



FY 2024-25 Title VI Program Compliance Plan

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COLORADO
Department of Public Safety

Non-Discrimination Policy Statement

The policy of the Colorado Department of Public Safety (CDPS) prohibits discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, religion, age, national origin, ancestry, low-income, or limited English proficiency.

The Recipient (CDPS) has appointed the CDPS Chief Compliance Officer as the Title VI Coordinator to provide administrative direction and ensure the implementation and compliance of policies and procedures relating to Title VI. The Title VI Coordinator reports directly to the CDPS Deputy Executive Director and works with the Departmental Division Directors for the Colorado State Patrol, the Colorado Bureau of Investigation, the Division of Criminal Justice, the Division of Fire Prevention and Control, the Division of Homeland Security and Emergency Management, and the Executive Director's Office. The Title VI Coordinator has the authority to:

- Implement and assist all levels of management with the Title VI program;
- Implement procedures for the prompt investigation and resolution of Title VI complaints;
- Coordinate and update the Title VI program, including Title VI training, as needed;
- Review Department and Division procedures and guidelines to determine compliance with Title VI provisions and to coordinate revisions, as needed;
- Ensure the inclusion of the Title VI Program Assurances in all applicable documents; and
- Assist in conducting sub-recipient reviews to ensure compliance with Title VI Program requirements, as needed.

As referenced in the Title VI Program Non-Discrimination Assurances, each program, service, activity, and facility of the Colorado Department of Public Safety as defined at 49 C.F.R. Part 21 and 49 C.F.R. Part 303, U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, and the Civil Rights Restoration Act of 1987 will be conducted (with regard to a program, service or activity), or will be operated (with regard to a facility) in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.

8/30/2024

Colorado Department of Public Safety
Executive Director, Stan Hilkey

Date



COLORADO
Department of Public Safety

The United States Department of Transportation (USDOT) Standard Title VI Non-Discrimination Assurances DOT Order No. 1050.2A

FHWA Assurances

The Colorado Department of Public Safety (CDPS) is committed to achieving full compliance with Title VI of the 1964 Civil Rights Act and all related non-discrimination laws. The Colorado State Patrol (CSP), a Division of CDPS, (hereinafter referred to as the “Recipient”), assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service or activity. The Recipient’s Title VI Coordinator is responsible for monitoring Title VI activities, preparing reports and other responsibilities. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs, services and activities.

Statutory/Regulatory Authorities guiding FHWA Assurances

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 Stat. 252) and 49 C.F.R. Part 21
- The Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.)
- Title IX of the Education Amendments of 1972, as amended
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 et seq.) and 49 C.F.R. Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.)
- The Americans with Disabilities Act of 1990, as amended
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-259)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131 - 12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38
- Executive Order 12898 of 1994 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

FMSCA Title VI Program Assurances

The Colorado Department of Public Safety (herein referred to as the Recipient), hereby agrees that, as a condition to receiving any Federal financial assistance from the United States

Department of Transportation (DOT) through the Federal Motor Carrier Safety Administration (FMCSA), it is subject to and will comply with the following Acts, Regulations, and Assurances. The Recipient's Title VI Coordinator is responsible for monitoring Title VI activities, preparing reports and other responsibilities. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs, services and activities.

Statutory/Regulatory Authorities guiding FMCSA Title VI Assurances (herein referred to as Acts/Regulations)

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 Stat. 252)
- The Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.)
- Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681 et seq.)
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 et seq.)
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.)
- The Americans with Disabilities Act of 1990, as amended (42 U.S.C. § 12101 et seq.)
- 49 C.F.R. Part 21 - Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964
- 49 C.F.R. Part 27 - Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- 49 C.F.R. Part 28 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation
- 49 C.F.R. Part 37 - Transportation Services for Individuals with Disabilities (ADA)
- 49 C.F.R. Part 303 – Civil Rights (FMCSA's Title VI Nondiscrimination Regulation)
- 28 C.F.R. Part 35 - Discrimination on the Basis of Disability in State and Local Government Services
- 28 C.F.R. § 50.3 - Guidelines for the enforcement of Title VI, Civil Rights Act of 1964

Executive Orders/Relevant Guidance Affecting Recipients

Although not applicable to Recipients directly, certain Executive Orders and relevant guidance direct actions taken by Federal agencies regarding their federally-assisted programs, services and activities that require compliance by Recipients to ensure Federal agencies that Recipients will carry out responsibilities associated with such assistance.

