**TITLE VI COMPLIANCE REVIEW**

**OF**

**City of Fort Collins**

**(Transfort)**

**Fort Collins, Colorado**

**Final Report**

**February 2010**

**Prepared For**

**U.S. DEPARTMENT OF TRANSPORATION**

**FEDERAL TRANSIT ADMINISTRATION**

**OFFICE OF CIVIL RIGHTS**

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1. GENERAL INFORMATION

Grant Recipient: City of Fort Collins

Transfort

City/State: Fort Collins, Colorado

Grantee Number: 1138

Executive Official: Marlys Sittner

General Manager

6570 Portner Road

Fort Collins, CO 80525

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Site Visit Dates: October 6-8, 2009

Compliance Review

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1. JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct civil rights compliance reviews. The City of Fort Collins, Colorado public transit system, Transfort, is a recipient of FTA funding assistance and is therefore subject to the Title VI compliance conditions associated with the use of these funds pursuant to the following:

* Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d).
* Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.).
* Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.).
* Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted).
* DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted).
* DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997).
* DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005).
* FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines For Federal Transit Administration Recipients”, May 17, 2007.

1. PURPOSE AND OBJECTIVES

#### Purpose

The Federal Transit Administration (FTA) Office of Civil Rights periodically conducts discretionary reviews of grant recipients and subrecipients to determine whether they are honoring their commitments, as represented by certification, to comply with the requirements of 49 U.S.C. 5332. In keeping with its regulations and guidelines, FTA determined that a Compliance Review of Transfort’s Title VI Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC to conduct the Title VI Compliance Review of Transfort. The primary purpose of this Compliance Review was to determine the extent to which Transfort has met its General Reporting and Program-Specific Requirements, in accordance with FTA Circular 4702.1A, “Title VI And Title VI-Dependent Guidelines For Federal Transit Administration Recipients”. Members of the Compliance Review team also discussed with Transfort the requirements of the DOT Guidance on Special Language Services to Limited English Proficient (LEP) Beneficiaries that is contained in Circular 4702.1A. The Compliance Review had a further purpose to provide technical assistance and to make recommendations regarding corrective actions, as deemed necessary and appropriate. The Compliance Review was not an investigation to determine the merit of any specific discrimination complaints filed against Transfort.

#### Objectives

The objectives of FTA’s Title VI Program, as set forth in FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients,” are:

* Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
* Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
* Promote the full and fair participation of all affected populations in transportation decision making;
* Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
* Ensure meaningful access to programs and activities by persons with limited English proficiency.

The objectives of Executive Order 13166 and the “DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries” are for FTA grantees to take reasonable steps to ensure “meaningful” access to transit services and programs for limited English proficient (LEP) persons.

IV. BACKGROUND INFORMATION

The City of Fort Collins public transit system, known as Transfort, directly operates fixed-route service and paratransit service known as Dial-A-Ride. The City also contracts with Shamrock Taxi to supplement City-provided paratransit service. The network of 13 fixed routes operates weekdays and Saturdays from 6:14 a.m. to 7:20 p.m. One of the routes provides connector service to the City of Loveland. Paratransit service, which is open to ADA-certified individuals and persons 60 years and older, operates Mondays through Thursdays from 6:14 a.m. to 12:30 a.m. and Fridays and Saturdays from 6:14 a.m. to 2:30 a.m.

The full cash fare for fixed-route service is $1.25. A reduced fare of $0.60 is offered to senior citizens, persons with disabilities, and Medicare cardholders during all hours. Colorado State University students and children 17 years old and younger ride free. The paratransit fare is $2.50. Regular Transfort riders may purchase a ten-ride ticket, a monthly pass, and an annual employer pass. Transfort riders who are senior citizens, persons with disabilities, and Medicare cardholders may purchase annual passes. Dial-A-Ride patrons may purchase a 33-ride ticket.

The City operates a fleet of 23 standard 30-, 35-, and 40-foot transit coaches in fixed-route service. The current peak requirement is 18 vehicles. The City paratransit fleet consists of 13 vans.

Transfort operates from a single maintenance and administration facility on Portner Street in Fort Collins. Its services are oriented around three transit centers, one in downtown Fort Collins, one on the Colorado State University campus, and one in the southern part of the City.

Transfort’s 2008 Annual Report provided the following financial and operating statistics for its fixed-route and paratransit service:

|  |  |  |
| --- | --- | --- |
|  | **Fixed-Route Service** | **Paratransit Service** |
| Total Passengers | 1,840,000 | 44,000 |
| Passengers Per Hours | 27.6 | 2.6 |
| Operating Expenses | $6,051,728 | $1,742,994 |

With the 2000 Census, the Fort Collins region became a transportation management area (TMA). Included in the TMA are the cities of Loveland (population 55,000) and Berthoud (population 15,000), both of which had previously received Section 5311 assistance from the Colorado Department of Transportation. The City of Fort Collins is the designated recipient for the TMA. Annually since 2003, the City had applied for and passed through Section 5307 funds to Loveland and Berthoud. In fiscal year 2009, the City stopped applying for funds on behalf of Loveland and Berthoud. Instead, the City entered into supplemental agreements with them, allowing them to apply directly to FTA for Section 5307 funds.

In August 2006, the City completed Phase 2 of construction of the transit center at Colorado State University, which included an indoor waiting area, bus bays, offices, retail space, and a lobby.

