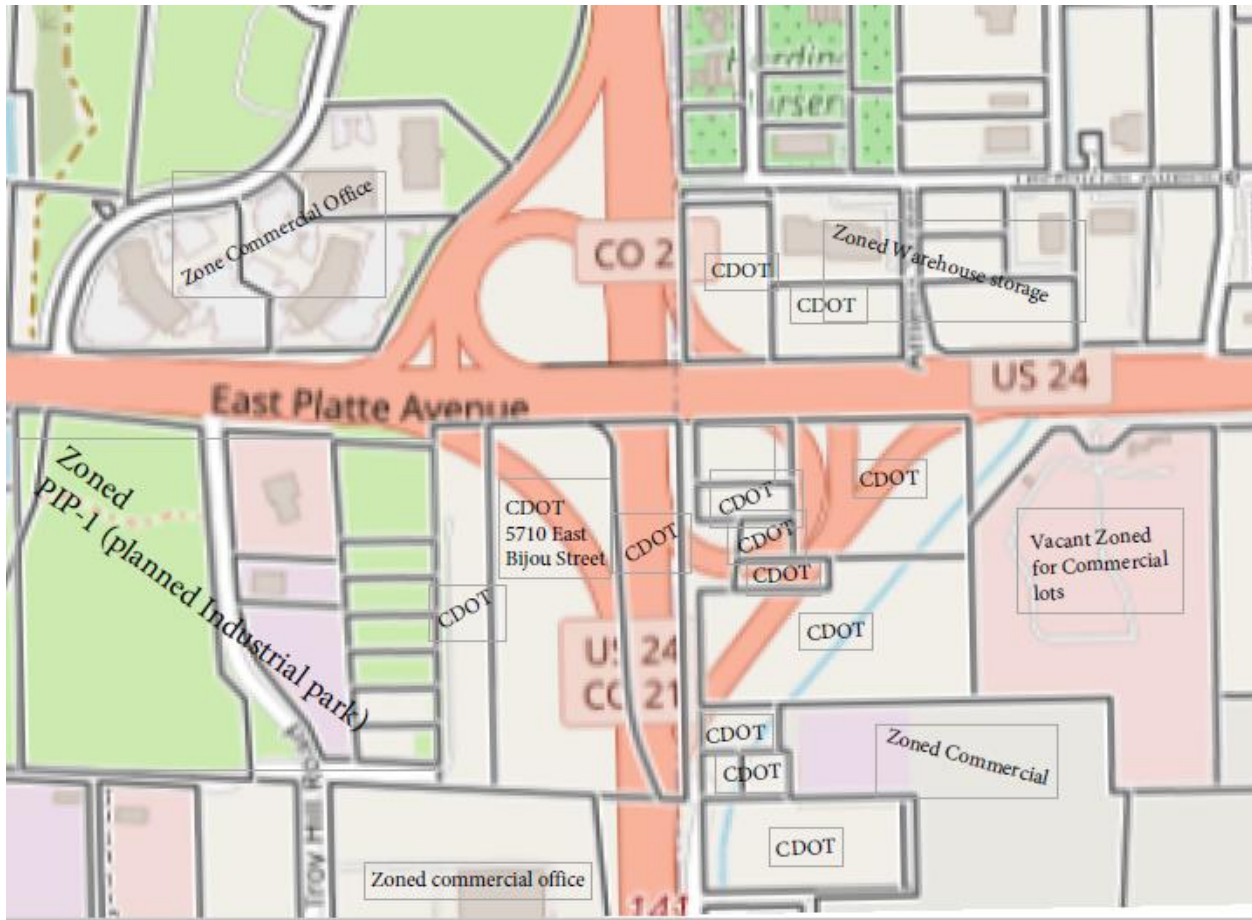


Zoning map of Bijou Street location and surrounding area.



**PROJECT SITE**  
 BUS STORAGE FACILITY: 5710 E BIJOU STREET  
 VEHICLE STORAGE FACILITY: 5730 E BIJOU STREET  
 SAND SHED: 5750 E BIJOU STREET  
 COLORADO SPRINGS, CO 80915

Aerial photo of Bijou Street location.



Map showing Bijou Street location, zoning of surrounding areas, and properties owned by CDOT.

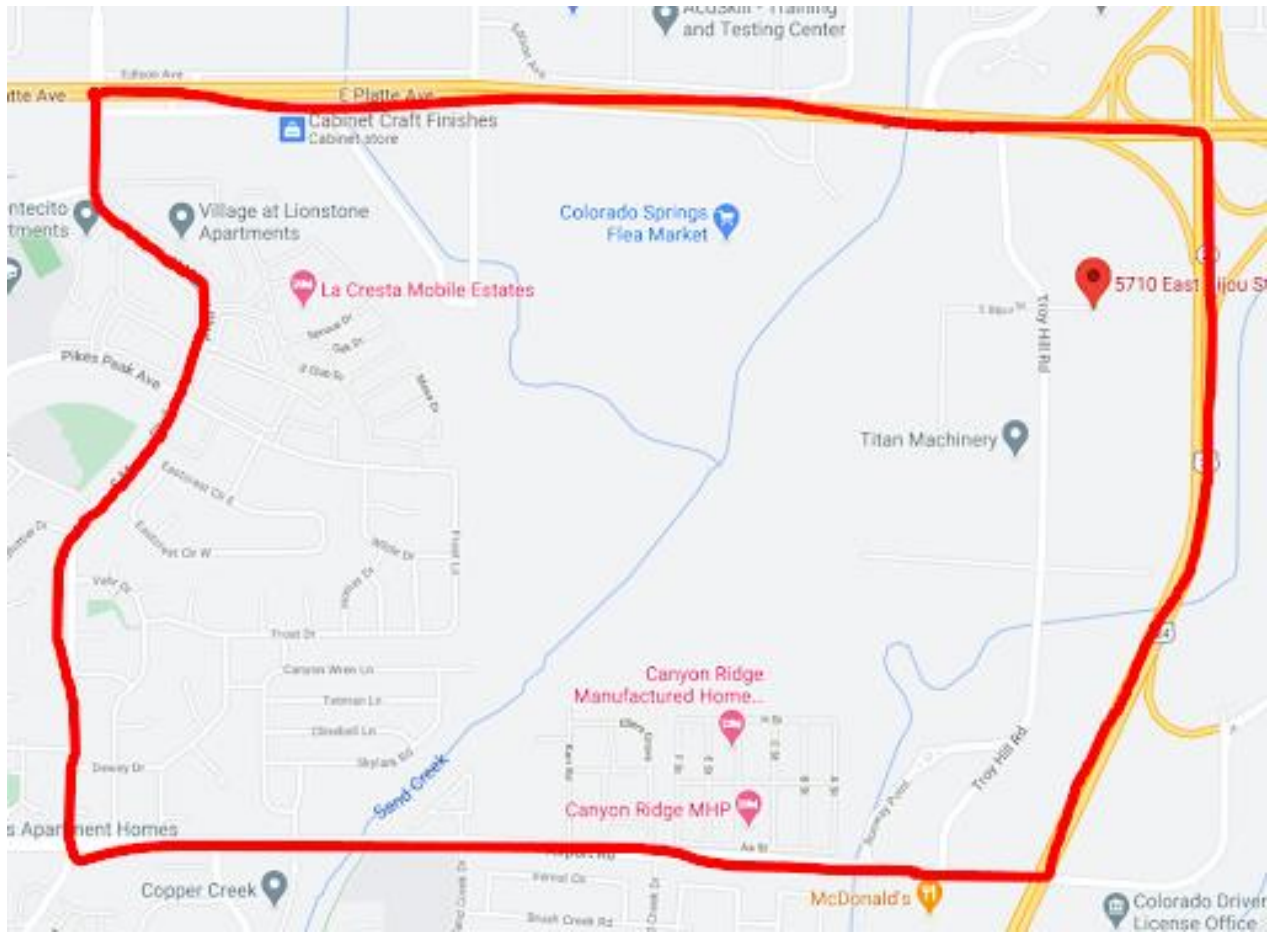
### ***Bijou Street Location - Demography***

According to U.S. Census data, the Bijou Street property is located in Census Block Group 3 in Census Tract 62, which had a total population of two people.<sup>1</sup> The boundaries of the Census Block Group and Tract are shown below. The areas surrounding the Bijou Street location are zoned industrial or owned by CDOT as the ROW next to the highway, shown in the maps above, and do not include residential areas.

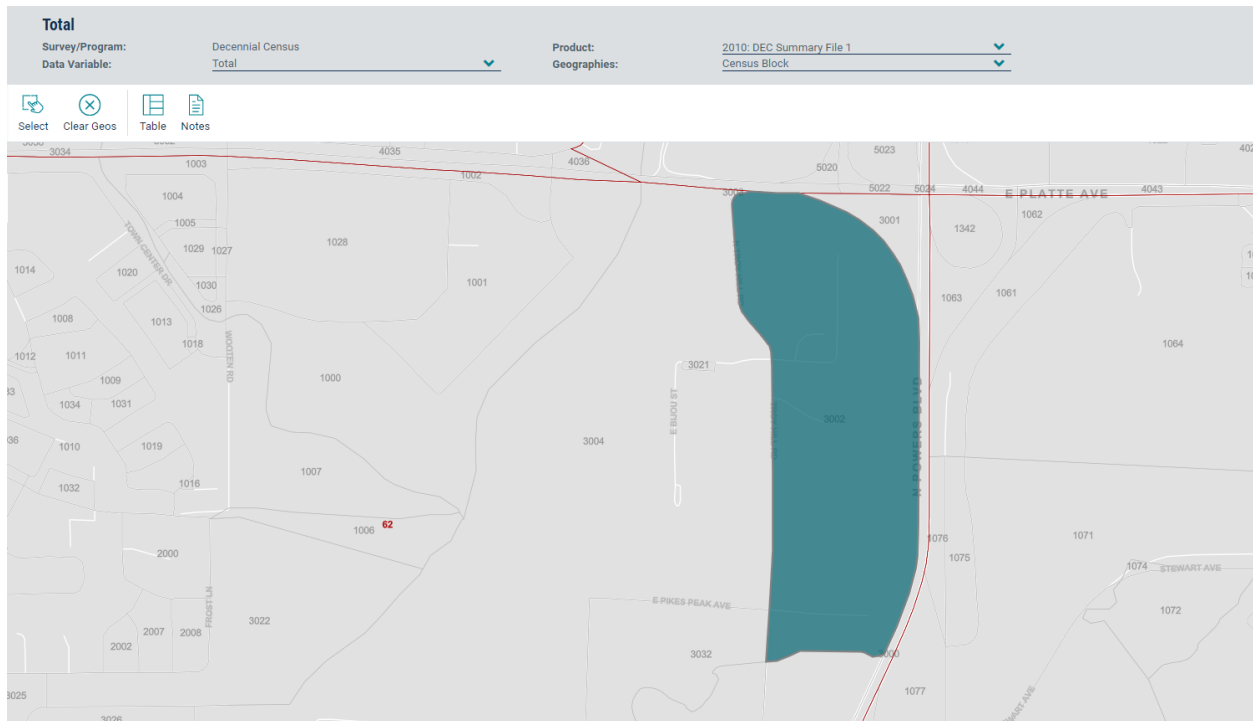
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<sup>1</sup> Decennial U.S. Census, 2010, P1 Table.





Census tract 62 outlined in red.



Census block group 3 shaded in green.

