



COLORADO

Department of Transportation

DIVISION OF TRANSIT AND RAIL STATE MANAGEMENT PLAN

CHAPTER 3 Awards Management

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3. AWARD MANAGEMENT

Colorado Department of **Transportation's** (CDOT) Division of Transit and Rail (DTR) is responsible for awarding and administering state and federal (Federal Transit Administration [FTA]) transit funds for public transit and human services transportation providers throughout Colorado. **DTR's competitive application and other funding processes support agencies** statewide in securing federal and state funds designated for transit projects.

This chapter describes how DTR meets the award management requirements outlined in the FTA 5010-1E Award Management Circular (<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>), Uniform Administrative Requirements for Grants & Agreements to State & Local Governments (49 Code of Federal Regulations [CFR] Part 18) (<https://www.govinfo.gov/app/details/CFR-2009-title49-vol1/CFR-2009-title49-vol1-part18/summary>), and the FTA/CDOT Master Agreement.

Over the past five years, DTR has developed the Colorado Transit and Rail Award Management **System (COTRAMS) to streamline and automate CDOT's award management process for DTR**, subrecipients, and CDOT internal partners. The system is a versatile online interactive tool **that improves DTR's level of customer service and satisfaction, as well as** project management process efficiency and transparency. This chapter explains how COTRAMS **integrates with CDOT's award management processes to support DTR in the full life-cycle** of an award. Additional information about COTRAMS is included in Section 3.9.6.1.

This chapter is organized according to the life-cycle of an award:

- Funding and Allocation Planning
- Notice of Funding Availability (NOFA) Development and Program Eligibility
- Subrecipient Project Planning
- Application Solicitation and Project (Subaward) Selection
- Project (Subaward) Risk Assessment
- Transportation Improvement Program (TIP)/Statewide Transportation Improvement Program (STIP) Process
- Project (Subaward) Budget to Executed Subaward Agreement
- FTA Programs Award Application and Program of Projects (POP)
- Financial Management and Internal Controls
- Project (Subaward) Implementation, Monitoring, and Reporting
- FTA Award Budget Revisions and Amendments
- Project (Subaward) Closeout with Subrecipients
- FTA Award Closeout in Transit Award Management System (TrAMs)
- Financial Record Retention

3.1 CDOT Funding and Allocation Planning

DTR is responsible for managing and monitoring the flow of FTA and state funds, including annual revenue, roll forwards, transfers, and expenditures. Every three years DTR prepares a Five-Year Financial Plan to project future transit revenues and their allocation/distribution among FTA and state transit programs, determine the financial capacity of CDOT to support the programs, and to be transparent with subrecipients about longer-term funding availability. An example of the Financial Plan is included as Attachment 3-1 Sample Financial Plan.

3.2 Planning and Prioritization

The CDOT and DTR ongoing planning and prioritization activities identify transit needs statewide. This process is illustrated in Flowchart 3-1 CDOT Planning to Notice of Funding Availability. Based on the prioritized needs, DTR develops an Annual Budget for transit projects that allocates funds to available federal and state funding programs for the next year. **DTR's process for developing its Annual Budget is illustrated in** Flowchart 3-2 DTR Annual Budget.

Prior to participation in the application process, interested agencies are strongly encouraged to participate in the statewide transit planning process described in Chapter 2. The statewide planning process provides the opportunity for a subrecipient to coordinate with DTR to define projects, prepare the necessary documentation needed to apply for funds, and determine whether to apply for funds directly or to coordinate with a larger agency or Metropolitan Planning Organization (MPO) to request funds.

Planning activities for existing and new subrecipients are detailed in Flowchart 3-3 Subrecipient Planning Through Application.

3.3 NOFA Development and Program Eligibility

Once the amount of available funding is determined for the Annual Budget, DTR conducts a Call for Projects and advertises a NOFA for specific types of projects, such as capital, administrative and operating, or planning. Competitive applications are described in Section 3.4.

The NOFA includes a description of the funding opportunity and specific eligibility information (determined by the specific federal or state program), local match requirements, application preparation and submittal information, evaluation criteria (metrics), and application review information. The notification is advertised to all known and potential public and specialized transportation providers, including the organizations that represent underserved communities, as well as Area Agencies on Aging, the Colorado Municipal League, and Colorado

Counties, Inc. Application periods are typically open for 45 days. An example NOFA is included in Attachment 3-2 Example NOFA.

DTR has evaluation criteria for each type of project (detailed in Section 3.4.2). For a specific NOFA, the evaluation criteria may be weighted based on the priorities identified through **CDOT's planning process, Transportation Commission policies related to fund distribution**, program requirements, and the amount of funds available by program. The weighting of the criteria and other evaluation factors, such as geographic distribution, are explained in the NOFA.

Detailed information about the types of projects funded by each federal and state program and subrecipient eligibility requirements are contained in State Management Plan (SMP) Appendix A (FTA Programs) and SMP Appendix B (Non-Federal Transit Funds).

3.4 Application Solicitation and Project (Subaward) Selection

DTR uses a competitive application process to evaluate and award funds to applicants for several of the federal and state programs. Applications are accepted through COTRAMS, unless DTR issues an exception.

3.4.1 Applicant Minimum (Threshold) Requirements

All applicants are required to meet certain minimum (threshold) criteria to be considered for an award of funds. A new applicant must submit a New Applicant Questionnaire that includes **an overview of the agency's transit services, legal standing, financial management** and capacity, technical capacity, asset management plan, procurement procedures, and civil rights policies. A sample of the New Applicant Questionnaire is included in Attachment 3-3 Example New Applicant Questionnaire. The agency must demonstrate that it meets minimum requirements in financial and managerial capability and capacity for managing awarded funds, as well as demonstrate that it has the resources necessary to operate the project on an ongoing basis. The applicant must also be willing to follow federal and state guidelines for third-party procurements.

The New Applicant Questionnaire is not intended to exclude an organization from applying for funds, but rather to ensure it is prepared to administer a project at the time of application, to familiarize the organization with the requirements of administering a project, to familiarize DTR staff with the organization, and to arrange technical assistance, if needed, that could aid the organization in becoming eligible.

Based on the information provided on the questionnaire, the agency is set up in COTRAMS and thereafter is responsible to update its profile in COTRAMS to maintain its eligibility to apply for transit funds. Should an applicant not meet these threshold criteria, DTR is available to work with the agency to meet the criteria and become eligible to apply for funds.

State and federal funds are awarded on a reimbursement basis; that is, the award recipient must first incur costs before being reimbursed by CDOT, after submitting sufficient documentation of such costs. Therefore, the recipient must have the financial ability and cash flow to incur and pay such costs initially. Should an applicant not meet the requirements or has had difficulties managing previously awarded funds, DTR staff are available to work with the agency to maintain eligibility to apply for funds. It is especially important that financial and managerial capability is specifically addressed by applicants that have had delays or other problems implementing projects awarded funding by CDOT. These organizations must demonstrate their financial and project management capabilities and experience, as well as describe the steps taken to correct any past problems. Additional items that DTR reviews with an applicant to establish technical capacity are included in Table 3.1.

Table 3.1. Items to Establish Technical Capacity

Requirement	Description
Legal Standing	Status of suspension or debarment, false claims
Technical Capacity	Staff responsibilities, training, involvement in the most recent Regional Transportation Coordination Human Services Plan
Asset Management/ Continuing Control	Maintenance Plan, Vehicle Replacement Plan, Asset Management Plan, Asset Inventory
Procurement	Written Procurement Policy
Civil Rights	Acknowledgement of civil rights requirements, equity analysis on impacted populations regarding the transit project, when applicable

3.4.1.1 Competitive Project (Subaward) Applications

DTR has separate application cycles for the following project types:

Local capital projects. Buses, vans, train cars, gondola cabins, transit stations, parking facilities, multimodal facilities, planning studies, and technology improvements.

Local administrative, operating, and mobility management projects. Operating funds, brokerage projects, call centers, and travel training.

Planning projects. Transit feasibility studies.

Regional/interregional and Funding Advancement for Surface Transportation and Economic Recovery Act (FASTER) operating projects. Funds for operating intercity and regional bus routes throughout Colorado.

Typical timelines for the application cycles are shown in Table 3.2. This table is for illustrative purposes and may vary depending on circumstances.

Table 3.2. Typical Application Cycles

Type of Project	NOFA	Deadline	Evaluation	Award	Contracting
Local Capital	Oct	Dec	Dec-Feb	Feb-Apr	Apr-Jun (federal) Apr-July (state)
	45 days minimum		60 days	60 days	90 days (federal) 120 days (state)
Local Administrative/ Operating/ Mobility Management	March	May	May-July	July-Sep	Sep-Oct
	45 days minimum		60 days	45 days	45 days
5304 Planning	July	Sept	Sept-Nov	Nov-Dec	Dec-Jan
	45 days minimum		60 days	30 days	30 days
5311(f)/FASTER Operating	March	May	May-July	July-Sep	Sep-Oct
	45 days minimum		60 days	45 days	45 days

3.4.2 Application Evaluation

3.4.2.1 Local Capital Projects

Every year CDOT pools (or consolidates) funds from federal and state programs and conducts a single competitive application process for local capital projects to ease the burden on applicants. Table 3.3 shows the programs that are used to fund local capital projects.

Table 3.3. Funding Sources for Consolidated Capital Projects Call

FEDERAL PROGRAMS
FTA Section 5310: Seniors and Individuals with Disabilities
<ul style="list-style-type: none"> Rural (less than 50,000 population) Small Urbanized (Boulder, Grand Junction, Greeley, Longmont, Lafayette/Louisville/Erie, and Pueblo) Large Urbanized (Denver) (the other two large urbanized areas—Colorado Springs and Fort Collins—have chosen to administer their own 5310 funds)
FTA Section 5311 (including 5311(f): Rural Public Transit (all areas outside of urban areas)
FTA Section 5339: Bus and Bus Facilities
<ul style="list-style-type: none"> Small Urbanized (Boulder, Grand Junction, Greeley, Longmont, Lafayette/Louisville/Erie, and Pueblo) Rural
STATE PROGRAMS
FASTER Local Competitive
FASTER Urban Area Set-Asides (Denver, Colorado Springs, Fort Collins)

Table 3.3. Funding Sources for Consolidated Capital Projects Call

Senate Bill 228
Senate Bill 267 Rural
OTHER FUNDS
Settlement Funds
Other, as identified in new state or federal legislation

Projects for these programs are evaluated based on the type of project—that is, revenue vehicles (rolling stock); facilities, design, and equipment; or studies—and whether the project is for replacement or expansion (new) vehicles. Evaluation metrics (or criteria) for each type of project are listed below.

Project selection is based on FTA minimum useful life guidelines for buses and related facilities, and FTA program guidance, including asset management principles. Furthermore, Policy Directive 14 puts performance goals in place for the overall preservation of the statewide transportation system. FTA/CDOT vehicle minimum useful life standards are included in Chapter 6 of this SMP. Policy Directive 14 is included as Attachment 3-4 Policy Directive 14.

3.4.2.2 Federal Programs and FASTER Transit Funds

For Replacement of Revenue Vehicles

Metric 1: *The vehicle's State of Good Repair (SGR)*: Age, Mileage, Usage, Readiness, including how the vehicle's replacement is projected and prioritized within the agency's Asset Management Plan; higher-mileage vehicles will be scored higher than lower mileage units. Older vehicles, beyond minimum useful life standards, are scored higher than newer vehicles, with special considerations allowed for “lemons” or irreparable damage due to accident, etc.

Metric 2: Higher scoring will be awarded to applicants that can demonstrate a good SGR through effective, documented, formal preventive maintenance programs or Transit Asset Management programs, and to those that have and follow a capital replacement plan.

For Expansion of Revenue Vehicles

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

Metric 2: *Special Considerations*: For vehicle requests, applicants with a lower fleet spare ratio (i.e., less than 20%), who have a capital replacement plan and follow sound asset

management practices, who can show strong institutional commitment, and who can show a strong financial commitment (higher local match ratio), will be scored more strongly.

For Facilities, Design, and Equipment

Metric 1: *Readiness and Demonstrated Timetable*: Higher priority will be given to those new projects that are shovel ready (i.e., National Environmental Policy Act [NEPA] clearance finalized, at least 30% design completed, and site location selected and purchased), and to the completion of 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; are well-developed with a defensible business case; and support or provide significant transit operational and utilization benefits.

Metric 3: *Special Considerations*. Higher scoring in this area 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 scoring will be applied if the project demonstrates the need for the facility and for growth in the program it supports. Agencies that adequately demonstrate institutional commitment, funding, financial capacity, and capability to sustain the service and project over time will be also be scored more strongly.

Civil Rights Requirements. In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the **objectives of the Act or this part.” Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, “The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations.**

The recipient must complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

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 (in rural areas), it is relevant to other transit agencies in the state, it has been vetted with the local transit provider, and the study is ready to proceed upon award. In rare cases, Section 5304 rural planning funds may be awarded to urbanized areas that consider rural-to-urban services.

3.4.2.3 SB 228 and SB 267 Programs

In addition to the metrics for Facilities, Design, and Equipment (on the previous page), the following criteria are considered:

- **Project Readiness.** For facilities, the project has already undergone a significant level of planning (i.e., 30% design) and is ready to proceed in the short term and complete construction within approximately 3 years.
- **Strategic Nature.** The project is of regional or statewide significance or is part of a statewide programmatic need.
- **Planning Support.** The project is supported by relevant planning documents (Transit Development Program, Intercity Bus Plan, corridor NEPA documents, local plan documents).
- **Statewide Transit Plan Goal Areas.** The project supports statewide plan goal areas of system preservation and expansion, mobility/accessibility, transit system development and partnerships, environmental stewardship, and economic vitality.
- **Expected Life.** The project results in a facility or infrastructure asset that carries an expected life-cycle longer than the SB 267 financing term (25 years).
- **Supports Statewide System.** The project supports a statewide transportation system, with consideration of transportation needs throughout the region and the state.

3.4.2.4 Settlement Funds

Colorado's alternative fuel Settlement Funds are programmed according to the **Colorado's Beneficiary Mitigation Plan** (<https://www.colorado.gov/pacific/cdphe/VW>).

As with other replacement vehicle requests, age, mileage and condition are factors used in evaluating the merits for replacement of the vehicle. However, the key evaluation of settlement applications is **the applicant's demonstrated overall plan for implementation** of alternative fuel fleets, including their capacity to operate and sustain alternative fuel vehicles, particularly if it is for electric vehicles. Applicants are asked to describe their long-term alternative fuel vehicle plans and timeline for implementation; operational considerations and mitigations; the plan for power delivery; and the **agency's related financial plan**. It is important for those proposing to use electric vehicles for the first time to

address Demand Charges—that is, the elevated utility rates charged during the peak times that many transit operators would plan to recharge the bulk of their vehicles. Due to air quality requirements of the Beneficiary Management Plan, vehicles being replaced must be destroyed; a diesel or regular engine bus cannot remain in operation.

3.4.2.5 Local Transit Operating, Administrative, and Mobility Management; and Statewide Operating

Every year CDOT pools (consolidates) funds from several programs and conducts a competitive application process for local transit administrative, operating, mobility management, and statewide operating projects, i.e., operating assistance for general public transit, operating assistance for specialized transit, mobility managers, travel training, etc.

Table 3.4 presents the programs used to fund operating, administrative, and mobility management projects; and statewide operating projects.

Table 3.4. Funding Sources for Consolidated Operating Projects Call

FEDERAL PROGRAMS
FTA Section 5310: Seniors and Individuals with Disabilities
◆ Rural (less than 50,000 population)
◆ Small Urbanized (Boulder, Grand Junction, Greeley, Longmont, Lafayette/Louisville/Erie, and Pueblo)
◆ Large Urbanized (Denver) (the other two large urbanized areas—Colorado Springs and Fort Collins—have chosen to administer their own 5310 funds)
FTA Section 5311(including 5311(f): Rural Public Transit (all areas outside of urban areas)
STATE PROGRAMS
FASTER Statewide Operating (Regional/Interregional Operating)
Senate Bill 1

CDOT evaluates applications for these projects based on criteria for the specific type of project.

3.4.2.5.1 Specialized Transit Operating and Mobility Management (Section 5310)

Prioritization and weighting is conducted as follows:

Financial need (30% of score), based upon:

- Lack of funding sources available to the applicant.
- Good faith efforts to obtain funds for the project from non-FTA sources.
- Economic condition **of the applicant's service area.**
- Level and amount of local commitment to transit.
- Reasonableness of costs to operate and administer the project.

- Amount of available revenue, including contract and earmarked funds.
- Portion of costs covered by local fund.

Service need and applicant performance (30% of score), based upon:

- Lack of appropriate public transportation alternatives.
- **Transit dependency of the population in the applicant's service area, particularly the extent to which the proposed project serves elderly or disabled persons, persons without a car, or low-income persons.**
- Extent to which the applicant provides service to other organizations; the numbers of riders and types of trips provided.
- Size of an applicant's service area.
- Other relevant factors, including congestion mitigation and air quality improvement.

Coordination (40% of score), based upon:

- Extent to which coordination reduces operating expenses, number of vehicles used and lead time for passenger scheduling.
- Extent to which the applicant works with community organizations (e.g., Chambers of Commerce, human services agencies) to promote the service and make it more efficient.
- Lack of duplication or overlap with transit services provided by others.
- **An applicant's good faith efforts** to coordinate with private-for-profit operators.
- The performance measure(s) listed for each activity demonstrates its ability to improve **clients' quality of life and can also indicate the quality of change that was produced by** the activity.

3.4.2.5.2 General Public Transit Operating and Administrative (Section 5311)

The criteria for these projects are based on a formula that categorizes agencies into groups of peer agencies. The amount of the award is based on the size of the operating budget.

3.4.2.6 Planning Projects

At least every two years CDOT conducts a competitive application process for planning projects that use FTA Section 5304 funds. These funds can be used for transit-related support activities, such as technical assistance, route planning, research, and demonstration projects.

The criteria for evaluation of planning projects include:

- Need (service, coordination, facility, etc.).

- **Subrecipient's** statement of work readiness and clarity.
- **Subrecipient's funding readiness.**
- Consistency with **CDOT's** Statewide Transit Plan (SWTP) and/or Coordinated Human Service Transportation Plan for that region of the state.

3.4.3 Project (Subaward) Selection

The application process for transit projects is illustrated in Flowchart 3-4 Transit Project Application Evaluation and Award.

3.4.3.1 Evaluation Committees

For all projects, an evaluation committee made up of CDOT staff (DTR, Division of Transportation Development, the Policy and Government Relations Office, Civil Rights & Business Resource Center) evaluates and scores applications. In selecting projects for funding, consideration is given to geographic distribution.

The evaluation committee has two to three weeks to review applications and prioritize projects. The committee compiles scores and puts together a recommended prioritized award list.

After the committee evaluates the project according to the criteria included in the NOFA, each project is ranked according to its project type and score. Because of limited available funding, CDOT continues to put an emphasis on a fix-it-first approach—that is, giving higher priority to the replacement and refurbishment 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 are not 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 for the project to be considered.

3.4.3.2 Project (Subaward) List

DTR reviews the committee's list of ranked projects and pools the highest-ranked projects to the programs best suited for the project (FTA or state). Awarded amounts are determined based on available funding in each of the programs, prioritization and scoring criteria, demonstrated need, and a fair and equitable distribution of funds statewide. DTR may also solicit input from CDOT's Region Planners regarding infrastructure, planning, and large capital purchase projects.

The recommended list is presented to the DTR Director for approval. The DTR Director may discuss the selections with the executive director of the Colorado Association of Transit Agencies, for transparency purposes and to receive feedback. The DTR Director has final approval of the award list.

The outcome of this process is a list of recommended projects by funding program that identifies the successful applicants, the project, and the anticipated budget.

3.4.3.3 Project (Subaward) Award Letter and Public Notice

COTRAMS generates an award letter to successful applicants that includes the project name, award amount, and any contingencies; method of selection; and DTR contact information. Once the successful subrecipients have accepted the terms of the award detailed in the award letter, CDOT issues a public notification of the awards via email and the CDOT website. The announcement includes all of the applicants, the types of projects, CDOT Regions where projects are located, the requested amounts, and the award amounts by program.

3.4.3.4 Application Protest Process

Both successful and unsuccessful **applicants are notified of DTR's** project awards. They are provided a list of projects that were selected and, for transparency purposes, comments indicating the primary reasons an application or project may have received an insufficient score. Applicants not awarded funding may reapply for projects that were denied.

CDOT's policy regarding the application protest process is as follows:

The Department, recognizing the substantial financial impact its programs can have on organizations and individual applications, will provide applicants with the right to protest an award denial or award amount decision of DTR. This right is provided in order to ensure the proper administration of **DTR's programming**, 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 funding decisions, and it is the Department's firm belief that** applicants whose requests are denied or whose award 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 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 award 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 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 projects for which they may be eligible in the meantime.

This process is illustrated in Flowchart 3-5 Subaward Protest Process.

3.5 Project (Subaward) Risk Assessment

3.5.1 Risk Assessment

2 CFR 200 requires that CDOT perform a risk assessment of each award an agency receives for federal funds. CDOT also conducts risk assessments of agencies receiving FASTER and other state funds.

The risk assessment happens after an award is built in COTRAMS. The subrecipient provides **information in COTRAMS for DTR's review in the Risk Assessment module.**

The Subrecipient completes the Self-Assessment Scoring portions in COTRAMS first, and then DTR completes its assessment according to the following:

- Subrecipient Details
- Experience
- Monitoring/Audit
- Operation
- Financial

- Internal Controls
- Conflict of Interest/Violation of Federal Laws
- Program Management

The DTR Project Coordinator evaluates the following items to assess the risk level of an applicant:

- Financial stability.
- Quality of management systems and ability to meet project management standards.
- History of performance in managing federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards.
- Reports and findings from audits performed on previous federal awards or the reports and findings of any other available audits.
- Ability to effectively implement statutory, regulatory, or other requirements imposed on non-federal entities.
- Compliance with guidelines on suspension and debarment set forth in 2 CFR Part 180.

Each CDOT question is scored from 1 to 5. A score of 0 is used when there is no risk; scores from 1 to 5 indicate more risk. The Project Coordinator can add narrative comments for further explanations and clarifications about the scoring.

- 5 = indicates a high risk response
- 4 = indicates medium/high risk response
- 3 = indicates a medium/low risk response
- 2 = indicates a low risk response
- 1 = indicates a very low risk response
- 0 = indicates literally no risk

After the initial scoring, DTR holds an internal peer-review with those who completed the CDOT assessments, as well as other DTR staff. This peer-review checks for consistency and outliers in scoring, and is a forum for discussion and accountability. The final risk assessment score (from 1 to 200) is displayed within the COTRAMS Awards page.

The evaluation of the risk assessment determines the level of compliance oversight that DTR applies to the subrecipient once a subaward agreement is in place (low, medium, or high). Chapter 4 contains additional information about compliance oversight.

As part of the risk assessment, DTR reviews the **agency's Single Audit certification**. The Single Audit requirements are in Section 3.9.5.1; the process is illustrated in Flowchart 3-6 Single Audit.

3.6 TIP/STIP Process

After final selection of projects, DTR notifies the agencies of the award. If it is an MPO project, the MPO enters the project into its TIP. If a project is in an area outside an MPO, it is included in a STIP pool. DTR updates the STIP according to the TIP. The TIP and STIP processes are **described in Chapter 2. DTR's processes for updating the TIP and STIP** are outlined in Flowchart 3-7 Transit STIP Process.

3.7 Project (Subaward) Budget to Executed Subaward Agreement

CDOT's internal processes for budgeting awards in COTRAMS and Systems Applications and Products (SAP) (**CDOT's financial management system**) are shown in and Flowchart 3-8 Budgeting of FTA Funds and Flowchart 3-9 Budgeting of Non-federal Funds.

Once the awards are built in COTRAMS, DTR works with the subrecipient and internal CDOT partners to execute the subaward agreement (or contract). This process is shown in Flowchart 3-10 Budget to Executed Subaward Agreement.

There is a different subaward agreement process for a transit construction project that is managed by a CDOT Region. **DTR's process for transferring a construction project to the CDOT Region** is shown in Flowchart 3-11 Transfer Construction Project to Region.

3.8 FTA Programs Award Application and Program of Projects

From the final list of subawards, DTR develops a Program of Projects (POP) for each FTA program. The POP includes a brief description of the projects; identifies each subrecipient and indicates whether it is a governmental authority or a private nonprofit agency; and lists total project costs and federal share of each project. The POP summarizes the available and applied funds for the program and the sources of funding for each parent award and project within the parent award (FTA, local match, local in-kind match). Additional detail on each project includes specific information about the agency, award status, civil rights compliance status, and contract identifiers in the CDOT accounting system.

