

Title VI Implementation Plan

October 1, 2024

Civil Rights & Business Resource Center

2829 W. Howard Pl., 4th Floor

Denver, CO 80204

720-602-5256 Office

dot_civilrights@state.co.us

www.codot.gov/business/civilrights



COLORADO

Department of Transportation

Office of Environmental Justice and Equity

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I. Introduction

The Colorado Department of Transportation (CDOT)'s mission is to provide Colorado's best multi-modal transportation system that most effectively and safely moves people, goods, and information. CDOT is committed to fully complying with Title VI of the Civil Rights Act of 1964 and all related non-discrimination laws. Through its policies, assurances, and procedures, CDOT makes every effort to ensure that no person is excluded from participation in, denied the benefits of, or otherwise subject to discrimination in any CDOT program or activity on the basis of race, color, national origin, sex, disability or age.

The Civil Rights & Business Resource Center (CRBRC) works with CDOT program specialists and regional civil rights staff to implement and monitor compliance with Title VI nondiscrimination requirements. Please direct questions about CDOT's Title VI Program to:

CDOT Civil Rights & Business Resource Center
2829 W. Howard Place
Denver, CO 80204
Title VI Coordinator 720-602-5256
dot_civilrights@state.co.us

II. Statement of Policy

CDOT prohibits discrimination based on race, color, national origin, sex, disability, or age. CDOT [Policy Directive 604.0](#) documents this policy, available to all CDOT employees and the public. The CDOT Policy Directive 604.0 is attached as [Appendix A](#).

CDOT also has [a Title VI/Nondiscrimination Procedural Directive 604.1](#) in support of CDOT's Nondiscrimination policy and is committed to Title VI compliance. This procedural directive is also available to all CDOT employees. The CDOT Title VI /Nondiscrimination Procedural Directive is attached as [Appendix B](#).

III. Standard USDOT Title VI Assurance

CDOT Executive Director Shoshana M. Lew signed the U.S. Department of Transportation (USDOT) Standard Title VI/ Non-Discrimination Assurances on September 30, 2024. The assurance is attached as [Appendix C](#).

IV. Organization & Staffing

CDOT's Executive Director is ultimately responsible for ensuring full compliance with the provisions of Title VI and has directed that nondiscrimination is required of all agency employees. Pursuant to 23 CFR 200.9 (b) (1), CDOT has established an adequately staffed civil rights unit to fulfill Title VI statutory and regulatory requirements. This civil rights unit, located at CDOT Headquarters, is the Civil Rights & Business Resource Center (CRBRC). The CRBRC reports to the Chief Equity Officer within the Environmental Justice and Equity Office (EJE). Colorado Senate Bill 21-260 created the EJE under the Office of the Chief Engineer at CDOT. [Appendix D](#) contains the organizational charts of CDOT, the CRBRC, and the EJE.

Pursuant to 23 CFR 200.9, the CRBRC has been delegated the responsibility for Title VI actions, and its director has been designated the CDOT Title VI Coordinator. The Title VI Coordinator has direct access to the Executive Director via an agreed-upon memorandum of understanding. The Title VI Coordinator oversees CRBRC team members responsible for preparing implementation plans, conducting annual assessments of pertinent CDOT program areas, making recommendations to enhance compliance, investigating and resolving Title VI complaints if designated to do so by FHWA, and preparing necessary reports.

The Civil Rights & Business Resource Center, previously called the Center for Equal Opportunity, was created in 1994 to coordinate CDOT's civil rights programs and serve as a resource for CDOT staff. The CRBRC is responsible for developing and implementing CDOT's civil rights and non-discrimination programs following state and federal laws and under the direction of CDOT's Transportation Commission and Executive Director.

A. CDOT's Civil Rights & Business Resource Center

Mission

The mission of the CRBRC is to advocate civil rights by:

- Promoting a diverse contractor workforce
- Promoting equal access to transportation improvements, maintenance and systems for Colorado residents
- Promoting and maintaining equal opportunity for small and disadvantaged construction contractors and consultants.

CRBRC Services

The CRBRC does this by providing the following services:

- Training and business development services for small and disadvantaged construction contractors and consultants
- Training and job placement for entry-level highway construction workers
- Civil rights complaint investigation and resolution
- Facilitating Limited English Proficiency requirements in programs and reporting
- Timely completion of DBE certification applications and renewals
- Implementing updated Title VI plans, monitoring and reporting mechanisms
- Monitoring and offering guidance to CDOT staff to ensure access to facilities and services for persons with disabilities.

Title VI Coordinator Responsibilities

The Title VI Coordinator is responsible for:

- Establishing a formal program for monitoring and enforcement of nondiscrimination laws and regulations
- Staffing the program adequately to provide technical support and consultation to CDOT program areas
- Reporting CDOT's efforts and compliance with the law to FHWA annually.

CRBRC Team Responsibilities

The CRBRC team members are responsible for:

- Developing procedures for the prompt processing and disposition of complaints
- Investigating complaints, compiling a complaint log, and reporting to FHWA
- Developing procedures for the collection and analysis of statistical data
- Developing a program to conduct Title VI reviews of program areas
- Conducting reviews of programs, grant applications and special emphasis areas, subrecipients, and state program directives
- Monitoring Title VI activities and reports to appropriate FHWA administrators
- Providing training on Title VI to staff, contractors, and subrecipients
- Developing Title VI information for dissemination
- Reviewing state program directives in coordination with state program officials and, where applicable, include Title VI and related requirements
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary

- Reviewing and providing input for the public participation plan

CRBRC Staff

Civil Rights Program Manager **Title VI Program Coordinator (Interim)**

Greg Diehl

Celina Milner Leon

(303) 757-9599

(720) 602-5256

greg.diehl@state.co.us

celina.milnerleon@state.co.us

B. Regional Civil Rights Offices

CDOT also has Regional Civil Rights Offices (RCROs) in each of its five transportation regions to provide quality control in civil rights programs under their jurisdiction. The RCROs set project-specific DBE and OJT goals, conduct regional contract compliance reviews, ensure regional compliance with civil rights laws and regulations, investigate regional discrimination complaints, and develop appropriate outreach activities.

Regional Contacts

CDOT Region 1

Patricia Bowling
Region Civil Rights Manager
2829 W. Howard Pl.
Denver, CO 80204
(720) 630-0887
patricia.bowling@state.co.us

CDOT Region 2

Sara Rose
Region Civil Rights Manager
5615 Willis Blvd.
Pueblo, CO 81008
(719) 546-5432
sara.rose@state.co.us

CDOT Region 3

Karl Lehmann
Region Civil Rights Manager
222 S. 6th St., Room 317
Grand Junction, CO 81501
(970) 683-6211
karl.lehmann@state.co.us

CDOT Region 4

Juliet Sheets
Region Civil Rights Manager
10601 W. 10th Street
Greeley, CO 80634
juliet.sheets@state.co.us

CDOT Region 5

Jason Benally
Region Civil Rights Manager
3803 N. Main Ave.
Durango, CO 81301
(970) 385-1403
jason.benally@state.co.us

V. Program Area Audits

Beginning in the Federal Fiscal Year 2023, CDOT implemented a phased, five-year plan to conduct deep-dive audit reviews on identified program areas for Title VI compliance and equity-related initiatives. The phased, five-year approach intends to align resources with the efforts of the Chief Equity Officer and initiatives taken under Colorado's Senate Bill 21-260. Passed in the Spring of 2021, Senate Bill 21-260 established the creation of an Environmental Justice and Equity Office within CDOT's engineering, design, and

construction division. It required the office to identify and address technological, language, and information barriers that may prevent disproportionately impacted communities from participating fully in transportation decisions that affect health, quality of life, and access for disadvantaged and minority businesses in project delivery.