### ***Purpose of New Bijou Street Bus Storage Facility***

The new bus storage facility located at 5710 E Bijou Street, Colorado Springs, CO 80915, will allow for on-site routine maintenance and bus washing/cleaning of the buses, thereby eliminating the need for deadhead trips to the location where they were previously being maintained. This is estimated to save CDOT up to \$164,000/year. Because the construction for the maintenance facility was already underway, CDOT was also able to use the same contractor to build the bus storage facility in a cost-effective manner. In addition, since this property is bordered on two sides by highways, CDOT was able to leverage the location for both maintenance and bus storage purposes.

Prior to choosing this location for the new bus storage facility, Bustang buses had already been stored on the Bijou Street property, parked outside and protected only by a chain-link fence. The new fully-enclosed facility will require badge access which will be limited to authorized personnel. CDOT took advantage of the maintenance facility project that was already underway in order to reduce the overall cumulative impact; by combining the maintenance and transit storage facility in one location, CDOT was able to avoid having two separate facilities in this area, and is able to have a reduced footprint in the area surrounding the property.

### **Community Outreach**

There was no outreach to persons living in Census Block Group 3, as it encompasses CDOT-owned property and industrial zoned areas. There was no specific outreach to people who reside in the same census tract as where the Bijou Street facility is located. Census tract 62 covers a



large area that includes a geographical divide between the residential areas (located on the west side of the tract) and the industrial zoned areas (east side of the tract where the facility is located).

The location of the facility was approved at two public meetings. The Bijou Street bus storage facility is state-funded, which was subject to approval by the Transportation Commission of Colorado, a Governor-appointed commission with 11 members representing regions throughout the state.

In May of 2019, the Transit and Advisory Committee held a public meeting and recommended approval of funding for a new Bustang bus storage facility at the Bijou Street property. That same month, at its regular monthly public meeting, the Transportation Commission approved funding to expand the Bijou Street maintenance facility into a bus storage facility for CDOT's Bustang service.

The Bijou Bus Storage facility is listed in CDOT's "10-Year Vision" which is Appendix A of the "Statewide Transportation Plan" (Plan). The Plan was the result of extensive public and stakeholder outreach and relied on the public's guidance to identify priority projects as funding became available. The Bijou Bus Storage facility is indicated as a priority within the first four years of the plan and was dependent on the availability of SB-267 funds. The Plan was published on CDOT's website in April of 2020 and includes all projects in CDOT's 10-year strategic pipeline, including the Bijou Bus Storage facility.

### **Benefits/Burdens Analysis**

The Bijou Street location was chosen because CDOT already owned the property and it was underutilized. The following are the benefits of having the facility at this location (no burdens were identified):

- The new bus storage facility will allow for on-site routine maintenance and bus washing/cleaning of the buses, thereby eliminating the need for deadhead trips to the location where they were previously being maintained. This is estimated to save CDOT up to \$164,000/year.
- Because the construction for the maintenance facility was already underway, CDOT was also able to use the same contractor to build the bus storage facility in a cost-effective manner. In addition, since this property is bordered on two sides by highways, CDOT was able to leverage the location for both maintenance and bus storage purposes.
- Prior to choosing this location for the new bus storage facility, Bustang buses had already been stored on the Bijou Street property, parked outside and protected only by a chain-link fence. The new fully-enclosed facility will require badge access which will be limited to authorized personnel. CDOT took advantage of the maintenance facility project that was already underway in order to reduce the overall cumulative impact; by combining the maintenance and transit storage facility in one location, CDOT was able to avoid having two separate facilities in this area, and is able to have a reduced footprint in the area surrounding the property.

### **Alternative Equity Analysis and Cumulative Impacts**

There was no alternative equity analysis conducted in the planning stage for the Bijou Bus Storage facility. There were no alternative locations considered because CDOT already owned this property and due to the benefits identified above. The Bijou Street location ensured there were no businesses or residences being displaced in the process of building the new bus storage facility.

No cumulative adverse impact was identified in this area because the Bijou Street property is surrounded by vacant and industrial-zoned land in addition to being bordered on two sides by highways. The Bijou Bus Storage facility is not being built in addition to existing facilities; rather the facility is being built on CDOT property that was underutilized for many years. Additional traffic created by CDOT's maintenance and bus storage facility will be routed towards access to the highways on the north and east sides of the property, and should not impact the residential areas which are on the west end of Census Tract 62.

### **Conclusion**

The equity analysis for the Bijou Street Bus Storage facility provides an explanation for the reasons why this particular location was chosen. Because CDOT already owned the property and construction for a highway maintenance facility was already underway, this site was the most cost-efficient location with minimal impact to surrounding communities.

APPENDIX L:

Bustang System-Wide Service Standards and Policies

## **Bustang and Bustang-Outrider System-Wide Standards and Policies**

This document sets service standards for vehicle load, vehicle headway, on-time performance, and service availability.

### **System-Wide Standards**

#### **Vehicle Load Standards**

All of the Bustang coaches are 51-passenger coaches with a capacity of one person per seat. This changes if a mobility device (i.e. wheel chair or scooter) is loaded. Once a mobility device is loaded onto the bus, the six seats are no longer available and only 45 passengers can be seated. Each bus can carry two mobility devices.

Bustang Outrider operates six 38-passenger coaches with a capacity of one person per seat. As with the Bustang buses this changes when a mobility device is accommodated. There are two locations on the Outrider buses for mobility devices.

There is one 51-passenger coach operated on Bustang Outrider. This coach has identical specifications to the 51-passenger coaches operated by Bustang and described above. Operation of this coach will be on the route traveling between Denver and Gunnison.

In 2021, Bustang Outrider will start Phase III of operation that will entail the addition of four additional routes. Two of these routes will be serviced with four buses identical to the 38 passenger coaches noted above. On the other two routes four “cutaway” style vehicles with a total capacity of 14 passengers, including two passengers in mobility devices will be utilized.

<u>Vehicle Type</u> <u>Bustang</u>	<u>Seated</u>	<u>Standing</u>	<u>Total</u>	<u>Maximum load</u> <u>factor</u>
Motor coach- High floor with bus over Baggage Compartment	51	0	51	1.0
<u>Vehicle Type</u> <u>Bustang Outrider</u>	<u>Seated</u>	<u>Standing</u>	<u>Total</u>	<u>Maximum load</u> <u>factor</u>
35 foot Motor coach-High floor with bus over Baggage Compartment	38	0	38	1.0

25 foot Class C cutaway style coach	14	0	14	1.0
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**Vehicle Headway Standards**

Bustang service operates on three separate routes between every 10 minutes to 50 minutes from the early morning to late in the evening. All Bustang routes operate 7 days a week including holidays with some schedule adjustments on the weekend to accommodate ridership demands. Routes operated through Bustang Outrider perform one round trip daily between their ending terminals. The schedule is designed to accommodate customers’ needs at the major population centers serviced. Like Bustang, Bustang Outrider operates 7 days a week including holidays. There is currently one exception, the Lamar to Colorado Springs service, which operates 5 days a week, Monday through Friday and no holidays. This is due to the lower current ridership on this route. The schedule may be adjusted to include weekend service if ridership necessitates it and funding is available.

The Phase III Bustang Outrider routes that will be initiated in 2021 will all operate on the 5 days a week schedule with the exception of the proposed route between Craig and Denver which will operate 7 days a week. Schedules for these routes are still being finalized through multiple meetings with stakeholders on the Phase III routes.

**On-Time Performance Standards**

100% of the Bustang buses will complete their established runs no more than 10 minutes late in comparison to the established schedule. If a bus is running late, Bustang will use its social media outlets to notify the public. These outlets include the website, ridebustang.com, Facebook, and Twitter. Additionally, the operators of the Bustang Outrider services have been directed to contact communities along their routes in the event of an emergency or service problems. In the Bustang Outrider contracts language is included directing the Outrider operators to utilize the services of other companies and agencies along their routes to fill or partially fill service if necessary.

Currently, the operator of Bustang, Ace Express, supplies on-time performance reports in an Excel format on a daily basis. CDOT’s DTR keeps a continuing record of Bustang’s on-time performance.

On-time performance standards for Bustang Outrider mirror the standards set for Bustang. As with Ace Express, the individual Bustang Outrider operators keep a record of on-time performance.

**Service Availability Standards**

The Bustang service that operates along the I-25/Front Range corridor is a 7 day a week commuter bus service serving the cities of Colorado Springs, Monument, Fort Collins, Loveland and Denver with additional service on the weekend designed to meet customer’s needs. Service

on the I-70 west corridor offers “essential” transit services instead of commuter service. Essential transit services can include trips for medical reasons, shopping, etc. The west line operates between the towns of Grand Junction Glenwood Springs, Eagle, Vail, Frisco, Idaho Springs and Denver. All service stops are designed to access local transit options when available. Service stops on Bustang are placed at a minimum of ten miles apart. As essential services, the primary direction of travel on Bustang is towards Denver in the morning and returning west bound in the PM hours.

Bustang Outrider is designed to link towns in rural Colorado to vital services and to have meaningful connections with interstate transportation options. Routes on Bustang Outrider operate a single round trip daily between the ending terminals. Routes for Bustang Outrider are Lamar to Colorado Springs via Pueblo, Alamosa to Pueblo, Gunnison to Denver and Durango to Grand Junction. CDOT uses the consulting firm, HDR, to determine the location of service stops. In determining the service stops several factors are examined: social equity, implementation feasibility, geographic equity and potential ridership/productivity. Following the initial selection of communities to be served, CDOT conducts extensive outreach in the communities. One of the main goals of this outreach is the final selection of service stops in each community. It is CDOT’s desire that the communities take “ownership” of the stops and have a voice in determining the best location. In 2021, the Phase III of Bustang Outrider will provide additional routes that will operate between Telluride and Grand Junction, Craig via U.S. 40 and I-70 to Denver, Sterling to Greeley and Trinidad to Pueblo.

## **System-Wide Policies**

### **Vehicle Assignment Policy**

Vehicle assignments are based on mileage. CDOT maintains the mileage on each vehicle as evenly as possible. The buses are rotated on routes when needed to keep the mileage even. Bustang has a designated dispatch team that assigns the buses to routes and facilitates the maintenance of the vehicles.

Like Bustang, the Bustang Outrider operators assign vehicles based on mileage with CDOT maintaining the mileage as evenly as possible. Buses are rotated to keep the mileage even and for maintenance scheduling. Generally, the Bustang Outrider routes have a lower ridership that is easily accommodated by the 35-foot coaches. However, ridership on the Gunnison to Denver route is high enough that the 45-foot Bustang Outrider coach must be utilized. There may be some situations where the CDOT provided Bustang Outrider buses might not be available for the route. An instance would be when one bus is scheduled for necessary service and another breaks down. In those rare instances, the operator of the route may use their own buses and receive reimbursement from CDOT. The Sterling to Greeley and Trinidad to Pueblo Bustang Outrider routes that will be launched in 2021 will be operated with smaller “cutaway” style vehicles that will accommodate 14 passengers and can be operated by a driver who does not possess a Commercial Drivers License (CDL). On these two routes, the smaller buses were selected due to shorter routes, lower potential ridership, and local government input which requested the smaller vehicles. In the areas serviced with the smaller buses it is also easier for operators to hire drivers who do not possess a CDL.

CDOT employs a maintenance consultant who regularly inspects all state owned Bustang Outrider buses, and is also utilized by the Bustang Outrider operators and completes the associated maintenance paperwork to ensure adherence to contracted maintenance schedules.

### **Amenities Policy**

Each Bustang and Bustang Outrider coach is equipped with a restroom (with the exception noted below), bike racks, free Wi-Fi, power outlets and USB ports. There is also a wheelchair lift and two wheelchair securement areas on each coach. Additionally, the 35 foot Bustang Outrider buses feature a “ramped” entry aisle with low steps that will ease entry for many customers. The availability of the Wi-Fi system is dependent on local cellular signals. In areas with poor cellular service, Wi-Fi may be intermittent or nonexistent. The four cutaway buses that will be purchased for two of the Phase III Bustang Outrider routes will not be equipped with restrooms due to the size and style of the buses.

