

# Title VI Implementation Plan



Updated October 1, 2018

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## **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. CDOT is committed to achieving full compliance with Title VI of the 1964 Civil Rights Act 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. Questions about CDOT's Title VI Program may be directed to:

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## **II. POLICY STATEMENT**

It is the policy of CDOT to prohibit discrimination on the basis of sex, race, color or national origin. This policy is documented in CDOT Policy Directive 604.0 which is available to all CDOT employees and the public. The CDOT Policy Directive 604.0 is attached as Appendix A.

In support of CDOT's Nondiscrimination policy and commitment to Title VI compliance, CDOT recently approved a Title VI/Nondiscrimination Procedural Directive 604.1. 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**

The U.S. Department of Transportation (USDOT) Standard Title VI/ Non-Discrimination Assurances were signed by CDOT Executive Director Michael P. Lewis on August 27, 2018. The assurance is attached as Appendix C.

## **IV. ORGANIZATION & STAFFING**

CDOT's Executive Director is ultimately responsible for assuring full compliance with the provisions of Title VI and has directed that non-discrimination 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 known as the Civil Rights & Business Resource Center (CRBRC).

The CRBRC is part of the Office of the Chief Engineer. Organizational charts of CDOT and the CRBRC are attached as Appendix D.

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 Chief Engineer. The Title VI Coordinator oversees CRBRC staff, including the Title VI Program Manager and the Title VI Specialist. The Title VI Specialist prepares implementation plans, conducts annual assessments of pertinent CDOT program areas, makes recommendations to enhance compliance, investigates and resolves Title VI complaints if designated to do so by FHWA, and prepares all 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 civil rights resource for CDOT staff. The CRBRC is responsible for developing and implementing CDOT's civil rights and non-discrimination programs in accordance with state and federal laws, and under the direction of CDOT's Transportation Commission and Executive Director. 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; and
- Promoting and maintaining equal opportunity for small and disadvantaged construction contractors and consultants.

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 Environmental Justice and 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; and
- Monitoring and offering guidance to CDOT staff to ensure access to facilities and services for persons with disabilities.

The Title VI Coordinator is responsible for:

- Establishing a formal program for monitoring and enforcement of non-discrimination laws and regulations;
- Staffing the program adequately in order to provide technical support and consultation to CDOT program areas; and
- Reporting CDOT's efforts and compliance with the law to FHWA on an annual basis.

The Title VI Specialist is 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 review of programs, grant applications and special emphasis areas, sub-recipients and state program directives;
- Monitoring Title VI activities and reports to appropriate FHWA administrators;
- Providing training on Title VI to staff, contractors and sub-recipients;
- 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; and
- 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.

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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 discrimination complaints in the region, and develop appropriate outreach activities.

<p><b>CDOT Region 1</b>          Kathy Williams          Regional Civil Rights Manager          2829 W. Howard Pl.          Denver, CO 80204</p>	<p><b>CDOT Region 2</b>          Sabrina Hicks          Regional Civil Rights Manager          5615 Willis Blvd.          Pueblo, CO 81008</p>	<p><b>CDOT Region 3</b>          Karl Lehmann          Regional Civil Rights Manager          222 South 6th St.          Grand Junction, CO 81501</p>
<p><b>CDOT Region 4</b>          Juliet Sheets          Regional Civil Rights Manager          1420 2nd Street          Greeley, CO 80632</p>	<p><b>CDOT Region 5</b>          Jason Benally          Regional Civil Rights Manager          3803 N. Main Ave.          Durango, CO 81301</p>	

## **V. PROGRAM AREA REVIEW PROCEDURES AND DESCRIPTIONS**

CDOT conducts program reviews of six areas: Statewide Planning, Environmental, Right of Way, Construction, Safety, and Research. The objective of the review process is to understand the processes of each program area to ensure fairness and open access to all members of the public. The review process is also used to summarize and highlight efforts of each program area for conducting outreach and providing better access to CDOT's programs and activities for minority, low-income, and LEP populations.

As part of the program area review, the CRBRC meets a minimum of twice a year with program area representatives to discuss and get updates on Title VI, Environmental Justice, and LEP goals and progress toward accomplishing these goals. The CRBRC also requests Title VI-related data in the form of an assessment specific to that program area near the end of the federal fiscal year. The Title VI Specialist compiles information received by each program area, reviews meeting notes, and in coordination with each program area develops a list of goals for each program area. Program area staff then meet with the Title VI Specialist to discuss the proposed Title VI goals for the upcoming Federal Fiscal Year.