DTR then assembles an award application in the FTA Award Management System—known as TrAMS—based on the POP. The award application must include the following minimum information:

- Fiscal year of funding and whether program requirements are met
- Period of performance

- STIP/TIP/Unified Planning Work Program (UPWP)
- Project locations
- Activity line item (ALI) and budget line information, federal and local match ratio
- Local match sources
- Vehicle useful life, fuel type and quantities
- Local Transportation Human Service Coordination Plan for 5310 projects
- Milestones
- NEPA requirements

FTA reviews the POP and application for compliance, then approves and releases the funds to CDOT.

This process is illustrated in Flowchart 3-12 FTA Award Application.

3.8.1 NEPA Class of Action Determination

Award applicants must provide sufficient project information for FTA to make a NEPA class of action determination. Most of the projects funded through DTR-administered FTA funds qualify as a Categorical Exclusion (CatEx), including many of the construction projects. For **construction projects, the FTA requires completion and approval of FTA Region 8's**

Categorical Exclusion Worksheet (CatEx worksheet). FTA and the CDOT Region environmental staff review the CatEx worksheet to determine whether the project qualifies as a CatEx and if compliance with other environmental laws or environmental permits is required. Additional compliance might be required under Section 106 of the National Historic Preservation Act, Section 4(f) of the US Department of Transportation Act of 1966, Section 404 of the Clean Water Act, or Section 7 of the Endangered Species Act.

FTA makes the final determination whether the construction project falls within the CatEx, Environmental Assessment, or Environmental Impact Statement category (i.e., the action meets all conditions listed in the regulations), whether the action is impermissibly segmented from a larger project, and whether there are unusual circumstances (e.g., substantial controversy on environmental grounds, significant impact to properties protected by Section 4(f) or Section 106) that would make a CatEx determination inappropriate. The CatEx category is selected and approved directly in TrAMS and no further documentation is required.

For non-construction projects, a description of the project in the application is sufficient for FTA approval.

Additional information about the NEPA requirements for FTA-funded projects is included in **CDOT's NEPA Manual** (<https://www.codot.gov/programs/environmental/nepa-program/nepa-manual>). It should be noted, however, that FTA does not delegate authority for NEPA in the

same manner as FHWA. FTA must be contacted to confirm the appropriate course of action is taken.

3.9 Financial Management and Internal Controls

3.9.1 Local Match Requirements

Federal and state programs require some form and percentage of local match, which is determined by the type of project. CDOT follows the matching funds guidelines set forth in the FTA Circulars for each federal program and generally applies these guidelines to its state **funding programs. Details about each program's federal and local share matches are included** in SMP Appendix A (FTA Programs) and SMP Appendix B (Non-Federal Transit Funds). Federal aid guidance regarding non-federal matching requirements can be found at:

<https://www.law.cornell.edu/cfr/text/2/200.306>

The matching funds ratios as set forth in the FTA Circulars are:

- Administrative expenses are reimbursed at 80% federal with a 20% local match required.
- Operating expenses are reimbursed at 50% of the net operating deficit with a 50% local match required.
- Capital project expenses and planning studies are reimbursed at 80% federal with a 20% local match required. CDOT's policy for all capital programs is to limit the share of state and federal participation to 80% of the total project cost.

CDOT uses discretion for match ratios on FTA discretionary awards.

The local match can be made up of the following monetary contributions or a combination of these and in-kind (non-monetary) contributions:

- State or local appropriations.
- Other non-DOT federal funds.
- Dedicated tax revenues.
- Private donations.
- Revenue from human service contracts.
- Transportation Development Toll credits.
- Net income generated from advertising and concessions.

DTR specifically defines the local match requirements for a project (including the percentage of allowed in-kind contributions) in the NOFA. Applicants are required to provide the amount of local match funds being used for the project. After award, the project budget in the executed subaward agreement defines the local share amount and percentage, as well as any restrictions on the type of funds that may be used for the match. Throughout the project, the

agency is responsible for documenting eligible local match funds through reimbursement requests and progress reporting.

3.9.1.1 In-Kind Contributions

DTR requires that local entities have a financial stake in their project and therefore limits the amount of in-kind contributions that can be used as local match. In-kind contributions can be used for up to 50% of the local match for some programs. This includes operating assistance under Sections 5310 and 5311 programs. Capital equipment purchases, such as buses, require a cash match; in-kind contributions are not allowed. In-kind contributions must be approved in advance by DTR and must be aligned with the purpose of the project, meaning there must be a logical relationship between the match claimed and the project.

In-kind match represents a third party's non-cash contribution to a federally funded project or activity. In-kind match differs from cash/direct match in that the basis of valuation is founded upon an estimated value rather than the actual cost or calculated proportional cost as is found in a cost allocation plan or indirect cost rate. The Uniform Guidance at 2 CFR part 200.306 offers criteria defining the use of in-kind contributions. For third-party in-kind contributions, the fair market value of goods and services must be documented.

In-kind contributions can be:

- Donated services.
- Donated time.
- Donated equipment.
- Donated office space.
- Greyhound in-kind match for 5311(f) projects.

3.9.2 Program Income

Per 2 CFR § 200.77- 80, with prior approval of the federal awarding agency, program income may be used to meet the cost sharing or matching requirement of the federal award. The amount of the federal award remains the same. DTR recognizes program income to be gross income minus the cost of generated program income earned by the subrecipient that is directly generated by a supported activity, or earned only as a result of the federal award during the period of performance.

Transit-related program income includes, but is not limited to, the following:

- Fees for services performed, including farebox revenue.
- **Donations made by users of a subrecipient's services intended to reduce the cost of the** subrecipient for the service provided.
- The use or rental of real or personal property acquired under its award.

- Advertising/concessions specifically required by the federal award, and pertaining to specific activities or accomplishments which result from performance of the federal award.

Interest earned on advances of federal assistance is NOT program income. Except as otherwise provided in federal statutes, regulations, or the terms and conditions of the federal award, program income does not include rebates, credits, discounts, taxes, special assessments, levies, and fines raised by a recipient and subrecipient, and interest earned on any of them.

Farebox revenue may not be used as non-**federal share for any of FTA's programs**. Farebox revenue is used to determine “net project cost” for operating assistance funds only. Farebox revenue is not considered program income for capital assistance funds.

3.9.3 Bonds

State and local governments have the option to borrow money from the private sector to undertake large capital projects, including transit facilities. Debt-financed capital projects can be cost-effective if the costs of waiting to build the project exceed the interest rate. In addition, debt-financed capital assets can promote tax burden equity as the asset is being paid for over the entire time during which the benefits of the asset are being enjoyed, and not all-at-once by taxpayers in one given year. Options for debt financing for transit projects include general obligation bonds, revenue anticipation notes, or certificates of participation.

General Obligation Bonds: Local governments in Colorado can issue general obligation bonds with voter approval to build transit improvements, such as mobility hubs, bus rapid transit, or passenger rail. These bonds are repaid from property taxes, or in some cases can be repaid from sales and use taxes. CDOT is sometimes asked to use state or federal funds as part of local projects that are financed with general obligation bonds.

Tax or Revenue Anticipation Notes: Tax or revenue anticipation notes represent money borrowed by a government on the pledge that it will be repaid over time from a specified revenue source. The Treasurer's Office issues tax revenue anticipation notes that are repaid within the same fiscal year (or repayment resources are placed in escrow). **Colorado's** constitution allows multiyear fiscal obligations only with voter approval. Parts of these notes were used to pay for the joint highway expansion and light rail extension project, known as T-REX, for the I-25 corridor in south Denver.

Certificates of Participation: Certificates of Participation are a lease-financing mechanism where the government enters into an agreement to make regular lease payments for the use of an asset over some period, after which the title for the asset transfers to the government. Since the government can decide, at any time, to discontinue the lease, Certificates of Participation do not constitute a multiyear fiscal obligation and therefore can be issued

without voter approval. In 2018, after passage of SB 17-267, \$380 million in Certificates of Participation were issued to fund transportation projects throughout Colorado, including 10% or \$38 million for transit.

High Performance Transportation Enterprise (HPTE) Bonding: HPTE was formed under 43-4-806 C.R.S. to, among other things, aggressively pursue innovative means of more efficiently financing surface transportation projects, which includes transit projects, outside the Regional Transportation District (RTD). More specifically, HPTE is allowed under 43-4-**806(2)(c)(II) to “Issue or reissue revenue bonds payable from the revenues and other available money of the transportation enterprise (user fees, which could be tolls, or fare box revenue) pledged for their repayment...”** HPTE has financed managed lanes in which express bus services operate.

Prior to issuing the bonds, the HPTE does significant due diligence to determine the amount that can be reasonably borrowed from user fees. If that amount is not enough to fill the funding shortfall, CDOT or another funding source has to make up the difference. For the transportation investment market to be comfortable with the project, HPTE must perform a market survey, either through an investment grade traffic and revenue study, or an investment grade ridership and revenue study. These studies are then independently analyzed by one or two rating agencies (depends on the amount borrowed) that then assign a rating to the project. It is unlikely that the HPTE moves forward with the financing instrument if the project achieves less than an investment grade rating. Federal Railroad Rehabilitation & Improvement Financing (RRIF) or Transportation Infrastructure Finance and Innovation Act (TIFIA) loan programs, often used in combination with HPTE bonds, will not execute the loan if the project achieves a lesser rating.

3.9.4 Indirect Costs

As defined in 2 CFR part 200, Indirect Costs are costs that are:

- Incurred for a common or joint purpose benefiting more than one cost objective.
- Not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved.
- Originating in the subrecipient department as well as those incurred by other departments in supplying goods, services, and facilities to the recipient department.

Examples of indirect costs are administrative, operational, and expenses of unit heads and their immediate staff.

Subrecipients that intend to seek payment for indirect costs must prepare a Cost Allocation Plan (CAP) or an Indirect Cost Rate Proposal (ICRP). CAPs and ICRPs must be approved by FTA or another cognizant federal agency. Pursuant to 2 CFR § 200.210, a federal award must

include identification of the indirect cost rate for the federal award (including if the *de minimis* rate of 10% is charged).

Requirements for development and submission of indirect cost rate proposals and cost allocation plans are contained in [Appendix IV](#) of 2 CFR Part 200.

3.9.5 Statutory and Policy Requirements

CDOT is responsible for administering federal and state transit awards to ensure that the funds are expended and the associated programs are implemented in full accordance with U.S. statutory and public policy requirements. Specific requirements are outlined in FTA Circular 5010.1E Award Management Requirements, which is included in SMP Appendix D and available at: <https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e>.

CDOT communicates these requirements to subrecipients in the terms and conditions included with the subaward agreement and through communications, resources, and training available to subrecipients. DTR oversees subrecipients to monitor their compliance with these provisions as they use the funds to implement projects.

3.9.5.1 Single Audit

In accordance with 2 CFR § 200.501(a) and (b), subrecipients that expend \$750,000 or more in a year in federal assistance from all sources must have a single audit conducted, except when they elect to have a program-specific audit conducted, 2 CFR 200.501(c). The audit must be completed and the data collection form and reporting package must be submitted within the **earlier of 30 calendar days after receipt of the auditor's report(s), or 9 months of the end of the audit period**. Subrecipients are required to submit one copy of their annual single audit report to CDOT.

3.9.6 Internal Controls/Accounting Standards

Internal controls encompass processes implemented by CDOT as a direct recipient or **CDOT's** subrecipient to provide reasonable assurance regarding the achievement of objectives in the following categories:

- Effectiveness and efficiency of operations.
- Reliability of reporting for internal and external use.
- Compliance with applicable laws and regulations. The recipient must also have processes implemented that are designed to provide reasonable assurance regarding the achievement of the objectives for the subaward or cooperative agreement and that transactions are executed in compliance with federal laws, regulations, and terms of the agreements.

3.9.6.1 CDOT Internal Controls

CDOT manages funds in compliance with federal statutes, regulations, and terms and conditions. The internal controls are in compliance with guidance in “Standards for Internal Control in the Federal **Government**” issued by the Comptroller General of the United States or the “Internal Control Integrated **Framework**,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

CDOT’s internal control procedures are outlined in CDOT Policy Directives 703 and 704, State Fiscal Rule 2 (payment disbursements, procurement), Accounting Policy Manual, and State Financial Management.

3.9.6.1.1 SAP

CDOT uses SAP, a commercial product customized to fit CDOT needs for project financial management consistent with Office of Management and Budget (OMB) procedures. SAP is maintained by the CDOT Division of Accounting & Finance. It tracks project budgets and issues reimbursements to subrecipients for funds expended.

3.9.6.1.2 COTRAMS

DTR’s COTRAMS is a web-based tool for project administration. It is the main depository for documents and information related to applications, awards, project implementation, and reporting. A more complete description of COTRAMS and its modules is included in SMP Appendix C.

Current COTRAMS modules include:

- Agency Information and Contacts
- FTA Compliance—Annual Certifications and Assurances
- Program Documents
- Online Applications
- Award Status
- Milestones Reporting
- Risk Assessment Tool
- Online Reimbursement Requests
- Online Procurement Requests
- Online Quarterly FTA Section 5310 and Section 5311 Program Measure Reports
- Online Grant Closeout Form
- Capital Inventory/Accident Reporting
- Vehicle Disposition
- Reporting Function
- Tracking and Monitoring Subrecipient Title VI and Equal Employment Opportunity (EEO) plan submissions

3.9.6.1.3 CDOT ECHO2 Drawdowns—Reimbursement Request from Electronic Clearing House

CDOT submits monthly reimbursement requests to FTA through Electronic Clearinghouse (ECHO; **FTA’s web application**).

The initial set in the monthly drawdown is a **reconciliation of the current month’s** expenditure, which is completed by the project accountant. All data is downloaded into Excel from SAP. Actual expenditures are converted into federal share; previous drawdowns plus current are compared to federal share allowable for request; and there is a check column that should only include pennies. Pennies that are not allowable to request currently are saved until the next drawdown. **The reconciliation is compared to the SAP “Billing request for resource-related billing document.” “Amt already billed” and “Amt to be billed columns” are compared to the Excel reconciliation columns “FTA Billed” and “To be billed.”** If all is correct, an accounts receivable is created and the SAP document number is recorded. The **current month’s** drawdown is reviewed by the Business Office and DTR prior to requesting from ECHO2. Confirmation from ECHO2 is the documentation for the Accounts Receivable department.

3.9.6.2 Subrecipients Internal Controls

CDOT requires subrecipients to have financial management and capacity that comply with financial tracking and reporting requirements outlined in 2 CFR Part 200, Subparts A-F. This is **evaluated as part of the applicant’s** minimum threshold requirements (also part of Program Documents) detailed in Section 3.4.1 **that establish an agency’s eligibility for receiving funds.** Additionally, CDOT conducts a pre-award review a new applicant that includes a discussion of the adequacy of the **agency’s financial systems.**

DTR requires that each subrecipient organization have:

- Written financial policies and procedures.
- An agency organizational structure that defines, assigns, and delegates authority.
- A financial plan that projects revenues and expenses for the next three years (or longer), including the assumptions and notes to the financial plan.
- An annual budget to actual reconciliation reports for the most current year.

After award, DTR monitors the agency’s performance related to responsible management of the awarded funds and takes prompt action when instances of noncompliance are identified through reimbursement requests, site visits, or audits. Subrecipients must be able to show documentation for financial transactions in its files and make the documentation available for audit upon request.

3.9.7 FTA Financial Reporting

3.9.7.1 Federal Financial Accountability & Transparency Act Report (FFATA)

Under the Federal Funding Accountability & Transparency Act (FFATA) of September 26, 2006, **as a “prime grant and cooperative agreement awardee” of federal funds, CDOT is required to report on awards to subrecipients equal to or greater than \$25,000.** The report is due by the end of the month following the month in which the new award is executed. Once uploaded to the Federal Subaward Reporting System (FSRS), this information is available to the public via a single, searchable website, which is www.USASpending.gov.

CDOT’s process for preparing the FFATA report is included in the Flowchart 3-13 FFATA Reporting.

3.9.7.2 Federal Financial Report

CDOT is required to report to FTA quarterly on the financial status of Section 5339 open projects and annually on other open projects. The Federal Financial Report (FFR) is used to:

- Report federal cash receipts and disbursements.
- Explain federal cash on hand.
- Report unliquidated obligations.
- Report indirect cost rates.
- Respond to FTA comments on prior FFRs.

The FFR reporting process is illustrated in Flowchart 3-14 FFR Reporting.

SAP generates the information required using the accrual basis of accounting, including unliquidated obligations. DTR reconciles project budgets, expenses, and unliquidated obligations in SAP and COTRAMS monthly. Discussions about reconciliation of SAP and COTRAMS occur in quarterly DTR staff meetings. After reconciliation, DTR provides the FFRs to Project Coordinators to use in Milestone Progress Reports (MPR) that are submitted concurrently, so the information in the FFR and MPRs is the same.

CDOT Accounting reports through TrAMS on the following schedule:

- April 30 for period January–March
- July 30 for period April–June
- October 30 for period July–September
- January 30 for period October–December

FTA reviews the FFR for these key indicators of potential problems:

- Excessive unobligated balances.

- Projects executed more than 5 years ago, without an obligation and/or have not had a disbursement of federal funds within the past 12 months; or federal funds not in use.
- Discrepancies in information or date with MPR.
- Discrepancies in indirect rates and amounts.

3.9.7.3 Program of Projects Status Report

For FTA Section 5311 and Section 5310 programs, DTR submits annual Program of Projects (POP) Status Reports to FTA by October 31 every year. A POP is updated for each approved FTA award that contains active projects. The updated POP includes revised project descriptions, changes in projects from one category to another, and adjustments within budget categories. The updated POP can be attached in the electronic status report. If revisions to the POP result in changes to the line item budget for the award, these changes are submitted as budget revisions. Significant civil rights compliance issues occurring during the year (such as Title VI, EEO, or Disadvantaged Business Enterprise [DBE] complaints against the state or subrecipients) are addressed in the annual status report. In addition, the state may report notable accomplishments or problems involving Section 5311 or Section 5310 subrecipients.

3.9.8 FTA Program Performance Reporting

3.9.8.1 Milestone Progress Reports

DTR submits Milestone Progress Reports (MPR) annually to the FTA on the status of the projects under each of the federal awards it holds. MPRs are submitted 30 days after the end of each federal fiscal year, by October 31. DTR determines current status of projects and makes adjustments to milestone dates when needed. DTR updates the narrative in the federal POP to describe the status and any changes to milestone dates.

For capital projects, six specific milestones are reported:

- Subaward agreement execution.
- Procurement Concurrence Request (Request for Proposal (RFP)/Invitation for Bid/Request for Quotation issued).
- Procurement Authorization (Purchase Order issued after vendor selection)—Contract awarded in TrAMS.
- First invoice (first vehicle/equipment delivered).
- Last invoice (final delivery).
- Project closeout—contract complete in TrAMS.
- Civil rights compliance.

For operating and administrative projects, the MPR documents that the project is ongoing and continues to draw down funds.

For planning projects, the MPR includes a copy of the planning document as evidence of the deliverable received at closeout.

3.9.8.2 National Transit Database

FTA's National Transit Database (NTD) records the financial, operating and asset condition of transit systems to track the industry and provide public information and statistics. FTA subrecipients receiving funding from Section 5307 or Section 5311 are required to report directly annually to the NTD in uniform categories. Reported items include total annual revenue; sources of revenue; total annual operating costs; total annual capital costs; fleet size and type, and related facilities; revenue vehicle miles; and ridership. As the state agency responsible for administering Section 5311 funds, CDOT is responsible for ensuring that the subrecipient data is compiled and submitted to the NTD and for reviewing the reports for accuracy.

For those agencies receiving Section 5310 funds or Section 5339 funds, CDOT reports transit asset management State of Good Repair performance measures and targets on behalf of agencies participating in the Group TAM Plan (described in Chapter 2).

For additional information, refer to the FTA website for the NTD at <https://www.transit.dot.gov/ntd>.

3.9.8.3 DBE Compliance Reports

CDOT's requirements related to DBE reporting are included in Chapter 5.

3.9.8.4 Program-Specific Reports

DTR and subrecipients are responsible for submitting the additional reports that are specific to the FTA programs. These are outlined in SMP Appendix A.

3.9.9 State Reporting Requirements

3.9.9.1 Transit Revenue Report

CDOT generates a Transit Revenue Report twice a year prior to issuing the Calls for Projects that contains:

- A detailed justification of all FASTER and FTA revenues allocated and expenditures incurred in a fiscal year.
- An estimate of the FASTER and FTA revenues (by project) that will be returned to DTR if the estimated cost exceeds the actual cost of the project.

- A reconciliation of FASTER and FTA revenues and expenditures to date.

3.9.9.2 FASTER/Senate Bill (SB) 228/SB 267

DTR submits a status report to the Transit and Intermodal Committee of the Transportation Commission quarterly for all of these programs.

3.9.9.3 Settlement Funds

Colorado's utilization of its Settlement Funds is compiled and reported to the VW Settlement Trust by the Colorado Department of Public Health & Environment (CDPHE).

3.9.9.4 SB 1 Multimodal Transportation Option Funds

DTR reports annually to the state legislature on the status of projects funded in the prior fiscal year. The report includes the expenditures by projects and types of projects.

3.10 FTA Award Budget Revisions, Amendments, and Closeout

3.10.1 Project and Award Budget Revisions and Amendments

Project Coordinators notify the DTR Programming Unit staff immediately if there are changes in project statement of work, budget, funding source, or milestone extensions. DTR Programming Unit staff work with FTA to approve budget revisions or amendments, then notify the Project Coordinators to proceed with the approved changes.

The process for submitting an amendment for an FTA award is illustrated in Flowchart 3-15 FTA Award Amendment.

3.10.2 Award Closeout in TrAMS

After all projects (subawards) are closed in a particular award, the DTR Project Coordination Unit Manager notifies the Business Office, Accounting Office, and the Procurement Office through COTRAMS that all activities in the award are complete.

The process for closing out an FTA award is illustrated in Flowchart 3-16 FTA Project and Award Closeout.

CDOT retains all financial records of activities of the project on file for a minimum of 3 years from the project closeout date.

3.11 FTA Discretionary Programs

FTA publishes NOFAs for discretionary programs under a competitive award process that are available to transit agencies directly. In some instances, DTR consolidates application requests from multiple agencies and submits one application to FTA on behalf of the

agencies. Or, the agency can decide to submit an application directly to FTA. If the agency is part of a consolidated application and award, DTR is responsible for budgeting the award in COTRAMS, submitting an FTA award application, contracting the award, and project oversight. This process is illustrated in Flowchart 3-17 FTA Discretionary Program Application and Award.

3.12 Regional/Interregional Bus Networks

3.12.1 Planning

CDOT and DTR prepare two plans that scope the needs for intercity and regional bus route needs throughout the state. Both of these plans are developed with input from transit agencies, intercity bus (ICB) providers, and the Bustang/Rural Regional Bus Subcommittee of **CDOT's Transit and Rail Advisory Committee (TRAC)**.

The **Colorado Intercity and Regional Bus Network Plan** guides the development of bus services for both intercity and regional bus routes. The plan is anticipated to be updated every 5 years. The 2014 plan:

- Identified goals for the development of the intercity and regional bus network/routes.
- Identified station and connectivity needs.
- Defined preferred routes for intercity and regional bus services.
- Identified a phased implementation plan for the intercity and regional bus routes.
- Identified policy, performance, and financing issues associated with implementing the preferred routes.

The **Statewide Transit Plan** (described in Chapter 2) establishes the framework for an integrated transit system across Colorado, which includes bus services. In addition to extensive outreach conducted every 4 years as part of the plan update process, the SWTP integrates needs and recommendations from the Regional Transit Plans prepared by each of **the state's ten rural Transportation Planning Regions (TPR)**. Bus route needs are included in the planning process.

CDOT funds the development of the identified bus network and routes through FTA Section 5311(f) and state FASTER funds.

3.12.1.1 Consultation

CDOT meets FTA's Section 5311(f) requirement for consultation to identify bus routes and bus mobility needs in the state by coordinating with the Bustang/Rural Regional Bus Subcommittee of **CDOT's TRAC**, ICB providers to the Outrider program, community service

organizations, Greyhound Lines, and the public. Additional detail about this is included in SMP Appendix A.

3.12.2 FTA Section 5311(f)

FTA requires that states commit 15% of their Section 5311 funds to develop, support, and promote a network of ICB transportation services, unless the governor certifies that intercity bus needs are being met in its state, after consultation with affected ICB providers. As part of its commitment to a fully integrated transportation network in Colorado, CDOT supports the operation of a statewide, ICB service. Presently, DTR is committing at the 15% or higher level of its funds and expects to do so into the future.

DTR awards 5311(f) funds to private, for-profit ICB providers that operate on predetermined routes under **CDOT's Bustang Outrider brand**.