Bustang buses have automated stop notifications due to an agreement with the Regional Transportation District (RTD) to use their Intelligent Transportation System, INIT. This system is not available in the areas that the Bustang Outrider will be operating and there will not be automated stop notifications on those buses. The coach operator will have to use the coach’s public address system to make all ADA required announcements.

On Bustang routes, many of the amenities at each service stop are controlled by a separate jurisdiction (a town, city, county or local transit agency). As noted in FTA Circular 4702.1B (Chap. IV-6), “Transit providers are not responsible for setting a policy for transit amenities that are solely sited by a separate jurisdiction...” These service stops are primarily public transit Park and Rides, light rail stations, or public transit centers. An example would be Denver Union Station that is operated by the Regional Transportation District (RTD). Two privately operated transit centers, the Denver Bus Center, and the Grand Junction Greyhound Station, both operated by Greyhound Lines, are service stops for Bustang and Bustang Outrider. Several standard, on street, public transit service stops also feature Bustang service. CDOT owns and operates various transit park and rides that are served by Bustang. In the community of Salida, the Bustang Outrider service accesses an FTA-financed station facility operated by the non-profit Neighbor-to-Nighbor (Chaffee Shuttle) organization. Several of the Bustang Outrider stops are situated on private property.

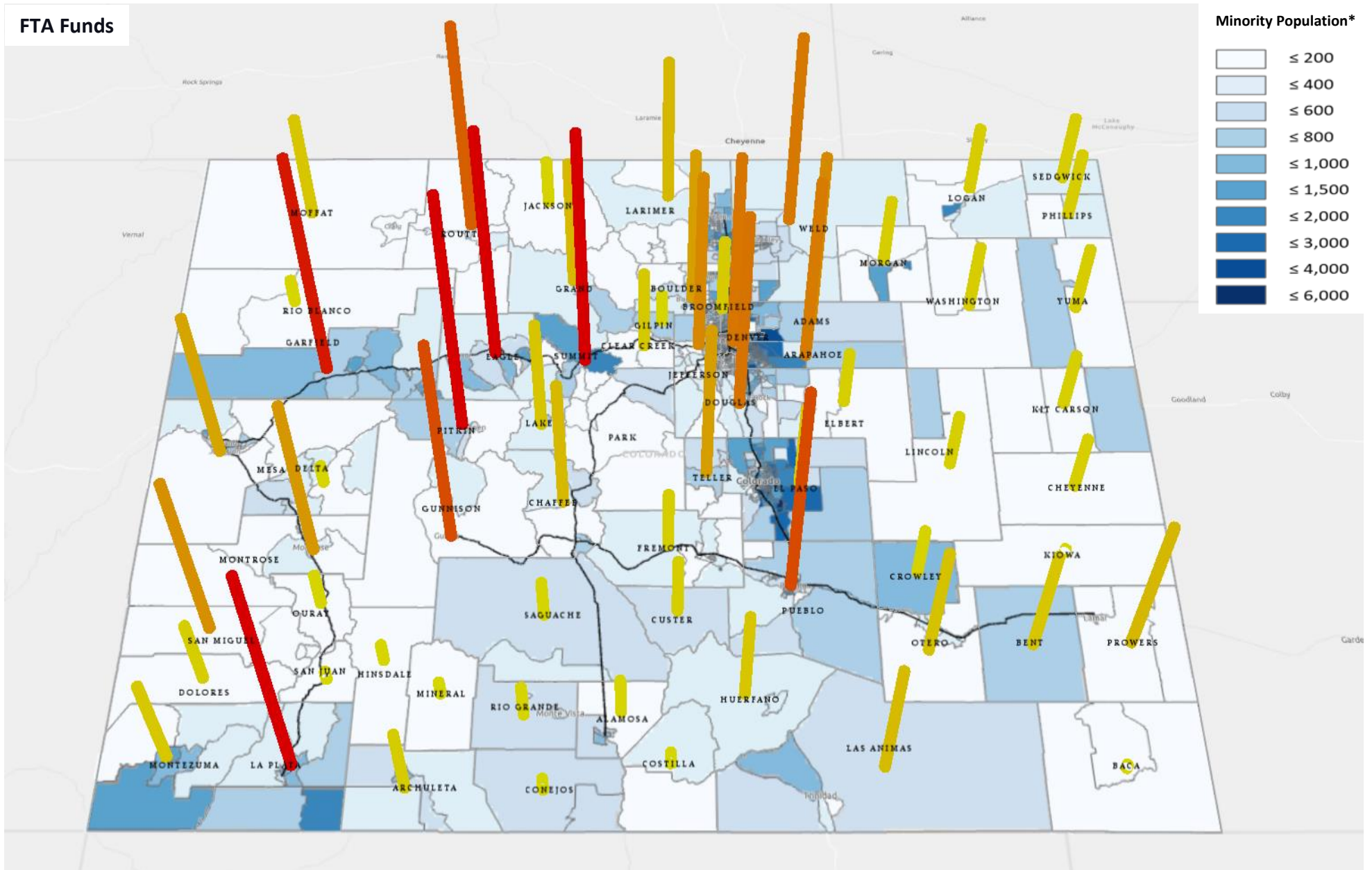
Before Bustang service began, the consulting firm, ‘Meeting the Challenge’ studied all service stops to ensure compliance with the Americans with Disabilities Act (ADA). It is anticipated that this consulting firm will perform the same inspections of the Bustang Outrider service stops.

APPENDIX M:

Minority Demographic Profile Data and  
Distribution of Funding Maps

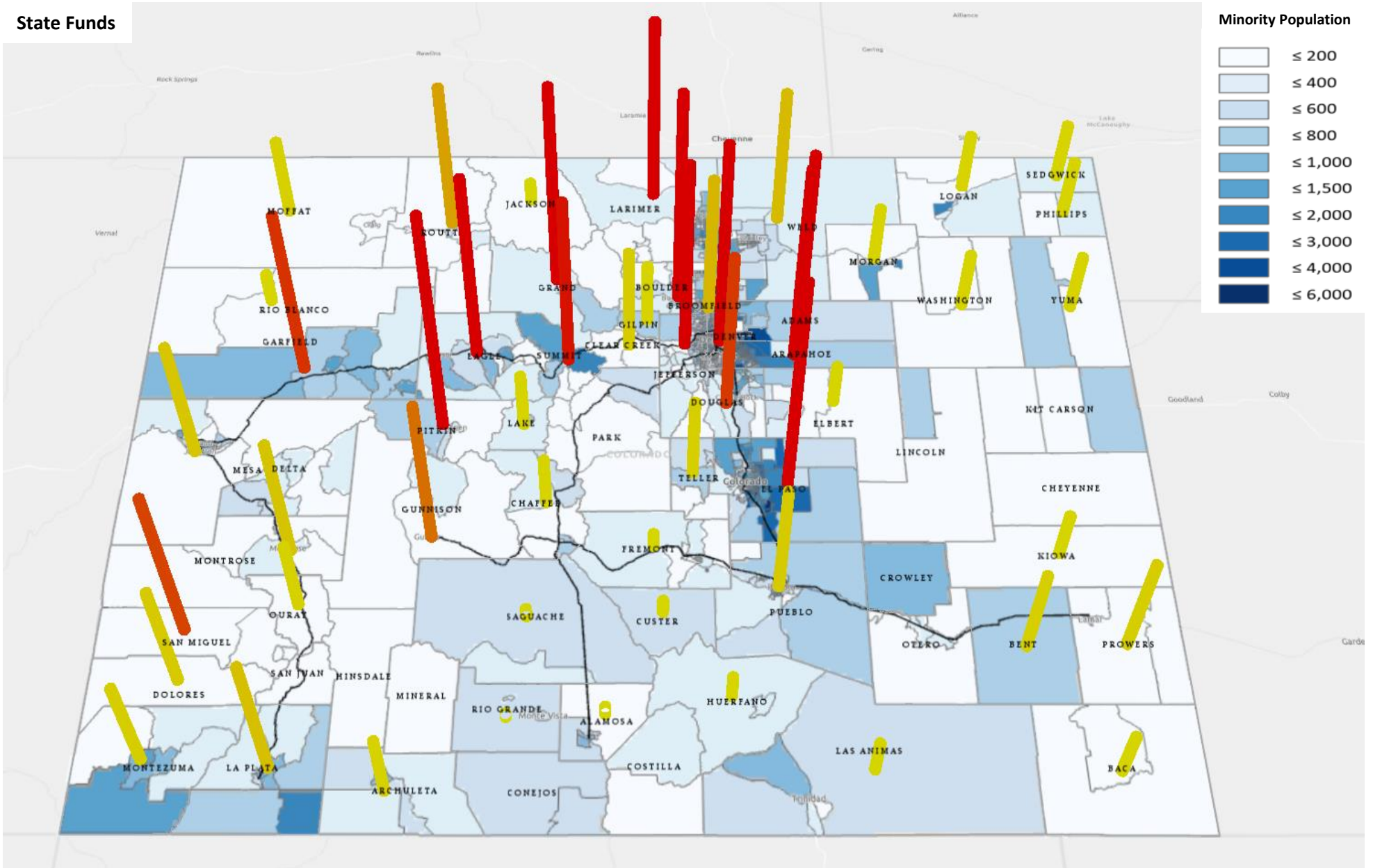


# Map of FTA Funding Distributed by CDOT layered over Minority Population



\*Minority population is shown by Census Tract based on 2017 American Community Service 1- Year Estimates Detailed Table B02001 by race.

# Map of State Transit Funding Distributed by CDOT layered over Minority Population



State Funds

\$3,241 to \$9,030,102

— Bustang and Outrider Routes

\*Minority population is shown by Census Tract based on 2017 American Community Service 1- Year Estimates Detailed Table B02001 by race.