Some communities in Colorado have more than their fair share of environmental exposure, which can result in higher levels of environmental health harm. Many of these communities are home to minorities and low-income families.

Under Colorado Senate Bill 21-260, these communities are called “disproportionately impacted communities” at the census block group scale, the smallest geographic scale of data available from the U.S. Census Bureau.

Disproportionately impacted communities include:

- **Low-income communities:** Census block groups where more than 40% of households are at or below 200% of the federal poverty line.
- **Communities of color:** Census block groups where more than 40% of the population identify as anything other than non-Hispanic White.
- **Housing cost-burdened communities:** Census block groups where more than 50% of households spend more than 30% of their income on housing costs like rent or mortgage payments.
- **Linguistically isolated communities:** Census block groups in which more than 20% of the population live in households where all adults speak a language other than English or speak English less than very well.
- **Historically marginalized communities:** Communities with a history of environmental racism created through redlining or anti-Black, anti-Hispanic, anti-immigrant, or anti-Indigenous laws, policies, or practices that continue to experience present-day environmental health disparities.
- **Communities with environmental and socioeconomic impacts:** Communities where multiple factors, including socioeconomic stressors, vulnerable populations, disproportionate environmental burdens, vulnerability to

environmental degradation or climate change, and lack of public participation, may affect health and the environment and may contribute to persistent environmental health disparities. Cumulatively impacted communities can be presumptively identified in one of two ways:

- They are in a census block group with a [Colorado EnviroScreen](#) score above the 80th percentile or,
 - They are in a census tract that the federal Council on Environmental Quality's [Climate and Economic Justice Screening Tool](#) identifies as disadvantaged.
- **Tribal lands:** The Southern Ute and Ute Mountain Ute Reservations.
 - **Mobile Home Communities:** Areas that meet the [Department of Local Affairs definition of a Mobile Home](#) Park.

The internal monitoring program is designed to reach, at a minimum, the public-facing federal-aid program areas on a five-year implementation plan cycle. This means that each program area will undergo an assessment for compliance with Title VI obligations at least once every five years. The phased cycle is currently structured as follows:

- Year 1 - Program area: Communications
 - Includes Public Outreach and Engagement
- Year 2 - Program area: Planning
 - Includes Multimodal Planning Branch under the Division of Transportation Development
- Year 3 - Program area: Environmental and Right-of-Way
- Year 4 - Program area: Construction
- Year 5 - Program area: Safety

The schedule is flexible based on factors such as complaints, staffing changes, changes in project protocol or rollout, patterns indicating noncompliance, etc.

For each year of the implementation plan, CDOT focuses on a program area and conducts a thorough Title VI review to determine if the program area complies with Title VI of the Civil Rights Act of 1964 and FHWA regulations and guidance. The objective of the review process is to understand the unique program areas processes

thoroughly to ensure fairness and open access to all members of the public. The review process is utilized to summarize and highlight each program area's efforts regarding conducting outreach and providing better access to CDOT's programs and activities for minority, low-income, and Limited English Proficiency (LEP) populations. These efforts identify best practices to be shared throughout the agency, areas for improving or enhancing compliance with Title VI regulations, and discover elements where it may be advantageous for CDOT to enhance or incorporate equity-related efforts in collaboration with the Chief Equity Officer.

In addition to reviewing existing processes, CRBRC staff will discuss with the program area representatives how data is being collected and utilized and whether there are opportunities to strengthen data collection and analysis efforts to ensure alignment with statewide equity initiatives.

As part of the program area review, CRBRC staff conducts an initial meeting to discuss the purpose of the review with program area leadership and representatives. Following the preliminary meeting, CRBRC staff will collaborate with program area representatives to develop the scope of the review, evaluate existing data collection and analysis efforts, outline Title VI and LEP goals, and create a review work plan with an associated schedule. Progress meetings occur throughout the year to discuss program review updates and progress toward achieving Title VI and LEP goals. The review process culminates in the development of a tailored and equitable work plan designed to illuminate possible deficiencies and identify areas of opportunity and improvement in the Title VI activities of CDOT's programs, with specific timeframes for deliverables and action items.

This work plan is established to ensure equity is embedded into program area activities and goals. During culmination meetings, CRBRC staff present a determination of findings summary to the program area and discuss the overall review with program area leadership and representatives. The findings summary and best practices recommendations are included in the annual FHWA Title VI Goals and Accomplishments report.

The intervening years between assessments consist of Title VI staff providing both planned and ad hoc technical assistance and training, meeting quarterly with program

leadership and staff to track progress on equity work plan items (if developed), and monitoring the programs, services, and activities of program areas for Title VI compliance.

The following are descriptions of CDOT's major program areas. The Communications program area will be updated after Year 1 of the five-year plan is complete.

The first- and second-year programs' year-long detailed review and results can be found in the FY2023 and FY2024 Title VI Goals and Accomplishments Reports. Although the 5-year Title VI Plan remains on track and rolls into Year 3, CDOT's Chief Equity Officer will extend the Year 2 program review of Planning through FY2025 to allow for more impactful collaboration and implementation of the FY2024 results/impacts.

Year 3 in-depth program review of the Environmental and Right-of-Way program remains on schedule and will begin in FY2025.

A. Communications Program

The first program reviewed in-depth was CDOT's Communications program. The review focused on public outreach and enhanced community engagement. The preliminary review occurred throughout the Federal Fiscal Year 2023 (10/1/22-9/30/23). Additional action items may continue to be addressed after FFY23. The review focused on how CDOT can enhance public engagement and involvement in programs and projects. The review consisted of surveying national best practices regarding public engagement and involvement. It looked to provide project and program support staff with tools to improve how CDOT engages with disproportionately impacted communities.

A review of national best practices was anticipated to develop a Communications toolkit focused on elevated, enhanced, and equitable community engagement and public involvement. This toolkit provides project and program support team members with guidance on engaging with disproportionately impacted communities. This allowed CDOT to identify and establish more consistent processes and procedures for engaging with the public more meaningfully to enhance public knowledge and participation in transportation decision-making. See attached as [Appendix N](#).

B. Statewide Planning Program

The Division of Transportation Development (DTD) Multimodal Planning Branch consists of a Statewide and Regional Planning Section and Main Streets and Active Transportation Section. The Multimodal Planning Branch is responsible for the development of long-range statewide and regional transportation plans, which outline a citizen-generated comprehensive multimodal transportation vision for Colorado. The statewide transportation plan sets forth the vision, goals, and strategies for transportation statewide, including highway, transit, freight and passenger rail, bicycle and pedestrian, and aviation improvements. The Statewide Transportation Plan, which includes a 10-Year Strategic Pipeline of Projects, incorporates asset management, considers economic development and environmental sustainability and allows for future performance reporting to ensure sound investment in the transportation system.