DTR's program for Section 5311 funds is detailed in SMP Appendix A. This section outlines DTR's planning, application and award, and budgeting processes for Section 5311(f) funds.

3.12.2.1 Eligible Applicants

CDOT is developing the Bustang Outrider intercity transportation service to reinstate former Greyhound Line routes and provide meaningful connections between rural areas and urban centers. ICB providers receive 5311(f) funds administered by CDOT and operate under the Bustang Outrider brand. Eligible ICB operators for Section 5311(f) funds are public/nonprofit carriers and private for-profit transportation providers. The providers must operate a demand response or fixed route at least 3 days per week year-round in a rural region.

Applicants must comply with all federal and state regulations and federal drug and alcohol testing, and must submit required program documents as a condition of the award.

3.12.2.2 Application

The application and award process for Section 5311(f) funds is shown in Flowchart 3-18 Section 5311(f) Planning through Award.

Section 5311 funds are announced through the annual Local/Administrative/Operating/Mobility Management Call for Projects (Section 3.4.2.5). Carriers interested in applying for Section 5311(f) funds are encouraged to contact the DTR Bus Operations Unit. If two or more private carriers are interested in submitting an application for the same route, the DTR Bus Operations Unit may issue an RFP under a competitive bid. For public or non-profit carriers, the RFP process is waived.

All interested providers must submit an application through COTRAMS, as described in Section 3.4.

CDOT expects that new applicants will have recently completed a study that demonstrates the need for transit service and that explores alternatives for expanding service under an existing transit provider. The new applicant must provide operational plans and a multi-year budget that forecasts operational, administrative, and capital expenses, along with a long-term funding source. DTR staff are available to assist a new applicant in completing the required documentation.

3.12.2.3 Award

The Bus Operations Unit, in consultation with the TRAC subcommittee, evaluates the applications based on:

- Operating route (meaningful connection to the statewide network)
- Ridership data
- Amount of funding available
- Operating costs

Awards to public/nonprofit providers are under a 1-year subaward agreement, with an option for 4 additional years. Awards to private operators are under a 5-year subaward agreement. Subsequent renewals are based on performance. Subaward agreements specify ridership goals and that the operator must meet 20% of farebox recovery.

All Section 5311(f) contracts are subaward agreement, not operating contracts. Selected providers must have an adequate and CDOT-approved operating plan and an Americans with Disabilities plan. They must also submit selected performance results monthly.

3.12.2.4 Local Match

The Section 5311 program requires a local match of 50% of net operating costs. The operator must identify the type and amount of the in-kind match in the project budget submitted as part of its application. The in-kind match is approved by DTR as part of the subaward agreement and submitted to the FTA as part of the documentation for the FTA Award Application (Section 3.8).

There are two options available to operators that are not able to provide a local match on their own: Greyhound Lines unsubsidized miles and Transportation Development Credits.

Greyhound Lines donates unsubsidized miles to projects it approves to support the local **match. Greyhound approves an operator's request for in-kind miles based on a review of the operator's policies that must meet these requirements:**

- A 5- to 7-day per week fixed route service.
- Route provides a meaningful connection to the network.
- Operator has an interline ticket agreement and interstate operating authority.

If Greyhound does not approve the request, DTR can apply Transportation Development Credits on behalf of the operator to meet the match. This process is shown in Flowchart 3-18 Section 5311(f) Planning through Award.

3.12.2.5 Reporting Requirements

ICB providers are responsible for reporting on operation and performance measures, which DTR reports to the Transportation Commission quarterly.

For Section 5311(f), CDOT ensures it meets the connectivity objective by measuring revenue service miles, using 2014 as the base year of measurement. CDOT addresses the maintenance objective by verifying continued maintenance or improvement of existing conditions. Existing or additional mobility needs are identified by tracking Outrider demand, aligning with TRAC work and the SWTP, and encouraging TPR input. When needs are identified, more work will be done to identify new possible routes/route expansion and to track ridership.

Additional reporting requirements outlined **in the operator's** subaward agreement include Milestone Progress Reports, DBE reporting, monthly reimbursement requirements, and NTD reporting.

3.12.3 FASTER Regional Operating

CDOT provides operational funding assistance to regional bus service providers through the state's Funding Advancement for FASTER program. Guidance for the allocation of FASTER funds is provided by Policy Directive 704.0 (Governing the Efficient Use of FASTER Revenue), Policy Directive 704.1 (Financial Management of FASTER Revenues), and Procedural Directive 1608.1 (FASTER Transit Program). A detailed description of the FASTER transit program and guidance is provided in SMP Appendix B.

Transportation Commission Resolutions passed in 2014 and 2017 outline the distribution breakdown in Table 3.5. Funding is made available on July 1 of each year (the first day of **CDOT's** fiscal year).

The FASTER program allocates a total of \$15 million towards transit projects—\$10 million for statewide and regional multimodal transit (FASTER regional operating funds come from this pool), and the remaining \$5 million are used for local transit awards.

Table 3.5. FASTER Funding

Statewide	\$10M		
FASTER Regional Operating		\$2.5M (Nov 2017 resolution)	RFTA Grand Hogback \$0.2M Steamboat Craig \$0.2M Ft Collins Boulder \$0.2M Greeley Startup \$0.04M Remaining unallocated (as startup buses) \$1.86M
Bustang		\$3.5M	
RTD		\$3.0M	
DTR Administration		\$1.0M	
Statewide Total		\$10M	
Local	\$5M		
Local operating		\$4.1M capital	All except Transfort, Mountain Metropolitan Transit, RTD
Local operating		\$0.9M capital	Transfort \$0.2 M Mountain Metropolitan Transit \$0.7M
Local Total		\$5M	
FASTER Total	\$15M		

3.12.3.1 Eligible Subrecipients

Eligible subrecipients of local competitive FASTER funding assistance are local public and private nonprofit entities, as well as tribal governments, that offer open-door, public transportation, including specialized transportation (service for the elderly and disabled).

“Open door” specialized transportation is service available to any elderly and disabled person in need and not limited to a particular clientele or facility.

Applicants must meet the minimum (threshold) requirements outlined in Section 3.4.1. Services must cross service area or TPR boundaries, and routes must be in the Colorado Intercity and Regional Bus Network Plan (<https://www.codot.gov/projects/intercityregionalbusnetworkstudy>).

3.12.3.2 Application and Award

The application and award process for FASTER funds is shown in Flowchart 3-19 FASTER Local and Regional Bus Planning through Award.

FASTER operating funds are made available to subrecipients through the Local Transit Operating, Administrative, and Mobility Management Consolidated Call for Projects described in Section 3.4.2.2. First-time applicants are required to complete the application process through COTRAMS. Evaluation criteria are described in Section 3.4.2.2.

If a project is selected for funding, DTR determines the best program to fund it—FASTER or an FTA program. This process is illustrated in Flowchart 3-4 Transit Project Application Evaluation and Award.

Agencies must meet minimum performance thresholds to continue to receive FASTER funds (outlined in SMP Appendix B). After the first year of operation, DTR contacts FASTER subrecipients to determine if they want to continue receiving funds. If yes and, provided the subrecipient is meeting the performance thresholds, the subrecipient is included in the next **year's award pool**.

3.12.3.3 Reporting Requirements

Subrecipients of FASTER operating funds must meet the same requirements as Section 5311(f) subrecipients described in Section 3.12.2.5.

CHAPTER 3 ATTACHMENTS

Attachment 3-1. Sample Financial Plan

Five-Year Financial Plan for Public Transit in Colorado

CY 2019-2023

CDOT DTR staff is providing a five-year financial plan to forecast public transit revenues and distribution for the calendar years of 2019-2023. This document primarily address state and federal funding managed by CDOT, not funds that flow directly to other designated recipients. The purpose of this plan is to comply with the present FTA regulations to determine the financial capacity of CDOT, and to be transparent with grant partners about funding opportunities.

Revenues

CDOT forecasts the available funding for the next five calendar years (2019-2023) for Colorado public transit from the federal, state and local funding sources, as follows:

- FTA Formula Funding
- FTA Discretionary Funding
- Other Federal Transit Funds
- State FASTER Transit Funds
- Senate Bill 228 Funds
- Senate Bill 267 Funds
- Local Funds

A. FTA Formula funding.

Fixing America's Surface Transportation (FAST) Act was effective in FY 2016 and was a five year (FY2016 – FY 2020) \$300 billion highway, transit, highway safety and rail bill. The FAST Act provides approximately \$61 billion over five years for Federal transit programs including \$48.9 billion in Highway Trust Fund contract authority and roughly \$12 billion in funding from the General Fund. For highway safety the bill provides \$4.7 billion for NHTSA (\$3.7 from the HTF) and \$3.2 billion for the Federal Motor Carrier Safety Administration. The FAST Act authorizes approximately \$10 billion over five years for the Federal Railroad Administration and Amtrak. For Colorado, the bill increases highway formula funding from \$516 million in 2015 to \$542 million in 2016 and grows to \$592 million in 2020. On the transit side, funding increases from \$111.5 million in 2015 to \$114.6 million in 2016 and grows to \$124.8 million in 2020, CDOT manages \$19 million FTA fund distribution. Overall this act did not provide a significant increased (only 2% increase) funds on FTA formula program over the year of FY 2016 to FY 2020.

B. FTA Discretionary Funding

CDOT will continue to pursue discretionary funding opportunities available through the FTA. For the past two years (FY2016 and 2017) CDOT has submitted a consolidated application for the Low or No Emission Vehicle and Bus and Bus Facility. CDOT was successful in CY 2017 and received a \$1.45 million grant for Low or No Emission grant. Decisions for 5339 Bus & Bus Facilities competitive grants have/have not yet been made. CDOT will watch for other discretionary opportunities and work with our subrecipients to apply for those funds.

C. Other Federal Transit Funds

- 1) It is anticipated that other federal funds for transit services, such as Title III of the Older Americans Act, will continue to flow into and be merged with CDOT and FTA funds.
- 2) The Consolidated Appropriating Act, 2017 appropriated \$500 million, available through September 30, 2020, for Transportation Investment Generating Economic Recovery (TIGER) program, a highly competitive program to fund projects that will have a significant impact on the Nation, a metropolitan area, or a region, to rebuild the infrastructure and to improve the safety of America's passengers and goods. CDOT partnered with City of La Junta and successfully received \$15 million TIGER VII grant in 2015 to continue the rehabilitation of BNSF La Junta Subdivision and to provide critical passenger transportation for the rural communities along its route in Colorado, and to Kansas, New Mexico and Garden City, to Waldo. The City of Lamar led the application for a TIGER VIII grant in 2016, which was unsuccessful. A current TIGER IX application is pending, with Colfax County NM (Raton area) as the lead agency for the application.

D. State FASTER Transit Funds

- 1) State FASTER Transit funds are written into statute at a consistent amount of \$15 million per year, despite the amount of revenue that flows in through FASTER car registration fees. It is a relatively stable source of funding. See more below on how these funds are distributed.

E. Senate Bill 228 Funds

- 1) Senate Bill 228 was created in 2009 to govern Colorado General Fund transfers as the new law requires that when personal income reaches or exceeds five percent, a five year block of

transfer is made from the General Fund to: (1) the Highway Users Tax Fund (HUTF); (2) the Capital Construction Fund; (3) and the General Fund Statutory Reserve. For transportation, the transfer is equivalent to two percent of total annual General Fund revenue.

- 2) State law directs that all SB 228 monies transferred to HUTF must be paid to CDOT via the State Highway Fund. These funds must be expended for:
 - No more than 90 percent of transfer revenue may be spent for highway purposes
 - No less than 10 percent may be used for transit purpose or transit capital improvements.
- 3) In 2014, personal income growth reached over 5.0 percent, thereby triggering SB 228 transfer the General Fund to CDOT.
- 4) CDOT received \$35.8 million in SB 228 transit funds in transit from SFY 2016 to 2018. CDOT does not anticipate any more SB 228 revenue coming in SFY 2019 and beyond. However it was listed in this report is because CDOT will continue to distribute the remaining \$15 million SB 228 funds in 2019 and 2020, especially using this funding source as a backfill source for FASTER capital fund shortfall. Please see the distribution section for details.

F. Senate Bill 17-267 “Concerning the Sustainability of Rural Colorado” Funds”

- 1) SB 17-267, enacted during the 2017 legislative session, changed many aspects of fiscal policy for the state. Beginning in FY 2018-19 and continuing through FY 2021-22, the bill directs the execution of lease- purchase agreements on existing state facilities totaling \$2 billion. These agreements function as sales of state property to private investors and require that the investors immediately lease the buildings back to the state. Leases are renewed annually for up to 20 years, after which period the state resumes ownership of the building.
- 2) Revenue from the sales will first be expended for controlled maintenance projects selected by the Capital Development Committee (\$120 million) and then spent for transportation projects selected by the Transportation Commission (\$1.88 billion), 10% to transit (\$188 million), at least 25% of transportation funds (\$470 million highway + transit, including \$47 million in transit funds) must be spent in counties with fewer than 50,000 residents as of July 2015.

G. Volkswagen Clean Air Act Settlement

- 1) Volkswagen Group of America and certain related entities (collectively Volkswagen or VW) have admitted they violated the federal Clean Air Act from 2009 to 2016 by selling 580,000 vehicles with 2.0 liter and 3.0 liter diesel engines that emit more air pollution than the clean Air Act allows and by cheating on federal emission tests to hide the excess pollution. Judicial settlements approved on October 25, 2016 and May 17, 2017 require Volkswagen to pay

more than \$2.9 Billion into an environmental mitigation trust fund , which will be administered by an independent trustee. States and tribes that elect to become beneficiaries of the trust may receive funds over a period of 3-10 years to offset the excess nitrogen oxide (NOx) pollution emitted by affected Volkswagen and Audi vehicles. In addition, the consent decrees require Volkswagen to repair, buy back, or pay for the early termination of leases of affected vehicles and to make a \$2.0 billion National Zero Emission Vehicle (ZEV) Investment. Volkswagen and some of its employees also face civil and criminal liability under a variety of consumer protection, financial, and other laws.

- 2) Colorado is designated as a trust beneficiary. Colorado's initial allocation from the trust is a combined \$68.7 million for the 2.0L and 3.0L vehicles. The Colorado Department of Public Health and Environment (CDPHE) is designated as the state's lead agency to oversee the administration of the trust. Colorado submitted a Beneficiary Mitigation Plan (BMP) and submitted funding requests, and funding requests are approved by the trustee. The timing of these events is uncertain but CDPHE anticipates funds would be available in 2018.
- 3) CDOT is expecting to receive at least \$ 18 million VW funds for transit purposes over the state fiscal year of 2019 to 2021. More funds may be available for transit after the first three years.

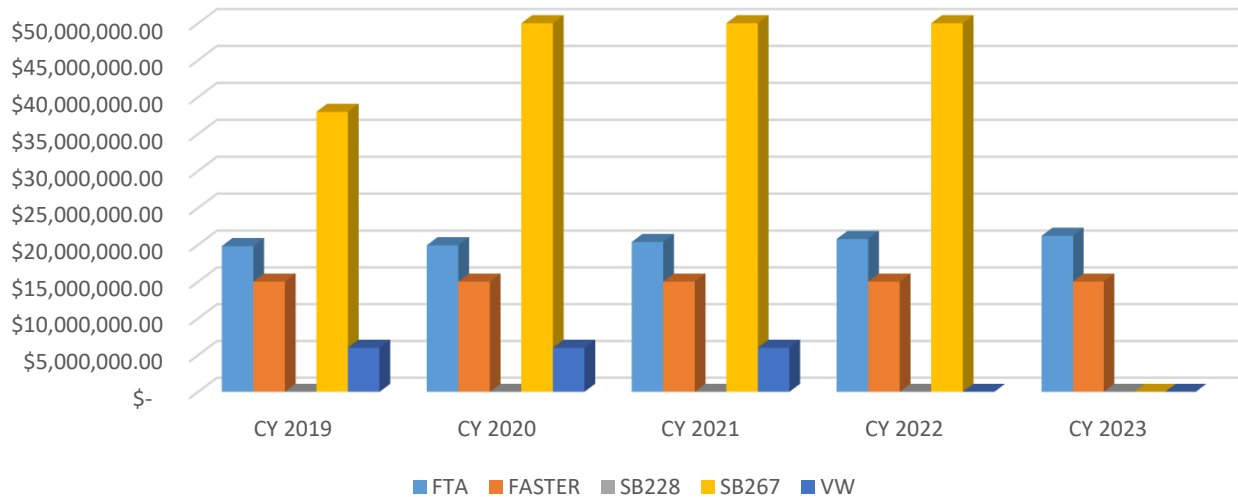
H. Local Funds

- 1) It is anticipated that local governments will continue to contribute a significant portion of the total cost of public transit in the state. However, it is anticipated that the increases will be very uneven geographically. It is anticipated that transit operators in resort communities, which receive a significant portion of their funding through local sales taxes, will continue to see growth and increased revenues from those taxes, though some will be offset by the need to increase employee wages as a result of a very competitive market for labor. Meanwhile, urbanized areas are also likely to see some revenue growth, but non-resort rural communities will likely see little or no revenue growth.
- 2) CDOT is not aware of any projects of its regular grant partners (grantees) that have been delayed or deferred due to unavailable local funds. If there are any such projects identified, CDOT would examine whether FASTER funds might assist in covering a part of the need, as set forth below, under FASTER.
CDOT is not aware of any significant changes in the levels or sources of local funding for transit, nor of any significant decreases in service levels. Most grant partners have had a good record of maintaining their base levels of service and local funding.
- 3) CDOT explores utilizing FHWA Transportation Development Credits (formerly known as Toll Credits) as a resource for local match funds. The use of FHWA toll revenue credits as match is allowable for FTA projects as codified in 23 U.S.C section 120, toll credits can be transferred to FTA projects on approval from FHWA.

Table 1 Anticipated FTA and State Transit Revenues

Program	CY 2019	CY 2020	CY 2021	CY 2022	CY 2023
FTA-5304	\$ 396,056.00	\$ 404,452.00	\$ 458,163.00	\$ 466,714.00	\$ 488,604.00
FTA-5310	\$ 4,348,812.00	\$ 4,106,788.00	\$ 4,188,924.00	\$ 4,272,702.00	\$ 4,358,156.00
FTA-5311	\$ 11,948,201.00	\$ 12,228,030.00	\$ 12,472,591.00	\$ 12,722,042.00	\$ 12,976,483.00
FTA-5339	\$ 3,128,234.00	\$ 3,190,799.00	\$ 3,254,615.00	\$ 3,319,707.00	\$ 3,386,101.00
FASTER	\$ 15,000,000.00	\$ 15,000,000.00	\$ 15,000,000.00	\$ 15,000,000.00	\$ 15,000,000.00
SB228	\$ -	\$ -	\$ -	\$ -	\$ -
SB267	\$ 38,000,000.00	\$ 50,000,000.00	\$ 50,000,000.00	\$ 50,000,000.00	\$ -
VW	\$ 6,000,000.00	\$ 6,000,000.00	\$ 6,000,000.00		
Total	\$ 76,421,303.00	\$ 88,530,069.00	\$ 88,974,293.00	\$ 89,381,165.00	\$ 39,809,344.00

Chart 1 Anticipated FTA and state Revenues for Public Transit



Distribution

As a Pass Through entity, CDOT continues to refine the fund distribution technique to maximum the benefit of using funds and to meet increased transit demands.

- FTA -5311 and 5310 Operating Funds Redistribution
- FTA-5311 (f) (Intercity Bus) Reconfiguration (Bustang Outrider)
- FASTER Transit Funds Reprogramming
- Senate Bill 267 Fund Distribution
- Volkswagen Clean Air Act Settlement Distribution

A. FTA-5311 and 5310 Operating Funds Redistribution

- 1) Since 2016, CDOT has taken actions on making modifications to the current process of distributing Federal Transit Administration Operating funds FTA-5311 and 5310 (excluding 5311 (b)3 and 5311 (f)).

The 5310 and 5311 operating assistance distribution methodology had not been evaluated or updated in over 10 years, the practice had reached its limitation over the years, such as, limited funds to accommodate new entrants who seek federal assistance and limited transparency.

- 2) During the summer of 2016, DTR organized working groups and began exploring the issues and evaluating various criteria for potential use in a distribution methodology. While the working groups provided increased understanding of the issues, their work also highlighted the need for a more formal and broad-based effort.
- 3) The current efforts are attempting to better balance size (higher productivity fixed route transit systems) with need (all rural transit, and protecting lower productivity small area and very rural systems). "Size" is currently calculated by looking at four factors: (1) ridership, (2) revenue miles, (3) revenue hours, and (4) annual budget. Need is based on the number of transportation disadvantaged (e.g., seniors, disabled) that are within the service area of the transit agencies.
- 4) In April 2017, Transportation Commission approved 5311 Operating fund distribution methodology for calendar 2018 only, while the subcommittee continues the deliberation of distribution method and reports back in the first quarter of 2018 on 2019 process and results, and any further recommendations for 2019 and beyond.

B. FTA-5311 (f) (Intercity Bus) Reconfiguration (Bustang Outrider)

- 1) CDOT, utilizing the annual 5311(f) funds as 15% of FTA-5311, currently allows public and private providers to apply by route for subsidies/funding to operate rural connection routes. The current practice has benefits, but it is not coordinated into a state network, includes amortized capital in the reimbursed operating costs, and is not branded as an integrated product.
- 2) The Intercity and Regional Bus Network Study (2014) and the Statewide Transit Plan (2015) identified the rural regional needs and began to develop a framework for a statewide rural regional system. After close evaluation of the current 5311(f) routes and stakeholder outreach, a reconfiguration of the current 5311(f) network routes was developed. The reconfiguration will better serve the rural communities, increase productivity, and remain financially constrained. As approved by TC resolution in August 2016, SB 228 funds are providing the initial capital needs, i.e. buses and Park & Rides. Smaller buses, sized to rural demand levels, are being procured for the initial rural regional routes. The plan optimizes the usage of limited operating funds by leveraging other available sources of capital funding.

C. FASTER Transit Funds Reprogramming

- 1) In January through June 2014, the Transportation Commission worked with CDOT staff to establish a policy for distributing FASTER Transit Funds, consistent with Policy Directive (PD) 14, with goals for vehicle condition asset management, transit utilization, and transit connectivity. At the time, with the exception of rural regional & interregional funds for operations (\$4 Million of \$15 Million total), the FASTER funds were reserved for capital vehicle & infrastructure projects (\$10 Million of \$15 Million), with the final \$1 Million for administration and technical assistance.
- 2) Starting in State FY2016, FASTER funds have been reallocated using a new formula. From the \$5 million local pool, CDOT sub-allocates \$200,000 to Fort Collins and \$700,000 to Colorado Springs, while the remaining \$4.1 million is made available for competitive capital projects of a local nature throughout the state. The \$10 million Statewide Pool is dedicated to projects with a statewide or regional focus. The funds are sub-allocated as follows: approximately \$1 million for DTR administration, \$3 million for operation of CDOT's interregional express bus service (Bustang), \$3 million for RTD, up to \$1 million for regional/interregional bus services, and the remainder for a statewide competitive capital pool.
- 3) CDOT DTR experienced difficulty in meeting the operating requests for the FTA 5311 funds. Rural transit systems are increasingly in need of transit operating funds in order to provide local services, meet local demands, and keep pace with inflation. Local transit providers increasingly struggle to fund their annual operations. FTA annual operating grant increases do not keep pace with inflation, thus the demand on local match funding increases over time. Rural communities are experiencing a growth in aging and disabled populations,

creating more demand for their services. The situation above will be exacerbated with the increasing minimum wage rates.

- 4) Two recent state legislative actions (SB 228, SB 267) have created a substantial influx of capital funds, providing an opportunity for on-going FASTER funds to be re-programmed, in part, for local transit operating needs. The periodic capital funds (SB 228, SB 267, & others like them) can be used to backfill on-going FASTER funds that would have instead been spent on vehicle needs, and fulfill the PD 14 goal for vehicle condition and asset management.

- 5) In 2017, CDOT proposed updates to the policy of FASTER Transit Fund distribution. With Transportation Commission's recent approval, the changes will take effect for State Fiscal Year 2019 funds, by reprogramming some funds for operating uses.

From \$5 million local pool, \$2 million will be sub-allocated to operating except Colorado Springs and Fort Collins, \$2.1 million will be available for competitive capital projects and \$0.9 million remains available for Colorado Springs and Fort Collins Capital projects.

From \$10 million statewide pool, \$1 million remains available for state administration, \$3.5 million will be allocated to Bustang operation with \$0.5 million increase, \$2.5 million for regional/interregional bus services with \$1.5 million increase, \$3 million remains available for RTD capital needs.