**Table A: Federal and State Transit Funding Distributed to Counties Compared to County Minority Populations  
(All Counties)**

<b>County</b>	<b>FTA Funds</b>	<b>STATE Funds</b>	<b>Total Funds</b>	<b>County's Portion of State's Minority Population*</b>	<b>County's Portion of FTA/State Transit Funding</b>	<b>Difference between County's Minority Population and Transit Funding</b>
<b>Adams</b>	\$2,193,877	\$4,828,372	\$7,022,249	13.5%	4.04%	9.49%
<b>Alamosa</b>	\$59,084	\$3,781	\$62,866	0.47%	0.04%	0.43%
<b>Arapahoe</b>	\$2,566,237	\$6,137,567	\$8,703,804	14.32%	5.01%	9.31%
<b>Archuleta</b>	\$301,786	\$111,390	\$413,176	0.17%	0.24%	-0.07%
<b>Baca</b>	\$4,150	\$42,339	\$46,489	0.03%	0.03%	0.00%
<b>Bent</b>	\$481,939	\$159,139	\$641,078	0.12%	0.37%	-0.24%
<b>Boulder</b>	\$1,542,623	\$6,825,025	\$8,367,648	4.18%	4.82%	-0.64%
<b>Broomfield</b>	\$356,289	\$685,240	\$1,041,529	0.86%	0.60%	0.26%
<b>Chaffee</b>	\$811,251	\$47,961	\$859,212	0.17%	0.49%	-0.33%
<b>Cheyenne</b>	\$212,480	\$0	\$212,480	0.03%	0.12%	-0.10%
<b>Clear Creek</b>	\$372,132	\$226,012	\$598,144	0.06%	0.34%	-0.28%
<b>Conejos</b>	\$8,300	\$0	\$8,300	0.25%	0.00%	0.25%
<b>Costilla</b>	\$8,300	\$0	\$8,300	0.14%	0.00%	0.13%
<b>Crowley</b>	\$113,689	\$0	\$113,689	0.12%	0.07%	0.05%
<b>Custer</b>	\$230,858	\$4,745	\$235,603	0.03%	0.14%	-0.10%
<b>Delta</b>	\$15,791	\$0	\$15,791	0.32%	0.01%	0.31%
<b>Denver</b>	\$2,718,212	\$6,762,327	\$9,480,539	18.03%	5.46%	12.57%
<b>Dolores</b>	\$233,937	\$242,075	\$476,012	0.01%	0.27%	-0.26%
<b>Douglas</b>	\$2,812,793	\$3,247,832	\$6,060,625	3.35%	3.49%	-0.14%
<b>Eagle</b>	\$6,979,061	\$5,175,913	\$12,154,974	0.98%	7.00%	-6.02%
<b>El Paso</b>	\$418,924	\$7,529,105	\$7,948,029	12.58%	4.58%	8.01%
<b>Elbert</b>	\$212,480	\$36,000	\$248,480	0.17%	0.14%	0.03%
<b>Fremont</b>	\$230,858	\$4,745	\$235,603	0.55%	0.14%	0.42%
<b>Garfield</b>	\$5,388,543	\$3,404,849	\$8,793,392	1.04%	5.06%	-4.03%
<b>Gilpin</b>	\$22,853	\$57,157	\$80,010	0.05%	0.05%	0.01%
<b>Grand</b>	\$800,279	\$6,383,418	\$7,183,697	0.11%	4.14%	-4.03%
<b>Gunnison</b>	\$3,926,461	\$2,155,700	\$6,082,161	0.13%	3.50%	-3.38%
<b>Hinsdale</b>	\$15,791	\$0	\$15,791	0.00%	0.01%	0.00%
<b>Huerfano</b>	\$464,098	\$18,001	\$482,099	0.13%	0.28%	-0.15%

<b>Jackson</b>	\$96,182	\$7,398	\$103,581	0.02%	0.06%	-0.04%
<b>Jefferson</b>	\$2,244,887	\$5,465,937	\$7,710,824	7.14%	4.44%	2.70%
<b>Kiowa</b>	\$4,150	\$42,339	\$46,489	0.01%	0.03%	-0.01%
<b>Kit Carson</b>	\$212,480	\$0	\$212,480	0.10%	0.12%	-0.02%
<b>La Plata</b>	\$6,856,410	\$465,722	\$7,322,132	0.68%	4.22%	-3.53%
<b>Lake</b>	\$504,992	\$56,537	\$561,529	0.15%	0.32%	-0.17%
<b>Larimer</b>	\$875,398	\$4,905,962	\$5,781,359	3.43%	3.33%	0.10%
<b>Las Animas</b>	\$773,497	\$30,002	\$803,499	0.37%	0.46%	-0.09%
<b>Lincoln</b>	\$212,480	\$0	\$212,480	0.10%	0.12%	-0.02%
<b>Logan</b>	\$289,747	\$52,126	\$341,873	0.30%	0.20%	0.11%
<b>Mesa</b>	\$1,398,632	\$340,806	\$1,739,438	1.62%	1.00%	0.62%
<b>Mineral</b>	\$8,300	\$0	\$8,300	0.01%	0.00%	0.00%
<b>Moffat</b>	\$479,900	\$126,122	\$606,022	0.14%	0.35%	-0.21%
<b>Montezuma</b>	\$431,986	\$178,117	\$610,103	0.41%	0.35%	0.06%
<b>Montrose</b>	\$1,807,324	\$376,117	\$2,183,441	0.56%	1.26%	-0.70%
<b>Morgan</b>	\$289,747	\$52,126	\$341,873	0.64%	0.20%	0.45%
<b>Otero</b>	\$582,179	\$0	\$582,179	0.46%	0.34%	0.13%
<b>Ouray</b>	\$51,214	\$121,037	\$172,251	0.02%	0.10%	-0.08%
<b>Park</b>	\$0	\$0	\$0	0.11%	0.00%	0.11%
<b>Phillips</b>	\$289,747	\$52,126	\$341,873	0.06%	0.20%	-0.14%
<b>Pitkin</b>	\$12,246,611	\$9,030,102	\$21,276,713	0.15%	12.25%	-12.10%
<b>Prowers</b>	\$859,834	\$180,043	\$1,039,877	0.27%	0.60%	-0.33%
<b>Pueblo</b>	\$3,957,441	\$245,601	\$4,203,042	4.40%	2.42%	1.97%
<b>Rio Blanco</b>	\$16,959	\$23,114	\$40,073	0.05%	0.02%	0.02%
<b>Rio Grande</b>	\$51,829	\$3,241	\$55,071	0.30%	0.03%	0.27%
<b>Routt</b>	\$3,376,822	\$1,090,986	\$4,467,808	0.15%	2.57%	-2.43%
<b>Saguache</b>	\$59,084	\$3,781	\$62,866	0.15%	0.04%	0.12%
<b>San Juan</b>	\$5,766	\$0	\$5,766	0.00%	0.00%	0.00%
<b>San Miguel</b>	\$1,960,090	\$3,038,361	\$4,998,451	0.06%	2.88%	-2.82%
<b>Sedgwick</b>	\$289,747	\$52,126	\$341,873	0.03%	0.20%	-0.17%
<b>Summit</b>	\$10,165,832	\$4,048,496	\$14,214,328	0.32%	8.19%	-7.87%
<b>Teller</b>	\$1,583,011	\$148,000	\$1,731,011	0.17%	1.00%	-0.83%
<b>Washington</b>	\$289,747	\$52,126	\$341,873	0.03%	0.20%	-0.16%
<b>Weld</b>	\$2,674,303	\$571,300	\$3,245,603	5.49%	1.87%	3.62%
<b>Yuma</b>	\$289,747	\$52,126	\$341,873	0.14%	0.20%	-0.06%
	<b>\$88,739,157</b>	<b>\$84,900,573</b>	<b>\$173,639,729</b>			

**Table B: Federal and State Transit Funding Distributed to Counties Compared to County Minority Populations  
(Rural Counties Only)**

County	FTA Funds	State Funds	Total Funds	County's Portion of State's Minority Population*	FTA/State Transit Funding	Difference between County's Minority Population and Transit Funding
Alamosa	\$59,084	\$3,781	\$62,866	4.29%	0.06%	4.22%
Archuleta	\$301,786	\$111,390	\$413,176	1.51%	0.41%	1.10%
Baca	\$4,150	\$42,339	\$46,489	0.28%	0.05%	0.23%
Bent	\$481,939	\$159,139	\$641,078	1.14%	0.63%	0.51%
Chaffee	\$811,251	\$47,961	\$859,212	1.55%	0.85%	0.71%
Cheyenne	\$212,480	\$0	\$212,480	0.23%	0.21%	0.02%
Conejos	\$8,300	\$0	\$8,300	2.30%	0.01%	2.29%
Costilla	\$8,300	\$0	\$8,300	1.27%	0.01%	1.26%
Crowley	\$113,689	\$0	\$113,689	1.06%	0.11%	0.95%
Custer	\$230,858	\$4,745	\$235,603	0.28%	0.23%	0.05%
Delta	\$15,791	\$0	\$15,791	2.92%	0.02%	2.90%
Dolores	\$233,937	\$242,075	\$476,012	0.10%	0.47%	-0.36%
Eagle	\$6,979,061	\$5,175,913	\$12,154,974	9.00%	11.96%	-2.96%
Elbert	\$212,480	\$36,000	\$248,480	1.56%	0.24%	1.32%
Fremont	\$230,858	\$4,745	\$235,603	5.04%	0.23%	4.81%
Garfield	\$5,388,543	\$3,404,849	\$8,793,392	9.48%	8.65%	0.83%
Grand	\$800,279	\$6,383,418	\$7,183,697	0.99%	7.07%	-6.08%
Gunnison	\$3,926,461	\$2,155,700	\$6,082,161	1.15%	5.98%	-4.83%
Hinsdale	\$15,791	\$0	\$15,791	0.04%	0.02%	0.03%
Huerfano	\$464,098	\$18,001	\$482,099	1.17%	0.47%	0.70%
Jackson	\$96,182	\$7,398	\$103,581	0.17%	0.10%	0.07%
Kiowa	\$4,150	\$42,339	\$46,489	0.13%	0.05%	0.08%
Kit Carson	\$212,480	\$0	\$212,480	0.94%	0.21%	0.73%
La Plata	\$6,856,410	\$465,722	\$7,322,132	6.23%	7.20%	-0.97%
Lake	\$504,992	\$56,537	\$561,529	1.37%	0.55%	0.82%
Las Animas	\$773,497	\$30,002	\$803,499	3.42%	0.79%	2.63%
Lincoln	\$212,480	\$0	\$212,480	0.94%	0.21%	0.73%



<b>Logan</b>	\$289,747	\$52,126	\$341,873	2.78%	0.34%	2.44%
<b>Mineral</b>	\$8,300	\$0	\$8,300	0.07%	0.01%	0.07%
<b>Moffat</b>	\$479,900	\$126,122	\$606,022	1.30%	0.60%	0.70%
<b>Montezuma</b>	\$431,986	\$178,117	\$610,103	3.76%	0.60%	3.16%
<b>Montrose</b>	\$1,807,324	\$376,117	\$2,183,441	5.10%	2.15%	2.95%
<b>Morgan</b>	\$289,747	\$52,126	\$341,873	5.87%	0.34%	5.54%
<b>Otero</b>	\$582,179	\$0	\$582,179	4.21%	0.57%	3.64%
<b>Ouray</b>	\$51,214	\$121,037	\$172,251	0.20%	0.17%	0.03%
<b>Park</b>	\$0	\$0	\$0	0.99%	0.00%	0.99%
<b>Phillips</b>	\$289,747	\$52,126	\$341,873	0.52%	0.34%	0.19%
<b>Pitkin</b>	\$12,246,611	\$9,030,102	\$21,276,713	1.37%	20.93%	-19.56%
<b>Prowers</b>	\$859,834	\$180,043	\$1,039,877	2.50%	1.02%	1.48%
<b>Rio Blanco</b>	\$16,959	\$23,114	\$40,073	0.41%	0.04%	0.37%
<b>Rio Grande</b>	\$51,829	\$3,241	\$55,071	2.76%	0.05%	2.71%
<b>Routt</b>	\$3,376,822	\$1,090,986	\$4,467,808	1.33%	4.39%	-3.06%
<b>Saguache</b>	\$59,084	\$3,781	\$62,866	1.40%	0.06%	1.34%
<b>San Juan</b>	\$5,766	\$0	\$5,766	0.04%	0.01%	0.03%
<b>San Miguel</b>	\$1,960,090	\$3,038,361	\$4,998,451	0.56%	4.92%	-4.36%
<b>Sedgwick</b>	\$289,747	\$52,126	\$341,873	0.24%	0.34%	-0.10%
<b>Summit</b>	\$10,165,832	\$4,048,496	\$14,214,328	2.91%	13.98%	-11.07%
<b>Teller</b>	\$1,583,011	\$148,000	\$1,731,011	1.51%	1.70%	-0.19%
<b>Washington</b>	\$289,747	\$52,126	\$341,873	0.32%	0.34%	-0.02%
<b>Yuma</b>	\$289,747	\$52,126	\$341,873	1.27%	0.34%	0.94%
	<b>\$64,584,556</b>	<b>\$37,072,331</b>	<b>\$101,656,887</b>			

Yellow highlight = County received more funding compared to proportionate share of minority population, based on a 4% differential.