- Executive Order 12898 of 1995 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
 - This order emphasizes that Federal agencies should use existing laws to achieve Environmental Justice (EJ), in particular Title VI, to ensure nondiscrimination against minority populations.
 - Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures, as appropriate, to address and implement Environmental Justice considerations.
- Executive Order 13166 of 2000 – Improving Access to Services for Persons with Limited

English Proficiency

- This order clarifies the responsibilities for Title VI's prohibition on national origin discrimination to persons with limited English proficiency. When receiving Federal funds, recipients are expected to conduct a four-factor analysis to prevent discrimination based on national origin.
- 65 Fed. Reg. 50123 – Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons with Limited English Proficiency; Policy Guidance (Civil Rights Division, U.S. Department of Justice)
- 70 Fed. Reg. 74087 - Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (U.S. Department of Transportation)

General Assurances

In accordance with the Acts, Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure compliance with Section 601 of Title VI for under any program, service or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress with respect to Title VI and other Non-discrimination requirements (the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs, services and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FMCSA Program:

1. That the Recipient agrees that each activity, as defined in Sections 21.23(b) and 21.23(e) of 49 C.F.R. Part 21, will be facilitated, each facility will be operated, each service will be provided, and each program will be conducted in compliance with all requirements set forth in the Acts and Regulations.
2. That the Recipient will insert the following notification in all solicitations for bids, requests for proposals (RFPs) for work, or materials subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
 - “The Colorado Department of Public Safety, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this

advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or limited English proficiency in consideration for an award."

3. That the Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. That the Recipient will insert the clauses of Appendix B of this Assurance as a covenant running with the land in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to any rights to the space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance as a covenant running with the land in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. The period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits; or
 - b. The period during which the Recipient retains ownership or possession of the property.
9. That the Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom they delegate specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. That the Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this Assurance, the Recipient also agrees:

- To comply with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff;
- To require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff;
- To comply with any program or compliance reviews and/or complaint investigations conducted by the FMCSA;
- To retain records and reports and to submit the material for review upon request to FMCSA, or its designee, in a timely, complete, and accurate way; and
- To comply with all other reporting, data collection, and evaluation requirements as prescribed by law or detailed in program guidance.

The Colorado Department of Public Safety gives this Assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal aid and Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the FMCSA Program. This Assurance is binding on Colorado, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this Assurance on behalf of the Recipient.



Colorado Department of Public Safety
Executive Director, Stan Hilkey

8/30/2024

Date

Appendix A – FMCSA Title VI Program Assurances

Contractor Agreements – Title VI Non-Discrimination Compliance

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

A. Compliance with Regulations

The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally- assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

B. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, disability, age, sex (including pregnancy, sexual orientation, gender identity), religion, low- income, limited English proficiency (LEP), and environmental justice in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, service or program set forth in Appendix B of 49 C.F.R. Part 21.

C. Solicitations for Subcontracts, including Procurements of Materials and Equipment

In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, disability, age, sex (including pregnancy, sexual orientation, gender identity), religion, low- income, limited English proficiency (LEP), and environmental justice.

D. Information and Reports

The Contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.

E. Sanctions for Noncompliance

In the event of a Contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:

1. Withholding payments to the Contractor under the contract until the Contractor complies; and/or
2. Cancelling, terminating, or suspending a contract, in whole or in part.

F. Incorporation of Provisions

The Contractor will include the provisions of paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B - FMCSA Title VI Program Assurances

Clauses for Deeds Transferring United States Property

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the Colorado Department of Public Safety will accept title to the lands and maintain the project constructed thereon in accordance with [Name of Appropriate Legislative Authority], the Regulations for the Administration of the Federal Motor Carrier Safety Administration (FMCSA) Program, and the policies and procedures prescribed by the FMCSA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Colorado Department of Public Safety all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto Colorado Department of Public Safety and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Colorado Department of Public Safety, its successors and assigns.

The Colorado Department of Public Safety, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

1. No person will on the grounds of race, color, national origin, disability, age, sex (including pregnancy, sexual orientation, gender identity), religion, low- income, limited English proficiency (LEP), and environmental justice be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed; [and] *
2. That the Colorado Department of Public Safety will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation,

Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended; [and] *

3. That in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction. *

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.

Appendix C - FMCSA Title VI Program Assurance

Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Colorado Department of Public Safety pursuant to the provisions of Assurance 7(a):

- A. The [grantee, lessee, permittee, etc., as appropriate] for themselves, their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this [deed, license, lease, permit, etc.] for a purpose for which a Department of Transportation activity, service, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the [grantee, licensee, lessee, permittee, etc.] will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, disability, age, sex (including pregnancy, sexual orientation, gender identity), religion, low- income, limited English proficiency (LEP), and environmental justice will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Colorado Department of Public Safety will have the right to terminate the [lease, license, permit, etc.] and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the [lease, license, permit, etc.] had never been made or issued. *
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Colorado Department of Public Safety will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Colorado Department of Public Safety and its assigns. *

* Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.