The City of Fort Collins received a FTA grant for a Bus Rapid Transit (BRT) component of the Mason Corridor project in Fort Collins, Colorado.

The Mason Corridor/Mason Express (MAX) BRT Project is a north-south BRT system in the central area of Fort Collins. The project corridor extends from Cherry Street on the north to approximately 1/4 mile south of Harmony Road, with a total length of five miles. The BRT system will be within an exclusive guideway for 3.6 miles, with the remaining 1.4 miles intermixed with street traffic on portions of McClelland Drive and Mason Street. Along the entire length of the corridor, the BRT system runs parallel to the existing Burlington Northern Santa Fe (BNSF) railroad tracks, however, at varying locations, the BRT system will be within a combination of property owned by the BNSF, City of Fort Collins, Colorado State University, and private land owners. In addition, the BRT system will be just west of and parallel to College Avenue (US 287), one of the busiest arterials within the City and the entire North Front Range region. The idea of the Mason Corridor/MAX BRT Project emerged in response to the existing and projected congestion along College Avenue as well as an opportunity to provide alternative modes of travel to the automobile.

The demographics of the City of Fort Collins and Larimer County are shown in Table 1. According to the 2000 Census, the City of Fort Collins had a predominance of White residents at 89.6 percent, a Black population at one percent, persons of Hispanic or Latino origin at 8.8 percent, and an Asian population at 2.5 percent. About 9.9 percent of the population was Limited English Proficient and 14 percent of the population was considered low-income. Larimer County, including the City of Fort Collins, also had a predominance of White residents at 91.4 percent, a Black population at less than one percent, persons of Hispanic origin at 8.3 percent, and an Asian population at 1.6 percent. About 8.5 percent of the population was Limited English Proficient and 9.2 percent was considered low-income.

**Table 1 – Demographics of the Transfort Service Area**

**Racial/ Ethnic Breakdown of the**

**City of Fort Collins and Larimer County areas**

Source: 2000 U.S. Census

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Racial/ Ethnic Group** | City of Fort Collins | | Rest of Larimer County | | Total | |
| **Number** | **Percent** | **Number** | **Percent** | **Number** | **Percent** |
| White | 106,347 | 89.6% | 123,629 | 93.1% | 229,976 | 91.4% |
| Black | 1,213 | 1.0% | 437 | 0.3% | 1,650 | 0.7% |
| American Indian and Alaska Native | 715 | 0.6% | 953 | 0.7% | 1,668 | 0.7% |
| Asian | 2,948 | 2.5% | 967 | 0.7% | 3,917 | 1.6% |
| Hawaiian/Pacific Islander | 143 | 0.1% | 50 | 0.0% | 193 | 0.1% |
| Other Race | 4,281 | 3.6% | 4,294 | 3.2% | 8,575 | 3.4% |
| Hispanic Origin[[1]](#footnote-1) | **10,402** | 8.8% | 10,409 | 7.8% | 20,811 | 8.3% |
| Total Population | **118,652** | **106.20%** | **132,842** | **100%** | **251,494** | **100%** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Other Demographic Categories** | City of Fort Collins | | Rest of Larimer County | | Total | |
| Number | Percent | Number | Percent | Number | Percent |
| Low-Income | 15,835 | 14.0% | 6,765 | 5.1% | 22,600 | 9.2% |
| Limited English Proficiency[[2]](#footnote-2) | 10,978 | 9.9% | 9,030 | 6.8% | 20,008 | 8.5% |

V. SCOPE AND METHODOLOGY

#### Scope

The Title VI Compliance Review of Transfort examined the following requirements as specified in FTA Circular 4702.1A:

1. General Reporting Requirements and Guidelines - all applicants, recipients and subrecipients shall maintain and submit the following:
2. Annual Title VI Certification and Assurance;
3. Title VI Complaint Procedures;
4. Record of Title VI Investigations, Complaints, and Lawsuits;
5. Language Access to LEP Persons;
6. Notice to Beneficiaries of Protection under Title VI;
7. Submit Title VI Program;
8. Environmental Justice Analysis of Construction Projects; and
9. Inclusive Public Participation.
10. Program-Specific Requirements and Guidelines - all applicants, recipients and subrecipients that provide public mass transit service in areas with populations over 200,000 shall also submit the following:
11. Demographic Data;
12. Systemwide Service Standards and Policies;
13. Evaluation of Service and Fare Changes; and
14. Monitoring Transit Service.

#### Methodology

Initial interviews were conducted with the FTA Headquarters Civil Rights staff and the FTA Region VIII Civil Rights Officer to discuss specific Title VI issues and concerns regarding Transfort. An agenda letter covering the Review was sent to Transfort advising it of the site visit and indicating additional information that would be needed and issues that would be discussed. The Title VI Review team focused on the compliance areas that are contained in FTA Title VI Circular 4702.1A that became effective on May 13, 2007. These compliance areas are: (1) General Reporting Requirements; and (2) Program-Specific Requirements for public transit providers. The General Reporting Requirements now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders.

