



**COLORADO**  
Department of Transportation

# DIVISION OF TRANSIT AND RAIL STATE MANAGEMENT PLAN

## CHAPTER 5 Civil Rights

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## 5 CIVIL RIGHTS

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### 5.1 Introduction

CDOT's Civil Rights and Business Resource Center's (CRBRC) mission is to promote equal access to and participation in CDOT programs and activities. Additionally, the CRBRC collaborates with regional Civil Rights Offices and various Colorado Department of Transportation (CDOT) program staff **to foster equality in CDOT's transportation contracting processes**. The Division of Transit and Rail (DTR) is responsible for incorporating equal access to programs and activities during the planning, development, operation, and integration of transit and rail into the statewide transportation system.

Within the CRBRC is the role of the Title VI Specialist/Civil Rights Liaison for DTR. This position works with DTR to implement and monitor compliance with the Federal Transit Administration's (FTA) civil rights requirements.

### 5.2 Title VI of the Civil Rights Act of 1964 (Title VI)

Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code (U.S.C.) 2000d, 49 Code of Federal Regulations (CFR) part 21, prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance or receiving any funding from FTA or CDOT. Failure to provide Limited English Proficiency (LEP) language assistance may constitute national origin discrimination in violation of Title VI.

FTA Circular 4702.1B, Title VI Requirements and Guidelines for FTA Recipients, outlines Title VI requirements for recipients of FTA funds, including fixed-route providers, states, and Metropolitan Transportation Planning Organizations (MPO)

([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf)).

Additionally, CDOT is required to **maintain "racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving federal financial assistance."**

A Language Assistance Plan (or Limited English Proficiency [LEP] Plan) is required as part of the Title VI Program in accordance with Executive Order No. 13166, Improving Access to Services for Persons with Limited English Proficiency, August 11, 2000; 42 U.S.C. § 2000d-1 note; and United States Department of Transportation (DOT) Notice, DOT Policy Guidance **Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) Persons, 70 Fed. Reg. 74087, December 14, 2005.**

Reasonableness of the language assistance provided by CDOT and its subrecipients is determined by the following Four-Factor analysis:

- Factor 1: Number/proportion of LEP persons eligible to be served or likely to be encountered by the agency receiving FTA funding.
- Factor 2: Frequency with which LEP persons encounter the transit program or service.
- Factor 3: Nature and importance of the program, activity, or service provided by the agency to LEP persons.
- Factor 4: Local resources available to respond to LEP outreach and identify needs, as well as costs.

**An agency's Language Assistance Plan is developed based on the results of the Four-Factor analysis and must include the agency's current procedures and steps it plans to take in the future to ensure meaningful access to transit programs by LEP persons.**

### 5.2.1 Title VI Program Requirements

Appendix A of FTA Circular 4702.1B is a checklist of Title VI Program requirements, depending on the type of recipient/subrecipient ([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Title\\_VI\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf)). A summary of this is outlined in Attachment 5-1 Title VI Requirements-Activities. The required program contents vary for fixed-route service providers (including deviated fixed-route service), states, and MPOs. These are outlined in Attachment 5-2 Title VI Requirements-Title VI Program Contents.

#### 5.2.1.1 DTR Title VI Program

**CDOT's Policy Directive 604.0 Policy on Non-Discrimination** outlines CDOT's general non-discrimination policy for all CDOT programs and activities (<https://www.codot.gov/business/civilrights/titlevi/title-vi-assets/policy-directive-604-0-policy-on-non-discrimination>).

**DTR's Title VI Program**, developed in collaboration between DTR and the CRBRC, contains information on how DTR implements Title VI requirements. CDOT is required to maintain a Title VI Program that is updated and submitted every 3 years for FTA concurrence.

**Information about CDOT's Title VI Program** is available at <https://www.codot.gov/business/civilrights/your-rights>. **DTR's Title VI Program Plan and LEP Plan** are available at <https://www.codot.gov/business/civilrights/DTR>. Both of these documents are included as Attachment 5-3 DTR Title VI Program and Attachment 5-4 DTR LEP Plan.

#### 5.2.1.2 FTA Direct Recipient Title VI Program

Transit service providers, including MPOs, that are direct recipients of FTA funding are required to update **the agency's Title VI Program** every 3 years. The updated program, with

the FTA concurrence letter, must be uploaded to Colorado Transit & Rail Awards Management System (COTRAMS). CRBRC tracks the plans and monitors the submissions through COTRAMS.

### 5.2.1.3 Subrecipient Title VI Program

In accordance with 49 CFR Part 21, all subrecipients that receive federal financial assistance are required to develop and implement a Title VI Program (including a Language Assistance Plan) **that has been approved by the agency's board with signatures**. In accordance with 49 CFR 21.9(b), CDOT, as the primary recipient passing through FTA funds to a subrecipient is **charged with reviewing and monitoring a subrecipient's Title VI Program** to ensure its compliance with the regulations. **As agents of CDOT's DTR program**, a subrecipient that does not receive federal assistance is **still subject to CDOT's non-discrimination policy** and shall not discriminate on the basis of race, color or nation origin in the administration of the project. If a subrecipient is not in compliance with Title VI requirements, then the primary recipient (CDOT) is also not in compliance. The Title VI Program must be approved and kept current prior to a subrecipient receiving FTA funds.

**As agents of CDOT's DTR transit program**, a subrecipient that does not receive federal assistance is still subject to Title VI requirements as administered by DTR and shall not discriminate on the basis of race, color or nation origin in the administration of a project from CDOT.

CDOT and its subrecipients must include the following notice in all advertisements for federally funded contracts:

"(Agency name) 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."

In addition, CDOT and its subrecipients must also assure that their contracts and subcontracts include certain Title VI non-discrimination clauses and terms, depending on the type of contract (see Attachment 5-5 USDOT Standard Assurances).

For a facility construction project, CDOT and its subrecipients must also complete a Title VI equity analysis during a project 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. CDOT and its subrecipients must 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.

When CDOT and subrecipients are evaluating locations of facilities, they should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group, where appropriate, to ensure that proper perspective is given to localized impacts. If CDOT or its subrecipients determine that the location of the project will result in a disparate impact on the basis of race, color, or national origin, they may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. They must demonstrate how both tests are met; it is important to understand that in order to demonstrate this, they must consider and analyze alternatives to determine whether those alternatives would have less impact.

### 5.2.2 DTR and CRBRC Oversight of Subrecipient Title VI Program

DTR and CRBRC jointly oversee a subrecipient's implementation of its Title VI Program and that it is including Title VI requirements in its advertisements and third-party contracting documents. Oversight also includes CRBRC's review of **a subrecipient's website to ensure** the following information is posted: Title VI public notice, Title VI complaint procedures, and Title VI complaint form. Examples of these documents are included in **DTR's Title VI Program**, and they can be found at <https://www.codot.gov/business/civilrights/your-rights>.

A new recipient must submit a Title VI Program prior to receiving FTA funds. The Title VI Program must be updated every 3 years unless the subrecipient is no longer receiving federal funds, is not still expending federal award, and does not have any federally funded equipment in operation. If the subrecipient has become a direct recipient of FTA funds, the agency is required to submit its Title VI Program to FTA and provide a copy to CRBRC, as described in Section 5.2.1.2.

When a subrecipient first submits its Title VI Program to COTRAMS, under the Programs Documents section, an expiration date that is 3 years after the creation of the submitted Title VI Program is entered. Expiration dates are tracked in COTRAMS, and the subrecipient is notified of upcoming expiration dates after the first submission. COTRAMS automatically **generates a response to the subrecipient's** Title VI submission.

**Every year, DTR reviews a select number of subrecipients' Title VI Programs**—with the ones expiring as the priority. This process is shown in Flowchart 5-1 Title VI Program Submittal.

In addition, CRBRC participates in the Subrecipient Information Request (SIR) and Site Review Process every 3 years. **A subrecipient's Title VI Program is part of this review.** DTR's SIR and Site Review checklist is included in Chapter 4 (Attachment 4-2 Subrecipient Information Request and Site Review Checklist). The CRBRC conducts a Desk Review of **a subrecipient's** Title VI Program and the Title VI portion of the SIR prior to the Site Visit.

### 5.2.3 Title VI Technical Support for Subrecipients

Templates for a subrecipient Title VI Program and LEP Plan are available at <https://www.codot.gov/business/civilrights/DTR>. The CRBRC Title VI Specialist is available to assist a subrecipient to prepare its Title VI Program and correct any deficiencies. Deficiencies identified during the Site Review are reported to the CRBRC within approximately 30 days of the review and may result in an additional program area review.

## 5.3 Disadvantaged Business Enterprise

Disadvantaged Business Enterprise (DBE) regulation 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs (<https://www.ecfr.gov/cgi-bin/text-idx?SID=53cd5c89e0e9bdcfc93bae3ae3efb10c&mc=true&node=pt49.1.26&rgn=div5>) seeks to ensure nondiscrimination in the award and administration of DOT-assisted contracts, create a level playing field on which DBEs can compete fairly for DOT-assisted contracts, help remove barriers to the participation of DBEs in DOT-assisted contracts, promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients, and assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Recipients that meet the threshold requiring a DBE Program must ensure that its chief executive officer designate a DBE liaison officer (DBELO) who has direct and independent access to the chief executive officer concerning DBE matters.

### 5.3.1 CDOT DBE Program and Triennial DBE Participation Goal

In accordance with 49 CFR Part 26, CDOT seeks to ensure non-discrimination in the award and administration of DOT-assisted contracts and to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts. CDOT and its subrecipients shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. In administering its DBE Program CDOT shall not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

CDOT is required to have an FTA-approved DBE Program on file with the FTA. Significant changes to the Program must be **submitted to FTA for approval**. CDOT's DOT-approved DBE Program is managed by the CRBRC and is available at <https://www.codot.gov/business/civilrights/smallbusiness/assets/cdot-dbe-program-manual-revised-2016.pdf>.

Every 3 years, CDOT is required to submit a transit-specific DBE participation goal to FTA for all contracting opportunities funded in whole or in part with FTA funds. This Triennial DBE



Goal is developed based on a survey of subrecipients, research conducted by CRBRC, and stakeholder input. It is submitted to FTA in Transit Award Management System (TrAMS) and **communicated to CDOT's transit stakeholders**. The process that CRBRC uses to set the goal is shown in Flowchart 5-2 DBE Triennial DBE Participation Goal (FTA).

**A copy of CDOT's current** Triennial DBE Goal can be found as Attachment 5-6 CDOT FTA DBE Goal. CDOT has a race-neutral FTA DBE program because it has reached its goal continuously without contract goals. CDOT is required to submit semiannual DBE reports to FTA on CDOT and subrecipient DBE participation in FTA-assisted contracts by June 1 and December 1 (Section 5.3.4).

CDOT, as a direct recipient of FTA funds, requires that each transit vehicle manufacturer certify that it has complied with the requirements of 49 CFR 26.49, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements. CDOT does not include FTA assistance used for procurements from transit vehicle manufacturers in the base **amount from which CDOT's overall goal is calculated**. **Within 30 days of making an award**, DTR submits the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in its agreement with FTA.

### 5.3.2 Direct Recipient DBE Program

An agency must have a written DBE program approved by FTA and a designated DBELO if it meets the threshold of receiving planning, capital, and/or operating assistance that will have contracting opportunities (excluding transit vehicle purchases) with those funds exceeding \$250,000 in a federal fiscal year. Contracting opportunities are counted in the aggregate, and include FTA-funded purchase orders, capital projects, professional services, Transportation Infrastructure Finance and Innovation Act (TIFIA) loan-funded projects, and contracting activities of subrecipients. Small and micro-purchases are also counted toward this threshold.

A direct recipient of federal funds with an approved DBE Program may enter into an agreement (Memorandum of Understanding [MOU]) with CDOT to include funds received from CDOT in **the agency's** direct reporting to the federal agency. This MOU allows the direct recipient to incorporate FTA requirements into its existing DBE program. A template for the MOU is included as Attachment 5-7 DBE Program Subrecipient MOU.

A direct recipient with an approved DBE Program must submit the plan to CDOT with a copy **of the Federal Operating Administration's** concurrence (FTA, Federal Aviation Administration, or Federal Highway Administration [FHWA]). Additionally, a direct recipient with an approved DBE program **must submit a copy of the agency's DBE report** and **FTA's** concurrence to CRBRC on a semiannual basis, concurrent with its submittal to the FTA by June 1 and December 1.

### 5.3.3 Subrecipient DBE Program

A subrecipient that is not a direct recipient of DOT funds is **covered by CDOT's DBE Program** and must comply with its requirements. Those requirements are outlined in Attachment 5-8

DBE Q&A. Because DTR has adopted a race-neutral program to meet its DBE triennial goal, a subrecipient of federal funds from CDOT does not need to set DBE goals on contracting opportunities, but must comply with **CDOT's** DBE Program and report all DBE participation on contracting opportunities.

Subrecipients shall not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

**In administering CDOT's DBE Program or**, if applicable, a subrecipient DBE program, subrecipients shall not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the Program with respect to individuals of a particular race, color, sex, or national origin. Subrecipients must shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. CDOT and its subrecipients must include contract provisions required by 49 CFR Part 26 regarding nondiscrimination, prompt payment, and release of retainage in all federally assisted project advertisements and contracts.

Subrecipients are expected to include DBEs in the competition for contracting opportunities to the fullest extent practicable through outreach and recruitment. In addition, subrecipients must include nondiscrimination language in procurement documents and agency contracts. Required language is included in Attachment 5-8 DBE Q&A.

#### **5.3.4 DTR and CRBRC Oversight of Subrecipient DBE Program**

DTR and CRBRC jointly oversee subrecipient implementation of the DBE Program. In addition to tracking and reporting DBE participation, CDOT verifies that DBEs reported by subrecipients meet the criteria of 49 CFR Part 26 and are certified by the Colorado Unified Certification Program agency (CDOT or the City and County of Denver). A list of currently certified DBE firms is provided at [www.coloradodbe.org](http://www.coloradodbe.org).

A subrecipient that receives federal assistance must track and report all bidders and contractors and subcontractors, including DBEs, that participate and seek to participate in its contracting opportunities. This information is reported to CRBRC twice a year, and CRBRC compiles the data for a report to FTA that tracks **CDOT's** progress on meeting its triennial DBE goal. CRBRC sends a survey every six months to subrecipients to report DBE participation in all contracting opportunities in the previous six-month period (October-March and April-September), including participation in the procurement process and contracts awarded, in progress, and completed. The survey is due back to CRBRC on May 15 and November 15. CDOT may conduct random audits to verify the contracting data reported by subrecipients. CRBRC compiles the data from the surveys and submits the Semiannual DBE Report (Uniform Report of Awards or Commitments and Payments) to FTA in TrAMS by June 1 and December 1 each

year. FTA responds with a concurrence letter that CRBRC and DTR keep on file. This process is shown in Flowchart 5-3 DBE Semiannual Report to FTA.

### 5.3.5 DBE Technical Support for Subrecipients

CRBRC and DTR are available to assist a subrecipient in meeting the requirements of 49 CFR Part 26. They have prepared a Question and Answer (Q&A) document that outlines subrecipient responsibilities regarding DBE participation (Attachment 5-8 DBE Q&A). CRBRC and DTR staff provide technical assistance to subrecipients in the following ways:

- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients.
- To provide DBE-specific and periodic training through Colorado Association of Transit Agencies (CASTA).
- To assist the development of agencies that can compete successfully in the marketplace outside the DBE Program.
- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

## 5.4 Equal Employment Opportunity

The FTA Master Agreement requires all applicants, recipients, subrecipients, and contractors receiving FTA funding to comply with applicable federal civil rights laws and regulations and to follow applicable federal guidance. Equal Employment Opportunity (EEO) requirements apply to nondiscrimination as related to employment. EEO guidance is outlined in FTA Circular 4704.1, Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients

(<https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/civil-rights-ada/56501/eo-circular-c-47041a.pdf>).

CDOT and its subrecipients shall not discriminate ensuring nondiscrimination in employment on the basis of race, color, religion, national origin, sex, age, genetic information, disability, veteran status, or retaliation.

### 5.4.1 CDOT EEO Program

**CDOT's** internal EEO policy is different than, **but consistent with FTA's EEO requirements**. It applies to all CDOT employees and is set forth in Policy Directive 600.0.

### **5.4.2 Direct Recipient EEO Program**

A direct recipient of FTA funds and a contractor to DTR that meet the EEO threshold, must submit its EEO Program and FTA concurrence letter through COTRAMS every 4 years. CRBRC tracks these programs through COTRAMS.

### **5.4.3 Subrecipient EEO Program**

#### **5.4.3.1 Full EEO Program**

Any subrecipient, subrecipient of a CDOT subrecipient, or contractors that meet the following thresholds must implement all of the EEO Program elements.

- Employs 100 or more transit-related employees. (When calculating the total number of transit-related employees, agencies are required to include all part-time employees and employees with collateral duties that support the transit program. For example, a budget analyst who processes payments for the transit program would be considered a transit-related employee.)
- Requests or receives capital or operating assistance in excess of \$1 million in the previous federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous federal fiscal year.

Requirements for a full EEO Program are outlined in an attachment to FTA Circular 4704.1 and included here as Attachment 5-9 FTA EEO Program Review Checklist.

#### **5.4.3.2 Subrecipient Abbreviated EEO Program**

Any subrecipient, subrecipient of a CDOT subrecipient, or contractor that meets the following threshold requirements must prepare, maintain, and submit, if requested by CDOT, an abbreviated EEO Program:

- Employs between 50 and 99 transit-related employees. (When calculating the total number of transit-related employees, agencies are required to include all part-time employees and employees with collateral duties that support the transit program. For example, a budget analyst who processes payments for the transit program would be considered a transit-related employee.)
- Requests or receives capital or operating assistance in excess of \$1 million in the previous federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous federal fiscal year.

Requirements for an abbreviated EEO Program are outlined in an attachment to FTA Circular 4704.1.

#### 5.4.4 DTR and CRBRC Oversight of Subrecipient EEO Requirements

All subrecipients and contractors that cross the EEO Program thresholds must submit EEO Programs to the transit agency or the state DOT from which they receive funds. Subrecipients that have subrecipients or contractors that meet the EEO thresholds must collect or provide oversight to ensure **the contractor's compliance with EEO Program responsibilities**. EEO programs can be submitted through COTRAMS under the Program Documents tab. Comments from CDOT will be under the Submit tab.

CDOT is responsible for ensuring and documenting that subrecipients and contractors that receive funds directly from FTA, receive funds as a contractor to DTR, or receive FTA funds from DTR comply with EEO statutes and regulations.

**DTR and CRBRC jointly oversee subrecipient compliance with FTA's EEO requirements.** The process for collecting and reviewing subrecipient EEO Programs through COTRAMS is shown in Flowchart 5-4 EEO Tracking and Reporting. Subrecipients are responsible for reporting EEO complaints filed against them to CDOT. CDOT then reviews and tracks resolution of the complaints.

In addition, CRBRC participates in the SIR and Site Review Process every 3 years. A **subrecipient's EEO** Program is part of this review.

#### 5.4.5 EEO Technical Support for Subrecipients

CRBRC and DTR are available to assist a subrecipient in meeting EEO Program requirements and in resolving EEO complaints.

### 5.5 Americans with Disabilities Act

FTA is charged with ensuring public transit providers comply with the DOT regulations implementing the transportation-related provisions of the Americans with Disabilities Act (ADA) of 1990 as amended (42 U.S.C. 12101 et seq.), and Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) (Section 504). The ADA affords equal opportunity for employment, transportation, telecommunications, and places of public accommodation for people with disabilities. In accordance with Section 504, CDOT and its subrecipients shall not discriminate on the basis of handicap by recipients of federal financial assistance.

In order to receive federal funds, recipients, and subrecipients of FTA funds must comply with Section 504; in order to **comply with DOT's Section 504 regulations, recipients and subrecipients must comply with the DOT ADA regulations**.

The regulations in 49 CFR Parts 27, 37, 38, and 39 set specific requirements transit providers must follow to ensure their services, vehicles, and facilities are accessible to and usable by individuals with disabilities.

- Part 27 contains general nondiscrimination requirements (which largely overlap with the more recent nondiscrimination requirements in Part 37), along with subrecipient local complaint process requirements and DOT compliance and enforcement provisions.
- Part 37 contains the service-related requirements for fixed-route bus, complementary paratransit, demand responsive service, and rail systems.
- Part 38 contains the design specifications for various types of buses, vans, and rail cars.
- Part 39 sets forth the general nondiscrimination and service-related requirements for passenger vessel operators that provide ferry and other water transportation services.

The ADA guidance outlined in FTA Circular 4710.1, Americans with Disabilities Act (ADA): Guidance

([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final\\_FTA\\_ADA\\_Circular\\_C\\_4710.1.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/Final_FTA_ADA_Circular_C_4710.1.pdf)) addresses the ADA requirements for the following types of public transit services:

- Fixed route bus.
- Complementary paratransit.
- Demand responsive.
- Rail (rapid, light, and commuter).
- Water transportation/passenger ferries.

#### 5.5.1.1 ADA Complaints

FTA requires all agencies to have procedures in place to specifically address complaints alleging ADA violations. The DTR Civil Rights Liaison is responsible for coordinating ADA compliance as delegated by the CRBRC Director (ADA Coordinator). CRBRC reviews and responds to ADA complaints according to the process shown in Flowchart 5-5 ADA Complaint Process.

#### 5.5.2 CDOT Accessibility Program

Public entities are required by Title II of the ADA to provide accessible services to persons with disabilities. For CDOT, "accessible services" means curb ramps, rest stops, building facilities, and public information. Regulations pertaining to ADA Title II can be found in 28 CFR Part 35. Design and construction standards can be found in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) (<https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag>) and Public Right of Way Accessibility Guidelines (PROWAG) (<https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>).

CDOT's ADA Compliance Transition Plan is a living document that assesses accessibility across all programs and projects, highlighting compliance efforts and charting a course for

improvements. The Plan was approved by CDOT Leadership and FHWA in fall of 2017 (<https://www.codot.gov/business/civilrights/ada/transition-plan>).

### 5.5.3 Subrecipient ADA Accessibility

The regulations in 49 CFR Parts 27, 37, 38, and 39, and Section 504 apply broadly to both public and private entities and to almost all types of transportation services. Recipients are responsible for ensuring that subrecipients of FTA funding meet the ADA requirements.

“[Part 37 § 37.21(a)] applies to the following entities, whether or not they receive Federal financial assistance from the Department of Transportation:

- (1) Any public entity that provides designated public transportation or intercity or commuter rail transportation;
- (2) Any private entity that provides specified public transportation; and
- (3) Any private entity that is not primarily engaged in the business of transporting people but operates a demand responsive or fixed route system.”

In addition, newly constructed facilities, including joint use stops and depots for intercity bus transportation, must comply with ADA accessibility standards.

### 5.5.4 DTR and CRBRC Oversight of Subrecipient ADA Accessibility

DTR and CRBRC jointly oversee subrecipient compliance with ADA requirements. They must ensure that all vehicles acquired with FTA funds are equipped, maintained, and operated in accordance with 49 CFR Parts 27, 37 and 38, unless Certification of Equivalent Service is filed annually, and that service provided does not discriminate against individuals with disabilities. Newly constructed facilities, including joint use stops and depots for intercity bus transportation, must comply with ADA accessibility standards. **CDOT’s ADA Guide for Bus and Transit Operations** is included as Attachment 5-10 **CDOT’s ADA Guide**.

Agencies receiving FTA funding under Section 5307, Section 5310, or Section 5311 that provide demand responsive service are required to submit a Certification of Equivalent Service to DTR prior to procuring any inaccessible vehicle, which DTR must file with FTA. The certification is valid for 1 year. A sample Certification is available as an attachment to FTA Circular 4710.1. If DTR and CRBRC determine that a subrecipient presents a risk in this category, an ADA review may be performed.

In addition, CRBRC participates in the SIR and Site Review Process every 3 years. A **subrecipient’s** ADA Program is part of this review. A sample SIR and Civil Rights Site Review Checklist with required ADA documentation is included in Chapter 4.



### 5.5.5 ADA Technical Support for Subrecipients

DTR and CRBRC have prepared a Q&A document that outlines subrecipient responsibilities regarding ADA requirements (Attachment 5-11 ADA FAQ Sheet). More information is available in Attachment 5-12 ADA Review Checklist.

## 5.6 Environmental Justice

As stated in FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients ([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_EJ\\_Circular\\_7.14-12\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_EJ_Circular_7.14-12_FINAL.pdf)), “**Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**, requires the U.S. Department of Transportation (DOT) and FTA to make environmental justice part of our mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of our programs, policies, and activities on minority populations and/or low-income populations (collectively “**EJ populations**”). **Environmental justice at FTA** includes incorporating environmental justice and non-discrimination principles into transportation planning and decision-making processes, as well as project-specific **environmental review.**” DOT Order 5610.2(a) sets forth the DOT policy to consider environmental justice principles in all DOT programs, policies, and activities.

The environmental justice Orders and Circular set forth steps to prevent disproportionately high and adverse effects to minority or low-income populations not only through environmental analyses conducted as part of federal transportation planning and National Environmental Policy Act (NEPA) provisions, but also through Title VI analyses.

While Title VI is a federal statute that applies to recipients and subrecipients of federal financial assistance, environmental justice is addressed in an Executive Order that applies to federal agency (DOT and FTA) actions. Title VI is one of the tools used by federal agencies to implement the environmental justice directive. FTA Circular 4703.1 further explains how Title VI and environmental justice work together. This is summarized in Attachment 5-13 Title VI and Environmental Justice Comparison Chart, taken from the Circular.

The overarching objective for environmental justice is that there be a fair distribution of benefits and burdens associated with federal programs, policies, and activities. The guiding environmental justice principles followed by the DOT and FTA are summarized as follows:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.



- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### 5.6.1 CDOT Environmental Justice Commitments

As a recipient of federal funding, CDOT follows the environmental justice principles adopted by the DOT and FTA to help ensure the fair distribution of the benefits and burdens associated with CDOT programs and activities, including federally funded projects.

CDOT and its subrecipients shall include and consider environmental justice principles at every stage of a project, including transit planning, decision-making, and project-specific environmental review. CDOT and its subrecipients can satisfactorily demonstrate that environmental justice was integrated into decision-making through a variety of ways, including:

- Ensuring that the level and quality of public transportation service is provided in a non-discriminatory manner. For example, when considering transit routes and service options, subrecipients should take into account the challenges faced by low-income and minority households who are dependent on transit for accessing employment and other services.
- Promoting full and fair participation in transportation decision-making without regard to race, color, national origin, or income. For example, subrecipients should (and MPOs must) be able to demonstrate how they seek out and consider the needs of those traditionally underserved by existing transportation systems and should periodically review the effectiveness of the procedures, strategies, and desired outcomes contained in their public participation plan to ensure a full and open participation process, which considers the needs of low-income and minority households.
- Ensuring meaningful access to public transportation-related programs and activities by persons with limited English proficiency. For example, agencies can prepare additional literature in the languages which are predominant in their service areas.
- Making public involvement an integral part of decision-making so that all populations within a community have an opportunity to be heard and policy-makers understand community needs, perceptions, and goals.
- Ensuring that public involvement activities identify and involve minority and low-income populations when making transportation decisions.
- Avoiding, minimizing, or mitigating disproportionately high and adverse effects on minority and low-income populations.
- Demonstrating the opportunity has been provided for public involvement in the identification of potential projects when applying for discretionary funds.

At the planning level, activities should be supplemented by data collection through both national services (e.g., Census Bureau, American Community Survey) and locally developed and administered data collection (e.g., finance department data, community impact assessments, and customer surveys). Local data can be derived from local surveys and recordkeeping. Places where surveys may be used include churches, farmers markets, transit stations and centers, senior centers, and various local community organizations and social groups. This data will permit a comparative assessment of accessibility, travel times, travel mode usage, and other travel attributes across environmental justice and non-environmental justice populations.

CDOT projects that require a federal action must comply with NEPA. During the NEPA review process, CDOT evaluates possible adverse human health and environmental effects of a project on minority and low-income communities. Chapter 9.15 of the CDOT NEPA Manual describes how CDOT staff analyze environmental justice issues during the NEPA process (<https://www.codot.gov/programs/environmental/nepa-program/nepa-manual>).

### 5.6.2 Subrecipient Environmental Justice Responsibilities

FTA requires recipients and subrecipients of FTA funds to facilitate its compliance with Executive Order 12898 and DOT Order 5610.2(a) by incorporating environmental justice principles into transportation decision-making process and environmental review documents. The following responsibilities related to environmental justice are summarized from FTA Circular 4703.1

([https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_EJ\\_Circular\\_7.14-12\\_FINAL.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_EJ_Circular_7.14-12_FINAL.pdf)).

- Consider transportation needs of the public, including minority and low-income populations, in all transportation planning processes, including mobility issues; access to jobs and services; level of service; and service equity.
- Conduct an environmental justice analysis as part of any Environmental Impact Statement when triggered by an action (e.g., construction, fare, route, service change, etc.).
- With major changes to routes, services, or fares, conduct a modified equity analysis to identify if a disproportionate impact of changes was experienced by minority or low-income populations.
- When determining a site or location of a constructed facility, complete a Title VI equity analysis.

This is not intended to be an all-inclusive list—recipients must familiarize themselves with the details of how to integrate environmental justice into their transit decision-making processes that are included in the Circular.

### 5.6.3 DTR and CRBRC Oversight of Subrecipients

DTR and CRBRC jointly oversee how a subrecipient integrates environmental justice into its decision-making processes. CRBRC participates in the SIR and Site Review Process every 3 years and evaluates environmental justice as part of the Title VI Program review. CRBRC is then responsible for resolving findings from the Site Review Process. A sample SIR and Civil Rights Site Review Checklist with required Title VI documentation is included in Chapter 4.

### 5.6.4 Environmental Justice Technical Support

CRBRC is responsible for providing technical assistance and training for DTR staff and subrecipients. This includes helping subrecipients understand environmental justice-related outreach to minority and low-income populations. Additional resources can be found on the FTA website at <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/environmental-justice/environmental-justice> and the Environmental Justice Frequently Asked Questions at <https://www.transit.dot.gov/regulations-and-guidance/environmental-programs/environmental-justice/environmental-justice-faqs>.

# CHAPTER 5 ATTACHMENTS

## Attachment 5-1. Title VI Requirements-Activities

**Exhibit 11.1**

<b>Requirement</b>	<b>Transit Providers that operate fixed-route service</b>	<b>Transit Providers that operate 50 or more fixed-route vehicles in peak service and are located in a UZA of 200,000 or more in population</b>	<b>States</b>	<b>Metropolitan Planning Organizations</b>
General Requirements in Chapter III	Required	Required	Required	Required
Set system-wide standards and policies	Required	Required	Required if fixed route service provided	Required if MPO is a <i>direct recipient</i> and provides fixed route service
Collect and report data	Not required	Required: <ul style="list-style-type: none"> <li>• Demographic and service profile maps and charts</li> <li>• Survey data regarding customer demographic and travel patterns</li> </ul>	Required of all States: <ul style="list-style-type: none"> <li>• Demographic profile and maps of the State showing minority populations</li> <li>• Analysis charts of distribution impact of State and Federal transportation funds</li> <li>• Analysis of disparate impacts of funding distribution</li> </ul>	
			Required if fixed route service provided and meets the peak vehicle and UZA threshold: <ul style="list-style-type: none"> <li>• Service profile maps and charts</li> <li>• Survey data regarding customer demographic and travel patterns</li> </ul>	
Evaluate service and fare equity changes	Not required	Required	Required if fixed route service provided and meets the peak vehicle and UZA threshold	Required if fixed route service provided and meets the peak vehicle and UZA threshold

Monitor transit service	Not required	Required	Required if fixed route service provided and meets the peak vehicle and UZA threshold	Required if fixed route service provided and meets the peak vehicle and UZA threshold
Planning	Not required	Not required	Required	Required
Subrecipients	Monitoring required, unless subrecipient is also a direct recipient	Monitoring required, unless subrecipient is also a direct recipient	<p>Required:</p> <ul style="list-style-type: none"> <li>• Procedures to pass through funding in non-discriminatory manner</li> <li>• Procedures to provide assistance to potential subrecipients</li> </ul> <p>Monitoring required, unless subrecipient is also a direct recipient</p>	<p>Monitoring required, unless subrecipient is also a direct recipient</p> <p>Required if MPO is a <i>primary recipient</i>:</p> <ul style="list-style-type: none"> <li>• Procedures to pass through funding in non-discriminatory manner</li> </ul> <p>Procedures to provide assistance to potential subrecipients</p>
Program Administration	Not required	Not required	Required	Required

# Attachment 5-2. Title VI Requirements-Title VI Program Contents



### Exhibit 11.2

The chart below summarizes the required elements for contents of a Title VI Program based on recipient category.

Type of Transit Provider	Title VI Program Contents
Demand Responsive Transit Provider	<ul style="list-style-type: none"><li>• A copy of the recipient's Title VI notice to the public</li><li>• A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form</li><li>• A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission</li><li>• A public participation plan (PPP) that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission</li><li>• A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance</li><li>• For recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, the recipient must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils</li><li>• Narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions</li><li>• If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility</li></ul>
Fixed Route Transit Provider	<ul style="list-style-type: none"><li>• All elements listed above for Demand Responsive Transit Providers</li><li>• System-wide service standards, including vehicle load, vehicle headway, on time performance, and service availability for each mode</li><li>• System-wide service policies, including transit amenities and vehicle assignment for each mode</li></ul>

Type of Transit Provider	Title VI Program Contents
<p>Fixed Route Transit Provider that:</p> <ul style="list-style-type: none"> <li>operates 50 or more fixed route vehicles in peak service and is located in an Urbanized Area (UZA) of 200,000 or more in population; or has been placed in this category at the discretion of the Director of Civil Rights in consultation with the FTA Administrator.</li> </ul>	<ul style="list-style-type: none"> <li>All elements listed above for Fixed Route Transit Providers and Demand Responsive Transit Providers</li> <li>A demographic analysis of the transit provider's service area. This shall include demographic maps and charts completed since submission of the last Title VI Program that contains demographic information and service profiles</li> <li>Data regarding customer ridership demographics and travel patterns, collected from passenger surveys</li> <li>Results of the monitoring program of service standards and policies and any action taken, including documentation (e.g., a resolution, copy of meeting minutes, or similar documentation) to verify the board's or governing entity or official(s)'s consideration, awareness, and approval of the monitoring results</li> <li>A description of the public engagement process for setting the "major service change policy," disparate impact policy, and disproportionate burden policy</li> <li>A copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the major service change policy and disparate impact policy</li> <li>Results of equity analyses for any major service changes and/or fare changes implemented since the last Title VI Program submission</li> <li>A copy of board meeting minutes or a resolution demonstrating the board's or governing entity or official(s)'s consideration, awareness, and approval of the equity analysis for any service or fare changes required by the circular</li> </ul>

Type of Transit Provider	Title VI Program Contents
States	<ul style="list-style-type: none"> <li>• A copy of the recipient's Title VI notice to the public</li> <li>• A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form</li> <li>• A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission</li> <li>• A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission</li> <li>• A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance</li> <li>• For recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, the recipient must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils</li> <li>• Narrative or description of efforts the recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI Program submissions</li> <li>• If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility</li> <li>• A demographic profile of the state that includes identification of the locations of minority populations in the aggregate</li> <li>• Demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient</li> <li>• An analysis of impacts identified in the demographic maps that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact</li> <li>• A description of the statewide transportation planning process that identifies the transportation needs of minority populations</li> </ul>

Type of Transit Provider	Title VI Program Contents
MPO	<ul style="list-style-type: none"> <li>• A copy of the recipient's Title VI notice to the public</li> <li>• A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form</li> <li>• A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission</li> <li>• A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission</li> <li>• A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance</li> <li>• For recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, the recipient must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils</li> <li>• Narrative or description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI Program submissions</li> <li>• If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility</li> <li>• A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate</li> <li>• A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process</li> <li>• Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient</li> </ul>

Type of Transit Provider	Title VI Program Contents
	<ul style="list-style-type: none"> <li>• An analysis of impacts that identified any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact</li> <li>• A description of the procedures the MPO uses to pass through FTA financial assistance to subrecipients in a nondiscriminatory manner</li> <li>• A description of the procedures the MPO uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations</li> </ul>

## Attachment 5-3. DTR Title VI Program

# **COLORADO DEPARTMENT OF TRANSPORTATION**



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

Colorado Department of Transportation Civil  
Rights and Business Resource Center  
November 2016

## **I. Introduction**

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

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

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

## **II. Program Approval**

CDOT's Division of Transit and Rail's Title VI Program has been developed in accordance with FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients." This program has been approved by the State of Colorado Transportation Commission. The resolution of approval is attached as **Appendix B**.

## **III. Contents**

### **a. Requirement to Notify Beneficiaries of Protection under Title VI**

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

CDOT provides public transit services through Bustang and notices have been placed on all transit vehicles. Notices are also currently posted in the lobby of the CDOT headquarters building and will be posted in all public buildings by the end of the year. CDOT recently had to update its public notices to include the most recent address and contact information for the regional FTA office. CDOT is currently in the process of printing new notices containing this updated information.



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

#### b. Complaint Procedures and Complaint Form

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

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

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

#### c. Transit-Related Title VI Investigations, Complaints and Lawsuits

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

#### d. Inclusive Public Participation

DTR seeks public participation in decision-making during the statewide planning process, which is conducted every four to five years. In order to facilitate inclusive public involvement, DTR follows CDOT's "A Guide to the Transportation Planning and Programming Public Involvement Process" available at <https://www.codot.gov/programs/planning/documents/planning-process/PubInvolvementGuide2015.pdf/view>. This guidance document integrates the principles of Title VI, environmental justice, and access for LEP persons into the public involvement process. The guidance document addresses specific barriers for minority, low-income, and LEP persons to the transportation planning process. Examples of methods discussed in the guidance document for overcoming cultural and language barriers include cultural training for staff, connecting with local community leaders, and providing web content and documents in Spanish.

In the development of Statewide Transit Plan, DTR utilized several approaches for public involvement. CDOT held three Transit Working Group meetings and two open houses were held in each of the transportation planning regions around the state. Outreach varied from website materials, press releases to English and Spanish media, and mailings. Materials (flyers, presentations, comment forms, etc.) were prepared in English and Spanish, translation services for language and hearing impaired were offered, meeting locations were held in ADA accessible facilities, and contact information was provided for those needing assistance.

The Statewide Transit Plan was adopted and finalized in March of 2015. It is currently available on CDOT's website at <http://coloradotransportationmatters.com/other-cdot-plans/transit/plan-documents/>. The website provides the option for translating all material into other several languages other than English. The executive summary of the plan is also available in Spanish and English. Also available on

the website are the public comments received when it was released.

CDOT also seeks public participation when making changes to the Bustang fares and schedules. Although Bustang is a fixed route service, CDOT currently only operates thirteen buses and is therefore not subject to the public participation requirements of Chapter IV of the FTA Title VI Circular. Nonetheless, CDOT uses Facebook, Twitter and the public comment form located on the Bustang website at <http://www.ridebustang.com/customer-feedback-form> to collect public commentary which has influenced operating decisions.

e. Meaningful Access to LEP Persons

CDOT's plan for providing language assistance to individuals with limited English proficiency is attached as **Appendix I**. Additionally, CDOT has provided each subrecipient with a template for completing its LEP plan, which included a breakdown of the Census data applicable to the subrecipient. These resources can be found at <https://www.codot.gov/business/civilrights/DTR>.

f. Minority Representation on Planning and Advisory Boards

The state's transportation system is managed by the Colorado Department of Transportation under the direction of the Transportation Commission. The commission is comprised of 11 commissioners who represent specific districts. Each commissioner is appointed by the Governor, confirmed by the Senate, and serves a four-year term. To provide continuity, the commissioners' term expiration dates are staggered every two years.

Under state law, the powers and duties of the Transportation Commission include:

- Formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state;
- Advising and making recommendations to the Governor and the General Assembly relative to transportation policy; and promulgating and adopting CDOT's budgets and programs, including construction priorities and approval of extensions of abandonments of the state highway system. (The General Assembly appropriates the administrative budget for the Department.