The following are descriptions of CDOT's six major program areas.

### **A. Statewide Planning Program**

The Division of Transportation Development (DTD) Multimodal Planning Branch consists of the Statewide Planning and Metropolitan Planning Organization (MPO) and Rural Transportation Planning Region (TPR) Liaison sections. The Statewide Planning Section is responsible for 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 needs assessment, 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 in 2013 and updated it in January of 2016. DTD uses this plan as a guide to conduct public involvement during the creation and dissemination of 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 at <https://www.codot.gov/programs/planning/documents/planning-process/PubInvolvementGuide2015.pdf>. Additionally, DTD will begin the development stage of the next cycle of the Statewide Transportation Plan in the fall of 2018. It will utilize different formats in public involvement to include social media.

### **Statewide Planning Program and Title VI**

CDOT's *A Guide to the Transportation Planning and Programming Public Involvement Process* provides guidance on how to engage the public, including minority populations, 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, which outlines 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.

An additional Title VI challenge is ensuring diversity in representation on planning decision-making boards and committees. The Statewide Transportation Advisory Committee (STAC) 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. Recently DTD has implemented data collection procedures including collecting demographic data of the attendees at the STAC meetings.

The STAC is comprised of representatives from both urban and rural areas of Colorado and nonvoting representatives from the Southern Ute Indian Tribe and the Ute Mountain Ute Indian Tribe in southwest Colorado. CDOT staff provides STAC members and other interested parties with meeting notifications, as well as meeting minutes and materials via electronic mail (e-mail). Those without e-mail can receive meeting information via fax, mail or the [codot.gov](http://codot.gov) website.

The planning unit is also responsible for oversight of Metropolitan Planning Organizations (MPOs). The CRBRC and the planning unit work together to provide information to MPOs and ensure MPO compliance with Title VI requirements. The CRBRC collects and reviews Title VI plans from all MPOs to ensure compliance with Title VI. MPO's are also subject to site visits, which include Title VI reviews in accordance with CDOT's Division of Transit and Rail procedures.

The Statewide Planning staff works with the CRBRC to identify training needs for the program area and identify Title VI concerns. Additionally, The CRBRC attends the Statewide Planning monthly meetings as necessary.

## **B. Environmental Program**

CDOT's Environmental Programs Branch (EPB) and regional staff are responsible for the execution of procedures in accordance with 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 that are approved or funded in whole or in part under the direct or indirect jurisdiction of a federal agency. 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. CDOT's NEPA Manual 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.

### Environmental Planning and Title VI

A required component of all NEPA evaluations is an analysis of whether the project satisfies the requirements of Environmental Justice, a federal policy derived from Title VI. 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. Environmental Justice requires the evaluation of whether the project has potential to cause disproportionately high and adverse human health or environmental effects on minority and low-income populations. Chapter 9.15 of the NEPA Manual describes how to analyze Environmental Justice and its relation to Title VI. The CDOT NEPA Manual is available at <https://www.codot.gov/programs/environmental/nepa-program/nepa-manual> .

An additional critical component of NEPA is public involvement. Project teams are required to document public involvement efforts during the NEPA process. Project teams are also required to identify LEP communities within the project area and provide necessary language assistance during the public involvement process. Chapter 7 of the NEPA Manual also addresses topics involving LEP, minority and low-income populations in the NEPA process. All data collection procedures developed by Environmental staff, related to public involvement will be included during the revision process of the NEPA manual.

The Environmental staff work together with the CRBRC coordinate to identify and address training needs for the program area and identify Title VI concerns. Additionally, the CRBRC attends the Environmental staff's monthly meetings.

### **C. Right of Way Program**

CDOT's Right of Way (ROW) Program acquires real property for CDOT's state and federally funded highway projects and provides oversight of acquisitions on behalf of FHWA on local public agency projects affecting a state highway or interstate.

CDOT is responsible for facilitating the provisions of statewide policies and guidelines, conducting quality assurance, providing training and development and technical assistance to the regional right of way offices. Guidelines and processes for the ROW program is contained in CDOT's Right of Way Manual. Each of the five region right of way managers are 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 region right of way managers then manage the contact with the real property owners, tenants and personal property owners who will have



their property rights purchased and might be permanently displaced and all processes that follow through to property acquisition and relocation of owners, tenants and personal property. This contact includes all processes needed to complete 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 Transportation Commission (TC) has authorized CDOT's ROW Plans.