Appendix D - FMCSA Title VI Program Assurance

Clauses for Construction/Use/Access to Real Property Acquired Under the Activity, Facility, or Program

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Colorado Department of Public Safety pursuant to the provisions of Assurance 7(b):

- A. The [grantee, licensee, permittee, etc., as appropriate] for themselves, their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 1. No person on the ground of race, color, national origin, disability, age, sex (including pregnancy, sexual orientation, gender identity), religion, low-income, limited English proficiency (LEP), and environmental justice will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities;
 2. That in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, disability, age, sex (including pregnancy, sexual orientation, gender identity), religion, low-income, limited English proficiency (LEP), and environmental justice will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination;
 3. That the [grantee, licensee, lessee, permittee, etc.] will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to [licenses, leases, permits, etc.], in the event of breach of any of the above Non-discrimination covenants, the Colorado Department of Public Safety will have the right to terminate the [license, permit, etc., as appropriate] and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, permit, etc., as appropriate] had never been made or issued. *

- C. With respect to deeds, in the event of breach of any of the above Non- discrimination covenants, the Colorado Department of Public Safety will there upon revert to and vest in and become the absolute property of the Colorado Department of Public Safety and its assigns. *

* Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.

Appendix E - FMCSA Title VI Program Assurance

Controlling Statutes, Acts, and Authorities for Contracts

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 Stat. 252) as implemented by 49 C.F.R. Part 21 and 49 C.F.R. Part 303
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601)
- The Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.)
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 et seq.) and 49 C.F.R. Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.)
- The Airport and Airway Improvement Act of 1982 (Public Law 102-581)
- The Civil Rights Restoration Act of 1987 (102 Stat. 28.)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. Parts 35 and 36 and Department of Transportation regulations at 49 C.F.R. Parts 37 and 38
- 49 U.S.C. § 47123 – Transportation, Non-discrimination
- Executive Order 12898 of 1994 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations of 1994
- Executive Order 13166 of 2000 - Improving Access to Services for Persons with Limited English Proficiency
- Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.) as implemented by 49 C.F.R. Part 25



COLORADO
Department of Public Safety

Colorado Department of Public Safety Title VI Program Compliance Plan

Description of Federal-Aid Programs

The Motor Carrier Safety Assistance Program (MCSAP) was introduced as a Federal grant program in 1984 to provide financial assistance to States to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles (CMVs). The goal of the MCSAP is to reduce CMV-involved crashes, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

New Entrant Safety Assurance Program

The New Entrant Safety Assurance program provides funds to conduct mandatory safety audits on all interstate New Entrant carriers in the State of Colorado. The goal is to reduce commercial motor vehicle accidents by educating these carriers through the safety audit program.

Colorado Vehicle Information Systems and Networks

The State of Colorado has been certified by the Federal Motor Carrier Safety Administration (FMCSA) as compliant with the core requirements of the Commercial Vehicle Information Systems and Networks (CVISN) Program. The CVISN program is a key component of the Colorado State Patrol's drive to improve commercial motor vehicle safety. The program is aligned with the FMCSA and the FMCSA's performance goals that have been established in five (5) areas: highway vehicle safety; hazardous materials safety; homeland and national security; transportation reliability and productivity; and organizational excellence. This funding affects the public by ensuring safety on the highways by focusing safety enforcement on high-risk carriers; enabling more effective hazardous materials (HazMat) safety compliance and enforcement; integrating systems to improve the accuracy, integrity, and verifiability of credentials; and enabling online applications and issuance of credentials.

Notification to Beneficiaries/Participants

The Recipient posts non-discrimination policies and reports on the internal Department employee intranet and on the [CDPS public website](#). Both sites contain information on how to request additional information regarding the Recipient's non-discrimination obligations and how to file complaints of discrimination against the Recipient, including contact information via phone and via email, information on the [discrimination complaint procedure](#), and [a complaint form](#) that is directly received by the CDPS Chief Compliance Officer/Title VI Coordinator.

The Recipient posts Title VI Program obligation and notifications of protections against

discrimination in all Colorado Department of Public Safety publicly-accessed facilities.

Sub-Recipient Compliance Reports

The Recipient does not award FMCSA funds to Sub-Recipients.