Blue highlight = County received less funding compared to proportionate share of minority population, based on a 4% differential.

\*Minority population is shown by Census Tract based on 2017 American Community Service 1- Year Estimates Detailed Table B02001 by race.

APPENDIX N:

2020 CDOT Consolidated Call for Capital Projects  
Notice of Funding Availability



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**Department of Transportation**

Division of Transit & Rail

## **Notice of Funding Availability 2020 CDOT Consolidated Call for Capital Projects CDOT Division of Transit and Rail**

September 30, 2019

### **PART 1      Introduction and Definitions**

#### **Introduction**

The Colorado Department of Transportation (CDOT) Division of Transit and Rail (DTR) is issuing a Notice of Funding Availability (NOFA), requesting applications for capital transit projects to be initiated in 2020. This NOFA sets forth guidelines for submitting an application, applicant and project eligibility, evaluation criteria, regulations and processes, and the schedule for this call.

CDOT has over \$34 million available in federal and state funds for transit capital projects. Funds may be used for items defined as capital assets by the Federal Transit Administration (see Part 6 for listing).

If selected for award, CDOT's expectation is that subrecipients will begin implementing their projects no more than six months after the announcement of an award.

Applications are due to CDOT by **5:00 p.m. on Monday, November 18, 2019**. **Applications submitted after this deadline will not be accepted or considered for funding.**

Applications must be submitted through COTRAMS, DTR's online award management system. We strongly recommend that you use Google Chrome when submitting your application.

If you have not received any transit-related funds from CDOT in the past three years, you must complete and submit a **New Applicant Questionnaire to Kenneth Mooney at [kenneth.mooney@state.co.us](mailto:kenneth.mooney@state.co.us) as soon as possible but no later than 5:00 p.m. on Friday, November 1, 2019.**

Potential applicants are strongly encouraged to read the guidance provided herein.

#### **Definitions**

1. Alternatively-fueled rolling stock (alt-fuel rolling stock): For the purpose of the Settlement Program, this includes vehicles fueled by electric battery, hydrogen fuel cell, and compressed natural gas (CNG) buses that are fueled by renewable natural gas (RNG)
2. Acquisition vehicle: For the purpose of the Settlement Program, the specific alternatively-fueled bus(es) identified to replace the qualifying vehicle(s) of like size,





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- capacity, and class. For this round of Settlement Program funding, this definition includes only battery electric buses, hydrogen fuel cell-powered buses, and compressed natural gas (CNG) buses that are fueled using renewable natural gas (RNG).
3. Capital transit asset: Rolling stock, facility, infrastructure or equipment with a useful life of at least one year, and which is eligible for capital assistance.
  4. Colorado Beneficiary Mitigation Plan (BMP): The State of Colorado's Beneficiary Mitigation Plan summarizes how Colorado plans to use funds in the Volkswagen Diesel Emissions Settlement Trust (Trust), of which the State of Colorado was designated an eligible beneficiary, including certain categories of eligible mitigation actions determined appropriate to achieve the goals of the Trust. For this CCCP, this definition refers to the 2019 BMP.
  5. Closed door service: Refers to transit service that is limited to a particular clientele, such as the participants in a particular program or the residents of a particular facility, as opposed to being offered to the public at large or to any senior or person with a disability.
  6. Equivalent vehicle: For the purpose of the Settlement program, a diesel-fueled bus of like size, capacity, and class to the qualifying vehicle identified for replacement, the cost of which is used to calculate the incremental cost
  7. Expansion vehicle: rolling stock acquired to add to the agency's existing fleet, where the acquired rolling stock expands the agency's fleet and/or service.
  8. Incremental cost: the difference between the cost of an alt-fuel vehicle and an equivalent vehicle not powered by an alternative fuel of like size, capacity, and class -- as related to the incentive formula defined in the BMP.
  9. Large Urbanized Area (Large UZA): Census-designated area with a population over 200,000
  10. Open door public transportation: Services that are open to any member of the public, in the case of public transportation programs, as opposed to services that are limited to a particular sub-group of the general population.
  11. Open door specialized transportation: service available to any elderly or disabled person in need and not limited to a particular clientele or facility.
  12. Qualifying vehicle: the specific diesel-fueled bus(es) identified for replacement using Settlement Program funds, which is drivable and has been registered, insured, and **operated** in Colorado for the previous two (2) years (generally from the date of application). **Operated** means three (3) or more preventative maintenance cycles OR



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- 15,000 or more transit revenue service miles OR 1,250 or more transit revenue service hours amassed during the previous two (2) years.
13. Replacement vehicle: rolling stock acquired to replace existing rolling stock, where the existing rolling stock is replaced and removed from the agency's fleet, or is converted to a spare vehicle when there is a low spare ratio.
  14. Revenue vehicle: rolling stock used in providing transit service for passengers.
  15. Rolling stock: buses, vans, train cars, gondola cabins, SUVs, and cars, or other passenger vehicles.
  16. Rural area (also called non-urbanized area): Census-designated area with a population under 50,000; for the Senate Bill 267 program, rural definition is by county, not Census-designated area.
  17. Settlement Program: CDOT's Settlement Transit Bus Replacement Program for alt-fuel vehicles, as defined in the BMP.
  18. Small Urbanized Area (Small UZA): Census-designated area with a population between 50,000 and 200,000
  19. Spare vehicle: A rolling stock vehicle that it is not normally used in regular revenue service, but, rather, is used as a backup vehicle for those instances when full time vehicles must be removed from regular revenue service for repairs or servicing.
  20. Specialized transportation/services: Services specifically designed to meet the transportation needs of elderly persons, persons with disabilities, veterans, low income persons, or others with special needs.
  21. Support vehicle: A vehicle operated by a transit agency for a purpose other than passenger revenue services, such as a staff car or a maintenance response truck.
  22. Vehicle (Rolling Stock) Overhaul: Rolling stock overhaul is an eligible capital expense as preventive maintenance. Overhauls are usually done to make sure rolling stock reaches its useful life. Overhaul does not extend the useful life of rolling stock. For rolling stock to be overhauled, it must have accumulated at least 40 percent of its useful life.



**PART 2      Funding and Program Information**

Funds are available through several federal and state transit programs administered by CDOT. The table below lists these funding sources and the estimated or anticipated amount available under each.

**Table 1 Available Funding Programs for 2020 CCCP**

<b>Funding Program</b>	<b>Amount Available</b>
<b>FEDERAL PROGRAMS</b>	
<i><b>FTA Section 5310: Seniors and Individuals with Disabilities</b></i>	
Rural 5310 (all areas outside of urban areas)	\$253,000
Small Urban 5310 (Boulder, Grand Junction, Greeley, Longmont, Lafayette/Louisville/Erie, and Pueblo)	\$557,000
<i><b>FTA Section 5311: Rural Public Transit (all areas outside of urban areas)</b></i>	\$1,000,000
<i><b>FTA Section 5339 Formula Program: Bus and Bus Facilities</b></i>	
Small Urban 5339 ((Boulder, Grand Junction, Greeley, Longmont, Lafayette/Louisville/Erie, and Pueblo)	\$1,660,000
Rural 5339 (all areas outside of urban areas)	\$3,649,000
<b>SUBTOTAL</b>	<b>\$7,119,000</b>
<b>STATE PROGRAMS</b>	
<i>FASTER</i>	



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Local Competitive	\$4,100,000
Urban Area Set-Asides (Denver, Co Springs, Ft. Collins)	\$3,900,000
<i>Settlement Program*</i>	\$5,000,000*
<i>Senate Bill 228</i>	\$2,000,000
Senate Bill 267 ( <b>Rural and Urban</b> )	\$12,000,000
<b>SUBTOTAL</b>	<b>\$27,000,000</b>
<b>TOTAL</b>	<b>\$34,119,000</b>

\*With the recent addition of \$12 million in contingency funds, the Settlement Program now has approximately \$16 million available, expected to be optimally awarded over a period of the next 2-4 years.

CDOT does not administer certain FTA funds. Specifically, Section 5310 and Section 5339 funds for large urban areas are awarded directly by the FTA to the designated recipients of those areas--Mountain Metropolitan Transit, RTD and TransFort. Section 5307 funds are awarded directly to both the three large areas as well as to the six small urban areas (Boulder, Grand Junction, Greeley, Longmont, Louisville/Lafayette/Erie, and Pueblo).

**Below is a brief description of each of the funding programs.**

- **FTA Section 5311** funding is available for general public transportation services in non-urbanized (less than 50,000 population) areas of Colorado.
- **Section FTA 5310** funding is designed to provide capital and operating funding assistance for services designed to meet the needs of seniors and persons with disabilities. Operating and mobility management funds are made available through a separate call for operating projects. Funds are made available specifically for rural, small urbanized areas and large urbanized areas. CDOT only administers the funds for rural and small urbanized areas, and currently for the Denver large urbanized area in cooperation with the Denver Regional Council of Governments.
- **The FTA Section 5339 Formula Program** offers capital funding to public agencies or private nonprofit organizations engaged in public transportation. CDOT administers Section 5339 Formula funding for rural and small urbanized areas. Section 5339 formula



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funds for the state's three large urbanized areas are provided directly by the FTA to the designated recipients in those three areas.

- **State FASTER** Transit funds are offered for public transportation and open door specialized transportation in both rural and urbanized areas.
- **Settlement** funds are made available only for the direct replacement of passenger revenue vehicles that are diesel-fueled. Funds are provided for the purchase of capital assets necessary to replace those vehicles with a zero-emission vehicle--namely, electric battery, hydrogen fuel cell or compressed natural gas (CNG) vehicles fueled by renewable natural gas (RNG). The funds are available for both rural and urbanized areas.
- **State Senate Bill 228** funds in this call are provided only for the purchase of rolling stock replacements, in both rural and urbanized areas, for the purpose of State of Good Repair.
- **State Senate Bill 267** funds are provided for transit-related capital improvements, such as vehicle storage facilities, maintenance facilities, and transit facilities, with a requirement that at least 25% of funds be spent in counties under 50,000 populations.

It is important to note the following:

- FASTER and Section 5310 capital funding for the Denver large urbanized area has already been made available and awarded, in a separate call for capital and operating projects, in April, 2019, during the CDOT/DRCOG Joint Call.
- A separate set-aside of FASTER funds is made to the state's three large urbanized areas: Colorado Springs, Denver and Fort Collins, provided respectively to the FTA's designated recipients--Mountain Metro Transit, RTD and TransFort, for public transportation. Because these areas are guaranteed these funds and do not have to compete for them, they are not eligible to compete for additional FASTER funds for public transportation. Included within these three large urban areas are the cities of Manitou Springs, Fountain, Loveland, most of Berthoud, Tinmath, Windsor, and Denver's suburbs that lie within the large urbanized area. However, providers of open door transportation for seniors and persons with disabilities in the large urban areas of Colorado Springs and Fort Collins are eligible to compete for FASTER funds; providers of such services in the Denver large urbanized area are **not** eligible for FASTER in this call for projects, since those funds were already made available in the separate call for projects mentioned above.
- In the 2019 CCCP, only construction-related projects in rural counties were eligible for Senate Bill 267 funds. For this 2020 CCCP, additional funding has been added, and **both urban and rural projects** are now eligible for SB 267 funds.



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### **PART 3**      **Local Match**

Federal and state funds may be used to fund up to 80% of project costs. All awards require a minimum local match of 20%, with the notable exception of the Settlement program, as detailed later in Part 3. Local match funds must be in cash, except that donated or previously purchased land for a construction project can be used as match if sufficiently documented through a recent appraisal and if not originally purchased with federal funds.