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 title work to determine the ownership of each parcel to be affected by the project. Surveys of the project area include 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).

To obtain approval to negotiate for and acquire property, the Chief Engineer submits a written report describing property to be acquired for the project, including an estimate of the property value and a map showing present and proposed boundaries to the TC. The TC may then enter upon its minutes whether the proposed change to the state highway and CDOT's acquisition of necessary parcels of property or property rights will serve the public interest. The resolution also determines whether the TC approves the Chief Engineer's estimate of value, including compensable damages and/or offsetting special benefits for each piece of property needed for the project. CDOT staff can then make offers, negotiate for and begin the acquisition of parcels.

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, provide an overview of the project, and advise the property owner of the steps to be taken. 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 each property owner again to advise them of the project and to invite the property owner to accompany the appraiser on the appraisal site visit.

### *Valuation*

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 the Agency must perform an appraisal.

For parcel acquisitions with a value of \$5,000 or more, the agent will be required to offer the property owner the option of hiring an appraisal 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. Further, CDOT may perform a waiver valuation up to \$25,000 (inclusive), regardless of whether the owner engages

an appraisal, as long as the property owner provides CDOT a written waiver that exempts CDOT from performing an appraisal and allows CDOT to perform a waiver valuation when the value is expected to exceed \$10,000.

All appraisals and waiver valuations are reviewed for quality assurance prior to the ROW Manager's signature, although the processes are somewhat different.

The Region ROW Manager, their designee or the assigned region appraiser reviews and signs waiver valuations. Local public agencies will be permitted to participate in the use of waiver valuations on property with an estimated value up to \$10,000 (inclusive) if they have written approval from their CDOT Region ROW manager.

Appraisals are reviewed by CDOT-qualified staff or qualified contract review appraisers. CDOT review appraisers review all appraisal reports made in connection with proposed ROW acquisitions, including reports done for CDOT and reports done independently for the property owner. Finally, from among the appraisals reviewed, the review appraiser will recommend the appraisal that overall best supports its value and compensation conclusions as 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 to the owner for the proposed acquisition. If CDOT and the property cannot agree on an offer, CDOT may proceed with condemnation proceedings upon authorization by the TC. The TC must determine that initiation of 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. The TC also approves or ratifies by resolution all settlements, certificates of ascertainment, or a court rule and order.

### *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. The agents explain the federal benefits for which the displacees 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 provides notification that the displaced person(s) are not to be required to move without at least 90 days advance written notice.

Quarterly, a few acquisition and relocation staff members from a region visit their peers in another region to review randomly selected acquisition and relocation files for adherence to the required process and procedures, and to learn about new and improved procedures to accomplish the same ends. The results of these systematic reviews are presented at the ROW Managers'

meetings as learning and sharing opportunities.

CDOT right of way staff are charged with responsibility for oversight of 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 displacees 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. 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 Limited English Proficiency (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.

It is CDOT policy 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, inspire confidence in the correctness of the acquisition process and the fairness of the offer being made. Awareness of cultural sensitivities is important 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 hire interpreters when necessary. Relocation benefits under the Uniform Act, to which each eligible owner or tenant may be entitled, are determined on an individual basis 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.

### **D. Construction Program**

The Construction Program includes the administration of all phases of highway design and construction contracts including prequalification of contractors, advertisement, competitive bid letting or proposal selection, award of contract, change orders, contract modifications, inspection and acceptance of work, and payment.

CDOT awards pre-construction professional services work through a Brooks Act compliant, most qualified selection process. All consultants, including subconsultants, must be prequalified and have an established Master Pricing Agreement in order to be eligible for award. CDOT regional staff oversee the selection process to ensure that it is fair to all participants. CDOT headquarters provides training and review for consistent application of selection criteria, principles, and process.

CDOT awards construction projects through a low apparent bid 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 criteria is documented in CDOT's Rules for Prequalification and Bidding which are available on the CDOT website at <https://www.codot.gov/business/bidding/documents/rules-governing-construction-bidding-2-ccr-601-10>. CDOT's prequalification application is available at <https://www.codot.gov/business/bidding/documents/prequalification-application>. Prequalification is currently handled electronically through a system called B2G and in 2015, the bidding process went entirely online through an online system called Bid Express. As a result, CDOT no longer accepts paper bids. CDOT advertises its projects on a regular schedule, however there may be frequent changes due to funding availability. Letting is the opening of the bids CDOT received on an advertised project to identify the low apparent bidder.