Transfort was requested to provide the following Title VI information:

* The most recent Title VI Program that was submitted to FTA by the City of Fort Collins.
* Description of Transfort’s service area, including general population and other demographic information using the most recent Census data.
* Current description of Transfort’s transit service, including system maps, public timetables, transit service brochures, etc.
* Roster of current Transfort’s revenue bus and ADA paratransit fleet, to include acquisition date, fuel type, seating configurations and other amenities.
* Description of transit amenities maintained by Transfort and/or the City of Fort Collins. Amenities include shelters, benches, restrooms, telephones, passenger information systems, transit centers, etc.
* Any studies or surveys conducted by Transfort and/or the City of Fort Collins, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding transit ridership, service levels and amenities, passenger satisfaction, passenger demographics, major service reductions, or fare issues during the past three years.
* Summary of Transfort and/or the City of Fort Collins’ current efforts to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.
* Summary of Transfort and/or the City of Fort Collins’ current efforts for providing language assistance for persons with Limited English Proficiency that is based on the USDOT LEP Guidance.
* A list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming Transfort and/or the City of Fort Collins that allege discrimination in the provision of transit service and related amenities, on the basis of race, color, or national origin. This list must include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by Transfort and/or the City of Fort Collins in response to the investigation, lawsuit, or complaint.
* A description of efforts made by Transfort and/or the City of Fort Collins to notify beneficiaries of their rights and protections against discrimination afforded to them by Title VI.
* Copies of any environmental justice assessments conducted for FTA-funded construction projects and, if needed, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities.
* A description of efforts made by Transfort and/or the City of Fort Collins to monitor its services to assure compliance with Circular 4702.1A.

Transfort assembled most of the documents prior to the site visit and provided them to the Compliance Review team for advance review. A detailed schedule for the three-day site visit was developed.

The site visit to Transfort occurred October 6 - 8, 2009. The Entrance Conference was conducted at the beginning of the Compliance Review with Transfort senior management staff, the FTA Region VIII Regional Civil Rights Officer (via telephone), and the contractor Review team. The Review team showed the participants a U.S. Justice Department Title VI film during the Entrance Conference. Also, during the Entrance Conference, the Review team explained the goals of the Review and the needed cooperation of staff members. A detailed schedule for conducting the on-site visit was discussed.

Following the Entrance Conference, the Title VI Compliance Review team met with Transfort staff responsible for Title VI Compliance. During this meeting, discussions focused on a detailed examination of documents submitted in advance of the site visit and documents provided at the site visit by Transfort.

The Review team then met with Transfort staff to discuss how Transport incorporated the FTA Title VI requirements into its public transportation system. At the end of the site visit, an Exit Conference was held with Transfort management staff, the FTA Region VIII Regional Civil Rights Officer (via telephone), and the contractor Review team. A list of attendees for the Title VI Compliance Review is included in Section VIII of this report. At the Exit Conference, initial findings and corrective actions were discussed with Transfort.

**Community Interviews**

Several community representatives were contacted and interviewed. The individuals were representatives of the elderly and persons with disabilities community and the Hispanic community in the Transfort service area. The community representatives indicated that Transfort had held meetings in their communities to provide information about services changes, construction projects, and the Mason Corridor Project. One of the community representatives did not feel that Transfort had given adequate considerations to concerns expressed by members of their community regarding the impact of Transfort’s service changes. The perception was that complaints made about Transfort’s Dial-A-Ride service were not given any merit. Furthermore, the process for investigating complaints was insufficient and lacked impartiality by individuals investigating the complaints. The Mason Corridor Project was positively received by all of the community representatives. According to the community representatives, Transfort also provided adequate notice of the fare change.

The community representatives believed that the bus service, amenities, and the maintenance of buses in the minority communities were comparable to that provided to the non-minority communities.

**Site Visit Observations**

A tour was made of three existing Transfort transit facilities, including the Colorado State University Transit Center, the Downtown Transit Center, and the Southside Transit Center. A tour was also made of the Mason Corridor/Mason Express (MAX) BRT Project alignment. Comparable Transfort bus routes serving minority, non-minority, non-low income and low-income communities were toured, including:

* Route 2
* Route 3
* Route 8
* Route 9

During the tour of the routes, observations were recorded regarding the equipment assigned to the routes, the passenger loads, and the amenities along the routes, such as benches, shelters, and trash cans. It was noted that ridership and amenities along the minority routes was comparable to that found along the non-minority routes, with the exception of Route 9, designated as a minority route. As shown below, the amenities along Route 9 are significantly fewer than along the comparable Route 9.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Amenities** | **Route 2**  **(Non-Min)** | **Route 3**  **(Non-Min)** | **Route 8**  **(Min)** | **Route 9**  **(Min)** |
| Bench | 19 | 17 | 18 | 6 |
| Shelter | 3 | 9 | 5 | 3 |
| Trash Can | 6 | 7 | 10 | 3 |
| Light | 0 | 2 | 6 | 2 |
| Schedule | 2 | 17 | 5 | 0 |
| Bike Rack | 2 | 5 | 2 | 0 |
| News Stand | 1 | 0 | 0 | 0 |

**VI. FINDINGS AND RECOMMENDATIONS**

The Title VI Compliance Review focused on Transfort's compliance with the General Reporting Requirements and the Program-Specific Requirements. This section describes the requirements and findings at the time of the Compliance Review site visit. In summary, deficiencies were identified in five of the twelve Title VI requirement areas applicable to Transfort. Following the issuance of the draft report, Transfort submitted corrective action adequate to close the deficiencies in the areas of: *Language Access to LEP Persons, Environmental Justice Analysis of Construction Projects, and System-wide Service Standards and Policies*. Deficiencies remained in the following areas:

* *Evaluation of Service and Fare Changes*
* *Monitoring Transit Service*

#### FINDINGS OF THE GENERAL REPORTING REQUIREMENTS

1. Inclusive Public Participation

**Guidance:** *FTA recipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency’s public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.*

**Findings:** During this Title VI Compliance Review of Transfort, no deficiencies were found regarding Transfort’s compliance with FTA guidance for Inclusive Public Participation. Transfort presented sufficient activities and documentation during the Review to demonstrate that its public participation process satisfied the requirements of the Circular. During the site visit, the Review team determined that while Transfort did not survey or hold meetings specifically with minority and low-income communities, numerous meetings were regularly held that encouraged participation from all affected persons throughout the Transfort service area. Meeting notices in English and Spanish encouraging public participation were posted regularly at transit centers and on transit vehicles, through local newspapers and on Channel 14, a television station dedicated to local political and community coverage.

Transfort also coordinated opportunities for public participation with community organizations, including the Dial-A-Ride Transit Advisory Committee (DARTAC), the Public Transit Advocacy Group (PTAG), and Los Ancianos, an organization established to serve Spanish-speaking senior citizens with their needs and their problems. Los Ancianos advocated for the needs of Spanish speaking and low-income senior citizens throughout Fort Collins and coordinated with existing services to fulfill those needs.

Finally, Transfort staff strategically held meetings at venues in minority and low-income neighborhoods that were easily accessible via public transportation. A list of these locations is as follows:

***Public Participation Meeting Locations Address***

Holy Family Catholic Church 326 North Whitcomb

Holy Family Catholic Church Recreation Center 326 North Whitcomb

Mulberry Pool 424 West Mulberry

Pueblo Viejo 185 North College Ave

El Burrito 400 Linden

EPIC Center 1801 Riverside

North side Azatlan Center 112 East Willow

Las Delicias 1000 North College Ave

Open Door Mission 316 Jefferson

St Joseph Catholic Church 300 Mountain Avenue

Beavers Market 1100 W Mountain Ave

Harmony Library Front Range Com College

Downtown Public Library 201 Peterson Street

CSU Student Center Minority Office Lory Student Center

Larimer County Public Health Building 1501 Blue Spruce

Larimer County Justice Center 201 Laporte

Lincoln Center 417 West Magnolia

Foothills Assembly of God 305 Swallow

Southside Baptist Church 620 West Horsetooth

College of America 4601 South Mason

Meadowlark Church of Christ 2810 Meadowlark Ave.

Congregation har shalom 725 West Drake

Trinity Lutheran Church 30 East Stuart

St John’s Church 305 East Elizabeth

Islamic Center 900 Peterson

Terry Shores Community Church 328 Remington

Catholic Mission 460 Linden Center Drive

Las Piueheras #3 1003 N College Ave

City Building 200 West Oak Street

Las Delicias #2 1605 S College Ave

1. Language Access to LEP Persons

**Requirement:** *FTA recipients shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP).*

**Findings:** During this Title VI Compliance Review of Transfort, deficiencies were found regarding Transfort’s compliance with FTA requirements for Language Access to LEP persons. During the Review, Transfort did not document that it had completed the LEP four-factor analysis or developed a Language Assistance Plan, as required by the FTA Circular. During the site visit, Transfort provided a “Draft Transfort Language Implementation Plan” that had not been completed. During the Review, Transfort did provide information on its LEP efforts, including:

* Bilingual (English/Spanish) bus schedules (also available in Braille and audio versions).
* Bilingual (English/Spanish) public meeting announcements in local print media.
* Bilingual (English/Spanish) meeting materials (i.e. comment sheets, informational materials, etc.)
* Website is translatable to 42 different languages using Google Toolbar translator.
* Spanish translator provided at public meetings.

In addition, Transfort indicated that it had two Spanish- speaking employees at both transit centers that had customer service activity.

Following the issuance of the draft report, Transfort submitted a “Language Access Plan”. The plan contained the following required elements:

| **Elements Required for LEP Assessment and Language Access Plan (Per FTA C. 4702.1A, IV, 4. a. and DOT Policy Guidance)** | **Included in Transfort’s**  **LAP?** |
| --- | --- |
| Part A – Four-Factor Assessment | |
| 1. Demography –The number or proportion of LEP persons eligible to be served or likely to be encountered | Yes |
| 1. Frequency of Contact - the frequency with which LEP individuals come in contact with the program and/or activities | Yes |
| 1. Importance - the nature and importance of the program, activity, or service to people's lives; | Yes |
| 1. Resources - the resources available and costs | Yes |
| Part B - Develop Language Assistance Plan | |
| 1. Identification of LEP Persons | Yes |
| 1. Language Assistance Measures | Yes |
| 1. Training of Staff | Yes |
| 1. Provide Notice to LEP Persons | Yes |
| 1. Monitor and Update the LAP | Yes |

Transfort’s initial assessment of frequency of contact with LEP persons ranged from three to five percent of customers. Transfort identified standard language assistance measures, described staff training, and identified mechanisms for notifying LEP persons of their rights. Transfort also described how it would monitor and update the Plan on a periodic basis.

The deficiency in this area is now closed.