Title VI Training for Program Areas

The Title VI Coordinator will advise appropriate staff about available training in support of the Title VI Program. It will be the responsibility of the Title VI Coordinator to schedule training in such a way that appropriate notices and announcements are made to CDPS staff.

The Title VI Coordinator will offer a Title VI Program training in accordance with Title VI Program requirements.

- Annually, all current CDPS employees will review Title VI Program training and requirements and participate in any revised and/or updated Title VI Program training, as applicable.
- Training will be provided in electronic format for all CDPS employees and is available on an ongoing basis to review to ensure current knowledge of and compliance with Title VI Program provisions and other non-discrimination laws and regulations.
- Training will be reviewed and updated as necessary by the Title VI Coordinator in collaboration with the State of Colorado Department of Personnel & Administration.
- New CDPS employees will participate in the Title VI Program training within sixty (60) calendar days of hire with the Department.

On or before January 1st of each year, the Title VI Coordinator will provide the FMCAS National Title VI Program Manager with a list of employees that have completed the Title VI Program training.

The Colorado State Patrol (CSP), the division within the Colorado Department of Public Safety responsible for administering the [Motor Carrier Safety Assistance Program](#) on behalf of the Recipient. Specific training is provided to CSP/MCSAP personnel conducting safety investigations, audits, and inspections of commercial motor vehicles regarding Limited English Proficiency (LEP).

- LEP training will be conducted in accordance with the FMCSA Title VI training provisions, which includes the FMCSA Enforcement Memorandum (MC-ECE-2016-006).
- Training will include, but not be limited to, the following points:
 - All enforcement activities, including inspections, are to be implemented in a non-discriminatory manner that comports with the national origin protection under Title VI, generally, and affords reasonable accommodation to LEP drivers, specifically.
 - Formal driver interviews to confirm English Language Proficiency (ELP) will not be conducted during roadside inspections.
 - If the driver can communicate sufficiently to complete the inspection or

investigation, they should not be cited for violations of 49 C.F.R. § 391.11(b)(2). Tools to facilitate communication such as interpreters, I-Speak cards, cue cards, smart phone applications, and on-call telephone interpretation services may be used when interacting with drivers. Use of these devices does not constitute a violation of 49 C.F.R. § 391.11 (b)(2).

- If a deaf or hard-of-hearing driver has obtained an exemption from the hearing standard under 49 C.F.R. § 391.41(b)(11), the driver satisfies the English language requirement if they can read and write English sufficiently to communicate.
- If a non-English speaking driver acknowledges that they do not speak English, the driver should be cited for a violation of 49 C.F.R. § 391.11(b)(2); however, this violation is no longer an Out of Service (OOS) violation.
- If a driver is cited for a violation of the ELP requirements and the employing motor carrier provides information advising that the employee has completed English language training, it should be considered sufficient documentation for addressing this violation.
- If during an investigation, there is a pattern of violations discovered and the motor carrier is also identified for prioritization by the Safety Measurement System through an Alert in the Driver Fitness BASIC, enforcement action on these violations may be considered.
- Additionally, case studies will be presented to give the CSP/MCSAP personnel an opportunity to see how the guidelines apply in context.

Access to Records

The Recipient shall permit access during normal business hours to such of its books, records, accounts, and other sources of information and its facilities as may be pertinent to ascertain compliance. Where any information required of a Recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the Recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

Complaint Disposition Process

Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the Colorado Department of Public Safety, Chief Compliance Officer/Title VI Coordinator. The complaint intake process is described on the [CDPS public website](#), which includes a brief summary of the [Title VI Discrimination Complaint Procedure](#) and a comprehensive [Discrimination Complaint form](#) that may be submitted to initiate the complaint process.

The Complaint Disposition Process includes the following steps:

1. The complainant submits a written complaint or a CDPS Discrimination Complaint form to the CDPS Chief Compliance Officer/Title VI Coordinator.