#### Construction Program and Title VI

CDOT utilizes both its DBE and Emerging Small Business (ESB) program to promote diversity on contracts. In order 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. A Connect2DOT program overview is provided here as Appendix F.

CDOT also administers programs designed to increase small business participation through mentor-protégé relationships, low-dollar construction contracts restricted to bidding by ESB certified firms, and bonding support for ESB prime contractors. The CRBRC is also investigating options for providing restricted pre-construction professional services contract opportunities that remains compliant with Brooks Act requirements.

Every federally-assisted CDOT contract is evaluated for a Disadvantaged Business Enterprise (DBE) contract goal. In order to be eligible for award, the proposer or bidder must sign an affidavit committing to make good faith efforts to meet the contract goal. On pre-construction professional contracts, CDOT awards points for the participation of DBEs and Emerging Small Businesses (ESB) as part of the scoring criteria. Most professional service contracts are not fund encumbered and CDOT issues task orders through a regional approval process in order to encumber funds and commence work. The task orders cannot be awarded until the consultant

demonstrates good faith efforts to meet the goal and the targets for which they receive points. A more detailed explanation of CDOT's DBE program can be found in the CDOT DBE program manual at <https://www.codot.gov/business/civilrights/smallbusiness/assets/cdot-dbe-program-manual-revised-2016.pdf>.

Each contract for federally-assisted construction projects also includes the Form FHWA 1273, "Required Contract Provisions" which notifies contractors of their Title VI obligations. All contracts include the Standard Special Provisions for Davis Bacon, Affirmative Action, On the Job Training, and Disadvantaged Business Enterprise (DBE), and CDOT maintains a current webpage dedicated to required bulletin board postings for construction job sites <https://www.codot.gov/business/bidding/bulletin-board-postings>

Once a project has been awarded, the Regional Civil Rights Office is responsible for oversight of the contractor's compliance with all civil rights contract requirements. All new projects, including professional services, construction and design build, are now being 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, pursuant to the Nondiscrimination Procedural Directive 604.1 and the FHWA Discrimination Complaints Memo dated June 13, 2018.

## **E. 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.

Specifically, within the Office of Transportation Safety (OTS) at the Colorado Department of Transportation (CDOT), 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 collisions. In support of this mission, OTS 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 funds and state funds for Highway Safety initiatives and programs. HSO also 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 receives state funds for Motorcycle Operator Safety Training (MOST) and 12 statewide Impaired Driving enforcement periods.

In order to direct its funds to the highest and best use, the HSO relies on the results of the annual Problem Identification Report based on data from the Traffic Records Unit (TRU) 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 needs of the population. Oversight of the day-to-day operations of grants to local contractors is managed by the five project managers within the HSO.

HSO is responsible for developing the Integrated Safety Plan (ISP) and reporting annually to FHWA regarding its goals and performance measures. The ISP includes CDOT's goals, objectives, and strategies for improving traffic safety as well as performance measures to evaluate CDOT's progress. It outlines specific highway safety projects and programs and respective funding for 2017. Additionally, the ISP reflects the Strategic Highway Safety Plan (SHSP) and articulated goals for fatality and serious injury crash reductions.

The ISP is based on a problem identification process, establishing performance goals and objectives based on identified. FHWA funded projects included in the ISP are identified through the Highway Safety Improvement Program (HSIP). These projects along with various other non-federally funded safety projects are managed by the Traffic and Safety Engineering Branch (TSE).

Within the Traffic and Safety Engineering Branch (TSE), The Traffic Records Unit (TRU), is responsible for providing crash/accident data to HSO to be included in the ISP, administering federal funds to law enforcement agencies to improve traffic records, and reporting annually to FHWA. The Traffic records unit works with the Statewide Traffic Records Advisory Committee (STRAC) in managing the Traffic Records Program at CDOT. Traffic records projects are reviewed by both CDOT and STRAC before eventually being approved by NHTSA.