The new changes result in \$4 million shortfall in meeting capital needs, however CDOT expects to use funds from SB 228 and SB 267 backfill the shortage. Please see the Table 2 for details.

D. Senate Bill 267 Fund Distribution

- 1) CDOT is in a process of determining the method of distribution of SB 267 funds. It's undetermined how SB 267 funds will be allocated, whether by application process or other. CDOT is diligently working with all stakeholders to figure out principles of distribution.

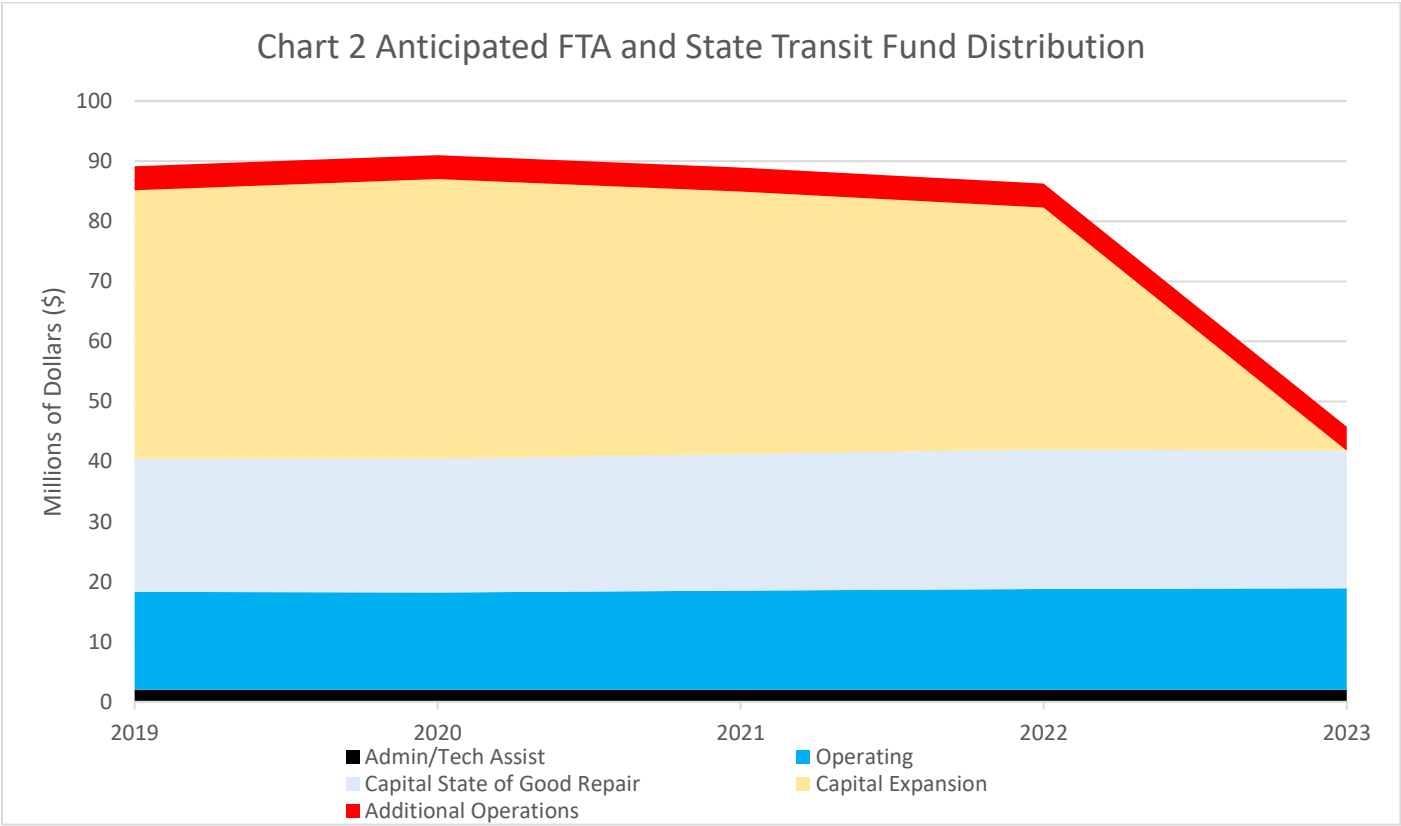
E. Volkswagen Clean Air Act Settlement Distribution

- 1) CDOT anticipates to distribute VW funds for capital projects through the normal "Capital Call" process, beginning with the call that will occur in fall 2018.

Table 2 Anticipated FTA and State Transit Funds Distribution

Program	Category	2019	2020	2021	2022	2023
FTA-5304	Local Planning	\$276,056	\$284,452	\$338,163	\$346,714	\$368,604
FTA-5304	Statewide Planning	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
FTA-5304	State Administration	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
FTA-5310	Urban Operating/MM	\$1,366,180	\$1,448,658	\$1,446,604	\$1,513,114	\$1,533,910
FTA-5310	Urban Capital	\$827,260	\$863,705	\$851,161	\$867,313	\$878,180
FTA-5310	Small Urban Operating/MM	\$650,000	\$380,332	\$515,166	\$525,469	\$554,496
FTA-5310	Small Urban Capital	\$553,820	\$548,463	\$551,141	\$562,164	\$573,408
FTA-5310	Rural Operating/MM	\$435,776	\$341,436	\$295,737	\$263,931	\$279,329
FTA-5310	Rural Capital	\$315,776	\$324,195	\$329,118	\$340,711	\$338,833
FTA-5310	State Administration	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
FTA-5311	Administration & Operating	\$8,141,742	\$8,203,967	\$8,433,246	\$8,621,096	\$8,827,127
FTA-5311	Capital	\$1,214,229	\$1,389,859	\$1,368,456	\$1,392,639	\$1,420,491
FTA-5311	Intercity Bus	\$1,792,230	\$1,834,204	\$1,870,889	\$1,908,307	\$1,928,863
FTA-5311	State Administration	\$800,000	\$800,000	\$800,000	\$800,000	\$800,000
FTA-5339	Small Urban Capital	\$1,378,234	\$1,440,799	\$1,504,615	\$1,569,707	\$1,636,101
FTA-5339	Rural Capital	\$1,750,000	\$1,750,000	\$1,750,000	\$1,750,000	\$1,750,000
FASTER	State Administration	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
FASTER	Bustang	\$3,500,000	\$3,500,000	\$3,500,000	\$3,500,000	\$3,500,000
FASTER	Regional Bus Operating	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000
FASTER	RTD/Urban Set -Asides	\$3,900,000	\$3,900,000	\$3,900,000	\$3,900,000	\$3,900,000
FASTER	Local Capital	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000
FASTER	Local Operating	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
FASTER	Statewide Capital	\$0	\$0	\$0	\$0	\$0
SB228	Bus Capital Back Fill-FASTER Local Capital Funds	\$6,500,000		\$0	\$0	\$0
SB228	Construction Projects	\$8,500,000	\$0	\$0	\$0	\$0
SB228	Construction Administration	\$0	\$0	\$0	\$0	\$0
SB267	Bus Capital Back Fill- FASTER Statewide and Local Capital Funds	\$1,000,000	\$1,000,000	\$1,000,000	\$17,000,000	\$0

	Construction Projects					
SB267		\$34,000,000	\$49,000,000	\$49,000,000	\$23,000,000	\$6,000,000
VW	Bus Capital	\$3,600,000	\$3,600,000	\$3,600,000	\$3,600,000	\$3,600,000
Total		\$88,421,303	\$88,530,070	\$88,974,296	\$86,381,165	\$45,809,342



Attachment 3-2. Example NOFA

Notice of Funding Availability

CDOT Consolidated Call for Capital Projects

Federal Transit Administration and State of Colorado Funds

October 19, 2018

PART 1 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 projects to be initiated in 2019.

CDOT has over \$32 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 applicants will begin implementing their project no more than six months after announcement of an award.

Applications are due to CDOT by **5:00 p.m. on Friday, December 7, 2018**. **Applications submitted after this deadline will not be accepted.**

Applications will be submitted through COTRAMS. Please note that it appears that there are usually fewer error messages when an applicant uses Google Chrome as their web browser. We recommend that you use Chrome when submitting your application.

Potential applicants are strongly encouraged to read the guidance provided herein, particularly given that two new funding programs are outlined.

PART 2 Funding

Grant 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.

Funding Program	Amount Available
FEDERAL PROGRAMS	
<i>FTA Section 5310: Seniors and Individuals with Disabilities</i>	
Rural 5310 (all areas outside of urban areas)	\$370,000
Small Urban 5310 (Boulder, Grand Junction, Greeley, Longmont, Lafayette/Louisville/Erie, and Pueblo)	\$360,000



Large Urban 5310 (Denver)	\$660,000
<i>FTA Section 5311: Rural Public Transit (all areas outside of urban areas)</i>	\$1,000,000
<i>FTA Section 5339: Bus and Bus Facilities</i>	
Small Urban 5339 ((Boulder, Grand Junction, Greeley, Longmont, Lafayette/Louisville/Erie, and Pueblo)	\$1,900,000
Rural 5339 (all areas outside of urban areas)	\$5,310,000
SUBTOTAL	\$9,600,000
STATE PROGRAMS	
<i>FASTER</i>	
Local Competitive	\$4,100,000
Urban Area Set-Asides (Denver, Co Springs, Ft. Collins)	\$3,900,000
<i>Alt Fuel Settlement Program</i>	\$3,600,000
<i>Senate Bill 228</i>	\$2,000,000
Senate Bill 267	\$9,500,000
SUBTOTAL	\$23,000,000
TOTAL	\$32,700,000

*The Settlement Funds program has \$18 million immediately available, expected to be optimally awarded over a period of five years.

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 some notable exceptions for the Settlement and Senate Bill 267 programs, as detailed later in Part 3. The match 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. The local match may also be derived from federal programs that are eligible to be expended for transportation, if derived from other than USDOT programs. 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 grant, providing up to 80% of the required 20% matching funds for the federal grant, provided such funds are specifically approved by DTR. The recipient must still provide a 20% local match for its state-funded award. This means that the local agency is paying only 4% of the total project: 80% federal, 16% state (80% of 20%), and 4% local (20% of 20%). Since this type of funding arrangement rapidly draws down available grant funding and awards fewer projects, 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 financial assistance.

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.

There are two exceptions to the 80%/20% match requirement described above. The State share for the Senate Bill 267 program can be as high as 100%, subject to negotiation between DTR and the applicant, based on the nature of the project. For example, DTR might require the applicant to maintain and plow a facility, or to pay for certain components. The Settlement program also does not require a local match and offers an incentive by awarding a portion of the local match required for State and Federal awards.

If you intend to replace conventionally-fueled (i.e., gas or diesel) vehicles with alternative fuel vehicles (i.e., CNG, electric or propane), there is a new funding option. CDOT is now administering "Settlement" funds—trust funds derived from a legal settlement by an entity alleged to have violated the Clean Air Act. CDOT expects to have approximately \$18 million available from these funds over five years, which can be used to purchase alternative fuel vehicles. More information can be found in Part 12 below.

PART 4 Application Process

CDOT offers two capital applications: one for **revenue vehicle** grant requests and a second for **other capital** project grant requests (which includes non-revenue vehicles such as service vehicles). Within those two general categories are four subcategories into which each project must fit. The categories/subcategories are as follows:

- A. Revenue Vehicles
 - 1) Conventionally-fueled vehicle replacements
 - 2) Alt fuel vehicles (Settlement program) replacements
 - 3) Expansion vehicles
- B. Other Capital Projects
 - 1) Facilities, equipment, engineering and environmental studies, vehicle rebuilds, and service vehicles and other

If an applicant plans to submit requests for multiple revenue vehicle replacement projects, the applicant may bundle those replacement projects into one single application; requests for multiple replacement and expansion projects, though, must be submitted in two separate applications--one for replacements, one for expansions. **In order to submit applications in more than one subcategory, you will need to request that additional application(s) from Qing Lin, at qing.lin@state.co.us.**

The minimum project request is \$25,000, except in cases where an applicant is requesting state funds to be used as local match for a federal program. 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 grant 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 misplaced your user ID and password to the website, contact system administrator Qing Lin immediately (qing.lin@state.co.us) so that she can reset your login credentials. If you are a current subrecipient and have not had access to the portal, please contact Qing so that she can assist you.

If you are **not** a current subrecipient, you are asked to first complete a **pre-application questionnaire** prior to submitting an application. This questionnaire is intended to determine eligibility prior to submitting an application, as well as the agency's ability to meet DTR's threshold criteria for the grants. 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. If it is determined you are eligible and meet threshold criteria, you will be given a COTRAMS ID and user name so that you can apply in COTRAMS. You'll also be given COTRAMS training. Please contact Tom Mauser (tom.mauser@state.co.us) as soon as possible to obtain the document, since these steps will take time.

PART 5 Applicant Eligibility

In most cases, DTR staff will determine which funding source is best suited to meet your request. DTR staff will use the following applicant eligibility guidelines to make that determination. However, applicants can state their preference in the application for a certain source(s) for a particular project(s).

State funds: Eligible subrecipients of local competitive State FASTER funding assistance are local public and private nonprofit entities, as well as tribal governments, that offer open-door, public transportation, including specialized transportation (service for the elderly and disabled). "Open door" specialized transportation is service available to any elderly and disabled person in need and not limited to a particular clientele or facility. Eligibility for the Settlement and Senate Bill 267 and Senate Bill 228 programs is the same but does require open door service.

Eligible recipients of Senate Bill 267 funds include local public and private nonprofit entities and tribal governments in counties with a population of less than 50,000 as of July 2015.

Federal funds: Applicant eligibility for the FTA programs is similar to that of state funds, but is limited based on each particular program.

Private nonprofit organizations are eligible applicants for most projects funded through the Section 5310 program, though 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. For some projects, eligible applicants also include a local government authority or an operator of public transportation.

These specialized services 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 and have a very limited usage and clientele.

The FTA Section 5311 program is available to public and private nonprofit agencies, as well as tribal governments, providing public transportation in rural areas. Additionally, private intercity bus operators are eligible under the Section 5311(f) program.

The FTA Section 5339 program is available to public and private nonprofit agencies, as well as tribal governments, providing public or specialized transportation; however, applicants for Section 5339 funds in small urbanized areas are limited to the Designated Recipients for Section 5307 funding in those areas (i.e., RTD, Mesa County, and the cities of Pueblo and Greeley); Section 5339 funds for the Denver and Colorado Springs areas are administered by their designated recipients, not CDOT.

Settlement Funds are available to all agencies eligible under any of the programs outlined in Part 5 above for replacement of Class 4-8 vehicles that operate in the State of Colorado.

Applicant organizations must be prepared to be the party that takes full responsibility for carrying out the proposed project. There have been a few instances in which an organization that was awarded funds has requested that the project be transferred to a different organization. CDOT encourages parties to fully consider the most appropriate applicant organization at the beginning of the application process and **not** to assume that CDOT will approve such a significant sponsorship change.

PART 6 Project Eligibility

Funding may be used for any items defined as a **capital asset** by the Federal Transit Administration. However, CDOT will **not** accept requests for funding land purchases or office-related equipment, nor for operating or administrative expenses. The types of projects that are designated as capital assets by the FTA, and therefore eligible, include, but are not limited to, the following:

- Rolling stock (buses, vans, train cars, gondola cabins).

- Transit stations, transfer facilities, bus storage and/or maintenance facilities, and other transit facilities.
- 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.
- Park and ride facility construction or 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.
- Pre-construction environmental and design projects.

In addition, in the Other Capital Projects application, CDOT will accept applications for major engineering and environmental studies. This would include projects such as preliminary or final design plans and environmental studies. Studies that address operational, marketing or planning topics should instead seek funding through CDOT's separately-solicited FTA Section 5304 program, which normally has a maximum award of \$35,000.

Due to limited funding, CDOT continues to put an emphasis on a fix-it-first approach—that is, giving higher priority to the replacement and refurbishment 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 will not be automatically prioritized higher than expansion equipment or facilities that do score well.

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 40 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 conventionally fueled with (gas or diesel) and Class 4 or higher (over 14,000 pounds), with an alternative fuel 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 12 below.

PART 7 Threshold (minimum) Criteria

The applicant must have the financial and managerial capability and capacity to manage any funds awarded, as well as demonstrate that it has the resources necessary to operate the project on an ongoing basis. Federal, State and Settlement grants will be awarded on a reimbursement basis; that is, the award recipient must first incur costs before being reimbursed by CDOT, after submitting sufficient documentation of such costs. Therefore, the recipient must have the financial ability and cash flow to incur and pay such costs initially. The applicant must also be willing and able to follow federal and state guidelines in procurement.

It is especially important that the above capability and capacity is specifically addressed by applicants that have not previously received funds through DTR or which have had delays or other problems implementing projects awarded funding by CDOT. These organizations should address their financial and grant management capability and experience, as well as steps taken to correct any past problems, as appropriate.

Projects must be consistent with the most recent Regional Transportation Plan for the applicant's service area. It is recognized that in many cases consistency will be based on being within a corridor vision(s), not by specific mention of the particular project request.

PART 8 Evaluation Criteria

All projects will be evaluated based on the criteria listed below. 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 geographical equity.

Projects will be evaluated using the following metrics:

(1) For Replacement of Revenue Vehicles:

Metric 1: The vehicle's State of Good Repair (SGR) - Age, Mileage, Usage, Readiness, including how the vehicle's replacement is projected and prioritized within the agency's or Group Asset Management Plans; higher mileage vehicles will be scored higher than lower mileage units;

Metric 2: Higher scoring will be awarded to applicants that can demonstrate a good state of repair through effective, documented, formal preventive maintenance programs or Transit Asset Management programs, and to those that have and follow a capital replacement plan;

(2) For Expansion of Revenue Vehicles:

Metric 1: Demonstrated Need and Readiness: Higher scoring will be awarded to projects that clearly demonstrate the need for the expanded service in terms of documented ridership or need 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: For vehicle requests, applicants with a lower fleet spare ratio, who have a capital replacement plan/asset management plan, who can show strong institutional commitment, and who can show a strong financial commitment (higher local match ratio), will be scored more strongly.

(3) For Facilities, Design, and Equipment:

Metric 1: Readiness and Demonstrated Timetable: Higher priority will be given to those that are shovel ready (NEPA clearance finalized, at least 30% design completed, and site location selected and purchased), and to the completion of 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; well-developed and defensible business case, and support or provide significant transit operational and utilization benefits.

Metric 3: Special Considerations. Higher scoring in this area 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 scoring will be applied if the project demonstrates the need for the facility and for growth in the program it supports. Agencies that adequately demonstrate institutional commitment, funding, financial capacity, and capability to sustain the service and project over time will be also be scored more strongly.

(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 (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.

PART 9 Selection Methodology

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. In selecting projects for funding, consideration will be given to geographic distribution. A recommended list will then be presented to the DTR director for approval. 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. After approval, CDOT and its Regions will take all the steps necessary to set up the projects internally and budget them. Then DTR and Region staff will begin scope of work and contract negotiations with the local agencies. State-funded contracts cannot be executed before the start of Fiscal Year 2019 (July 1, 2019) — unless a project is budgeted with funds from a prior fiscal year.

Applications for Settlement Funding will be reviewed and evaluated by a secondary selection committee consisting of representatives of the State agencies on the intra-agency Settlement Fund steering committee, including 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 applying agencies' alternative fuel implementation plans outlined in the submitted applications and make recommendations for vehicle and related charging equipment Settlement awards.

PART 10 Appeals Process

All applicants will be notified of DTR's funding awards, including those not awarded funding. They are provided a list of projects that were selected, as well as, for transparency purposes, comments indicating the primary reasons an application or project may have received an insufficient score. If an application is denied, the grounds therefore will be given to the applicant. Applicants not awarded funding may reapply in the future for project requests that were denied.

An applicant that is aggrieved by a Department determination may file an appeal with the DTR Transit Programming Unit Manager within 30 days of DTR publishing of the awards. The appeal shall state the nature and basis for the appeal. Any appeal related to alleged discrimination will be reviewed by the CDOT Civil Rights and Business Resource Center. A decision on the appeal shall be issued by DTR management within 30 days of the appeal. If the applicant does not accept the decision, they may request a hearing pursuant to the provisions of Section 24-4-104, C.R.S., as amended, of the State of Colorado Administrative Procedures Act. If a hearing is requested, it will be conducted in accordance with 24-4-105 C.R.S., as amended, before an administrative law judge. The request for a hearing must be made within 60 calendar days after an applicant is notified of the Department's decision. If a subsequent hearing overturns a DTR decision, DTR will take action to modify its decision and awards, which may include revisions to other awards, if necessary, to comply with the ruling.

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.

(CONTINUED ON NEXT PAGE)



PART 11 Schedule

Following is the schedule CDOT will generally adhere to for the CY 2019 project selection process.

Phase	Application/Evaluation/Selection Milestone	Due Date
Notice & Application Development	Call for projects officially broadcast by DTR	10/19/2018
	Applications Due to DTR on COTRAMS	12/7/2018
Review, Scoring, and Selection	Initial screening (completeness/eligibility) by DTR Applications evaluated by review committee DTR conducts conference call with each CDOT Region regarding projects within their jurisdiction DTR completes scoring and prepares list of recommended projects; final scores and recommendations submitted to DTR Director	01/18/2019
Award Discussion and Approval	DTR develops list of recommended projects and consults with CASTA regarding the proposed selections DTR Director finalizes awards	Mid-February 2019 Late Feb 2019

Budgeting and Programming	<p>TIP / STIP policy amendments</p> <p>CDOT Business Offices set up project budgets</p> <p>Scope of work drafting, negotiations with local agencies initiated by DTR, Regions</p>	Mar-Apr 2019
Grant Agreements	DTR and Regions negotiate and finalize grant agreements/IGAs.	May-Sept 2019

PART 12 Additional Guidance for Alt Fuels 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 Settlement funds, that can be used for a variety of purchases intended to mitigate those harmful pollutants.

States have been awarded Settlement funds. CDOT DTR expects to receive, over a period of about five years, 26% of the State's funds, approximately \$18 million. By agreement, DTR will use these funds for the replacement of conventionally-fueled (i.e., diesel or gas) vehicles with alternative fuel vehicles (CNG, propane, electric). In Colorado, for improved efficiency, funding will flow through existing programs. For DTR, that means the funds for alternative fuel transit buses will become part of DTR's annual Consolidated Call for Capital Projects. Funds will be distributed statewide and there will be no geographic targets or quotas, though CDOT will attempt to achieve some geographic equity, all things being equal.

What kinds of projects are eligible?

The Settlement funds can only be used for the direct replacement of passenger transit vehicles that are conventionally fueled (gas or diesel) and Class 4 or higher (over 14,000 pounds). The funds would be used for the purchase of an alternative fuel (hereinafter referred to simply as "alt fuel") vehicle. Settlement funds cannot be used to purchase hybrid vehicles, though alt fuel vehicles may be awarded to replace existing hybrid gas or diesel vehicles. CDOT will use Settlement funds only for the **incremental** cost of an alt fuel vehicle. That is, for example, for the purchase of a 40-foot coach, Settlement funds can only be used for the cost exceeding the

normal cost of a conventionally-fueled 40-foot coach (hereinafter referred to as the “equivalent vehicle”). However, applicants for Settlement funds can request federal or state funds in their CCCP application to cover the cost of the equivalent vehicle—though CDOT is not guaranteeing the award of such funds.

Other eligibility criteria include:

- Only engine model year 2009 or older transit vehicles in Classes 4-8 may be replaced.
- 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 that is funded. 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, operated, and insured in Colorado for the previous two years (to ensure that the program achieves real emission reductions and to prevent abuse).
- Public, private, for-profit, and nonprofit fleets are eligible so long as they meet all applicable eligibility requirements.
- The Settlement is limited to vehicle replacements and will not fund engine repowers or non-OEM conversion kits.
- If Settlement funds are awarded for a new electric vehicle, charging equipment associated with that vehicle(s) 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 propane fueling infrastructure.

How will CDOT DTR award the Settlement funds?

DTR will use a combination of existing funds and Settlement funds to incentivize the purchase of alt fuel vehicles. DTR will fund 110% of the incremental cost of a new alt fuel vehicle and may also fund 80% of the cost of the equivalent vehicle with CDOT-administered federal or state funds; however, as pointed out above, CDOT cannot guarantee it will award both alt fuel and equivalent vehicle funding. By providing 110% of the incremental cost, CDOT is essentially reducing the local match amount for the equivalent vehicle award. 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 funds:

- A. An applicant requests and receives both Settlement funding for the alt fuel vehicle(s) and Federal or State funding for the equivalent vehicle(s).
- B. An applicant requests and receives Settlement funding for the alt fuel vehicle(s) but does not receive Federal or State funding for the equivalent vehicle(s) requested--or which were not requested in the first place.