The following is the racial breakdown of the commission membership:

DISTRICT	COMMISSIONER	RACIAL BREAKDOWN	TERM
1	Shannon Gifford	Caucasian	7/13 - 7/17
2	Ed Peterson, Chairman	Caucasian	10/11 - 7/19
3	Gary Reiff	Caucasian	8/09 - 7/17
4	Heather Barry	African American	7/07- 7/17
5	Kathy Gilliland	Caucasian	7/11 – 7/19
6	Kathy Connell	Caucasian	7/11 – 7/19

7	Kathy Hall	Caucasian	7/15-7/19
8	Sidny Zink	Caucasian	7/13 - 7/17
9	VACANT	VACANT	
10	William Thiebaut	Caucasian	4/09 - 7/17
11	Steven Hofmeister	Caucasian	5/12 - 7/19

As part of the transit planning process, the Division convened a Statewide Steering Committee (SSC) to advise the Division during the development of the Statewide Transit Plan. The SSC met five times during the course of the plan development with the final meeting of the group held in June 2014. The following is a breakdown of the SCC:

Name	Agency	Racial Breakdown
Ann Rajewski	CASTA	Caucasian
Jim Souby	ColoRail	Caucasian
Jacob Riger	DRCOG	Caucasian
Matthew Helfant	DRCOG (Alternate)	Caucasian
Vince Rogalski	Gunnison Valley TPR and STAC	Caucasian
Danny Katz	CoPIRG	Caucasian
Craig Blewitt	Mountain Metro Transit	Caucasian
Brian Vitulli	Mountain Metro Transit	Caucasian
Jonathan Hutchinson	Amtrak	African American
Bill Van Meter	RTD	Caucasian
Larry Worth	Former Rural Transit	Caucasian
Suzette Mallette	NFRMPO	Caucasian
Nate Vander Broek	NFRMPO	Caucasian
Jasper Butero, Jr	SC COG AAA	Caucasian
Priscilla "Pete" Frasier	SC COG (Alternate)	Hispanic – Spanish origin
Darren Glover	Prowers County Transit	Caucasian
David Johnson	RFTA	Caucasian

David Peckler	Snowmass Village	Caucasian
Larry Squires / Jennifer Stewart	FTA	Caucasian
Bill Haas	FHWA	Caucasian
Ernest House, Jr.	CO Commission of Indian Affairs	Native American
Eric Bergman	CCI	Caucasian
Mark Radtke	CML	Caucasian
Loren Furman	CO Assoc. of Commerce & Industry	Caucasian
Joan Shaffer	FRONT (Rail advocacy)	Caucasian
Brent Belisle	Via Mobility (Disabled)	Caucasian
Karen Schneiders	CDOT Region 4	Caucasian
Cecilia Garcia/Erik Lacayo	CDOT CRBRC	Hispanic/Hispanic
Michelle Scheuerman	CDOT DTD	Caucasian
Angela Graham	CDOT DTR	Caucasian
Tracey MacDonald	CDOT DTR	Caucasian

Bonnie Peterson	Club 20	Caucasian
Aaron Fodge	CSU	Caucasian

CDOT's Transit and Rail Advisory Committee was created by state statute to provide advice to CDOT and the Division. The committee is appointed by the Executive Director and "shall include such representatives of industries and other groups interested in transit and rail issues and such other individuals as the executive director, in consultation with the commission, deems appropriate; except that the committee shall include, at a minimum, one or more:

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

The following is a breakdown of the Transit and Rail Advisory Committee:

Name	Agency	Racial Breakdown
Terri Binder	Club 20	Caucasian
Craig Blewitt	Mountain Metro Transit	Caucasian
Sara Cassidy	Union Pacific RR	Caucasian
Steve Hurlbert	Central 70 Coalition/local jurisdictions	Caucasian
Rob Eaton	Amtrak	Caucasian
David Johnson	Roaring Fork Transportation Authority	Caucasian
Danny Katz	CoPIRG	Caucasian
Bill Van Meter	RTD	Caucasian
Mike Ogborn	Omnitrix	Caucasian
Ann Rajewski	CASTA	Caucasian
Kurt Ravenschlag	TransFort	Caucasian
Peter Rickershauser	Burlington Northern Santa Fe RR	Caucasian
Matthew Helfant	DRCOG	Caucasian
Vince Rogalski	STAC	Caucasian
Jim Souby	ColoRail	Caucasian
Will Jones	Greely Evans Transit/Small urban areas	Caucasian
Larry Worth	Rural Transit	Caucasian

Additionally, the CDOT Inter-agency Advisory Committee is responsible for reviewing grant applications for Capital projects and selecting the grant recipients. While the committee members vary from year to year, the following is the breakdown of the 2016 committee:

Name	Agency	Racial Breakdown
David Averill	CDOT DTR	Caucasian
Tom Mauser	CDOT DTR	Caucasian
Rob Andresen	CDOT DTR	Caucasian
Kathleen Collins	CDOT DTD	Caucasian

Aaron Greco	CDOT Policy	Caucasian
Katherine Williams*	CDOT CRBRC	Caucasian

\*Ebony Younger Riehl will replace Katherine Williams in December 2016.

g. Subrecipient Assistance and Monitoring

As a state agency, pursuant to Chapter V of the Circular, CDOT is responsible for the oversight of the Title VI programs of its subrecipients. CDOT provides subrecipients with guidance on complying with Title VI requirements by attending grant partner meetings and conferences and providing templates and data to grant partners. This information can be found on CDOT's website at <https://www.codot.gov/business/civilrights/DTR>.

During FFY 2016, CDOT collected Title VI plans from almost all subrecipients and, to date, forty have received concurrence. CDOT is still in the process of reviewing the remainder of Title VI plans and expects to be completed by December 31, 2016. Additionally, during 2016 CRBRC staff attended several site visits to verify Title VI compliance by grant partners. In addition to providing compliance information in the grant partner manual and state management plan, the CRBRC is currently working on standard operating procedures to ensure grant partner compliance.

CDOT recently changed its three year Title VI Program submission schedule, so that it is on the same schedule as the Grantee Information Request. The Grantee Information Request were sent out earlier in 2017 and the subrecipients that receive this request will also have to submit their Title VI Plans by the date listed in the Grantee Information Request, March 31, 2017. This schedule is attached as **Appendix J**. Subrecipient programs will be reviewed by CDOT's Title VI staff in the CRBRC. Copies of all programs, approval dates, and due dates are maintained by the CRBRC.

h. Analysis of Site or Location of Facilities

CDOT is not currently installing a new site or location. CDOT will plan to perform an equity analysis should plans to build new facilities arise. The CRBRC is working with DTR to ensure that all subrecipients timely submit an equity analysis for federally funded projects.

i. Fixed Route Service

In the spring of 2015, CDOT began the operation of its new interregional bus service, Bustang. This service is provided along fixed routes. The purpose of this bus service is to provide transportation for commuters along the I70 and I25 corridors. In September of 2016, Bustang expanded its routes to include a route from Vail, Colorado to Denver, Colorado.

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

j. Demographic Profile of the State, Demographic Maps that Overlay the Distribution of Funds,

and an Analysis of the Impacts on the Basis of Race, Color or National Origin

During the development of the Statewide Transit Plan, CDOT developed a demographic profile and a map of the state that includes the locations of minority populations at the Census tract/block level. CDOT also developed a map showing those minority populations overlaid with the amount of funding received by each county. The demographic profile and maps are attached as **Appendix L**.

CDOT distributes FTA funds and state funds (FASTER) to transit and rail services throughout Colorado. Therefore, demographic data in the 2010-2014 comparison charts are presented at the county level. The demographic maps were built using demographic data at the census tract and/or block group level. The data shows a few counties with larger minority populations that receive a lower percentage of FTA and FASTER funds from CDOT. The reasons for these funding levels are explained below.

Adams County: Adams County has a 46% minority population, which represents 13.6% of Colorado's total minority population. From 2011 to 2013, Adams County, as part of Denver Regional Mobility and Access Council (DRMAC) received \$73,520 in FTA funds from CDOT and received \$1,077,314 in FASTER funds, which represents 1.9% of the total FTA and FASTER funds distributed by CDOT across the state. Western Adams County, which contains the highest percentage of the county's overall minority population is part of the Regional Transportation District's (RTD) service area and receives funds directly from FTA. FTA funds distributed through CDOT are primarily used for rural operators. Adams County received FASTER funds for an RTD park-and-ride facility in the City of Thornton.

Arapahoe County: Arapahoe County has a 36% minority population, which represents 13.8% of Colorado's total minority population. From 2011 to 2013, Arapahoe County, as part of DRMAC, also received \$73,520 in FTA funds from CDOT and received \$516,765 in FASTER funds, which represents 1.0% of the total FTA and FASTER funds distributed by CDOT across the state. Just like Adams County, the western portion of Arapahoe County, which contains the highest percent of the overall minority population, falls within the RTD service area. FASTER funds were used for several light rail station improvements in the county.

Pueblo County: Pueblo County has a 46% minority population, which represents 4.9% of Colorado's total minority population. From 2011 to 2013, Pueblo County received \$377,977 in FTA funds from CDOT and received \$807,438 in FASTER funds, which represents 2.0% of the total FTA and FASTER funds distributed by CDOT across the state. Most of the transit-related activity in the county takes place in the City of Pueblo, which is a small urbanized area. Pueblo Transit, the largest provider in the county, receives money directly from FTA. CDOT provided FTA and FASTER funds to the Pueblo Senior Resource Development Agency for transit vehicles. CDOT also provided \$20,000 in FASTER funds to Pueblo Transit for renovations of their bus terminal.

Weld County: Weld County has a 32% minority population, which represents 5.4% of Colorado's total minority population. From 2011 to 2013, Weld County received \$162,000 in FTA funds from CDOT and received \$387,703 in FASTER funds, which represents 0.9% of the total FTA and FASTER funds distributed by CDOT across the state. Weld County received FTA funds from CDOT until the Weld County transportation program was cut several years ago. Funds that once went to Weld County's transportation program have gone to Greeley-Evans Transit. Also, a portion of Weld County is serviced by RTD, which directly receives FTA funding.

El Paso County: El Paso County has a 28% minority population, which represents 11.5% of Colorado's

total minority population. From 2011 to 2013, El Paso County received \$1,528,595 in FTA funds from CDOT and received \$3,532,626 in FASTER funds, which represents 8.3% of the total FTA and FASTER funds distributed by CDOT across the state. A large portion of El Paso County falls within the Pikes Peak area MPO, which is served by Mountain Metropolitan Transit, which receives direct FTA funding.

The majority of the state's minority population is located in the Denver metro area, which is serviced by RTD. Similarly, El Paso and Pueblo counties are serviced by agencies that also receive direct FTA funding. CDOT does not track the amount of funding that these other agencies receive directly from FTA.

There are several rural counties in Colorado that have a relatively low total population but have a minority population above 40%. These counties are Alamosa, Bent, Conejos, Costilla, Crowley, Dolores, Huerfano, Lake, Las Animas, Otero, Rio Grande, and Saguache. These counties receive a low percentage of the total FTA and FASTER funds distributed by CDOT statewide. Traditionally, these rural communities rarely apply for grants. A likely reason is that many of these communities do not have established transit programs that would qualify for FTA grants from CDOT.

In an effort to increase funding to the Alamosa area, CDOT recently funded a planning grant to Transit Alliance to conduct a "Transit 101" training in the San Luis Valley. CDOT also funds several mobility managers around the state whose job is to coordinate and maximize transit resources.

#### k. Planning Process to Identify the Needs of Minority Populations

In accordance with CDOT's public participation guidance document, the *Guide to the Transportation Planning and Programming Public Involvement Process*, DTR developed a specific public involvement plan to identify the transit needs of Colorado communities, including minority populations, during the statewide transit planning process. The plan includes (1) an engagement strategy with key milestones, (2) stakeholder outreach targeting other transportation officials, community service groups and relevant agencies and (3) public outreach focused on educating and receiving information from the public regarding statewide transit needs. Additionally, the plan identifies specific outreach methods for providing access to LEP persons.

During the planning process, CDOT conducted three Transit Working Group meetings and two open houses in each region. Outreach varied from website materials, mailings and surveys to identify the needs of minority, disabled, elderly, student and other population groups.

As a way of continuing outreach to minority, low-income, and LEP communities for the feedback and ongoing portions of the statewide planning process, CDOT implemented the *Together We Go* effort. This effort includes three phases: telephone town halls for each of the transportation commission districts, discussion based presentations with CDOT's traditional planning partners, and outreach to community partners that serve minority and low-income populations.

#### l. Pass Through of Financial Assistance in a Non-Discriminatory Manner

CDOT is a direct recipient for several FTA transit grant programs. CDOT accepts applications from grantees across the state every year for capital requests and every two years for administration and operating. Notices of Funding Availability (NOFAs) are emailed by CDOT to a list of agency contacts that include transit providers, non-profits, cities, and counties. An example of a NOFA from October

7, 2016 is attached as **Appendix M**.

To ensure that minority populations are made aware of funding availability, DTR and CRBRC are working together to develop a comprehensive list for distributing grant information to organizations that serve minority populations. The distribution list will also be expanded to include transit providers identified by the Statewide Transit Plan that do not currently receive or request CDOT administered FTA assistance.

Grant applications are reviewed and scored by the CDOT Inter-agency Advisory Committee, which determines who receives grant awards. Eligibility requirements and evaluation criteria for grant awards are described in the NOFA (see **Appendix M**). For the operating and administration grants, CDOT has only denied grant requests in instances in which the applicant did not meet federal program eligibility requirements. Civil rights staff participate as a scoring member of the advisory committee and often advocates for areas serving minority populations.

CDOT is currently looking into revising the distribution criteria for 5310 and 5311 grants in order to support the growing subrecipient numbers and the funding demands. Subrecipients serving rural and urban customers are included in these discussions, including two focus groups per grant and a presentation at the fall CASTA conference. It is projected by the next Federal Fiscal Year that CDOT will have a new way of distributing these particular grants.

It is possible that this redistribution may affect grant partners serving minority communities. The CRBRC and DTR have been working together to ensure disparate impacts do not fall on minority populations as a part of the redistribution. The civil rights staff have been invited and have participated in the discussions with DTR regarding the redistribution of funds to ensure potential Title VI issues are addressed.

#### m. Assistance for Potential Grantees

Most assistance provided by the Division to potential grantees occurs in a one-on-one technical assistance format. Division grant coordinators network with potential grantees and encourage applicants to apply. Additionally, when an agency is unable to meet the matching requirements of the federal grant, CDOT provides state FASTER grants to fulfill the match. This resource has been leveraged by many organizations throughout the state.

## IV. Appendices

Appendix A:	Policy Directive 604.0 "Policy on Non-Discrimination"
Appendix B:	Colorado Transportation Commission Resolution (March 20, 2014)
Appendix C:	Notice to Beneficiaries (English)
Appendix D:	Notice to Beneficiaries (Spanish)
Appendix E:	Discrimination Complaint Form (English)
Appendix F:	Discrimination Complaint Form (Spanish)
Appendix G:	Discrimination Complaint Procedure (English)
Appendix H:	Discrimination Complaint Procedure (Spanish)
Appendix I:	CDOT DTR Limited English Proficiency Plan
Appendix J:	Subrecipient Submission Schedule
Appendix K:	System-Wide Service Standards and Policies



Appendix L:	Minority Demographic Profile Data and Maps
Appendix M:	Consolidated Call for Capital Projects Guidance

Appendix A

**Policy Directive 604.0**

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

## **I. Purpose**

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

## **II. Authority**

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

## **III. Applicability**

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

## **IV. Policy**

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

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

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

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

(6) Discrimination in employment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### V. Implementation Plan

1. This Policy Directive shall be effective immediately upon approval by the Transportation Committee.

2. The Civil Rights & Business Resource Center ("CRBRC") shall implement this Policy Directive and will coordinate education and training to ensure compliance with this Policy Directive. All CDOT employees, its contractors, and anyone who acts on behalf of CDOT, including any department or agency to which CDOT extends federal financial assistance, shall be responsible for assuring that the proscribed discrimination does not occur. Should the potential for discrimination be discovered, action to eliminate the potential shall be taken.

3. Notices informing individuals of their rights under this Policy Directive will be posted on CDOT's internal and external webpages, and be displayed in public office areas. These notices will also be consistent with CDOT's policy for communicating with LEP populations.

4. As required by federal law, the CRBRC and regional civil rights staff shall be responsible for acquiring non-discrimination assurances, investigating discrimination complaints, conducting reviews of program areas, and preparing required reports.

#### VI. Review Date

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

Herman J. Hocking III  
Secretary, Transportation Commission

1-22-14  
Effective Date

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## APPENDIX A: Authority for Policy Directive 604.0

### Federal Statutes

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

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

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

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

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

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

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

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

### Federal Regulations

23 CFR §1.36 – Compliance with Federal laws and regulations

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

23 CFR pt. 771 – Environmental Impact and Related Procedures

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

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

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

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

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

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

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

Executive Orders

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

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



Appendix B:

**Colorado Transportation Commission Resolution**

**Resolution #TC-16-11-4**

Approval of DTR Title VI Plan.

**Approved by the Transportation Commission on Nov. 17, 2016.**

**WHEREAS**, CDOT is a recipient of financial assistance from the Federal Transition Administration (FTA); and

**WHEREAS**, in accordance with the FTA Circular 4702.1B, CDOT must prepare and submit a Title VI Program to FTA every three years; and

**WHEREAS**, FTA Circular 4702.1B requires that CDOT's Title VI Program be approved by the State's Secretary of Transportation or the equivalent; and

**WHEREAS**, that equivalent is the State of Colorado Transportation Commission;

**NOW THEREFORE BE IT RESOLVED:**

- The State of Colorado Transportation Commission hereby approves CDOT's Division of Transit and Rail Title VI Program.

  
\_\_\_\_\_  
Herman Stockinger, Secretary  
Transportation Commission

11-17-16  
\_\_\_\_\_  
Date

Appendix C

**Notice to Beneficiaries (English)**



### **Request for Access to CDOT Programs & Activities**

It is CDOT's objective to provide access to CDOT programs and activities for all individuals. The following services are available:

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

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

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

### **Your Rights Against Discrimination**

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

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

<b>CDOT Civil Rights &amp; Business Resource Center</b> 4201 East Arkansas Ave., Room 150 Denver, CO 80222 (800) 925-3427 <a href="mailto:dot_civilrights@state.co.us">dot_civilrights@state.co.us</a>	<b>Federal Highway Administration, Colorado Division</b> 12300 West Dakota Avenue, Suite 180 Lakewood, CO 80228 (720) 963-3000	<b>Federal Transit Administration, Region 8</b> 1961 Stout St., Suite 13-301 Denver, CO 80202 (303) 362-2400
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Si necesita informacion en Espanol, favor contactar (800) 925-3427.

Appendix D:

**Notice to Beneficiaries (Spanish)**



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

El CDOT tiene el objetivo de proporcionar acceso a sus programas y a sus actividades a todas las personas. Están disponibles los servicios siguientes:

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

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

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

## **Sus derechos contra la discriminación**

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

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

<b>CDOT Civil Rights &amp; Business Resource Center</b> 4201 East Arkansas Ave., Room 150 Denver, CO 80222 (800) 925-3427 <a href="mailto:dot_civilrights@state.co.us">dot_civilrights@state.co.us</a>	<b>Federal Highway Administration, Colorado Division</b> 12300 West Dakota Avenue, Suite 180 Lakewood, CO 80228 (720) 963-3000	<b>Federal Transit Administration, Region 8</b> 1961 Stout St., Suite 13-301 Denver, CO 80202 (303) 362-2400
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Appendix E:

**Discrimination Complaint Form (English)**



## Discrimination Complaint Form

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

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

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

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

Are you a CDOT employee? Yes ☒ No ☐

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

### *Who discriminated against you?*

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

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

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### *Where did the discrimination occur?*

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*Dates and times discrimination occurred?*

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*Were there any other witnesses to the discrimination?*

Name	Organization/Title	Work Telephone	Home Telephone

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

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

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

*Do you have an attorney in this matter?*

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

Signed _____ Date _____
-------------------------

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

**Civil Rights & Business Resource Center**  
Title VI Coordinator  
4201 East Arkansas Ave., Room 150  
Denver, CO 80222  
[dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us)  
Phone: (800) 925-3427  
Fax: (303) 952-7088

**CDOT Region 1 Civil Rights Office**  
Regional Civil Rights Manager  
2000 South Holly Street  
Denver, CO 80222  
Phone: (303) 757-9385  
Fax: (303) 365-7033

**CDOT Region 2 Civil Rights Office**  
Regional Civil Rights Manager  
905 Erie Ave.  
Pueblo, CO 81002

**CDOT Region 3 Civil Rights Office**  
Regional Civil Rights Manager  
222 South 6th St.  
Grand Junction, CO 81501-2769

Phone: (719) 546-5432  
Fax: (719) 562-5525

Phone: (970) 683-6227  
Fax: (970) 683-6210

**CDOT Region 4 Civil Rights Office**  
Regional Civil Rights Manager  
1420 2nd Street  
Greeley, CO 80632  
Phone: (970) 350-2107  
Fax: (970) 350-2178

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

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

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

**Federal Transit Administration, Region 8**  
1961 Stout Street, Suite 13-301  
Denver, CO 80202  
Phone: (303) 362-2400  
Fax: (303) 362-2424

Appendix F:

**Discrimination Complaint Form (Spanish)**



### Formulario de quejas por discriminación

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

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

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

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

¿Es empleado de CDOT? Sí ☐ No ☐

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

¿Quién discriminó en su contra?

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

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

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*¿Dónde ocurrió la discriminación?*

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*Indique las fechas y las horas en que ocurrió la discriminación*

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*¿Hubo testigos de la discriminación?*

Nombre	Organización/cargo	Teléfono laboral	Teléfono personal

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

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

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

*¿Tiene un abogado para este tema?*

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

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

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

**Civil Rights & Business Resource Center**

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

**CDOT Region 1 Civil Rights Office**

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

**CDOT Region 2 Civil Rights Office**

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

**CDOT Region 3 Civil Rights Office**

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

**CDOT Region 4 Civil Rights Office**

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

**CDOT Region 5 Civil Rights Office**

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

**También pueden presentarse quejas directamente ante los siguientes organismos:**

**Federal Highway Administration, Colorado Division**

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

**Federal Transit Administration, Region 8**

1961 Stout Street, Suite 13-301  
Denver, CO 80202  
Teléfono: (303) 362-2400  
Fax: (303) 362-2424

Appendix G:

**Discrimination Complaint Procedure (English)**



## **CDOT Discrimination Complaint Procedure**

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

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

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

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

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

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

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

Complaints must be filed in writing within **180 days** from the last date of the alleged discrimination. However, contact the CRBRC if you believe your complaint may fall outside this deadline.

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

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



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

**CDOT CRBRC (Headquarters)**

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

**CDOT Region 1 Civil Rights Office**

Regional Civil Rights Manager  
2000 South Holly Street Denver,  
CO 80222  
Phone: (303) 757-9385  
Fax: (303) 365-7033

**CDOT Region 2 Civil Rights Office**

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

**CDOT Region 3 Civil Rights Office**

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

**CDOT Region 4 Civil Rights Office**

Regional Civil Rights Manager 1420  
2nd Street  
Greeley, CO 80632  
Phone: (970) 350-2107  
Fax: (970) 350-2178

**CDOT Region 5 Civil Rights Office**

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

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

**Federal Highway Administration, Colorado Division**

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

**Federal Transit Administration, Region 8**

1961 Stout Street, Suite 13-301  
Denver, CO 80202  
Phone: (303) 362-2400  
Fax: (303) 362-2424

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

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

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

In some cases, CDOT must forward complaints to either the Federal Highway Administration or Federal Transit Administration for investigation. If your complaint is forwarded to one of these agencies, you will be provided the name and contact information of the federal employee handling your complaint.

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

### **Questions?**

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

## Appendix H

### **Discrimination Complaint Procedure (Spanish)**



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

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

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

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

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

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

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

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

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

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

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

**CDOT CRBRC (Headquarters)**

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

**CDOT Region 1 Civil Rights Office**

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

**CDOT Region 2 Civil Rights Office**

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

**CDOT Region 3 Civil Rights Office**

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

**CDOT Region 4 Civil Rights Office**

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

**CDOT Region 5 Civil Rights Office**

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

También pueden presentarse quejas directamente ante uno de estos organismos:

**Federal Highway Administration, Colorado Division**

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

**Federal Transit Administration, Region 8**

1961 Stout Street,  
Suite 13-301  
Teléfono: (303) 362-2400  
Fax: (303) 362-2424

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

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

Las quejas relacionadas con el empleo en el CDOT serán investigadas por la Oficina de Soluciones Estratégicas de la Fuerza Laboral (Office of Strategic Workforce Solutions) o por el personal de derechos civiles en conformidad con las políticas del CDOT. Todas las demás quejas serán investigadas por el CRBRC o por el personal de derechos civiles y, después de finalizada la investigación, se enviarán las determinaciones formales a la persona que presentó la queja.

Puede especificar si hay personas en específico que piensa que no deben investigar su queja debido a conflictos de intereses u otros motivos.

En algunos casos, el CDOT debe enviar las quejas a la Administración Federal de Carreteras (Federal Highway Administration) o a la Administración Federal de Tránsito (Federal Transit Administration) para su investigación. Si se le envía su queja a alguno de estos organismos, se le proporcionará el nombre y la información de contacto del empleado federal que se ocupará de su queja.

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

### **¿Tiene alguna pregunta?**

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

Appendix I

**CDOT DTR LEP Plan**

**COLORADO DEPARTMENT OF TRANSPORTATION**



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

October 2016



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- II. CDOT's Non-Discrimination Policy
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- IV. The LEP Four Factors
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### **Appendices**

- A. Colorado LEP Demographic Data
- B. Statewide Transit Plan Outreach Materials in English and Spanish
- C. LEP Plan Template for Subrecipients
- D. CTS LanguageLink Interpretation Language List
- E. CTS LanguageLink Translation Language List

## **F. The Purpose of an LEP Plan**

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. Those individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English are considered limited English proficient (LEP).

Language for LEP individuals can be a barrier to accessing important benefits of services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information regarding federally assisted programs or activities. CDOT, as a recipient of federal financial assistance, has an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important services.

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs or activities may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act of 1964. The purpose of an LEP plan is to guide CDOT employees and its agents in taking reasonable steps to provide meaningful access to LEP persons.

This LEP plan has been developed specifically for CDOT's Division of Transit & Rail (DTR). It may be used as guidance for DTR employees, agents, and subrecipients. This plan is intended to improve the internal management of CDOT and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against CDOT.

LEP persons that feel they have been denied meaningful access may file a discrimination complaint based upon national origin under Title VI of the Civil Rights Act. CDOT's discrimination complaint form and complaint procedure can be found at <https://www.codot.gov/business/civilrights>.

## **II. CDOT's Non-Discrimination Policy**

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

Policy Directive 604.0 "Policy on Non-Discrimination" outlines CDOT's general non-discrimination policy, including the obligation to provide access for LEP individuals. Policy Directive 604.0 states that "CDOT shall seek to communicate with LEP populations and provide LEP individuals meaningful access to CDOT programs and activities."

## **III. Authorities**

- Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 200d

- Exec. Order No. 13166, 65 Fed. Reg. 50121 (Aug. 16, 2000) – Improving Access to Services for Persons with Limited English Proficiency
- Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, U.S. Department of Transportation, 70 Fed. Reg. 239 (Dec. 14, 2005)
- Implementing the Department of Transportation’s Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons, Federal Transit Administration (April 13, 2007)
- Policy on Non-Discrimination, Colorado Department of Transportation Policy Directive 604.0 (Jan. 27, 2014)

#### **IV. The LEP Four Factors<sup>1</sup>**

DTR is required to take reasonable steps to ensure meaningful access to its programs and activities for LEP individuals. There is no proscribed list of reasonable steps. Instead, in accordance with federal guidance, in order to determine what language assistance measures should be implemented, DTR must consider and balance the following four factors:

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

The greater the number or proportion of LEP persons in the eligible service population, the more likely language services are needed. The eligible service population includes persons eligible to be served, or likely to be directly affected by the activity. Demographic data about the populations of the service area, past encounters with LEP persons, and information from community organizations, governments, and school systems can all be used to evaluate the service population and the number or proportion of LEP persons likely to be encountered.

*Factor #2: The frequency in which LEP individuals come into contact with the program, service, or activity.*

The agency must consider the frequency with which it has or should have contact with LEP individuals. The more frequent contact or potential contact with LEP persons, the more likely enhanced language services will be needed. If an LEP individual accesses a program or service on a daily basis, there is a greater duty to provide enhanced language services than if the same individual’s contact is unpredictable or infrequent. Additionally, staff should consider whether

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<sup>1</sup> A more detailed outline of the four-factor analysis is available in “Implementing the DOT LEP Guidance: A Handbook for Transit Agencies” available from FTA. Additional guidance can also be found at [www.lep.gov](http://www.lep.gov).

appropriate outreach to LEP persons could increase the frequency of contact with LEP populations.

*Factor #3: The nature and importance of the program, activity, or service provided.*

Language services are more likely needed the more important the activity, information, service, or program because there are greater consequences of the contact to LEP individuals. Staff must determine whether denial or delay of access could have serious implications for the LEP individual. Information from community organizations and past contact with LEP persons can help aid this analysis.

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

The availability and cost of resources must be identified to determine the reasonable steps to provide meaningful access for LEP persons. Identifying available resources includes: (1) creating an inventory of language assistance measures currently being provided; (2) determining what, if any, additional services are needed to provide meaningful access; (3) analyzing the budget for language assistance expenses; and (4) considering cost effective practices for providing language services. “Reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits.

There are two types of language services: interpretation and translation. Interpretation is the act of listening to something in one language and orally translating it into another language. When interpretation is needed and is reasonable, it should be provided in a timely manner to be effective. Translation is the replacement of a written text from one language into an equivalent written text in another language. Because translation is a one-time expense, the upfront cost of the translation should be considered in light of the likely lifespan of the document.

In determining how it will ensure access for LEP persons, the agency must determine how it will provide such language services. Language services should be arranged to provide assistance at a time and place that avoids the imposition of undue burdens or results in the effective denial of the service, benefit, or right at issue. Staff should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Since CDOT is a large statewide entity that serves a significant number of LEP individuals, CDOT “should ensure that the resource limitations are well substantiated before using this fact as a reason to limit language assistance.”<sup>2</sup> Thus, reasons for limiting language assistance based on cost should be documented.

Federal guidance states that vital written materials should be translated for frequently encountered LEP populations. However, the extent of CDOT’s obligation to provide written translations of documents should be determined on a case-by-case basis using the four-factor analysis. The U.S. Department of Transportation’s LEP guidance establishes a “safe harbor,” regarding the

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<sup>2</sup> 70 Fed. Reg. 239 at 74092.

requirement to translate vital documents.<sup>3</sup> A “safe harbor” means that providing written translation under the following circumstances serves as strong evidence of compliance:

- (a) Provide written translation of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.
- (b) If there are fewer than 50 persons in a language group that reaches the 5% trigger, vital written materials do not need to be translated. Rather, staff may provide written notice in the primary language of the LEP group of the right to receive competent oral interpretation of those written materials, free of cost.

Failure to provide translations under the safe harbor does not mean there is noncompliance. The safe harbor is meant to provide greater certainty of compliance than can be provided by the fact-intensive, four-factor analysis. The safe harbor only applies to the translation of written documents. It does not affect the requirement to provide meaningful access to LEP individuals through oral language services.

## **V. DTR’s Four-Factor Analysis**

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

### **Overview of DTR’s programs, services and activities.**

DTR is responsible for the planning, development, operation, and integration of transit and rail in the statewide transportation system. DTR works in coordination with other transit and rail providers to plan, promote, and implement investments in transit and rail services statewide. DTR’s primary activities are (1) statewide transit planning and research, (2) operation of CDOT’s interregional bus service, and (3) distribution and oversight of state and federal grants.

#### **1. Statewide Transit Planning and Research**

CDOT’s first Statewide Transit Plan was adopted in March 2015. The Statewide Transit Plan establishes a framework for creating an integrated state transit system to meet the mobility needs of Coloradans. Development of the Statewide Transit Plan involved frequent interaction with the public in the form of stakeholder meetings, open houses, and public comment periods. In the past DTR has also conducted other research, such as evaluation of rail on the I-70 corridor which

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<sup>3</sup> 70 Fed. Reg. 239 at 74095

requires public feedback and input at both the statewide and regional level.

## 2. Interregional Bus Service

CDOT's interregional bus service, Bustang, began in the summer 2015 and services three routes and an additional limited route. The I-25 North route connects Fort Collins, Loveland, and Denver along I-25. The I-25 South route connects Denver and Colorado Springs. The I-70 route services Glenwood Springs, Vail, Frisco, Lakewood, and Denver along the I-70 corridor. The RamsRoute services the public in Fort Collins and Loveland on Friday's and Sundays. It only operates 62 times per year. Each route is intended to connect riders with local transit agencies between the various state regions. The majority of clients are travelers, commuters, and individuals seeking resources provided in the Denver metro area.

## 3. Distribution and Oversight of State and Federal Grants

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

CDIT is responsible for overseeing the compliance of grant partners. As part of this process, the CRBRC may receive and investigate complaints against subrecipients.

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

The planning and oversight activities of DTR occur in areas throughout the state. Therefore, the geographic boundaries of DTR's functions are the borders of Colorado. According to the data in Appendix A,<sup>4</sup> the most prevalent LEP population in Colorado is Spanish-speaking LEP individuals, who make up 4.66% of Colorado's overall population. During the most recent statewide planning public meetings CDOT made translation services available upon request but no requests were made. Additionally neither DTR or the CRBRC have received complaints or other requests as a result of subrecipient oversight.

The activities of Bustang are intended to serve the statewide community through connections of various transit providers. However, Bustang directly serves certain corridors. Based upon current LEP data, Bustang is likely to encounter a greater number of LEP persons along the routes served.

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<sup>4</sup> Appendix A contains demographic data for LEP individuals at the state and county level. The demographic data is taken from the US Census Bureau's 2010-2014 American Community Survey, Table B16001 "Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over" and includes individuals who do not speak English at home and who speak English "less than very well." Appendix A is also supplemented with data from the Colorado Department of Education.

The North Line, South Line, West line, and all other routes of Bustang, serve counties with more than 8% Spanish speaking LEP populations.

Specifically, along the North line, Bustang serves Denver county and Larimer County. Denver County has a Spanish LEP population greater than 8%. Along the West line Bustang serves Garfield County, Eagle County, Vail County, Summit County, and Denver County. These counties include several resort towns and many of the commuters are employees that work in the resort areas. In looking at the data in Appendix A, Jefferson County, Denver County, and Eagle County have significant percentages of LEP populations. Along the South line Bustang serves Denver County and El Paso County. In looking at the data in Appendix A, Denver County has over 8% LEP populations that speak Spanish.

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

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

DTR is likely to have the most frequency of contact with LEP populations through Bustang. Additionally, Bustang is a very important part of people's lives as it serves commuters up and down the I-25 corridor and those living in the mountain regions seeking services in the metro area.

Additionally, when conducted, transit planning and research should result in frequent contact with LEP persons because both require significant public involvement to be effective. For example, during the last planning period, seventeen public open house meetings were held throughout the rural areas of the state one public open house meeting was held in each urban Metropolitan Planning Organization area; North Front Range (Greeley area), DRCOG (Denver Metro Area), PPACG (Colorado Springs area), PACOG (Pueblo area), and Grand Valley (Grand Junction area). While individuals may not always take advantage of these opportunities, the planning process seeks to accurately identify needs throughout the state and ensure an equitable distribution of funds, therefore it is highly important to ensure access to all persons.

As explained above, those conducting the grant administration will rarely have direct contact with LEP persons. However, not having access to complaint forms and procedures could have a significant negative impact on LEP individuals' lives and is, therefore, of high importance. Additionally, it is possible that in some circumstances, the staff of grant partners representing underserved populations may have limited English proficiency.

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

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

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

- **Translation of Notices for Statewide Planning Meetings:** The process for creating CDOT's Statewide Transit Plan included the translation of various outreach materials into Spanish. Flyers for outreach events with notices of the availability of free translation services were provided in Spanish. Examples are available in Appendix B. Additionally, various components of the statewide plan website<sup>5</sup> are available in Spanish. The website contains a Spanish version of the Statewide Transit Plan's executive summary and a Spanish presentation<sup>6</sup> that was used at public meetings. Both items were professionally translated. The full website is also available in Spanish with Google Translate.<sup>7</sup>
- **Language Assistance for Bustang:** Bustang, CDOT's interregional express bus service, began service in the summer 2015. Schedule and fare information is printed in Spanish and it is available on the buses and at park and ride stations. Schedule and fare information is also be available on the Bustang website,<sup>8</sup> which can be translated into Spanish using Google Translate. Additionally, each bus contains a copy of "Basic Spanish for Transit Employees." CDOT funded the creation of this book, which was produced by the Roaring Fork Transit Authority and Colorado Mountain College. It includes requests and commands that vehicle operators can use in Spanish.

## **VI. DTR Language Assistance Plan**

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

Appendix A contains demographic data for LEP individuals at a statewide and county level which shows that Spanish-speaking LEP individuals make up 4.66% of Colorado's overall population. Therefore, DTR has determined that all documents that are vital to providing meaningful access will be translated into Spanish. At a minimum, vital documents include CDOT's discrimination complaint form and procedures, website information and schedules for Bustang, and public notices and website information for statewide planning. For future statewide activities, DTR will evaluate whether documents are vital and must be translated into Spanish.

### **Statewide Transit Planning**

The next statewide planning cycle is expected to begin in 2019. When the planning cycle commences, DTR will evaluate the then-current LEP data to determine the language assistance

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<sup>5</sup> <http://coloradotransportationmatters.com>

<sup>6</sup> <http://coloradotransportationmatters.com/other-cdot-plans/transit/public-involvement/>

<sup>7</sup> This website is also available in Chinese, French, German, Japanese, Russian, Vietnamese, Arabic, Dutch, Korean, Polish, Portuguese, and Swedish.

<sup>8</sup> [www.ridebustang.com](http://www.ridebustang.com)



services necessary to ensure meaningful access. At a minimum, staff will distribute flyers, surveys, and press releases into any language spoken by an LEP population exceeding 5% of the statewide total. Outreach materials will also state that free language assistance is available upon request. DTR will be prepared to provide translation or interpretation services at outreach events upon request or if there is knowledge that LEP individuals will be attending.

DTR will also continue to make vital planning information available in any language spoken by an LEP population exceeding 5% of the statewide total. The executive summary of the March 2015 Statewide Transit Plan was professionally translated into Spanish and is available at the statewide plan website.<sup>9</sup> Additionally, the full Statewide Transit Plan and other information on the statewide plan website is available in Spanish with Google Translate.<sup>10</sup>

### Interregional Express Bus Service

DTR has identified that information regarding Bustang's routes, schedules, and fares are vitally important to ensure meaningful access to the service. Schedule and fare information is printed in Spanish and made available on the buses and at park and ride stations. Schedule and fare information is also available on the Bustang website,<sup>11</sup> which can be translated into Spanish using Google Translate.

Each bus contains a copy of "Basic Spanish for Transit Employees." Creation of the book was funded by CDOT and produced by the Roaring Fork Transit Authority and Colorado Mountain College. It includes requests and commands that vehicle operators can use in Spanish.

Bustang staff will track customer service issues and respond accordingly to LEP individuals. Tracking customer service issues related language assistance allows Bustang staff to better understand its frequency of contact with LEP individuals and adopt other language assistance measures if necessary.

### Distribution and Oversight of State and Federal Grants

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

### Providing Notice to LEP Persons

DTR is required to notify LEP populations that language assistance is available free of charge. Notice must be provided in languages LEP persons would understand. **Appendix A** contains demographic data for LEP individuals at a statewide and county level. Spanish-speaking LEP

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<sup>9</sup> <http://coloradotransportationmatters.com>

<sup>10</sup> This website is also available in Chinese, French, German, Japanese, Russian, Vietnamese, Arabic, Dutch, Korean, Polish, Portuguese, and Swedish.

<sup>11</sup> [www.ridebustang.com](http://www.ridebustang.com)

individuals make up 4.66% of Colorado's overall population. Therefore, DTR shall continue to provide notice to Spanish-speaking LEP individuals by doing, at minimum, the following:

- Posting CDOT's general accessibility and non-discrimination public notice, which includes information about obtaining free translation and interpretation services in English and Spanish in areas with public access. The English version is attached here as **Appendix E**. The Spanish version, which was professionally translated, is attached here as **Appendix F**.
- Providing notice of free language assistance with public notices in English and Spanish on its buses and on Bustang's website,<sup>12</sup> which is available in Spanish with Google Translate.
- During the statewide transit planning process, flyers for outreach events with notices of the availability of free language assistance shall be distributed in Spanish or any other language spoken by over 5% of the population at the time of the planning process. Examples are available in **Appendix B**.

