

# FMCSA Title VI Program Compliance Plan



**COLORADO**  
**Department of Revenue**

May 2019

## **I. Title VI Program Policy Statement**

It is the policy of the Colorado Division of Motor Vehicles (CDMV) to prohibit discrimination on the basis of race, color, national origin, sex, age, disability, low-income, or Limited English Proficiency (LEP). This policy is documented in Exhibit A, from the Senior Director, Division of Motor Vehicles, Non-Discrimination Policy which is available to all CDMV employees and the public.

Please see attached **Exhibit A** letter from the Senior Director of the CDMV regarding the Division's Policy Statement.

## **II. FMCSA Title VI Program Assurance**

Please see the attached **Exhibit B**, CDMV signed Federal Motor Carrier Safety Association (FMCSA) Title VI Program Assurance, entitled, The United States Department of Transportation Standard Title VI/Non-Discrimination Assurances Department of Transportation (DOT) Order No. 1050.2A.

## **III. Description of Federal-Aid Programs**

Title VI Program Compliance Plan is for the grant awarded to the CDMV, for the period of September 24, 2014 to September 30, 2019 for \$293,727 (Agreement Number: **FM-CDL-0199-15-01-00**) and shall remain in effect and in compliance for any future grants from FMCSA. A summary of the activities associated with the Grant Program:

**Purpose:** (1) To fund audits of 3<sup>rd</sup>-party testers, (2) mandatory training for 3<sup>rd</sup>-party testers and (3) conference travel.

To meet purpose (1): The grant funds the additional resource of one compliance officer to assist the compliance unit to: audit, train, and conduct covert audits to identify third party testers and testing units committing fraudulent activities statewide. The grant also funds additional Commercial Driver License (CDL) driver's manuals, supplies, uniforms for compliance staff, two leased vehicles, and travel expenses for three compliance officers.

To meet purpose (2): The grant provides financial support for bi-annual training seminars, supplies, and travel for third party testers to enable them to be in compliance with new changes in Federal regulations.

To meet purpose (3): The grant provides financial support to enable the CDL Unit Program Manager to attend national and State conferences that support the CDL mission.

**Objective and benefit to the public:** This grant is focused on tools that decrease highway fatalities by decreasing fraud risk and improving driver and employer awareness and compliance for those operating vehicles with a CDL.

**Benefit to minority groups:** No person, regardless of race, color, national origin, sex, age, disability, low-income, or LEP is excluded from participation in, denied the benefits of, or is otherwise subjected to discrimination under any program or activity for which the Colorado

Department of Revenue (CDOR) receives Federal financial assistance from DOT, including the FMCSA. All are eligible, if they meet the knowledge and skills testing, to obtain a Commercial Driver License.

#### **IV. Notification to Beneficiaries/Participants**

The CDMV Title VI plan is posted on the CDMV website and non-discrimination notices are posted in all publically-accessed facilities. These notices are in accordance with the recommendations by FMCSA. The content includes a statement affirming that the CDMV does not discriminate, procedures to request additional information, the procedures to file a complaint, including representative and contact information, and complaint forms in English and Spanish.

#### **V. Sub-Recipient Compliance Reports**

The CDMV does not sub-award FMCSA funds to other Recipients. There are no Sub-Recipients.

#### **VI. Training**

The CDMV incorporates Title VI Program components in many of its Human Resource personnel training. The Colorado Department of Revenue (CDOR) Office of Human Resources provides every new employee training concerning Preventing Sexual Harassment, Creating a Respectful Workplace, Great Customer Service, and Preventing Workplace Violence. This mandatory training is provided within the first few weeks of an employee's hire and repeated every five years. This training is provided by Training Specialist in the Human Resource Office. CDMV provides all DMV employees with copies of the Division's Title VI policy on an annual basis. All State employees are required to abide by high ethical standards as set by law, Colorado Revised Statutes, Section 24-18, and by Executive Order D21-09. CDOR will review training materials to ensure compliance with all Title VI requirements and will implement any required changes by September 30, 2019.

#### **VII. Access to Records**

The Colorado Division of Motor Vehicles will provide Access to Records to FMCSA upon request to the Title VI Program-related documentation. Request should be submitted to the Title VI Program Coordinator.

#### **VIII. Complaint Disposition Process**

The CDMV implemented a Title VI process to handle complaints by members of the public and addresses all complaints. A complaint form is available in English and Spanish for member of the public who believe that they have been subjected to discrimination by the CDMV. This information is made available via our website. CDMV maintains a log of all records and dispensation of all filed complaints which will be made available upon request to FMCSA.

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

The CDOR has no Corrective Actions based on previous Title VI Program Compliance Reviews.