Local match can come from many sources, including state (non-CDOT) or local appropriations, tax revenues, private donations, revenue from service contracts, and income generated from advertising and concessions—provided its use as match is not prohibited or disallowed by that funding source. Local match may also consist of any non-DOT federal funds that are eligible to be expended for transportation. Examples of types of programs that are potential sources of local match include employment, training, aging, medical, community services, and rehabilitation services.

State funds administered by CDOT can be used to match a federal award, providing up to 80% of the required 20% matching funds for the federal award, provided such funds are specifically approved by DTR. The subrecipient must still provide a 20% local match for its state-funded award. This means that the subrecipient will pay only 4% of the total project cost: 80% federal, 16% state (80% of 20%), and 4% local (20% of 20%). Since this type of funding arrangement rapidly draws down available funding and reduces the number of projects awarded, CDOT will carefully assess requests of this type. It is CDOT's intention that state funds be used as local match for federal funds only in situations where worthy projects cannot proceed without the additional capital assistance, due to a specified financial hardship.

CDOT requires written letters of support and commitment from **partners** in a project that will need to make a commitment to the project (e.g., organizations providing some, or all, of the local match, providing land or right-of-way for a project, or agreeing to share a multimodal facility). Applicants should not submit general letters of support, however.

The Settlement program fund does not require a local match and offers an incentive by awarding a portion of the local match required for State and Federal awards.



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### **PART 4**      **Application Process**

CDOT offers two types of capital applications through COTRAMS for:

1. **Revenue Service Vehicle** purchase requests.
2. **Other Capital** project requests (which includes non-revenue vehicles such as service vehicles).

Within those two general categories are subcategories into which each project must fit, as follows:

#### A. Revenue Service Vehicles

##### 1) Replacement Vehicles:

- a. Acquire rolling stock to replace existing rolling stock.
- b. Acquire bus(es) fueled by electric battery, hydrogen fuel cell, or RNG to replace diesel-fueled bus(es) under the Settlement Program.

##### 2) Expansion Vehicles:

- a. Acquire rolling stock for fleet and/or service expansion.

#### B. Other Capital Projects

- 1) Facilities, infrastructure, equipment, engineering and environmental studies, planning projects, vehicle overhauls, and service vehicle purchases

One vehicle and one other capital project application will be released to each current DTR subrecipient through COTRAMS. If an applicant plans to submit requests for multiple replacement vehicles, the applicant may bundle those replacement vehicles into one single application; requests for replacement and expansion vehicles, though, must be submitted in two separate applications--one for replacements and one for expansions. **In order to submit multiple applications, you will need to request additional application(s) from Audrey Dakan at [audrey.dakan@state.co.us](mailto:audrey.dakan@state.co.us) or (303) 757-9771.**

**The minimum federal or state capital assistance request amount is \$25,000**, except in cases where an applicant is requesting state funds to be used as local match for federal funds. There is no maximum request, but applicants should take into consideration the amounts available and CDOT's preference to provide some geographic equity.

Applications must be submitted electronically through COTRAMS

(<https://cotrams.force.com/cdotcommunity/login>), CDOT's on-line award management system. If you are a current and active CDOT subrecipient you should have a user ID and password for the website. If you have forgotten your COTRAMS user ID and/or password, or



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need any help accessing COTRAMS, contact system administrator Audrey Dakan immediately ([audrey.dakan@state.co.us](mailto:audrey.dakan@state.co.us)) to reset your login credentials.

If you are **not** a current subrecipient, or have not received transit funds in the last three years, you will need to first complete and submit a **New Applicant Questionnaire** prior to submitting an application. The questionnaire, in MS Word format, is attached to this NOFA. This questionnaire is intended to determine eligibility for federal and/or state funding and ability to meet DTR's threshold criteria for managing funds. This questionnaire will also inform potential applicants of the requirements of DTR funding and indicate which funding programs might be the most appropriate. DTR may also arrange a phone call and possibly an on-site visit so that questions can be answered to make the application process more clear and to allow CDOT to become more familiar with the applicant. If it is determined that you are eligible and meet threshold criteria, you will be given a COTRAMS user ID and password so that you can submit your application in COTRAMS. You'll also be given COTRAMS training. Please fill out the questionnaire and submit it to Ken Mooney ([kenneth.mooney@state.co.us](mailto:kenneth.mooney@state.co.us)) as soon as possible but no later than 5:00 p.m. November 1, 2019, in order to allow maximum time to complete the application.

## **PART 5 Applicant Eligibility**

DTR staff will use the following applicant eligibility guidelines to determine the appropriate funding source(s) for each applicant. However, applicants can state their preference for (or against) a certain source(s) for a particular project(s) in their application(s).

**Federal funds:** Applicant eligibility for FTA funding assistance is defined based on each particular program, as set forth below:

**FTA Section 5310:** Private nonprofit agencies are eligible applicants for projects funded through the Section 5310 program. Public entities are eligible if (a) the public entity has been named by the State (CDOT) as the coordinating body for specialized transportation in their area, or if (b) the public entity certifies there is no available private nonprofit agency providing service.

The specialized services under Section 5310 do not have to be open door, unlike the eligibility criteria for State FASTER funds. However, all things being equal, open door programs will receive a higher priority. Additionally, DTR will not fund "residential" vehicles that are located at housing facilities because they normally have a very limited usage and clientele.

**Section 5311:** Public and private nonprofit agencies, as well as tribal governments, providing public transportation in rural areas.

**Section 5339:** Public agencies or private nonprofit organizations engaged in public transportation. Section 5339 funds for the Denver, Fort Collins and Colorado Springs large





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urbanized areas are administered by their designated recipient of FTA Section 5307 funds, not by CDOT.

### **State funds:**

**FASTER:** Eligible applicants of local competitive State FASTER funding assistance are local public and private nonprofit entities, as well as tribal governments, that offer public transportation or open-door specialized transportation.

**Settlement Program:** Eligible applicants include local public agencies, private nonprofit entities and tribal governments, but only for the replacement of their Class 4-8 vehicles, which refers to larger buses, starting at Class 4, which is a larger body-on-chassis diesel-fueled bus.

**Senate Bill 267, and Senate Bill 228:** Eligible applicants include local public agencies, private nonprofit entities and tribal governments that offer public transportation, as well as those that offer open-door or closed door specialized transportation.

CDOT will largely determine the eligibility of each applicant project based on the Agency Profile and staff knowledge of each applicant's operation, along with the information provided in the application. Staff will consider funding projects from each of the programs for which an applicant and each project is eligible, subject to availability and scoring of the project. CDOT will consider three service area factors, based on whether an applicant serves a rural area, a small urbanized area or a large urbanized area. If any applicant serves **more** than one of the three areas, it is important that their application point out where each proposed project will serve. For example, "Replacement vehicle 1 will serve both a rural area and a small urbanized area, though most services will be provided in the small urbanized area."

CDOT will also consider three service population factors, based on whether an applicant provides public transportation, open door specialized transportation or closed door specialized transportation. If any applicant serves **more** than one of the three service populations, it is important that their application point out where each proposed project will serve. For example, "Expansion vehicle #2 will be used primarily for closed door specialized services in Madison County, not for our rural public transportation program," or, "The facility will be located in a rural area of Elm County, where we serve the general public, but will also be used by the open door specialized transportation service we provide in Monroe County." Providing this vital information in the Project Description portion of the application will greatly assist CDOT.

Applicants must be prepared to take full responsibility for carrying out the proposed project. Project sponsorship cannot be transferred or reassigned to another agency **without prior written approval from CDOT**. CDOT encourages agencies to collaborate and select the most appropriate applicant agency prior to submitting an application and **not** to assume that CDOT will approve any project sponsorship change.



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## **PART 6** **Project Eligibility**

Funds may be used for any items defined as a **capital asset** by the Federal Transit Administration. However, CDOT will **not** accept requests for funding office-related equipment and staff vehicles, **nor** for the leasing of capital assets, **nor** for operating or administrative expenses in this call. Eligible work elements or activities for capital assets, include, but are not limited to, the purchase, acquisition, or construction of:

- Rolling stock (buses, vans, train cars, gondola cabins);
- Design or construction of transit stations, transfer facilities, bus storage and/or maintenance facilities, and other transit facilities;
- Design or construction of multimodal facilities, such as facilities that accommodate some combination of services of multi-regional or statewide significance, such as regional bus service, Amtrak, and Greyhound/intercity bus service;
- Design or construction of Park-and-ride facility improvements;
- Technology improvements that enable enhanced transit services in high priority corridors, including signal prioritization and ITS;
- Technology improvements that significantly improve the coordination of human services transportation by means of mobility management tools such as call centers;
- Wayfinding signage between modes (e.g., signage for intermodal facilities, intercity bus stations, Amtrak, park-and-rides, etc.);
- HOV, HOT, queue jump, and bus pull-out lanes, Bus Rapid Transit projects, and bus lanes;
- Bike racks, lockers and bike parking at multimodal stations;
- Enhanced modal connections, such as trails, sidewalks and bike lanes leading to major transit stations, provided they have a transit connection and enhance transit ridership; and
- Design/engineering and environmental studies, including preliminary or final plans;
- Vehicle overhaul;
- Support vehicles.



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Studies that address operational, marketing, or planning topics should instead seek funding through CDOT's separately-solicited FTA Section 5304 program, which normally offers a maximum award of \$40,000.

For any projects that are related to the design and/or engineering of facilities to be constructed, a Title VI equity analysis or Environmental Justice analysis (through the NEPA process), regarding the impacts of determining the site or location of the facility on minority and low-income persons must be conducted. This analysis should be conducted during the planning stage for any type of building construction, including, but not limited to, vehicle storage facilities, maintenance facilities, and operation centers.

Due to limited funding, CDOT continues to put an emphasis on a fix-it-first approach for traditional funding programs, such as FTA-5310, 5311 and 5339—that is, giving higher priority to the replacement and overhaul of buses, facilities, and equipment, rather than on new or expansion capital or planning projects. This does NOT mean, however, that expansion or planning projects will not be funded—only that an applicant seeking funding for expansion projects must make a very strong case, with documented justification and evidence of sustainability, in order to be considered. Replacement requests that do not score well on their merits, though, will not be automatically prioritized higher than expansion equipment or facilities that do score well.

In general, project eligibility for the FTA programs and FASTER includes all of the project types listed above. However, the other State programs are limited to certain project types, as set forth below.

Project eligibility for the **Senate Bill 267 program is limited to facility and infrastructure projects that would typically have a useful life of at least 25 years**, such as a facility or park and ride.

Project eligibility for **the Settlement program is limited to the direct replacement of passenger transit vehicles that are diesel-fueled and Class 4 or higher (over 14,000 pounds), with an alternative fuel (electric, hydrogen, or RNG) vehicle**. Also eligible is charging equipment associated with that vehicle(s), as well as reasonable costs associated with installing that equipment. Further details on eligibility are included in Part 13 below.

Project eligibility for **the Senate Bill 228 program is limited to replacement vehicles and can be used in any part of the state**.



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## **PART 7 Threshold (Minimum) Criteria for Applicants**

Applicants must have the financial and managerial capability and capacity to manage any funds awarded, ensure satisfactory completion of the applied-for project, and be willing and able to follow all federal, state, local, and tribal regulations and guidelines. Applicants must also meet the following minimum criteria:

A. Legal Standing: Applicants must be registered on the official U.S. Government System of Award Management (SAM) system, SAM.gov, and not be, at the time of award, suspended, debarred, ineligible, or voluntarily excluded from participation in federally-assisted transactions and procurements. If an agency is not registered at the time of application, they must demonstrate their willingness and ability to register with SAM.gov, and provide proof of that registration to CDOT, before they can be awarded funds.