C. Applicant requests both Settlement funding for the alt fuel vehicle(s) and Federal or State funding for the equivalent vehicle(s) but is only awarded Federal or State funding for the equivalent vehicle(s). In such a case, the applicant can either decline the award, proceed with purchase of a conventionally 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 this scenario were to come into play.

The two tables below illustrate the first two scenarios and calculations showing the amount of awards and local match for CNG and electric vehicles. In each scenario, the equivalent vehicle cost for a 40-foot bus is estimated to be \$500,000, a CNG-fueled vehicle cost is estimated to be \$600,000, an electric vehicle cost is estimated to be \$800,000, and the electric charging cost is estimated to be \$80,000.

Table A: Settlement Funding Examples with State or Federal Award

	CNG Bus Funding		Electric Bus and Charging Equipment	
Alt Fuel vehicle cost	\$600,000 CNG 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 conventional fuel 40-ft bus cost of \$500,000		Estimated conventional fuel 40-ft bus cost of \$500,000	
Federal/State award	\$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 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 = \$810,000	\$ 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
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Table B: Settlement Funding Examples without State or Federal Award

	CNG Bus Funding		Electric Bus and Charging Equipment	
Alt Fuel vehicle cost	\$600,000 CNG 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 conventional fuel 40-ft bus cost of \$500,000		Estimated conventional fuel 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 are asked to describe their long-term alt fuel vehicle plan and timeline for implementation; their agency's operational considerations; their plan for power delivery; and, their agency's related financial plan. It will be important for those who propose to use electric vehicles for the first time to address demand charges—that is, the much higher utility rates charged during the peak times that many transit operators would plan to charge vehicles.

Attachment 3-3. Example New Applicant Questionnaire



CDOT New Applicant Questionnaire

A. General Information

1. Legal Name of your organization: _____

2. Brief description of your organization:

Is it a public, nonprofit, or for-profit organization? _____

What services does it provide? _____

Is it a "stand alone" agency providing transportation with its own budget and governance, or is it a program within a larger organization (e.g., a city or county government, a multipurpose nonprofit)? [Within this questionnaire some questions will be directed to your transportation **program** alone and some will be geared to the larger **organization** in which you are housed (if applicable).] _____

3. What is the total annual budget of your **transportation program**? _____

What is the total annual budget of your **organization** (if applicable)? _____

4. How many in-service revenue vehicles are used in your program? _____

How many transit-related employees are in your program? _____

5. What is your organization's Employer Identification Number (EIN) or other Tax Identification Number (TIN)? _____

6. Is your organization registered with SAM.gov? [The System for Award Management (SAM) is the Official U.S. Government system with which one must register in order to be eligible to receive federal financial assistance. There is no charge to register or maintain your registration record in SAM.] _____

What is your SAM expiration date? _____

7. What is your organization's DUNS number? [DUNS is Dun & Bradstreet's "Data Universal Numbering System," a copyrighted, proprietary means of identifying entities on a location-specific basis. A DUNS number is a unique nine-character identification number provided free of charge. Having a DUNS number is not a prerequisite to applying, but it is for registering with SAM.gov and for receiving funds.] _____

8. Has your organization spent more than \$750,000 in any federal funds in the past fiscal year? [This amount triggers certain reporting requirements.] _____

9. Do you currently provide passenger transportation services, or are you seeking funds with which to **begin** a transportation service? If you are not now providing service, have you conducted a

study that demonstrates the need for service and that explores alternatives for providing service under a contractual arrangement with an existing provider? Please describe and attach any supporting documentation. _____

10. Have you provided any type of contract services to the State of Colorado, or had a grant contract with the State, in recent years? If yes, what is your State vendor number? _____
11. Please generally describe the type of transportation service your program provides and the way it's delivered. [Is it demand response service? Fixed-route/fixed schedule? Do passengers call in advance for rides?] _____
12. To whom do you provide transportation? Are there eligibility requirements? [The general public of any age? Older adults? Persons with disabilities who are not over 65? Residents of a facility? Clients of a particular program? Developmentally disabled adults under a Medicaid waiver?] _____
13. What geographic areas do you serve? _____
14. On average, approximately how many hours per weekday does each of your vehicles operate? _____
15. Does your program use subcontractors to provide its services? If yes, please describe. _____

B. Legal Standing

1. Has your organization been sanctioned by the federal government within the past five years in any of the following areas: Suspension or debarment from receipt of federal funds? Making of false claims? If yes, please describe. _____
2. Does your organization pay for lobbying activities at the state or federal level? If yes, please describe, including the source of funds you use for such. [If awarded federal funds, you will be required to submit (OMB) Standard Form LLL quarterly to CDOT to certify that you do not use federal funds to conduct any lobbying.] _____

C. Financial Management and Capacity

1. Does your organization regularly have a financial audit conducted by an external group? If yes, has your **transportation program** had any findings in the most recent audit? If yes, please describe. [Organizations receiving over \$750,000 in any federal funding must have an annual single audit.] [Having findings is not normally grounds for disqualification, depending on the severity.] _____
2. If awarded funding, your organization will be required to have written policies and procedures in place for managing your federal and/or state funds, establishing internal controls, ensuring timely distribution of funds, and determining allowability of costs. Does your organization have such policies and procedures in place now? If yes, please attach them. If not, is your organization willing and able to establish such? _____
3. Does your organization's structure clearly define, assign, and delegate appropriate authority for all financial duties? Generally describe what you have in place. Attach any supporting documentation. [If awarded funds, your organization will be required to have such a structure in place.] _____

4. Does your organization have a financial management system in place to track multiple funding types, awards and project expenditures, and to prepare reports? If yes, please attach a report as an example. [If awarded funds, your organization will be required to have such a system in place.] _____
5. Has your agency received any federal or state grants in the past three years? If yes, please generally describe what type of grants you received and when. _____
6. Has your organization had to return any federal or state funds awarded in the past three years? If yes, please describe. _____

D. Technical Capacity

1. How many years of experience with federal or state grants does the staff that would be assigned to CDOT funding have? Briefly outline. _____
2. What types of technical training have your program's employees received in the past three years? In particular, do your drivers receive training in defensive driving and the handling of accessibility equipment and persons with disabilities? Please describe. _____
3. Has your program been involved in the development of the most recent Regional Transit Plan or Coordinated Human Service Plan in your area? If yes, briefly describe. [Involvement in these plans is not a prerequisite to receive funding, but it is encouraged, and any project funding requested must be generally consistent with an implementation strategy in those plans.] _____

E. Continuing Control

1. Does your program have a maintenance plan for its vehicles? Describe any preventative maintenance that is performed on your vehicles, including schedules. [Having a maintenance plan is not a prerequisite for funding, but could affect one's score in the evaluation process.] _____
2. Does your organization have a vehicle replacement plan or asset management plan that indicates how it will prioritize vehicles for vehicle replacements? If yes, please attach it. In general, how do you prioritize vehicles for replacement? [If awarded funding you will be required to have a maintenance plan, keep maintenance records that could be inspected by CDOT, and participate in an asset management plan.] _____
3. Do you have inventory control procedures in place (procedures to prevent loss, damage or theft of property)? If yes, please attach. [If awarded funding you will be required to have such procedures in place to protect any capital that is awarded.] _____

F. Procurement

1. Does your organization have written procurement policies? [If awarded funding, you will need to comply with specific requirements in your procurement in order to ensure that funds are being spent properly. In particular, there are specific documents that must be promptly completed when vehicles are purchased: smaller vehicles, i.e. minivans and minibuses, must normally be purchased from a CDOT price agreement negotiated with vendors; larger buses must be obtained through a well-defined competitive process; all federally funded vehicles must meet Buy America, bus testing, and other requirements; construction projects are subject to the Davis-Bacon Act and will be overseen by CDOT.] _____

2. If you are awarded funding to purchase a vehicle, you will be required to list the State as an “additional insured” in your insurance policy in order to protect the federal (or state) interest in the vehicle in the event of a claim. In addition, the State will become a lien holder for the federal (or state) 80% share interest in the vehicle; as a means of ensuring that no lien or other obligation is made upon that interest, CDOT requires that subrecipients give physical possession of the vehicle’s title to CDOT until the federal (or state) interest expires. Does your organization have any objections to these two items? _____

G. Civil Rights

1. 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, your organization must submit a Title VI Civil Rights Non-discrimination Plan that conforms to FTA requirements in Circular 4702.1B. Does your agency agree to submit a Title VI plan upon receiving assistance from CDOT within 30 days of acceptance of the Award Letter? _____
2. Subrecipients of CDOT administered transit grants are required to have an Equal Employment Opportunity (EEO) plan that conforms to FTA requirements in Circular 4704.1 if your 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 your agency is awarded funding and meets this criteria, do you agree to submit an EEO plan within 30 days of acceptance of the Award Letter? _____
3. For the project for which you intend to seek funding from CDOT, have you assessed the need and impact of that project? Does this assessment include the impact on low-income and minority populations? _____
4. Does your 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. Has your organization had any **transit service-related** discrimination complaints, investigations, or lawsuits in the last three years? If yes, please briefly describe them here, indicating current status and outcome. [Your organization must not discriminate against users or potential users of your service because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, your programs or activities. Having a complaint would not normally disqualify an applicant. All subrecipients must track and report any future complaints.] _____
6. Your organization must not discriminate against its **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. Has your program had any discrimination complaints based on these EEO requirements within the last year? If yes, please describe any active lawsuit or complaints alleging EEO discrimination, as well as the status or outcome of the lawsuits or complaints. [Having a complaint does not disqualify an applicant. All those awarded funding must track and report any future complaints.] _____
7. Do you make information about your program available in various formats--e.g., in various languages or in Braille? [Doing so is not a prerequisite to funding but receipt of FTA funding will require such if there are populations in need of such.] _____

8. Does your agency track all of its contracting activity, tracking amount of contract, contractor, time period, etc.? _____

Attachment 3-4. Policy Directive 14



COLORADO

Transportation Commission

4201 . E. Arkansas Ave.
Denver, CO 80122

RELEASE MEMORANDUM

To: All CDOT Employees

From: Debra Perkins-Smith / Herman Stockinger

Re: Updated Policy Directive 14.0 "Policy Guiding Statewide Plan Development"

Date: November 15, 2017

-
1. Name of Policy Directive: "Policy Guiding Statewide Plan Development"
 2. Date of Policy Directive this Directive Supersedes: October 20, 2016
 3. Executive Summary: Policy Directive 14.0 sets objectives for safety, infrastructure condition, system performance, and maintenance. The PD 14.0 goals and objectives help provide a framework for development of the Statewide Transportation Plan (SWP) and guide distribution of resources in the SWP, the Statewide Transportation Improvement Program (STIP), and the annual budget. To better align budget setting with PD 14.0, the Transportation Commission annually reviews the performance of PD 14.0 objectives to determine if there is a need to modify objectives or realign resources in an effort to meet an objective(s).

In October of 2017, the Transportation Commission adopted updated PD 14.0. Changes to the PD include:

Infrastructure Condition – Transit

The removal of one transit performance measure from PD 14: "CDOT completion of a group transit asset management plan, with the involvement and participation of CDOT transit grantees, by December 2017." This measure was originally a percentage target, based on a requirement that rural transit grantees complete transit asset management plans (i.e. % of rural transit grantees with completed transit asset management plans). This Federal Transit Administration (FTA) requirement was subsequently changed to require DOTs develop a single transit asset management plan for all rural transit providers. Since the Division of Transit and Rail (DTR) is on track to complete by early to mid-2018, this measure was recommended for removal from PD 14.

Infrastructure Condition – Highway

The Department now has a few years of experience in asset management, better inventories and condition assessments, more advanced analytical capabilities, and the Asset Investment Management System (AIMS) and is now better able to set realistic targets more closely aligned with fiscal constraint. Some of the performance measures and targets adopted by the Commission in PD 14 were refined in this update. The

refinements represent a reduction in overall need from an annual average of \$1.09 billion over ten years to an average of \$1.05 billion annually over ten years. The changes to asset management performance measures and objectives are summarized in Attachment C.

4. Office to Contact with Questions: Division of Transportation Development
5. Effective Date of Updated Policy Directive: October 19, 2017

COLORADO DEPARTMENT OF TRANSPORTATION		<input checked="" type="checkbox"/> POLICY DIRECTIVE <input type="checkbox"/> PROCEDURAL DIRECTIVE
Subject Policy Guiding Statewide Plan Development		14.0
Effective 10/19/2017	Supersedes 10/20/2016	Originating Office Division of Transportation Development

I. PURPOSE

This Policy Directive provides an overall framework for the transportation planning process through which a multimodal, comprehensive Statewide Transportation Plan will be developed and implemented. With limited funding available, the Colorado Department of Transportation (CDOT) has developed a vision for the Statewide Transportation Plan that guide investment for Colorado's multimodal transportation system and that balances:

- Preservation and maintenance, and incorporation of risk-based asset management,
- Efficient system operations and management strategies,
- Capacity improvements, and
- Incorporation of safety in all areas

Policy Directive 14.0 performance objectives will guide the distribution of resources in the Statewide Transportation Plan, the Statewide Transportation Improvement Program, and the annual budget. This Policy Directive will be revised, as needed, to update performance objectives or incorporate additional goal areas.

II. AUTHORITY

23 United States Code (U.S.C.) 134, 135 and 450, PL 114-94 ("Fixing America's Surface Transportation Act" or "FAST Act"), and its implementing regulations.

§ 43-1-106(8)(a), C.R.S. Transportation Commission

§ 43-1-1103, C.R.S. Transportation planning

Transportation Commission Rules Governing the Statewide Transportation Planning Process and Transportation Planning Regions (2 CCR 601-22)

III. APPLICABILITY

This Policy Directive applies to all CDOT Divisions and Regions involved in implementing the Statewide Transportation Plan in cooperation with CDOT's planning partners: the 10 rural Transportation Planning Regions and the five Metropolitan Planning Organizations.

IV. DEFINITIONS

"Aspirational Objectives" are those objectives, or targets, toward which CDOT may strive if CDOT receives revenues beyond those projected.

“Drivability Life” is an indication in years of how long a highway will have acceptable driving conditions based on an assessment of smoothness, pavement distress, and safety. Drivability Life implements traffic based highway categories, and associated category drivability condition standards and allowed pavement treatments. Unacceptable driving condition is specific to each traffic based highway category and means drivers must reduce speeds to compensate for poor conditions, navigate around damaged pavement, or endure intolerably rough rides. The Risk-Based Asset Management Plan identifies three categories of Drivability Life: High (greater than 10 years of Drivability Life remaining); Moderate (4-10 years); and Low (3 or fewer years).

“Geohazards” are geologic hazards that affect the transportation system and include debris flow, embankment distress, landslides, rockfall, rockslides, and sink holes.

“National Highway System” (NHS) is a federally designated system of roadways important to the nation's economy, defense, and mobility. The NHS includes Interstate highways as well as other roadways. Not all NHS roadways are part of the state highway system.

“Maintenance Level of Service” (MLOS) is a qualitative measure describing operational conditions on the roadway. Overall maintenance level of service is a combined grade for nine maintenance program areas. For snow and ice control, the LOS B level includes maintaining high levels of mobility as much as possible, and proactive avalanche control.

“Performance Measures” are the ways that direction toward a goal is measured.

“Performance Objectives” are the specific targets for a performance measure that an organization intends to meet to make progress toward a goal.

“Planning Time Index” (PTI) is a measure of travel time reliability. For this performance measure, it is defined as the 95th percentile travel time divided by travel time at free-flow speed. In general terms, it identifies the extra time needed to arrive on-time for a trip 19 times out of 20. For example, for a PTI₉₅ of 1.5, a worker should plan 45 minutes for a trip that takes 30 minutes in free-flow conditions ($30 \text{ minutes} \times 1.5 = 45 \text{ minutes}$) to be on-time 19 out of 20 times (which would mean the worker would be late only one of the 20 work days in a month).

“Revenue Service Miles” are the miles of service operated by transit vehicles and available to the general public.

“Serious Injuries” are evident incapacitating injuries which prevent injured persons from walking, driving, or normally continuing the activities they were capable of performing before being injured in traffic crashes.

“Vehicle Miles Traveled” (VMT) is a measurement of miles traveled by vehicles obtained by multiplying the Annual Average Daily Traffic (AADT) count by the length of the roadway segment.

V. POLICY

1. Policy. It shall be the policy of CDOT that the Statewide Transportation Plan and statewide performance objectives stated herein will guide distribution of financial resources to meet or make

progress toward objectives in four goal areas: safety, infrastructure condition, system performance, and maintenance. Financial resources should be directed toward achieving the objectives within the first 10 years of the planning horizon (2016-2025). Projects should be selected to support the goals and objectives and will be included in the Statewide Transportation Improvement Program (STIP). Annual budget decisions will be guided by these performance objectives as well as CDOT's Risk Based Asset Management Plan. Prior to funding new initiatives, funds should be directed to achieving the objectives in each area while recognizing constraints on some funding sources. Aspirational objectives guide the use of funds received that are above baseline revenue projections.

2. Goals. PD 14.0 goals guide development of the multimodal Statewide Transportation Plan and of performance objectives. The goals are:

- SAFETY – Moving Colorado toward zero deaths by reducing traffic-related deaths and serious injuries by one-half by 2030.
- INFRASTRUCTURE CONDITION – Preserve the transportation infrastructure condition to ensure safety and mobility at a least life cycle cost.
- SYSTEM PERFORMANCE – Improve system reliability and reduce congestion, primarily through operational strategies and secondarily through the addition of capacity. Support opportunities for mode choice.
- MAINTENANCE – Annually maintain CDOT's roadways and facilities to minimize the need for replacement or rehabilitation.

PD 14.0 and Statewide Plan Goals are in alignment with the MAP-21 National Goals. For the Statewide Plan, goals are expressed in more public-friendly terms and include: Safety, Mobility (System Performance in PD 14.0), Economic Vitality (not yet identified in PD 14.0), and Maintaining the System (Infrastructure Condition and Maintenance in PD 14.0).

3. Performance Measures and Objectives. Performance measures describe how statewide success will be evaluated and performance objectives establish statewide achievement levels which are used to direct investment decisions primarily focused on a 10-year planning horizon (2016-2025). Explanations of how the objectives will be measured and budget categories that fund the four goal areas - Maintain, Maximize, Expand, and Pass-Through Funds/Multi-Modal Grants - are listed below with the appropriate goals.

a) HIGHWAY SAFETY:

The highway safety objectives (with the exception of the economic impact of crashes objectives) were set after studying trends from 2008 through 2013. Safety measures and objectives apply to *all* roads in the state. The other safety measures and objectives in this section are subsets of the highway measures and objectives. The budget categories that fund Safety are Maintain, Maximize, and Expand.

(1) All Highways

MEASURES:

- Number of fatalities
- Fatalities per vehicle miles traveled (VMT)
- Number of serious injuries
- Serious injuries per VMT
- Economic impact of crashes

OBJECTIVES:

- Reduce fatalities by 12 per year from 548 in 2008 to 344 in 2025.
- Reduce the fatality rate per 100 million VMT by 0.02 per year from 1.03 in 2013 to 0.79 in 2025.
- Reduce serious injuries by 90 per year from 3,200 in 2013 to 2,120 in 2025.
- Reduce the serious injury rate by 0.2 per 100 million VMT per year from 6.86 in 2013 to 4.46 in 2025.
- Reduce the economic impact of crashes annually by 1% over the previous calendar year.

ASPIRATIONAL OBJECTIVE:

- Reduce the fatality rate per 100 million VMT to 0.75 in 2025.

(2) Bike and Pedestrian**MEASURES:**

- Number of bicyclist and pedestrian fatalities involving motorized vehicles
- Number of bicyclist and pedestrian serious injuries involving motorized vehicles

OBJECTIVES:

- Reduce the number of bicyclist and pedestrian fatalities involving motorized vehicles from 67 in 2013 to 47 in 2025.
- Reduce the number of bicyclist and pedestrian serious injuries involving motorized vehicles from 469 in 2013 to 311 in 2025.

b) INFRASTRUCTURE CONDITION:

The infrastructure condition objectives for highways and bridges are intended to be achieved or maintained over the first 10 years of the planning horizon (2016-2025). The budget category that funds Infrastructure Condition is Maintain, except for Transit which is funded with Pass-Through Funds/Multi-Modal Grants.

(1) Bridges**MEASURES:**

- Condition of National Highway System (NHS) bridges
- Condition of state highway bridges

Policy Guiding Statewide Plan Development**14.0**

- Risk-Based Asset Management Plan measures for bridges (See Appendix A for additional bridge measures.)

OBJECTIVES:

- Maintain the percent of NHS total bridge deck area that is not structurally deficient at or above 90%.
- Maintain the percent of state highway total bridge deck area that is not structurally deficient at or above 90%.
- Meet bridge objectives in the Risk-Based Asset Management Plan. (See Appendix A for additional bridge objectives.)

ASPIRATIONAL OBJECTIVES:

- Achieve the percent of NHS total bridge deck area that is not structurally deficient at or above 95%.

(2) Highways**MEASURES:**

- Pavement condition of the Interstate System
- Pavement condition of the NHS, excluding Interstates
- Pavement condition of the state highway system

OBJECTIVES:

- Achieve 80% High/Moderate Drivability Life for Interstates based on condition standards and treatments set for traffic volume categories.
- Achieve 80% High/ Moderate Drivability Life for NHS, excluding Interstates, based on condition standards and treatments set for traffic volume categories.
- Achieve 80% High/Moderate Drivability Life for the state highway system based on condition standards and treatments set for traffic volume categories.

ASPIRATIONAL OBJECTIVES:

- Achieve 90% High/Moderate Drivability Life for Interstates based on condition standards and treatments set for traffic volume categories.
- Achieve 90% High/ Moderate Drivability Life for NHS, excluding Interstates, based on condition standards and treatments set for traffic volume categories.

(3) Other Assets**MEASURE:**

- Risk-Based Asset Management Plan measures for other assets (See Appendix A for measures for buildings, Intelligent Transportation Systems (ITS) equipment, fleet, culverts, geohazards, tunnels, traffic signals, and walls.)

OBJECTIVE:

- Meet objectives in the Risk-Based Asset Management Plan (See Appendix A for objectives for buildings, ITS equipment, fleet, culverts, geohazards, tunnels, traffic signals, and walls.)

(4) Transit

MEASURE:

- Transit Asset Condition

OBJECTIVES:

- Maintain the percentage of vehicles in the rural Colorado transit fleet to no less than 65% operating in fair, good, or excellent condition, per Federal Transit Administration definitions.

ASPIRATIONAL OBJECTIVE:

- Increase the percentage of vehicles in the rural Colorado transit fleet to no less than 70% operating in fair, good, or excellent condition, per Federal Transit Administration definitions.

c) SYSTEM PERFORMANCE:

The system performance objectives for Interstates, NHS, and State Highway system are intended to be achieved within the first 10 years (2016-2025) of the planning horizon. The system performance objectives for transit begin in 2012 either for a five-year rolling average or as the baseline year. The budget categories that fund System Performance are Maximize, Expand, and Pass-Through Funds/Multi-Modal Grants.

(1) Interstates, NHS and State Highway system

MEASURES:

- Interstate Performance – Planning Time Index (PTI)
- NHS Performance excluding Interstates – PTI
- Colorado Freight Corridors Performance – PTI

OBJECTIVES:

- Prevent the spread of congestion by maintaining a PTI of 1.05 or less on 90% or greater of Interstates centerline miles.
- Prevent the spread of congestion by maintaining a PTI of 1.16 or less on 90% or greater of NHS centerline miles, excluding Interstates.
- Prevent the spread of congestion by maintaining a PTI of 1.12 or less on 90% or greater of Colorado Freight Corridor centerline miles.

(2) Transit

MEASURES:

- Transit Utilization – Ridership statewide for small urban and rural “transit grantees”
- Transit Connectivity – Revenue service miles provided

OBJECTIVES:

- Increase ridership of small urban and rural transit grantees by at least an average of 1.5% statewide over a five-year period beginning with 2012.
- Maintain or increase the total number of revenue service miles of CDOT-funded regional, inter-regional, and inter-city passenger service over that recorded for 2012.

ASPIRATIONAL OBJECTIVES:

- Increase ridership of small urban and rural transit grantees by at least an average of 1.7% statewide over a five-year period beginning with 2012.
- Increase the statewide total number of revenue service miles of regional, inter-regional, and inter-city passenger service by at least an average 1.7% over a five-year period beginning with 2012.

d) MAINTENANCE:

Maintenance objectives are established based on annual funding levels and measured annually. The budget category that funds Maintenance is Maintain.

MEASURES:

- Level of Service (LOS) for snow and ice removal
- Overall Maintenance Level of Service (MLOS) for the state highway system

OBJECTIVES:

- Maintain a LOS B grade for snow and ice removal.
- Maintain an overall MLOS B minus grade for the state highway system.