## **X. Language Assistance Plan (Limited English Proficiency—LEP)**

As a recipient of federal financial assistance, CDMV must assure that LEP individuals have meaningful access to CDMV 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.

CDMV 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 CDMV (see EXHIBIT C for proportions). The Colorado Department of Transportation has compiled U.S. Census data of LEP people in Colorado (people who speak English “well, not well, or not all”). LEP persons make up 6.4% of Colorado’s overall population.
2. **Frequency** with which LEP persons come into contact with CDMV. The largest LEP group in the state is Spanish speakers, who comprise 4.66% of Colorado’s overall population.
3. **Importance of the program, activity, or service provided.** CDMV realizes that the access to a driver’s license or identification card is an important requirement for most members of society. In order to improve supports and access to services for the LEP community the CDMV continues to identify opportunities to improve our services to this important stakeholder community.
4. **Resources** available to CDMV and the costs. CDMV makes the following resources and services available to the State’s Spanish speaking population:
  - Driver Handbooks are printed and online in English and Spanish.
  - All materials and forms for Colorado’s Road and Community Safety Act are printed and on-line in English and Spanish.
  - The CDMV has implemented a hiring preference for bilingual employees and has full-time Spanish speakers for customer support and in our call center to answer questions regarding the driver license application process and appointment scheduling.
  - The driving knowledge test for the regular driver license is currently available in English and Spanish and CDMV has contracted with a vendor to provide audio translations of the test for all major languages spoken in Colorado.
  - To improve access to CDMV services for those work schedules do not allow time to visit CDMV offices during scheduled hours, the CDMV has prioritized ensuring online access to as many of our services as possible is available to as many residents as possible.
  - To improve access to CDMV resources for LEP individuals of all language backgrounds the CDMV has provided a Google Translate option on webpages to ensure access is available to as many people as possible.

- To improve access to CDMV services for those without Internet access the CDMV has begun working with our counties to make our services available at kiosks in grocery stores around the state.
- Kiosk service interfaces provide directions in English and Spanish and the DMV is prioritizing placement of kiosks in areas with high Spanish speaking populations.
- A bill currently in the Colorado legislature will expand driver license offices in seven Colorado communities with Spanish speaking populations above the state and national average.

CDMV further make resources available to those that are hearing impaired. CDMV provides access to American Sign Language interpreters. For further information, customers may contact 24 HOUR Sign Language Services at [24hrs@24hrs.com](mailto:24hrs@24hrs.com) or (888) 811-2424. Upon completion of the services, the interpreter presents the bill for their services to the office manager.

## EXHIBIT A



**COLORADO**  
Department of Revenue  
Division of Motor Vehicles

Physical Address:  
1881 Pierce Street  
Lakewood, CO 80214

Mailing Address:  
P.O. Box 173350  
Denver, CO 80217-3350

The Colorado Department of Motor Vehicles is committed to achieving full compliance with Title VI of the 1964 Civil Rights Act and all related non-discrimination authorities, including 49 Code of Federal Regulations (CFR) Part 21 and 49 CFR. Part 303. Through its policies, signed FMCSA Title VI Program Assurance, and Title VI Program Procedures, CDMV makes every effort to ensure that no person is excluded from participation in, denied the benefits of, or otherwise subject to discrimination in any CDMV program or activity on the basis of race, color, national origin, sex, disability or age, including low-income and those with limited English proficiency.

The Executive Director of the Colorado Department of Revenue (CDOR) has designated the CDOR Human Resources Director as the CDMV Title VI Program Coordinator. The Title VI Program Coordinator will work with all CDMV staff to effectively implement the CDMV Title VI Program. Questions about CDMV's Title VI Program may be directed to:

Human Resources Director, Employee Equal Opportunity Officer, 1375 Sherman Street, Room 132, Denver, CO 80261 (303) 866-3721 Office (303) 866-3773 Fax

Mike Dixon  
Senior Director

5-14-19

Date

## EXHIBIT B

### The United States Department of Transportation

### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

The ***Colorado Division of Motor Vehicles*** (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)**, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *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 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address

Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, 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. See the following FHWA website for more information and facts about Environmental Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English 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. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the 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 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. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The Colorado Division of Motor Vehicles, 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 LEP in consideration for an award.”;*

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

By signing this ASSURANCE, The Colorado Department of Revenue also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Colorado Department of Revenue gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation under the FMCSA Program. This ASSURANCE is binding on Colorado Department of Revenue, 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 Division of Motor Vehicles

by



Mike Dixon, Senior Director, Division of Motor Vehicles

DATED

5-14-19

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to 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.
2. **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, sex, age, disability, income-level, or LEP 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, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the 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.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the 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.

## CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

### APPENDIX B

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 (Title of Recipient) 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 **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 (Title of Recipient) 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 (Title of Recipient) 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 (Title of Recipient), its successors and assigns.

The (Title of Recipient), 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, sex, age, disability, income-level, or LEP 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 (Title of Recipient) 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.)

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED  
UNDER THE ACTIVITY, FACILITY OR PROGRAM**

**APPENDIX C**

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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, (Title of Recipient) 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 (Title of Recipient) 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 (Title of Recipient) 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.)

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED  
UNDER THE ACTIVITY, FACILITY OR PROGRAM**

**APPENDIX D**

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP 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, sex, age, disability, income-level, or LEP 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, (Title of Recipient) 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, (Title of Recipient) will there upon revert to and vest in and become the absolute property of (Title of Recipient) 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

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 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“....which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of 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;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

## EXHIBIT C

### Colorado LEP Demographic Data as Compiled by the Colorado Department of Transportation

Colorado has a total population of 4,860,145 people. Colorado has a total Limited English Proficient (LEP) population of 310,065, which is 6.4% of Colorado's overall population. The following table shows the top five languages spoken by LEP persons in Colorado and their percentage of the total Colorado population, according the U.S. Census Bureau.<sup>1</sup>

Language	Number of LEP Persons	Percent of Colorado Population
Spanish	226,453	4.66%
Vietnamese	12,078	0.25%
Chinese <sup>2</sup>	10,489	0.22%
Korean	8,475	0.18%
African Languages <sup>3</sup>	7,932	0.17%

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<sup>1</sup> Data tabulated by the Migration Policy Institute, "Limited English Proficient Individuals in the United States: Linguistic Diversity at the County Level (February 2013)." Data was tabulated using the US Census Bureau's 2009-2011 American Community Survey, Table B16001 "Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over." For more information about LEP data, visit [http://www.lep.gov/demog\\_data/demog\\_data.html](http://www.lep.gov/demog_data/demog_data.html).

<sup>2</sup> The US Census Bureau groups the following languages under the "Chinese" language category: Chinese, Hakka, Kan, Hsiang, Cantonese, Mandarin, Fuchow, Formosan, and Wu.

<sup>3</sup> The US Census Bureau's "African language" classification includes Amharic, Afro-Asiatic languages, Nilo-Saharan languages, and Niger-Congo languages. For a full listing of these languages, visit <https://www.census.gov/hhes/socdemo/language/about/>.

## EXHIBIT D



**COLORADO**  
Department of Revenue  
Division of Motor Vehicles

# DISCRIMINATION COMPLAINT PROCEDURE

Federal law prohibits discrimination on the basis of race, color, national origin, sex, age, disability, low-income or Limited English Proficiency in any Department of Revenue (DOR) program or activity. This prohibition applies to all branches of DOR, agencies and organizations that receive money from DOR, contractors, consultants, and anyone else who acts on DOR's behalf.

Federal law requires that DOR investigate, track, and report discrimination complaints. Complaints must be filed in writing and will be investigated within sixty days of submission. If you need assistance to file your complaint, please contact Cheryl DeAragon, DOR Human Resources Director.

### Who is eligible to file a complaint?

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

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

### How do you file a complaint?

Complaints must be filed in writing within 180 days from the last date of the alleged discrimination.

However, contact the DOR if you believe your complaint may fall outside this deadline. DOR will make reasonable efforts to assist persons with disabilities, non-English speakers, and others unable to file a written complaint.

For assistance in filing a complaint, contact Cheryl DeAragon, DOR Human Resources Director ([cheryl.dearagon@state.co.us](mailto:cheryl.dearagon@state.co.us)).

While not required, complainants are encouraged to use the Discrimination Complaint Form which can be found at [Colorado.gov/DMV](http://Colorado.gov/DMV).

### What happens after a complaint is filed with DOR?

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

Complaints related to employment with DOR will be investigated by the Administrative Offices Division, in accordance with DOR policy.

All other complaints will be investigated by the Department of Revenue and, upon completion of the investigation, formal findings will be issued to the complainant. You may specify if there is a particular individual or individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation.

Any alleged retaliation should be reported in writing to the investigator.

**To file a complaint, please contact:**  
**Department of Revenue**  
Attn: Cheryl DeAragon, Human Resources Director  
Phone: (303) 866-3716  
Fax: (303) 866-3718  
[cheryl.dearagon@state.co.us](mailto:cheryl.dearagon@state.co.us)



# COLORADO

## Department of Revenue

Division of Motor Vehicles

## PROCEDIMIENTO DE QUEJA DE DISCRIMINACIÓN

La ley federal prohíbe la discriminación en la base de raza, color, origen nacional, sexo, edad, discapacidad, bajos ingresos o dominio limitado de inglés en cualquier programa o actividad del Departamento de Ingresos (DOR). Esta prohibición se aplica a todas las ramas de DOR, agencias y organizaciones que reciben dinero de DOR, contratistas, consultores y cualquier otra persona que actúa en nombre de DOR.