A critical component of statewide planning is public involvement. DTD developed CDOT's public participation plan, which was last updated in January 2016. DTD uses this plan as a guide to conduct public involvement while creating and disseminating the Statewide Transportation Plan. The public participation plan, A Guide to the Transportation Planning and Programming Public Involvement Process, was developed in consultation with local governments, MPOs, FHWA, and FTA. This plan can be found in the [Transportation Planning and Programming Public Involvement Guide](#).

One of the biggest challenges facing organizations like CDOT across the country is determining how to deliver public involvement opportunities that attract and engage all communities in their projects and programs.

To this end, the purpose of public engagement for the 2050 Statewide Transportation and Transit Plans is:

- Continue that high standard set for robust public engagement while developing the 2045 Statewide Transportation Plan.
- Place a high priority on early engagements and community identification efforts that specifically target Disproportionately Impacted communities.
- While a significant amount of decision-making took place with the public during the development of the 2045 SWP and the first 10-year plan, this effort includes

the refining and prioritizing existing projects in the 10-year plan through the lens of asset management, safety, and mobility.

The Engagement Plan outlines the following priorities:

- Maximizing both virtual and in-person meeting opportunities - using both as appropriate.
- Leveraging existing stakeholder meetings whenever possible.
- Expanding the list of stakeholders participating in the process.
- Focusing on decisions about FY27 project prioritization.
- Increasing engagement opportunities to the greatest extent possible will be available in English and Spanish.
- Specific strategies for outreach to Disproportionately impacted communities will be identified and prioritized.

Statewide Planning Program and Title VI

CDOT's [A Guide to the Transportation Planning and Programming Public Involvement Process](#) provides guidance on engaging the public in the planning process. A Title VI challenge inherent in the planning process is obtaining input from low-income and minority populations in the decision-making process. The guide contains a section that discusses common barriers that make public participation in transportation planning difficult for low-income and minority communities and identifies various techniques to combat those barriers. Also included is a Tribal Coordination Plan outlining the process for consulting with tribal governments on transportation planning and programming. Public involvement approaches specific to the development of the statewide transportation planning efforts are developed using this guidance document. These two planning documents are anticipated to be updated for the 2050 statewide transportation planning cycle.

The Statewide and Regional Planning Section is also responsible for overseeing MPOs. The Civil Rights and Business Resource Center (CRBRC) and the Statewide and Regional Planning Section work together to provide information to MPOs and ensure their compliance with Title VI requirements. The CRBRC collects and reviews the Title VI and Public Engagement/Involvement Plans from all MPOs to ensure compliance with Title VI

and equitable, meaningful public engagement. MPOs are also subject to site visits, including Title VI reviews per CDOT's Division of Transit and Rail procedures.

In addition, the Statewide and Regional Planning staff works with the CRBRC to identify training needs for the program area and identify Title VI concerns, and CRBRC staff attend the Statewide Planning monthly meetings as necessary.

An additional Title VI challenge is ensuring diversity in representation on planning decision-making boards and committees. For example, one of CDOT's key stakeholder groups is the Statewide Transportation Advisory Committee (STAC), which advises CDOT on the needs of Colorado's transportation system and reviews and comments on all regional transportation plans. Meetings are hosted monthly to provide updates on planning activities, including legislative and budget updates and emerging transportation issues. The STAC is composed of representatives from both urban and rural areas of Colorado. While STAC includes voting representatives from the Southern Ute Indian Tribe and the Ute Mountain Ute Indian Tribe in southwest Colorado, the diversity of this body tends to be limited. Staff plans to work with the CRBRC to brainstorm ways to increase diverse representation on STAC and to include equitable engagement to reach disproportionately impacted communities. Staff will perform a comprehensive review of existing stakeholder distribution lists for accuracy and will also reach out to various stakeholders to see if any additional organizations would like to be included in the 2050 Statewide Planning development process.

Language Access and Limited English Proficiency (LEP)

Colorado is a diverse, multicultural state that includes many people who speak languages other than English fluently. If these individuals have a limited ability to read, write, speak, or understand English, they qualify as Limited English Proficient (LEP). Language for LEP individuals can be a barrier to accessing benefits or services or understanding other vital information provided by State and Local agencies.

The Colorado Department of Transportation (CDOT) commits to reducing language barriers for LEP individuals that may impede meaningful access to important services and project activities. Meaningful access means providing language assistance that results in accurate, timely, and effective communication at no cost to the LEP

individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed, or inferior to programs or activities provided to English-proficient individuals.¹

CDOT funds and manages transportation projects within the State of Colorado. The opportunity to benefit from transportation services, provide project input, and receive vital information from the Department must be made meaningfully accessible to LEP individuals. CDOT is committed to ensuring the accessibility of language resources and activities to LEP individuals.

CDOT's Civil Rights and Business Resource Center (CRBRC) has a dedicated budget for language assistance to support projects and special requests. These services include a translation vendor, Language Link, that can provide written translation services in multiple languages. Items also covered include translation of public open house notices, surveys used by traffic engineering, and other requests through CRBRC's cost center.

CRBRC has also utilized vendor services for real-time interpretation in virtual and in-person meetings, which have been used by other CDOT offices and regional projects. Due to limited CRBRC resources, we seek the project budgets for CDOT projects to cover language assistance services.

The National Electric Vehicle Infrastructure (NEVI) Deployment Plan

Established by the Infrastructure Investment and Jobs Act (IIJA), the National Electric Vehicle Infrastructure (NEVI) formula program funding will provide \$5 billion over five years for states to deploy electric vehicle (EV) chargers along highway corridors. This build-out of EV chargers is critical to accelerating the adoption of EVs and enabling Americans to access the economic and air quality benefits of electrified transportation.

Colorado is expected to receive \$57 million over the next five years to create an EV charging network across the state. CDOT and the Colorado Energy Office (CEO) are working with partners and stakeholders to develop and finalize the state's National

¹ Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation's (DOT) Title VI regulations at 49 CFR Part 21. Existing requirements for LEP persons under Title VI, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency."

Electric Vehicle Infrastructure Implementation Plan. During this development stage, CDOT's Office of Innovative Mobility (OIM) utilized translation and interpretation services totaling \$3,600 to provide interpretation and document translation at public engagement meetings.

As discussed above, CRBRC has a budget available for language assistance, and other department programs have utilized translation and interpretation services. As the department continues to update relevant policies and procedures, we plan to ensure all CDOT staff are familiar with the requirements and opportunities to utilize services in an effort to reach all interested parties.

Equity considerations were included to identify and include disadvantaged communities (DACs) throughout the NEVI implementation. To ensure grant applicants and the public know where DACs are in Colorado, The Colorado Energy Office created a publicly available mapping tool, The Transportation Equity Screening Tool, that identifies communities under the Federal DAC definition as well as four other state-level designations based on different equity-focused methodologies. Referencing this tool is a requirement for all grant applicants. If a proposed location is within or near a disproportionately impacted community (DIC) census tract, they are eligible for enhanced incentives. This prioritizes the building of charging stations in disadvantaged communities.