1. Title VI Complaint Procedures

**Requirement:** *FTA recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request.*

**Findings:** During this Title VI Compliance Review of Transfort, no deficiencies were found regarding Transfort’s compliance with FTA requirements for Title VI Complaint Procedures. Transfort’s Title VI Complaint procedures and forms are located on its web site and referenced in its Non-Discrimination Policy posted at administration offices and transit centers. Transfort’s Complaint Procedures are as follows:

*All complaints are entered and tracked in the Trapeze COM Database. Complaints are assigned a manager in the system, depending on what area of operations is concerned and the manager is tasked with resolving the complaint within two weeks. Those issues not resolved within the two week period, are highlighted and a regular report detailing unresolved complaints is generated and forwarded to the General Manager for resolution.*

1. Record of Title VI Investigations, Complaints, and Lawsuits

**Requirement:** *FTA recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipients that allege discrimination on the basis of race, color, or national origin. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint.*

**Findings:** During this Title VI Compliance Review of Transfort, no deficiencies were found regarding Transfort’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits. Transfort did maintain a record of Title VI investigations, complaints, and lawsuits. Transfort reported that no Title VI complaints have been filed against it alleging discrimination on the basis of race, color, or national origin.

1. Notice to Beneficiaries of Protection Under Title VI

**Requirement:** *FTA recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients shall disseminate this information to the public through measures that can include but shall not be limited to a posting on its Web site.*

**Findings:** During this Title VI Compliance Review of Transfort, no deficiencies were found regarding Transfort’s compliance with FTA requirements for Notice to Beneficiaries of Protection Under Title VI. In response to a Title VI deficiency identified in Transfort’s 2009 Triennial Review, Transfort developed a public notice stating Transfort’s commitment to Title VI compliance. The Review team confirmed that this public notice was posted on the Transfort web site, at transit centers, and in the administration office. In addition, Transfort developed a Title VI complaint form that is made available at all transit centers. During the Review, the Review team noted that the public notice developed by Transfort did not clearly communicate Tranfort’s procedures for filing a Title VI complaint. The Review team provided guidance on how Transfort could modify the public notice to fully comply with Title VI Circular 4702.1A. Before the conclusion of the site visit, Transfort modified the public notice to include clear procedures for filing a Title VI complaint as required by the Circular. By the end of the site visit, the modified Policy had been disseminated to the public. The Policy was posted in places (at transit centers and in the administration office) where the public could view it.

Transfort also stated its intention to include its Non-Discrimination Policy in all future editions of its printed bus schedules. The Review team reminded Transfort to include clear procedures for filing a Title VI complaint in that Non-Discrimination Policy.

Transfort’s Title VI Non-Discrimination Policy Statement included all three required elements, as shown on the following table:

| **Elements Required in Title VI Notification**  **(Per FTA Circular 4702.1A Chapter IV Section 5.a)** | **Included in Transfort Policy Statement?** |
| --- | --- |
| A statement that the agency operates programs without regard to race, color, and national origin | Yes |
| A description of the procedures that members of the public should follow in order to request additional information on the recipient’s nondiscrimination obligations | Yes |
| A description of the procedures that members of the public should follow in order to file a discrimination complaint against the recipient. | Yes |

Tranport’s Policy statement is as follows:

*Transfort/Dial-A-Ride is committed to ensuring that no individual is excluded from participation in, denied the benefits of its programs, activities or services, or subject to discrimination on the basis of race, color or national origin as per the Title VI of the Civil Rights Act of 1964, as amended.*

*Toward this end, Transfort/Dial-A-Ride's departments and employees are responsible for carrying out the commitment to non-discrimination including the requirements of Title VI. This includes the following:*

* *To ensure that the level and quality of transportation services are provided to all;*
* *To promote full and fair participation in transportation decision making;*
* *To ensure meaningful access to Transfort/Dial-A-Ride's programs and activities by persons with limited English Proficiency;*
* *To identify and address, as appropriate the human health, social, economic and environmental effects of Transfort/Dial-A-Ride's programs and activities on all populations.*

*For additional information on Transfort's non-discrimination obligations, or if you believe you have been subjected to discrimination under Title VI and would like to file a written complaint with Transfort management, contact:*

|  |  |  |  |
| --- | --- | --- | --- |
| *MAIL:*  *Transfort/Dial-A-Ride*  *6570 Portner Road*  *Fort Collins CO 80525* | *PHONE:*  *970-221-6620* | *FAX:*  *970-221-6285* | *EMAIL:*  *TransfortInfo@fcgov.com* |
| *TRANSIT CENTERS:* | * *CSU Transit Center (CTC)- North end of Lory Student Center at CSU* * *Downtown Transit Center (DTC)- N. Mason Street, between Laporte & Maple* * *South Transit Center (STC)- NE corner of The Square Shopping Center* | | |

1. Annual Title VI Certification and Assurance

**Requirement:** *FTA**recipients shall submit its annual Title VI certification and assurance as part of its Annual Certifications and Assurances submission to FTA (in the FTA web based Transportation Electronic Award Management (TEAM) grants management system.*

**Findings:** During this Title VI Compliance Review of Transfort, no deficiencies were found regarding Transfort’s compliance with FTA requirements for Annual Title VI Certification and Assurance. The FTA Civil Rights Assurance is incorporated in the Annual Certifications and Assurances submitted annually to FTA through the Transportation Electronic Award and Management (TEAM) system. Transfort executed its FY 2009 Annual Certifications and Assurances in TEAM on November 6, 2008. Transfort checked as applicable, *01 Assurances Required For Each Applicant.* This is the category where the nondiscrimination assurance is located.