#### Language Assistance Resources

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

- Bilingual Staff: DTR is encouraged to identify bilingual staff in order to quickly and effectively respond to unexpected encounters with LEP individuals. The CRBRC has two bilingual staff members that may be able to assist TR.
- CDOT Civil Rights & Business Resource Center: DTR is encouraged to consult with the Civil Rights & Business Resource Center (CRBRC) on the development of additional language assistance measures or on how best to respond to specific language assistance requests. The CRBRC may also be able to provide funding and additional resources to DTR for future language assistance measures.
- Language Identification Cards: Language identification cards can be utilized when first encountering someone who needs language assistance. The U.S. Census Bureau's language identification card is available at [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf). Cards can be used by staff to identify the primary language of LEP individuals during face to face contact.
- CTS LanguageLink: The State of Colorado has a price agreement with CTS LanguageLink for professional translation and interpretation services. CTS LanguageLink offers an over-the-phone interpretation service for \$0.62 per minute. A list of languages for the interpretation service is attached as Appendix C. CTS LanguageLink also can translate written documents into more than 100 languages. A list of languages is attached as Appendix D. Each CDOT program area is encouraged to create a free account with CTS

Language list in order to access the over-the-phone interpretation service and to obtain rates for translation services. For more information, contact:

Client Relations

Toll Free [855.779.2704](tel:855.779.2704)

[clientrelations@ctslanguagelink.com](mailto:clientrelations@ctslanguagelink.com)

[www.ctslanguagelink.com](http://www.ctslanguagelink.com)

- Automated Computer Translation: Google Translate and other automated translation services can be a tool for translating basic information in limited circumstances. For example, various CDOT websites can be translated into other languages using Google Translate. However, caution should be used when using automated translation to convey vital information. The U.S. Department of Labor recommends using automated translation only if someone is capable of reviewing and correcting the translation to ensure that it is conveying the intended message.<sup>13</sup> While CDOT's website can be translated into several languages using Google Translate, the website also contains Spanish information that was professionally translated. The Civil Rights & Business Resource Center created a page in Spanish that contains information about the public's rights to equal access and nondiscrimination.<sup>14</sup> The Bustang website can also be translated into Spanish using Google Translate. A Spanish-speaking staff member from the Civil Rights & Business Resource Center will proof read vital information regarding routes, schedules, and fares to confirm the accuracy of these translations.

#### Monitoring and Updating LEP Efforts

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

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

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<sup>12</sup> [www.ridebustang.com](http://www.ridebustang.com)

<sup>13</sup> The U.S. Department of Labor's presentation "Machine Translation: Ensuring Meaningful Access for Limited English Proficient Individuals" (June 24, 2014) discusses the pitfalls of relying on machine translations. [http://www.dol.gov/oasam/programs/crc/062414Machine\\_TranslationWebinar.pdf](http://www.dol.gov/oasam/programs/crc/062414Machine_TranslationWebinar.pdf)

<sup>14</sup> <https://www.codot.gov/business/civilrights/espanol.html>

**LEP Appendix A**  
**Colorado LEP Demographic Data**

Demographic data by county can be found at: <https://www.codot.gov/business/civilrights/DTR>

**Colorado Regional LEP Demographic Data**

Colorado has a total population of 4,860,145 people. Colorado has a total Limited English Proficient (LEP) population of 310,065, which is 6.4% of Colorado's overall population. The following table shows the top five languages spoken by LEP persons in Colorado and their percentage of the total Colorado population, according to the U.S. Census Bureau.<sup>15</sup>

Language	Number of LEP Persons	Percent of Colorado Population
Spanish	226,453	4.66%
Vietnamese	12,078	0.25%
Chinese <sup>16</sup>	10,489	0.22%
Korean	8,475	0.18%
African Languages <sup>17</sup>	7,932	0.17%

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

CDOT is geographically structured into five Transportation Regions. The following pages contain LEP demographic data for each CDOT Transportation Region and the counties within in each region using U.S. Census data for people who do not speak English as their primary language and speak English “less than very well.”

Census data is also supplemented with data from the Colorado Department of Education.<sup>18</sup> The presence of English Language Learners in schools may indicate the presence of greater LEP populations. In addition to the languages listed in the U.S. Census tables, the following pages also list additional languages found in the school data.

**CDOT Region 1**

CDOT Region 1 is comprised of the five counties listed in the table below. LEP individuals make up 8.8% of Region 1's total population. LEP individuals that speak Spanish represent 6.4% of Region 1's population. Adams, Arapahoe, and Denver counties have the largest Spanish-speaking LEP populations in Region 1. Other prevalent LEP populations in Region 1 include Vietnamese, Russian, and Korean speakers.

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<sup>15</sup> Data tabulated by the Migration Policy Institute, “Limited English Proficient Individuals in the United States: Linguistic Diversity at the County Level (February 2013).” Data was tabulated using the US Census Bureau’s 2010-2014 American Community Survey, Table B16001 “Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over.” For more information about LEP data, visit [http://www.lep.gov/demog\\_data/demog\\_data.html](http://www.lep.gov/demog_data/demog_data.html).

<sup>16</sup> The US Census Bureau groups the following languages under the “Chinese” language category: Chinese, Hakka, Kan, Hsiang, Cantonese, Mandarin, Fuchow, Formosan, and Wu.

<sup>17</sup> The US Census Bureau’s “African language” classification includes Amharic, Afro-Asiatic languages, Nilo-Saharan languages, and Niger-Congo languages. For a full listing of these languages, visit <https://www.census.gov/hhes/socdemo/language/about/>.

<sup>18</sup> Colorado Department of Education, English Language Learner student count, grades preschool through 12, October 2016. This data is available upon request from CDOT’s Civil Rights & Business Resource Center.

Region 1, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>19</sup>
<b>Adams</b>	424,235	52,820 (12.45%)	44,305 (11.2%)	Vietnamese (2,136 people) Russian (1,000) Chinese (700) African Languages (500)
<b>Arapahoe</b>	556,245	50,332 (9.05%)	28,310 (5.09%)	Korean (3,467) African Languages (2,900) Russian (2,181) Vietnamese (2,462) Chinese (1,873) Arabic (1,248) Other Asian <sup>20</sup> (1,456) Other Indic <sup>21</sup> (624) French (813) Tagalog (567)
<b>Broomfield</b>	50,287	2,601 (4.7%)	1,388 (2.51%)	-
<b>Clear Creek</b>	8,722	26	18	-
<b>Denver</b>	589,391	67,832 (11.51%)	51,593 (8.75%)	Chinese (1,975) Russian (1,653) Other Indic languages (915) Vietnamese (3,868) Arabic (1,191) African Languages (2,127) Other Asian (750)
<b>Douglas</b>	279,291	6,896 (2.47%)	3,198 (1.15%)	Chinese (894) Korean (666)
<b>Gilpin</b>	5,295	66 (1.25%)	66	-
<b>Jefferson</b>	516,473	16,844 (3.26%)	9,213 (1.78%)	Vietnamese (1,600) Chinese (600) Russian (500) Korean (500)
<b>Region 1</b>	2,429,939	197,417 (8.1%)	138,091 (5.6%)	

In addition to the languages listed in the table on the previous page, school data indicates the presence of the following language population groups:<sup>22</sup>

**Adams County:** Hmong.

**Arapahoe County:** Arabic, Amharic, Burmese, Karen Pa'o, Nepali and Somali.

<sup>5</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>20</sup> The US Census Bureau's "Other Asian languages" classification includes Turkic languages, Dravidian languages, and Tibetan-Burman languages. For a full listing of these languages, visit <https://www.census.gov/hhes/socdemo/language/about/>.

<sup>21</sup> For a full listing the US Census Bureau's "Other Indic languages," visit <https://www.census.gov/hhes/socdemo/language/about/>.

<sup>22</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

**City and County of Denver:** Burmese, Karen Pa'o, French, Nepali, Swahili, and Tigrigna.

**Douglas County:** Somali.

## CDOT Region 2

CDOT Region 2 is comprised of the 14 counties listed in the table below. LEP individuals make up 4% of Region 2's population. The largest LEP group is Spanish at 3.6%. Most of the Spanish-speaking LEP population in Region 2 is found in El Paso and Pueblo counties.

Region 2, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>23</sup>
<b>Baca</b>	3,498	89 (2.8%)	71	-
<b>Bent</b>	5,757	425 (7.38%)	402(6.98%)	-
<b>Crowley</b>	5,351	472 (8.82%)	454(8.48%)	-
<b>Custer</b>	4143	9 (0.22%)	9 (0.22%)	-
<b>El Paso</b>	599,826	22932(3.82%)	14582(2.43%)	Korean (1,742 people) German (659) Tagalog (542) Chinese (931) Vietnamese (930) Arabic (513)
<b>Fremont</b>	44,891	2,675 (5.96%)	2,028(4.52%)	-
<b>Huerfano</b>	6,367	251 (3.94%)	204 (3.20%)	-
<b>Kiowa</b>	1,322	7 (0.53%)	7 (0.53%)	-
<b>Las Animas</b>	14,030	508(3.62%)	415 (2.96%)	-
<b>Otero</b>	17,530	996 (4.5%)	885 (5.05%)	-
<b>Park</b>	15,525	164(1.06%)	139 (0.90%)	-
<b>Prowers</b>	11447	775 (6.77%)	688 (6.01%)	-
<b>Pueblo</b>	150,658	6,632(4.40%)	5800(3.58%)	-
<b>Teller</b>	22,356	235 (1.06%)	111 (0.50%)	-
<b>Region 2</b>	902,701	36,170 (4.0%)	25,795(2.8%)	

In addition to the languages listed in the table above, school data indicates the presence of the following language population groups:<sup>24</sup>

**EL Paso County:** Nepali.

<sup>23</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>24</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

### CDOT Region 3

CDOT Region 3 is comprised of the 15 counties listed in the table below. LEP individuals make up 6.5% of Region 3's total population. LEP individuals that speak Spanish represent 5.7% of Region 3's population. The majority of the Spanish-speaking LEP population in Region 3 is located in Eagle and Garfield counties.

Region 3, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>25</sup>
<b>Delta</b>	28,813	1,087 (3.8%)	975 (3.4%)	-
<b>Eagle</b>	49,414	6,220 (12.6%)	5,780 (11.7%)	-
<b>Garfield</b>	52,410	5,094 (9.7%)	4,943 (9.4%)	-
<b>Grand</b>	13,704	300 (2.2%)	174 (1.2%)	-
<b>Gunnison</b>	14,752	317 (2.1%)	238 (1.6%)	-
<b>Hinsdale</b>	806	0	0	-
<b>Jackson</b>	1,334	9 (0.7%)	9 (0.7%)	-
<b>Lake</b>	6,753	716 (10.6%)	626 (9.2%)	-
<b>Mesa</b>	137,942	3,797(2.7%)	3,177 (2.3%)	-
<b>Moffat</b>	12,322	696 (5.6%)	635 (5.1%)	-
<b>Montrose<sup>26</sup></b>	38,534	1,988 (6.3%)	1,899(6.0%)	-
<b>Pitkin</b>	16,503	667(4.0%)	469(2.8%)	-
<b>Rio Blanco</b>	6,287	221 (3.3%)	209 (3.3%)	-
<b>Routt</b>	22,354	592(2.6%)	307 (1.3%)	-
<b>Summit</b>	27,051	1,940 (7.2%)	1828(6.7%)	-
<b>Region 3</b>	428979	23,644 (5.5%)	21,269 (4.9%)	-

In addition to the languages listed in the table above, school data indicates the additional presence of the following language population groups:<sup>27</sup>

**Gunnison County:** Cora, El Nayar.

Note: CDOT Region 3 includes counties with many tourists and seasonal workers. The data here does not reflect the languages likely to be encountered because of these groups.

<sup>25</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>26</sup> Parts of Montrose County are located in CDOT Region 3 and Region 5. However, for this LEP Plan, Montrose County data is analyzed as part of Region 3 because much of the county's population, including the City of Montrose, is located in Region 3.

<sup>27</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.



## CDOT Region 4

CDOT Region 4 is comprised of the 13 counties listed in the table below. LEP individuals make up 5.5% of Region 4's total population. LEP individuals that speak Spanish represent 4.5% of Region 4's population. The majority of the Spanish-speaking LEP population in Region 4 is located in Boulder, Larimer, and Weld counties.

### Region 4, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>28</sup>
Boulder	289,106	16,085 (6.2%)	12,800 (4.6%)	Chinese (1,194 people) Korean (536)
Cheyenne	1,988	77 (4.8%)	75	-
Elbert	21,517	301 (1.34%)	185 (0.82)	-
Kit Carson	7,592	480 (6.32%)	465 (6.12%)	-
Larimer	294,054	6,534 (2.22%)	4,324 (1.47%)	-
Lincoln	5,193	354 (6.82%)	329 (6.34%)	-
Logan	21,476	938 (4.37%)	890 (4.14%)	-
Morgan	26,222	3,416 (13.03%)	3,042 (11.60%)	-
Phillips	4,084	524 (12.86%)	518 (12.68%)	-
Sedgwick	2,244	63 (2.81%)	59 (2.63%)	-
Washington	4,531	109 (2.41%)	109 (2.41%)	-
Weld	245,113	17,368 (7.09%)	15,607 (6.37%)	-
Yuma	9,303	744 (8.0%)	738 (7.93%)	-
Region 4	932,423	46,993 (5.0%)	39,141 (4.2%)	

In addition to the languages listed in the table above, school data indicates the presence of the following language population groups:<sup>29</sup>

**Morgan County:** Somali.

**Weld County:** Burmese, Karen Pa'o, Somali.

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<sup>28</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>29</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

## CDOT Region 5

CDOT Region 5 is comprised of the 14 counties<sup>30</sup> listed in the table below. LEP individuals make up 3.3% of Region 5's total population. LEP individuals that speak Spanish represent 2.3% of Region 5's population.

### Region 5, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>31</sup>
Alamosa	14,937	1,051 (7.04%)	957 (6.41%)	-
Archuleta	11,516	276 (0.9%)	176 (1.53%)	-
Chaffee	17,374	562 (1.8%)	559 (3.2%)	-
Conejos	7,600	604 (7.9%)	575 (7.5%)	-
Costilla	3,416	408 (11.94%)	395 (11.56%)	-
Dolores	1,671	2 (0.12%)	0	-
La Plata	49,689	731 (1.47%)	524 (1.05%)	-
Mineral	695	5 (0.72%)	5 (0.72%)	-
Montezuma	23,997	470 (2.1%)	265 (1.10%)	-
Ouray	4,418	54 (1.22%)	44 (1.0%)	-
Rio Grande	11,079	751 (7.2%)	715 (6.3%)	-
Saguache	5,806	655 (11.28%)	637 (10.97%)	-
San Juan	623	12 (1.93%)	12 (1.93%)	-
San Miguel	7,194	259 (3.6%)	248 (3.45%)	-
Region 5	160,015	5,840 (3.6%)	5,112 (3.2%)	

In addition to the languages listed in the table above, school data indicates the presence of the following language population groups:<sup>32</sup>

**Alamosa:** Eastern Q'anjob'al.

**Montezuma:** Navajo.

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<sup>30</sup> A part of Montrose County is also located in CDOT Region 5. However, for this LEP Plan, Montrose County data is analyzed as part of Region 3 because much of the county's population, including the City of Montrose, is located in Region 3.

<sup>31</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>32</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

**LEP Appendix B**  
**Statewide Transit Plan Outreach Materials in English and Spanish**



# You're Invited...

...to the CDOT Statewide Transit Plan Public Open House!

CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

**Please join us for the public open house in your area:**

**Date:** Wednesday May 21, 2014

**Location:** Emergency Service Center  
101 W. 10th Street, First Floor - Room 144  
Pueblo, CO 81003

**Time:** 5:00 pm - 7:00 pm

Open House format with presentations at 5:30 pm and 6:30 pm

This is a joint public open house for the CDOT Statewide Transit Plan and the Pueblo Area Council of Governments 2040 Regional Transit Element.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

**Can't make the meeting?**

View materials and provide comments at our project website: <http://coloradotransportationmatters.com/other-cdot-plans/transit/>  
Comments can also be made using the CDOT PinTool at: <http://dtdapps.coloradodot.info/pintransit>



# Lo invitamos...

...a la reunión pública sobre el Plan Estatal de Transporte Público de CDOT

El Plan Estatal de Transporte Público de CDOT responde a las necesidades locales y regionales de tránsito y de transporte para personas en su región y en todo el estado. ¡Su opinión será muy valiosa!

**Participe de esta reunión pública en su área.**

**Fecha:** Miércoles 21 de mayo de 2014

**Lugar:** Emergency Service Center  
101 W. 10th Street, primer piso - Sala 144  
Pueblo, CO 81003

**Hora:** 5:00 pm - 7:00 pm

Reunión informal con presentaciones a las 5:30 pm y 6:30 pm.

Esta es una casa abierta pública conjunta para el Plan de Tránsito CDOT Estatal y el Consejo de Pueblo Area de gobiernos 2040 Element Regional Transit.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

**Si no puede asistir a la reunión,**

lo invitamos a que revise los materiales y comparta sus comentarios en el sitio del proyecto: <http://coloradotransportationmatters.com/other-cdot-plans/transit/>  
Los comentarios también se pueden hacer usando el sistema PinTool de CDOT en <http://dtdapps.coloradodot.info/pintransit>





**COLORADO**  
Department of  
Transportation

# You're Invited...

## ...to the CDOT Statewide Transit Plan Public Open House!

CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

**Please join us for the public open house in your area:**

**Date:** Wednesday May 14, 2014

**Location:** Pikes Peak Area Council of Governments (PPACG)  
Conference Room  
14 S. Chestnut Street  
Colorado Springs, CO

**Time:** 5:30 pm - 7:00 pm

Open House format with presentation at 6:00 pm



**Pikes Peak Area  
Council of Governments**  
Communities Working Together



**THE CITY OF  
COLORADO  
SPRINGS  
PROJECT**  
MAKING PROGRESS  
WITH YOUR TAX  
DOLLARS



This is a joint public open house for the CDOT Statewide Transit Plan and the PPACG 2040 Regional Transportation Plan.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

### Can't make the meeting?

View materials and provide comments at our project website: <http://coloradotransportationmatters.com/other-cdot-plans/transit/>  
Comments can also be made using the CDOT PinTool at: <http://dtdapps.coloradodot.info/pintransit>



**COLORADO**  
Department of  
Transportation

# Lo invitamos...

## ...a la reunión pública sobre el Plan Estatal de Transporte Público de CDOT

El Plan Estatal de Transporte Público de CDOT responde a las necesidades locales y regionales de tránsito y de transporte para personas en su región y en todo el estado. ¡Su opinión será muy valiosa!

**Participe de esta reunión pública en su área.**

**Fecha:** Miércoles 14 de mayo de 2014

**Lugar:** Pikes Peak Area Council of Governments (PPACG)  
Conference Room  
14 S. Chestnut Street  
Colorado Springs, CO

**Hora:** 5:30 pm - 7:00 pm

Reunión informal con una presentación a las 6:00 pm.



**Pikes Peak Area  
Council of Governments**  
Communities Working Together



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Esta es una casa abierta pública conjunta para el Plan de Tránsito CDOT Estatal y el Plan Regional de Transporte PPACG 2040.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

### Si no puede asistir a la reunión,

lo invitamos a que revise los materiales y comparta sus comentarios en el sitio del proyecto: <http://coloradotransportationmatters.com/other-cdot-plans/transit/>  
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CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

Please join us for the public open house in your area:

**Date:** Wednesday May 7, 2014

**Location:** Greeley Ice Haus  
900 8th Avenue  
Greeley, CO 80631

**Time:** 5:00 pm - 7:00 pm

Open House format with presentations at 5:30 pm and 6:30 pm



This is a joint public open house for the CDOT, the North Front Range MPO and Greeley-Evans Transit. For further information on the NFRMPO 2040 Regional Transit Element, please contact Nate Vander Broek at NFRMPO (970) 416-2309. For information on GET, please contact Will Jones at (970) 350-9751.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

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Participe de esta reunión pública en su área.

**Fecha:** Miércoles 7 de mayo de 2014

**Lugar:** Greeley Ice Haus  
900 8th Avenue  
Greeley, CO 80631

**Hora:** 5:00 pm - 7:00 pm

Reunión informal con presentaciones a las 5:30 pm y 6:30 pm.



Esta es una casa abierta pública conjunta para el CDOT, la North Front Range MPO y tránsito de Greeley-Evans. Para más información sobre el 2040 NFRMPO Elemento de tránsito regional, por favor póngase en contacto con Nate Vander Broek en NFRMPO (970) 416 4924. Para obtener información sobre GET, póngase en contacto con Will Jones al (970) 350-9751.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

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CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

Please join us for the public open house in your area:

**Date:** Wednesday May 28, 2014

**Location:** Grand Valley Transit Operations Building  
525 South 6th Street, 2nd Floor  
Grand Junction, CO 81501

**Time:** 5:00 pm - 7:00 pm

Open House format with presentations at 5:30 pm and 6:30 pm



This is a joint public open house for the CDOT Statewide Transit Plan and the Grand Valley Metropolitan Planning Organization and Grand Valley Transit 2040 Regional Transportation Plan.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

### Can't make the meeting?

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Participe de esta reunión pública en su área.

**Fecha:** Miércoles 28 de mayo de 2014

**Lugar:** Grand Valley Transit Operations Building  
525 South 6th Street, 2nd Floor  
Grand Junction, CO 81501

**Hora:** 5:00 pm - 7:00 pm

Reunión informal con presentaciones a las 5:30 pm y 6:30 pm.



Esta es una casa abierta pública conjunta para el Plan Estatal de Tránsito CDOT y la Organización de Planificación Metropolitana de Grand Valley y Grand Valley Transit 2040 Plan de Transporte Regional.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

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CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

Please join us for the public open house in your area:

**Date:** Monday May 12, 2014

**Location:** CDOT Headquarters - Shumate Building  
(located behind the main building along Birch Avenue)  
4201 E. Arkansas Ave.  
Denver, CO 80222

**Time:** 5:00 pm - 7:00 pm

Open House format with presentations at 5:30 pm and 6:30 pm



This is a joint public open house for the CDOT Statewide Transit Plan and the Denver Regional Council of Governments 2040 Metro Vision Regional Transportation Plan.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

### Can't make the meeting?

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Comments can also be made using the CDOT PinTool at: <http://dtdapps.coloradodot.info/pintransit>



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## ...a la reunión pública sobre el Plan Estatal de Transporte Público de CDOT

El Plan Estatal de Transporte Público de CDOT responde a las necesidades locales y regionales de tránsito y de transporte para personas en su región y en todo el estado. ¡Su opinión será muy valiosa!

Participe de esta reunión pública en su área.

**Fecha:** Lunes 12 de mayo de 2014

**Lugar:** CDOT Headquarters - Shumate Building  
(situado detrás del edificio principal a lo largo de Birch Avenue)  
4201 E. Arkansas Ave.  
Denver, CO 80222

**Hora:** 5:00 pm - 7:00 pm

Reunión informal con presentaciones a las 5:30 pm y 6:30 pm.



Esta es una casa abierta pública conjunta para el Plan de Tránsito CDOT Estatal y el Consejo Regional de Gobiernos de Denver 2040 Metro Plan de Transporte Regional Vision.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

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**LEP Appendix C**  
**CTS LanguageLink Interpretation Language List**

## INTERPRETATION LANGUAGE LIST

CTS LanguageLink provides spoken Interpretation Services in 240+ languages and/or dialects. If you do not see your target language listed here, please contact a CTS LanguageLink representative for more information at +1 800-208-2620.

<b>A</b>	Acholi	Duala	Ho
	Afrikaans	Dutch	Hunanese
	Akan	Edo	Hungarian
	Albanian	<b>E</b> Efik	<b>I</b> Iban
	American Sign Language	Estonian	Ibang
	Amharic	Ethiopian	Icelandic
	Arabic	Ewe	Igbo (Ibo)
	Armenian	<b>F</b> Farsi (Persian)	Ilocano
	Ashanti	Fijian	Indonesian
	Assyrian	Filipino	Italian
	Azerbaijani	Finnish	<b>J</b> Jaaxanke
<b>B</b>	Bambara	Flemish	Jakartanese
	Basque	French	Japanese
	Bassa	French Canadian	Javanese
	Behdini	French Creole	<b>K</b> Kakwa
	Belarusian	Frisian (West)	Kanjobal
	Bengali	Fujianese	Kankanay
	Bosnian	Fukinese	Kannada
	Bulgarian	Fula	Karen
	Burmese	Fulani	Kashmiri
<b>C</b>	Cantonese	Fuzhou	Kayah
	Cape Verde	<b>G</b> Ga	Kazakh
	Catalan	Gaelic	Khmer (Cambodian)
	Cebuano	Ganda	Kikamba
	Chabacano	Garre	Kikuyu
	Chaldean	Georgian	Kinyarwanda
	Cham	German	Kirghiz
	Chamorro	Gilaki	Kirundi
	Chau-jo	Grebo	Korean
	Cherokee	Greek	Kosrae
	Chinese	Greenlandic	Kpelle
	Choujo	Gujarati	Krahn
	Chuukese	<b>H</b> Haitian Creole	Kurdish
	Creole	Haka Burmese	<b>L</b> Lakota
	Croatian	Hakka	Laotian
	Czech	Harari	Latin
<b>D</b>	Danish	Hausa	Latvian
	Dari (Persian)	Hebrew	Lebanese
	Dimli	Hindi	Liberian
	Dinka	Hmong	Lingala

**CALL +1 800-208-2620**  
[www.ctslanguagelink.com](http://www.ctslanguagelink.com) | [facebook.com/ctslanguagelink](https://facebook.com/ctslanguagelink)

**CTS languagelink**  
 We speak your customer's language  
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M	Lithuanian	Q	Papiamentu	T	Tagalog
	Luganda		Pashto		Tahitian
	Luo (Dhuluo)		Polish		Taiwanese
	Maay		Ponapean		Tajiki
	Macedonian		Portuguese		Tamal
	Malagasy		Portuguese Brazilian		Tamang
	Malay		Portuguese Creole - Cape Verdean Creole		Tamil
	Malayalam		Potwari		Tarasco
	Malaysian		Pulaar		Tatar
	Maltese		Punjabi		Telugu
N	Mam	R	Quechua	U	Teochew
	Mandarin		Quiche		Thai
	Mandingo		Rhade		Thai Dam
	Mandinka		Romanian		Tibetan
	Mankon		Rundi		Tigrigna - Tigrinya
	Marathi		Russian		Toishanese
	Marshallese	S	Samoan		Tokelau
	Maylay		Sara		Tongan
	Meru		Serbian		Trukese (Chuukese)
	Mien		Serbo Croatian	V	Tshiluba
	Mina		Shanghainese		Tsonga
	Mixteco		Shona		Tswana
	Mixteco Alto		Sichuan		Turkish
	Mixteco Bajo		Sicilian		Turkmen
	Moldovan		Sindhi		Twi
	Mongolian		Sinhala		Ukrainian
	Moroccan Arabic		Sinhalese		Urdu
	Myanmar		Slovak		Uzbek
	Nahuati		Slovenian		Vangali
O	Navajo		Somali		Vietnamese
	Nepali		Soninke	W	Visayan (Cebuano)
	Newari		Sorani		Welsh
	Nigerian		Sotho		Wolof
	Norwegian		Spanish (European)		Wu
	Nuer		Spanish (Latin America)		Yi
	Ojibay		Spanish (Mexican)		Yiddish
	Oromifa		Sudanese	Z	Yoruba
	Oromo		Swahili		Zapoteco
	Pahari		Swedish		Zulu
	Palauan		Syrian		
	Pampangan				

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**CTS language link**  
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## TRANSLATION LANGUAGE LIST

A	Afrikaans
	Albanian
	Amharic
	Arabic
	Armenian (Eastern & Western)
B	Azerbaijani (Azeri)
	Belarusan
	Bengali
	Bosnian
	Bulgarian
C	Burmese
	Cambodian (Khmer)
	Cape Verdean
	Catalan
	Cebuano
D	Chamorro
	Chinese (Simplified)
	Chinese (Traditional)
	Chuukese
	Croatian
E	Czech
	Danish
	Dari
	Dutch
	Dzongkha (Bhutanese)
F	Estonian
	Farsi (Persian)
	Finnish
	Flemish
	French (African)
G	French (Canadian)
	French (European)
	Fula
	Georgian
	German
H	Greek
	Hebrew

R	Portuguese (European)
	Punjabi (Panjabi)
	Romanian
S	Russian
	Rwanda
	Samoan
	Serbian
	Sinhala (Sinhalese)
	Slovak (Slovakian)
	Slovene (Slovenian)
	Somali
	Soninke
	Spanish (European)
T	Spanish (Latin American)
	Spanish (Mexican)
	Swahili
	Swedish
	Tagalog (Filipino)
	Tajik
	Tamil
	Thai
	Tibetan
	Tigrinya
U	Tongan
	Turkish
	Twi
	Ukrainian
V	Urdu
	Uzbek
W	Vietnamese
	Welsh
Y	Wolof
	Yiddish
Z	Yoruba
	Zande (Kizande)
	Zulu

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Appendix J  
**Subrecipient Submission Schedule**

## DTR Title VI Review Schedule

<b>Grant Partners</b>	<b>Title VI Plans Due 2017</b>	Title VI Plans Due 2018	Title VI Plans Due 2019
RMHC	March 31, 2017		
Archuleta County	March 31, 2017		
Durango	March 31, 2017		
Avon	March 31, 2017		
Eagle County	March 31, 2017		
Glenwood Springs	March 31, 2017		
Broomfield	March 31, 2017		
CNDC/DRMAC	March 31, 2017		
Eastern Colorado COG	March 31, 2017		
Baca County	March 31, 2017		
Bent County	March 31, 2017		
Grand County COA	March 31, 2017		
Winter Park	March 31, 2017		
Breckenridge	March 31, 2017		
Routee County COA	March 31, 2017		
Mountain Village	March 31, 2017		
San Miguel County	March 31, 2017		
Telluride	March 31, 2017		
SRDA	March 31, 2017		
La Junta	March 31, 2017		
SCCOG	March 31, 2017		
DRCOG	March 31, 2017		
Grand Valley MPO		February 1, 2018	
Pikes Peak	March 31, 2017		
NFRMPO		February 2018	
Black Hawk		February 2018	

All Points Transit		February 2018	
Aspen		February 2018	
Fort Collins, City of		February 2018	
Greely, City of		February 2018	
Community Connections		February 2018	
Prowers County		February 2018	
La Plata		February 2018	
SWCCOG		February 2018	
RFTA		February 2018	
Summit County (Summit Stage)		February 2018	
Discover Goodwill		February 2018	
Silvery Key		February 2018	
Via Mobility		February 2018	
Steamboat Springs		February 2018	
UAACOG		February 2018	
Castle Rock Senior Center			February 2019
Las Animas County Rehab			February 2019
Horizon Specialized Services			February 2019
Developmental pathways			February 2019
Cripple Creek			February 2019
Lakewood			February 2019
Pueblo			February 2019
Inspiration Fields			February 2019
Neighbor to Neighbor			February 2019
Lake County			February 2019
NWCCOG			February 2019
Teller Senior Coalition			February 2019
Gunnison Valley RTA			February 2019
Mountain Express			February 2019
NECALG			February 2019
SRC			February 2019
Snowmass Village			February 2019
Dolores County			February 2019
Montezuma County			February 2019

SUCAP			February 2019
Amblicab			February 2019
Fountain Valley Senior Center			February 2019
Douglas County			

Appendix K  
**Bustang Service Standards and Policies**

## Bustang Service Standards and Policies

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

### Vehicle Load Standards

All of the Bustang buses are 51-passenger coaches with a capacity of one person per seat. This changes if a mobility device (i.e. wheel chair, or scooter) is loaded. Once a mobility device is loaded onto the buses 6 seats are no longer available and only 45 passengers can be seated. Each bus can carry 2 mobility devices.

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

### Vehicle Headway Standards

The amount of time between two vehicles traveling in the same direction on a given line or combination of lines. Service operates on three separate routes between every 10 minutes to 50 minutes from the early morning to late in the evening, five days a week for the I-25 North and South lines. The I-70 west line operates seven days a week and runs between every 20 minutes. Please see an attached route schedule at <http://www.ridebustang.com/routes>.

### On-Time Performance Standards

100% of the Bustang buses will complete their established runs no more than 10 minutes late in comparison to the established schedule. If a Bus is running late, Bustang will use its social media outlets to notify the public.

### Service Availability Standards

Bustang service availability is based upon accessible park and rides and stations located along the respective commuter routes.

## **System-Wide Policies**

### Vehicle Assignment Policy

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

### Amenities Policy

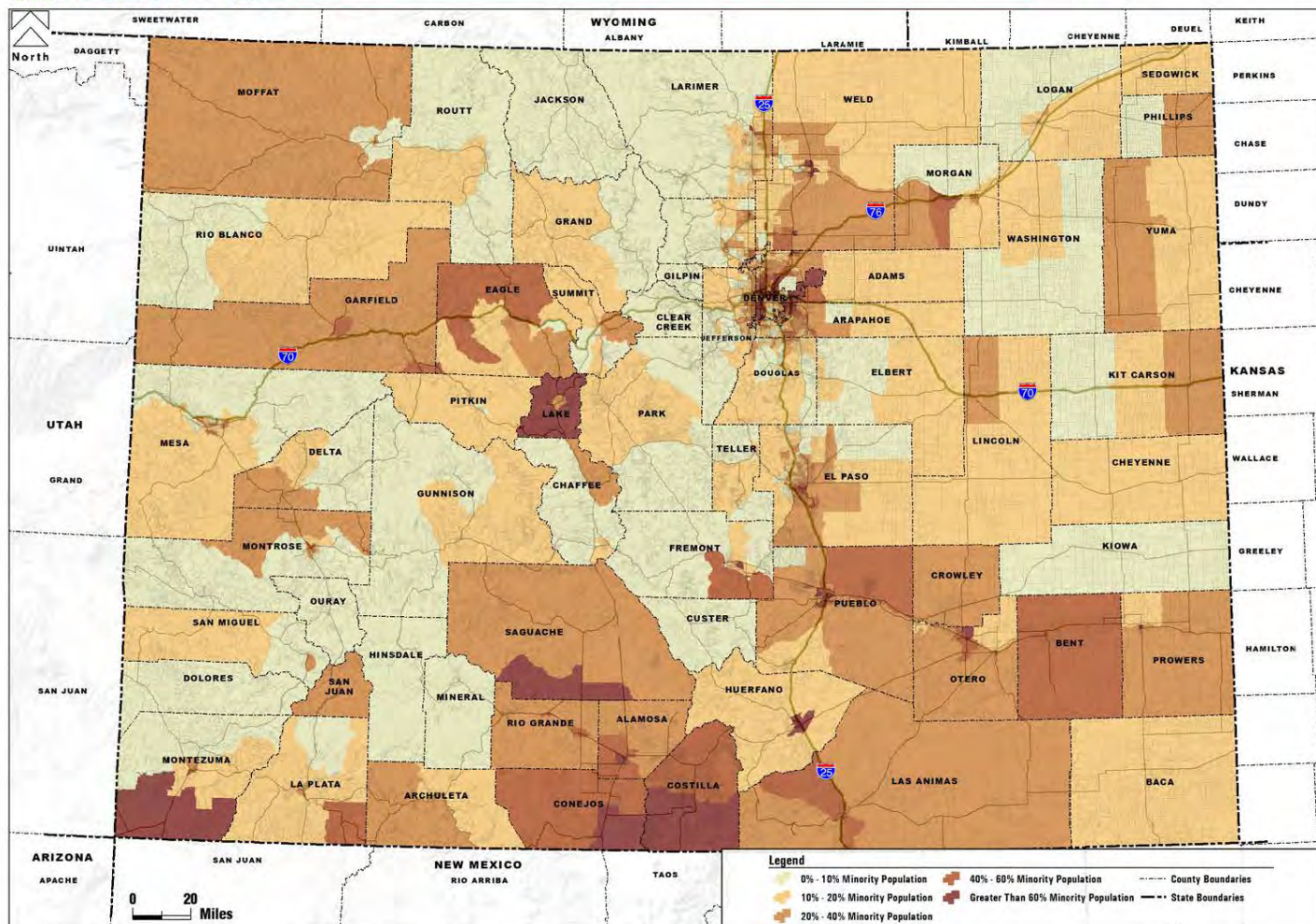
Each Bustang coach is equipped with a restroom, bike racks, free WiFi, power outlets and USB ports. There is also a wheelchair lift and two wheelchair securement areas on each coach. Please be advised that our WiFi system is dependent on local cellular signals. In areas with poor cellular service, WiFi may be intermittent or nonexistent. **Not all buses have automated stop notifications.**





Appendix L  
**Minority Demographic Profile and Maps**

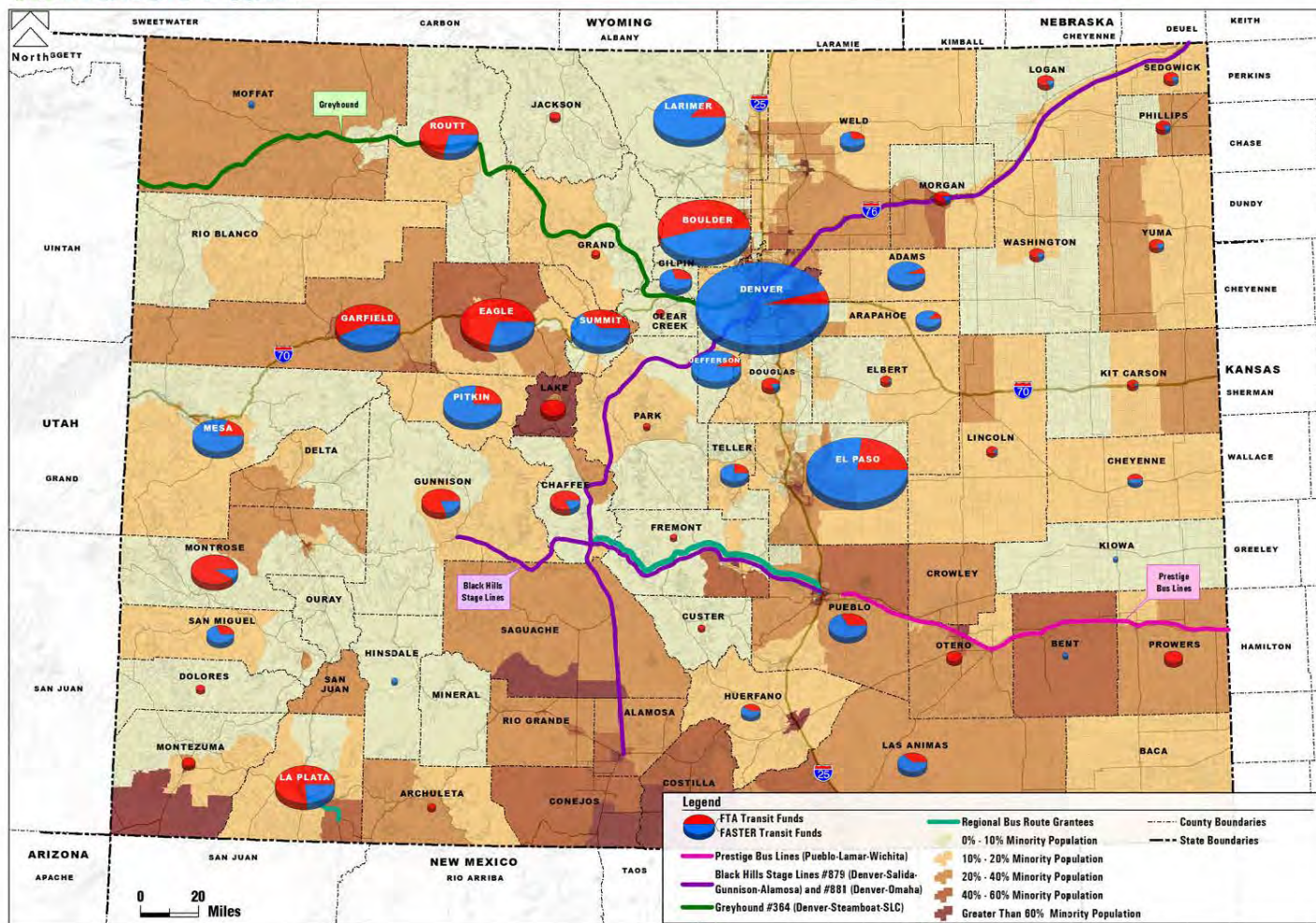
## Minority Population



Minority Population is based on the 2007-2011 American Community Survey Table B02001 - Race; based upon non-white population (does not separate hispanic ethnicity) by 2010 Census Tract.