Awarded projects located within these census tracts are also eligible to receive an additional incentive of \$5,000 per port. Additionally, we highly recommend grant applicants to have letters of support from prospective site hosts and the local municipality. Not only does this bolster applications but it also encourages collaboration with members of the community. The Colorado Electrification Team conducted targeted outreach to disadvantaged communities. Feedback from these outreach events directly informed the prioritization of benefits and development of metrics to identify, quantify, and measure benefits to disadvantaged communities.

GHG Emission Reduction Requirements

After extensive, statewide outreach, the Transportation Commission adopted a greenhouse gas emissions reduction standard in December 2021. The Standard focuses

on transportation planning – the process by which CDOT and the state’s largest metropolitan regions select future transportation projects. Under the Standard, CDOT and the state’s five Metropolitan Planning Organizations (MPOs) are required to individually set GHG reduction levels at four different periods - 2025, 2030, 2040, and 2050. This standard is expected to directly benefit Disproportionately Impacted Communities by reducing GHG emissions, as transportation emissions significantly contribute to local air pollution that disproportionately impacts lower-income communities and communities of color.

Additionally, this new standard has specific provisions related to disproportionately impacted communities. The standard allows for specific mitigation measures (e.g., additional bike lanes or increased transit) to comply with the rule. It requires that the Department include an accounting of the amount of mitigation dollars directly spent in- or designed to serve--Disproportionately Impacted Communities. These plans must also explain how any mitigation measures delayed or canceled in these areas may still be achieved (or their equivalent). Together, these provisions strengthen the role of disproportionately impacted communities in selecting transportation projects through the planning process and ensure that appropriate attention and transparency are given to the opportunities provided by greenhouse gas mitigation investments.

C. Environmental Program

CDOT’s Environmental Programs Branch (EPB) and regional staff are responsible for executing procedures under the National Environmental Policy Act (NEPA) for all proposed CDOT and local agency transportation projects that constitute a federal action. Federal actions are projects, activities, or programs approved or funded in whole or part under a federal agency’s direct or indirect jurisdiction. The purpose of the NEPA process is to provide a systematic, interdisciplinary approach to decision-making when actions may affect the quality of the human environment. The human environment includes both natural and social/economic resources.²

² Defined as per “§ 24-38.5-302(3), C.R.S. as a community that is in a census block group, as determined in accordance with the most recent United States Decennial Census where the proportion of households that are low income is greater than forty percent (40%), the proportion of households that identify as minority is greater than forty percent (40%), or the proportion of households that are housing cost-burdened is greater than forty percent (40%).”

CDOT's [NEPA Manual](#) was updated in June 2024 and sets forth uniform criteria and procedures for determining the applicability of NEPA requirements to specific projects and establishes procedural requirements for assuring compliance. Work is typically completed by a private contractor with direct oversight by the CDOT regional environmental staff. EPB supports regional staff with technical oversight and assistance.

The Environmental Programs Branch (EPB) is developing an EJ Handbook and EJ Training Course for environmental staff. While we await the completion of the official EJ Handbook and EJ Trainings (anticipated in early 2025), EPB will follow Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994), which directs Federal agencies to identify and address, as appropriate, disproportionate and adverse human health or environmental effects (including interrelated social and economic effects) on low-income or minority populations resulting from their programs, policies, and activities.

In summary, EO 12898 requires that federally funded projects:

- Avoid, minimize, or mitigate disproportionate and adverse human health and environmental effects, including social and economic effects on minority and low-income populations
- Ensure the full, fair, and meaningful participation in the transportation decision-making process by all potentially affected communities
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations

Environmental Planning and Title VI

A required component of all NEPA evaluations is an analysis of whether the project satisfies the Environmental Justice Executive Order 12898 requirements. Environmental Justice is the fair treatment of people of all races, cultures, and incomes concerning the development, adoption, implementation, and enforcement of environmental laws and policies. Environmental Justice requires the evaluation of whether the project has the potential to cause disproportionately high and adverse human health or environmental effects on minority and low-income populations.

In addition, Colorado Senate Bill 21-260 requires consideration of Disproportionately Impacted Communities as part of the project development and construction process. This state legislation defines a Disproportionately Impacted Community as a “community that is in a census block group, as determined by the most recent United States Decennial Census, where the proportion of households that are low income is greater than forty percent, the proportion of households that identify as a minority is greater than forty percent, or the proportion of households that are housing cost-burdened is greater than forty percent.” Chapter 9.15 of [CDOT’s NEPA Manual](#) describes how to analyze Environmental Justice and its relation to Title VI.

Colorado Senate Bill 21-260 (SB21-260)

The Sustainability of the Transportation System bill puts a series of environmental requirements into place. Section 28 of SB21-260 created the Environmental Justice and Equity Branch within CDOT, which works directly with Disproportionately Impacted Communities (DI Communities) to identify and address any barriers that may prevent their full participation in transportation decisions. As of Colorado House Bill 23-1233 in May 2023, the definition of DI Communities includes low-income, minority, housing-cost burdened, and linguistically isolated populations, as well as residents of mobile home parks, the Ute Indian Reservation and the Ute Mountain Ute Indian Reservation, and all communities that are identified as disadvantaged by the federal Climate and Economic Justice Screen Tool (CEJST) or that have a higher rate of cumulative impacts (which is determined by an overall EnviroScreen Score [percentile] over 80). This definition should not be confused with disproportionate and adverse effects as described under EJ. Section 30 (Parts 4-6) of SB21-260 includes separate environmental requirements, including a requirement for project air quality monitoring and additional outreach to DI Communities.

An additional critical component of NEPA is public involvement. Project teams are required to document public involvement efforts during the NEPA process. Project teams must also identify LEP communities within the project area and provide necessary language assistance during the public involvement process. Chapter 7 of the NEPA Manual is reviewed and approved by FHWA as the CDOT Public Involvement Plan and provides guidance and best practices for involving LEP, minority, and low-income populations in the NEPA process. All data collection procedures developed by

environmental staff related to public involvement have been included in the most recent version of the NEPA manual. These public involvement processes have been entirely virtual in the past year, but necessary documents and meetings were translated.

CDOT's Environmental Programs Branch (EPB) and regional staff work together with the CRBRC to coordinate, identify, and address training needs for the program area and identify Title VI concerns.

D. Right of Way Program

CDOT's Right of Way (ROW) Program acquires real property for CDOT's state and federally funded highway projects. It provides oversight of acquisitions on behalf of FHWA on local public agency projects affecting a state highway or interstate in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 as amended (Uniform Act). CDOT's ROW Program also ensures Uniform Act and Title VI compliance for the relocation of residences, businesses, and personal property for CDOT projects and local agency projects, which are subject to CDOT oversight.

CDOT is responsible for facilitating the provisions of statewide policies and guidelines, conducting quality assurance, and providing training development, and technical assistance to the regional right-of-way offices. Guidelines and processes for the ROW program are contained in CDOT's Right of Way Manual. Each of the five-region right-of-way managers is responsible for all right-of-way acquisition and relocation work in their region, as well as property management in some regions.

Regional engineering staff and right-of-way managers coordinate staff resources and hire specialty consultants as necessary to procure title work, surveys, final right-of-way plans, appraisal, and acquisition/relocation services. The regional right-of-way managers then manage the contact with the real property owners, tenants, and personal property owners who will have their real property rights purchased and might be temporarily or permanently displaced. Region right-of-way managers are responsible for all processes that lead up to and follow property acquisition and relocation of owners, tenants, and personal property. Early contact with owners is only to discuss design

issues and is not for negotiation, which must wait until the Chief Engineer has authorized the acquisition of the property rights to be acquired.