1. Environmental Justice Analysis of Construction Projects

**Guidance:** *FTA**recipients should integrate an environmental justice analysis into its National Environmental Policy Act (NEPA) documentation of construction projects. (Recipients are not required to conduct environmental justice analyses of projects where NEPA documentation is not required.). In preparing documentation for a categorical exclusion (CE), recipients can meet this requirement by completing and submitting FTA’s standard CE checklist, which includes a section on community disruption and environmental justice.*

**Findings:** During this Title VI Compliance Review of Transfort, deficiencies were found regarding Transfort’s compliance with FTA guidance for Environmental Justice (EJ) Analyses of Construction Projects. During the site visit, Transfort provided its Environmental Assessment (EA) prepared for the Mason Corridor Project entitled “Mason Express Bus Rapid Transit, Environmental Assessment”. In the Report, under Section 3.4 *Affected Environment,* there was an “Environmental Justice Analysis for the Minority and Low-Income Populations”. As shown in the following table, this analysis did not include most of the elements required in FTA Circular 4702.1A.

Following the issuance of the draft report, Transfort submitted a technical memorandum, dated February 11, 2010, and entitled *Mason Corridor-Environmental Justice Compliance*. This memo incorporated data from the July 2008 Environmental Assessment and included additional research to document compliance with the aforementioned Circular. The following table shows that the 2010 document is adequate to meet FTA requirements.

| **Elements Required in Title VI Notification**  **(Per FTA Circular 4702.1A Chapter IV Section 8)** | **Included in 2008 Mason Corridor EA?** | **Included in 2/11/2010**  **EJ Analysis?** |
| --- | --- | --- |
| A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population | Yes | Yes |
| A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population. | **No** | Yes |
| A discussion of all positive effects that would affect the identified minority and low-income population, such as an improvement in transit service, mobility, or accessibility. | **No** | Yes |
| A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project. | **No** | Yes |
| A discussion of the remaining effects, if any, and why further mitigation is not proposed. | **No** | Yes |
| For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas. | **No** | Yes |

The deficiency in this area is now closed.

1. Submit Title VI Program.

**Requirement:** *FTA recipients serving large urbanized areas are required to document their compliance with the general reporting requirements by submitting a Title VI Program to FTA’s Regional Civil Rights Officer once every three years.*

**Findings:** During this Title VI Compliance Review of Transfort, no deficiencies were found regarding Transfort’s compliance with FTA requirements to Submit Title VI Program. The region’s metropolitan planning organization (MPO), the North Front Range MPO, submitted on behalf of Transfort the most recent Title VI Program Report to FTA on April 17, 2007 in the format described in the previous FTA Circular 4702.1. FTA approved the submittal on September 4, 2007. During the site visit, it was determined the Transfort Title VI Program submittal addressed all the elements required by that Circular. Transfort was advised that its next Title VI Program Update, due to FTA on August 1, 2010, must address both the General Requirements and Guidelines and the Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas of FTA C 4702.1A.

1. Demographic Data

**Requirement:** *FTA recipients serving large urbanized areas shall collect and analyze racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.*

**Findings:** During this Title VI Compliance Review of Transfort, no deficiencies were found regarding Transfort’s compliance with FTA requirements for Demographic Data. As part of its 2007 Title VI submittal, Transfort provided all of demographic data required by the Circular.

Transfort’s submittal contained the following elements, which were consistent with the requirements of the new Circular:

| **Elements Required for Demographic Data**  **(Per FTA C. 4702.1A, V, 1. a.)** | **Included in Transfort’s**  **Title VI Submittals?** |
| --- | --- |
| A base map of the agency’s service area that includes each census tract or traffic analysis zone (TAZ), major streets, etc., fixed transit facilities and major activity centers. The map should also highlight those transit facilities that were recently modernized or are scheduled for modernization in the next five years. | Yes |
| A demographic map that plots the above information and also shades those Census tracts or TAZ where the percentage of the total minority and low-income population residing in these areas exceeds the average minority and low-income population for the service area as a whole. | Yes |
| A chart for each Census tract or TAZ that shows the actual numbers and percentages for each minority group within the zone or tract. | Yes |

At the site visit, Transfort provided the Review team with a number of maps, including maps of Low Income and Minority Populations.

1. Systemwide Service Standards and Policies

**Requirement:**  *FTA recipients serving large urbanized areas shall adopt quantitative system-wide service standards necessary to guard against discriminatory service design or operations decisions. Recipients serving large urbanized areas shall adopt system-wide service policies necessary to guard against discriminatory service design or operations decisions. Service standards differ from service policies in that they are not based necessarily on a quantitative threshold.*

**Findings:** During this Title VI Compliance Review of Transfort, deficiencies were found regarding Transfort’s compliance with FTA requirements for Systemwide Service Standards and Policies. FTA Circular 4702.1A describes effective practices to fulfill the service standards and policies requirements. FTA recommends that recipients set standards and policies for the following indicators, giving transit agencies latitude to set standards for different/or additional indicators at their discretion:

|  |  |
| --- | --- |
| Service Standards | Service Policies |
| * Vehicle Load | * Vehicle Assignment |
| * Distribution of Transit Amenities | * Transit Security |
| * Vehicle Headway |  |
| * Service Availability |  |
| * On-time Performance |  |

During the Review, Transfort did not document that it had systemwide service standards and policies to guard against discriminatory service design or operations decisions, as required in the FTA Circular. During the Review, Transfort provided a document entitled “Transfort Strategic Operations Plan Update” dated August 2009. Section 7.6 of the Strategic Plan had a list of Transfort’s future action items. Included in the list of action items was the following:

*Develop new performance standards and a formalized transit system performance monitoring program.*

Transfort indicated that it would include Title VI considerations in the development of new performance standards.