# FTA and FASTER Transit Funds (2011 - 2013) by County with Minority Population



Minority Population is based on the 2007-2011 American Community Survey Table B02001 - Race; based upon non-white population (does not separate hispanic ethnicity) by 2010 Census Tract.

County	Total Population	HISPANIC	WHITE NH	Minor	Pct	Hisp	Pc	FTA	FASTER	TotalBoth
Adams	434295	162203	23349		46		37	73520	1077314	115083
Alamosa	15395	6962	7618		51		45	0	0	0
Arapahoe	563508	101797	36063		36		18	73520	516765	59028
Archuleta	12152	2105	9755		20		17	81682	0	8168
Baca	3807	315	3342		12		8	0	0	0
Bent	6164	1805	3643		41		29	0	43622	4362
Boulder	293205	38543	23298		21		13	3026204	2546074	557227
Broomfield	54592	6013	4342		20		11	73520	0	7352
Chaffee	17707	1620	1533		13		9	638623	140000	77862
Cheyenne	2247	285	1936		14		13	121749	110314	23206
Clear	9083	404	8381		8		4	73520	0	7352
Conejos	8228	4512	3443		58		55	0	0	0
Costilla	3556	2241	1096		69		63	0	0	0
Crowley	5866	1612	3539		40		27	0	0	0
Custer	3853	179	3535		8		5	58212	0	5821
Delta	30666	4213	2548		17		14	0	0	0
Denver	590507	188660	30731		48		32	425691	10140068	1056575
Dolores	2043	64	1899		7		3	88254	0	8825
Douglas	280643	20880	23953		15		7	266110	49600	31571
Eagle	51457	15158	3486		32		29	2663457	1108000	377145
El Paso	611377	90330	44230		28		15	1528595	3532626	506122
Elbert	22859	1263	2067		10		6	121749	13000	13474
Fremont	47040	5778	3606		23		12	58212	0	5821
Garfield	55696	15163	3888		30		27	1740234	1315600	305583
Gilpin	5241	237	4765		9		5	261520	618275	87979
Grand	14634	1055	1315		10		7	90320	0	9032
Gunnison	15274	1187	1359		11		8	949568	231000	118056
Hinsdale	731	28	701		4		4	0	49600	4960
Huerfano	6829	2320	3709		46		34	154555	215860	37041
Jackson	1494	112	1368		8		7	125340	0	12534
Jefferson	532243	74786	42661		20		14	196000	1674932	187093
Kiowa	1728	60	1630		6		3	0	31200	3120
Kit Carson	8178	1462	6308		23		18	121749	13000	13474
La Plata	50820	5961	4085		20		12	1969052	605350	257440

County	Total Population	HISPANIC	WHITE NH	Minor	Pct	Hisp	Pc	FTA	FASTER	TotalBoth
Lake	7010	2729	4003		43		39	568512	0	56851
Larimer	296107	30818	25057		15		10	486656	3132304	361896
Las Animas	15549	6397	8379		46		41	281780	465860	74764
Lincoln	5462	629	4243		22		12	121749	13000	13474
Logan	22417	3422	1847		18		15	226989	38520	26550
Mesa	144766	18831	12069		17		13	340000	1648040	198804
Mineral	723	19	699		3		3	0	0	0
Moffat	13586	1869	1121		17		14	0	48000	4800
Montezuma	25372	2766	1913		25		11	187574	0	18757
Montrose	40812	7812	3176		22		19	1534058	147680	168173
Morgan	27943	9350	1738		38		33	226989	38520	26550
Otero	18795	7468	1064		43		40	238221	0	23822
Ouray	4371	166	4063		7		4	0	0	0
Park	16259	760	1522		6		5	56936	0	5693
Phillips	4391	795	3492		20		18	183426	38520	22194
Pitkin	16709	1428	1474		12		9	562605	1962560	252516
Prowers	12615	4373	8115		36		35	324400	0	32440
Pueblo	157946	64736	8587		46		41	377977	807438	118541
Rio Blanco	6616	596	5750		13		9	0	0	0
Rio Grande	11913	4950	6766		43		42	0	0	0
Routt	23201	1463	2114		9		6	1808352	733627	254197
Saguache	6165	2531	3352		46		41	0	0	0
San Juan	801	154	614		23		19	0	0	0
San Miguel	7383	603	6524		12		8	206770	465250	67202
Sedgwick	2390	243	2060		14		10	183426	38520	22194
Summit	27496	3703	2292		17		13	967320	1556766	252408
Teller	23035	1193	2087		9		5	179000	516813	69581
Washington	4709	426	4232		10		9	183426	38520	22194
Weld	248441	70017	16836		32		28	162000	387703	54970
Yuma	9960	1985	7795		22		20	183426	38520	22194
		1011545	3,491,019.00		150		118	24572548	36148361	

Comparison of 2011 - 2013 Funds Received to Minority Population

County	Total Population	Minority Population	County's Portion of State's Minority Population	FTA Funds	FASTER Funds	Total Funds	County's Portion of FTA/FASTER Transit Funding
Adams	434,295	200,800	13.6%	\$73,520	\$1,077,314	\$1,150,834	1.9%
Alamosa	15,395	7,777	0.5%	\$0	\$0	\$0	0.0%
Arapahoe	563,508	202,875	13.8%	\$73,520	\$516,765	\$590,285	1.0%
Archuleta	12,152	2,397	0.2%	\$81,682	\$0	\$81,682	0.1%
Baca	3,807	465	0.0%	\$0	\$0	\$0	0.0%
Bent	6,164	2,521	0.2%	\$0	\$43,622	\$43,622	0.1%
Boulder	293,205	60,222	4.1%	\$3,026,204	\$2,546,074	\$5,572,278	9.2%
Broomfield	54,592	11,169	0.8%	\$73,520	\$0	\$73,520	0.1%
Chaffee	17,707	2,371	0.2%	\$638,623	\$140,000	\$778,623	1.3%
Cheyenne	2,247	311	0.0%	\$121,749	\$110,314	\$232,063	0.4%
Clear Creek	9,083	702	0.0%	\$73,520	\$0	\$73,520	0.1%
Conejos	8,228	4,785	0.3%	\$0	\$0	\$0	0.0%
Costilla	3,556	2,460	0.2%	\$0	\$0	\$0	0.0%
Crowley	5,866	2,327	0.2%	\$0	\$0	\$0	0.0%
Custer	3,853	318	0.0%	\$58,212	\$0	\$58,212	0.1%
Delta	30,666	5,179	0.4%	\$0	\$0	\$0	0.0%
Denver	590,507	283,195	19.2%	\$425,691	\$10,140,068	\$10,565,759	17.4%
Dolores	2,043	144	0.0%	\$88,254	\$0	\$88,254	0.1%
Douglas	280,643	41,111	2.8%	\$266,110	\$49,600	\$315,710	0.5%
Eagle	51,457	16,591	1.1%	\$2,663,457	\$1,108,000	\$3,771,457	6.2%
El Paso	611,377	169,068	11.5%	\$1,528,595	\$3,532,626	\$5,061,221	8.3%
Elbert	22,859	2,184	0.1%	\$121,749	\$13,000	\$134,749	0.2%
Fremont	47,040	10,977	0.7%	\$58,212	\$0	\$58,212	0.1%
Garfield	55,696	16,808	1.1%	\$1,740,234	\$1,315,600	\$3,055,834	5.0%
Gilpin	5,241	476	0.0%	\$261,520	\$618,275	\$879,795	1.4%
Grand	14,634	1,484	0.1%	\$90,320	\$0	\$90,320	0.1%
Gunnison	15,274	1,684	0.1%	\$949,568	\$231,000	\$1,180,568	1.9%
Hinsdale	731	30	0.0%	\$0	\$49,600	\$49,600	0.1%
Huerfano	6,829	3,120	0.2%	\$154,555	\$215,860	\$370,415	0.6%
Jackson	1,494	126	0.0%	\$125,340	\$0	\$125,340	0.2%



Comparison of 2011 - 2013 Funds Received to Minority Population

County	Total Population	Minority Population	County's Portion of State's Minority Population	FTA Funds	FASTER Funds	Total Funds	County's Portion of FTA/FASTER Transit Funding
Jefferson	532,243	105,626	7.2%	\$196,000	\$1,674,932	\$1,870,932	3.1%
Kiowa	1,728	98	0.0%	\$0	\$31,200	\$31,200	0.1%
Kit Carson	8,178	1,870	0.1%	\$121,749	\$13,000	\$134,749	0.2%
La Plata	50,820	9,969	0.7%	\$1,969,052	\$605,350	\$2,574,402	4.2%
Lake	7,010	3,007	0.2%	\$568,512	\$0	\$568,512	0.9%
Larimer	296,107	45,530	3.1%	\$486,656	\$3,132,304	\$3,618,960	6.0%
Las Animas	15,549	7,170	0.5%	\$281,780	\$465,860	\$747,640	1.2%
Lincoln	5,462	1,219	0.1%	\$121,749	\$13,000	\$134,749	0.2%
Logan	22,417	3,938	0.3%	\$226,989	\$38,520	\$265,509	0.4%
Mesa	144,766	24,074	1.6%	\$340,000	\$1,648,040	\$1,988,040	3.3%
Mineral	723	24	0.0%	\$0	\$0	\$0	0.0%
Moffat	13,586	2,372	0.2%	\$0	\$48,000	\$48,000	0.1%
Montezuma	25,372	6,234	0.4%	\$187,574	\$0	\$187,574	0.3%
Montrose	40,812	9,044	0.6%	\$1,534,058	\$147,680	\$1,681,738	2.8%
Morgan	27,943	10,557	0.7%	\$226,989	\$38,520	\$265,509	0.4%
Otero	18,795	8,154	0.6%	\$238,221	\$0	\$238,221	0.4%
Ouray	4,371	308	0.0%	\$0	\$0	\$0	0.0%
Park	16,259	1,035	0.1%	\$56,936	\$0	\$56,936	0.1%
Phillips	4,391	899	0.1%	\$183,426	\$38,520	\$221,946	0.4%
Pitkin	16,709	1,962	0.1%	\$562,605	\$1,962,560	\$2,525,165	4.2%
Prowers	12,615	4,500	0.3%	\$324,400	\$0	\$324,400	0.5%
Pueblo	157,946	72,070	4.9%	\$377,977	\$807,438	\$1,185,415	2.0%
Rio Blanco	6,616	866	0.1%	\$0	\$0	\$0	0.0%
Rio Grande	11,913	5,147	0.3%	\$0	\$0	\$0	0.0%
Routt	23,201	2,054	0.1%	\$1,808,352	\$733,627	\$2,541,979	4.2%
Saguache	6,165	2,813	0.2%	\$0	\$0	\$0	0.0%
San Juan	801	187	0.0%	\$0	\$0	\$0	0.0%
San Miguel	7,383	859	0.1%	\$206,770	\$465,250	\$672,020	1.1%
Sedgwick	2,390	330	0.0%	\$183,426	\$38,520	\$221,946	0.4%



Comparison of 2011 - 2013 Funds Received to Minority Population

County	Total Population	Minority Population	County's Portion of State's Minority Population	FTA Funds	FASTER Funds	Total Funds	County's Portion of FTA/FASTER Transit Funding
Summit	27,496	4,568	0.3%	\$967,320	\$1,556,766	\$2,524,086	4.2%
Teller	23,035	2,158	0.1%	\$179,000	\$516,813	\$695,813	1.1%
Washington	4,709	477	0.0%	\$183,426	\$38,520	\$221,946	0.4%
Weld	248,441	80,081	5.4%	\$162,000	\$387,703	\$549,703	0.9%
Yuma	9,960	2,165	0.1%	\$183,426	\$38,520	\$221,946	0.4%
Total	4,966,061	1,475,042	100.0%	\$24,572,548	\$36,148,361	\$60,720,909	100%

Counties that receive a 3% or higher portion of funds compared to their minority population

Counties that receive a 3% or smaller portion of funds compared to their minority population

Appendix M

**Consolidated Call for Capital Projects Guidance (Oct. 7, 2016)**

# **Consolidated Call for Capital Projects Guidance**

## **FASTER Transit and Federal Transit Administration Funds**

October 7, 2016

### **PART 1      Summary**

The Colorado Department of Transportation (CDOT) is issuing a Notice of Funding Availability (NOFA), calling for applications for capital projects to be initiated in 2017 using FASTER Transit and Federal Transit Administration (FTA) funds.

CDOT plans to competitively award at least \$6.1 million in FASTER funds for local and statewide transit capital projects. CDOT will award an additional \$3.9 million in FASTER grants to the three major metropolitan transit providers as a set-aside. Additionally, CDOT intends to competitively award at least \$6.1 million in federal funds for transit capital projects made available through FTA Sections 5310, 5311, and 5339.

### **PART 2      Background**

#### **FASTER Funding**

Senate Bill 09-108, also known as the Funding Advancements for Surface Transportation and Economic Recovery Act of 2009 (FASTER) was signed into law in 2009 and provided funding for transportation projects through an increase in vehicle registration fees. A portion is set aside for transit purposes: a **Local** share for “local transit grants” and a **Statewide** share to be used “for the planning, designing, engineering, acquisition, installation, construction, repair, reconstruction, maintenance, operation, or administration of transit-related projects, including, but not limited to, designated bicycle or pedestrian lanes of highway and infrastructure needed to integrate different transportation modes within a multimodal transportation system, that enhance the safety of state highways for transit users.”

The CDOT Transportation Commission, with input from the transit community, determined that FASTER transit funds will be distributed in the following manner:

- \$4.1 million for competitive capital awards for local projects (but excluding local projects from within RTD’s jurisdiction).
- \$2 million for competitive capital awards for statewide, interregional and regional projects anywhere in the state
- \$3.9 million for metropolitan transit agency capital awards, which include RTD in the Denver area (\$3 million), Mountain Metro Transit in Colorado Springs (\$0.7 million), and TransFort in Fort Collins (\$0.2 million), for projects approved by CDOT.
- \$1 million for regional operating assistance (note: these projects are solicited along with other operating applications usually around April each spring, not during this call for projects.)

- \$3 million for Bustang operations, the CDOT-operated regional express bus service
- \$1 million for grant administration and administration of CDOT's Division of Transit and Rail (DTR)

Of the total \$15 Million in FASTER funds available each year only \$10 Million in capital funds are being made available herein are for State FY 2017-2018 (7/1/2017 – 6/30/2018). The funds are not available for budgeting and contracting until after July 1, 2017.

### **FTA Funding**

CDOT is the pass-through agency for several FTA transit grant programs, each of which has its own eligibility criteria, and each of which offers funding for capital projects. The FTA funds are made available to the states on a federal fiscal year basis, which runs from October 1 to September 30. The FTA funds being made available herein are for FY 2016-2017. The funds would not be available for budgeting and contracting, though, until the awards are announced in February 2017.

CDOT estimates the minimum amount of funding available for these federal programs in 2017 are as follows:

- Section 5310 for rural areas: \$111,292
- Section 5310 for Small Urbanized Areas (UZAs): \$828,037
  - Colorado's small UZAs are Boulder, Grand Junction, Greeley, Longmont, Lafayette/Louisville/Erie, and Pueblo
- Section 5310 for the Denver large urbanized area, for which CDOT is the designated administrator of the funds: \$754,503. (Please note that CDOT does not administer 5310 grants for the Colorado Springs or Fort Collins large urbanized areas. Requests from those areas must be submitted to the Metropolitan Planning Organizations (MPO) in those areas.)
- Section 5311 for rural areas: \$1.2 million
- Section 5339 Small Urbanized Areas: \$1.2 million
- Section 5339 Statewide: \$2.0 million
  - While this funding is identified as statewide in eligibility, CDOT has targeted it for rural areas, given that Colorado has a very high level of rural ridership and that large and small UZAs each receive their own Section 5339 formula funding

### **PART 3 Application Process, Policies and Funding Cycle**

The Department is accepting applications for **both** FASTER state and FTA federal funds (both funding programs utilize the same application), subject to eligibility and availability of funds. DTR will make awards based on eligibility, funding availability, and the most appropriate source.



An applicant not wishing to be considered for funding from any of the programs for which it is eligible should make that very clear in the application.

In general there are few differences between how DTR administers FASTER and FTA projects, as it seeks to mirror most FTA requirements. The major exception is that FASTER-funded vehicles are not subject to Buy America requirements and most other federal clauses and certifications.

For the past few years, DTR accepted applications for the following year plus up to two more years. However, we have determined to only accept applications for capital projects to be initiated in 2017.

CDOT's Division of Transit and Rail (DTR) currently has in place the following policies pertaining to the application process and the awarding and administration of transit grants:

- CDOT provides two capital applications: one for revenue rolling stock grant requests, and a second for facilities/equipment grant requests (including non-revenue vehicles).
- If an applicant plans to submit requests for multiple facility or equipment projects, DTR requests that applicants complete one application for each project. If an applicant plans to submit requests for multiple vehicle replacement projects, the applicant may bundle those projects into one single application.
- Application submittal: CDOT is requesting that local agencies that do not fund or directly provide transit services apply for FASTER funds **through** the lead transit provider that serves their jurisdiction—which would normally be the recipient of FTA funds in that area. This will better ensure that a local area's needs are being prioritized.
- The minimum project request shall be \$25,000, except in the cases where an applicant is requesting FASTER 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.
- 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. That being said, 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.
- CDOT will not accept general letters of support; previous applications included "cookie-cutter" support letters from parties that had little or nothing "at stake" in the project. However, CDOT is requiring formal 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).

- If you intend to purchase alternative fuel vehicles (CNG, electric, propane), CDOT encourages you to combine CDOT funds with grants available from other state agencies. For instance, in urban areas, the Regional Air Quality Council (RACQ) provides grants that will pay up to 80 percent of the incremental costs between an alternative fuel vehicle and the comparable, conventionally fueled vehicle (see <http://cleanairfleets.org/programs/alt-fuels-colorado>). A similar program is available for rural agencies through the Department of Local Affairs (see [link](#)). Transit agencies must apply and be awarded separately from each respective program before combining funds and proceeding to purchase vehicles. Applicants may apply to the programs in any order, but must notify both all the agencies involved of the intention to seek additional funding.
- Relative to construction projects: CDOT will accept requests that include funding for the final design phases of significant facility projects but will not fund the conceptual design phase. Construction projects must have been vetted locally through an adopted plan with a subsequent feasibility study. Applicants requesting a facility expansion or construction project must confer with DTR's Infrastructure Specialist (Jeff Sanders) within thirty days of the issuance of this Notice of Funding Availability and prior to submitting their applications. This requirement is meant to benefit both the applicant and CDOT in identifying significant issues that need to be addressed for successful and timely implementation of construction projects.
- Applicants should be aware that CDOT-funded construction projects will undergo an extensive coordination, review, environmental clearance, and approval process. If awarded under this NOFA, it is likely that actual construction will not occur until at least 2018. However, CDOT does expect projects to be initiated in 2017 in terms of document preparation, environmental review, etc.
- It is important to note that CDOT awards funds for a particular project; it does not award funds to an agency to be used for whatever project might be needed. Any change in project scope must be approved by CDOT; any major changes are generally not approved.
- FASTER funds can be used to match a federal grant, providing up to 80% of the required matching funds for the federal grant. The recipient must still provide a 20% local match for its FASTER award. In some cases, this means that the local government is paying only 4% of the total project: 80% FTA, 16% FASTER (80% of 20%), and 4% local (20% of 20%). Since this type of funding arrangement rapidly draws down available grant funding, CDOT will carefully examine requests of this type. It is CDOT's intention that FASTER funds be used as local match for Federal funds only in situations where worthy projects cannot proceed without the additional financial assistance from the FASTER program. Applicants requesting FASTER funds as local match for a federal grant must justify their request for using FASTER funds as local match in the application. In the evaluation process CDOT staff will first determine whether the FASTER funds as local match request is justified. If a justification is deemed insufficient, the applicant will be notified and can determine whether or not to proceed with the grant application, i.e. at 80% FTA, 20% local funds.



## **PART 4    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.

### **FASTER**

- Eligible recipients for local competitive FASTER funding assistance are limited to local public and private nonprofit entities, as well as tribal governments, that offer either public transportation or “open door” 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. Organizations that limit service to a particular clientele or facility, as well as commercial intercity operators, are **not** eligible applicants but may apply **through** an eligible applicant; the eligible applicant would be the party contracting with CDOT if funds were awarded, would be expected to describe how the service fits into a public or specialized transportation system, and would be responsible for administering the grant.
- Eligible recipients for FASTER statewide projects are the same as those listed immediately above, except that the State and CDOT, including CDOT’s Region offices, are also eligible applicants. CDOT projects will not be given any special consideration in the evaluation and selection process.
- While all local agencies are eligible to receive FASTER funding, those that do not directly fund or directly provide transit services must apply for FASTER funds through the transit provider that serves their jurisdiction.

### **FTA**

Applicant eligibility for the FTA programs is similar to that of FASTER but also is limited based on each particular program. The FTA programs include Sections 5310, 5311, and 5339.

- The Section 5310 program is available only to private nonprofit organizations, though public entities are eligible if (a) there is no available private nonprofit agency providing service or if (b) the public entity has been named by the state as the coordinating body for specialized transportation in their area. Any public entities wishing to exercise this option are asked to contact DTR promptly (Jeff Sanders, 303-757-9771).

These specialized services do not have to be open door, unlike the eligibility criteria for 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.

Please note that CDOT administers the 5310 funds for rural areas (under 50,000 population), small urbanized (50,000 to 200,000) areas, and for the Denver large urbanized area. It does not administer funds for the Colorado Springs or Fort Collins large urbanized areas. Organizations in the Colorado Springs and Fort Collins areas who

are interested in the Section 5310 program should contact the MPOs in those areas for information about their application process.

- The Section 5311 and 5339 programs are available to public and private nonprofit agencies, as well as tribal governments. Additionally, private intercity bus operators are eligible under the Section 5311(f) program. Applicants for Section 5339 funds in small urbanized areas are limited to the Designated Recipients for Section 5307 funding in those areas (RTD, Mesa County, and the cities of Pueblo and Greeley). Other agencies may apply through those organizations.
- For either the FASTER or FTA programs, 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 5     Project Eligibility**

Funding from either FASTER or the FTA may be used for any items defined as **capital expenses** by the Federal Transit Administration (e.g., buses, facilities, equipment). However, CDOT will **not** entertain requests for funding for land purchases or office-related equipment, nor for operating or administrative expenses. The types of projects that are 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.
- Planning projects and studies, except that no more than 10% of the total available FASTER funding will be made available for such purposes. Some concern has been expressed in the past about planning projects being funded through FASTER at the expense of vehicle and facility projects. While planning projects are an eligible project, you will need to make a strong case as to why your planning study should be funded with FASTER funds and why it can't be funded through Section 5303 or 5307 (in urbanized areas) or Section 5304, which programs are not included in this call. You should point out whether your project has any benefits, methodologies or implications for others in the state.
- Please note that while the list of eligible projects is extensive, in recent years CDOT has placed a higher priority, in general, on rolling stock as a result of reduced federal funding for rolling stock which began under MAP-21 legislation.
- As mentioned above under applicant eligibility, project eligibility for the FTA programs is limited by the requirements of those programs. Specifically:
  - Section 5310 projects must serve the elderly and disabled, in either rural or small urbanized areas, or the Denver area.
  - Section 5311 projects must be related to public transportation in rural areas.
  - Section 5339 projects must be related to public transportation, in either a rural or small urbanized area.

## **PART 6    Project Categories**

- All FASTER project requests will generally be categorized by CDOT as being either local, regional, interregional, or statewide in nature. This will impact whether and the extent to which they will be considered for the competitive local or statewide funding pools.
  - Local projects are those that provide services or benefits within a local area.
  - Regional projects are generally those that provide services or benefits within one Transportation Planning Region (TPR) but which serve more than two municipalities and traverse more than about 25 miles, or that serve a significant portion of a region by connecting multiple communities.
  - Interregional projects are those that provide services or benefits in more than one CDOT Region or more than one TPR; they would normally operate over a long distance, have infrequent stops, and serve outside their normal taxing jurisdiction. This would generally include, but not be limited to, intercity bus services, commuter routes between significantly separated urbanized and/or

rural areas, mobility management projects associated with the coordination of human services transportation, and projects that connect multiple regional services.

- Statewide projects are those that provide services or benefits to a substantial portion of the state.
- The FASTER competitive statewide funds will be awarded primarily to statewide, interregional, and regional projects, in that priority order, but may also be awarded to local projects if there are insufficient high-scoring projects in the former categories and/or there are problems reaching geographic equity. Multimodal facilities and technology improvements that significantly improve the coordination of human services transportation by means of mobility management tools (items listed in Part 5 above) will generally be given consideration under either the statewide or local funding pool, based on the nature and coverage of the project.
- The FASTER competitive local pool may be awarded to local, regional, interregional, and statewide projects, in that priority order, but cannot be awarded to CDOT or another State agency.
- FTA projects are not categorized in the same fashion. Rather, as described earlier, they are divided by population areas and service types.
- The set-aside funding provided to the three large urban providers—RTD, Mountain Metro Transit, and TransFort—may be used by these operators for agency projects, subject to approval by CDOT. The RTD set-aside, which is derived from the statewide pool of FASTER funds, should be used for projects that are interregional or regional in nature.

## **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. FASTER and FTA funds 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.

- Local agency applicants must demonstrate the availability of local match. FASTER and FTA funds may be used to fund up to 80% of project costs. All awards require a minimum local match of 20%. 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. Since many local governments and sponsoring organizations likely have not yet adopted calendar year 2017 budgets, CDOT recognizes that applicants will probably not be able to provide a written budget showing the match for specific projects. Indeed, the match may not be needed in hand for over a year, given the 12-month delivery timeline of some bus orders. In lieu of budget documentation, applicants should describe how their organization intends to provide the match, its reliability in providing match, any written commitments to the project from management, or any capital replacement funds that exist.
  - When CDOT or another State agency is the applicant, a 20% local match is not required, since the State is providing the FASTER funds and does not have “local” funding.
  - Failure to secure the committed local match or to otherwise fail to implement the project as proposed (e.g., timeliness, scope, etc.) WILL be considered as a factor in future funding requests.

## **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 definitive metrics for comparing need. Also, some consideration may be given to geographical equity.

### **A. Requests for Replacement/Rebuild Rolling Stock**

Criteria 1: Mileage, Usage, Readiness (7 possible points out of 10)

- A. Higher mileage vehicles will be scored higher than lower mileage units, but within their appropriate bus category (heavy duty 35-40 foot coaches; <35 foot coaches; body-on-chassis/cutaways; vans/minivans). Similarly, older vehicles will be scored higher than newer vehicles;
- B. Average miles per year for all vehicles may be considered, with consideration to type of vehicle and service regime;
- C. FTA guidelines will be used to gauge minimum useful life (FTA policy with respect to the useful life of equipment is set forth in [FTA Grant](#))

[Management Circular 5010.1D](#), pages IV - 16 /18. The Circular is available online). For example, a 35-40 ft. heavy duty coach should be approaching its minimum useful life (500,000 miles or 12 years per FTA guidelines) or beyond to be considered. Vehicle rebuild requests, which usually are associated with lower mileage and age, will be adjusted to put them on equal footing with replacement requests.

- D. Vehicle mileage and age will be considered equally when scoring vehicle replacement requests;
- E. Applicants with a lower spare ratio will generally be scored higher than those with a higher spare ratio; spare ratio should generally not exceed 20%; smaller agencies (<25 vehicles) will be considered on a case-by-case basis, given that measuring spare ratio with demand responsive service is more difficult;

Criteria 2: Special Considerations (3 possible points out of 10)

- A. 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;
- B. Higher scoring will be awarded to requests for the replacement of vehicles that are in marginal or poor condition, provided that the required documentation is included with the application (see application for details).
- C. Financial need-- Have other sources been tried? Is other funding being leveraged, or is the project totally dependent on the FASTER or FTA funds?

**B. Requests for Expansion Rolling Stock or Facilities**

Criteria 1: Demonstrated Need and Readiness (7 possible points out of 10)

- A. Higher scoring will be awarded to projects that clearly demonstrate the need for the expanded service or facility in terms of documented ridership studies and community support;
- B. Higher scoring will be awarded to projects that make an effective business case for the expansion that outlines anticipated costs, revenues and sustainability; a formal business plan is preferable;
- C. Higher scoring will be awarded to projects that demonstrate they are truly ready to go.

Criteria 2: Special Considerations (3 possible points out of 10)

- A. For vehicle requests--applicants with a lower spare ratio will generally be scored higher than those with a higher spare ratio;
- B. Higher scoring will be awarded based on whether an applicant has and follows a capital replacement plan as part of a broader asset management plan; stronger plans are those that are formalized within the overall organization;



- C. Financial capacity--Is there an institutional commitment, funding, financial capacity, and capability to sustain the service and project over time, given that this program will provide capital assistance but no operating assistance?
- D. Financial need-- Have other sources been tried? Is other funding being leveraged, or is the project totally dependent on the FASTER or FTA funds? If the applicant has the financial and revenue capacity to pay for a larger portion of the project, is it doing so?
- E. Project impacts--Would the project increase ridership? Would it reduce traffic on the State system? Improve service delivery?

**C. Requests for Facilities, Design, Equipment**

Criteria 1: Readiness and Demonstrated Timetable (4 possible points out of 10)

- A. 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);
- B. The completion of existing projects would be a higher priority than the first stage of a long-term project; projects that are long-term score higher if a reasonable phasing plan is identified;

Criteria 2: Project Purpose, Cost Savings, and Efficiency (4 possible points out of 10)

- A. Reasonableness of the financial request relative to the amount of funding available;
- B. Higher priority will be given to those projects that clearly demonstrate that the project would produce real cost savings for the transit program or create service efficiencies;
- C. Higher priority will be given to those projects that can clearly demonstrate that the project could increase ridership rather than merely maintain existing ridership;

Criteria 3: Special Considerations (2 possible points out of 10)

- A. Higher priority will be given to those projects that demonstrate they were developed in partnership with the local community and have a high degree of support;
- B. Expansion of existing facilities will be considered if backed by a strong, defensible business case that demonstrates the need for the facility and for growth in the program it supports.
- C. Financial capacity--Is there an institutional commitment, funding, financial capacity, and capability to sustain the service and project over time, given that this program will provide capital assistance but no operating assistance?
- D. Financial need-- Have other sources been tried? Is other funding being leveraged, or is the project totally dependent on the FASTER or FTA funds?

If the applicant has the financial and revenue capacity to pay for a larger portion of the project, is it doing so?

**D. Requests for Planning Studies**

Criteria 1: Project Purpose and Demonstrated Need (7 possible points out of 10)

- A. Is there a compelling need for the project? Does it plan something that has a high likelihood of being implemented?
- B. Is there a reason this study cannot be funded with FTA Section 5303 or 5307 (in urbanized areas) or 5304 funding?
- C. Does the project provide benefits (e.g., methodologies, data) that are relevant to other transit agencies in the state?

Criteria 2: Project Readiness and Sufficiency (3 possible points out of 10)

- A. Is the project ready to go?
- B. Does the project have a reasonable implementation schedule?

**PART 9 Selection Methodology**

**For FTA and FASTER Competitive Funding Requests (except the Urban Area Set-Aside Funds)**

Once project requests have been received, DTR staff will review the applications to ensure that each meets the threshold (minimum) criteria, as set forth above. Any applicant not meeting the criteria will be contacted by DTR and given the opportunity to respond to the finding of ineligibility.

For those applicants requesting FASTER funds to use as a match for a federal grant, CDOT staff will first determine whether the request meets the criteria stated previously in this document that this option is typically used only when worthy projects cannot proceed without additional financial assistance from the FASTER program. If CDOT staff determine that the criteria has not been met, the applicant will be notified and can determine whether or not to proceed with the federal grant application.

A team made up of CDOT staff (DTR, the Policy and Government Relations Office, Office of Civil Rights) will evaluate and score applications. A recommended list will then be presented by the team to the DTR director and the executive director of the Colorado Association of Transportation Agencies (CASTA) along with its observations and justifications for its recommendations. The two will discuss the recommendations and the DTR director will either concur with the recommendations or make changes.

After approval, CDOT and the 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. FASTER contracts cannot be executed before the start of Fiscal Year 2018 (July 1, 2017) —unless a project is budgeted with funds from a prior fiscal year.

**For FASTER Urban Area Set-Asides (Only for RTD, MMT, and TransFort)**



Once project requests have been received, DTR staff will review the project summary forms to ensure that each meets the threshold (minimum) criteria, as set forth above. The proposer of any application not meeting the criteria will be contacted by DTR and given the opportunity to respond to the finding of ineligibility.

A team made up of CDOT staff will evaluate and rank the proposals submitted by RTD, MMT and TransFort for consideration under FASTER. That team will select from those proposals the projects that will be funded through each respective provider's set-aside.

If RTD submits projects totaling more than its set-aside amount, the unfunded projects will be placed into the competitive statewide pool for consideration of funding there. Since these projects will then be competing with others from around the state, DTR will request a full application for each of these projects so that they can be evaluated and scored along with the rest of the statewide project proposals.

If MMT or TransFort submits projects totaling more than their respective set-asides, those projects will not be considered for funding out of the local competitive pool. If MMT or TransFort desires to have any project considered for funding out of the statewide competitive pool they will need to complete and submit a full application for those projects so that they can be evaluated and scored along with the rest of the statewide project proposals.

DTR endeavors to make a decision on which projects to fund through the set-asides by early November so that RTD, MMT, and TransFort have enough time to prepare any full applications for projects forwarded on to the statewide competitive pool. Consequently, it will be necessary for RTD, MMT, and TransFort to submit project summary forms by **11/16/16**.

## **PART 10   Application Submittal**

### **For FTA and FASTER Competitive Funding Requests**

Applications are due to CDOT by **12:00 p.m. noon on Wednesday, November 30, 2016**. Applications submitted after this deadline will not be accepted.

### ***For Current and Active Grant Partners***

Applications will be submitted electronically through COTRAMS (<http://cdot-transit.force.com/Portal>), the CDOT on-line web-based portal. After submitting an application via COTRAMS, you will receive a system generated email letting you know that the application was received. If you are a current and active CDOT grantee you should have a user ID and password for the portal (<http://cdot-transit.force.com/Portal>). If you have misplaced your user ID and password to the portal, contact system administrator Qing Lin immediately ([qing.lin@state.co.us](mailto:qing.lin@state.co.us)) so that she can reset your login credentials. If you are a current grant partner and have not had access to the portal, please contact Qing so that she can get you set up. Once you gain access to the portal, you will have access to the FASTER/FTA applications that have been released to your agency. You will also receive a separate email with instructions on how to log in to the portal to complete the applications.



The on-line application does not currently provide for attaching supporting documentation (budget documents, construction drawings, letters of support, etc.), so if you have documents you want included with your application, you must email them to Jeff Sanders at [jeffrey.sanders@state.co.us](mailto:jeffrey.sanders@state.co.us). Very large attachments might not make it through CDOT's firewall. If the supporting documentation for your on-line application is too large for CDOT's email system and it gets "bounced" back because of file size limitations, contact the person listed above immediately and s/he will send you instructions on how to upload your file(s) to CDOT's ftp site. If your document is extremely large or available only in hard copy format, it may be mailed to the CDOT contact if postmarked no later than November 30<sup>th</sup>, and should be mailed to:

Jeff Sanders  
Colorado Department of Transportation  
Division of Transit and Rail  
4201 E. Arkansas Ave., Shumate Bldg.  
Denver, CO 80222

***For New/Prospective or Inactive Grant Partners***

If you are not a current grant partner or have not been set up with access to the COTRAMS portal, please contact DTR staff ([jeffrey.sanders@state.co.us](mailto:jeffrey.sanders@state.co.us), or 303-757-9771) to obtain directions on how to access COTRAMS. DTR does not normally issue a portal license to those who are not a current grant partner because the cost of such and the amount of training involved are not justifiable, particularly if an award is not ultimately made; if an award is made, then the applicant will be issued a license. DTR staff may choose to provide you with a paper application that you submit via email. Also, in the event of technical difficulties, DTR staff may provide you with a paper application and directions on how to submit it.

After receiving an application via email, DTR staff will respond to that email to confirm receipt. If you submit your application to DTR but you do not receive a confirmation, you must assume it has not been delivered to him. You should call DTR staff (303-757-9771) to confirm that he received it. If you do not receive a confirmation from Jeff within one day of submitting your application **before** November 30<sup>th</sup>, then call DTR staff. If submitting your application **ON** November 30<sup>th</sup>, you should contact him if you do not receive a confirmation within one hour of submittal.

If you have documents you want included with your application, you must email them to Jeff Sanders at [jeffrey.sanders@state.co.us](mailto:jeffrey.sanders@state.co.us). Very large attachments might not make it through CDOT's firewall. If the supporting documentation for your on-line application is too large for CDOT's email system and it gets "bounced" back because of file size limitations, contact DTR staff immediately and he will send you instructions on how to upload your file(s) to CDOT's ftp site. If your document is extremely large or available only in hard copy format, it may be mailed to DTR staff if postmarked no later than November 30<sup>th</sup> and should be mailed to:

Jeff Sanders  
Colorado Department of Transportation  
Division of Transit and Rail  
4201 E. Arkansas Ave., Shumate Bldg.



Denver, CO 80222

If you have any doubt that your application was successfully received (either via email or through the on-line portal) you should call DTR staff well in advance of the due date (303-757-9771) to verify its submission.

Regardless of what method you use to submit your application, upon receipt, a confirmation email will be submitted to the sender. CDOT cannot be held responsible for applications not transmitted to Jeff electronically.

## **PART 10      Schedule**

Following is the schedule CDOT will generally adhere to for the CY 2016 and 2017 project selection process.

Phase	Application/Evaluation/Selection Milestone	Due Date
Notice & Application Development	Call for projects formally broadcast by DTR	10/07/16
	CDOT determines which projects to fund through urban area set-asides	11/16/16
	Applications Due to DTR	11/30/16
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, who seeks input from CASTA executive directors	01/20/17

Award Discussion and Approval	DTR develops list of recommended for presentation at Statewide Transportation Advisory	01/27/17
	DTR develops list of recommended for presentation at Transportation Commission	Mid Feb 2017
	DTR Director finalizes awards	Mid Feb 2017
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 2017
Grant Agreements	DTR and Regions negotiate and finalize grant agreements/IGAs. FTA grant agreements are usually completed earlier (May/June) since the FTA funding is typically already available. FASTER grant agreements are usually completed later (July-September) because the funding does not become available until July 1 <sup>st</sup> .	May-Sep 2017



## Attachment 5-4. DTR LEP Plan

**COLORADO DEPARTMENT OF TRANSPORTATION**



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

October 2016

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## **I. The Purpose of an LEP Plan**

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. Those individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English are considered limited English proficient (LEP).

Language for LEP individuals can be a barrier to accessing important benefits of services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information regarding federally assisted programs or activities. CDOT, as a recipient of federal financial assistance, has an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important services.

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs or activities may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act of 1964. The purpose of an LEP plan is to guide CDOT employees and its agents in taking reasonable steps to provide meaningful access to LEP persons.

This LEP plan has been developed specifically for CDOT's Division of Transit & Rail (DTR). It may be used as guidance for DTR employees, agents, and subrecipients. This plan is intended to improve the internal management of CDOT and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against CDOT.

LEP persons that feel they have been denied meaningful access may file a discrimination complaint based upon national origin under Title VI of the Civil Rights Act. CDOT's discrimination complaint form and complaint procedure can be found at <https://www.codot.gov/business/civilrights>.

## **II. CDOT's Non-Discrimination Policy**

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

Policy Directive 604.0 “Policy on Non-Discrimination” outlines CDOT’s general non-discrimination policy, including the obligation to provide access for LEP individuals. Policy Directive 604.0 states that “CDOT shall seek to communicate with LEP populations and provide LEP individuals meaningful access to CDOT programs and activities.”