ASPIRATIONAL OBJECTIVES:

- Achieve a LOS B+ grade for snow and ice removal.
- Achieve an overall Maintenance LOS B grade for the state highway system.

VI. DOCUMENTS REFERENCED IN THIS POLICY DIRECTIVE

Appendix “A” CDOT Asset Management Metrics and Performance Targets

VII. IMPLEMENTATION PLAN

Additional measures and objectives are planned or currently under development. As additional measures and objectives are finalized they will be brought forward for consideration of incorporation into PD 14.0. This includes measures and objectives in the following areas: Bike and Pedestrian, Truck Freight, Freight Rail, Economic Vitality, and Environmental Sustainability.

This Policy Directive will be implemented by the Division of Transportation Development, with the Office of Financial Management and Budget, the Division of Transportation Systems Management & Operations, and the Division of Transit & Rail, and in collaboration with other CDOT Divisions and CDOT Regions. Funds will be directed to budget categories to support accomplishment of the objectives. The Division of Transportation Development will report annually on performance of the transportation system to track progress toward objectives. At a minimum, the Division of Transportation Development will review and update or reaffirm this Policy Directive with each Plan update cycle in collaboration with the Office of Policy and Government Relations, Office of Financial Management and Budget, Division of Transportation Systems Management & Operations, Division of Transit & Rail, and other CDOT Divisions and CDOT Regions.

VIII. REVIEW DATE

This directive shall be reviewed on or before February 2018.


Secretary, Transportation Commission

10-19-17
Date of Approval

Appendix "A"
CDOT Asset Management Metrics and Performance Targets

Asset	Measure	Fiscally Constrained Target	Aspirational Target	2016 Performance
Bridges	Percentage of deck area on structurally deficient CDOT-owned bridges	10%	5%	4.92%
	Percentage of deck area on structurally deficient bridges on the NHS	10%	5%	4.50%
	Percentage of CDOT-owned bridges over waterways that are scour critical	5%	1%	6.43%
	Percentage of bridge crossings over Interstates, U.S. routes and Colorado state highways with a vertical clearance less than the statutory maximum vehicle height of 14 feet - 6 inches	1.00%	0.00%	1.66%
	Percentage of bridge crossings over Interstates, U.S. Routes and Colorado state highways with a vertical clearance less than the minimum design requirement of 16 feet - 6 inches	18.00%	12.00%	19.81%
	Percentage of CDOT-owned bridges posted for load	0.10%	0.00%	0.20%
	Percentage of CDOT-owned bridges with a load restriction	0.90%	0.00%	1.60%
	Percentage of expansion joints in fair, poor and severe condition (by length) on CDOT-owned bridges	26%	15%	25.25%
	Percentage of CDOT-owned bridge deck area that is unsealed or otherwise unprotected	35%	20%	44.45%
Pavement	Percentage high/moderate drivability life for Interstates based on condition standards and treatments set for traffic volume categories	80%	90%	94%
	Percentage high/moderate drivability life for CDOT-owned NHS, excluding Interstates, based on condition standards and treatments set for traffic volume categories	80%	90%	85%
	Percentage high/moderate drivability life for the State highway system based on condition standards and treatments set for traffic volume categories	80%	90%	80%
Maintenance	Statewide letter grade	B-	B	C+
Buildings	Statewide letter grade	85% C or Better	90% C or Better	74% C or Better
ITS	Average percent useful life	90%	85%	N/A
Fleet	Average percent useful life	75%	70%	87%
Culverts	Percentage of culverts in poor condition (have a culvert rating of 4 or less)	5%	3%	4.87%
Geohazards	Percentage of segments at or above risk grade B	85%	90%	N/A
Tunnels	Percentage of network tunnel length with all elements in equal or better condition than 2.5 weighted condition index	75%	100%	91%
Traffic Signals	Percentage of signal infrastructure in severe condition	2%	0%	8%
Walls	Percentage of CDOT-owned walls, by square foot, in poor condition (have a rating of 4 or less)	2.50%	1.00%	4.15%

Resolution #TC-17-10-12

Adoption of updated Policy Directive 14.0 "Policy Guiding Statewide Plan Development".

Approved by the Transportation Commission on October 19, 2017.

WHEREAS, the Colorado Transportation Commission ("the Commission") has statutory authority pursuant to § 43-1-106(8)(a) C.R.S. to formulate policy concerning transportation systems in compliance with 23 U.S.C. 134, 135, and 450; PL 114-94 ("Fixing America's Surface Transportation Act" or "FAST Act") and PL 112-141 ("Moving Ahead for Progress in the 21st Century" or "MAP-21"), and their regulations; and to undertake transportation planning under § 43-1-1103, C.R.S.; and

WHEREAS, a statewide plan is part of the state and federally required statewide transportation planning process; and

WHEREAS, Policy Directive 14.0 is the framework for development and implementation of a multimodal comprehensive Statewide Transportation Plan and for distribution of resources to meet or make progress toward objectives; and

WHEREAS, the Commission approved the updated Policy Directive 14.0 in October 2015 in Resolution #TC-15-2-7; and

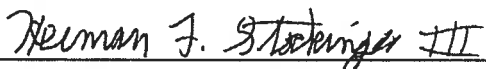
WHEREAS, Policy Directive 14.0 states that the policy will be brought forward for consideration by the Commission as additional measures and objectives are developed; and

WHEREAS, the Commission reviews Policy Directive 14.0 annually to determine if there is a need to modify performance measures or objectives; and

WHEREAS, changes have been proposed to infrastructure condition performance measures or objectives to reflect updated data, to better align with the cost of achieving performance outcomes, and to eliminate an outdated transit performance measure; and

WHEREAS, over the past several months, the Commission reviewed and concurred with the proposed changes.

NOW THEREFORE BE IT RESOLVED, that the Commission adopts the updated Policy Directive 14.0 "Policy Guiding Statewide Plan Development" as reflected in Attachment A to this resolution.



Herman Stockinger, Secretary
Transportation Commission of Colorado

10-19-17
Date



TAM Metric and Target Change Matrix

Asset	Measure	Fiscally Constrained Target	Proposed Fiscally Constrained Target	Aspirational Target	Proposed Aspirational Target	Reason for Target Change
Bridges	Percentage of deck area on structurally deficient CDOT - owned bridges	10%	No Change	5%	No Change	No Change
	Percentage of deck area on structurally deficient bridges on the NHS	10%	No Change	5%	No Change	No Change
	Percentage of CDOT - owned bridges over waterways that are scour critical	5%	No Change	1%	No Change	No Change
	Percentage of bridge crossings over Interstates, U.S. routes and Colorado state highways with a vertical clearance less than the statutory maximum vehicle height of 14 feet - 6 inches	0.40%	1.00%	0.00%	No Change	The number of bridges with vertical clearance issues is greater than originally projected. Current funding strategy is unable to address issues, so staff recommend adjusting the target.
	Percentage of bridge crossings over Interstates, U.S. Routes and Colorado state highways with a vertical clearance less than the minimum design requirement of 16 feet - 6 inches	4.80%	18.00%	2.00%	12.00%	The number of bridges with vertical clearance issues is greater than originally projected. Current funding strategy is unable to address issues, so staff recommend adjusting the target.
	Percentage of CDOT - owned bridges posted for load	0.00%	0.10%	0.00%	No Change	Updated inventory found more bridges with lower than desirable conditions. Current funding strategy is unable to address issues, so staff recommend adjusting the target.
	Percentage of CDOT - owned bridges with a load restriction	3.00%	0.90%	1.00%	0.00%	We are doing better than that originally projected, so staff recommend adjusting the target.
	Percentage of leaking expansion joint by length on CDOT - owned bridges	15%	26%	5%	15%	Updated inventory found more bridges with lower than desirable conditions. Current funding is unable to keep up with the rate of decline, so staff recommend adjusting the target.
	Percentage of CDOT - owned bridge deck area that is unsealed or otherwise unprotected	30%	35%	5%	20%	Updated inventory found more bridges with lower than desirable conditions. Current funding is unable to keep up with the rate of decline, so staff recommend adjusting the target.
	Percentage high - moderate drivability life for Interstates based on condition standards and treatments set for traffic volume categories	80%	No Change	90%	No Change	No Change
Pavement	Percentage high - moderate drivability life for CDOT - owned NHS, excluding Interstates based on condition standards and treatments set for traffic volume categories	80%	No Change	90%	No Change	No Change
	Percentage high - moderate drivability life for the State highway system based on condition standards and treatments set for traffic volume categories	80%	No Change	90%	No Change	No Change
Maintenance	Statewide letter grade	B-	No Change	B	No Change	No Change
Buildings	Statewide letter grade	90% C or Better	85% C or Better	100% C or Better	90% C or Better	Analysis indicates that, given fiscal constraints, the old target is not achievable, so staff recommend adjusting the target.
ITS	Average percent useful life	90%	No Change	85%	No Change	No Change
Road Equipment	Average percent useful life	70%	75%	50%	70%	Analysis indicates that, given fiscal constraints, the old target is not achievable, so staff recommend adjusting the target.
Culverts ^a	Percent culverts in poor condition (have a culvert rating of 4 or less)	5%	No Change	3%	No Change	Description of performance metric changed for clarification purposes.
Geohazards ^b	Percent of segments at or above risk grade B	80%	85%	90%	90%	Staff recommends adjusting target based on better inventory data. Focusing investment based on the new target will result in a significant reduction in statewide risk exposure.
Tunnels	Percent of network tunnel length with all elements in equal or better condition than 2.5 weighted condition index	80%	75%	100%	No Change	Tunnel condition is worse than originally projected, so staff recommend adjusting the target.
Traffic Signals ^c	Percent of signal infrastructure in severe condition	15%	2%	0%	No Change	The new metric and target allows the program to focus on signals with the greatest performance deficiencies as opposed to all signals without regards to performance.
Walls ^d	Percentage of CDOT - owned walls, by square foot, in poor condition (have a rating of 4 or less)	1%	2.50%	0.50%	1.00%	Description of performance metric changed for clarification purposes. Updated inventory found more walls with lower than desirable conditions. Current funding is unable to keep up with the rate of decline, so staff recommend adjusting the target.

^a Previous Description: Percent of culverts that are structurally deficient (have a culvert rating of 4 or less)

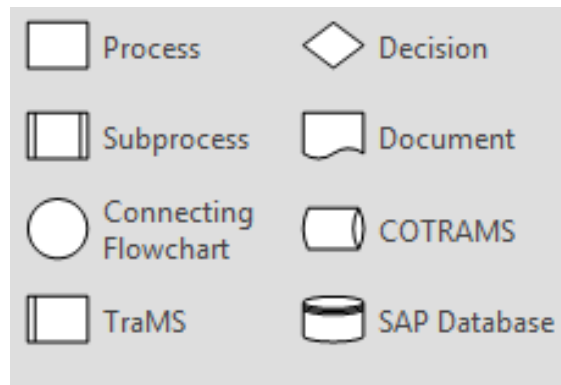
^b Previous Metric: Percent of segments at or above risk grade C

^c Previous Metric: Percent intersections with at least one signal assembly beyond 100% Useful Life

^d Previous Description: Percent of CDOT-owned walls, by square foot, that are structurally deficient (have a rating of 4 or less)

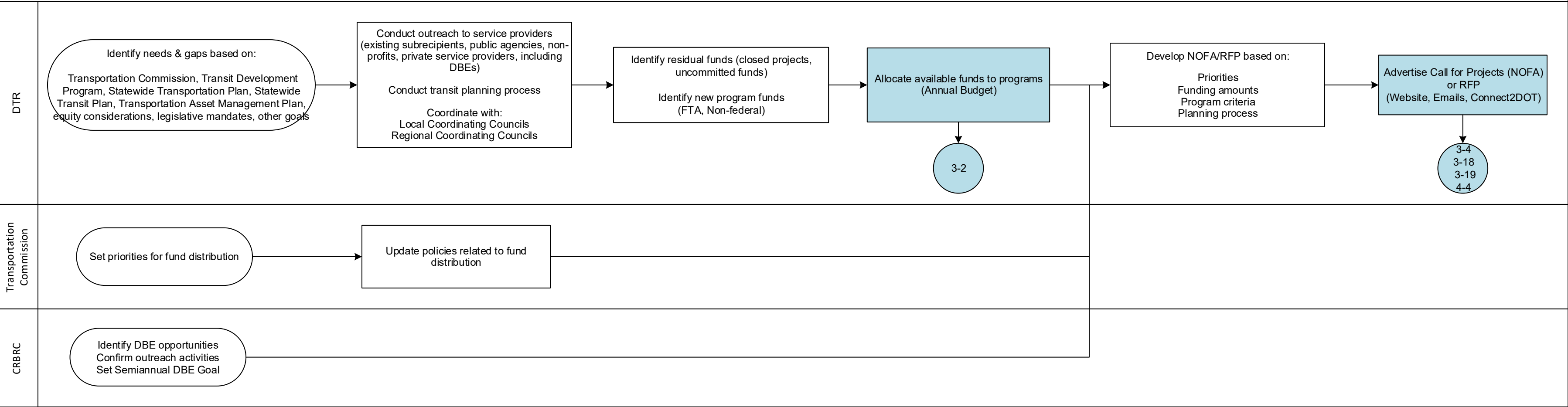
CHAPTER 3 FLOWCHARTS

Flowchart Shapes/Key



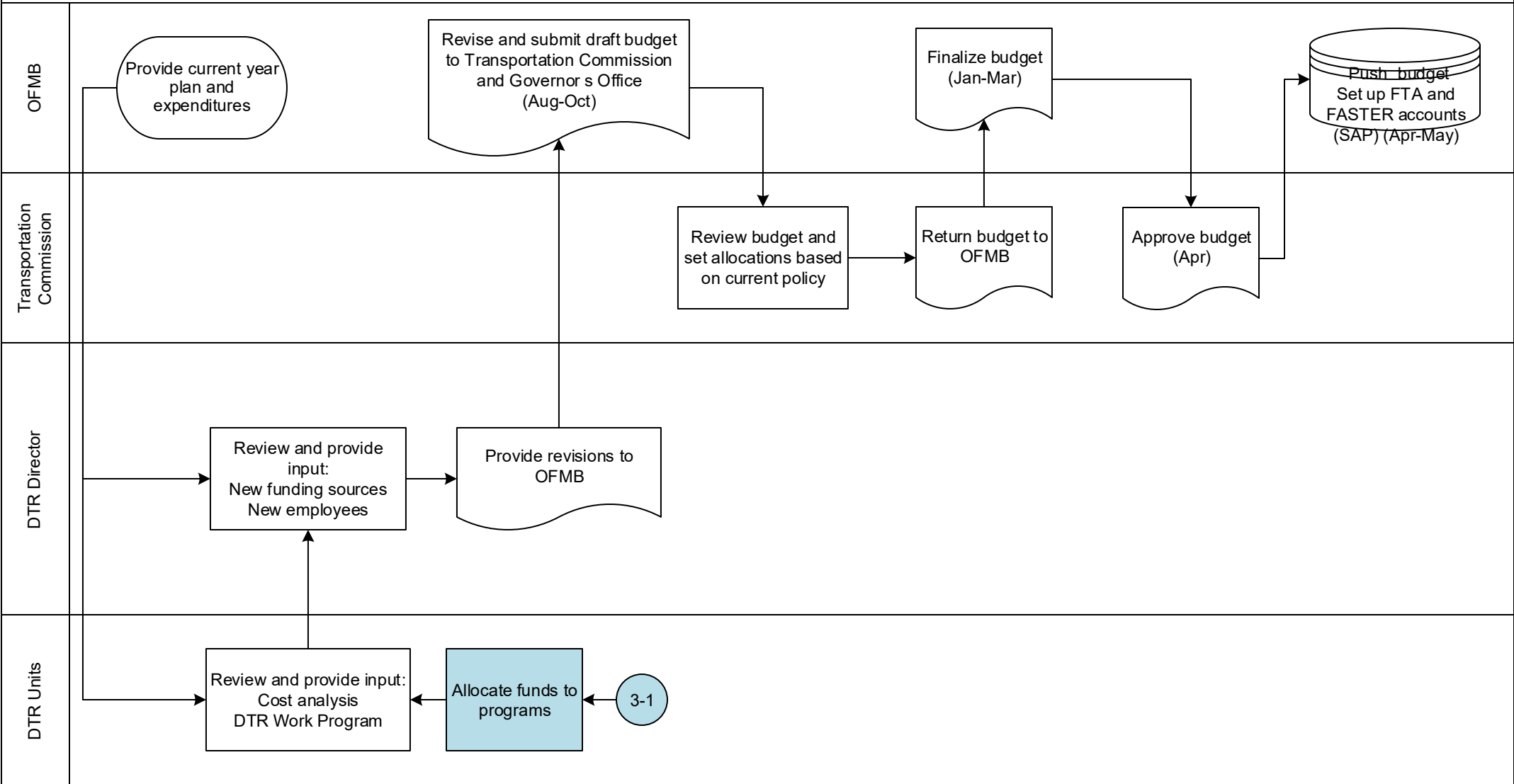
Flowchart 3-1. CDOT Planning to Notice of Funding Availability

3-1 CDOT Outreach/Planning to Notice of Funding Availability or RFP



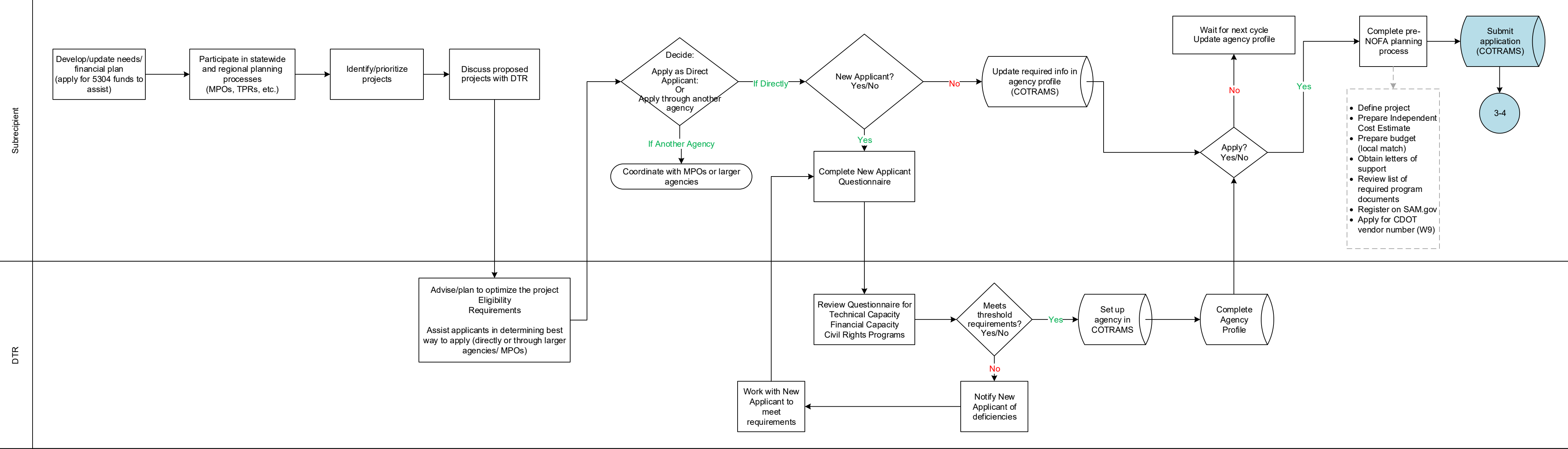
Flowchart 3-2. DTR Annual Budget

3-2 DTR Annual Budget (CDOT Internal)



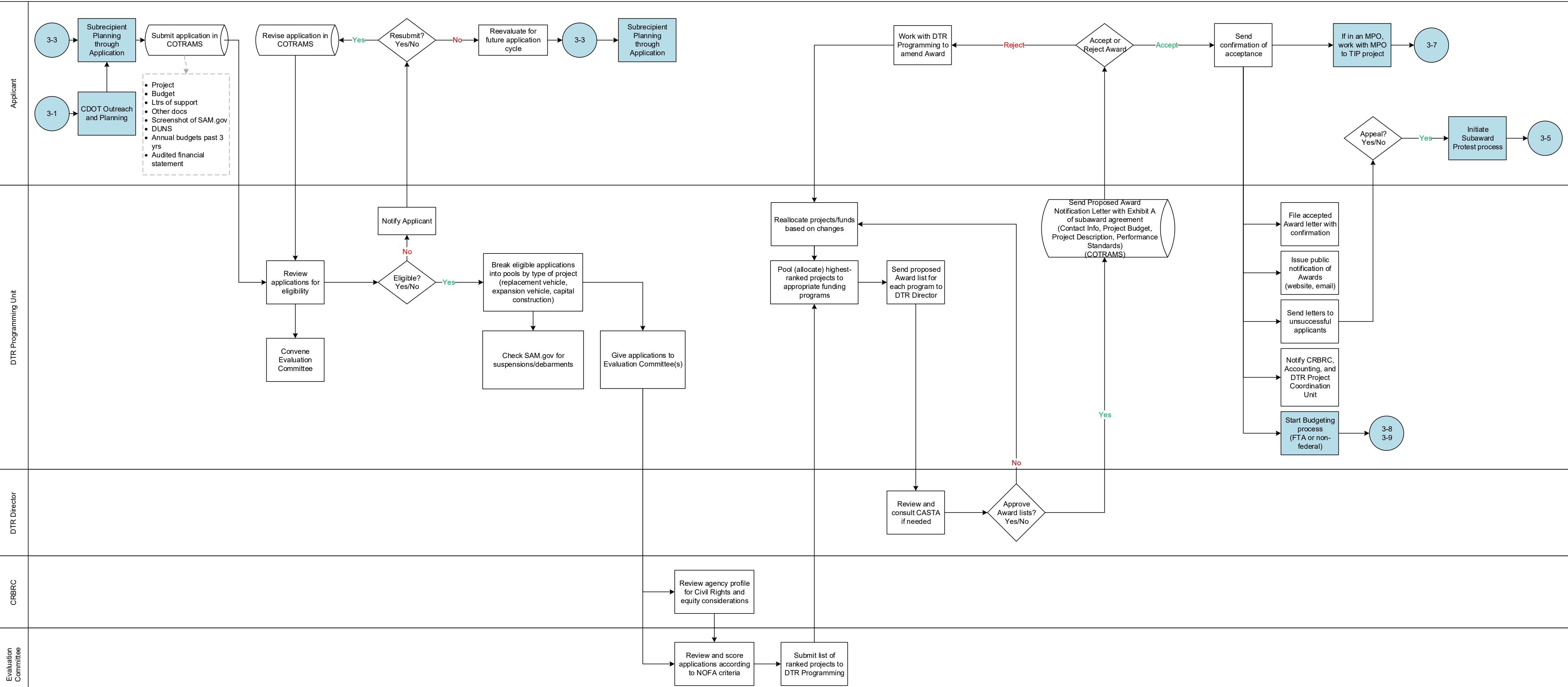
Flowchart 3-3. Subrecipient Planning Through Application