Following the issuance of the draft report, Transfort submitted a document entitled *Service Standards*. This document provided a comprehensive description of the following:

* Productivity standards – passengers per hour and revenue miles by service category
* Vehicle load standards – maximum passengers per time of day
* Vehicle headway – minimum and demand-based frequency standards
* Service availability – design standards
* Vehicle assignment targets
* On-time performance
* Distribution of transit amenities – shelters, benches, maps, and schedules
* Transit security – surveillance cameras, emergency call buttons, and deployment of security personnel

Most of the standards were quantifiable and could be used toguard against discriminatory service design or operations decisions, as required in FTA Circular 4702.1A.

The deficiency in this area is now closed.

1. Evaluation of Service and Fare Changes

**Requirement:** *FTA recipients shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. For service changes, this requirement applies to “major service changes” only. Recipients should have established guidelines or thresholds for what it considers a “major” change.*

**Findings:** During this Title VI Compliance Review of Transfort, deficiencies were found regarding Transfort’s compliance with FTA requirements for Evaluation of Service and Fare Changes.

During the Review, Transfort did not document that it had conducted evaluations of service and fare changes in conformance with the Title VI Circular during the past three years. Specifically, Transfort did not have a record of conducting an evaluation of the service changes during the planning stages of the Mason Express Bus Rapid Transit project. This major capital project represents a significant service expansion and investment of resources and will likely result in changes/eliminations of bus service. Transfort must consider the benefits and burdens of this investment and the changes on minority and/or low-income communities.

During the Review, Transfort provided a document entitled “Transfort Strategic Operations Plan Update”, dated August 2009. Section 7.4.2 contained Transfort’s Route Change Policy. Section 7.4.1 contained Transfort’s Fare Change Policy. The Fare Change Policy included the following list of considerations:

* *Inflation rate*
* *Ridership and revenue trends*
* *Local economic trends*
* *Trends automobile-related costs such as gas*
* *Service changes*
* *Economic impact on customers*
* *Market conditions and opportunities*
* *The City’s financial situation*
* *The City’s goals and objectives*

The Policy did not address how the impacts of fare changes would be assessed to determine if the changes would have a discriminatory effect on minority and low-income populations.

Following the issuance of the draft report, Transfort submitted a revised *Fare Change Policy*. In this document, Transfort added consideration of the impacts and the identification of alternatives to mitigate the impacts of fare change proposals on minority and/or low-income communities. Transfort also submitted a new procedure, entitled *Route Change Policy.* This document described how Transfort would consider the impacts of changes to existing routes on minority and low-income communities during the planning stages. The Policy did not address adding or eliminating service and it did not identify a threshold for major service changes. The *Route Change Policy* did not meet FTA requirements as shown below:

| **ELEMENTS REQUIRED FOR EVALUATION OF SERVICE AND FARE CHANGES (PER FTA C. 4702.1A, V, 4.A.)** | |
| --- | --- |
| 1. ASSESS THE EFFECTS OF THE PROPOSED FARE OR SERVICE CHANGE ON MINORITY AND LOW-INCOME POPULATIONS. | **In Transfort’s Fare and Route Change Policies?** |
| *Route changes – produce maps of service changes overlaid on a demographic map of the service area* | No |
| *Span of service – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted* | No |
| *Fare changes – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted* | Yes |
| 1. ASSESS THE ALTERNATIVES AVAILABLE FOR PEOPLE AFFECTED BY THE FARE INCREASE OF MAJOR SERVICE CHANGE. |  |
| *Service changes – Analyze what, if any, modes of transit are available for people affected by the service expansion or reduction. Analysis should compare travel time and costs to the rider of the alternatives.* | No |
| *Fare changes – Analyze what, if any, alternative transit modes, fare payment types or fare payment media are available for people affected by the fare change. Analysis should compare fares paid under the change with fares that would be paid through available alternatives.* | Yes |
| 1. DESCRIBE ACTIONS THE AGENCY PROPOSES TO MINIMIZE, MITIGATE, OR OFFSET ANY ADVERSE EFFECTS OF CHANGES ON MINORITY AND LOW-INCOME POPULATIONS. | No for Service Changes |
| 1. DETERMINE ANY DISPROPORTIONATELY HIGH AND ADVERSE EFFECTS ON MINORITY AND LOW-INCOME RIDERS. IF ANY, DESCRIBE THAT ALTERNATIVES WOULD HAVE MORE SEVERE ADVERSE EFFECTS THAN THE PREFERRED ALTERNATIVE | No for Service Changes |

**Corrective Actions and Schedules:** Within 120 days, Transfort must submit to the FTA Headquarters Civil Rights Equal Opportunity Specialist:

* Revised Service Change Policy to conduct equity evaluations of service and fare changes, as required in FTA Circular 4702.1A.
* Written equity evaluation of the impact of the service change resulting from the implementation of the Mason Express Bus Rapid Transit project.