STRAC is part of a federally-sponsored effort to collect, organizes, analyze and utilize all types of information relating to accidents that occur on Colorado roadways. STRAC is composed of 7 major state agencies: Human Services, Public Health and Environment, Public Safety, Department of Revenue (DOR), Transportation, Judicial and Office of Information Technology. Its primary function is to help unify, link, and organize Colorado's traffic records.

Also within TSE, the Safety Programs Analysis (safety unit) unit, is responsible for administering HSIP funds. Once an application for a proposed safety improvement project is submitted to the Safety Unit by a local agency (working directly with its MPO) or Regional CDOT traffic office, the proposed project is evaluated against the HSIP criteria which is based

on the potential for reducing crashes or identification of a correctable crash pattern. After projects have been approved for funding by the Safety Unit the projects are available to be included in the TIP and eventually into the STIP. Each project is subject to federal requirements.

HSIP funds are allocated based on the percent of crashes occurring in each region. The HSIP describes the planning, implementation and evaluation of each aspect of Colorado's HSIP. The goal of the program is to achieve a significant reduction in fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance consistent with Colorado's Strategic Highway Safety Plan (SHSP) overall Mission, Values and Goals.

Safety at CDOT requires many units working together to address safety concerns on both the roads and through programs specifically impacting minority and low-income populations. TSE and HSO provide the necessary information for the ISP to strategically fund and address safety statewide.

#### Transportation Safety Program and Title VI

The HSO's Diversity Outreach Coordinator provides statewide outreach to diverse communities. Diverse community outreach is executed by strategically targeting communities with low seat belt compliance and other highway safety related concerns. The coordinator partners with bilingual community organizations to implement projects and to deliver services in these communities in a culturally sensitive manner. The coordinator designs and implements strategies for disbursement of program funds to communities identified as having diverse populations, low seat belt and child passenger safety compliance, and other highway safety related concerns. The coordinator assists these organizations in all aspects of grant and program development; decisions on type of project's activities, report writing, claims preparation and, selecting local coordinators. As some diverse communities can be resistant to government assistance or interference, the coordinator assists in approaching potential partners in a more culturally relevant fashion so that they are 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 programs and activities for the Safety unit. All grant applications involving Federal safety funds will contain non-discrimination language. Additionally, HSO collects demographic data regarding each program it funds with federal safety funds.

#### **F. Transportation Research Program**

The Applied Research and Innovation Branch (ARIB) is responsible for the development of the Transportation Research Program including the selection and completion of research projects. In general, research topics may be related to transit, transportation, environmental, sustainability, and socioeconomics. The majority of the transportation-related research projects are funded with

both federal-aid and state monies. The research may be conducted by ARIB and other CDOT branches/offices if feasible contingent on their resources but is often contracted out to universities and/or consultants that have the capabilities and staff to perform the research. Participation by these organizations is obtained through responses to bid solicitations conducted by the CDOT Procurement Office following the applicable procurement rules for various levels of estimated costs of services. The bid solicitations for professional services may either be in the form of one written quote ( $\$5,000 < \$25,000$ ), a solicitation on BIDS ( $\$25,000 < \$150,000$ ), or a formal sealed bid/Request for Proposal ( $\$150$  or more).

Research projects are selected annually by the Research and Implementation Council (RIC). The council is made up of various CDOT directors and managers and receives input from subject-specific, technical research oversight teams. The council considers and debates problem statements received internally and externally. The selected and approved for budget problem statements are then turned into a scope-of-work (SOW) document and research organizations are solicited to conduct the research.

### Transportation Research Program and Title VI

The ARIB seeks to ensure that discrimination is avoided through an RFP or solicitation process that is fair and impartial and not biased toward one particular university or consultant. CDOT is always looking to expand its solicitation list to include more minority-managed research organizations.

## **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 cannot be considered a Special Emphasis Program by CDOT unless 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. SUB-RECIPIENT REVIEWS**

Sub-recipients are local governmental entities that receive federal financial assistance through CDOT. CDOT has approximately 80 recipients that utilize Federal Highway Administration (FHWA) funds to build and maintain their roads and bridges. As part of the Intergovernmental Agreement to obtain federal funds, the sub-recipient must sign an assurance of nondiscrimination and agree to carry out the requirements of the Title VI program. The list of Local public Agencies receiving federal funding will be updated annually.