Parcels or portions of parcels selected for acquisition are identified in the environmental planning phase of a project, which is analyzed during a review process mandated by the National Environmental Policy Act (see previous section). Once parcels have been identified, ROW is responsible for performing or procuring title research to determine the ownership of each parcel to be affected by the project. Surveys of the project area include the delineation of private properties, which are also included on the ROW plans. ROW plans are prepared at the Region level and then sent to headquarters for the Chief Engineer's approval of the land acquisition request (per State law).

After the ROW plans have been approved, the regional acquisition/relocation staff notifies all of the affected property owners of CDOT's intent to acquire their property interests, provides an overview of the project, and advises the property owners of the steps to be taken toward the acquisition and, if necessary, relocation. This includes informing each property owner about valuation processes for the property rights to be acquired and that they will be invited to accompany the appraiser on a property inspection if the appraisal process is used. CDOT representatives personally contact property owners again to advise them of the project and to invite the property owner to accompany the appraiser on the appraisal site visit.

Valuation and Acquisition

The region ROW manager determines whether to use the federal appraisal waiver value process or a more traditional appraisal. Waiver valuation may be used in lieu of an appraisal on parcels with an estimated value of up to \$25,000; however, waiver valuations expected to exceed \$10,000 in value may only be performed upon written waiver from the landowner. Otherwise, CDOT must obtain an appraisal. Separation of functions between the negotiator and the person preparing the waiver valuation must also be followed when a waiver valuation exceeds \$10,000 per federal regulations.

For parcel acquisitions valued at \$5,000 or more, the acquisition agent will be required to offer the property owner the option of hiring an appraiser paid for by CDOT (Colorado

law). As long as the \$5,000 minimum is met, property owners are entitled to an agency-reimbursed appraisal regardless of whether CDOT performs an appraisal or a waiver valuation. The appraisal must meet specified requirements to be eligible for reimbursement.

Although the processes are somewhat different, all appraisals and waiver valuations are reviewed for quality assurance prior to the region ROW manager's signature.

The region ROW manager, their designee or the assigned region appraiser reviews and signs waiver valuations. Local public agencies are permitted to participate in the use of waiver valuations on property with an estimated value up to \$10,000 (inclusive), and may perform waiver valuations up to \$25,000 if they have written approval from their CDOT region ROW manager. This approval may be given on a project or parcel basis at the discretion of the region ROW manager.

CDOT-qualified staff or qualified contract review appraisers review appraisals. CDOT review appraisers review most appraisal reports made in connection with proposed ROW acquisitions, including reports done for CDOT and reports done independently for the property owner. When CDOT experiences a high volume of appraisals awaiting review, consulting review appraisers are employed. Finally, among the appraisals reviewed, the review appraiser will recommend the appraisal that overall best supports the value and compensation conclusions as a basis for fair market value and compensation for the acquisition.

The region ROW manager is the signing authority for CDOT's adoption of the compensation offer amount to the owner for the proposed acquisition. If CDOT and the property cannot voluntarily agree on a sale amount, CDOT may proceed with condemnation after the Transportation Commission (TC) authorization. The TC must determine that initiating an eminent domain action is in the public interest and will enter a resolution upon its minutes authorizing CDOT to initiate and conduct an eminent domain action.

Relocation

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted programs or projects.

CDOT acquisition and relocation agents assist all property owners and tenants who will be displaced on an individual, family, or business basis to locate a new home or business location. Agents will also assist with any items of personal property which will be displaced. The agents explain the federal benefits for which the displaced individuals are eligible. CDOT agents coordinate the actual search for the new location, move, and any applicable reimbursable business reestablishment expenses. Any person scheduled to be displaced is furnished with a general written description related to eligibility requirements, advisory services and assistance, payments, and the appeal process. CDOT staff provide notification that the displaced person is not required to move without at least 90 days advance written notice.

Quarterly, a few region acquisition and relocation staff members review randomly selected acquisition and relocation files from another region, looking for adherence to the required processes and procedures and to learn about new methods and best practices. The results of these systematic reviews are presented at the ROW Managers' meetings as learning and sharing opportunities. Starting in 2019, HQ ROW staff began to make quality assurance field visits to displaced businesses at the replacement locations to view relocated personal property and interview displaced individuals.

CDOT right-of-way staff are responsible for overseeing local agency projects in their respective regions. Oversight duties include reviewing work, making corrections, and settling disputes. CDOT is legally responsible to FHWA for the quality of right-of-way projects that are part of a project that receives federal funding in any phase.

Local public agencies choosing to use right-of-way consultants must select these consultants from CDOT's pre-approved lists of acquisition agents, relocation agents, appraisers, and review appraisers. When displaced individuals on local public agency projects file relocation appeals or contact CDOT management or their legislative representatives for assistance, CDOT right-of-way staff must intervene and remain closely involved in the balance of the project.

CDOT Right of Way and Title VI

CDOT staff must acquire property interests in a manner that ensures that the property owners are treated fairly and consistently, in accordance with Title VI. The CDOT right-of-way staff and their consultants strive to ensure that all persons and property displaced as a result of the project are treated fairly, consistently, and equitably so that they will not suffer disproportionate injuries as a result of projects designed for the benefit of the public. CDOT staff and consultants accomplish this by complying with the mandates of the Uniform Act, Federal and State laws, and the CDOT ROW Manual. All consultant acquisition and relocation work is performed under uniform master contracts which specify these requirements. For example, the CDOT ROW Manual states that relocation notices shall be written in plain, understandable language. Persons who are unable to read and understand the relocation notice and LEP persons must be provided with appropriate translation and counseling. Relocation benefits are provided to all eligible persons regardless of race, color, religion, sex, or national origin.

CDOT's policy is that all reasonable efforts shall be made to acquire property through negotiation and not by condemnation. The CDOT ROW Manual states that the negotiator should strive to attain rapport with the property owner and inspire confidence in the correctness of the acquisition process and the fairness of the offer. Awareness of cultural sensitivities is essential to achieving this goal. Communicating with LEP persons is also vital for ensuring those impacted by the ROW Program understand their rights under the Uniform Act. CDOT translates many of its ROW forms and brochures and hires or uses proficient staff interpreters when necessary. Relocation benefits under the Uniform Act, to which each eligible owner or tenant may be entitled, are determined individually and explained to them in detail by an agent.

The CRBRC and ROW staff work together to assess training needs in this program area and improvements to Title VI compliance.

E. Construction Program

The Construction Program includes the administration of all phases of highway design and construction contracts, including contractor prequalification, advertisement,

competitive bid letting or proposal selection, contract award, change orders, contract modifications, inspection and acceptance of work, and payment.

CDOT awards pre-construction professional services through a qualification-based selection process. Consultants, including sub-consultants, are prequalified and have an established Master Pricing Agreement. CDOT staff oversee the selection process to ensure that it is fair to all participants. CDOT headquarters provides training and review to ensure consistent application of selection criteria, principles, and processes.