3-3 Subrecipient Planning through Application



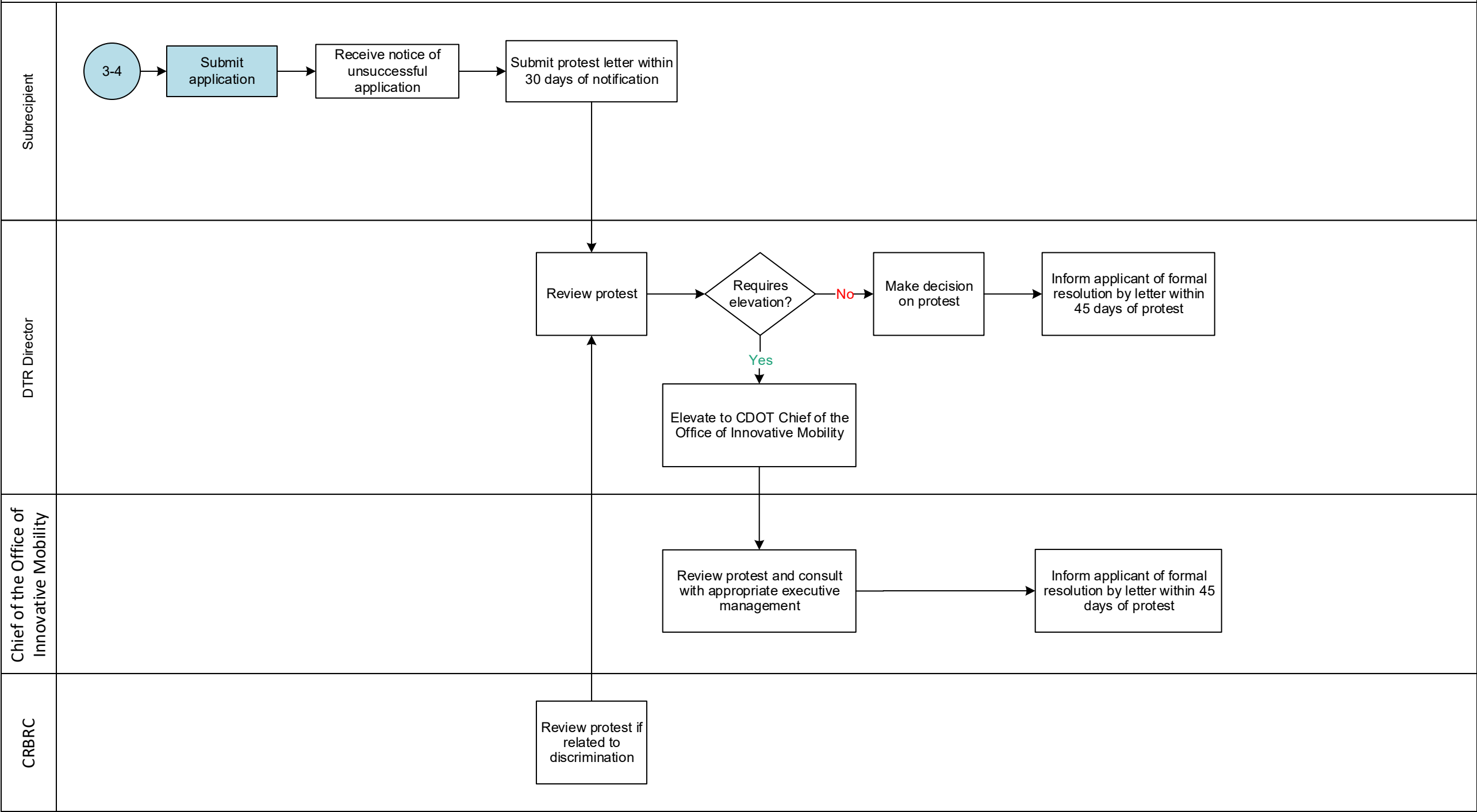
Flowchart 3-4. Transit Project Application Evaluation and Award

3-4 Transit Project: Application Evaluation/Award



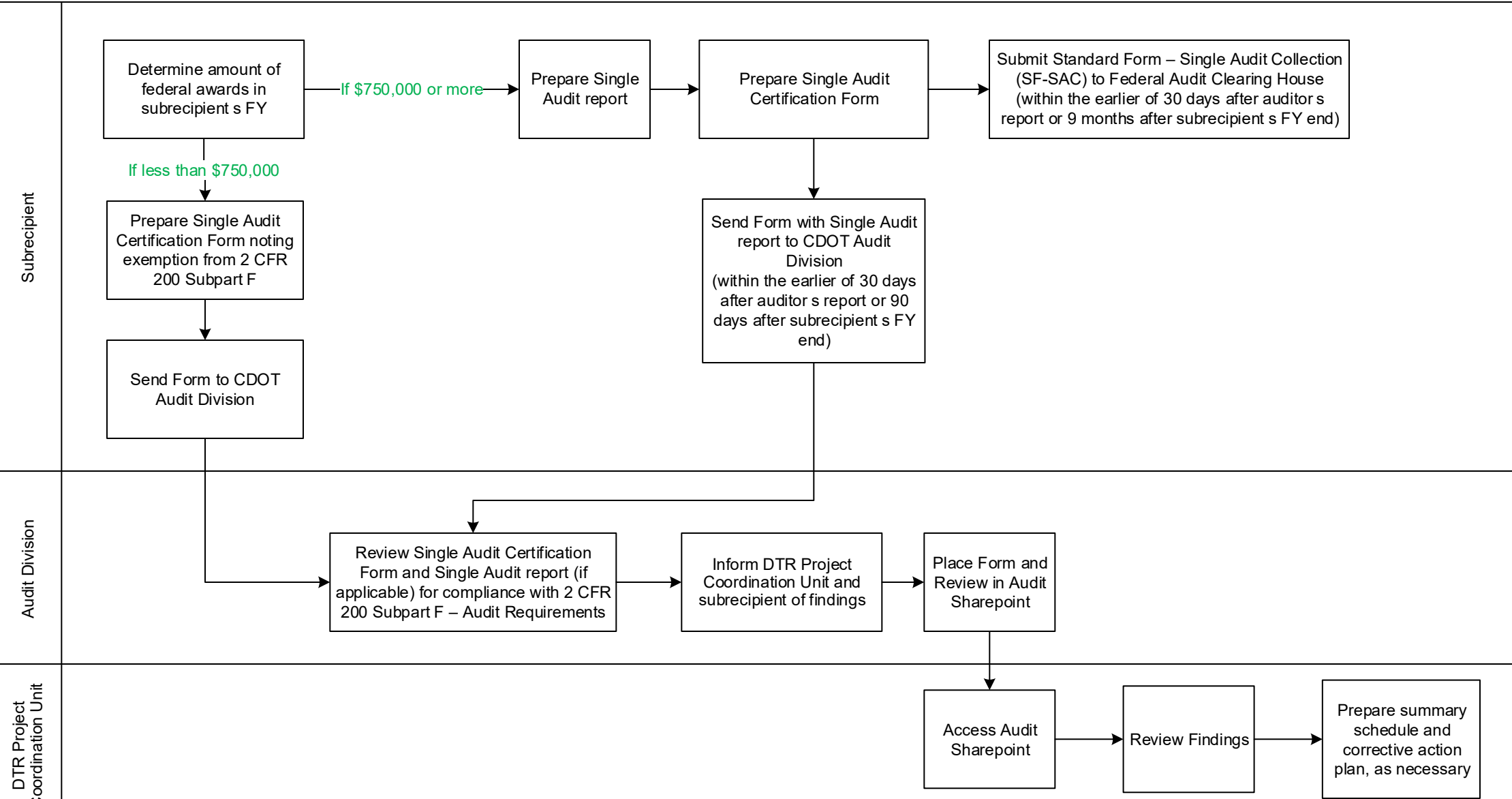
Flowchart 3-5. Subaward Protest Process

3-5 Subaward Protest Process



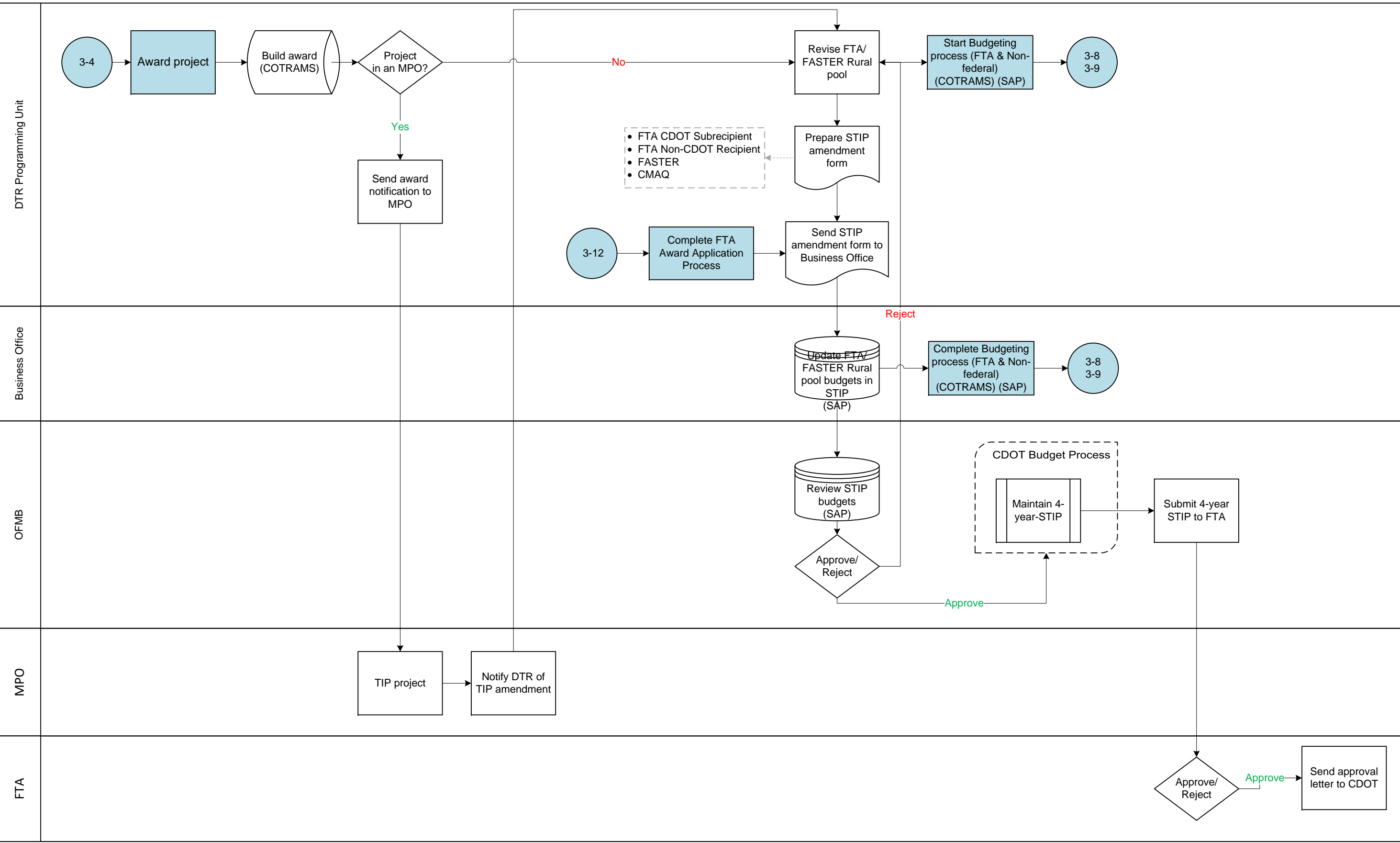
Flowchart 3-6. Single Audit

3-6 Single Audit



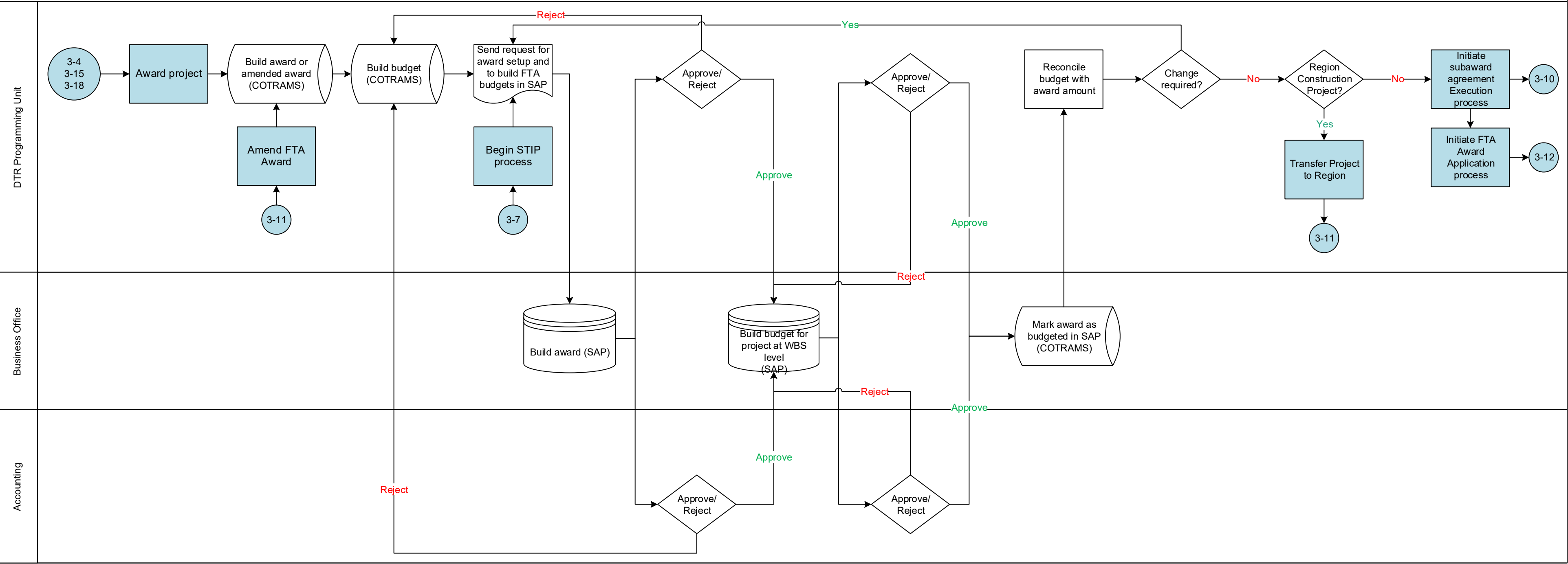
Flowchart 3-7. Transit STIP Process

3-7 Transit STIP Process



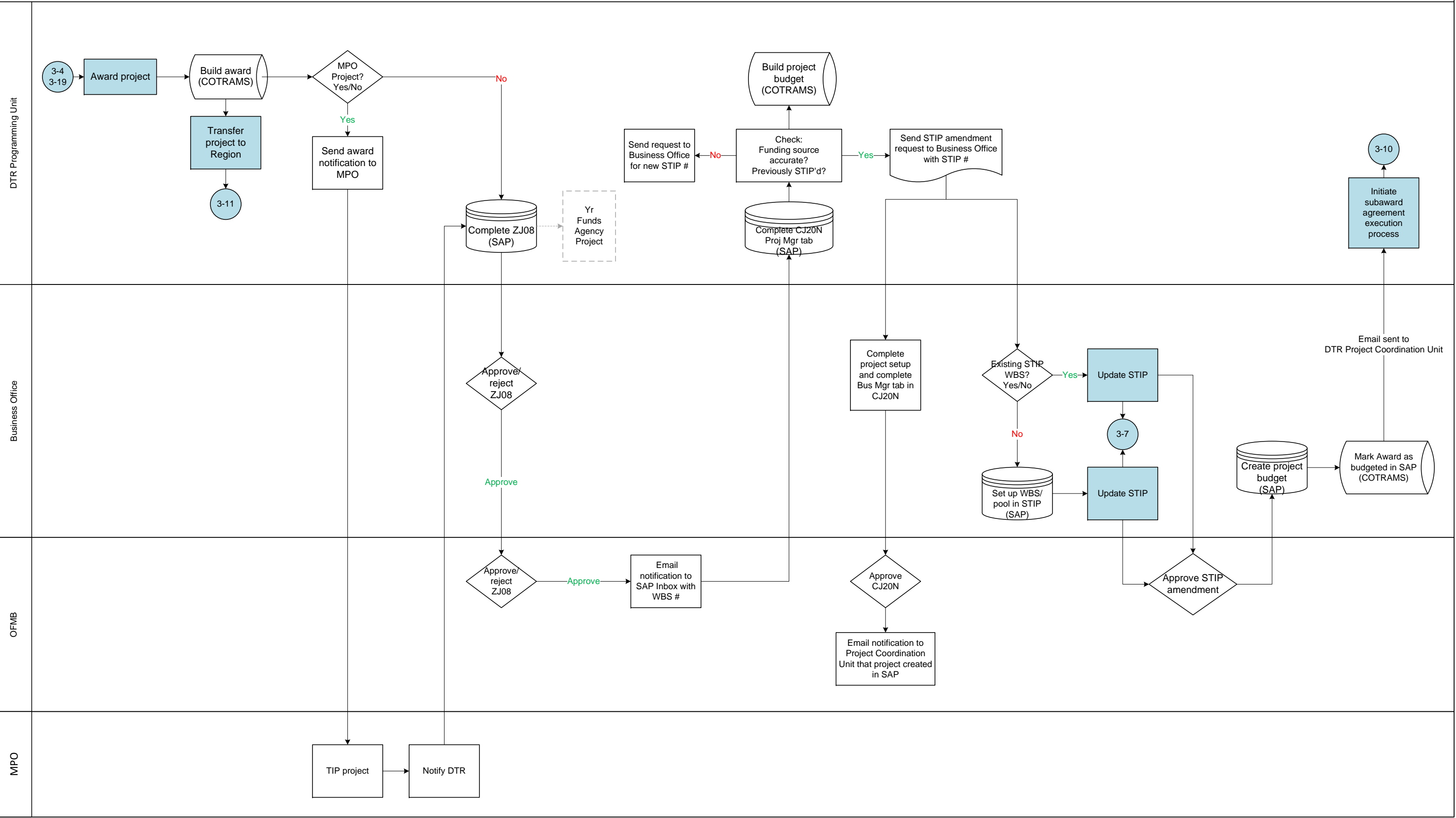
Flowchart 3-8. Budgeting of FTA Funds

3-8 Budgeting of FTA Funds (CDOT Internal)



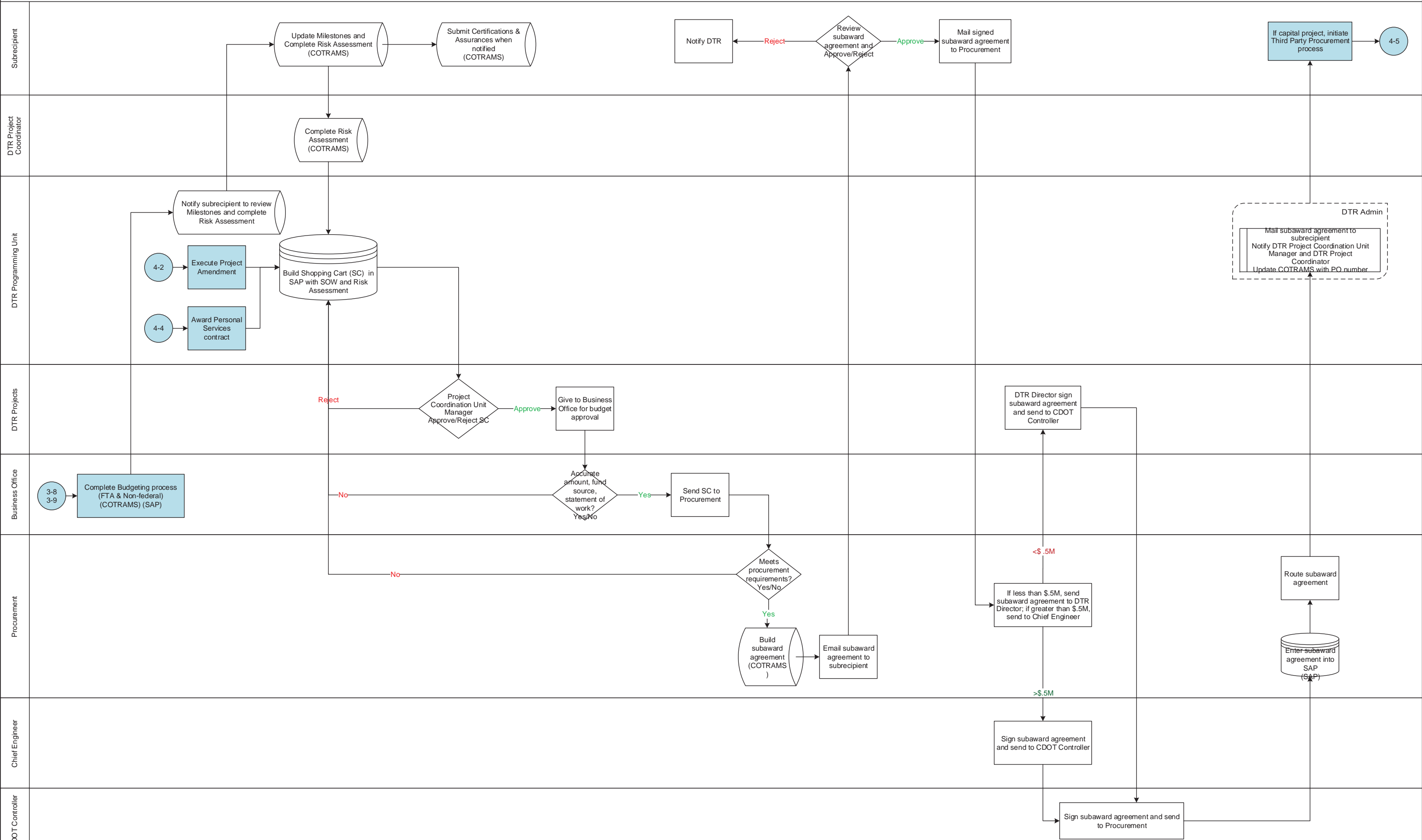
Flowchart 3-9. Budgeting of Non-federal Funds

3-9 Budgeting of Non-federal Funds (FASTER, SB 228, etc.) (CDOT Internal)



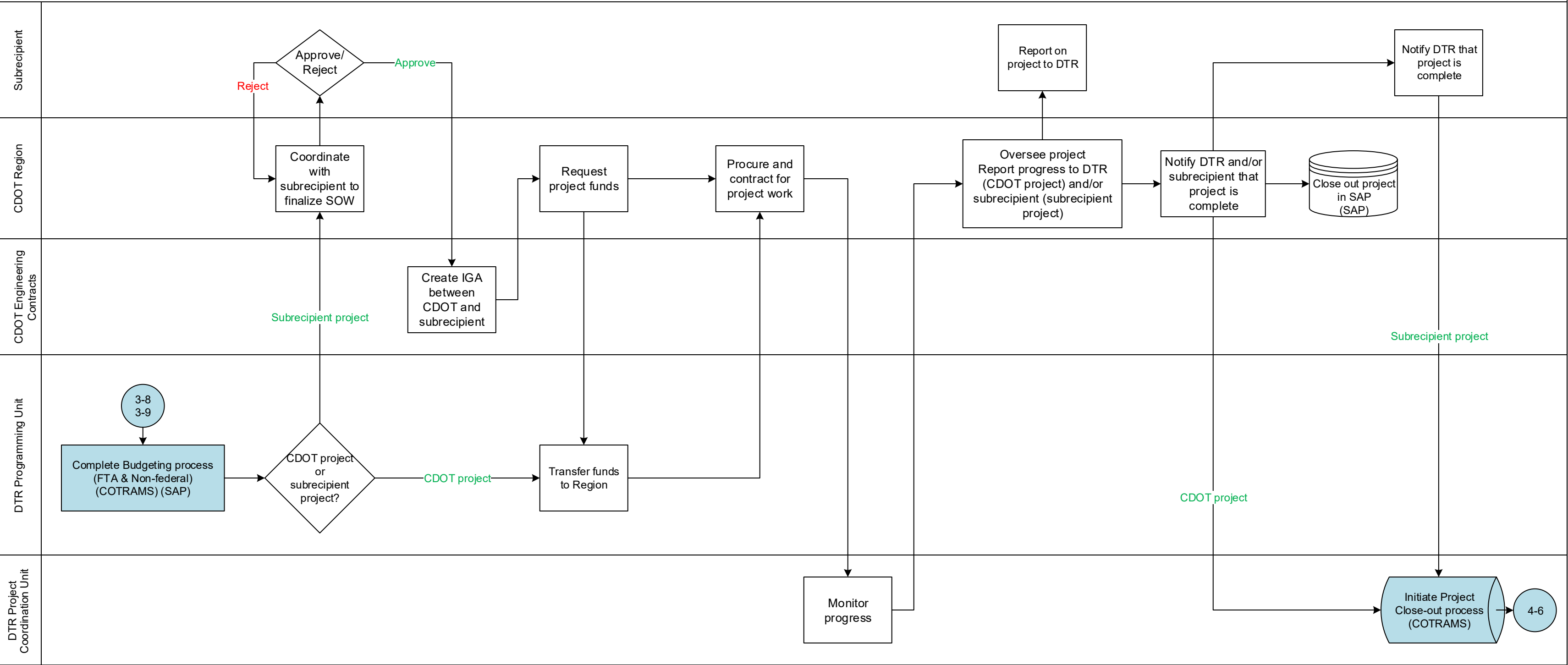
Flowchart 3-10. Budget to Executed Subaward Agreement