### **III. Authorities**

- Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 200d
- Exec. Order No. 13166, 65 Fed. Reg. 50121 (Aug. 16, 2000) – Improving Access to Services for Persons with Limited English Proficiency
- Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, U.S. Department of Transportation, 70 Fed. Reg. 239 (Dec. 14, 2005)
- Implementing the Department of Transportation’s Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons, Federal Transit Administration (April 13, 2007)
- Policy on Non-Discrimination, Colorado Department of Transportation Policy Directive 604.0 (Jan. 27, 2014)

### **IV. The LEP Four Factors<sup>1</sup>**

DTR is required to take reasonable steps to ensure meaningful access to its programs and activities for LEP individuals. There is no proscribed list of reasonable steps. Instead, in accordance with federal guidance, in order to determine what language assistance measures should be implemented, DTR must consider and balance the following four factors:

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

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<sup>1</sup> A more detailed outline of the four-factor analysis is available in “Implementing the DOT LEP Guidance: A Handbook for Transit Agencies” available from FTA. Additional guidance can also be found at [www.lep.gov](http://www.lep.gov).



The greater the number or proportion of LEP persons in the eligible service population, the more likely language services are needed. The eligible service population includes persons eligible to be served, or likely to be directly affected by the activity. Demographic data about the populations of the service area, past encounters with LEP persons, and information from community organizations, governments, and school systems can all be used to evaluate the service population and the number or proportion of LEP persons likely to be encountered.

*Factor #2: The frequency in which LEP individuals come into contact with the program, service, or activity.*

The agency must consider the frequency with which it has or should have contact with LEP individuals. The more frequent contact or potential contact with LEP persons, the more likely enhanced language services will be needed. If an LEP individual accesses a program or service on a daily basis, there is a greater duty to provide enhanced language services than if the same individual's contact is unpredictable or infrequent. Additionally, staff should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP populations.

*Factor #3: The nature and importance of the program, activity, or service provided.*

Language services are more likely needed the more important the activity, information, service, or program because there are greater consequences of the contact to LEP individuals. Staff must determine whether denial or delay of access could have serious implications for the LEP individual. Information from community organizations and past contact with LEP persons can help aid this analysis.

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

The availability and cost of resources must be identified to determine the reasonable steps to provide meaningful access for LEP persons. Identifying available resources includes: (1) creating an inventory of language assistance measures currently being provided; (2) determining what, if any, additional services are needed to provide meaningful access; (3) analyzing the budget for language assistance expenses; and (4) considering cost effective practices for providing language services. "Reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits.

There are two types of language services: interpretation and translation. Interpretation is the act of listening to something in one language and orally translating it into another language. When interpretation is needed and is reasonable, it should be provided in a timely manner to be effective. Translation is the replacement of a written text from one language into an equivalent written text in another language. Because translation is a one-time expense, the upfront cost of the translation should be considered in light of the likely lifespan of the document.

In determining how it will ensure access for LEP persons, the agency must determine how it will provide such language services. Language services should be arranged to provide assistance at a time and place that avoids the imposition of undue burdens or results in the effective denial of the service, benefit, or right at issue. Staff should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Since CDOT is a large statewide entity that serves a significant number of LEP individuals, CDOT “should ensure that the resource limitations are well substantiated before using this fact as a reason to limit language assistance.”<sup>2</sup> Thus, reasons for limiting language assistance based on cost should be documented.

Federal guidance states that vital written materials should be translated for frequently encountered LEP populations. However, the extent of CDOT’s obligation to provide written translations of documents should be determined on a case-by-case basis using the four-factor analysis. The U.S. Department of Transportation’s LEP guidance establishes a “safe harbor,” regarding the requirement to translate vital documents.<sup>3</sup> A “safe harbor” means that providing written translation under the following circumstances serves as strong evidence of compliance:

- (a) Provide written translation of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.
- (b) If there are fewer than 50 persons in a language group that reaches the 5% trigger, vital written materials do not need to be translated. Rather, staff may provide written notice in the primary language of the LEP group of the right to receive competent oral interpretation of those written materials, free of cost.

Failure to provide translations under the safe harbor does not mean there is noncompliance. The safe harbor is meant to provide greater certainty of compliance than can be provided by the fact-

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<sup>2</sup> 70 Fed. Reg. 239 at 74092.

<sup>3</sup> 70 Fed. Reg. 239 at 74095

intensive, four-factor analysis. The safe harbor only applies to the translation of written documents. It does not affect the requirement to provide meaningful access to LEP individuals through oral language services.

## **V. DTR's Four-Factor Analysis**

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

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

DTR is responsible for the planning, development, operation, and integration of transit and rail in the statewide transportation system. DTR works in coordination with other transit and rail providers to plan, promote, and implement investments in transit and rail services statewide. DTR's primary activities are (1) statewide transit planning and research, (2) operation of CDOT's interregional bus service, and (3) distribution and oversight of state and federal grants.

#### **1. Statewide Transit Planning and Research**

CDOT's first Statewide Transit Plan was adopted in March 2015. The Statewide Transit Plan establishes a framework for creating an integrated state transit system to meet the mobility needs of Coloradans. Development of the Statewide Transit Plan involved frequent interaction with the public in the form of stakeholder meetings, open houses, and public comment periods. In the past DTR has also conducted other research, such as evaluation of rail on the I-70 corridor which requires public feedback and input at both the statewide and regional level.

#### **2. Interregional Bus Service**

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

RamsRoute services the public in Fort Collins and Loveland on Friday's and Sundays. It only operates 62 times per year.

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

### 3. Distribution and Oversight of State and Federal Grants

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

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

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

All of the activities of DTR are conducted in or around impact areas throughout the state. Therefore, the geographic boundaries of DTR's functions are the borders of Colorado. According to the data in Appendix A,<sup>4</sup> the most prevalent LEP population in Colorado is Spanish-speaking LEP individuals, who make up 4.66% of Colorado's overall population. There are no other significant LEP populations at the statewide level.

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

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<sup>4</sup> Appendix A contains demographic data for LEP individuals at the state and county level. The demographic data is taken from the US Census Bureau's 2010-2014 American Community Survey, Table B16001 "Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over" and includes individuals who do not speak English at home and who speak English "less than very well." Appendix A is also supplemented with data from the Colorado Department of Education.

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

Specifically, along the North line, Bustang serves Denver county and Larimer County. Denver County has a Spanish-speaking LEP population greater than 8%. This percentage is almost two times greater than the statewide Spanish-speaking LEP percentage, making it likely that Bustang will encounter Spanish-speaking LEP populations along this route. However, Bustang does not

Along the West line Bustang serves Garfield County, Eagle County, Vail County, Summit County, and Denver County. These counties include several resort towns. As mentioned above, the majority of Bustang's customers are commuters. Some of the commenters that benefit from Bustang's services include employees that work in the resort towns served by Bustang. In Jefferson County the percentage of Spanish-speaking LEP persons is not as significant, showing a 1.67% Spanish-speaking population however, Denver County and Eagle County have significant percentages of LEP populations that amount to greater than 8%.

On the South line Bustang serves Denver County and El Paso County. In looking at the data in Appendix A, El Paso County only has a 2.43% Spanish speaking LEP population however, Denver County has over 8% Spanish speaking LEP population.

Along certain routes Bustang will serve counties that have high Spanish speaking LEP populations. Bustang will need to ensure that the language assistance plan includes translation of documents along these routes. The language assistance plan will also need to consider that Bustang will not be serving the entire county and thus may not encounter all of the Spanish speaking LEP residents in each county that has a Bustang route.

Additionally, DTR participated in the Together We Go effort. The Together We Go effort provided a way for CDOT to update the public on the progress CDOT has made since the adoption of the Statewide Transit Plan in March of 2015. At these public meetings, CDOT made translation services available upon request. To date translation services have not been requested at the public meetings and as a result have not been provided.

Not all of the activities serve or are likely to encounter the entire state population. Due to their nature and purpose, statewide transit planning and Bustang should both be assumed to encounter

the entire population. Conversely, research projects may only be local. A separate analysis should be conducted for each research project to determine the potential interaction with LEP persons.

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

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

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

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

Additionally, when conducted, transit planning and research should result in frequent contact with LEP persons because both require significant public involvement to be effective. For example, during the last planning period, seventeen public open house meetings were held throughout the rural areas of the state one public open house meeting was held in each urban Metropolitan Planning Organization area; North Front Range (Greeley area), DRCOG (Denver Metro Area), PPACG (Colorado Springs area), PACOG (Pueblo area), and Grand Valley (Grand Junction area). While individuals may not always take advantage of these opportunities, the planning process seeks to accurately identify needs throughout the state and ensure an equitable distribution of funds, therefore it is highly important to ensure access to all persons.

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



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

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

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

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

- Translation of Notices for Statewide Planning Meetings: The process for creating CDOT's Statewide Transit Plan included the translation of various outreach materials into Spanish. Flyers for outreach events with notices of the availability of free translation services were provided in Spanish. Examples are available in **Appendix B**. Additionally, various components of the statewide plan website<sup>5</sup> are available in Spanish. The website contains a Spanish version of the Statewide Transit Plan's executive summary and a Spanish presentation<sup>6</sup> that was used at public meetings. Both items were professionally translated. The full website is also available in Spanish with Google Translate.<sup>7</sup>
- Language Assistance for Bustang: Bustang, CDOT's interregional express bus service, began service in the summer 2015. DTR has prepared various LEP measures for anticipated language assistance needs. DTR has identified that information regarding Bustang's routes, schedules, and fares are vitally important to ensure meaningful access to the service. Schedule and fare information is printed in Spanish and it is available on the buses and at park and ride stations. Schedule and fare information will also be available on the Bustang website,<sup>8</sup> which can be translated into Spanish using Google Translate. Additionally, each bus will contain a copy of "Basic Spanish for Transit Employees." CDOT funded the creation of this book, which was produced by the

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<sup>5</sup> <http://coloradotransportationmatters.com>

<sup>6</sup> <http://coloradotransportationmatters.com/other-cdot-plans/transit/public-involvement/>

<sup>7</sup> This website is also available in Chinese, French, German, Japanese, Russian, Vietnamese, Arabic, Dutch, Korean, Polish, Portuguese, and Swedish.

<sup>8</sup> [www.ridebustang.com](http://www.ridebustang.com)

Roaring Fork Transit Authority and Colorado Mountain College. It includes requests and commands that vehicle operators can use in Spanish.

- Subrecipient Training and Compliance: For its oversight of state and federal grants, DTR conducted a training and CDOT's Civil Rights and Business Resource Center made themselves available at the spring 2016 Colorado Association of Transit Agencies conference for subrecipients. At the conference, subrecipients were provided with a template for creating their own LEP Plan. **Appendix C** shows an example of one of the templates. **Appendix D** contains a list of DTR subrecipients that submitted LEP plans in 2016.

## **VI. DTR Language Assistance Plan**

### Translation of all Vital Materials

DTR's primary services and activities have a statewide focus. **Appendix A** contains demographic data for LEP individuals at a statewide and county level which shows that Spanish-speaking LEP individuals make up 4.66% of Colorado's overall population. Therefore, DTR has determined that all documents that are vital to providing meaningful access will be translated into Spanish. At a minimum, vital documents include CDOT's discrimination complaint form and procedures, website information and schedules for Bustang, and public notices and website information for statewide planning. For future statewide activities, DTR will evaluate whether documents are vital and must be translated into Spanish.

### Statewide Transit Planning

The next statewide planning cycle is expected to begin in 2019. When the planning cycle commences, DTR will evaluate the then-current LEP data to determine the language assistance services necessary to ensure meaningful access. At a minimum, staff will distribute flyers, surveys, and press releases into any language spoken by an LEP population exceeding 5% of the statewide total. Outreach materials will also state that free language assistance is available upon request. DTR will be prepared to provide translation or interpretation services at outreach events upon request or if there is knowledge that LEP individuals will be attending.

DTR will also continue to make vital planning information available in any language spoken by an LEP population exceeding 5% of the statewide total. The executive summary of the March 2015 Statewide Transit Plan was professionally translated into Spanish and is available at the

statewide plan website.<sup>9</sup> Additionally, the full Statewide Transit Plan and other information on the statewide plan website is available in Spanish with Google Translate.<sup>10</sup>

### Interregional Express Bus Service

DTR has identified that information regarding Bustang's routes, schedules, and fares are vitally important to ensure meaningful access to the service. Schedule and fare information is printed in Spanish and made available on the buses and at park and ride stations. Schedule and fare information is also available on the Bustang website,<sup>11</sup> which can be translated into Spanish using Google Translate. A Spanish-speaking staff member from CDOT's Civil Rights & Business Resource Center proof reads vital information on the website regarding routes, schedules, and fares to confirm the accuracy of these translations.

Each bus contains a copy of "Basic Spanish for Transit Employees." Creation of the book was funded by CDOT and produced by the Roaring Fork Transit Authority and Colorado Mountain College. It includes requests and commands that vehicle operators can use in Spanish.

Bustang staff will track customer service issues and respond accordingly to LEP individuals. Tracking customer service issues related language assistance allows Bustang staff to better understand its frequency of contact with LEP individuals and adopt other language assistance measures if necessary.

### Distribution and Oversight of State and Federal Grants

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

### Providing Notice to LEP Persons

DTR is required to notify LEP populations that language assistance is available free of charge. Notice must be provided in languages LEP persons would understand. **Appendix A** contains demographic data for LEP individuals at a statewide and county level. Spanish-speaking LEP individuals make up 4.66% of Colorado's overall population. Therefore, DTR shall continue to provide notice to Spanish-speaking LEP individuals by doing, at minimum, the following:

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<sup>9</sup> <http://coloradotransportationmatters.com>

<sup>10</sup> This website is also available in Chinese, French, German, Japanese, Russian, Vietnamese, Arabic, Dutch, Korean, Polish, Portuguese, and Swedish.

<sup>11</sup> [www.ridebustang.com](http://www.ridebustang.com)

- Posting CDOT’s general accessibility and non-discrimination public notice, which includes information about obtaining free translation and interpretation services in English and Spanish in areas with public access. The English version is attached here as **Appendix E**. The Spanish version, which was professionally translated, is attached here as **Appendix F**.
- Providing notice of free language assistance with public notices in English and Spanish on its buses and on Bustang’s website,<sup>12</sup> which is available in Spanish with Google Translate.
- During the statewide transit planning process, flyers for outreach events with notices of the availability of free language assistance shall be distributed in Spanish or any other language spoken by over 5% of the population at the time of the planning process. Examples are available in **Appendix B**.

### Language Assistance Resources

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

- Bilingual Staff: DTR is encouraged to identify bilingual staff in order to quickly and effectively respond to unexpected encounters with LEP individuals.
- CDOT Civil Rights & Business Resource Center: DTR is encouraged to consult with the Civil Rights & Business Resource Center (CRBRC) on the development of additional language assistance measures or on how best to respond to specific language assistance requests. The CRBRC may also be able to provide funding and additional resources to DTR for future language assistance measures.
- Language Identification Cards: Language identification cards can be utilized when first encountering someone who needs language assistance. The U.S. Census Bureau’s language identification card is available at [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf). Cards can be used by staff to identify the primary language of LEP individuals during face to face contact.
- CTS LanguageLink: The State of Colorado has a price agreement with CTS LanguageLink for professional translation and interpretation services. CTS LanguageLink offers an over-the-phone interpretation service for **\$0.62 per minute**. A list of languages for the interpretation service is attached as **Appendix G**. CTS LanguageLink also can translate written documents into more than 100 languages. A list of languages is attached as **Appendix H**. Each CDOT program area is encouraged to create a free account with CTS Language list in order to access the over-the-phone

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<sup>12</sup> [www.ridebustang.com](http://www.ridebustang.com)

interpretation service and to obtain rates for translation services. For more information, contact:

Client Relations  
Toll Free 855.779.2704  
clientrelations@ctslanguagelink.com  
www.ctslanguagelink.com

- Automated Computer Translation: Google Translate and other automated translation services can be a tool for translating basic information in limited circumstances. For example, various CDOT websites can be translated into other languages using Google Translate. However, caution should be used when using automated translation to convey vital information. The U.S. Department of Labor recommends using automated translation only if someone is capable of reviewing and correcting the translation to ensure that it is conveying the intended message.<sup>13</sup> While CDOT's website can be translated into several languages using Google Translate, the website also contains Spanish information that was professionally translated. The Civil Rights & Business Resource Center created a page in Spanish that contains information about the public's rights to equal access and nondiscrimination.<sup>14</sup> The Bustang website can also be translated into Spanish using Google Translate. A Spanish-speaking staff member from the Civil Rights & Business Resource Center will proof read vital information regarding routes, schedules, and fares to confirm the accuracy of these translations.

### Monitoring and Updating LEP Efforts

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

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

## **Appendix A**

### **Colorado LEP Demographic Data**

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<sup>13</sup> The U.S. Department of Labor's presentation "Machine Translation: Ensuring Meaningful Access for Limited English Proficient Individuals" (June 24, 2014) discusses the pitfalls of relying on machine translations.

[http://www.dol.gov/oasam/programs/crc/062414Machine\\_TranslationWebinar.pdf](http://www.dol.gov/oasam/programs/crc/062414Machine_TranslationWebinar.pdf)

<sup>14</sup> <https://www.codot.gov/business/civilrights/espanol.html>

## Colorado LEP Demographic Data

Colorado has a total population of 4,860,145 people. Colorado has a total Limited English Proficient (LEP) population of 310,065, which is 6.4% of Colorado's overall population. The following table shows the top five languages spoken by LEP persons in Colorado and their percentage of the total Colorado population, according to the U.S. Census Bureau.<sup>15</sup>

Language	Number of LEP Persons	Percent of Colorado Population
Spanish	226,453	4.66%
Vietnamese	12,078	0.25%
Chinese <sup>16</sup>	10,489	0.22%
Korean	8,475	0.18%
African Languages <sup>17</sup>	7,932	0.17%

### Demographic data by county and CDOT Transportation Region

CDOT is geographically structured into five Transportation Regions. The following pages contain LEP demographic data for each CDOT Transportation Region and the counties within in each region using U.S. Census data for people who do not speak English as their primary language and speak English "less than very well."

Census data is also supplemented with data from the Colorado Department of Education.<sup>18</sup> The presence of English Language Learners in schools may indicate the presence of greater LEP populations. In addition to the languages listed in the U.S. Census tables, the following pages also list additional languages found in the school data.

### CDOT Region 1

CDOT Region 1 is comprised of the five counties listed in the table below. LEP individuals make up 8.8% of Region 1's total population. LEP individuals that speak Spanish represent 6.4% of Region 1's

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<sup>15</sup> Data tabulated by the Migration Policy Institute, "Limited English Proficient Individuals in the United States: Linguistic Diversity at the County Level (February 2013)." Data was tabulated using the US Census Bureau's 2010-2014 American Community Survey, Table B16001 "Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over." For more information about LEP data, visit [http://www.lep.gov/demog\\_data/demog\\_data.html](http://www.lep.gov/demog_data/demog_data.html).

<sup>16</sup> The US Census Bureau groups the following languages under the "Chinese" language category: Chinese, Hakka, Kan, Hsiang, Cantonese, Mandarin, Fuchow, Formosan, and Wu.

<sup>17</sup> The US Census Bureau's "African language" classification includes Amharic, Afro-Asiatic languages, Nilo-Saharan languages, and Niger-Congo languages. For a full listing of these languages, visit <https://www.census.gov/hhes/socdemo/language/about/>.

<sup>18</sup> Colorado Department of Education, English Language Learner student count, grades preschool through 12, October 2012. This data is available upon request from CDOT's Civil Rights & Business Resource Center.



population. Adams, Arapahoe, and Denver counties have the largest Spanish-speaking LEP populations in Region 1. Other prevalent LEP populations in Region 1 include Vietnamese, Russian, and Korean speakers.

#### Region 1, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>19</sup>
<b>Adams</b>	424,235	52,820 (12.45%)	44,305 (11.2%)	Vietnamese (2,136 people) Russian (1,000) Chinese (700) African Languages (500)
<b>Arapahoe</b>	556,245	50,332 (9.05%)	28,310 (5.09%)	Korean (3,467) African Languages (2,900) Russian (2,181) Vietnamese (2,462) Chinese (1,873) Arabic (1,248) Other Asian <sup>20</sup> (1,456) Other Indic <sup>21</sup> (624) French (813) Tagalog (567)
<b>Broomfield</b>	50,287	2,601 (4.7%)	1,388 (2.51%)	-
<b>Clear Creek</b>	8,722	26	18	-
<b>Denver</b>	589,391	67,832 (11.51%)	51,593 (8.75%)	Chinese (1,975) Russian (1,653) Other Indic languages (915) Vietnamese (3,868) Arabic (1,191) African Languages (2,127) Other Asian (750)
<b>Douglas</b>	279,291	6,896 (2.47%)	3,198 (1.15%)	Chinese (894) Korean (666)
<b>Gilpin</b>	5,295	66 (1.25%)	66	-
<b>Jefferson</b>	516,473	16,844 (3.26%)	9,213 (1.78%)	Vietnamese (1,600) Chinese (600) Russian (500) Korean (500)
<b>Region 1</b>	2,429,939	197,417 (8.1%)	138,091 (5.6%)	

In addition to the languages listed in the table on the previous page, school data indicates the presence of the following language population groups:<sup>22</sup>

<sup>5</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>20</sup> The US Census Bureau's "Other Asian languages" classification includes Turkic languages, Dravidian languages, and Tibetan-Burman languages. For a full listing of these languages, visit <https://www.census.gov/hhes/socdemo/language/about/>.

<sup>21</sup> For a full listing the US Census Bureau's "Other Indic languages," visit <https://www.census.gov/hhes/socdemo/language/about/>.

<sup>22</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

**Adams County:** Hmong.

**Arapahoe County:** Arabic, Amharic, Burmese, Karen Pa'o, Nepali and Somali.

**City and County of Denver:** Burmese, Karen Pa'o, French, Nepali, Swahili, and Tigrigna.

**Douglas County:** Somali.

## CDOT Region 2

CDOT Region 2 is comprised of the 14 counties listed in the table below. LEP individuals make up 4% of Region 2's population. The largest LEP group is Spanish at 3.6%. Most of the Spanish-speaking LEP population in Region 2 is found in El Paso and Pueblo counties.

### Region 2, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>23</sup>
Baca	3,498	89 (2.8%)	71	-
Bent	5,757	425 (7.38%)	402(6.98%)	-
Crowley	5,351	472 (8.82%)	454(8.48%)	-
Custer	4143	9 (0.22%)	9 (0.22%)	-
El Paso	599,826	22932(3.82%)	14582(2.43%)	Korean (1,742 people) German (659) Tagalog (542) Chinese (931) Vietnamese (930) Arabic (513)
Fremont	44,891	2,675 (5.96%)	2,028(4.52%)	-
Huerfano	6,367	251 (3.94%)	204 (3.20%)	-
Kiowa	1,322	7 (0.53%)	7 (0.53%)	-
Las Animas	14,030	508(3.62%)	415 (2.96%)	-
Otero	17,530	996 (4.5%)	885 (5.05%)	-
Park	15,525	164(1.06%)	139 (0.90%)	-
Prowers	11447	775 (6.77%)	688 (6.01%)	-
Pueblo	150,658	6,632(4.40%)	5800(3.58%)	-
Teller	22,356	235 (1.06%)	111 (0.50%)	-
Region 2	902,701	36,170 (4.0%)	25,795(2.8%)	

In addition to the languages listed in the table above, school data indicates the presence of the following language population groups:<sup>24</sup>

**EL Paso County:** Nepali.

<sup>23</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>24</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

### CDOT Region 3

CDOT Region 3 is comprised of the 15 counties listed in the table below. LEP individuals make up 6.5% of Region 3's total population. LEP individuals that speak Spanish represent 5.7% of Region 3's population. The majority of the Spanish-speaking LEP population in Region 3 is located in Eagle and Garfield counties.

Region 3, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>25</sup>
Delta	28,813	1,087 (3.8%)	975 (3.4%)	-
Eagle	49,414	6,220 (12.6%)	5,780 (11.7%)	-
Garfield	52,410	5,094 (9.7%)	4,943 (9.4%)	-
Grand	13,704	300 (2.2%)	174 (1.2%)	-
Gunnison	14,752	317 (2.1%)	238 (1.6%)	-
Hinsdale	806	0	0	-
Jackson	1,334	9 (0.7%)	9 (0.7%)	-
Lake	6,753	716 (10.6%)	626 (9.2%)	-
Mesa	137,942	3,797(2.7%)	3,177 (2.3%)	-
Moffat	12,322	696 (5.6%)	635 (5.1%)	-
Montrose <sup>26</sup>	38,534	1,988 (6.3%)	1,899(6.0%)	-
Pitkin	16,503	667(4.0%)	469(2.8%)	-
Rio Blanco	6,287	221 (3.3%)	209 (3.3%)	-
Routt	22,354	592(2.6%)	307 (1.3%)	-
Summit	27,051	1,940 (7.2%)	1828(6.7%)	-
Region 3	428979	23,644 (5.5%)	21,269 (4.9%)	-

In addition to the languages listed in the table above, school data indicates the additional presence of the following language population groups:<sup>27</sup>

**Gunnison County:** Cora, El Nayar.

Note: CDOT Region 3 includes counties with many tourists and seasonal workers. The data here does not reflect the languages likely to be encountered because of these groups.

<sup>25</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>26</sup> Parts of Montrose County are located in CDOT Region 3 and Region 5. However, for this LEP Plan, Montrose County data is analyzed as part of Region 3 because much of the county's population, including the City of Montrose, is located in Region 3.

<sup>27</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

## CDOT Region 4

CDOT Region 4 is comprised of the 13 counties listed in the table below. LEP individuals make up 5.5% of Region 4's total population. LEP individuals that speak Spanish represent 4.5% of Region 4's population. The majority of the Spanish-speaking LEP population in Region 4 is located in Boulder, Larimer, and Weld counties.

Region 4, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>28</sup>
Boulder	289,106	16,085 (6.2%)	12,800 (4.6%)	Chinese (1,194 people) Korean (536)
Cheyenne	1,988	77 (4.8%)	75	-
Elbert	21,517	301(1.34%)	185 (0.82)	-
Kit Carson	7,592	480 (6.32%)	465 (6.12%)	-
Larimer	294,054	6,534(2.22%)	4,324 (1.47%)	-
Lincoln	5,193	354 (6.82%)	329 (6.34%)	-
Logan	21,476	938 (4.37%)	890 (4.14%)	-
Morgan	26,222	3,416 (13.03%)	3,042 (11.60%)	-
Phillips	4,084	524 (12.86%)	518 (12.68%)	-
Sedgwick	2,244	63 (2.81%)	59 (2.63%)	-
Washington	4,531	109 (2.41%)	109 (2.41%)	-
Weld	245,113	17,368 (7.09%)	15,607(6.37%)	
Yuma	9,303	744 (8.0%)	738 (7.93%)	
Region 4	932,423	46,993 (5.0%)	39,141(4.2%)	

In addition to the languages listed in the table above, school data indicates the presence of the following language population groups:<sup>29</sup>

**Morgan County:** Somali.

**Weld County:** Burmese, Karen Pa'o, Somali.

<sup>28</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>29</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

## CDOT Region 5

CDOT Region 5 is comprised of the 14 counties<sup>30</sup> listed in the table below. LEP individuals make up 3.3% of Region 5's total population. LEP individuals that speak Spanish represent 2.3% of Region 5's population.

### Region 5, U.S. Census Data

County	Total Population	Total LEP Population	Spanish LEP Population	Other Languages <sup>31</sup>
Alamosa	14,937	1,051 (7.04%)	957 (6.41%)	-
Archuleta	11,516	276 (0.9%)	176 (1.53%)	-
Chaffee	17,374	562 (1.8%)	559 (3.2%)	-
Conejos	7,600	604 (7.9%)	575 (7.5%)	-
Costilla	3,416	408 (11.94%)	395 (11.56%)	-
Dolores	1,671	2 (0.12%)	0	-
La Plata	49,689	731 (1.47%)	524 (1.05%)	-
Mineral	695	5 (0.72%)	5 (0.72%)	-
Montezuma	23,997	470 (2.1%)	265 (1.10%)	-
Ouray	4,418	54 (1.22%)	44 (1.0%)	-
Rio Grande	11,079	751 (7.2%)	715 (6.3%)	-
Saguache	5,806	655 (11.28%)	637 (10.97%)	-
San Juan	623	12 (1.93%)	12 (1.93%)	-
San Miguel	7,194	259 (3.6%)	248 (3.45%)	-
Region 5	160,015	5,840 (3.6%)	5,112 (3.2%)	

In addition to the languages listed in the table above, school data indicates the presence of the following language population groups:<sup>32</sup>

**Alamosa:** Eastern Q'anjob'al.

**Montezuma:** Navajo.

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<sup>30</sup> A part of Montrose County is also located in CDOT Region 5. However, for this LEP Plan, Montrose County data is analyzed as part of Region 3 because much of the county's population, including the City of Montrose, is located in Region 3.

<sup>31</sup> LEP number estimates are displayed only if 500 persons or more.

<sup>32</sup> The languages listed here were not the only languages identified in the Colorado Department of Education data. These languages and the languages listed in the U.S. Census table were the most prevalent languages identified in the Colorado Department of Education data.

**Appendix B**

**Statewide Transit Plan Outreach Materials in English and Spanish**





**COLORADO**  
Department of  
Transportation

# You're Invited...

## ...to the CDOT Statewide Transit Plan Public Open House!

CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

Please join us for the public open house in your area:

**Date:** Wednesday May 21, 2014

**Location:** Emergency Service Center  
101 W. 10th Street, First Floor - Room 144  
Pueblo, CO 81003

**Time:** 5:00 pm - 7:00 pm

Open House format with presentations at 5:30 pm and 6:30 pm



This is a joint public open house for the CDOT Statewide Transit Plan and the Pueblo Area Council of Governments 2040 Regional Transit Element.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

### Can't make the meeting?

View materials and provide comments at our project website: <http://coloradotransportationmatters.com/other-cdot-plans/transit/>  
Comments can also be made using the CDOT PinTool at: <http://dtdapps.coloradodot.info/pintransit>



**COLORADO**  
Department of  
Transportation

# Lo invitamos...

## ...a la reunión pública sobre el Plan Estatal de Transporte Público de CDOT

El Plan Estatal de Transporte Público de CDOT responde a las necesidades locales y regionales de tránsito y de transporte para personas en su región y en todo el estado. ¡Su opinión será muy valiosa!

Participe de esta reunión pública en su área.

**Fecha:** Miércoles 21 de mayo de 2014

**Lugar:** Emergency Service Center  
101 W. 10th Street, primer piso - Sala 144  
Pueblo, CO 81003

**Hora:** 5:00 pm - 7:00 pm

Reunión informal con presentaciones a las 5:30 pm y 6:30 pm.



Esta es una casa abierta pública conjunta para el Plan de Tránsito CDOT Estatal y el Consejo de Pueblo Area de gobiernos 2040 Element Regional Transit.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

### Si no puede asistir a la reunión,

lo invitamos a que revise los materiales y comparta sus comentarios en el sitio del proyecto: <http://coloradotransportationmatters.com/other-cdot-plans/transit/>  
Los comentarios también se pueden hacer usando el sistema PinTool de CDOT en <http://dtdapps.coloradodot.info/pintransit>





**COLORADO**  
Department of  
Transportation

# You're Invited...

## ...to the CDOT Statewide Transit Plan Public Open House!

CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

**Please join us for the public open house in your area:**

**Date:** Wednesday May 14, 2014

**Location:** Pikes Peak Area Council of Governments (PPACG)  
Conference Room  
14 S. Chestnut Street  
Colorado Springs, CO

**Time:** 5:30 pm - 7:00 pm

Open House format with presentation at 6:00 pm



**Pikes Peak Area  
Council of Governments**  
Communities Working Together



**THE  
CITY OF  
COLORADO  
SPRINGS  
PROJECT**  
MAKING YOUR CITY  
BETTER



This is a joint public open house for the CDOT Statewide Transit Plan and the PPACG 2040 Regional Transportation Plan.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

### Can't make the meeting?

View materials and provide comments at our project website: <http://coloradotransportationmatters.com/other-cdot-plans/transit/>  
Comments can also be made using the CDOT PinTool at: <http://dtdapps.coloradodot.info/pintransit>



**COLORADO**  
Department of  
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El Plan Estatal de Transporte Público de CDOT responde a las necesidades locales y regionales de tránsito y de transporte para personas en su región y en todo el estado. ¡Su opinión será muy valiosa!

**Participe de esta reunión pública en su área.**

**Fecha:** Miércoles 14 de mayo de 2014

**Lugar:** Pikes Peak Area Council of Governments (PPACG)  
Conference Room  
14 S. Chestnut Street  
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Esta es una casa abierta pública conjunta para el Plan de Tránsito CDOT Estatal y el Plan Regional de Transporte PPACG 2040.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

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CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

Please join us for the public open house in your area:

**Date:** Wednesday May 7, 2014

**Location:** Greeley Ice Haus  
900 8th Avenue  
Greeley, CO 80631

**Time:** 5:00 pm - 7:00 pm

Open House format with presentations at 5:30 pm and 6:30 pm



This is a joint public open house for the CDOT, the North Front Range MPO and Greeley-Evans Transit. For further information on the NFRMPO 2040 Regional Transit Element, please contact Nate Vander Broek at NFRMPO (970) 416-2309. For information on GET, please contact Will Jones at (970) 350-9751.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

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Participe de esta reunión pública en su área.

**Fecha:** Miércoles 7 de mayo de 2014

**Lugar:** Greeley Ice Haus  
900 8th Avenue  
Greeley, CO 80631

**Hora:** 5:00 pm - 7:00 pm

Reunión informal con presentaciones a las 5:30 pm y 6:30 pm.



Esta es una casa abierta pública conjunta para el CDOT, la North Front Range MPO y tránsito de Greeley-Evans. Para más información sobre el 2040 NFRMPO Elemento de tránsito regional, por favor póngase en contacto con Nate Vander Broek en NFRMPO (970) 416 4924. Para obtener información sobre GET, póngase en contacto con Will Jones al (970) 350-9751.

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CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

Please join us for the public open house in your area:

**Date:** Wednesday May 28, 2014

**Location:** Grand Valley Transit Operations Building  
525 South 6th Street, 2nd Floor  
Grand Junction, CO 81501

**Time:** 5:00 pm - 7:00 pm

Open House format with presentations at 5:30 pm and 6:30 pm



This is a joint public open house for the CDOT Statewide Transit Plan and the Grand Valley Metropolitan Planning Organization and Grand Valley Transit 2040 Regional Transportation Plan.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

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Participe de esta reunión pública en su área.

**Fecha:** Miércoles 28 de mayo de 2014

**Lugar:** Grand Valley Transit Operations Building  
525 South 6th Street, 2nd Floor  
Grand Junction, CO 81501

**Hora:** 5:00 pm - 7:00 pm

Reunión informal con presentaciones a las 5:30 pm y 6:30 pm.



Esta es una casa abierta pública conjunta para el Plan Estatal de Tránsito CDOT y la Organización de Planificación Metropolitana de Grand Valley y Grand Valley Transit 2040 Plan de Transporte Regional.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

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CDOT's Statewide Transit Plan addresses the local and regional transit and human service transportation needs in your region and across the state. Your input is greatly needed!

Please join us for the public open house in your area:

**Date:** Monday May 12, 2014

**Location:** CDOT Headquarters - Shumate Building  
(located behind the main building along Birch Avenue)  
4201 E. Arkansas Ave.  
Denver, CO 80222

**Time:** 5:00 pm - 7:00 pm

Open House format with presentations at 5:30 pm and 6:30 pm



This is a joint public open house for the CDOT Statewide Transit Plan and the Denver Regional Council of Governments 2040 Metro Vision Regional Transportation Plan.

For more information, or for those who require accommodation for disabilities or a language interpreter, including hearing impaired, please contact Beth Vogelsang at (303)589-5651 no later than 3 business days before the meeting. The facility is accessible for disabled individuals.

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Participe de esta reunión pública en su área.

**Fecha:** Lunes 12 de mayo de 2014

**Lugar:** CDOT Headquarters - Shumate Building  
(situado detrás del edificio principal a lo largo de Birch Avenue)  
4201 E. Arkansas Ave.  
Denver, CO 80222

**Hora:** 5:00 pm - 7:00 pm

Reunión informal con presentaciones a las 5:30 pm y 6:30 pm.



Esta es una casa abierta pública conjunta para el Plan de Tránsito CDOT Estatal y el Consejo Regional de Gobiernos de Denver 2040 Metro Plan de Transporte Regional Vision.

Para más información, para solicitar acomodaciones especiales para personas con incapacidad, o para pedir servicios de traducción (incluyendo lenguaje de signos), llamar a Beth Vogelsang al (303)589-5651 por lo menos tres días antes de la reunión. El lugar de la reunión es accesible para personas incapacitadas.

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**Appendix C**  
**LEP Plan Template for Subrecipients**

**LIMITED ENGLISH PROFICIENCY  
REQUIREMENTS**

**For your information only. Do not include this page in your LEP Plan.**

A Limited English Proficient (LEP) person is someone who does not speak English as his/her primary language and who has a limited ability to read, speak, write or understand English.

The requirement to respond to people with limited English proficiency is included under Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person shall “on the grounds of race, color or national origin [recently expanded to include age, sex and disability] be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Executive Order No. 13166, issued in August 2000 by President Clinton, "Improving Access to Services for Persons with Limited English Proficiency," was created to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. Loretta King, Acting Assistant Attorney General, further strengthened the enforcement of Title VI in a memorandum dated July 10, 2009.

To meet Federal Transit Administration (FTA) requirements, subrecipients must submit an LEP plan with their Title VI Program. FTA guidance requires that subrecipients complete a Four-Factor Analysis to determine appropriate language assistance measures. The four factors to be addressed include:

- Factor 1:** Number/proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
- Factor 2:** Frequency with which LEP persons come into contact with the transit program.
- Factor 3:** Nature and importance of the program, activity, or service provided by your program to LEP persons' lives.
- Factor 4:** Local resources available to respond to LEP outreach and identify needs as well as costs.

Once the four-factor analysis is completed, the subrecipient must develop a language assistance plan outlining the agency's current procedures and steps it plans to take in the future to ensure meaningful access to transit programs by persons with limited English proficiency.

Several resources are available for guidance regarding LEP Plans. The Department of Justice provided LEP guidance for Federal Financial Assistance recipients in the Federal Register Vol. 67, No. 117 on June 18, 2002. FTA also provides guidance for transit providers in "Implementing the Department of Transportation's Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient Persons."

The Colorado Department of Transportation (CDOT) is required to provide further guidance and technical assistance to sub-recipients in determining how they can best provide meaningful access to LEP users of their Federally-funded transit programs. This includes guidance in: 1) identifying the magnitude of the need for LEP assistance in their areas, 2) evaluating how they currently serve people who are limited in their English proficiency, and 3) determining what measures they can take in their direct contacts with LEP individuals in order to increase meaningful access to transit services. This template and the associated data is intended to assist recipients with developing an LEP Plan. Sub recipients may also contact CDOT's Civil Rights & Business Resource Center at 303-757-9072.



[AGENCY NAME]

## LIMITED ENGLISH PROFICIENCY PLAN

### I. INTRODUCTION

This Limited English Proficiency (LEP) Plan, for \_\_\_\_\_ (agency name) has been developed in response to federal requirements included under Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person shall "on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Federal Executive Order No. 13166, issued in August 2000 by President Clinton, "Improving Access to Services for Persons with Limited English Proficiency," was created to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. Loretta King, Acting Assistant Attorney General, further strengthened the enforcement of Title VI in a memorandum dated July 10, 2009.

As a sub-recipient of funds from the Federal Transit Administration (FTA), through the Colorado Department of Transportation (CDOT), \_\_\_\_\_ (agency name) has developed this LEP Plan to ensure compliance with Federal LEP regulations including the FTA LEP handbook "Implementing the Department of Transportation's Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient Persons." This plan includes an assessment of the limited English proficiency needs of our area, an explanation of the steps we are currently taking to address these needs, and the steps we plan to take in the future to ensure meaningful access to our transit programs for persons with limited English proficiency.

### II. POLICY

It is the policy of \_\_\_\_\_ (agency name) to ensure that our programs and activities, normally provided in English, are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil right Act of 1964. The \_\_\_\_\_ will, to the maximum extent feasible in its official deliberations and communications, community outreach and related notifications, provide appropriate alternative non-English formats to ensure LEP persons have access to information and services.

### III. LIMITED ENGLISH PROFICIENCY NEEDS OF AREA

The Four-Factor Analysis developed by the FTA requires that \_\_\_\_\_ (agency name) evaluate the number and percentage of LEP persons in our area, and the nature, frequency and importance of the contact we have with LEP persons in providing transit services. Each of these elements is addressed below.