B. Financial Management and Capacity: Applicants must have financial policies and procedures; an organization structure that defines, assigns, and delegates authority; and financial management systems in place to match, manage, and charge only allowable cost(s) to the award.

Federal, state and Settlement Program funds are awarded on a **reimbursement basis; that is, the subrecipient must incur the project costs upfront and submit sufficient evidence of those project costs to DTR for reimbursement**. Therefore, the subrecipient must have the financial ability and cash flow to incur those costs upfront and wait for reimbursement from CDOT. However, exceptions can be authorized for smaller subrecipients who demonstrate a financial hardship.

C. Technical Capacity: Applicants must have the capability and resources necessary to operate and manage the award and project on an ongoing basis; ensure conformity and compliance with all applicable federal, state, local, and tribal regulations and guidelines; ensure project schedules, budgets, and performance objectives are achieved; and obtain all necessary prior approvals and/or waivers before incurring costs or taking any actions.

D. Procurement: Applicants must have its own documented procurement procedures which reflect applicable state, local, and tribal laws and regulations, and conform to applicable federal law and standards at [2 CFR 200.318-326](#).

E. Timely implementation: Applicants must demonstrate their ability and commitment to implement their proposed project in a timely fashion once funding has been awarded and contracted. It is CDOT's expectation that subrecipients will move promptly to procure and implement their projects. Subrecipients that fail to implement projects on a timely basis may harm their chances for winning awards in future applications.

It is especially important that the above capability and capacity is specifically addressed by applicants that have not previously received funds through DTR or by applicants that have had



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delays or other problems implementing projects awarded funding by CDOT. These agencies should address their financial and award management capability and experience, as well as steps taken to correct any past problems, as appropriate.

## **PART 8 Evaluation Criteria for Applications and Projects**

All applications and projects will be evaluated based on the elements described below. Be sure the answers, information, and supporting documentation provided are relevant, complete, and thorough enough that the nature of the proposed projects (its goals and objectives, purpose, beneficiaries, budget, etc.) is clear and easily understood.

Projects will be evaluated based on the type of project—that is, based on whether they are rolling stock, facilities, equipment or studies, and, further, whether they are replacements or expansions. Please note that the sub-criteria will not be weighted equally and that some will not be pertinent. For example, if a criterion has four sub-criteria, evaluators do not assign 25% weighting to each; they are given flexibility in assigning scores. One exception is on replacement rolling stock scores, where there are metrics for comparing need. Also, some consideration may be given to geographic equity.

Projects will be evaluated using the following metrics:

(1) For Replacement of Revenue Vehicles:

Metric 1: Vehicles will be scored based on the extent they have reached the minimum useful life established by the FTA and CDOT for that particular vehicle type. The weighting will be 50% age and 50% miles driven. Vehicles which have not reached minimum useful life in either age or miles will not be considered for funding (especially for FTA funds), except as set forth in Metric 2 below.

Metric 2: Vehicles which have not reached minimum useful life in either age or miles will be considered for funding once vehicles meeting Metric 1 have been awarded and there are sufficient state funds. Vehicles which have not reached minimum useful life in either age or miles will be scored based on 40% age, 40% miles, and 20% special considerations. Special considerations will be based on an evaluation of information provided by the applicants, which would include documentable, verifiable, data-based evidence of specific issues, maintenance problems, or other relevant factors related to the need for replacement of the vehicle. Special considerations may be given to applicants with a lower fleet spare ratio.



**Table 2 FTA and CDOT Rolling Stock Minimum Useful Life Standard**

CDOT Category	Representative Vehicles	No. Seats	Approx. Weight	Price Range	Useful Life Minimum
Heavy-Duty Large Bus	Most models from Gillig, MCI, NABI, and New Flyer	27-40	33,000-40,000 lbs	\$400,000-\$575,000	12 years or 500,000 miles
Heavy-Duty Small Bus	Thomas Transit Liner, Bluebird Q-Bus	26-35	26,000-33,000 lbs	\$230,000-\$375,000	10 years or 350,000 miles
Medium-Duty and Purpose-Built Bus	Champion Defender	22-30	16,000-26,000 lbs	\$85,000-\$200,000	7 years or 200,000 miles
Light-Duty Mid-Sized Bus (Cutaway van chassis with dual rear wheels)	Most BOC vehicles (e.g., Startrans Candidate and Senator; Starcraft Allstar)	16-25	10,000-16,000 lbs	\$60,000-\$75,000	5 years or 150,000 miles
Light-Duty Vehicles	Vans, minivans, SUVs, Sedans	3-14	6,000-14,000 lbs	\$20,000-\$65,000	4 years or 100,000 miles



(2) For Expansion of Revenue Vehicles:

Metric 1: Demonstrated Need and Readiness: Higher priority will be awarded to projects that clearly demonstrate the need for the expanded service in terms of documented ridership, or needs studies and community support, that demonstrate an effective business case and can demonstrate they are truly ready to implement the expansion;

Metric 2: Special Considerations: Applicants who have a capital replacement plan/asset management plan, who can show strong institutional commitment, and who can show a strong financial commitment, will be given a higher priority.

(3) For Facilities, Design, and Equipment:

Metric 1: Readiness and Demonstrated Timetable: For facilities, higher priority will be given to those have NEPA clearance finalized, at least 30% design completed, and site location selected and purchased. For facilities, design, and equipment, higher priority will be given to applicants with a record of completion of past or existing projects.

Metric 2: Project Purpose, Cost Savings, and Efficiency: Higher priority will be given to those projects that have a high degree of local and regional support, have a well-developed and defensible business case, and support or provide significant transit operational and utilization benefits.

Metric 3: Special Considerations. Higher priority will be given to those projects that demonstrate they were developed in partnership with the local community. In the case of requests for the expansion of existing facilities, higher priority will be applied to projects that demonstrate the need for the facility and for growth in the program it supports. Applicants that adequately demonstrate funding, financial capacity, and capability to sustain the service and project over time will be also be given higher priority.



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(4) For Planning Studies

Metric 1: Project Purpose and Demonstrated Need: The project does not qualify for FTA Section 5303 or 5307 (in urbanized areas) or 5304 funding, is relevant to other transit agencies in the state, has been vetted with the local transit provider, and the study is ready to proceed upon award.

The evaluation criteria for the new Settlement program varies slightly, putting more of an emphasis on the alternative fuel planning and capabilities of the applicant. These are outlined in Part 12 below.

For the SB 267 program, the following evaluation criteria are considered, **in addition to those** described in (3) above. They are as follows:

1. Project Readiness – The project has already undergone a significant level of planning and is ready to proceed in the short term and complete construction in approximately 3 years.
2. Strategic Nature – Project is of regional or statewide significance or is part of a statewide programmatic need.
3. Planning Support – The project is supported by relevant planning documents (e.g., Transit Development Program, Intercity Bus Plan, corridor NEPA documents, local plan documents)
4. Statewide Transit Plan Goal Areas – Supports statewide plan goal areas of system preservation and expansion, mobility/accessibility, transit system development and partnerships, environmental stewardship, and economic vitality.
5. Expected Life - The project results in a facility or infrastructure asset that carries an expected life cycle longer than the SB267 financing term of 25 years.
6. Supports Statewide System – Supports a statewide transportation system, with consideration of transportation needs throughout the region and the state.

Other factors that may be taken into consideration when evaluating projects are:

- extent to which a project will serve minority and low-income persons; and
- equitable geographic distribution of project funds across the state.





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## **PART 9**    **Selection Methodology**

DTR staff will evaluate and score applications for replacement vehicles. A selection committee made up of CDOT staff (DTR, DTD, the Policy and Government Relations Office, Office of Civil Rights) will evaluate and score applications for expansion vehicles and other capital projects. Applications for Settlement Funding will be reviewed and evaluated by a secondary selection committee made up of representatives from State agencies on the intra-agency Settlement Fund steering committee, including, but not limited to, the Colorado Department of Public Health and Environment (CDPHE), CDOT, Regional Air Quality Council (RAQC), and Colorado Energy Office (CEO). This selection committee will review only the applicants' alternative fuel implementation plans and make recommendations for vehicles and related charging equipment awards. DTR may also solicit input from CDOT's Region Planners regarding infrastructure, planning, and large capital purchase projects; applicants are strongly urged to discuss their projects with their Region Planner.

A recommended project list will then be presented to the DTR director for approval. After approval, DTR will issue Award Letters for selected projects in COTRAMS to the agencies for review and acceptance. Once all Award Letters are accepted and returned to DTR, DTR will publicize the project list to all applicants, and DTR and the Regions will take all steps necessary to set up and budget projects. Then, DTR and Region staff will begin statement of work and contract negotiations with the awarded subrecipients. State-funded contracts cannot be executed before the start of Fiscal Year 2021 (July 1, 2020) unless a project is budgeted with funds from a prior fiscal year.

## **PART 10**    **Application Protest**

All applicants, including those not awarded funding, will be notified of funding award decisions, including those not awarded funding. DTR will publicize the award list of projects that were selected, as well as, for transparency purposes, comments indicating the primary reason(s) an application or project may have received an insufficient score. If an application is denied, the grounds therefore will be given to the applicant.

The Department (CDOT DTR), recognizing the substantial financial impact its grant programs can have on organizations and individual applications, will provide applicants with the right to protest a grant denial or award amount decision of DTR. This right is provided in order to ensure the proper administration of the Division of Transit and Rail programing, encourage thorough review of applications and denials, promote a transparent exchange of information, and provide an opportunity to applicants to avail themselves of the Department. The Department fully recognizes the important implications of its grant funding decisions, and it is the Department's firm belief that applicants whose requests are denied or whose award



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amounts are reduced should have the opportunity for further review and consideration by the Department.

For this reason, the Department hereby provides all applicants who have had an application for a grant denied or reduced the opportunity for further consideration and review, followed by a final agency decision. To exercise this opportunity, applicants must, within 30 days after receipt of the formal grant notification:

- Send a protest letter to the Director of the Division of Transit and Rail at the following address: 2829 W. Howard Ave., Denver, CO 80204.
- State in the subject line of the letter that it is a protest of a grant decision requiring a response within 45 days. (This ensures Department staff are aware of the immediacy of the letter.)
- Clearly state in the letter the application to which it applies and the grounds for protest.

While the Department does not want to unnecessarily burden applicants with what to include in their protest letter, these requirements and procedures ensure the Department timely receives the protest and has sufficient information to meaningfully evaluate the decision. The Department shall have no obligation to respond to any letter which fails to conform to the above requirements.

Upon receipt of the protest letter, the Director of the DTR may contact the applicant to discuss the matter further. If the Director of the DTR and the applicant are unable to resolve the issue upon contact, the Director of the DTR will refer the protest to the Chief of the Office of Innovative Mobility. The Chief of the office of Innovative Mobility will consult with appropriate executive management on the matter and will, thereafter, issue a letter containing the final decision of the agency on the issue. Unless extended by agreement of the Department and the applicant, The Chief of the Office of Innovative Mobility shall issue a final agency decision no later than 45 days after the Department's receipt of the protest letter.

Applicants are encouraged to continue applying for any grants for which they may be eligible in the meantime.



**PART 11      Nondiscrimination**

The Colorado Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.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.

All subrecipients of CDOT-administered transit grants are required by the FTA to have submitted to CDOT various Civil Rights documents. In particular, if awarded funding, agencies must submit a Title VI Civil Rights Non-discrimination Plan that conforms to the FTA requirements in Circular [FTA C 4702.1B](#). This also includes a Limited English Proficiency (LEP) Plan describing how you plan to provide language assistance services.