Some projects blend preconstruction and construction contract work through alternate delivery contracting. This method delivers projects through Contractor-Managed, General Contractor, or Design-Build contracts.

CDOT awards construction projects through a low apparent bid process or a best value proposal process in order to be eligible to bid on a CDOT construction project, a prime contractor must be financially prequalified to bid at the contract amount.

[Prequalification applications](#) are available on the CDOT website. Prequalification is currently handled electronically through a system called B2GNow. The bidding process is fully electronic and currently uses Bid Express. CDOT advertises its projects on Bid Express and the CDOT website.

Construction Program and Title VI

CDOT utilizes its DBE and Emerging Small Business (ESB) programs to promote contract inclusivity. To increase the capacity of DBE firms, the CDOT CRBRC conducts outreach and provides supportive services to small businesses through Connect2DOT, CDOT's DBE Supportive Services program. Connect2DOT collaborates with partners like the State Minority Business Office and the Small Business Development Center Network to help small businesses in the transportation industry become more competitive and successful in bidding and contracting with CDOT and other local transportation agencies. For example, Connect2DOT's Bid Matching Service informs registered firms of CDOT project opportunities based on the types of work those firms perform. An overview of the Connect2DOT program is provided here in [Appendix E](#).

CDOT also administers programs designed to increase small business participation through mentor-protégé relationships, low-dollar construction/consultant contracts

restricted to bidding/proposing by ESB-certified firms and bonding support for ESB prime contractors.

Every FHWA-assisted CDOT contract is evaluated for a Disadvantaged Business Enterprise (DBE) contract goal. To be eligible for an award, the proposer or bidder must sign an affidavit committing to make good-faith efforts to meet the contract goal.

On pre-construction professional service contracts, CDOT awards points using a scoring rubric that evaluates strategic small business participation plans as well as small business certifications of the proposer. Most professional service contracts are not fund-encumbered, and CDOT issues task orders requiring a Civil Rights approval process to encumber funds and commence work. Task orders cannot be awarded until the consultant demonstrates good faith efforts to meet the DBE goal and the targets they committed to at the time of award. A more detailed explanation of CDOT's DBE requirements/program can be found in the [CDOT DBE Program Manual](#).

Each FHWA-assisted construction project also includes Form FHWA 1273, "Required Contract Provisions," which notifies contractors of their Title VI obligations. All contracts include the following requirements: U.S. Dept. of Labor Davis-Bacon Minimum Wages (Colorado Highway Construction), the Affirmative Action/Equal Employment Opportunity Requirements, as well as the Standard Special Provisions for the On-the-Job Training and Disadvantaged Business Enterprise (DBE) programs. Additionally, CDOT maintains a current [webpage dedicated to required bulletin board postings](#) for construction job sites.

Once a project has been awarded, the Region Civil Rights Office oversees the contractor's compliance with all civil rights contract requirements. CDOT-administered professional services, construction, and alternative delivery projects are tracked in B2GNow for prompt payment monitoring. Civil rights complaints from contractors and sub-contractors can be submitted to the CRBRC or the Regional Civil Rights Office. All complaints will be forwarded to the Title VI coordinator or designee and sent to FHWA, according to the Nondiscrimination Procedural Directive 604.1 and the FHWA Discrimination Complaints Memo dated June 13, 2018.

F. Transportation Safety Program

Transportation safety at CDOT involves several units, including the Governor's Representative for Highway Safety, the Traffic Safety and Engineering Branch (TSE), the Office of Transportation Safety (OTS), and the Transportation Regional Directors.

Within the OTS, the Highway Safety Office (HSO) is responsible for developing and administering behavioral programs that improve traffic safety in Colorado by reducing the number and severity of traffic crashes. To support this mission, the HSO works closely with Colorado communities, law enforcement, and traffic safety experts to design and implement projects to proactively address the state's emerging and persistent traffic safety challenges.

The HSO provides grant oversight, administration, and financial management of federal and state funds for Highway Safety initiatives and programs. HSO manages National Highway Traffic Safety Administration (NHTSA) funds to address traffic safety issues such as impaired driving, occupant protection, motorcycle safety, speed control and enforcement, young and older drivers, pedestrian and bicycle safety and distracted driving education and enforcement. In addition, the HSO supports 15 Statewide Impaired Driving enforcement periods.

To direct its funds to the highest and best use, the HSO relies on the annual Problem Identification Report results, which are based on crash data and other data sources. The Problem Identification Report incorporates Fatality Analysis Reporting System (FARS) data, annual observed seat belt use survey results, crash data, and Vehicle Miles Traveled (VMT) data. Other data sources include behavioral risk surveys (Healthy Kids Colorado, Youth Risk Behavior Survey) and the Colorado Health Information Dataset.

The HSO offers the majority of the funds it administers through competitive grant opportunities to agencies, organizations, and tribal governments within Colorado that address the above safety issues. Grant applications are reviewed by a committee of two or three project managers who award the grants based on the population's needs. Oversight of the day-to-day operations of grants to local contractors is managed by the five project managers within the HSO.

The HSO is responsible for developing the annual Highway Safety Plan (HSP) and reporting annually to NHTSA and FHWA regarding its goals and performance measures. The HSP includes CDOT's goals, objectives, and strategies for improving traffic safety and performance measures to evaluate CDOT's progress. It outlines specific highway safety projects and programs and respective funding for 2022. Additionally, the HSP reflects the Strategic Transportation Safety Plan (STSP) and articulated goals for fatality and serious injury crash reductions.

Transportation Safety Program and Title VI

The HSO has also hired a community-based traffic safety program manager. This position serves as the staff authority and subject matter expert on community inclusion and engagement to improve traffic safety throughout Colorado. This is accomplished by ensuring those most affected are engaged in programmatic decision-making processes. This position leads to developing and implementing community-based and community inclusion in traffic safety interventions within identified areas that are overrepresented in serious motor vehicle injuries and fatalities. The position ensures or directly provides training, consultation, and coaching to support state and local traffic safety partners in effectively identifying, engaging, and evaluating their community engagement/inclusion strategies.

In collaboration with the Colorado Department of Public Health and Environment (CDPHE), this position will provide statewide outreach to diverse communities. Diverse community outreach strategically targets communities with low seat belt compliance and other highway safety-related concerns. They will partner with bilingual community organizations to implement projects and deliver services in these communities in a culturally sensitive manner. As some diverse communities can resist government assistance or interference, they assist in approaching potential partners in a more culturally relevant fashion to be more receptive to State and Federal grant assistance and the related requirements once funding is received.

The CRBRC and the Safety staff work together to identify Title VI implications in all safety unit programs and activities. All grant applications involving Federal safety funds will contain non-discrimination language.

VI. SPECIAL EMPHASIS PROGRAM AREA REVIEW PROCEDURES

A Special Emphasis Program Area is a program area in which FHWA has identified a trend or pattern of discrimination. A program can only be considered a Special Emphasis Program by CDOT if prior approval has been received from FHWA. If a Special Emphasis Program Area is identified and FHWA has approved this designation, the CRBRC Manager will notify the Chief Engineer, and a plan will be drafted on how best to remedy the trend or pattern of discrimination. The Special Emphasis Program Area will be reported to the Executive Director, who will ensure that the program area complies with the remediation plan. As they are identified, Special Emphasis Areas will be outlined in the Annual Goals and Accomplishments report.