#### Factor 1. Number and Percentage of LEP Persons in Our Area

This first factor requires you to identify LEP populations. Depending on your service area, information on the permanent population of your area may be sufficient. However, if you have large numbers of visitors, additional data will be needed. Suggestions regarding how to access data for both the permanent and visitor populations of your area are presented below. Data on visitors to your area will likely be more difficult to obtain. Statistical information may be available from local Chambers of Commerce, recent market surveys by resorts or other businesses in your area, transit rider surveys or other surveys, community outreach or simply your drivers and customer service staff. Chances are, as a transit provider you already know what issues exist in serving individuals with limited English proficiency in your area. You'll need to document information on the number and/or percentage of limited English speakers, by language group, as best you can in this section.

A. Examine prior experiences with LEP persons

Review relevant benefits, services, and information provided by your organization and determine the extent to which LEP persons have come into contact with these functions. Your organization could have come into contact with LEP persons through the following channels:

- a) Contact with transit vehicle operators;
- b) Contact with transit station managers;
- c) Calls to your agency's customer service telephone line;
- d) Visits to your agency's headquarters;
- e) Access to your agency's website;
- f) Attendance at community meetings or public hearings hosted by your agency;
- g) Contact with your agency's ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers)

B. Analyze Census Data

Insert the LEP data for all populations served by your agency.

- a) Identify the geographic boundaries of the area that your agency serves.
- b) Analyze the data provided from our template.
- c) Identify any concentrations of LEP persons within your service area.

C. Consult Other Sources

Seek out additional data that could reflect or represent LEP populations in your area. The following sources offer secondary data on the LEP population:

- a) The Department of Education
- b) The Department of Labor

D. Consult Community Organizations

- a) Identify community organizations
- b) Contact relevant community organizations
- c) Obtain information

E. Summarize Your Results.

Based on the research conducted above, provide a summary that answer the following questions to the best of your ability.

- a. Do LEP populations exist in your area?
- b. What languages do they speak?
- c. Where are concentrations of LEP persons in your service area?

## **Factors 2 & 3. Frequency and Importance of LEP Contact**

There are many ways to address these factors. The method outlined below is one option.

### **A. Describe the Nature of Contact**

Outline your programs and activities in this section.

- a. What transit programs, services or activities does your organization provide? (List services)

### **B. Frequency of Contact**

Describe the frequency of your contact with LEP persons. The more frequent the contact, the more likely enhanced language services are needed. You may want to conduct a survey, evaluate current rider data, etc. to determine frequency of contact with LEP populations.

- a. What is the frequency of contact in terms of each of the programs or services you provide with known or potential LEP populations in your service area?

### **C. Importance of Contact**

Describe the importance of your programs to LEP persons. The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP persons, the more likely language services will be needed. Since most FTA sub-recipients in Colorado provide transit service to the public, and you provide an important service, the importance of contact with LEP persons should be higher.

- a. Describe the importance of current contacts or potential contacts with LEP individuals.

## **Factor 4. Resources Available for LEP Outreach**

Examine the resources available for LEP outreach, as well as the costs associated with that outreach.

- a. Do you currently provide any LEP services? If so please describe.
- b. Are additional services necessary?
- c. Do you have the budget for these services?
- d. Are there other cost-effective measures that can be taken?

## **IV. LANGUAGE ASSISTANCE PLAN**

Given what you've identified by the four factor analysis above, what are your current processes and plans for the future to address LEP needs? Are your existing efforts adequate? What else needs to be done? How will you continue to monitor and respond to the needs of LEP persons in your area to make ensure they have meaningful access to the services you provide? Please consider the items below in developing a plan for the future.

**A. Language Assistance Measures.** An effective language plan would include information about the ways in which language assistance would likely be provided. Recipients should consider including the following:

- a. A list of written and oral language assistance products and methods the agency has implemented and how agency staff can obtain those services;
- b. Instructions to customer service staff and other agency staff who regularly take phone calls from the general public on how to respond to an LEP caller;
- c. Instructions to customer service staff and other agency staff who regularly respond to written communication from the public on how to respond to written communication from an LEP person;
- d. Instructions to vehicle operators, station managers, and others who regularly interact with the public on how to respond to an LEP customer.
- e. Policies on how the agency will ensure the competency of interpreters and translation services.

**B. Training staff.** Describe the training that is conducted to ensure that appropriate staff members know about LEP policies and procedures and are ready to provide assistance.

- a. Identify agency staff that are likely to come into contact with LEP persons as well as management staff.
- b. Identify existing staff training opportunities. It may be cost-effective to integrate training on their responsibilities to LEP persons into agency training that occurs on an ongoing basis.
- c. Design and implement LEP training for agency staff. Training should include:
  1. A summary of the transit agency's responsibilities under the DOT LTP Guidance;
  2. A summary of the agency's language assistance plan;
  3. A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
  4. A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
  5. A description of the agency's cultural sensitivity policies and practices.
- d. Below are some available staff training resources:
  1. "Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice." This video, which is available on DVD and as a streaming video link on [www.lep.gov](http://www.lep.gov), explains the language access requirements of Title VI and Executive Order 13166 through vignettes that expose the problems resulting from the absence of language assistance. The video goes on to show how these same situations could have been handled more appropriately if the service provider took reasonable steps to provide meaningful access.
  2. "Providing Language Access for Persons with Limited English Proficiency,"

a PowerPoint presentation produced by the FTA Office of Civil Rights and available at [http://www.fta.dot.gov/civilrights/title6/civil\\_rights\\_5102.html](http://www.fta.dot.gov/civilrights/title6/civil_rights_5102.html).

3. "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decisionmaking," available at <http://www.fhwa.dot.gov/hep/lowlim>. This report documents "best practices" in identifying and engaging low-literacy and LEP populations in transportation decision-making. These "best practices" were collected during telephone interviews with individuals in 30 States.
4. "Basic Spanish for Transit Employees" this flip guide was produced by the Roaring Fork Transit Authority and the Colorado Mountain College. It includes requests and commands that vehicle operators use every day in English and in Spanish and written phonetically in English. Copies of this guide can be obtained by calling 970-945-8691.
5. "Guidelines for Developing Traffic Safety Educational Materials for Spanish-Speaking Audiences," a manual developed by the Education in Traffic Safety project, Education Development Center, Inc., with funding from the National Highway Traffic Safety Administration. The manual is organized into three sections: research and planning, creating materials, and dissemination and evaluation. Available at <http://www.nhtsa.dot.gov/people/injury/airbags/TESM/index.htm>.

**C. Monitoring and Updating The LEP Plan.** Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees. Recipients should incorporate the following steps into their LEP plans:

- a. Establish a process to obtain feedback on your agency's language assistance measures;
- b. Obtain feedback from community members and from agency staff;
- c. Conduct internal monitoring to determine whether language assistance measures and staff training programs are working;
- d. Make changes to the language assistance plan based on feedback received; and
- e. Consider new language assistance needs when expanding service

**D. Providing Notice to LEP Persons.** This part should identify how the agency will advertise its language services to the LEP community.

- a. Inventory the existing public service announcements and community outreach the agency currently performs.
  - 1) Typical communication methods to the public:
    1. Signs and handouts available in vehicles and at stations
    2. Announcements in vehicles and at stations
    3. Agency websites
    4. Customer service lines
    5. Press releases
    6. Newspaper, radio, and television advertisements
    7. Announcements and community meetings.
    8. Information tables at local events
- b. Incorporate notice of the availability of language assistance into existing outreach methods. Agencies should provide notice of the availability of language assistance on a regular basis,

in order to reach the greatest number of potential riders.

- c. Conduct targeted community outreach to LEP populations. Targeted community outreach can consist of meeting with agencies that serve LEP populations and attending community meetings and events to inform people of the agency's service in general and that language assistance is available.



**Appendix D**  
**List of Subrecipients with Approved LEP Plans**

1.	Breckenridge
2.	Mesa County (Grand Valley Transit)
3.	Montrose County Senior Citizen Coalition
4.	Colorado Springs (Mountain Metro Transit)
5.	Roaring Fork Transportation Authority
6.	Neighbor to Neighbor Volunteers
7.	Durango
8.	Cripple Creek
9.	Gunnison Valley Transportation Authority
10.	Winter Park
11.	Mountain Express (Crest Butte)
12.	Snowmass Village
13.	Developmental Pathways
14.	Prowers Area Transit
15.	Via Mobility
16.	Easter Seals
17.	South Central Council of Govts.
18.	Greeley Evans Transit
19.	Family Health West
20.	Community Connections
21.	Discover Goodwill
22.	Glenwood Springs
23.	Lakewood
24.	Steamboat Springs
25.	Blackhawk
26.	Mountain Village
27.	Telluride
28.	Silver Key Senior Services
29.	La Plata County Senior Services
30.	Douglas County
31.	Summit County
32.	Dolores County Senior Services
33.	Lake County
34.	Grand County Council on Aging
35.	Bent County Transit
36.	Town of Telluride

37.	Horizons
38.	Pueblo
39.	El Paso Fountain valley Senior Citizens program
40.	San Miguel County

**Appendix E**  
**CDOT's Public Notice (English)**



## **Request for Access to CDOT Programs & Activities**

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

The following services are available:

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

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

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

## **Your Rights Against Discrimination**

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

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

<b>CDOT Civil Rights &amp; Business Resource Center</b> 4201 East Arkansas Ave., Room 150 Denver, CO 80222 (800) 925-3427 <a href="mailto:dot_civilrights@state.co.us">dot_civilrights@state.co.us</a>	<b>Federal Highway Administration, Colorado Division</b> 12300 West Dakota Avenue, Suite 180 Lakewood, CO 80228 (720) 963-3000	<b>Federal Transit Administration, Region 8</b> 1961 Stout Street, Suite 13-301 Denver, CO 80202 (303) 362-2400
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Si necesita informacion en Espanol, favor contactar (800) 925-3427.

**Appendix F**  
**CDOT's Public Notice (Spanish)**



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

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

Están disponibles los servicios siguientes:

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

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

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

## Sus derechos contra la discriminación

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

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

 <b>CDOT Civil Rights &amp; Business Resource Center</b> 4201 East Arkansas Ave., Room 150 Denver, CO 80222 (800) 925-3427 <a href="mailto:dot_civilrights@state.co.us">dot_civilrights@state.co.us</a>	<b>Federal Highway Administration, Colorado Division</b> 12300 West Dakota Avenue, Suite 180 Lakewood, CO 80228 (720) 963-3000	<b>Federal Transit Administration, Region 8</b> 1961 Stout Street, Suite 13-301 Denver, CO 80202 (303) 362-2400  (Ctrl) +
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## **Appendix G**

### **CTS LanguageLink Interpretation Language List**

## INTERPRETATION LANGUAGE LIST

CTS LanguageLink provides spoken Interpretation Services in 240+ languages and/or dialects. If you do not see your target language listed here, please contact a CTS LanguageLink representative for more information at +1 800-208-2620.

<b>A</b>	Acholi	Duala	Ho
	Afrikaans	Dutch	Hunanes
	Akan	Edo	Hungarian
	Albanian	<b>E</b> Efik	Iban
	American Sign Language	Estonian	Ibang
	Amharic	Ethiopian	Icelandic
	Arabic	Ewe	Igbo (Ibo)
	Armenian	<b>F</b> Farsi (Persian)	Ilocano
	Ashanti	Fijian	Indonesian
	Assyrian	Filipino	Italian
	Azerbaijani	Finnish	<b>J</b> Jaaxanke
<b>B</b>	Bambara	Flemish	Jakartanese
	Basque	French	Japanese
	Bassa	French Canadian	Javanese
	Behdini	French Creole	<b>K</b> Kakwa
	Belarusian	Frisian (West)	Kanjobal
	Bengali	Fujianese	Kankanay
	Bosnian	Fukinese	Kannada
	Bulgarian	Fula	Karen
	Burmese	Fulani	Kashmiri
<b>C</b>	Cantonese	Fuzhou	Kayah
	Cape Verde	<b>G</b> Ga	Kazakh
	Catalan	Gaelic	Khmer (Cambodian)
	Cebuano	Ganda	Kikamba
	Chabacano	Garre	Kikuyu
	Chaldean	Georgian	Kinyarwanda
	Cham	German	Kirghiz
	Chamorro	Gilaki	Kirundi
	Chau-jo	Grebo	Korean
	Cherokee	Greek	Kosrae
	Chinese	Greenlandic	Kpelle
	Choujo	Gujarati	Krahn
	Chuukese	<b>H</b> Haitian Creole	Kurdish
	Creole	Haka Burmese	<b>L</b> Lakota
	Croatian	Hakka	Laotian
	Czech	Harari	Latin
<b>D</b>	Danish	Hausa	Latvian
	Dari (Persian)	Hebrew	Lebanese
	Dimli	Hindi	Liberian
	Dinka	Hmong	Lingala

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## INTERPRETATION LANGUAGE LIST

CTS LanguageLink provides spoken Interpretation Services in 240+ languages and/or dialects. If you do not see your target language listed here, please contact a CTS LanguageLink representative for more information at +1 800-208-2620.

M	Lithuanian	Q	Papiamento	T	Tagalog
	Luganda		Pashto		Tahitian
	Luo (Dhuluo)		Polish		Taiwanese
	Maay		Ponapean		Tajiki
	Macedonian		Portuguese		Tamal
	Malagasy		Portuguese Brazilian		Tamang
	Malay		Portuguese Creole - Cape Verdean Creole		Tamil
	Malayalam		Potwari		Tarasco
	Malaysian		Pulaar		Tatar
	Maltese		Punjabi		Telugu
	Mam	R	Quechua		Teochew
	Mandarin		Quiche		Thai
	Mandingo		Rhade		Thai Dam
	Mandinka		Romanian		Tibetan
	Mankon		Rundi		Tigrigna – Tigrinya
	Marathi	S	Russian		Toishanese
	Marshallese		Samoan		Tokelau
	Maylay		Sara		Tongan
	Meru		Serbian		Trukese (Chuukese)
	Mien		Serbo Croatian		Tshiluba
	Mina		Shanghainese		Tsonga
	Mixteco		Shona		Tswana
	Mixteco Alto		Sichuan		Turkish
	Mixteco Bajo		Sicilian		Turkmen
	Moldovan		Sindhi	U	Twi
N	Mongolian		Sinhala		Ukrainian
	Moroccan Arabic		Sinhalese		Urdu
	Myanmar		Slovak	V	Uzbek
	Nahuati		Slovenian		Vangali
	Navajo		Somali		Vietnamese
	Nepali		Soninke	W	Visayan (Cebuano)
	Newari		Sorani		Welsh
	Nigerian		Sotho		Wolof
	Norwegian		Spanish (European)	Y	Wu
	Nuer		Spanish (Latin America)		Yi
O	Ojibay		Spanish (Mexican)		Yiddish
	Oromifa	S	Sudanese	Z	Yoruba
	Oromo		Swahili		Zapoteco
	Pahari		Swedish		Zulu
	Palauan		Syrian		
P	Pampangan				

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## Appendix H

### CTS LanguageLink Translation Language List



## TRANSLATION LANGUAGE LIST

CTS LanguageLink provides written translation services in over 100+ languages. If you do not see your target language listed here, please contact a CTS LanguageLink representative for more information at +1 800-208-2620.

<b>A</b>	Afrikaans	<b>G</b>	Georgian	<b>P</b>	Portuguese (Brazilian)	<b>R</b>	Portuguese (European)
	Albanian		German				Punjabi (Panjabi)
	Amharic		Greek				Romanian
	Arabic						Russian
	Armenian (Eastern & Western)						Rwanda
	Azerbaijani (Azeri)					<b>S</b>	Samoan
<b>B</b>	Belarusian						Serbian
	Bengali						Sinhala (Sinhalese)
	Bosnian						Slovak (Slovakian)
	Bulgarian						Slovene (Slovenian)
	Burmese						Somali
<b>C</b>	Cambodian (Khmer)						Soninke
	Cape Verdean						Spanish (European)
	Catalan						Spanish (Latin American)
	Cebuano						Spanish (Mexican)
	Chamorro						Swahili
	Chinese (Simplified)						Swedish
	Chinese (Traditional)					<b>T</b>	Tagalog (Filipino)
	Chuukese						Tajik
	Croatian						Tamil
	Czech						Thai
<b>D</b>	Danish						Tibetan
	Dari						Tigrinya
	Dutch						Tongan
	Dzongkha (Bhutanese)						Turkish
<b>E</b>	Estonian						Twi
<b>F</b>	Farsi (Persian)					<b>U</b>	Ukrainian
	Finnish						Urdu
	Flemish						Uzbek
	French (African)					<b>V</b>	Vietnamese
	French (Canadian)					<b>W</b>	Welsh
	French (European)						Wolof
	Fula					<b>Y</b>	Yiddish
<b>G</b>	Georgian						Yoruba
	German					<b>Z</b>	Zande (Kizande)
	Greek						Zulu
		<b>H</b>	Haitian Creole				
			Hebrew				
			Hindi				
			Hmong				
			Hungarian				
		<b>I</b>	Icelandic				
			Igbo				
			Ilocano				
			Indonesian				
			Italian				
		<b>J</b>	Japanese				
		<b>K</b>	Karen				
			Kazakh				
			Kikuyu (Gikuyu)				
			Kirghiz				
			Kirundi (Rundi)				
			Korean				
			Kurdish				
		<b>L</b>	Laotian				
			Latvian				
			Lithuanian				
		<b>M</b>	Macedonian				
			Malay (Sabah)				
			Malayalam				
			Maltese				
			Marshallese				
			Mien				
			Mongolian				
		<b>N</b>	Nepali (Nepalese)				
			Norwegian				
			Nuer				
		<b>O</b>	Oromo (Oromiffia)				
			Pashto (Pushto)				
			Polish				

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## Attachment 5-5. USDOT Standard Assurances

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

### Assurances

#### DOT Order No. 1050.2A

The Colorado Department of Transportation (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA), is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

#### General Assurances

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

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the FHWA, FTA, or FAA.*

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

#### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FHWA, FTA, and FAA assisted programs:

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

"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."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Colorado Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA, FTA, and FAA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA, FTA, or FAA. You must keep records, reports, and submit the material for review upon request to FHWA, FTA, or FAA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Colorado Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FHWA, FTA, and FAA. This ASSURANCE is binding on Colorado Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FHWA, FTA, and FAA funded programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

\_\_\_\_\_  
**(Name of Recipient)**

by \_\_\_\_\_  
Michael P. Lewis  
**(Executive Director)**

DATED \_\_\_\_\_

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, (***Title of Modal Operating Administration***), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the (***Title of Modal Operating Administration***) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the (***Title of Modal Operating Administration***), as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the (***Title of Modal Operating Administration***) may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment,

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **(Title of Modal Operating Administration)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.



## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Colorado Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with **(Name of Appropriate Legislative Authority)**, the Regulations for the Administration of **(Name of Appropriate Program)**, and the policies and procedures prescribed by the **(Title of Modal Operating Administration)** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Colorado Department of Transportation all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto Colorado Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Colorado Department of Transportation its successors and assigns.

The Colorado Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Colorado Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

## **APPENDIX C**

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Colorado Department of Transportation pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Colorado Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Colorado Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Colorado Department of Transportation and its assigns.\*

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

## **APPENDIX D**

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Colorado Department of Transportation pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Colorado Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Colorado Department of Transportation will there upon revert to and vest in and become the absolute property of Colorado Department of Transportation and its assigns.\*

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

## APPENDIX E

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

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## Attachment 5-6. CDOT FTA DBE Goal



**Colorado Department of Transportation**

**Federal Transit Administration**

**FFY 2017-2019 Disadvantaged Business Enterprise Goal**

Submitted by the

CDOT Civil Rights and Business Resource Center

August 1, 2016

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## INTRODUCTION

This document details the methodology used by the Colorado Department of Transportation (CDOT) to establish its Disadvantaged Business Enterprise (DBE) overall goal for Federal Transit Administration (FTA) assisted contracts. This goal is established and tracked separately from CDOT's Federal Highway Administration (FHWA) overall goal. It applies primarily to CDOT's Division of Transit and Rail (DTR), which receives, distributes, and oversees the use of federal funds received by FTA.

CDOT established this goal in accordance with Part 26, Title 49 of the Code of Federal Regulations (49 CFR Part 26). As described below, CDOT evaluated the actual contracting opportunities to be offered using FTA funds, the ready, willing and able DBEs to participate in such opportunities, and other relevant evidence in order to determine its overall goal. CDOT proposes an FTA DBE goal of 2.88% for the three-year period, from October 1, 2016 through September 30, 2019 (FFY 2017-2019). CDOT expects to meet the full 2.88% with race-neutral measures.

## CDOT FTA FUNDING BREAKDOWN

In FFY 2014-2016, CDOT received approximately \$57 million from FTA. While CDOT directly procures some services using FTA funds, most FTA funds (approximately \$48 million) are granted to transit providers in rural areas. CDOT anticipates administering approximately the same amount during the next three-year period.

CDOT grant partners (or subrecipients) use FTA funds for operating, administration and capital purchases. Subrecipients may contract for goods and services, creating indirect FTA-assisted contracting opportunities for DBE firms. CDOT's Civil Rights and Business Resource Center (CRBRC) surveyed DTR all of its grant partners to estimate available contracting opportunities in the FFY 2017-2019 period. Current grant partners reported actual spending amounts and perceived adjustments for the next three years. New grant partners were directed to complete the survey by estimating expenditures over the next three years. Approximately 75% of grant partners responded to the survey.

Of the total amount of FTA assistance CDOT received from FTA, CDOT determined that only 19% represents viable contracting opportunities. The other funds do not represent contracting opportunities to be included in the goal setting for one or more of the following reasons:

- The subrecipient meets the \$250,000 threshold for its own DBE program (38%);
- The funds are used for purchases from transit vehicle manufacturers (TVMs) (14%);
- The funds are used for non-contracting operating expenses (28%); or
- The funds are used for services provided by internal government offices (1%).

Contracting opportunities provided by grant partners who maintain their own DBE program are not included in CDOT's calculation. In accordance with USDOT guidance, the FTA funds provided to these grant partners are incorporated into the grant partner's direct FTA reporting. The funds and correlating opportunities are not included in CDOT's analysis.

The grant partners that maintain their own DOT-approved program include:

- Mesa County
- North Front Range Metropolitan Planning Organization

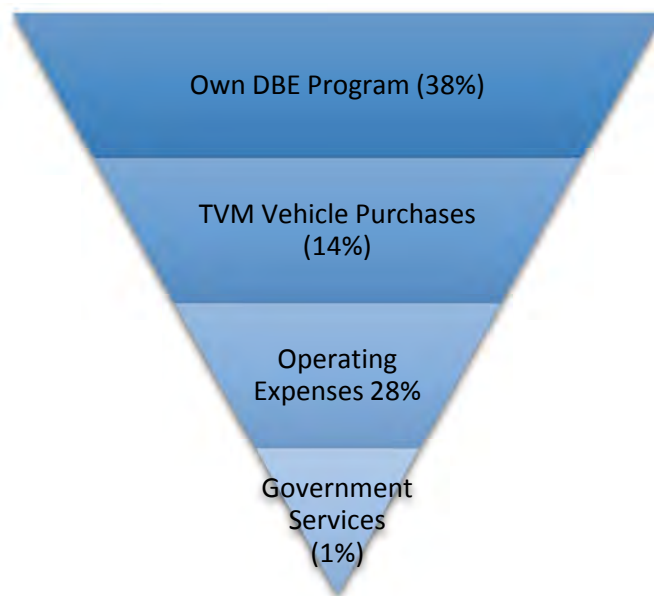
- City of Steamboat Springs
- Roaring Fork Transportation Authority
- Regional Transportation District
- City of Durango
- Greeley Evans Transit
- City of Colorado Springs dba Mountain Metropolitan Transit

CDOT has collected a copy of the DOT-approved DBE program for each direct recipient to confirm that each grant partner is a direct recipient. Due to changes in FTA funding, it is expected that Roaring Fork Transportation Authority will begin reporting to CDOT in FFY 2018.

Purchases from transit vehicle manufacturers (TVM) and operating expenses are also not considered contracting opportunities. TVM purchases are exempt since TVMs maintain their own DBE programs. Operating expenses are excluded per FTA guidance. Operating expenses include rent, utilities, employee wages, employment taxes, fringe benefits, licenses, fees, taxes, conferences, other travel expenses, and insurance.

Additionally, CDOT has exempted expenditures made within government organizations for services. For example, a subrecipient might use the services of a mechanical shop that is part of the city government to maintain its buses. As such, these expenditures with a local government do not represent a viable contracting opportunity for DBEs.

Below is a visual depiction of the use of FTA funds:



Contracting Opportunities = 19%

The FTA provides a significant and valuable financial contribution to support DTR and its grant partners. Yet, when exemptions are factored in, the potential for DBE contracting opportunities included in CDOT's overall goal setting is limited to approximately 19% of the FTA funding provided to CDOT.

The following goal calculations are based on the contracting opportunities created by the remaining 19%. The overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on these FTA-assisted contracts (hereafter, the “relative availability of DBEs”). To derive the overall goal, CDOT uses the two-step goal setting methodology specified in 49 CFR Section 26.45(c):

Step 1: Develop a base figure for relative availability of DBEs

Step 2: Adjust base figure, as needed, to arrive at an overall goal

#### **STEP 1: DEVELOP A BASE FIGURE**

Before beginning the base figure calculation, CDOT determined its local market area. As defined by the USDOT goal setting tips, the local market area in which the substantial majority of the contractors and subcontractors with which CDOT and its grant partners do business are located and the area in which CDOT and its grant partners spend the substantial majority of its contracting dollars. Although CDOT does not maintain statistical data regarding the local market, all grants awarded by CDOT were to rural providers located within Colorado. These grant partners primarily use these funds for local purchases. Therefore, CDOT has determined that the local market is the state of Colorado.

Additionally, before calculating weighted availability, CDOT determined the relative weight of each area of contracting. The survey completed by DTR and CDOT’s grant partners separated contracting opportunities into common areas of procurement, which include building construction, signage, non-TVM vehicle purchases, transportation materials, office equipment, office-related supplies, fuel, transit service provider, software, professional services, facilities maintenance, vehicle service, and other miscellaneous expenses. The Forecast Weight represents the percentage each anticipated contracting opportunity represents of the total estimated contracting opportunities.

Each contracting area was then correlated to NAICS codes so that CDOT could determine the relative availability of DBE. The relative availability of DBEs is defined as the total number of DBE firms that are ready, willing and able to perform the types of contracts CDOT anticipates awarding according. CDOT uses the approach suggested in 49 CFR 26.45(c)(1) which compares the number of available DBEs to all firms in the industry.

The number of available DBE firms within industry was derived from the CDOT Unified Certification Program (UCP) DBE directory. The Colorado UCP does not currently record primary NAICS codes for DBE firms. Therefore, CDOT evaluated all work codes assigned to the DBE firms and assigned one NAICS code that best correlated with the firm’s primary area of work.

Then, the total number of firms within each industry was identified from the most recent 2012 U.S. Census Bureau business data for Colorado. Consistent with DOT guidance, CDOT did not consider out of state DBE firms in order to ensure an “Apples to Apples” comparison of DBE firms to total number of firms for the specified NAICS codes.

CDOT’s calculations are provided in **Appendix A**. The Weighted Availability (Base Figure) of DBEs was determined by summing the following:

Relative Availability of DBEs = # of DBEs in industry/# of firms in industry

Forecast Weight = Contracting Area/Total Contract Opportunities

Weighted Availability = Relative Availability of DBEs x Forecast Weight

Total Weighted Availability (Base Figure) = **0.92%**

## **STEP 2: ADJUST BASE FIGURE**

After calculating the base figure, CDOT examined all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at the overall goal. This evidence included an evaluation of the past goal, past participation, participation in nearby states, and geographic distribution of DBEs.

The CDOT FTA goal for FFY 2014-2016 was 1.31%. This year's methodology was similar to the methodology used in FFY 2014-2016. CDOT considered subrecipients with their own DBE programs as exempt from the analysis because these subrecipients now report directly to the FTA. These subrecipients, their corresponding FTA funding, and the corresponding amount of DBE opportunities were all exempted from the calculations.

Similar to this analysis, last year's methodology indicated the largest contracting opportunities had little to no DBE availability. As shown in Appendix A, a larger number of DBE firms provide products and services in Building Construction, Engineering Services and Environmental Consulting, however, there are few FTA-funded contracting opportunities in these areas. In addition, there are little to no certified DBEs in several NAICS codes with larger annual contract spending such as Fuel (\$2,711,690), Transit Service Provider-Fixed Route (\$1,720,150), Non-TVM Vehicle Purchase (\$949,051), and Vehicle Service (\$885,476). Collectively, these NAICS codes represent over \$6.2 million in annual contracting opportunities for which there are little to no certified DBE firms.

The most significant difference in this year's methodology and the last methodology is the use of NAICS codes that more accurately correlate to the existing contracting opportunities. In this year's methodology, CDOT made the following adjustments:

- Removed the Urban Planning and the Road Construction categories because there were no contracting opportunities within these codes.
- Added the following codes to the Building Construction contracting opportunity: 238110 Poured Concrete Foundation and Structure Contractors, 238130 Framing Contractors, 238140 Masonry Contractors, 238150 Glass and Glazing Contractors, 238190 Other Foundation, Structure, and Building Exterior Contractors, 238210 Electrical Contractors and Other Wiring Installation Contractors, 238220 Plumbing, Heating, and Air-Conditioning Contractors, 238290 Other Building Equipment Contractors, 238310 Drywall and Insulation Contractors, 238330 Flooring Contractors, 238350 Finish Carpentry Contractors, 238390 Other Building Finishing Contractors, 238910 Site Preparation Contractors, and 238990 All Other Specialty Trade Contractors. These NAICS codes were added because the last methodology only included 236220 which limited the variety of potential firms that could participate in this category.
- Changed the NAICS code associated with software contracting from 541512 Computer Systems Design Services to 423430 Computer Peripheral Equipment and Software Merchant Wholesalers since grant partners reported that they were purchasing software, not hiring firms for software implementation.

- Removed 541810 Advertising Agencies and 541910 Marketing Research and Public Opinion Polling. These NAICS codes were used in the last methodology, but in this analysis CDOT determined they created a broader description than what was warranted by the contracting opportunity.
- Removed 811118 Other Automotive Mechanical, Electrical repair & Maintenance, 811192 Truck and bus washes, and 811198 All Other Automotive Repair and Maintenance included in the last methodology because NAICS codes 811111 General Automotive Repair and 811121 Automotive Body, Paint, and Interior Repair and Maintenance better described the contracting opportunities as reported by grant partners.
- Under transportation supplies, CDOT removed NAICS code 336 Transportation Equipment Manufacturing and replaced it with 423120 Motor Vehicle Supplies and New Parts Merchant Wholesalers and 423130 Tire and Tube Merchant Wholesalers which are more specific to the types of transportation supplies purchased by grant partners.

As a result of these changes, particularly the change from software services to goods, CDOT calculated less DBE availability than in the past. In the last methodology over 800 DBE firms were considered ready, willing, and able to perform contracting opportunities. In this year's methodology, only 583 are considered to be ready, willing, and able pursuant to the correlating NAICS codes.

### Past DBE Participation

Next, CDOT evaluated past participation. Table 1 lists CDOT's annual DBE participation for the past five federal fiscal years.

**Table 1: Awards Made on FTA-Assisted Projects**

Time Period	\$ Awarded	# Awards	# of Awards to DBEs	\$ to DBEs	% Total to DBEs
<b>FFY 2012</b>	\$1,628,406	341	3	\$56,504	3.47%
<b>FFY 2013</b>	\$2,147,725	312	6	\$507,888	17.15%
<b>FFY 2014</b>	\$3,216,490	419	3	\$155,792	4.84%
<b>FFY 2015</b>	\$2,235,784	206	3	\$208,465	9.32%
<b>FFY 2016 (1/2 of Year Only)</b>	\$3,044,714	69	2	\$47,000	1.5%

As the table above demonstrates, CDOT has consistently exceeded its overall goal. While the accuracy of CDOT's reporting is consistently improving, the proposed base figure of 0.92% is lower than all of the DBE participation from FFY 2012-2016. Therefore, pursuant to DOT guidance, CDOT chose to use the median past participation percentage to adjust the base figure and to ensure outliers were excluded. CDOT first determined the median past participation percentage (4.84%) and averaged it with the base figure percentage (.92%), resulting in a proposed DBE goal of 2.88%.

### FTA Region 8 Comparison

CDOT also conducted a comparison of DBE goals within FTA Region 8. Region 8 includes Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming. These mid-western states share similar geographic characteristics (mountains, plateaus and plains) and rural demographics.

As shown by Table 2, Colorado's original DBE base figure was slightly lower than that of North Dakota and Wyoming, but significantly higher than Montana's and Utah's. However, the revised goal is significantly higher than all states in the Region. Nonetheless, this revised goal appears reasonable since Colorado has consistently exceeded its FTA DBE overall goal.

**Table 2: Comparison with Region 8 States**

State	FTA DBE Goal	Race Neutral	Race Conscious
Colorado (proposed)	2.88%	2.88%	0.00%
Montana	0.20%	0.20%	0.00%
North Dakota	1.15%	1.15%	0.00%
South Dakota	0.98%	0.98%	0.00%
Utah	0.36%	0.10%	0.26%
Wyoming	1.00%	1.00%	0.00%

### DBE Geographic Distribution

CDOT also reviewed the geographic distribution of the DBE firms within NAICS codes that offered the greatest contracting opportunities. The review and analysis shows limited availability of DBE firms within areas that present upcoming opportunities on FTA-assisted projects. Most of the DBE firms are located within the Denver metropolitan area and along the Front Range, which extends from Ft. Collins through Colorado Springs to Pueblo.

The biggest contracting area and the highest weighted availability was in Fuel. However, as indicated by Table 3 below there are no DBE's that are in rural areas where this contracting opportunity exist. Additionally, it should be noted that only one DBE out of the 65 shown below is in a rural area. This DBE is located in Elizabeth, Colorado. The majority of the DBEs that are ready, willing, and able are located in the Front Range which makes it difficult to have access to contracting opportunities in rural communities.

**Table 3: Firm Distribution**

Largest Contracting Opportunities	# DBE Firms	Front Range	Rural Areas
Non-TVM Vehicle Purchase	0	0	0
Office-related Supplies	2	2	0
Fuel	1	1	0
Software	1	1	0
Vehicle Service	3	3	0
Other Professional Services	55	54	1
Transit Provider-Paratransit	3	3	0
Transit Provider-Fixed Route	0	0	0

The table above shows a persisting issue of few DBEs in rural area. Nonetheless, CDOT and its grant partners often utilize DBE consultants who are willing to travel throughout the state. Therefore CDOT did not make an adjustment based upon the lack of DBEs in rural areas.

## RACE-NEUTRAL VS. RACE-CONSCIOUS BREAKDOWN

To determine race-neutral and race-conscious split, CDOT evaluated the awards and commitments on FTA-funded projects to DBEs over the past year. Past opportunities from grant partners show that most DBE participation comes from contracts to DBE prime contractors. It may prove difficult to meet the goal if non-DBEs are selected for prime contracts that have traditionally gone to DBEs. However, CDOT will continue to attempt to achieve the participation through race-neutral measures.

CDOT employs the following race-neutral initiatives to increase DBE participation throughout the state:

- CDOT helps to maintain the **UCP DBE directory** as a primary source of DBE firms, certified by CDOT and the City and County of Denver, eligible to meet DBE participation requirements on FHWA, FAA and FTA-funded contracts in Colorado. The availability of the DBE directory makes it easier for subrecipients to identify and contact DBEs for potential contracting opportunities.
- CDOT developed the **Connect2DOT Program**, which is a partnership between CDOT and the Colorado Small Business Development Centers (SBDCs). The program is designed to help small businesses in the transportation industry become more competitive and successful in bidding and contracting. Connect2DOT offers business and technical support tailored to contractors and engineers, online access to bid plans, and various networking events to connect prime contractors and subcontractors. Connect2Dot also partners with industry organizations to ensure comprehensive support to help DBEs increase competitiveness, build capacity, and perform successfully.
- CDOT provides **training to subrecipients** to help them understand the DBE program and to encourage them to seek DBE participation on contracts. CDOT also encourages subrecipients to reach out to local businesses that may be eligible for certification.
- CDOT **provides education to DBEs** to understand opportunities with transit partners. For example, the CRBRC presented at the Southern Colorado Small Business Expo to educate DBEs about contracting opportunities with transit partners.

## CONSULTATION

49 CFR 26.45(g)(1) requires consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and CDOT's efforts to establish a level playing field for the participation of DBEs. Because CDOT utilizes the Small Business Development Center (SBDC) network to provide supportive services to small businesses throughout the state, CDOT consulted with the SBDC directors at a regularly scheduled meeting and also reached out to each director to inquire about the availability of DBEs and potential barriers to contracting on FTA-assisted contracts.

The consultation indicated that DBEs were not aware of all of the contracting opportunities on the transit side of CDOT. It was also mentioned that very few DBEs existed in some of the rural areas of Colorado indicating very low availability of DBEs for available transit contracting opportunities. Furthermore, some of the directors reported difficulty finding DBEs. Finally, most transit providers on the western slopes are non-profits and do not produce a large amount of contracting opportunities.



The directors acknowledged the Connect2DOT Newsletter and CDOT and Connect2DOT attendance at local small business events as helping to increase participation. They suggested providing more information about potential opportunities with transit agencies.

#### **PUBLIC PARTICIPATION**

This proposed overall goal is currently posted on CDOT's Civil Rights and Business Resource website <http://www.coloradodot.info/business/equal-opportunity/dbe>. It was posted on July 8<sup>th</sup> and a notice to all DBE firms, industry organizations and grant partners was sent on the same day. CDOT welcomes input from all stakeholders. Questions and comments regarding this methodology can be submitted to Katherine Williams, Title VI and Small Business Programs Manager, [Katherine.williams@state.co.us](mailto:Katherine.williams@state.co.us) and/or Eboni Younger Riehl, Title VI Analyst and DTR Civil Rights Liaison, [eboni.riehl@state.co.us](mailto:eboni.riehl@state.co.us).