CDOT requires all subrecipients to submit a Title VI plan and will require Local Public Agencies (LPAs) to submit responses to additional Title VI questions where necessary. CDOT also



requires all subrecipients to conform to CDOT's Implementation Plan, this includes collecting demographic data to ensure nondiscrimination, creating discrimination complaint procedures consistent with CDOT's, providing training to program staff and project staff on Title VI requirements, creating a LEP policy, submitting annual assurances, using US DOT Title VI/Nondiscrimination assurances, and submit Title VI plans. The Local Public Agency Title VI plan template can be found on the CRBRC website at <https://www.codot.gov/business/civilrights/titlevi/fhwa-subrecipients>. The Metropolitan Planning Organizations (MPOs) will be required to submit a Title VI plan that is compliant with the FTA Title VI requirements in FTA Circular 4702.1 for MPOs (see **Appendix I** for a checklist of requirements). Additionally, all subrecipients will receive an annual survey assessing compliance and providing an opportunity to report goals and accomplishments (see **Appendix H**)

The Metropolitan Planning Organizations (MPOs) Title VI site reviews will be consistent with the review process created by the Division of Transit and Rail. Every year, the Division of Transit & Rail (DTR) selects several grant recipients including MPOs to conduct a site review. MPOs typically receive funding from both Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) and as a result, MPOs will continue to be required to have a Title VI plan that is consistent with the FTA and FHWA Title VI requirements.

All subrecipients will receive a desk review of their Title VI plans. If the desk review leads to a finding of discriminatory practices or the need for improvement, a letter of deficiency will be sent to the identified subrecipients within 30 days of the review. The subrecipient will have 45 days to submit a corrective action plan to CDOT. Timeline for corrective action will be dependent on the nature of the deficiency identified by CDOT. CDOT provides various resources to its sub-recipients on the CDOT website, such as a listing of Title VI Requirements and a Title VI Plan template.

The CRBRC will conduct site visits as deficiencies are identified.

## **VIII. DATA COLLECTION**

CDOT is required by federal regulation 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.) on collecting and analyzing data. This requirement is also addressed in CDOT's Title VI Nondiscrimination Procedural Directive 604.1

Data collection efforts specific to each program area are described on an annual basis in CDOT's Goals and Accomplishment Report to FHWA. The following is a brief description of data collection efforts conducted by CDOT:

Right of Way: During the interview/intake process, CDOT ROW staff will ensure that demographic information is collected voluntarily and inform impacted person of the reasons for collecting the demographic data. Additionally, ROW staff will disseminate Customer Service Surveys that include demographic information questions and provide to all relocatees and

persons impacted by ROW activities.

More information regarding the new data collection procedures can be found in these forms and be found in section 4.20 of the Right of Way Manual. New demographic data collection procedures can be found in Appendix H of the Goals and Accomplishments report.

Environmental Planning: CDOT collects and analyzes U.S. Census and other data as a part of the environmental Justice analysis, regarding populations expected to be impacted by CDOT projects. Race, low-income, and language data is 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/nepa-manual>. Additionally, Environmental staff will begin a new process of collecting voluntary demographic data during public meetings. This process will be piloted on select projects and assessed accordingly. Environmental staff also plan to include begin analyzing 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 demographic maps that include median income levels per county, racial/ethnic makeup at the U.S. Census tract level, and trends regarding transportation equity. Additionally, demographic data will be collected at all public meetings that DTD host.

Language Assistance: The CRBRC sends out an annual report form to headquarters right of way, environmental planning, and some regional civil rights staff in order to collect data about the number of occasions CDOT staff has provided translation or interpretation services to members of the public. Feedback from this report form is included in the Title VI Goals and Accomplishments report (see Appendix Q for a copy of the LEP Annual report form).

## **IX. TRAINING PROCEDURES**

The CRBRC coordinates with program area staff to find Title VI, LEP and Environmental Justice training opportunities tailored for that specific program area. If the annual assessment reveals that program areas are lacking understanding in Title VI, the CRBRC will tailor training in order increase the knowledge of program area staff.

The Title VI Program Manager meets every other month with the regional civil rights managers and provides them with Title VI program updates. The regional civil rights managers provide Title VI training to engineers and other staff in their region.

Additionally, The Title VI Specialist meets with each program area at a minimum twice a year to assess training needs and develop ways to incorporate training with existing program area staff meetings. In Federal fiscal year 2019, the CRBRC will consider creating a training standard operating procedure to ensure a process for conducting Title VI training.