VII. SUBRECIPIENT REVIEW PROCEDURES

In compliance with 23 CFR section 200.9(b)(7) and FHWA guidance, CDOT reviews and monitors subrecipients that receive FHWA funding through CDOT for compliance with Title VI requirements. Before receiving FHWA funding, subrecipients must sign an Intergovernmental Agreement with CDOT, including assurances of nondiscrimination in accordance with USDOT Order 1050.2A.

CDOT requires subrecipients to submit a Title VI plan that aligns with FHWA Title VI requirements and guidance. CDOT provides assistance to subrecipients in creating and updating Title VI plans, including one-on-one technical assistance. In 2020, CDOT updated its FHWA Title VI information and guidance on its website, as well as its Title VI template for FHWA subrecipients, which can be found in [Appendix F](#). CDOT requires subrecipients to include the following information in their Title VI plans a nondiscrimination policy statement, standard DOT Title VI assurances, a designated Title VI coordinator, a description of primary program areas, program review, compliance, and enforcement procedures, data collection and analysis, staff training procedures, complaint procedures (including routing Title VI complaints to FHWA), dissemination of Title VI information procedures, a statement of review of local directives, and a language assistance plan.

As part of CDOT's Title VI subrecipient review procedures, CDOT conducts desk reviews of subrecipient Title VI plans. During this process, CDOT coordinates with subrecipients and their Title VI coordinators to collect Title VI plans and related documents. If subrecipient Title VI plans do not comply with FHWA requirements and guidance, CDOT provides constructive comments and technical support. Once a subrecipient Title VI plan satisfies the requisite elements, CDOT will issue a concurrence letter. Title VI plans are then due again to CDOT in three years with any updates. CDOT electronically stores subrecipient Title VI plans and concurrence letters.

CDOT is currently working with its Office of Financial Management and Budget staff to maintain accurate and up-to-date records of FHWA subrecipients. Currently, CDOT is prioritizing reviewing subrecipients with higher amounts of FHWA-funded projects with CDOT. The CRBRC coordinates with CDOT's grant managers who manage FHWA-funded grants to ensure Title VI awareness and requirements are included in the pre-award stage in documents such as Notice of Funding Opportunity and Call for Applications. CDOT's CRBRC has also been meeting and coordinating with its regional local agency coordinators to raise more awareness about subrecipient Title VI requirements.

VIII. DATA COLLECTION

Federal regulation requires CDOT to collect statistical data on the race, color, and national origin of participants in and beneficiaries of its programs. See 23 CFR 200.9 (b) (4). CDOT civil rights staff works with program area staff (environmental, planning, right of way, etc.) to collect and analyze data. This requirement is also addressed in CDOT's Title VI Nondiscrimination Procedural Directive 604.1.

Beginning in FFY2025, CDOT will review data collection and analysis efforts for each program as a part of the five-year implementation plan. The following is a brief description of data collection efforts conducted by CDOT.

A. Data Collection Efforts

Right of Way:

During the interview/intake process, CDOT ROW staff will ensure that demographic information is collected voluntarily and inform impacted persons of the reasons for

collecting the demographic data. Additionally, ROW staff will disseminate Customer Service Surveys that include demographic information questions and provide them to all relocatees, and persons impacted by ROW activities. More information regarding the new data collection procedures can be found in these forms and in section 4.20 of the Right of Way Manual.

Environmental Planning:

CDOT collects and analyzes the U.S. Census and other data as part of the Environmental Justice Analysis regarding populations expected to be impacted by CDOT projects. Race, low income, and language data are collected during the environmental review process. CDOT's process for identifying possibly impacted minority and low-income communities is described in chapter 9.15 of the CDOT NEPA Manual, which is available at <https://www.codot.gov/programs/environmental/nepa-program>. Additionally, Environmental staff may be able to collect more data about public meeting participants due to the nature of virtual public meetings. Environmental staff may also be able to analyze this data to identify whether public feedback involves impacted minority and low-income communities.

Statewide Planning:

As part of the Statewide Planning Process, CDOT staff analyze how well projects developed in the statewide transportation planning process served underrepresented populations and if transportation investment is equitably distributed throughout the state. The complete analysis can be found in the [Statewide Transportation Plan Environmental Justice Appendix](#). Additionally, demographic data is collected at all public meetings that DTD hosts and statewide plan-related stakeholder meetings.

Language Assistance:

CRBRC provides funding for translation and interpretation services for CDOT in general and specific types of requests from CDOT's program areas. CRBRC is assessing the range of interpretation services available to ensure that the appropriate language assistance services (different language interpretations as well as ASL, etc.) are readily available if requested, especially since many meetings are now held virtually through video conferencing. CRBRC is working to track translation and interpretation requests more

accurately through the vendor in the reassessment. In addition to CRBRC's funding of translation services, other program areas at CDOT provide their own language assistance through translations and interpreters. For example, CDOT provided the public information in both English and Spanish for the state's [National Electric Vehicle Infrastructure \(NEVI\) Implementation Plan](#) and its associated materials.

Property Management Inventory:

CDOT has undertaken a multi-year project to create a comprehensive geographic information system (GIS) map of all its property ownership. CDOT hired a full-time property management GIS specialist to further and expedite the project. This project aims to have a publicly accessible map that identifies all excess and remaining parcels available for sale. In addition, this project will help aid the agency in tracking and identifying maintenance activities.

Title VI Review Workplan:

In collaboration with the FHWA Colorado Division Office, CDOT thoroughly reviewed solicitation and contract agreement templates to ensure appropriate Title VI contract language and appendices were appropriately attached and referenced to documents. This exercise provided an opportunity to partner with the Engineering Contracts and Procurement divisions for document review. An audit was also conducted on executed agreements, and selected FHWA grant distribution was displayed on GIS mapping with US Census data to allow CDOT to evaluate funds distribution throughout the state.

IX. TRAINING PROCEDURES

The CRBRC coordinates with program area staff to find Title VI and LEP training opportunities tailored to each program area. If the annual assessment reveals that program areas lack understanding of Title VI, the CRBRC will tailor training to increase the knowledge of program area staff.

The CRBRC meets with regional civil rights managers every other month to provide them with Title VI program updates. CRBRC representative(s) also attend other regularly occurring meetings held by other program areas to provide updates on Title VI requirements and educate employees on CDOT responsibilities.

In FFY2020, CRBRC implemented an online Title VI training course that was mandatory for all CDOT employees. At the conclusion of FFY 2024, CDOT had 94.76% (2% increase from FFY 2023) of CDOT staff members who had taken the training, which is one of the highest completion rates for required training.

X. COMPLAINT PROCEDURES

CDOT's Discrimination Complaint Procedure and Complaint Form were last updated in September of 2022 and are available in English and Spanish on the [CRBRC Your Rights website](#). The updated complaint procedure outlines specific processes and associated timelines to assist the public with understanding what occurs after a complaint is filed. This allows the public to gain an understanding of the jurisdictional decisions that are made as well as their responsibilities within the complaint process. CDOT is also collaborating with the Colorado Department of Public Health and Environment (CDPHE) to share the Title VI complaint procedures and associated forms as a best practice and foundation for other state agencies as part of the Environmental Justice Action Task Force (EJATF). The English version of the complaint procedure is attached as [Appendix G](#), and the Spanish version is attached as [Appendix H](#). The English version of the complaint form is attached as [Appendix I](#), and the Spanish version is attached as [Appendix J](#).