**APPENDIX A: Relative and Weighted Availability of DBE Firms**

Contracting Opportunity	NAICS Code	NAICS Code Description	# of DBEs	Total Firms	Relative Availability	Forecast Weight	Weighted Availability
<b>Building Construction</b>	236220	Commercial and Institutional Building Construction	58	709	0.87%	1.48%	0.01%
	238110	Poured Concrete Foundation and Structure Contractors	31	1052			
	238130	Framing Contractors	2	1843			
	238140	Masonry Contractors	9	1206			
	238150	Glass and Glazing Contractors	2	371			
	238190	Other Foundation, Structure, and Building Exterior Contractors	13	659			
	238210	Electrical Contractors and Other Wiring Installation Contractors	52	3242			
	238220	Plumbing, Heating, and Air-Conditioning Contractors	17	4157			
	238290	Other Building Equipment Contractors	6	350			
	238310	Drywall and Insulation Contractors	19	1650			
	238330	Flooring Contractors	6	2342			
	238350	Finish Carpentry Contractors	7	3812			
	238390	Other Building Finishing Contractors	7	1337			
	238910	Site Preparation Contractors	33	1293			
	238990	All Other Specialty Trade Contractors	29	9365			
	<b>Subtotal</b>		291	33388			
<b>Signage</b>	339950	Sign Manufacturing	5	131	0.97%	0.02%	0.00%
	423990	Other Miscellaneous Durable Goods Merchant Wholesalers	6	999			
	<b>Subtotal</b>		11	1130			
<b>Vehicle Purchase (non TVM)</b>	423110	Automobile and Other Motor Vehicle Merchant Wholesalers	0	105	0.00%	11.45%	0.00%
<b>Transportation Materials and Supplies for Vehicles (AB)*</b>	<b>423120</b>	Motor Vehicle Supplies and New Parts Merchant Wholesalers	1	216	0.28%	0.20%	0.00%
	423130	Tire and Tube Merchant Wholesalers	0	37			
	<b>Subtotal</b>		1	358			

<b>Office Equipment</b>	423420	Office Equipment Merchant Wholesalers	1	53	1.89%	0.32%	0.01%
<b>Office-related Supplies</b>	424120	Stationery and Office Supplies Merchant Wholesalers	2	93	2.15%	1.09%	0.02%
<b>Fuel</b>	424710	Petroleum Bulk Stations and Terminals	0	39	1.15%	32.73%	0.38%
	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)	1	48			
	<b>Subtotal</b>		1	87			
<b>Transit Service Provider-Fixed route</b>	485210	Interurban and Rural Bus Transportation	0	16	0.00%	20.76%	0.00%
<b>Transit Service provider- Paratransit *</b>	485999	All Other Transit and Ground Passenger Transportation	3	52	5.77%	4.42%	0.26%
<b>Software</b>	423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	1	1460	0.07%	5.12%	0.00%
<b>Lawyer</b>	541110	Offices of Lawyers	1	3665	0.03%	0.43%	0.00%
<b>Accounting</b>	541211	Offices of Certified Public Accountants	12	2298	0.52%	0.41%	0.00%
<b>Engineering Services</b>	541330	Engineering Services	90	4617	1.95%	0.35%	0.01%
<b>Environmental Consulting</b>	541620	Environmental Consulting Services	35	165	21.21%	0.01%	0.00%
<b>Marketing/PR Services</b>	541613	Marketing Consulting Services	20	968	2.83%	0.48%	0.01%
	541820	Public Relations Agencies	15	267			
	<b>Subtotal</b>		35	1235			
<b>Other Prof. Services</b>	541611	Administrative Management and General Management Consulting Services	44	2202	2.31%	8.49%	0.20%
	541614	Process, Physical Distribution, and Logistics Consulting Services	11	181			
	<b>Subtotal</b>		55	2383			
<b>Facilities Maintenance</b>	561720	Janitorial Services	18	12353	0.22%	0.85%	0.00%
	561730	Landscaping Services	23	6639			
	<b>Subtotal</b>		41	18992			
<b>Vehicle Service</b>	811111	General Automotive Repair	1	1516	0.15%	11.36%	0.02%
	811121	Automotive Body, Paint, and Interior Repair and Maintenance	2	514			

	<b>Subtotal</b>		3	2030			
Drug Testing	621511	Medical Laboratories	0	78	0	0.02%	0.00%
	<b>TOTAL</b>		583	72,205	0.81%	100.00%	0.92%

## APPENDIX B: CONTRACTING OPPORTUNITY SURVEY

	<b>COLORADO</b> Department of Transportation Office of the Chief Engineer
2016 DTR Overall Goal Survey	
Background Information	
<p>* 1. Agency Name:</p> <input type="text"/>	
<p>* 2. Individual Completing Survey:</p> <input type="text"/>	
<p>* 3. Phone Number:</p> <input type="text"/>	
<p>* 4. Email:</p> <input type="text"/>	
<p>* 5. Are you a direct recipient of FHWA, FTA or FAA funds?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>	
<p>6. If yes, from what agency and approximately how much each year?</p> <input type="text"/>	
<p>7. Do you expect to remain a direct recipient through September 2019?</p> <input type="text"/>	

**\* 8. Do you have a current DOT-approved DBE Program?**

☐ Yes

☐ No

**9. If yes, on what date was your DBE program approved and when will it expire?**



# COLORADO

## Department of Transportation

Office of the Chief Engineer

### 2016 DTR Overall Goal Survey

#### Use of Funds

**Direct recipients that have a DBE approved program and expect to continue to maintain a DBE program through 2019 do not need to complete this page. Please email a copy of your DBE program to Eboni Younger-Riehl at [eboni.riehl@state.co.us](mailto:eboni.riehl@state.co.us)**

- \* 10. Enter the value of the total FTA dollars spent or encumbered by your agency between October 1, 2012 - September 30, 2015. Include contracts/expenditures as of the date they were awarded or the purchase was made, not the date they were invoiced or paid. If you are a new recipient or did not receive FTA funding for a full three year period, please estimate the FTA funds that will be used over the next three years for Q10-Q13.

Three Year FTA  
Total



11. Exempt Expenses: From the total amount of FTA grants (Q10), how much did your agency use for the following? For the list of TVM manufactures, please cut and paste the following in your browser:

[http://www.fta.dot.gov/12326\\_5626.html](http://www.fta.dot.gov/12326_5626.html).

Rent and Utilities

Payroll, employment taxes,  
and fringe benefits

Licenses, fees, and other  
taxes

Conferences and travel

Insurance

TVM purchases

Government provided  
vehicle maintenance

Government provided  
signs

Government provided fuel

Another government  
service provider

\* 12. Subtract the amount of the exempt expenses from the total amount of FTA grants (i.e. subtract the amount in Q11 from the amount in Q10). This is your remaining amount.

Remaining Amount:

13. Use of remaining amount: Of the remaining amount (Q12), provide the approximate amount that went or will go to each of the following (Round to the nearest \$100; If none, enter "0"). The total of the amounts listed below should equal the amount provided in your answer to Q12.

Fixed route transit service providers (non-government):

Paratransit service providers

Non-TVM vehicle purchase:

Vehicle service and maintenance (non-government):

Sign production (non-government):

Transportation materials and supplies for vehicles (non-government):	<input type="text"/>
Transportation materials and supplies for shelters and facilities (non-government)	<input type="text"/>
Fuel (non-government):	<input type="text"/>
Building construction:	<input type="text"/>
Road construction and signage:	<input type="text"/>
Building/facility maintenance:	<input type="text"/>
Engineering Services:	<input type="text"/>
Urban planning:	<input type="text"/>
Environmental consulting services:	<input type="text"/>
Marketing and Public Relations Services:	<input type="text"/>
Accountants:	<input type="text"/>
Lawyers:	<input type="text"/>
Other professional services/consulting:	<input type="text"/>
Office related materials and supplies:	<input type="text"/>
Office equipment:	<input type="text"/>
Other - Please list and provide amount:	<input type="text"/>

14. Special Situations: If the past three year period does not reflect your average spending or if you have a special situation (i.e., large FTA funding project) coming up in the next few years, please explain these anomalies:

--

## Attachment 5-7. DBE Program Subrecipient MOU



**COLORADO DEPARTMENT OF TRANSPORTATION**  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**  
**SUBRECIPIENT MEMORANDUM OF UNDERSTANDING**

This MEMORANDUM OF UNDERSTANDING (MOU) is made and entered into as of \_\_\_\_\_, 2015, by and between \_\_\_\_\_ (Subrecipient) and the Colorado Department of Transportation (CDOT).

WHEREAS, CDOT and Subrecipient are both direct recipients of federal funds from the United States Department of Transportation (USDOT) or a USDOT modal operating administration; and

WHEREAS, pursuant to 49 CFR Part 26, Subrecipient has a Disadvantaged Business Enterprise (DBE) Program Plan that was approved by \_\_\_\_\_ on \_\_\_\_\_ and valid until \_\_\_\_\_; and

WHEREAS, via a grant or other agreement CDOT also distributes USDOT funds to Subrecipient; and

WHEREAS, the guidance issued by USDOT provides that a direct recipient and subrecipient with a USDOT-approved plan may enter into an agreement whereby funds allocated to the subrecipient shall be incorporated into the subrecipient's DBE program and deducted from the base of the direct recipient's program (See FHWA Q & A 26.21, Posted 6/18/08); and

WHEREAS, CDOT and Subrecipient desire to enter into such agreement;

NOW THEREFORE, CDOT and Subrecipient agree to the following:

- Subrecipient will incorporate all USDOT funds received from CDOT in its reporting to the applicable USDOT operating administration and CDOT will reduce its base for reporting and goal calculations by the total amount of such funds;
- Subrecipient will continue to maintain a USDOT-approved DBE Program Plan and to set overall annual goals and contract goals in accordance with such plans;
- Subrecipient will provide CDOT with a copy of its semi-annual DBE report prior to June 1 and December 1 of each year;
- Subrecipient will monitor DBE compliance on USDOT-assisted projects and will provide CDOT's designated liaison with DBE reports and information upon request; and
- Subrecipient will promptly notify CDOT of concerns or complaints relating to subrecipient's DBE program or to DBE participation on USDOT-assisted projects.

This MOU sets forth the intent of the signatories hereto. This MOU may be executed in counterparts, each of which is an original and constitutes the same instrument. This MOU shall expire upon termination of Subrecipient's USDOT-approved DBE program.

**SUBRECIPIENT**

By: \_\_\_\_\_

Date: \_\_\_\_\_

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

Title: \_\_\_\_\_

**COLORADO DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Greg Diehl, CDOT DBE Liaison

## Attachment 5-8. DBE Q&A





## DBE FAQs for Subrecipients

### 1. What is a DBE?

Disadvantaged business enterprise or DBE means a for-profit small business concern—

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and

(3) Must be listed on the Colorado Unified Certification Program (UCP) DBE Directory at [www.coloradodbe.org](http://www.coloradodbe.org) as a Colorado-certified Disadvantaged Business Enterprise.

### 2. What is the purpose of the DBE Program?

(1) To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;

(2) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;

(3) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;

(4) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;

(5) To help remove barriers to the participation of DBEs in DOT-assisted contracts;

(6) To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients.

(7) To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and

(8) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

3. When must I have my own DBE program?

If you are in one of these categories and let DOT-assisted contracts, you must have a DBE program meeting the requirements of this part:

- (1) All FHWA recipients receiving funds authorized by a statute to which this part applies;
- (2) FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a Federal fiscal year;
- (3) FAA recipients receiving grants for airport planning or development who will award prime contracts exceeding \$250,000 in FAA funds in a Federal fiscal year.

4. What are the subrecipient DBE requirements?

- (1) Reach out to DBEs to participate
- (2) Ensure non-discrimination in the award of a contract
- (3) Monitor and report DBE Participation semi-annually and triennially
- (4) Include DBE assurance and nondiscrimination language in contracts and solicitations

5. What are subrecipient responsibilities toward non-discrimination?

You must never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this part on the basis of race, color, sex, or national origin.

In administering your DBE program, you must not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin.

6. Are there specific provisions I must include in my contracts to ensure non-discrimination?

Each federal aid contract signed by your agency with a contractor, and each subcontract the prime contractor signs with a subcontractor must include the following assurance exactly as it is stated:

" The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor

shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible."

7. What Nondiscrimination language must be included in my agency's RFPs/Solicitations?

Include the following nondiscrimination assurance in all solicitations: "(Agency Name), 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."

8. What are my DBE requirements to subcontractors?

The DBE regulation requires that all subcontractors be paid within thirty (30) days of payment to the prime for work completed by the subcontractor. Colorado law requires payment within seven days on all construction contracts. Additionally, prime contractors must pay subcontractors all retainage within 30 days after the subcontractor's work is satisfactorily completed. This must be accomplished by one of the following methods:

- (1) decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors;
- (2) decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed; or
- (3) withhold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

You must have methods to enforce the requirements of this section.

9. What are the DBE reporting requirements for subrecipients?

All sub recipients are responsible for reporting DBE participation. Direct recipients need to submit a copy of their FTA submitted semi-annual report. If you are not a direct recipient please complete all portions of the survey.

The Semi-Annual Survey was created by CDOT to collect information from subrecipients regarding contracting opportunities and DBE participation. A contracting opportunity refers to the procurement of any goods or services for which federal funds are used, not including salaries, benefits, utilities, or agreements with/payments to other public agencies. You will need to report the following information on the Semi-Annual Survey:

- In the Awarded/Committed section, you must report all contracts and subcontracts awarded during the reporting period. "Awarded" can include contracts awarded via a letting process or the procurement of goods and services in any other manner (i.e. purchasing supplies at a store).
- In the Actual Payment section, you must report payments on all completed contracts and subcontracts. "Completed" can include final payment (from you to the prime) on a large contract or more informal procurements that are awarded and completed in the same instant (i.e. purchasing supplies at a store). Therefore, informal purchases should be reported on both forms in the same period.
- In the "In progress" section, you must report payments on all contracts and subcontracts that have not yet been completed.

10. How often do I have to report?

The first reporting period is from October 1 to March 31<sup>st</sup> and the semi-annual Survey will be due no later than May 15<sup>th</sup>. The second reporting period is April 1<sup>st</sup> to September 30<sup>th</sup> and the semi-annual survey will be due no later than November 15<sup>th</sup>. At the end of each semi-annual reporting period, an e-mail will be sent to all subrecipients containing the link to the survey. Each subrecipient will have 2-3 weeks to complete the survey.

11. Where can I go to learn more about CDOT's DBE program?

CDOT's DBE webpage can be accessed at

<https://www.codot.gov/business/civilrights/dbe>

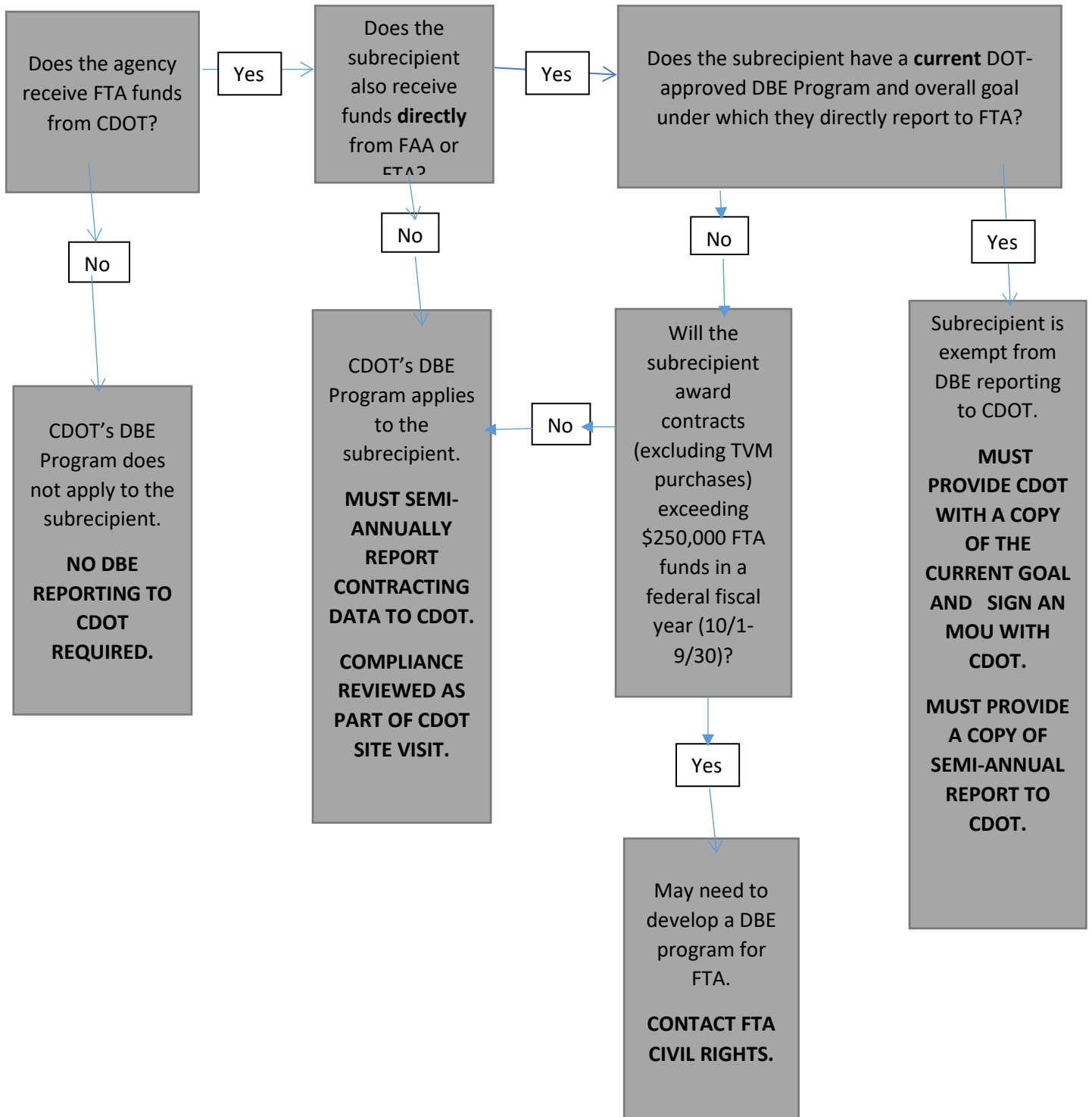
CDOT's DTR subrecipients webpage can be accessed at

<https://www.codot.gov/business/civilrights/DTR>

12. Where can I go to find DBE certified firms?

CDOT's DBE directory can be found at [www.coloradodbe.org](http://www.coloradodbe.org).

## Overall DBE Goal Flowchart



## Attachment 5-9. FTA EEO Program Review Checklist

## Attachment 6

### Sample EEO Program Contents Checklist

<b>Recipient Name:</b>				
<b>TRAMS ID:</b>				
<b>Date EEO Program Was Reviewed:</b>				
<b>Review Conducted By:</b>				
<p>This form serves as a sample internal checklist of the legal requirements and responsibilities of Federal Transit Administration (FTA) recipients under guidance provided in FTA Circular 4704.1A with regards to the Equal Employment Opportunity (EEO) Program Guidelines for Grant Recipients for purposes of regional Civil Rights Officer program review. This document is not intended to provide a comprehensive explanation of all requirements and responsibilities of FTA recipients related to EEO, nor is it intended to replace EEO guidance issued by the FTA or other related Federal Agencies. Refer to FTA Circular 4704.1A for specific and detailed guidance on preparing EEO Programs for FTA. This Circular can be found on FTA's website. This chart displays the main subject matter areas of Circular 4704.1A. Whenever possible, the numbering and lettering organization of this chart align with the organization of the Circular. Recipients are required to consider each of these topics in preparing their EEO Program documents.</p>				
<b>2.2 EEO PROGRAM ELEMENTS</b>	<b>Addressed</b>	<b>Not Addressed</b>	<b>Inadequate</b>	<b>Review Comments</b>
<b>STATEMENT OF POLICY—C. 4704.1A 2.2.1</b>				
<b>Is there a written Statement of Policy by the CEO/GM:</b>				
<b>Does the statement:</b>				
Express the agency's commitment that all employment actions, including but not limited to recruitment or recruitment advertising, hiring, upgrading, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay or other forms of compensation, and treatment of employees will be administered without regard to race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class				
Commit to develop a written nondiscrimination program that sets forth the policies, practices, and procedures, with goals and timetables, to which the agency is committed and make the EEO Program available for inspection by any employee or applicant for employment upon request				
Explain that the responsibility for implementing the EEO Program is assigned to an agency executive who reports directly to the CEO/GM				
State that applicants and employees have the right to file complaints alleging discrimination with the EEO Officer or office				
State that retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated				
State the agency's commitment to provide reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship				



State that all management and supervisory personnel share in this responsibility and are assigned specific tasks to ensure and achieve compliance				
State that the agency evaluates the performance of managers, supervisors, and others based on the success of the EEO Program in the same manner that the agency evaluates their performance in other agency programs				
Provide the name and contact information for the EEO Officer				
Provide the Signature and Date of GM or CEO				
<b>DISSEMINATION—C. 4704.1A 2.2.2</b>				
<b>Does the dissemination section include:</b>				
Providing written communications from the CEO/GM (i.e., policy statement)				
Posting official EEO materials (e.g., Federal and state labor laws poster(s) and the agency's policy statement) on bulletin boards, near time clocks, in employees' break rooms, and in the employment/personnel office				
Including the EEO policy statement in the agency's personnel and operations manual, employee handbooks, reports and manuals				
Meeting with top management officials (e.g., bus operations, human resources, planning, marketing, etc.) at a minimum semiannually to discuss the EEO Program and its implementation				
Meeting with all employees and affinity groups to seek input on the program implementation				
Conducting periodic EEO training for all employees and for managers				
Conducting EEO training for all new supervisors or managers within 90 days of their appointment				
<b>Externally, does the agency state:</b>				
When there is outreach or advertising to recruitment entities (e.g., employment agencies, educational institutions, minority, and women organizations), the agency will disseminate their policy to those entities				
All recruitment ads (e.g., newspapers, magazines, websites, and social media) must state that the agency "is an equal employment opportunity employer"				
<b>DESIGNATION OF PERSONNEL—C. 4704.1A 2.2.3</b>				
<b>Do the EEO program office responsibilities include:</b>				
Developing the EEO policy statement and a written EEO Program				
Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and time tables, and developing programs to achieve goals				
Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where proactive action is needed				
Reviewing the agency's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood				
Concurring in the hiring and promotion process				
In conjunction with human resources, periodically reviewing employment practices policies (e.g., hiring, promotions, training), complaint policies, reasonable accommodation policies, performance evaluations, grievance procedures, and union agreements				

Reporting at least semiannually to the CEO/GM on each department's progress in relation to the agency's goals and on contractor and vendor compliance				
Serving as liaison between the agency, Federal, state, county, and local governments, regulatory agencies, minority, women, disability organizations, and other community groups				
Maintaining awareness of current EEO laws, and ensuring the laws affecting nondiscrimination are disseminated to responsible officials				
Investigating complaints of EEO discrimination				
Providing EEO training for employees and managers				
In conjunction with human resources, advising employees and applicants of available training programs and professional development opportunities and the entrance requirements				
Auditing postings of the EEO policy statement to ensure compliance information is posted and up to date				
<b>Do the agency officials, supervisors and managers' responsibilities include:</b>				
Participating actively in periodic audits of all aspects of employment to identify and to remove barriers obstructing the achievement of specified goals and objectives				
Holding regular discussions with other managers, supervisors, employees, and affinity groups to ensure agency policies and procedures are being followed				
In conjunction with the EEO Officer, maintaining and updating the personnel database for generating reports required for the nondiscrimination program				
Cooperating with the EEO Officer in review of information and investigation of complaints				
Encouraging employee participation to support the advancement of the EEO Program (e.g., professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring)				
<b>UTILIZATION ANALYSIS—C. 4704.1A 2.2.4</b>				
Does the work force analysis include a statistical breakdown of the recipients' workforce by each department job category?				
Is the aforementioned cross-referenced by sex and race?				
Is the current percent of employees for each category cross-referenced by group?				
Is there an availability percentage identified for each category cross-referenced by group?				
Is the percentage of underutilization for each category cross-referenced by group?				
<b>GOALS AND TIMETABLES—C. 4704.1A 2.2.5</b>				
Are there specific and detailed percentage and numerical goals with timetables set to correct any underutilization of specific affected classes of persons identified in the utilization analysis? There are long-term (in percentages) and short-term (numbers and percentages).				
Are previous goals that were not met discussed and a justification given for not meeting those goals?				
<b>EMPLOYMENT PRACTICES—C. 4704.1A 2.2.6</b>				
Is there a <b>detailed</b> narrative assessment of present employment practices (e.g., hiring, recruitment, training)?				

Do the analyses contain statistical data to document the impact of the employment practices by sex and race?				
<b>Does the statistical analysis contain:</b>				
The number of applicants for employment in each job category and the number hired, cross-referenced by sex and race				
The number of employees in each job category who applied for promotion or transfer and the number in each job category promoted or transferred, cross-referenced by sex and race				
The number and types of disciplinary actions (e.g., indefinite suspension, loss of pay, demotion), tailored to the language used in union contracts and agency policies and procedures				
The number of voluntary/involuntary terminations, cross-referenced by sex and race				
Job category training that fosters promotion potential, cross-referenced by sex and race				
Individuals with Disabilities and Veterans, the number of applicants for employment and promotions in each job category and the number hired and promoted, cross-referenced by sex and race				
<b>MONITORING AND REPORTING SYSTEMS–C. 4704.1A 2.2.7</b>				
<b>Is there a monitoring system that describes:</b>				
Methods to monitor the EEO components identified in this chapter (e.g., dissemination, utilization analysis, statistical employment practices, timeframe to reach goals, all identified barriers and the progress of the action plan)				
Procedures used to determine EEO compliance of subrecipients and contractors such as collection and review of their EEO Programs, visits to facilities to ensure proper posting of the EEO Policy Statement, etc.				
Procedures for reviewing union contracts, in conjunction with human resources, to ensure there is not a disparate impact				
Process for monitoring complaints (e.g., describe the tracking system, monitoring of trends, timeliness of investigations, resolutions, reporting to management)				
<b>Is there a reporting system that describes:</b>				
Meetings held between the CEO/GM and the EEO Officer to discuss the progress of the EEO Program and the results of the monitoring (including but not limited to, hiring, promotions, status of EEO complaints)				
All program EEO-related meetings held between the EEO Officer and management, including topics covered, follow-up actions				
EEO Officer's meetings with human resources and hiring officials to review current EEO goals and statistics on employment practices and policies (e.g., verifying that job descriptions contain legitimate position requirements and that all testing has been validated)				
<b>REQUIRED EEO PROGRAM ATTACHMENTS</b>				
List of subrecipients and contractors who are being monitored and the services they provide				
Proof of review of subrecipients and contractors' EEO Program (e.g., letter or memo to the subrecipient)				
Organization chart showing the reporting relationships of all directors, department heads, and executive leadership (include names and titles)				
A copy of the goals and timetables from the previous program submission				

## Attachment 5-10. CDOT's ADA Guide



**COLORADO**

Department of Transportation

# CDOT ADA Guide

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FOR BUS AND TRANSIT OPERATIONS

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Version 2015.1

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This version of the ADA Guide was finalized on August 4, 2015. This guide is intended for use by CDOT and its contracted operators. Any questions concerning the content of this guide should be directed to CDOT's Civil Rights Office by calling (800)925-3427 or by sending email to: [dot\\_civilrights@state.co.us](mailto:dot_civilrights@state.co.us).

## Introduction to ADA Guide

This document outlines standard operating procedures for all CDOT-owned transit operations, in regards to persons with disabilities and the Americans with Disabilities Act of 1990. US Code of Federal Regulations Title 49, Subtitle A, Part 37.161 states, "Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired vision or hearing." The procedures by which CDOT and its operators will maintain these standards shall be detailed throughout the remainder of this text. CDOT and its operators will follow ADA guidelines at all times with the intention of providing the highest level of service to persons with disabilities, and all passengers. Any reference to a "Part" is a referral to US Code of Federal Regulations Title 49, Subtitle A, Part 27, Part 37, Part 38, and their subsections.

## Standard Operating Procedures

### Pre-Trip Inspection

Prior to departing on a scheduled route, bus drivers will complete the following:

- Check to make sure the lift is working and you have the tools to operate it manually if the hydraulic operation fails- Part 38.23(b)(4).
- Make sure you have a complete set of securement straps (front and rear floor straps, seat belt and shoulder harness) for each wheelchair position on the vehicle
- If you have any trouble with the lift or you do not have the proper equipment, you must notify your immediate supervisor for instruction before you leave the yard. If the supervisor advises you to proceed without the proper equipment, you must note the name of the Supervisor and what he/she told you on your trip sheet.
- Keep wheelchair securement areas open, with seats flipped up, so that tie-down areas are readily available for passengers in wheelchairs.

### Loading, Unloading, and Securement Procedure

Drivers shall adhere to the following procedure when loading, securing, and unloading passengers in wheelchairs:

- Load passengers with disabilities prior to loading all other passengers, unless passenger with disability expressly volunteers to be loaded after all other passengers are boarded.
- Always ask permission prior to assisting any passenger with a disability or mobility device. Never touch the person, their mobility device, or their service animal without first receiving permission to do so.
- Prior to loading a passenger in a wheelchair, inform the passenger of the maximum weight limit of the lift. Ask them to verify that their combined wheelchair weight falls within this weight limit.



- Always position the wheelchair on the lift with the rear wheels next to the bus and the passenger facing away from the bus.
- Before lifting the chair, make sure that the brakes on the chair work and are applied. Ask the passenger if they would like to remain in the wheelchair and be tied down, or if they would prefer to be transferred to a seat.
- Attach the safety strap across the lift. Ask the passenger if they would like to set the brake or power down the wheelchair before the lift goes into motion.
- Carefully lift the wheelchair. No other passenger should be on the lift at the same time as the passenger using the wheelchair.
- Move the passenger using the wheelchair into the vehicle, and into the furthestmost tie down position (on driver's side), FACING FORWARD. This will leave open the tie down position closest to the lift in case a second passenger in a wheelchair boards the bus.
- If the passenger wishes to transfer to a seat, ask if you may assist them in any way. Ask them to transfer to the nearest available seat to the lift/securement areas.
- If the passenger wishes to remain in the wheelchair and be tied down, ask them where to attach the straps to the wheelchair. Attach the front straps to an integral portion of the frame. Try to get as close to a 45-degree angle on the strap as possible. Attach the rear straps to an integral portion of the frame and tighten.
- Never attach straps to the wheels or any removal part of the device. Never use "front" straps in the rear tie down position. Try to get as close to a 45-degree angle as possible. This will give you the most secure tie down.
- Offer the seat belt and shoulder harness to your passenger- Part 38.23(b)(7). The passenger is not required to use the seat belt and shoulder harness, but may choose to do so if the wheelchair is fully secured to the floor. NEVER allow a passenger to use the seat belt and shoulder harness if the wheelchair is not fully secured to the floor of the bus.
- After unloading the passenger using a wheelchair be sure to remove the straps from the floor anchors and properly stow them.
- If a third passenger in a wheelchair needs to be loaded on the bus when two wheelchairs are already occupying the existing tie down areas, ask the passengers in wheelchairs if any of them are willing or able to move to a regular seat. Per Part 37.205, if none of the passengers are able to transfer to a seat, the driver has a right to deny service to the final passenger in a wheelchair.

Per Part 38.23(b)(12): ***"Lifts shall accommodate persons using walkers, crutches, canes or braces or who otherwise have difficulty using steps. The platform may be marked to indicate a preferred standing position."*** If a passenger indicates a need to use the wheelchair lift to board the bus, load them prior to loading additional passengers, unless they expressly volunteer to be loaded after all other passengers have boarded.

## Onboard Procedure

During the trip, drivers shall accommodate people with disabilities in the following ways:

- Always keep wheelchair securement areas open and available for passengers with disabilities. The seats in the securement areas shall only be flipped down if all other seats in the bus are already occupied. Per Part 37.167(j)(4): ***In all signage designating priority seating areas for elderly persons and persons with disabilities,***

*or designating wheelchair securement areas, the entity shall include language informing persons sitting in these locations that they should comply with requests by transit provider personnel to vacate their seats to make room for an individual with a disability.*

- For trips under three hours, notify the passengers that there will be no restroom stops available. Per Part 37.201(c) of the US Code Title 49, unscheduled rest stops are not required for express runs under three hours.
- For trips over three hours, notify the passengers of the possible restroom stop locations and the corresponding timeline/duration until that stop. Part 37.3(c): *If an OTRB equipped with an inaccessible restroom is making an express run of three hours or more without a rest stop, and a passenger with a disability who is unable to use the inaccessible restroom requests an unscheduled rest stop, the operator shall make a good faith effort to accommodate the request. The operator is not required to make the stop. However, if the operator does not make the stop, the operator shall explain to the passenger making the request the reason for its decision not to do so.*
- All stops will be announced over the speaker system, with simultaneous stop announcements on the on-board messaging system. If the automated speaker system is not functioning, the driver will announce the stops over the intercom. This ensures compliance with the ADA's Effective Communication requirements.
- Per Part 37.129, personal care attendants ride free, while companions are charged the same fare as the passenger with a disability they are accompanying.
- As per Part 37.123, to prevent potential abuse, the rule provides that a companion (e.g., friend or family member) does not count as a personal care attendant unless the eligible individual regularly makes use of a personal care attendant and the companion is actually acting in that capacity. As noted under §37.125, a provider may require that, as part of the initial eligibility certification process, an individual indicate whether he or she travels with a personal care attendant. If someone does not indicate the use of an attendant, then any individual accompanying him or her would be regarded simply as a companion.

## Service Animal Procedure

Per Part 37.167(d), public transit providers are required to allow service animals to accompany their handlers onto the transit vehicle.

- Part 37.3 defines a service animal as "*any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.*"
- Drivers may not ask for documentation or proof of service animal status. These are the only two questions a driver may ask regarding a service animal: 1) Is that a service animal? and 2) What tasks has your service animal been trained to perform?
- Service animals must be under the handler's control at all times. If the handler is unable to lead the animal onto the bus themselves, the driver may choose to assist in boarding the animal. If the driver is uncomfortable with the animal, they are not

required to assist. Remember, the service animal is the handler's responsibility at all times.

- If any service animal begins acting aggressively or is causing a disturbance that threatens the safety of the driver or other passengers, the driver may ask the service animal and its handler to leave the bus at the next stop. In such a situation, the driver should call the field supervisor and inform him/her of the reason the service animal and its handler are being asked to debark the bus.
- Service animals must lay at the feet of the handler. They are not allowed to block the aisle or occupy a seat.
- Emotional Support Animals and Therapy Animals are not considered service animals under the ADA.

### Scooter Procedure

Per Part 37.3: ***“Wheelchair” is defined in this rule as a mobility aid belonging to any class of three-or more-wheeled devices, usable indoors, designed or modified for and used by individuals with mobility impairments, whether operated manually or powered.***

It is important to note that although scooters may be classified as wheelchairs, persons using these scooters are able to transfer to another seat. For their own safety, you must encourage them to transfer to a seat. If they refuse, then you must follow the procedures as if they are using a wheelchair. Scooters are, due to their design, difficult to secure with 4 straps. Every reasonable attempt must be made to transfer the passenger to a seat, keeping in mind the passenger will most likely not be riding on this device while the vehicle is in motion. Follow this procedure for scooters:

- All scooters are to be secured on the authorized equipment by utilizing the straps in a manner that best suits the scooter type. It is always best to work with the owner/operator of the scooter to make sure we secure it in a manner that they are comfortable with.
- All scooter passengers need to move off their scooter and sit in a normal seat of the vehicle, if able.
- If the scooter is to be stowed below in a baggage bin, it must be able to be broken down to 75-pound components due to operator requirements and safety of the drivers/operators.
- Weight restrictions for the wheelchair lifts still apply, and the scooter combined weight cannot exceed the lift maximum.

### Tie Down Refusal Procedure

NO DRIVER/OPERATOR HAS THE AUTHORITY TO MOVE A VEHICLE WITH AN UNSECURED WHEELCHAIR OR SCOOTER. Never move a vehicle unless all passengers utilizing wheelchairs have their chairs properly secured to the floor. In the rare event that a passenger refuses to allow you to secure the wheelchair, this is the policy you must follow:

- Advise the passenger that we need to secure the chair for their safety and the safety of the other passengers on the transit vehicle.

- If they still refuse, ask them if they are able to transfer to another seat that is already secured to the floor as this would be a safe location for them to ride.
- If they are unable to move to another seat and continue to refuse to allow you to secure their chair to the floor, you CANNOT move the bus until a Supervisor arrives on scene. At that time, follow the instructions of the supervisor.
- You CANNOT deny or threaten to deny transportation because they refuse to have their wheelchair secured to the floor, however, we can delay transportation until the Supervisor arrives on scene. Stating that it will take at least 15 minutes for the Supervisor to arrive will usually be enough to encourage the passenger to allow you to secure the chair.
- NO DRIVER/OPERATOR HAS THE AUTHORITY TO MOVE A VEHICLE WITH AN UNSECURED PASSENGER USING A WHEELCHAIR. ONLY A SUPERVISOR CAN MAKE THAT DECISION.

### Transportation of Oxygen Cylinders Procedure

Per Part 37.367(h), transit providers ***“shall not prohibit an individual with a disability from traveling with a respirator or portable oxygen supply, consistent with applicable Department of Transportation rules on the transportation of hazardous materials.”*** Because oxygen is flammable and can even contribute to explosions, the utmost care must always be taken when handling oxygen cylinders. For transportation of oxygen cylinders in the passenger compartment, adhere to the following procedures:

- Oxygen should be transported on a bus only when medically necessary.
- Oxygen should be transported in a cylinder maintained in accordance with the manufacturer’s instructions. The manufacturer’s instructions are usually printed on a label attached to the cylinder.
- Before boarding, inspect each cylinder to assure that it is free of cracks or leaks, including around the valve area and pressure relief device. Listen for leaks; do not load leaking cylinders on the bus. Visually inspect the cylinders for dents, gouges, or pits. A cylinder that is dented, gouged, or pitted should not be transported.
- Limit the number of cylinders to be transported on board the vehicle to the extent practical. Transportation of oxygen cylinders within the passenger compartment shall be limited to one cylinder per person.
- Cylinders used for medical oxygen are susceptible to valve damage if dropped. Handle these cylinders with care during loading and unloading operations. Never drag or roll a cylinder. Never carry a cylinder by the valve or regulator. Carry the cylinder carefully using both hands.
- Do not handle oxygen cylinders or apparatus with hands or gloves contaminated with oil or grease.
- Each cylinder should be secured to prevent movement and leakage. Each cylinder should be loaded and secured in an upright position. “Secured” means that the cylinder is not free to move when the vehicle is in motion. The driver shall assist the passenger with the inspection of the cylinder and with securing the cylinder in the passenger seating area.

- Oxygen cylinders or other medical support equipment should never be stored or secured in the aisle, nor in an emergency exit pathway. Make sure the seating of the passenger requiring oxygen does not restrict access to exits or use of the aisle.
- Since the release of oxygen from a cylinder could accelerate a fire, each cylinder should be secured away from sources of heat or potential sparks. Announcements shall be made to all passengers cautioning them not to use lighters, matches or any smoking materials.
- When the bus arrives at a final destination, all cylinders shall be immediately removed from the bus.

For transportation of oxygen cylinders in the cargo compartment, adhere to the following procedures:

- Additional oxygen cylinders shall be stored in the center bay (or in a storage area furthest away from axles and brakes), right side, front wall area. The cylinders shall be secured upright, in wooden, plastic, or heavy cardboard boxes and shall be secured by rope or bungee cords to a non-moveable structure within the bus.
- Valves should be protected against damage.
- The driver shall personally inspect each cylinder prior to loading. The driver shall load the cylinders or shall personally supervise the loading of oxygen cylinders.
- The total weight for oxygen cylinders permitted in a bus cargo compartment is 99 pounds.

### Transit Facilities

All CDOT owned facilities on a designated transit route shall adhere to ADA regulations. This includes access to and from bus stops via curb ramps that are specified to code. Any shelters shall be wheelchair-accessible and any existing permanent restroom facilities shall also be accessible. Curb ramps shall meet all ADA requirements including detectable warnings at boundaries between pedestrian access routes and vehicular routes (note: detectable warnings are not required at residential driveways or commercial driveways without yield or stop control).

CDOT shall encourage the owners of all non-CDOT stops/stations on designated routes to comply with all ADA regulations. On routes exceeding 3 hours, CDOT shall designate a facility with accessible restrooms that may serve as a restroom stop for people with disabilities. Unscheduled rest stops are not required for express runs under three hours.

### Final Comments

CDOT will do everything in its power, at all times, to ensure that CDOT and its contracted operators comply with US Code Title 49, Subtitle A, Parts 27, 37, and 38. CDOT will keep a comprehensive log of any complaints and assertions that the Americans with Disabilities Act of 1990 has been violated by CDOT or its contractors. Any violations will be promptly addressed and a record of the appropriate resolution will be made.

## Attachment 5-11. ADA FAQ Sheet

## ADA Subrecipient FAQ Sheet

### **What is the Americans with Disabilities Act (ADA) and why is it important?**

ADA is a law that protects and prohibits discrimination against individuals with disabilities and ensures equal opportunity and access for individuals with disabilities. CDOT is responsible for complying with this law and ensuring its subrecipients comply with this law and all ADA-related federal regulations.

#### Nondiscrimination

### **What are my requirements against discrimination?**

A clear statement of organizational policy can help you clarify exactly how you will deliver public transit service in a non-discriminatory manner. These requirements apply to both fixed route systems and rural programs operating other types of public transit service. The U.S. DOT regulations specifically address these points:

- You cannot discriminate against a person with a disability in the provision of transportation service. (Section 37.5(a))
- You cannot, on the basis of disability, deny an individual with a disability the opportunity to use the general transportation system if that person is capable of using that service. (Section 37.5 (b))
- You cannot require that an ambulatory person with a disability use priority seating. (Section 37.5 (c))
- You cannot impose special charges on individuals with disabilities, including those who use a wheelchair. (49 CFR 37.5(d)) \*\*Note that this is not the same as charging an ADA-eligible paratransit fare that is equal to the base fixed route fare times two (see section on ADA Paratransit Service Criteria).
- You cannot require that an individual with a disability be accompanied by an attendant. (Section 37.5(e))
- You cannot refuse service to an individual with disabilities because your insurance coverage or rates are based on the absence of individuals with disabilities. (Section 37.5(g))
- You are NOT required to provide service to an individual with disabilities if that individual engages in violent, seriously disruptive or illegal conduct. However, you cannot deny service to an individual with disabilities because his/her disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees or other persons. (Section 37.5 (h))



## Staff Resources

### **What are the ADA requirements regarding my agency's capacity to ensure ADA compliance?**

All subrecipients that operate a fixed route or demand responsive system shall ensure that personnel are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely and properly assist and treat individuals with disabilities who use the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities (49 CFR 37.173). Training to proficiency means that, once trained, personnel can consistently and reliably operate accessibility features, provide appropriate assistance to individuals with disabilities, and treat riders in a respectful and courteous way.