2. The Chief Compliance Officer/Title VI Coordinator will sign and date the written complaint to document the date of receipt; complaint forms are timestamped and automatically entered on the Complaint Log upon submittal.
3. Upon receipt of a complaint, the Chief Compliance Officer/Title VI Coordinator will assign an investigator to the complaint.
4. The investigator will provide written notification of the complaint to the person or persons identified in the complaint to include the formal complaint and investigation process and phone and email contact information for further information.
 - a. All parties who are notified about the problem or complaint will be provided a copy of the written complaint.
 - b. Any sanctions resulting from this complaint will be applied only after the complaint has been fully investigated as described in these steps.
 - c. During the investigation and disposition process, the complainant and all parties identified as sources of the problem are not to contact each other about the complaint, unless such contact is arranged as part of the resolution.
 - d. Retaliation against the complainant is expressly forbidden. Sanctions will be applied for all violations of this prohibition.
5. The investigator will interview any individual having first-hand knowledge of the alleged incident(s). Other evidence will be reviewed as deemed appropriate by the investigator.
 - a. In some circumstances, an additional investigator may also be assigned as a fact-finder in the complaint.
 - b. If an additional investigator is involved, then that person will produce a summary of the facts for the primary investigator.
 - c. If additional investigation is required, the Chief Compliance Officer/Title VI Coordinator will be notified and will direct the notification of involved parties as appropriate.
6. Upon conclusion of the investigation, the investigator will submit a written report of findings to the Chief Compliance Officer/Title VI Coordinator for review and decision.
7. The Chief Compliance Officer/Title VI Coordinator will complete a full review of the complaint based on the investigator's written findings and may designate an administrating authority to be the decision-maker for a particular matter.
 - a. A determination of findings will be the responsibility of the investigator.
 - b. A decision rendered from the determination of findings is the responsibility of the Chief Compliance Officer/Title VI Coordinator or the designated administrating authority.
8. The Chief Compliance Officer/Title VI Coordinator or designee will notify the complainant and all persons identified in the complaint of the findings in writing.
 - a. The notice of findings will include an explanation of the basis for the decision and steps to resolve the allegation(s) of discrimination, if any.
9. Records of discrimination complaints will be retained in the CDPS Compliance Office.

A Complaint Log will be maintained by the Chief Compliance Officer or designee and minimally will include the following information for each Title VI Program related complaint received by CDPS: name of complainant; identification by demography (i.e., race, color, national origin,

etc.); allegation(s); complaint date; date of Report of Investigation; determination made and date; and any other relevant information as deemed appropriate.

- a. CDPS shall make the Complaint Log available to the FMCSA upon request.

Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review

The Recipient does not have any deficiencies to address at this time.

Community Participation Process

This section does not apply because the Colorado Department of Public Safety (the Recipient) does not provide or conduct motorist licensure or vehicle registration activities.

Commercial Motor Vehicle Inspection Selection & Unbiased Enforcement Policies

The requirements for these policies are dispersed across multiple policies and procedures within the Department and within the Colorado State Patrol operational services and training branches, and the enforcement divisions, including the State Patrol Troopers, Cadets, and Communications Technicians, and the Port of Entry section.

Title VI Program references are added to existing CDPS and CSP policies related to unbiased enforcement, non-discrimination, federal financial assistance non-discrimination, and limited English proficiency. These references include:

- The protected groups included in the FMCSA Title VI Program Assurance;
- Provisions of CDPS's and CSP's commitment to provide Title VI Program training, including for employees responsible for conducting CMV safety inspections and traffic enforcement activities.
- Complaint intake and disposition processes (also referenced in the CDPS' Complaint Disposition Process detailed in the FMCSA Title VI Compliance Plan), which includes the role of the Title VI Program Coordinator in the disposition of complaints filed by members of the public, including commercial vehicle drivers and operators.
- Annual review and monitoring of compliance with Civil Rights, including Title VI, as overseen by the CDPS Chief Compliance Officer/Title VI Program Coordinator in collaboration with the Colorado State Patrol Professional Standards Section.

Attached Supporting Documents

The following documents are submitted as attachments to this plan as evidence of compliance with the provisions of the Title VI Program Non-Discrimination relative to Unbiased Enforcement policies and procedures. All CDPS policies are approved and signed by the Executive Director of the Colorado Department of Public Safety and dated with the effective date. All CSP policies and local directives are approved by the Chief of the Colorado State Patrol acting on behalf of the CDPS Executive Director; these policies and local directives are published with the effective date and the Chief's approving signature implied-in-fact upon publication and release.

- Colorado Department of Public Safety Policy 1.06.012 Federal Financial Assistance Non-Discrimination
- Colorado Department of Public Safety Policy 1.06.013 ADA Title II & Age Non-Discrimination
- Colorado Department of Public Safety Policy 1.06.014 Limited English Proficiency
- Colorado Department of Public Safety Policy 1.06.016 Discrimination, Harassment, and Retaliation Prohibited
- Colorado State Patrol Policy 1.02.0105 Biased Policing
- Colorado State Patrol Policy 4.01.0201 Enforcement Actions
- Colorado State Patrol Operational Services Branch (including Port of Entry, Hazmat and MCSAP) Local Directive 6.9P.0135 Unbiased and Equitable Treatment