Subrecipients of CDOT-administered transit grants that employ 50 or more transit-related employees or requested/received over \$1 million in operating/capital or over \$250,000 in federal transit planning funds in the previous federal fiscal year are required to have submitted to CDOT an Equal Employment Opportunity (EEO) plan that conforms to the requirements in Circular [FTA C 4704.1A](#).

Questions about civil rights can be directed to Anna Marriotti at [anna.marriotti@state.co.us](mailto:anna.marriotti@state.co.us) or (303) 757-9493.

**PART 12      Schedule**

Following is the schedule CDOT will generally adhere to for the CY 2020 project selection process.

Phase	Application/Evaluation/Selection Milestone	Due Date
Notice & Application Development	Call for projects officially broadcast by DTR	9/30/2019
	Applications Due to DTR via COTRAMS	11/18/2019



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<p>Review, Scoring &amp; Selection</p>	<p>Initial application screening (subrecipient eligibility and threshold criteria/project eligibility) by DTR</p> <p>Applications evaluated by review committees</p> <p>DTR conducts conference call with each CDOT Region regarding major projects within their jurisdiction</p> <p>DTR completes scoring and prepares list of recommended projects; final scores and recommendations submitted to DTR Director</p>	<p>02/15/2020</p>
<p>Award Discussion &amp; Approval</p>	<p>DTR develops list of recommended projects and consults with CASTA regarding the proposed selections</p> <p>DTR Director approves awards</p> <p>DTR issues Award Letters for selected projects</p> <p>Subrecipients review and accept or decline awards</p> <p>DTR creates awards in COTRAMS; DTR and Regions work with subrecipients to draft statements of work</p>	<p>Mid-February 2020</p> <p>Early March 2020</p>
<p>Budgeting and Programming</p>	<p>TIP / STIP policy amendments</p> <p>CDOT Business Offices creates project budgets</p> <p>Scope of work drafting, negotiations with local agencies initiated by DTR, Regions</p>	<p>Mar-Apr 2020</p>
<p>Subaward Agreements</p>	<p>DTR and Regions finalize subaward agreements/IGAs.</p>	<p>May-Sept 2020</p>



## **PART 13 Additional Guidance for Settlement Program**

### **What are the Settlement Funds?**

An automobile manufacturer has agreed to settle allegations that it violated the federal Clean Air Act by selling vehicles that emit more air pollution than the Clean Air Act allows, and by falsifying federal emission tests to hide the excess pollution. Because the affected vehicles exceed emission limits for a pollutant that harms public health and forms ozone or smog, the manufacturer has agreed to place funds in a national trust fund, referred to hereinafter as the Trust funds, that can be used for a variety of purchases intended to mitigate those harmful pollutants.

States have been awarded Trust funds. CDOT DTR expects to receive, over a period of about five years, approximately \$30 million (roughly 43% of the State's total funds). In the first year of the Settlement Program, eligibility for CNG and propane were included, however in February 2019 Governor Polis issued Executive Order B 2019-002 directing the state agencies managing the Trust funds to direct all remaining dollars to zero-emission vehicle replacements (i.e. electric, hydrogen, or CNG fueled by Renewable Natural Gas) rather than other alternative-fuel types. In Colorado, for improved efficiency, funding will flow through existing programs. DTR will use Trust funds for replacement of diesel-fuel buses with alternative-fuel buses in its Settlement Transit Bus Replacement Program (Settlement Program) Funds will be awarded statewide without any geographic targets or quotas, though CDOT will attempt to achieve some equitable geographic distribution.

### **What kinds of projects are eligible?**

Settlement Program funds are intended for the direct replacement of passenger transit vehicles that are diesel fueled and Class 4 or higher (over 14,000 pounds). The funds can be used for the purchase of alt-fuel rolling stock. Settlement Program funds cannot be used for the replacement of existing alt-fuel rolling stock, since that would not produce an air quality improvement, and cannot be used to purchase hybrid vehicles, though alt-fuel vehicles may be awarded to **replace** existing hybrid diesel vehicles.

CDOT will use Settlement Program funds only for the **incremental** cost of an alt-fuel vehicle. That is, for example, for the purchase of a 40-foot coach, Settlement Program funds can only be used for the cost exceeding the normal cost of a diesel-fueled 40-foot coach (the equivalent vehicle). However, applicants for Settlement Program funds can request federal or state funds in their CCCP application to cover the cost equivalent of a diesel-fueled vehicle—though CDOT is not guaranteeing the award of such funds.

In the current round of the Settlement Program, only electric battery, hydrogen fuel cell, and CNG buses fueled by renewable natural gas (RNG) are eligible to replace a diesel-fueled bus. The applicant must provide proof that the CNG bus requested will be fueled using RNG. This



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verification may take the form of an RNG purchasing agreement or some other mutually-determined documentation considered acceptable by CDOT DTR.

### Other eligibility criteria include:

- Only engine model year 2009 or older, Class 4-8 diesel, or hybrid diesel transit vehicles may be replaced.
- Public, private, for-profit, and nonprofit fleets are eligible so long as they meet all applicable eligibility requirements.
- Following acceptance of the replacement alt-fuel vehicle, the vehicle identified for replacement must be scrapped (i.e., the vehicle's frame rails must be cut completely in half and a 3-inch hole must be cut in the engine block) for each new alt-fuel vehicle receiving Settlement funding. CDOT must be given the opportunity to witness the scrapping procedure or given other acceptable evidence of such.
- Vehicles identified for replacement must be drivable and must have been registered, insured, and operated in Colorado for the previous two years (to ensure that the program achieves real emission reductions and to prevent abuse). CDOT may request evidence of the vehicle's maintenance records as proof of this.
- The Settlement Program is limited to new vehicle replacements and cannot be used to fund engine repowers of used vehicles or for non-OEM conversion kits. Conversions by manufacturers
- If Settlement Program funds are awarded for a new electric bus, charging equipment associated with that bus(es) may also receive Settlement funds, in an amount not to exceed \$100,000, with no local match required. The funds can be used for the charging equipment as well as reasonable costs associated with installing that equipment, such as underground utility work, building modifications to accommodate the equipment, etc.
- Settlement funds cannot fund CNG- or hydrogen-fueling infrastructure.

### How will CDOT DTR award the Settlement funds?

DTR will use a combination of existing funds and Settlement Program funds to incentivize the purchase of alt-fuel rolling stock. DTR will fund 110% of the incremental cost of new alt-fuel rolling stock and **may** also fund 80% of the cost of an equivalent diesel-fueled vehicle with CDOT-administered federal or state funds. By providing 110% of the incremental cost, CDOT is essentially reducing the local match amount that would have been required for the equivalent diesel-fueled vehicle award. However, as pointed out above, CDOT cannot guarantee that it will award both Settlement and the equivalent diesel-fueled vehicle funding. See the tables below for examples.

There are three basic funding scenarios, as outlined below that could occur with this mix of federal/state and Settlement Program funds:



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- A. An applicant requests and receives both Settlement Program funding for the alt-fuel vehicle(s) and federal or state funding for the equivalent “base” vehicle amounts.
- B. An applicant requests and receives Settlement Program funding for the alt-fuel vehicle(s) but does not receive federal or state funding for the equivalent “base” vehicle(s) requested--or which may not have been requested in the first place.
- C. An applicant requests both Settlement Program funding for the alt-fuel vehicle(s) and federal or state funding for the equivalent “base” vehicle amounts but is only awarded federal or state funding for the equivalent “base” vehicle amount. In such a case, the applicant can either decline the award, proceed with purchasing a diesel-fueled vehicle, or use other funding to pay for the incremental cost of an alt-fuel vehicle.

It will be important for applicants to respond to questions in the application regarding how they would proceed if some of these scenarios were to result.

The two tables below illustrate the first two scenarios and calculations showing the potential amount of awarded Settlement Program funds and the resulting local share for RNG and electric battery vehicles. In each scenario, the equivalent 40-foot diesel-fueled bus is estimated to cost \$500,000, an RNG-fueled bus is estimated to cost \$600,000, an electric battery bus is estimated to cost \$800,000, and the electric battery bus charging equipment is estimated to cost \$80,000.

For any questions regarding Settlement Program please contact Michael King at (303)-757-9997 or [michael.king@state.co.us](mailto:michael.king@state.co.us).



**Table A: Settlement Program Funding Examples with State or Federal Award**

	RNG Bus		Electric Bus and Charging Equipment	
Total Alt Fuel vehicle cost	\$600,000 RNG bus cost	\$600,000	\$800,000 electric bus cost	\$ 800,000
Electric charging cost	N/A		Electric charging equipment \$80,000	\$ 80,000
Equivalent vehicle cost	Estimated diesel- fueled 40-ft bus cost of \$500,000		Estimated diesel- fueled 40-ft bus cost of \$500,000	
Federal/State award for "base" equivalent vehicle	\$500,000 times 80% Federal/State share = \$400,000		\$500,000 times 80% Federal/State share = \$400,000	
Settlement award	Incremental bus cost (\$600,000 minus \$500,000) times 110% = \$110,000		Incremental bus cost (\$800,000 minus \$500,000) times 110% = \$330,000, plus 100% of \$80,000 charging cost = \$410,000	
Total CDOT awards	Federal/State award \$400,000 plus Settlement award \$110,000 = \$510,000	\$510,000	Federal/State award \$400,000 plus Settlement award \$410,000 = \$920,000	\$810,000
Applicant local share	Alt Fuel vehicle cost \$600,000 minus Total Awards \$510,000 = \$90,000	\$ 90,000	Alt Fuel vehicle cost \$800,000 plus charging cost \$80,000 minus Total Awards \$810,000 = \$70,000	\$ 70,000





**Table B: Settlement Program Funding Examples without State or Federal Award**

	CNG Bus Funding		Electric Bus and Charging Equipment	
Alt Fuel vehicle cost	\$600,000 RNG bus cost	\$600,000	\$800,000 electric bus cost	\$ 800,000
Electric charging cost	N/A		Electric charging equipment \$80,000	\$ 80,000
Equivalent vehicle cost	Estimated diesel- fueled 40-ft bus cost of \$500,000		Estimated diesel- fueled 40-ft bus cost of \$500,000	
Federal/State award	N/A	\$ -	N/A	\$ -
Settlement award	Incremental bus cost (\$600,000 minus \$500,000) times 110% = \$110,000	\$110,000	Incremental bus cost (\$800,000 minus \$500,000) times 110% = \$330,000, plus 100% of \$80,000 charging cost = \$410,000	\$410,000
Applicant local share	Alt Fuel vehicle cost \$600,000 minus Total Awards \$110,000	\$ 490,000	Alt Fuel vehicle cost \$800,000 plus charging cost \$80,000 minus Total Awards \$410,000 = \$470,000	\$ 470,000

**Evaluation Criteria**

As with other replacement vehicle requests, age, mileage, and condition will be key factors in evaluating applications. However, another important part of the review of applications will be the applicant’s demonstrated capacity to implement and operate alt-fuel vehicles within their fleet, particularly if it is for an electric bus. For example, applicants will be asked to describe their long-term alt-fuel vehicle plan and timeline for implementation, their agency’s operational considerations, plans for power delivery, the agency’s related financial plan, and other pertinent planning activities. It will be important for those who propose to use electric vehicles for the first time to address the issue of demand charges, electricity costs, the potential for necessary facility upgrades, and other factors not related to the rolling stock itself in order to demonstrate a full understanding of the broader transition needed for successful implementation.