For example, as Appendix D to 49 CFR 37.173 explains, "A paratransit dispatcher probably must know how to use a TDD and enough about various disabilities to know what sort of vehicle to dispatch. A bus driver must know how to operate lifts and securement devices properly. A mechanic who works on lifts must know how to maintain them. Cross-training, while useful in some instances, is not required, so long as each employee is trained to proficiency in what he or she does with respect to service to individuals with disabilities."

## Complaints

### **What are the ADA requirements regarding complaint procedures?**

- All subrecipients are required to have ADA complaint procedures. The complaint process shall designate at least one person to coordinate its efforts to comply with (49 CFR 37.17(a))
- Complaint procedures must also incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by ADA regulations. Pursuant to 49 CFR Parts 27, 38 and 39 the procedures shall meet the following requirements:
  - (1) The process for filing a complaint, including the name, address, telephone number, and email address of the employee designated under paragraph (a) of this section, must be sufficiently advertised to the public, such as on the entity's Web site;
  - (2) The procedures must be accessible to and usable by individuals with disabilities;
  - (3) The entity must promptly communicate its response to the complaint allegations, including its reasons for the response, to the complainant and must ensure that it has documented its response" (49 CFR 37.17(b)). This requirement is also in § 27.13(b).
- Section 37.17(b)(1) requires transit agencies to sufficiently advertise the process for filing a complaint, so that individuals know where to direct their complaints.
- Per § 37.17(b)(3), a transit agency must promptly communicate its response to the complainant, including the reasons for the response, and document this response for purposes of recordkeeping.

### **Can I combine my ADA complaint procedures with my Title VI procedures?**

FTA notes that agencies can use the same process for accepting and investigating ADA and Title VI complaints. While agencies may find consolidating the processes more efficient, ADA complaints must be categorized distinctly from Title VI complaints in internal and external communications. For example, it is not appropriate to have a “Title VI Complaint FTA C 4710.1 Form” that includes “disability” as one of the bases for filing a complaint; this incorrectly implies that disability is a covered basis under Title VI. Instead, an agency may elect to have one “Discrimination Complaint Form,” or a similarly titled form, that covers both the Title VI and ADA bases and clearly distinguishes the two statutes

### **How long do I have to keep records of ADA-related complaints?**

Each recipient shall keep on file for one year all complaints of noncompliance received. A record of all such complaints, which may be in summary form, shall be kept for five years. Each recipient shall keep such other records and submit to the responsible Departmental official or his/her designee timely, complete, and accurate compliance reports at such times, and in such form, and containing such information as the responsible Department official may prescribe. In the case in which a primary recipient extends Federal financial assistance to any other recipient, the other recipient shall also submit compliance reports to the primary recipient so as to enable the primary recipient to prepare its report” (§ 27.121(b)).

### **What are the potential areas of noncompliance?**

- Bus drivers passing by riders using wheelchairs waiting at a bus stop
- Vehicle operators not announcing stops or identifying routes
- Personnel refusing to allow a rider’s service animal in a station or on a vehicle
- ADA paratransit vehicles arriving late

### **Maintenance of Vehicles and Facilities**

### **What are the ADA requirements concerning the maintenance of accessibility features?**

Section 37 Subpart G of the U.S. DOT Americans with Disabilities Act regulations describes how carefully you must attend to maintaining the accessibility features of your transit operations. The ADA addresses safety issues only insofar as it describes equipment and maintenance. The following points are highlights of the contents of Section 37, Subpart G:

- *General maintenance of accessibility features:* You must ensure that your vehicles and related transit facilities are maintained in operative condition so that they are usable by individuals with disabilities. You must promptly repair accessibility features if they are damaged or out of order. If an accessibility feature is out of order, you must also take reasonable steps to accommodate individuals with disabilities who would otherwise use the feature. Examples of this are shoveling snow around bus stops and providing a ride in a paratransit or supervisor’s vehicle to a fixed route passenger who gets stranded by an inoperative lift.

- *Keep vehicle lifts in operative condition:* You must create and follow a system of regular and frequent maintenance checks of lifts to determine whether the equipment is operative. Your vehicle operators must report any failure of a lift to operate in service as quickly as possible. For example, if you have a spare vehicle, the vehicle with the inoperative lift must be taken out of service before the beginning of the vehicle's next day of service and the lift must be repaired before the vehicle returns to service. If you do not have a spare vehicle available, such that taking the vehicle out of service would reduce the transportation service you are able to provide, you may keep the vehicle with the inoperative lift in service for no more than five days.
- *Lift and securement use:* You are not required to permit wheelchairs to ride in places other than designated securement locations, but you cannot deny transportation to a wheelchair or its user on the grounds that the device cannot be secured or restrained satisfactorily by the vehicle's securement system. You may recommend, but cannot require, that a user of a wheelchair transfer to a vehicle seat. Your personnel must assist individuals with disabilities who need or request assistance with the use of securement systems, ramps and lifts. If this requires the vehicle operator to leave his/her seat they must do so. You must permit individuals with disabilities who do not use wheelchairs, including standees, to use a vehicle's lift or ramp to enter the vehicle.
- *Training requirements:* Whether you are a public or private entity, if you operate a fixed route or demand responsive system you must ensure that your personnel are trained to proficiency, as appropriate to their duties. They must be able to operate vehicles and equipment safely and properly assist individuals with disabilities using the service in a respectful and courteous way, with appropriate attention to the difference among individuals with disabilities.

### Service requirements

#### **What are the general ADA service requirements as a transit provider?**

- Your vehicle operators and other personnel must make use of the accessibility-related equipment or features required by 49 CFR Part 38.
- Your service information must be available in accessible formats to individuals with disabilities. This means your printed materials must be available, upon request, in accessible formats such as large print format, Braille, or CD. Online information should avoid the use of Flash and should be available in plain text to accommodate screen readers.
- You cannot refuse to permit a passenger who uses a lift to disembark from a vehicle at any designated stop, unless the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the transit operator, preclude the safe use of the stop by all passengers.
- You cannot prohibit an individual with a disability from traveling with a respirator or portable oxygen supply provided the devices are properly secured under 49 CFR subtitle B, chapter 1, subchapter C. U.S. DOT Office of Pipeline Safety and Hazardous Materials.

- You must ensure that individuals with disabilities have adequate time to complete boarding or disembarking from the vehicle.
- You must ask that individuals sitting in the priority seating area, or fold-down seats in the wheelchair securement area, relocate if an individual needs to use that priority seating because of a disability or needs to secure a wheelchair.

### Reasonable Modifications

#### **What is a Reasonable Modification?**

- Reasonable modification means that “the nature of an individual’s disability cannot preclude a public transportation entity from providing full access to the entity’s service unless some exception applies.”

#### **What are my responsibilities under ADA to provide reasonable modifications to my services?**

- “Public entities that provide designated public transportation shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability or to provide program accessibility to their services, subject to the limitations of 49 CFR 37.169(c)(1)–(3). This requirement applies to the means public entities use to meet their obligations under all provisions of this part” (§ 37.5(i)(3)).

#### **What is my agency’s responsibility regarding reasonable modification requests?respond to reasonable modification requests?**

“(1) A public entity providing designated public transportation, in meeting the reasonable modification requirement of 49 CFR 37.5(i)(3) with respect to its fixed route, demand responsive, and complementary paratransit services, shall respond to requests for reasonable modification to policies and practices consistent with this section.

(2) The public entity shall make information about how to contact the public entity to make requests for reasonable modifications readily available to the public through the same means it uses to inform the public about its policies and practices.

(3) This process shall be in operation no later than July 13, 2015” (§ 37.169(a)).

“The process shall provide a means, accessible to and usable by individuals with disabilities, to request a modification in the entity’s policies and practices applicable to its transportation services.

(1) Individuals requesting modifications shall describe what they need in order to use the service.

(2) Individuals requesting modifications are not required to use the term ‘reasonable modification’ when making a request.

(3) Whenever feasible, requests for modifications shall be made and determined in advance, before the transportation provider is expected to provide the modified service, for example, during the paratransit eligibility process, through customer service inquiries, or through the entity’s complaint process.

(4) Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel of the entity shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with the entity's management before making a determination to grant or deny the request" (§ 37.169(b)).

### Subrecipient/Contractor Oversight

#### **What are my agency's oversight requirements?**

CDOT's subrecipients are required to sufficiently monitor their recipient and contractor ADA compliance. FTA does not dictate the specifics of an agency or state's monitoring efforts. When subrecipients contract with other entities (public or private), these other entities "stand in the shoes" of the subrecipient. 49 CFR 37.23 requires the subrecipient to ensure that the other entity meets the relevant Part 37 requirements. (See Circular 4710.1 Section 1.3.2.) FTA recommends that subrecipients enter into clearly worded and concise contracts with explicit service provision requirements, including minimum performance standards, incentives and penalties, and regular reporting.

Additional considerations regarding oversight include:

- Are the contractor's service provisions consistent with my agency?
- How is my agency verifying ADA compliance for contractors and subrecipients?
- Are my contractors and subrecipients aware of my agency's ADA-related policies and service provisions?
- Are my agency's ADA policies advertised?

### Fixed Route

#### **What other requirements specific to fixed route services should I be aware of?**

If your system has stops that serve more than one bus line the ADA requires that you provide riders with a disability with the means of identifying which bus has arrived or to identify themselves as a person seeking a ride on a particular route. These external route identification announcements can be automated or spoken by the driver.

Just as external announcements can be used to identify the bus line and destination, it is required that internal announcements are made to inform riders of upcoming stops. Announcements should be made in advance of the stop, and they should follow a standard format.

This obligation can be met by requiring bus operators to announce stops or by using an automated stop announcement system on board the vehicle. It is recommended that the disability community and bus drivers be consulted when deciding what stops to announce to ensure the effectiveness of the system.

If your system includes fixed route service, you are required to provide complementary paratransit service to your customers who are unable to use the fixed route system

## Demand Response

### **What are the demand specific ADA requirements?**

If your organization runs a general public demand response system, it is not required that you also provide ADA complementary paratransit service; however, you are required to provide equivalent service for your passengers with disabilities (see the Equivalent service standards section below). Your system may operate non-accessible vans and buses as long as you provide equivalent service for people with disabilities in accessible vehicles. Unlike paratransit, you can have capacity constraints when operating general public demand response service as long as those capacity constraints effect all riders, those with and without disabilities, equally.

What are the applicable serve standards?

Service provided to individuals with disabilities should be equivalent to the service provided to other individuals in the following ways (49 CFR 37.105):

- Response time.
- Fares.
- Geographic service area.
- Hours and days of service.
- Restrictions or priorities based on trip purpose.
- Availability of information and reservation capability.
- Any constraints on capacity or service availability.

## Deviated Route

### **What is the difference between deviated fixed route and demand response?**

To be considered demand responsive rather than fixed route, route deviation services must accept deviation requests from all riders. Deviated fixed route services that limit route deviations only to riders with disabilities are not demand responsive services. These are fixed route services that require complementary paratransit. Some transit agencies operate a mix of route deviation and fixed route services. FTA considers the routes that permit all riders to request deviations as demand responsive. Routes that do not allow deviations are fixed route, and therefore complementary paratransit is required.

In other words, if your agency provides route deviations only to customers with disabilities, this service is then regarded as complementary paratransit service, and is held to the paratransit service criteria. If your agency with flexible service provides complementary paratransit service for its riders with disabilities, it must implement an eligibility determination (and appeal) process for those who would like to use the service. If the system's service allows all riders to request route deviations, the system is considered demand responsive and must follow the equivalent service requirements when serving riders with disabilities.

### **What are some common discriminatory practices subrecipients should avoid regarding deviated routes?**

Subrecipients should ensure that deviated fixed route service policies and procedures do not discriminate against individuals with disabilities. Some examples of discriminatory practices include:

- Designating services as route deviation in plans and other documents, but not advertising them as such. To ensure that riders are aware of and able to use the service, FTA requires that transit agencies advertise the availability of route deviations (e.g., including the information on schedules and in other public information).
- Establishing restrictive policies for deviations that would significantly limit the use of the service by individuals with disabilities who are not able to get to and from designated stops and can therefore only use the service by requesting deviations. This would include:
  - Charging excessive surcharges for deviations
  - Establishing overly restrictive areas within which riders can request deviations
  - Limiting deviations to only certain trip purposes
  - Unreasonably capping the number of permitted deviations

### Vehicles

#### **What are the ADA requirements regarding vehicles?**

All vehicles are required to have accessible features and each feature must be fully operational any time the vehicle is in use. This includes the following:

- Mobility aid accessibility – you must ensure that all vehicles have a lift or ramp to allow individuals with a disability, including individuals who use wheelchairs, to safely board, and there must be sufficient clearances to permit a user of a wheelchair or other mobility aid to reach a securement location. Vehicles in excess of 22 feet must have at least two securement locations, and smaller vehicles must have at least one. (49 CFR 38.23)
- You must ensure that doors, steps, and thresholds are slip resistant, and all steps, edges, thresholds, and the boarding edge of the ramp must have a band of contrasting color running the full length of the step or edge. Door height must be a minimum of 68 inches for vehicles in excess of 22 feet and a minimum of 56 inches for smaller vehicles. (49 CFR 38.25)
- You must place priority seating signs at the front of the bus, and your operators must ask other passengers to make those seats available to individuals with disabilities when necessary. You must also place signs at securement locations. (49 CFR 38.27)
- You must ensure that interior handrails and stanchions permit sufficient turning and maneuvering space for wheelchairs and other mobility aids to reach a securement location from the lift or ramp. Handrails or stanchions must also be located at the entrance to the vehicle. (49 CFR 38.29)
- You must install lighting at any stepwell or doorway. (49 CFR 38.31)



- If you have fare boxes, they must be located as far forward as practicable so as not to obstruct traffic in the vestibule. (49 CFR 38.33)
- You must install a public address system in any vehicle in excess of 22 feet that is used in multiple-stop, fixed route service. (49 CFR 38.35)
- You must ensure that stop request controls are located adjacent to the securement location in vehicles in excess of 22 feet that make multiple stops. These controls must be located between 15 inches to 48 inches off the ground, and must be operable with one hand. (49 CFR 38.37)
- Where you display destination or route information on the exterior of the vehicle, each vehicle must have illuminated signs on the front and boarding side of the vehicle. (49 CFR 38.39)

### Facilities

#### **What are the general requirements for constructing a facility?**

If you are a public entity and you construct new facilities to be used for providing designated public transportation services, they must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs (49 CFR 37.41). If you are a public entity and you alter an existing facility or part of an existing facility used for providing designated public transportation services, and that alteration affects or could affect the usability of the facility, you must make the alterations in a way that is readily accessible to and usable by individuals with disabilities (49 CFR 37.43).

### Complementary Paratransit

#### **What are the service criteria for providing Complementary Paratransit?**

ADA complementary paratransit service must be comparable to the fixed route service in a number of areas. Paratransit service criteria include the following (Section 37.131):

- Geographic area of service – transit systems that run fixed routes must also provide ADA complementary paratransit service within  $\frac{3}{4}$  mile on either side of the fixed route; this is considered to be the maximum distance a rider would travel to reach a bus or train stop.
- Response time –the paratransit ride may not be provided more than an hour before or after the requested time.
- Fare- the one-way paratransit fare may be no more than twice the full fixed route fare for a similar trip. A rider's personal care attendant may not be charged a fare. However, at least one additional accompanying individual must be permitted to board and will be required to pay the same fare as the rider (additional companions may accompany the ADA-eligible customer, if space is available).
- Hours and days of service—ADA paratransit service must be provided on the same days and during the same hours as fixed route service.
- Trip purpose—there may be no restrictions or priorities based on trip purpose. Service must be provided regardless of the nature of the trip.

### **When would “Origin-to Destination” service be necessary?**

Pursuant to 49 CFR 37.129, you are required to provide complementary paratransit service that is “origin-to-destination.” As a transit provider, you can establish whether you will provide door-to-door or curb-to-curb service as your basic mode of paratransit service, but there may be times when you must offer service beyond this base level when required due to a passenger’s disability. FTA, in its Disability Law Guidance document, gives the following examples of when “origin-to-destination” service might be necessary:

The nature of a particular individual’s disability or adverse weather conditions may prevent him/her from negotiating the distance from the door of his/her home to the curb.

A physical barrier (e.g., sidewalk construction) may prevent a passenger from traveling between the curb and the door of his/her destination point.

Providing this level of service may require more time from the driver than on a base-level service stop, and because of this the FTA has deemed it reasonable that transit providers ask for advance notice from any passenger in need of this assistance when the reason for the additional assistance is known in advance of the trip.

You are permitted to temporarily suspend service to individuals who are repeated no-shows. A no-show does not count, however, if the ride was missed due to circumstances outside of the rider’s control. You should consult the DREDF Topic Guide on No-Shows in ADA Paratransit in order to establish what qualifies as a no-show and what situations are qualified to be beyond a rider’s control.

### Service Animals

#### **What is a Service animal?**

Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing animal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

You may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but you cannot require special ID cards for the animal or ask about the person’s disability.

#### **What is the ADA-related requirement regarding service animals?**

You must allow service animals to accompany individuals with disabilities in vehicles and facilities.

### Accessible Formats

#### **What constitutes an accessible format?**

Accessible formats (also called alternate formats) are types of auxiliary aids and services provided to ensure communications access for people with impaired vision, speech, or hearing.

## What are common accessible formats for blind or visually impaired persons?

- **Websites:** There are ways to format webpages and present text, photos, and graphics in order to make a website accessible to persons with disabilities. Key examples include: providing alternate text to describe images; using primary colors (like red or blue) for layout design and links; avoiding the use of Flash; providing closed captioning for videos; using plain fonts and appropriate sizes; and designing navigation that is easy to follow.
- **Electronic documents:** Blind or visually impaired persons who use computer screen-reading programs can read standard Word documents (the program speaks the monitor display). You will need to edit your materials to describe all photos, maps, and other graphics, as those elements are often not readable. US Department of Veterans Affairs' [Creating Accessible PDFs with Adobe Acrobat Professional](#) guide offers helpful information and step-by-step instructions.
- **Large print:** Font size should be 14-point or larger (usually 18-point) and the font typeface should be simple, like Arial or Helvetica. For some documents the text can be made bigger by simply using the enlarge feature of a photocopier or by revising the document and printing it with the larger font. Alternatively you can order large print formats of your materials from a printing company.
- **Braille:** It is important to offer materials in Braille format for those who need it. You can pay to have documents translated and printed into Braille, or you may consider purchasing a Braille printer, depending on the size of your agency and the needs of your community.
- **Audio recordings:** If requested, you should be able to provide an audio recording of printed information. This means the document is read out loud and recorded, usually onto a CD.
- **Deaf or hearing impaired persons:** TTY relay services consist of a relay operator (or communications assistant) that connects TTY calls with people who communicate by telephone. The operator converts voice-to-text and vice versa, with the text displayed on the user's TTY. TTY relay services are important to make sure deaf or hearing impaired individuals can access information about your services and the paratransit eligibility application process. A TTY is a teletypewriter, or text telephone, that allows a user to type text to another TTY user. TTYs are also known as Telecommunications Devices for the Deaf (TDD).
- **Colorado resource for hearing impaired or speech loss persons:** Relay Colorado is a free public service that enables people with hearing or speech loss who use a teletypewriter (TTY) or other assistive device to communicate with standard telephone users. The conversation is relayed between the two parties by a specially trained Relay Colorado Communications Assistant. Relay Colorado is available 24 hours a day 365 days per year.

## Other considerations

It is important to note that you cannot assume what type of accessible format would be best for a customer with a disability, as explained in Part 37, Appendix D:

"A document does not necessarily need to be made available in the format a requester prefers, but it does have to be made available in a format the person can use. There is no use giving a computer disk to someone who does not have a computer, for instance, or a Braille document to a person who does not read Braille." (App. D, 49 CFR 37.125)

It is also important to let your customers know that other formats are available and how they can request those formats. For example, the Roaring Fork Transportation Authority (RFTA) in Aspen, Colorado includes the following sentences at the top of the Paratransit page of their website:

“Schedule information is available in large print and audio tape. TTY (Text Telephone) users may call Colorado Relay at 1-800-659-3656. For a large print copy of a schedule call (970) 920-1905 ext. 4971.”

### Resources

What resources are available to my agency regarding ADA-related requirements?

1. Title VI of the Civil Rights Act of 1964
2. 49 CFR part 27, 37, 38, and 39
3. FTA ADA Circular 4710.1
4. National RTAP: <http://nationalrtap.org/adatoolkit/>
5. ADA 101 Webinar: <http://nationalrtap.org/adatoolkit/Resources/ADA-101-Webinar-Q-A>
6. Easter Seals Project Action: Website Accessibility Online Toolkit
7. For more information, see the Federal Communications Commission's [711 for Telecommunications Relay Service](#) on the FCC website. For more information about TTY and TTY Relay Services in general, visit the [National Association of the Deaf website](#).
8. FTA ADA webpage: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/americans-disabilities-act>
9. CDOT's ADA related website: <https://www.codot.gov/business/civilrights/ada>

For more information regarding CDOT's ADA program please visit <https://www.codot.gov/business/civilrights/ada> or contact Civil Rights Specialist, Eboni Younger-Riehl at 303-757-9072 or [eboni.riehl@state.co.us](mailto:eboni.riehl@state.co.us).

## Attachment 5-12. ADA Review Checklist

## ADA Review Checklist

If a subrecipient provides public transportation, complying with ADA includes:

- Requiring all fixed route providers to have a complementary paratransit program for individuals who are prevented from accessing the fixed route system.
- Requiring all new vehicles and facilities to be accessible.
- Providing alternative format information and services, such as sign language interpretation at public meetings upon request.
- Meeting signage requirements for stops and facilities.
- Fixed route stop call outs for persons with visual impairment.

1. Does subrecipient have evidence of notice to the public that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs or activities? The notification shall also include an identification of the responsible employee designated pursuant to §27.13(a)

☐ Yes ☐ No

Does the subrecipient provide information to the public regarding the availability of accessible services? Via:

☐ Yes ☐ No

2. Is the subrecipient's staff knowledgeable regarding ADA service requirements appropriate to the specific services offered by the subrecipient to the public?

☐ Yes ☐ No

3. Have the vehicle operators and other relevant staff been trained to interact with disabled individuals?

☐ Yes ☐ No

4. Do you have a mechanism to capture, investigate and track ADA complaints?

☐ Yes ☐ No

5. Have there been any complaints or lawsuits alleging discrimination on the basis of disability?

☐ Yes ☐ No

If yes, what is the status or resolution of these complaints or lawsuits? Describe and please include the following information:

- Date of complaint, investigation or lawsuit filed.
- A summary of the allegation(s).
- The status of the complaint, investigation or lawsuit.
- Actions taken by the organization.

- Actions taken by any third-party organization receiving the complaint or notification of investigation or lawsuit.

6. Is there a fare schedule for riders with disabilities? (review operations schedule)

☐ Yes ☐ No

7. Have you encountered any circumstances where your insurance provider would not cover a potential rider?

☐ Yes ☐ No

8. Does the subrecipient require the driver to assist passengers with disabilities, if they need assistance, to board and de-board the vehicle?

☐ Yes ☐ No

9. Does the subrecipient allow service animals to travel with persons with disabilities?

☐ Yes ☐ No

10. Do the subrecipient's policies ensure adequate time for boarding and debarking for persons with disabilities?

☐ Yes ☐ No

11. Does the subrecipient require individuals with disabilities to use designated priority seats?

☐ Yes ☐ No

12. Does the subrecipient have a policy for dealing with individuals who engage in violent, seriously disruptive, or illegal conduct?

☐ Yes ☐ No

13. If yes, are supervisors, dispatchers, and vehicle operators trained on this policy?

☐ Yes ☐ No

14. Is there an appropriate appeal process for any service refusals?

☐ Yes ☐ No



***Vehicles – General***

15. Does the subrecipient pre-trip checklist include cycling the lift to ensure that it is in working order and checking for the presence and condition of the tiedowns in the securement area?

☐ Yes ☐ No

16. Does the subrecipient require use of securements?

☐ Yes ☐ No

17. Does the subrecipient have a written policy requiring use of securements?

☐ Yes ☐ No

18. Does the subrecipient's allow the lift to be used by standees to board/deboard the vehicle?

☐ Yes ☐ No

19. Are there any restrictions on the type of mobility devices allowed on the vehicles?

☐ Yes ☐ No

20. How do you respond to mechanical issues (failures) to the lift or ramp while the vehicle is in service?

- What is the response time to actually providing the service?
- How many days out of service is the vehicle on average?
- Are there other accessible vehicles to fill in?

☐ Yes ☐ No

***Paratransit Only***

21. Does the subrecipient allow Personal Care Attendants (PCA) to travel with persons with disabilities and at no cost?

☐ Yes ☐ No

22. Does the subrecipient allow persons with disabilities using respirators or portable oxygen?

☐ Yes ☐ No

23. Are fares charged to accompany individuals? ☐ Yes ☐ No

24. Who can accompany ADA paratransit eligible passengers?

25. Does the subrecipient have any non-accessible vehicles in their fleet?

☐ Yes ☐ No

26. In situations where only non-accessible vehicles are available, how do you ensure that the needs of non-ambulatory persons are met?

Explain:

27. How are eligibility standards established for ADA paratransit passengers?

28. How quickly are decisions on eligibility made?

29. Do individuals have the ability to appeal a decision?

☐ Yes ☐ No

30. How is the appeal process handled? Describe:

***Demand-Response Services: Equivalent Service Standards***

If entities operating demand response services plan to purchase vehicles that are not accessible, they must first make a determination that the services they will be providing (after the purchase of the inaccessible vehicle or vehicles) are “equivalent.” Therefore, if entities have inaccessible vehicles as part of their fleet that were purchased since the issuance of the regulations, the services they provide must be “equivalent.” If inaccessible vehicles are purchased, certification of equivalency must also be provided to CDOT.

31. What is the makeup of your fleet with regard to accessibility?

32. Is the demand response service provided for persons with disabilities equivalent to the service provided to other individuals with respect to the following service characteristics:

- Response time, Availability of information Fares Reservations capability  
☐ Yes ☐ No
- Geographic area of service Constraints on capacity or service availability  
☐ Yes ☐ No
- Hours and days of service Restrictions/priorities based on trip purpose  
☐ Yes ☐ No

33. Are route deviations provided as part of the demand-response service?

☐ Yes ☐ No

34. If so, are equivalency standards met for the route deviation service?

☐ Yes ☐ No

35. Are trip denials documented?

☐ Yes ☐ No



36. Is the FTA definition of a trip denial used to record denials?

☐ Yes ☐ No

37. Are the reasons for trip denials documented?

☐ Yes ☐ No

38. Does the service operate without a substantial number of trip denials?

☐ Yes ☐ No

Number of denials last year: \_\_\_\_\_

39. Is it noted on the trip denial form if the caller is disabled?

☐ Yes ☐ No

40. Does the service operate without a substantial number of trip denials?

Number of denials last year: \_\_\_\_\_

☐ Yes ☐ No

41. Do the reasons for trip denials include equipment?

☐ Yes ☐ No

### **Website**

Does your agency maintain the organization's website (if applicable) to include current ADA service provisions, information regarding Reasonable Modification requests, ADA policy statement, ADA complaint form, and ADA complaint procedures?

42. Does your agency website contain ADA Complaint Procedures?

☐ Yes ☐ No

43. Does your agency website contain ADA Complaint Form?

☐ Yes ☐ No

44. Does your agency website contain ADA-related service provisions?

☐ Yes ☐ No

45. Does your agency website contain ADA nondiscrimination notice?

☐ Yes ☐ No

46. Does your agency website contain information regarding your Reasonable Modifications Request?

☐ Yes ☐ No

## Attachment 5-13. Title VI and Environmental Justice Comparison Chart

## D. What Are the Similarities and Differences Between Title VI and Environmental Justice?

Environmental justice principles have been confused with the requirements of Title VI. Here is a summary of the key differences between environmental justice and Title VI.

Key aspects of the authorities	Title VI	Environmental Justice
What is the basis for the authority?	Title VI is a Federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.	The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to "make achieving environmental justice part of its mission." The EO was intended to improve the internal management of the executive branch and not to create legal rights enforceable by a party against the U.S.
What is the purpose of the authority?	Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance.	EO 12898 calls on each Federal agency to achieve "environmental justice ... by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...."
To whom does the authority apply?	Title VI is a Federal law that applies to recipients and subrecipients of Federal financial assistance (e.g., states, local governments, transit providers), and not to DOT itself.	EO 12898 applies to Federal agency actions, including DOT's and FTA's actions. Title VI is one of the tools used by Federal agencies to implement this directive.
What does the authority require, and of whom?	Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.	EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5610.2(a)).

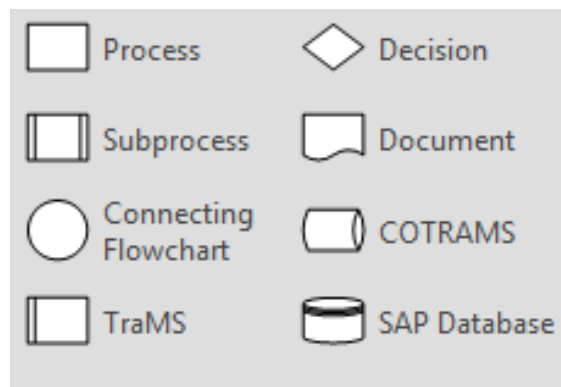
Key aspects of the authorities	Title VI	Environmental Justice
<b>What does the authority say with regard to negative effects or impacts?</b>	In accordance with 49 CFR part 21, and Title VI case law, if an otherwise facially neutral program, policy or activity will have a discriminatory impact on minority populations, that program, policy or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy or activity; (2) there are no comparably effective alternative practices that would result in less disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.	DOT implemented EO 12898 in its order on EJ, which provides that if a DOT program, policy or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is “practicable,” the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.
<b>Does the authority create any rights or remedies?</b>	Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact complaints may be filed with the Federal agency.	EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.

Thus, while Title VI is one tool for agencies to use to achieve the principles of environmental justice, it is important to recognize that Title VI imposes statutory and regulatory requirements that are broader in scope than environmental justice. You are cautioned that while there may be overlap, engaging in an EJ analysis under Federal transportation planning and the National Environmental Policy Act of 1969 (NEPA) provisions will not satisfy Title VI requirements, as outlined in FTA’s Title VI Circular. Similarly, a Title VI analysis will not necessarily satisfy environmental justice, given that Title VI does not include low-income populations. Moreover, Title VI applies to all activities



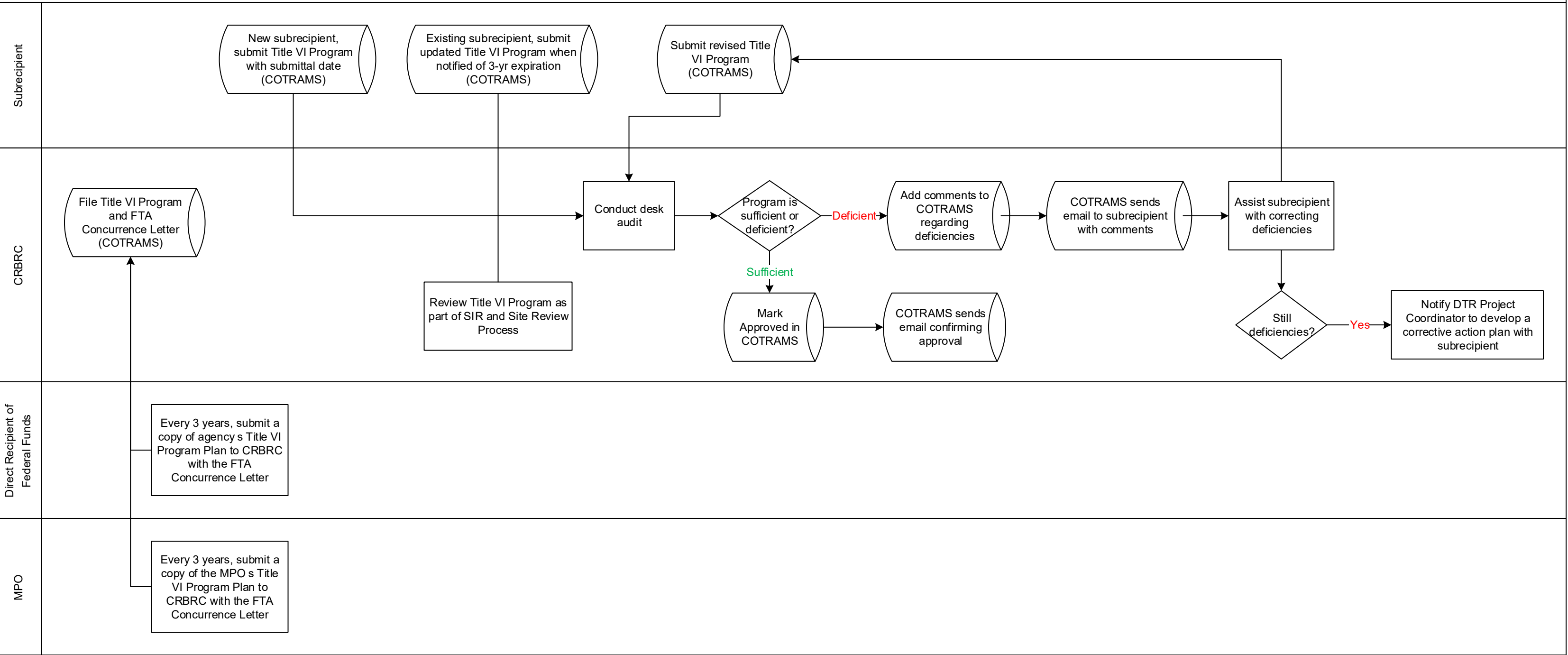
# CHAPTER 5 FLOWCHARTS

## Flowchart Shapes/Key



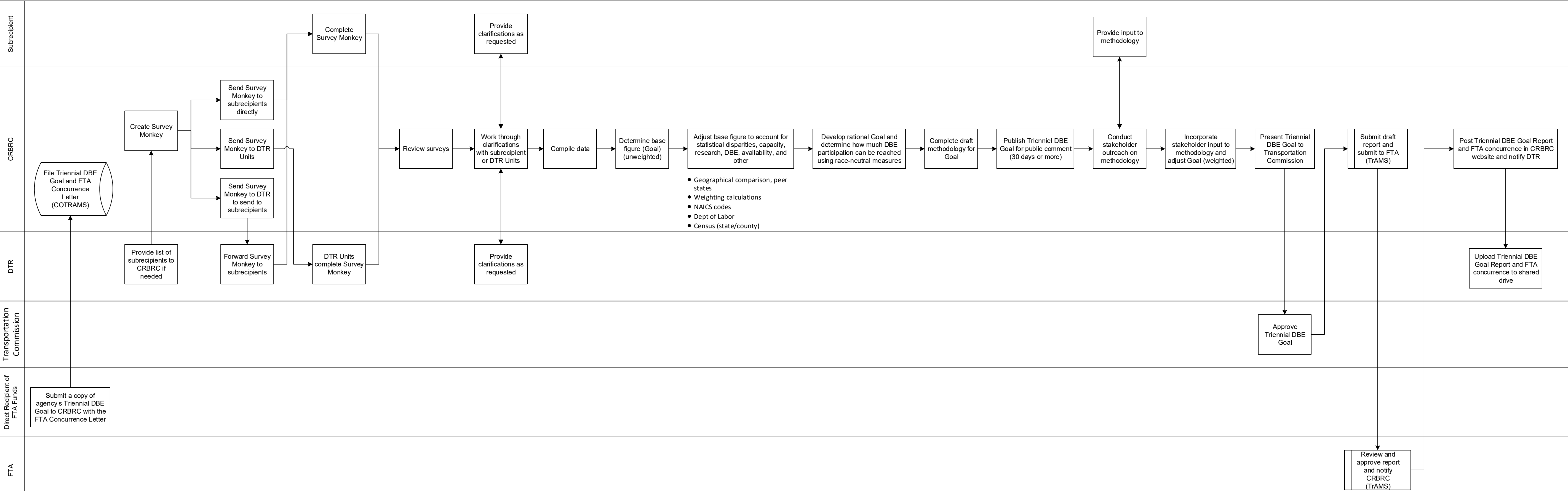
## Flowchart 5-1. Title VI Program Submittal

5-1 Title VI Program Submittal (every 3 years)



## Flowchart 5-2. DBE Triennial DBE Participation Goal (FTA)

5-2 Triennial DBE Participation Goal (FTA)



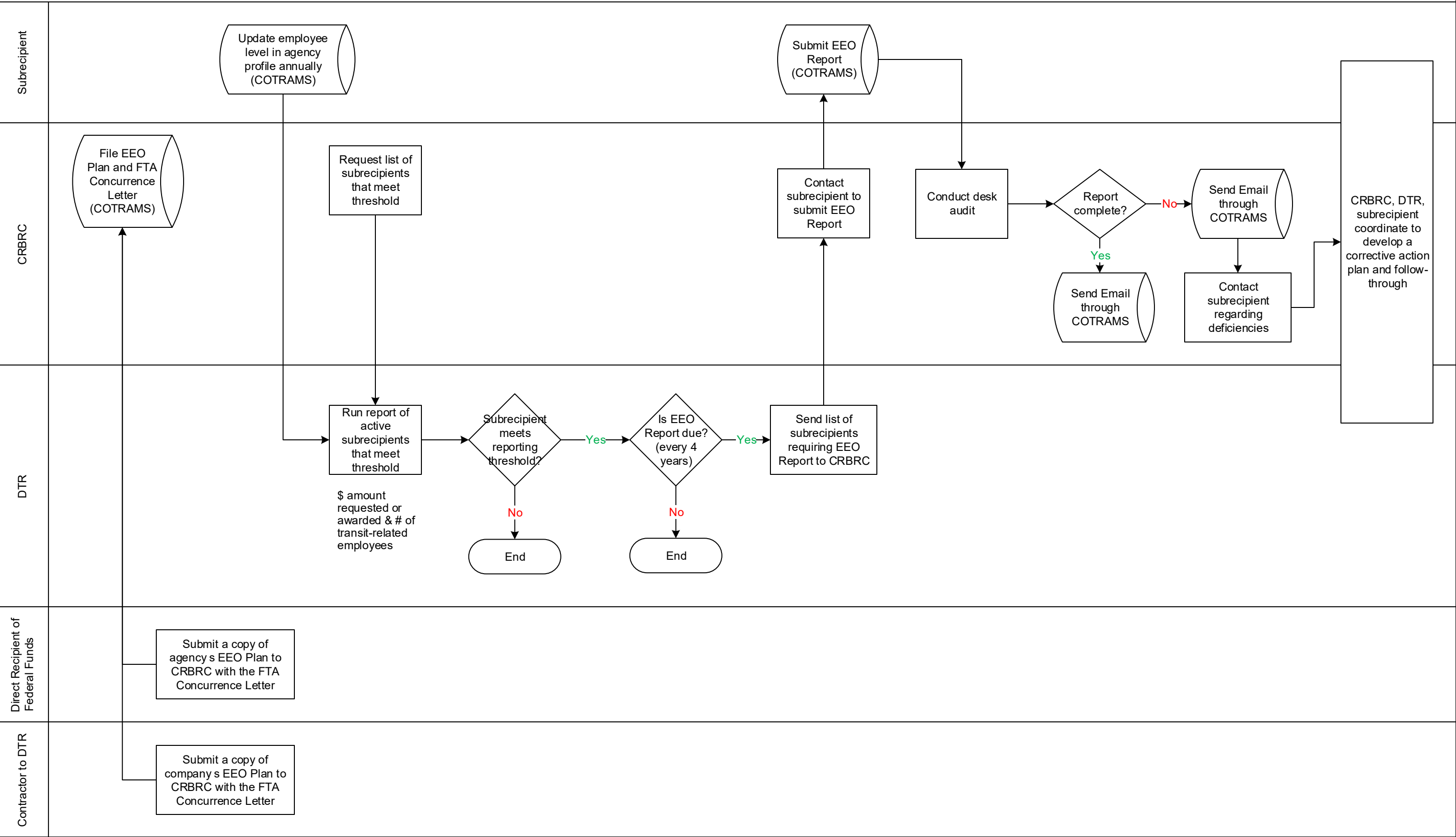
## Flowchart 5-3. DBE Semiannual Report to FTA





## Flowchart 5-4. EEO Tracking and Reporting

5-4 EEO Tracking and Reporting (every 4 years)



## Flowchart 5-5. ADA Complaint Process

5-5 ADA Complaint Process