La ley federal requiere que DOR investigue, rastree y reporte quejas de discriminación. Las quejas deben ser echas por escrito y serán investigados dentro de sesenta días de presentación. Si necesita ayuda para presentar su queja, por favor póngase en contacto con Cheryl DeAragon, DOR Director de Recursos Humanos.

### ¿Quién es elegible para presentar una queja?

Que crea que ha sido excluido de participación, negado los beneficios o de otra manera sujeto a discriminación bajo cualquier programa DOR o actividad debido a su raza, color, sexo, edad, discapacidad, bajos ingresos o del idioma inglés, puede presentar una queja.

La discriminación incluye la falta de acceso, el acoso, represalias y los impactos dispares de un programa o actividad. El acoso incluye una amplia gama de abusivo y verbales o física las represalias, incluyen intimidación, amenazas, coaccionar

o participación en otro conducta discriminatoria contra cualquier persona porque a presentado una denuncia o de lo contrario participó en una investigación de discriminación.

### ¿Cómo se presenta una queja?

Las quejas deben presentarse por escrito dentro de los 180 días desde la última fecha de la supuesta discriminación.

Sin embargo, póngase en contacto con DOR si cree que su queja puede quedar fuera de este plazo. DOR hará esfuerzos razonables para ayudar a las personas con discapacidades, personas que no hablan inglés y otras personas que no pueden presentar una queja por escrito.

Si requiere asistencia para levantar una queja, comuníquese con Cheryl DeAragon, Director de Recursos Humanos de DOR (cheryl.dearagon@state.co.us).

Aunque no es obligatorio, se recomied a los denunciantes a usar el Formulario de Queja Discriminación que puede ser encontrado en [Colorado.gov/DMV](http://Colorado.gov/DMV).

### ¿Qué sucede después de que se presenta una queja ante el DOR?

La mayoría de las quejas serán investigadas dentro de los sesenta días. Investigar una queja incluye entrevistas con todas las partes involucradas y testigos clave. El investigador también puede solicitar información relevante tales como libros, registros, información electrónica y otras fuentes de información de todas las partes involucrados.

Las quejas relacionadas con el empleo con DOR serán por la División de Oficinas Administrativas, de acuerdo con la política de DOR.

Todas las demás quejas serán investigadas por el Departamento de Ingresos y, una vez terminada la investigación, los hallazgos formales se emitirán al querellante. Puede especificar si hay un individuo o individuos particulares que no debe investigar su reclamo debido a un conflicto de interés u otras razones.

La ley federal prohíbe las represalias contra individuos porque han presentado una queja por discriminación o de lo contrario participó en una investigación de discriminación.

Cualquier presunta represalia debe ser reportada por escrito al investigador

**Para presentar una queja, comuníquese con:**  
**Departamento de Ingresos**

**A la atención de: Cheryl DeAragon, Directora de Recursos Humanos**

**Teléfono: (303) 866-3716**

**Fax: (303) 866-3718**

**[cheryl.dearagon@state.co.us](mailto:cheryl.dearagon@state.co.us)**

## Addendum

Over the last few years the CDMV has only increased services and supports for the general public and the limited English speaking members of our community. These increased services and supports include:

- To provide better service additional driver license offices were added in areas with Spanish speaking populations above the state and national average.
- To improve access to CDMV services for those work schedules do not allow time to visit CDMV offices during scheduled hours, the CDMV has prioritized ensuring online access to as many of our services as possible is available to as many residents as possible.
- To improve access to CDMV resources for LEP individuals of all language backgrounds the CDMV has provided a Google Translate option on webpages to ensure access is available to as many people as possible.
- To improve access to CDMV services for those without Internet access the CDMV has begun working with our counties to make our services available at kiosks in grocery stores around the state.
- Kiosk service interfaces provide directions in English and Spanish and the DMV is prioritizing placement of kiosks in areas with high Spanish speaking populations.
- A bill currently in the Colorado legislature will expand driver license offices in seven Colorado communities with Spanish speaking populations above the state and national average.

The CDMV works through a number of media and communications strategies to increase public awareness of new programs and supports. The CDMV Communications staff works with statewide and local media and conduct outreach via a variety of outlets for publication in print, broadcast and digital media. Outreach strategies include:

- News releases and public interests stories;
- Radio advertising;
- Social media (Facebook and Twitter);
- Creation of informational posters and graphics for display in driver license offices; and
- Updates to the CDMV website to highlight new services.