XI. DISSEMINATION OF INFORMATION

The CRBRC disseminates Title VI information in various ways, including through the [regularly updated CRBRC Program website](#). The website contains important Title VI-related information for the public and CDOT's Title VI implementation plan.

The CRBRC website informs members of the public of their rights against discrimination under Title VI. This includes CDOT's Title VI notice, procedures for filing a discrimination complaint, and information on requesting language assistance services and ADA accommodations. The website also provides Spanish versions of CDOT's Title VI notice, complaint procedures, and complaint form. The English version of CDOT's Title VI notice is attached as [Appendix K](#), and the Spanish version is attached as [Appendix L](#).

CDOT also disseminates its Title VI notice of rights to the public on posters at its five regional offices.

CDOT staff conducts public involvement with guidance from CDOT's [A Guide to the Transportation Planning and Programming Public Involvement Process](#). This guidance document integrates the principles of Title VI, environmental justice, and access for LEP persons into CDOT's public involvement processes. 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.

XII. LIMITED ENGLISH PROFICIENCY

As a recipient of federal financial assistance, CDOT must ensure that Limited English Proficient (LEP) individuals have meaningful access to CDOT projects and programs. LEP individuals are those individuals for whom English is not their primary language and have a limited ability to speak, read, write, and understand English. Failure to provide meaningful access to such individuals may result in national origin discrimination, which Title VI prohibits.

CDOT uses the following criteria, known as the four factors, to determine what steps need to be taken to provide meaningful access for LEP individuals:

1. Number or proportion of LEP persons likely to be encountered by CDOT within a project/program area.
2. The frequency with which LEP persons come into contact with CDOT within a project/program area.
3. Importance of the project, program, or service provided.
4. Resources available to CDOT and the costs.

The CRBRC has partnered with the newly formed [Office of New Americans](#) at the State of Colorado as well as the [Migration Policy Institute](#) to compile data on LEP individuals in Colorado (people who speak English “well, not well, or not all”). The data is attached as [Appendix M](#) and is broken down by county and CDOT region. LEP persons make up 6.2%

of Colorado's population. The largest LEP group in the state is Spanish speakers, which is 4.5% of Colorado's overall population.

Vital CDOT information that is meant for a statewide audience is translated into Spanish. For example, the CDOT website has a page in Spanish that notifies the public of its rights against discrimination and provides information about requesting ADA and language accommodations. The page also links the [Spanish version of CDOT's Discrimination Complaint Form and Discrimination Complaint Procedure](#).

For other activities that do not have a statewide audience, each CDOT program area determines the appropriate level of language assistance and outreach based on the four factors. CRBRC has funding available for translation and interpretation services for members of the public and works with CDOT's program areas when the need for language services arises. The following is a summary of CDOT program areas whose work may include a particular LEP emphasis and how those areas communicate with LEP persons.

B. LEP Emphasis Areas

Planning:

The Division of Transportation Development (DTD) Multimodal Planning Branch uses A Guide to the Transportation Planning and Programming Public Involvement Process to guide public involvement. The guide discusses common barriers that make public participation in transportation planning difficult for low-income and minority communities and identifies various techniques to combat those barriers.

Environmental:

CDOT collects and analyzes LEP data regarding populations expected to be impacted by CDOT projects through the NEPA environmental review process. CDOT's process for identifying LEP populations within a project's affected area is described in chapter [9.15 of the CDOT NEPA Manual](#). When developing a public involvement strategy, project teams determine whether language assistance measures are needed to ensure meaningful access to the process. Efforts to provide meaningful access to LEP individuals are documented in the public participation section of the NEPA document. Language

assistance measures include the translation of vital information, such as flyers for public hearings, and providing interpretation services at public meetings held in communities with large LEP populations.

Right of Way:

CDOT staff must acquire property interests to ensure that the property owners are treated fairly and consistently. Persons who are unable to read and understand their rights during CDOT's relocation process are provided with appropriate translation and counseling. CDOT translates many of its Right-of-Way forms and hires interpreters when necessary. For example, its relocation information booklets have been translated into Spanish and Korean.

Construction:

The CDOT Communications Office assists CDOT regional staff in disseminating public information related to construction projects. The Communications Office uses a multicultural consulting firm on projects that require information to be translated or for other language assistance needs. The NEPA environmental review process identifies construction projects that impact LEP communities.

Safety:

The Highway Safety Office uses a multicultural consulting firm to help identify, contact, and engage LEP populations for CDOT public safety campaigns. Press releases, posters, and billboards for impaired driving and occupant protection campaigns are translated into Spanish. The Highway Safety Office also funds entities that work in diverse communities where English may not be the primary language. The HSO ensures that all funded projects working within these communities have Title VI policies in place, are aware of the need to assess LEP needs, and are made aware of interpreter and translation services that can be provided. The funded entity working in these communities includes traffic safety messaging in languages other than English to ensure all individuals can access the messaging.

XIII. RELATED INITIATIVES

Environmental Justice is the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies. Executive Order 12898 directs federal agencies to identify and address their actions' disproportionately high and adverse human health or environmental effects on minority or low-income populations. As a recipient of federal funding, CDOT complies with the federal government's Environmental Justice Policy.

The Office of Environmental Justice and Equity Office within CDOT, headed by a Chief Equity Officer, reports to the Chief Engineer and works directly with disproportionately impacted communities, as well as with other CDOT programs in the project planning, environmental study, and project delivery phases of transportation capacity projects. Federally assisted CDOT projects are analyzed for potential impacts to minority and low-income communities during the environmental review process. Chapter 9.15 of the [CDOT NEPA Manual](#) describes how CDOT staff analyzes Environmental Justice issues during the NEPA environmental review process. To help ensure compliance with Environmental Justice and Title VI, the Civil Rights & Business Resource Center coordinates closely with the Chief Equity Officer and CDOT NEPA staff.

XIV. REVIEW OF CDOT DIRECTIVES

Given the FHWA guidance from September 9, 2014, the CRBRC reviews CDOT policy directives and procedural directives for possible Title VI implications. If a directive is deemed to have potential discriminatory results, the issue is discussed with the Office of Policy & Government Relations office, brought to the Chief Engineer, and possibly to the Colorado Transportation Commission for revision of the directive.

XV. COMPLIANCE AND ENFORCEMENT PROCEDURES

Trends or patterns of discrimination can be identified through outreach and education, deep-dive program area review audits, subrecipient reviews, analyzing Title VI-relevant data, or discrimination complaints. The CRBRC will continue to meet with each program area at least twice a year to ensure compliance and assess program compliance with Title VI.

If deficiencies are identified within a program area and efforts have not been made to resolve the deficiencies, a memorandum listing the deficiencies will be emailed to the program area manager and the Chief Engineer, with a request that a corrective action plan is submitted to the CRBRC within 45 days of receiving the memo. The timeframe for completion of the corrective action is dependent on the nature of the deficiency and should be included in the corrective action plan. The CRBRC will support program area corrective action plans through education and training.