## **X. COMPLAINT PROCEDURES**

CDOT's Discrimination Complaint Procedure and Complaint Form were updated in May 2018. Both forms are available in English and Spanish on the CRBRC website at <http://www.coloradodot.info/business/civilrights/accessibility/titlevi/title-vi>.

The English version of the complaint procedure is attached as Appendix J and the Spanish version is attached as Appendix K. The English version of the complaint form is attached as Appendix L and the Spanish version is attached as Appendix M.

## **XI. DISSEMINATION OF INFORMATION**

The CRBRC disseminates Title VI information through its website, <https://www.codot.gov/business/civilrights>, which was redesigned in May 2016. The website features a page in Spanish titled "CRBRC En Espanol," which highlights information about CDOT's civil rights programs, informs readers about their rights against discrimination, and allows visitors to download the Spanish versions of CDOT's Discrimination Complaint Procedure and Discrimination Complaint Form.

The CRBRC also disseminates a public notice that informs the public of its rights against discrimination, provides procedures for filing a discrimination complaint, and informs the public how to request language services and ADA accommodations. The English version of CDOT's public notice is attached as Appendix N and the Spanish version is attached at Appendix O.

CDOT staff conducts public involvement with guidance from CDOT's *A Guide to the Transportation Planning and Programming Public Involvement Process* which can be found at <https://www.codot.gov/programs/planning/documents/planning-process/PubInvolvementGuide2015.pdf>. 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 assure that Limited English Proficient (LEP) individuals have meaningful access to CDOT programs and activities. 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 is prohibited by Title VI.

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.
2. **Frequency** with which LEP persons come into contact with CDOT.
3. **Importance** of the program, activity, or service provided.
4. **Resources** available to CDOT and the costs.

The CRBRC has compiled U.S. Census data of LEP people in Colorado (people who speak English “well, not well, or not all”). The data is attached as **Appendix P** and is broken down by county and CDOT region. LEP persons make up 6.8% of Colorado’s overall population. The largest LEP group in the state is Spanish speakers, who make 5.08% of Colorado’s overall population.

Because LEP Spanish speakers make up more than 5% of the state 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 provides links to the Spanish version of CDOT’s Discrimination Complaint Form and Discrimination Complaint Procedure. The Spanish page is available at <http://www.coloradodot.info/business/civilrights/espanol.html>. 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. 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.

**Planning:** The Division of Transportation Development (DTD) Multimodal Planning Branch uses *A Guide to the Transportation Planning and Programming Public Involvement Process* as a guide for 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. CDOT’s Statewide Plan Website, <http://coloradotransportationmatters.com>, is available in the top 10 spoken languages in Colorado. Regional planning surveys are also translated into Spanish.

**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 impacted area is described chapter 9.15 of the CDOT NEPA Manual, which is available at <http://www.coloradodot.info/programs/environmental/nepa-program/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 ensure meaningful access to LEP individuals are documented in the public participation section of the NEPA document. Language assistance measures include 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 in a manner that ensures 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 on 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. Construction projects that impact LEP communities are identified through the NEPA environmental review process.

**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.

### **XIII. ENVIRONMENTAL JUSTICE**

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 the disproportionately high and adverse human health or environmental effects of their actions on minority populations. As a recipient of federal funding, CDOT complies with the federal government's Environmental Justice Policy.

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. The CDOT NEPA manual is available at [www.coloradodot.info/programs/environmental/nepa-program/nepa-manual](http://www.coloradodot.info/programs/environmental/nepa-program/nepa-manual).

To help ensure compliance with Environmental Justice and Title VI, the Civil Rights & Business Resource Center reviews draft NEPA documents and makes comments about possible concerns to the project teams. Based on the comments made, a comment resolution meeting might be held between CRBRC staff and the project team.

### **XIV. REVIEW OF CDOT DIRECTIVES**

Given the new FHWA guidance from September 9, 2014, the CRBRC will review CDOT policy directives and procedural directives for possible Title VI implications. If a directive is deemed to have potential discriminatory results, the issue will be 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. COMPLAINT AND ENFORCEMENT PROCEDURES**

Trends or patterns of discrimination can be identified through outreach and education, yearly

program area review, sub-recipient reviews, analyzing Title VI-relevant data or discrimination complaints. The CRBRC will continue to meet with each program area a minimum of twice a year to ensure compliance and assess progress towards program area Title VI goals.

If deficiencies are identified within a program area, 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.