3-10 Budget to Executed Subaward Agreement



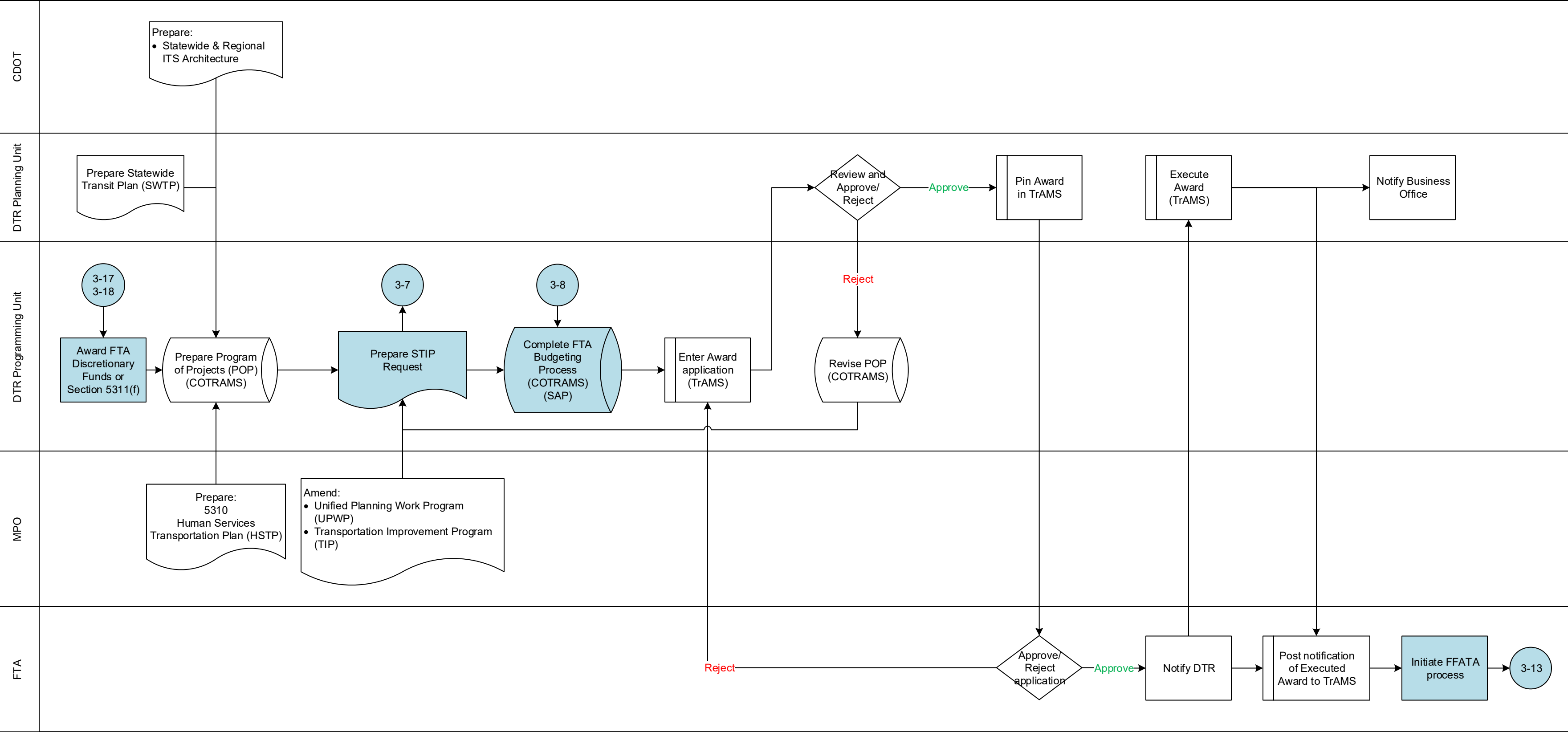
Flowchart 3-11. Transfer Construction Project to Region

3-11 Transfer Construction Project to Region



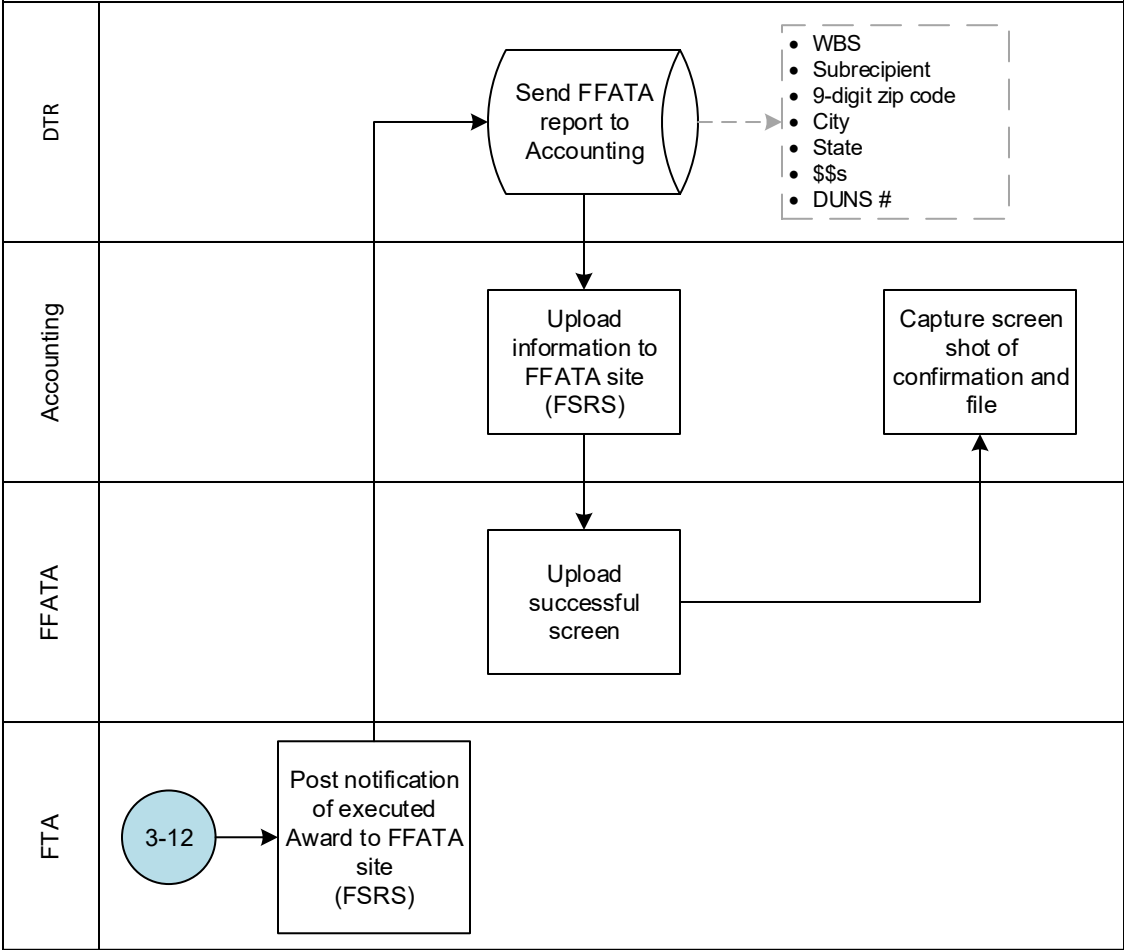
Flowchart 3-12. FTA Award Application

3-12 FTA Award Application



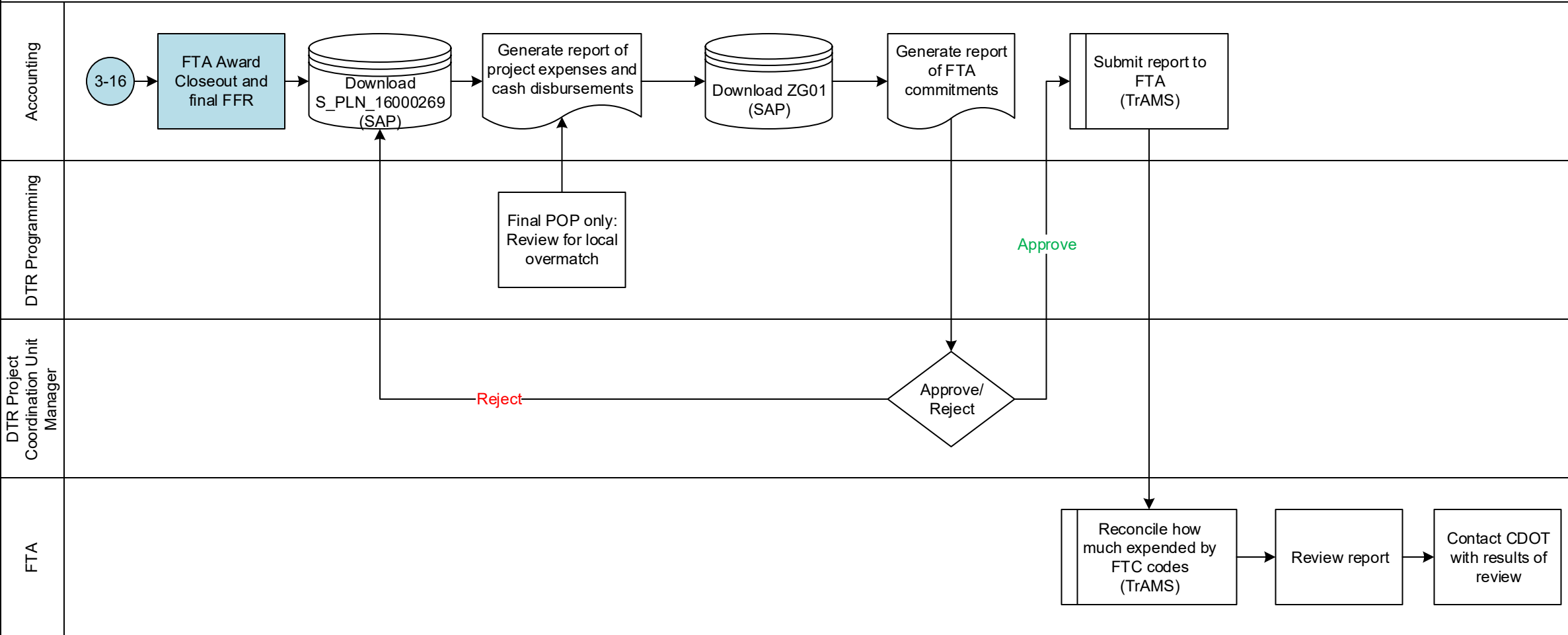
Flowchart 3-13. FFATA Reporting

3-13 FFATA Reporting (CDOT Internal)



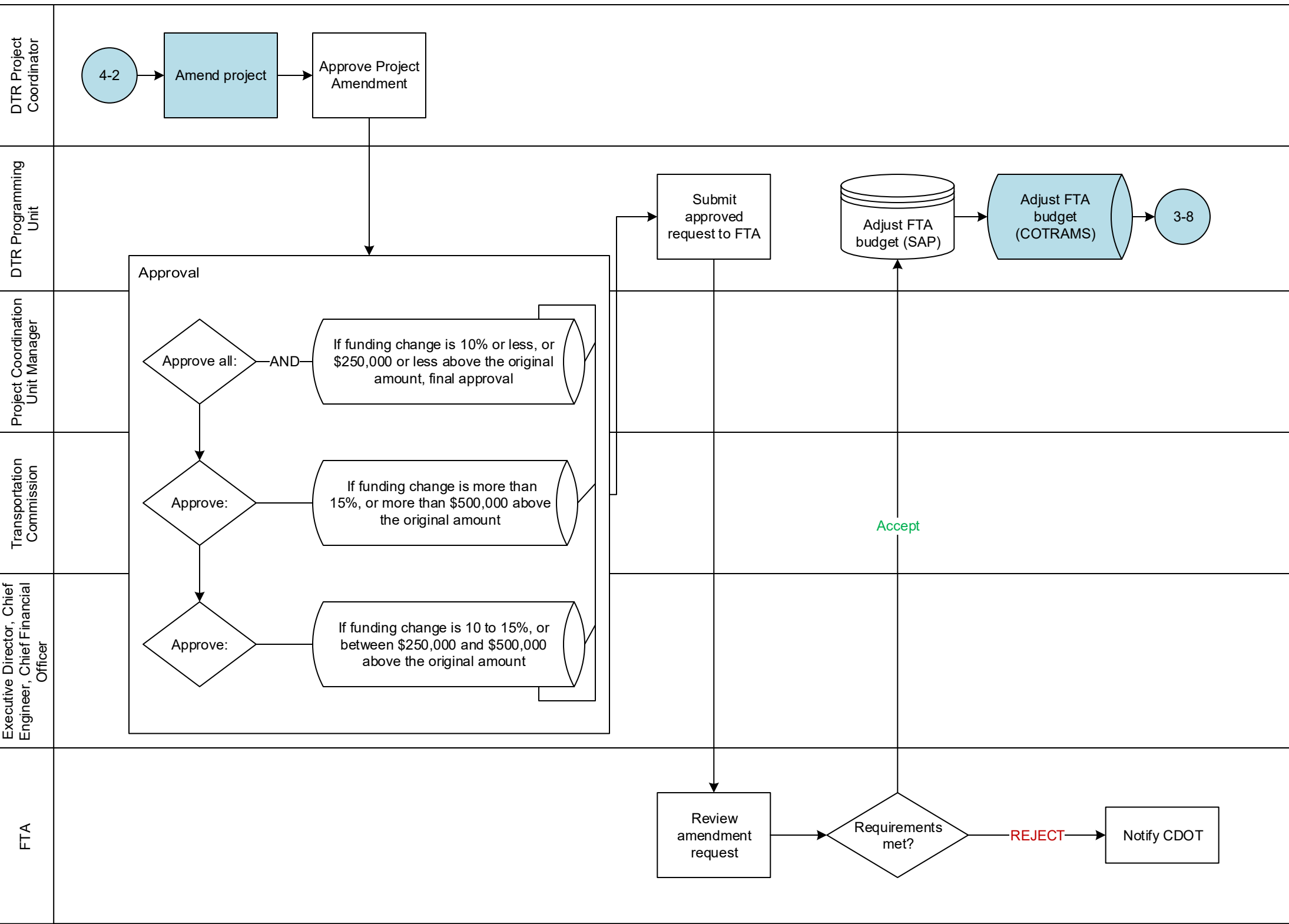
Flowchart 3-14. FFR Reporting

3-14 FFR Reporting (Quarterly: 5339; Annually: All Other FTA Programs; FTA Award Closeout) (CDOT Internal)



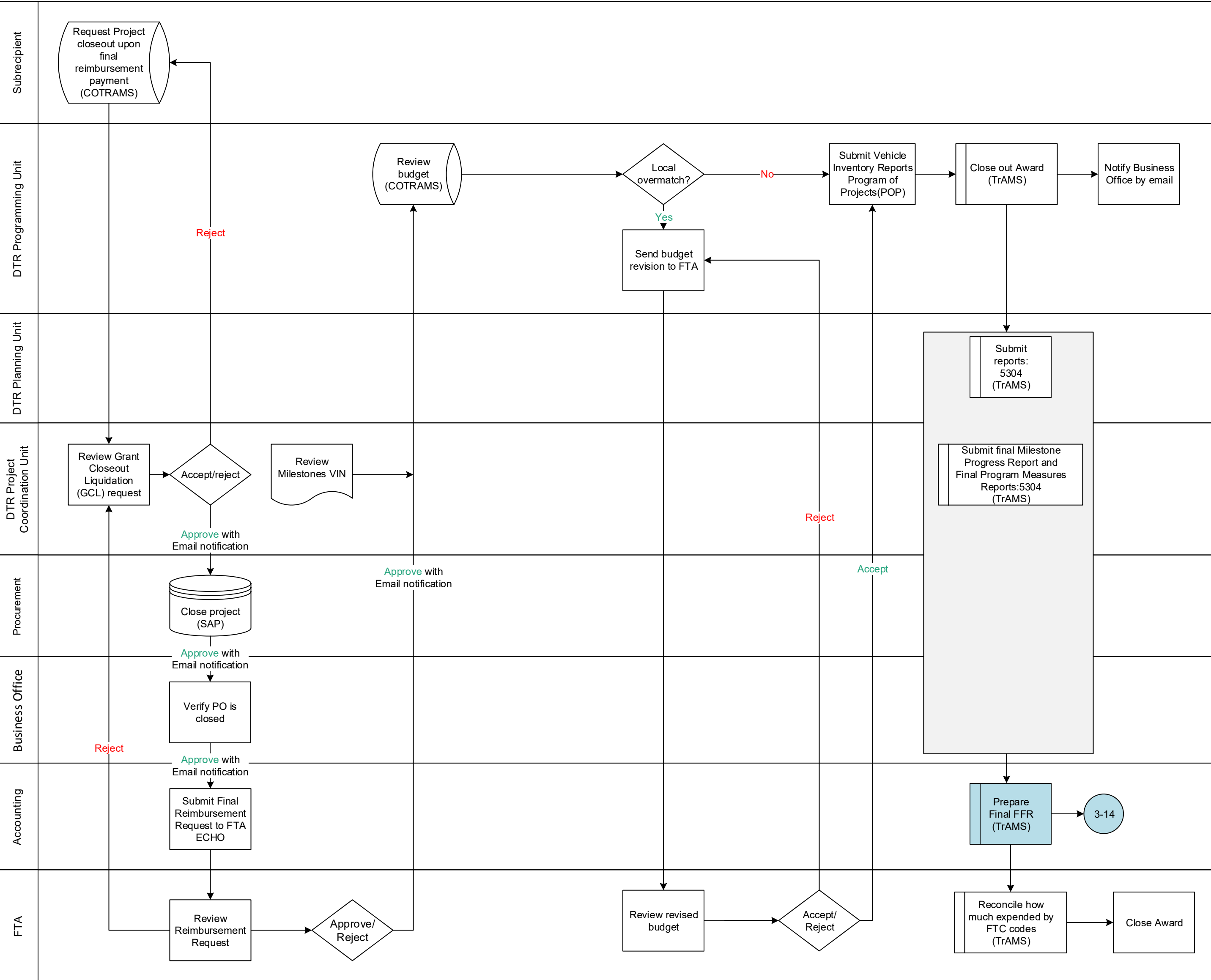
Flowchart 3-15. FTA Award Amendment

3-15 FTA Award Amendment for Capital Project



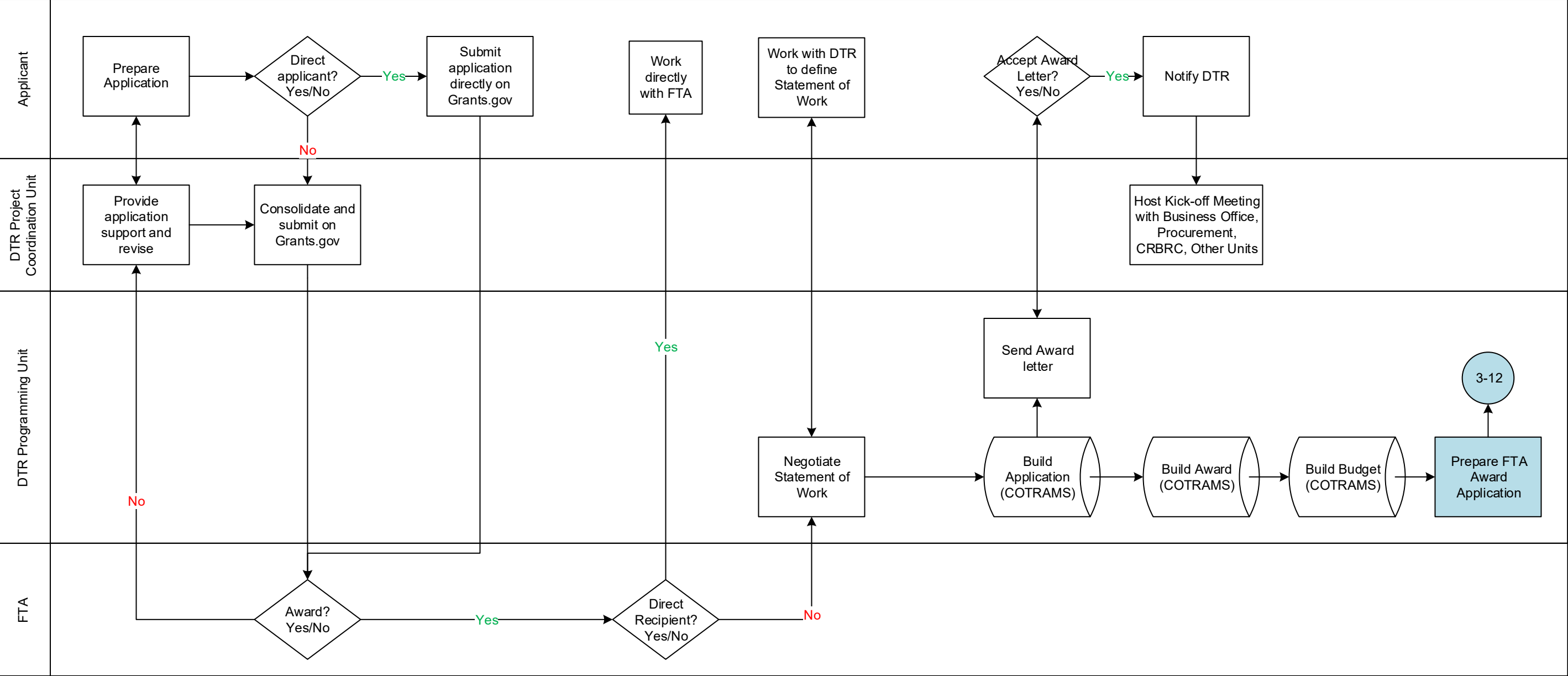
Flowchart 3-16. FTA Project and Award Closeout

3-16 FTA Project and Award Closeout (CDOT Internal)



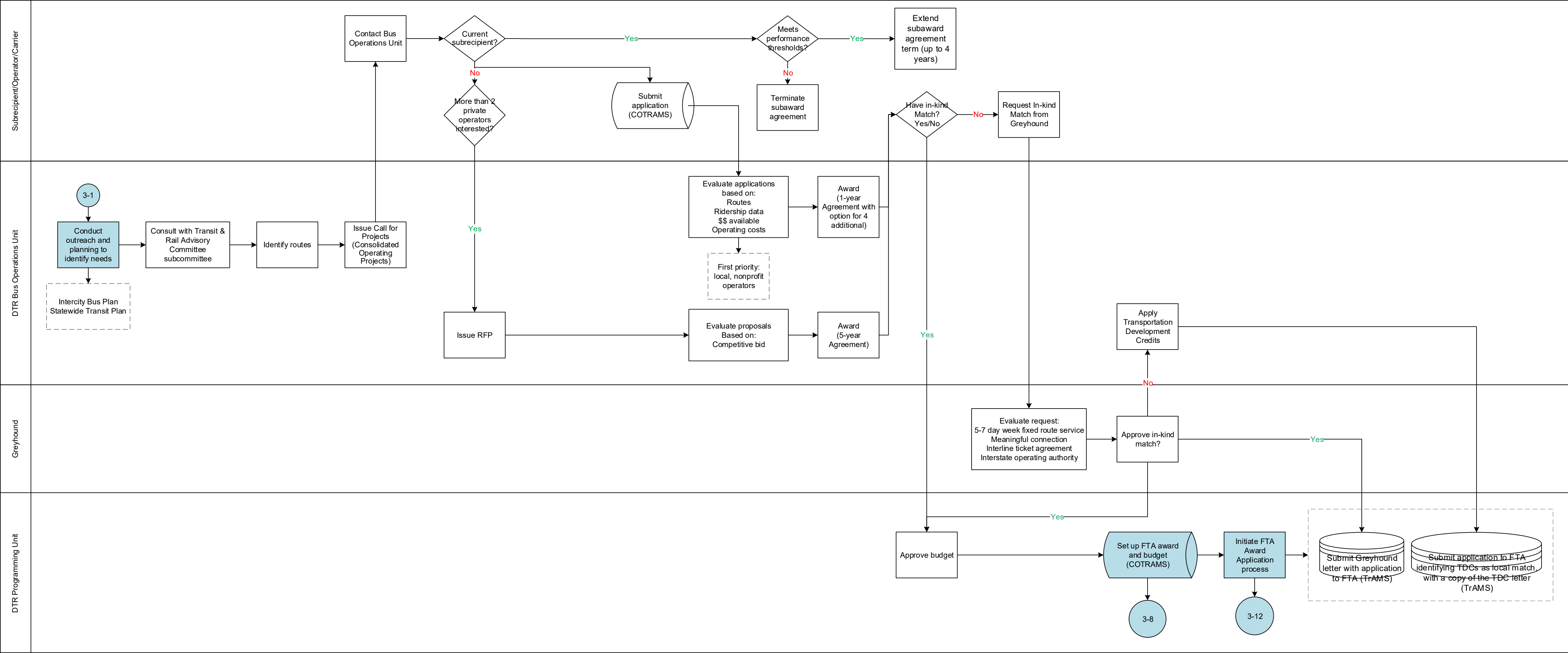
Flowchart 3-17. FTA Discretionary Program Application and Award

3-17 FTA Discretionary Program Application and Award



Flowchart 3-18. Section 5311(f) Planning through Award

3-18 Section 5311(f) Planning through Award



Flowchart 3-19. FASTER Local and Regional Bus Planning through Award

3-19 FASTER Local and Regional Bus Planning through Award