1. Monitoring Transit Service

**Requirement:** FTA *recipients shall monitor the transit service provided throughout its service area. Periodic service monitoring activities shall be undertaken to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. Monitoring shall be conducted at minimum once every three years. If recipient monitoring determines that prior decisions have resulted in disparate impacts, it shall take corrective action to remedy the disparities.*

**Findings:** During this Title VI Compliance Review of Transfort, deficiencies were found regarding Transfort’s compliance with FTA requirements for Monitoring Transit Service.  As of the site visit, Transfort did not have a Title VI transit monitoring program to compare the level and quality of service and amenities, such as bus shelters, provided topredominantly minority areas with service and amenities provided in other areas to ensure that the end result of policies and decision-making is equitable service. During the Review, Transfort provided a document entitled “Transfort Strategic Operations Plan Update” dated August 2009. As previously mentioned, Section 7.6 of the Strategic Plan had a list of Transfort’s future action items. Included in the list of action items was the following:

*Develop new performance standards and a formalized transit system performance monitoring program.*

Transfort indicated that it would include Title VI considerations in the performance monitoring program.

Following the issuance of the draft report, Transfort submitted selected results from the *Transfort 2008 Transit Survey*. Transfort stated:

*The purpose of the analysis of this survey is to compare customer satisfaction survey responses from individuals who identify themselves as minority groups and/or in low-income brackets with other respondents*.

The results submitted by Transfort did not contain any racial or ethnicity data. It did contain individual and household income data. However, Transfort did not summarize the relative satisfaction levels between the low-income and non-low income communities. The data did identify the percentage of respondents by income level that indicated their satisfaction on a scale of very satisfied to dissatisfied. In each category, the low-income respondents represented the largest percentage of respondents, probably due to the fact that 60 percent of Transfort customers reported income of less than $20,000 per year. The data provided did not show if low-income persons were more or less satisfied with Transfort services than non-low income persons.

By utilizing rider survey results as the mechanism for monitoring transit service, Transfort has adopted the Option C methodology contained in FTA Circular 4702.1A. As described below, the following are the required elements for this methodology:

|  |
| --- |
| **ELEMENTS REQUIRED FOR MONITORING – OPTION C: TITLE VI ANALYSIS OF CUSTOMER SUVEYS (PER FTA C. 4702.1A, V, 5. c.)** |
| * For their most recent passenger survey, recipients should compare the responses from individuals who identified themselves as members of minority groups and/or in low-income brackets, and the responses of those who identified themselves as white and/or in middle and upper-income brackets. |
| * To the extent that survey data is available, recipients should determine whether the different demographic groups report significant differences in the travel time, number of transfers, and overall cost of the trip or if different demographic groups gave significantly different responses when asked to rate the quality of service, such as their satisfaction with the system, willingness to recommend transit to others, and value for fare paid. |
| * If the agency concludes that different demographic groups gave significantly different responses, it should take corrective action to address the disparities |

The analysis provided by Transfort did not meet these FTA requirements.

**Corrective Actions and Schedules**: Within 120 days, Transfort must submit to the FTA Headquarters Civil Rights Equal Opportunity Specialist documentation that it has conducted transit monitoring, in accordance with FTA Circular 4702.1A.

**VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS**

| **Title VI Requirements For Transit Providers** | **Findings** | **Description of Deficiencies** | **Corrective Action(s)** | **Response Days/Date** | **Date Closed** |
| --- | --- | --- | --- | --- | --- |
| **GENERAL REQUIREMENTS** | | | | | |
| 1. Inclusive Public Participation | ND |  |  |  |  |
| 1. Language Access to LEP Persons | D | Lacking assessment or provisions for LEP persons | Transfort must submit to the FTA Region VIII Civil Rights Officer a Language Assistance Plan that includes all the required elements in accordance with the guidance in FTA Circular 4702.1A. | 120 Days | 2/19/10 |
| 1. Title VI Complaint Procedures | ND |  |  |  |  |
| 1. Record of Title VI Investigations, Complaints, and Lawsuits | ND |  |  |  |  |
| 1. Notice to Beneficiaries of Protection Under Title VI | ND |  |  |  |  |
| 1. Annual Title VI Certification and Assurance | ND |  |  |  |  |
| 1. Environmental Justice Analysis of Construction Projects | D | Incomplete Title VI Environmental Justice Analysis | Transfort must submit to the FTA Region VIII Civil Rights Officer an environmental justice analysis for the Mason Corridor Project that includes all the required elements in accordance with the guidance in FTA Circular 4702.1A. | 120 Days | 2/19/10 |
| 1. Submit Title VI Program | ND |  |  |  |  |
| **PROGRAM-SPECIFIC REQUIREMENTS** | | | | | |
| 1. Demographic Data | ND |  |  |  |  |
| 1. Systemwide Service Standards and Policies | D | Service standards and/or policies lacking | Transfort must submit to the FTA Civil Rights Equal Opportunity Specialist systemwide service standards and policies that are being utilized by Transfort to guard against discriminatory service design or operations decisions, as required in FTA Circular 4702.1A. | 120 Days | 2/19/10 |
| 1. Evaluation of Service and Fare Changes | D | Impact of fare and/or service changes not adequately examined | Transfort must submit to the FTA Civil Rights Equal Opportunity Specialist:   * Revised Service Change Policy to conduct equity evaluations of service and fare changes, as required in FTA Circular 4702.1A. * Written equity evaluation of the impact of the service change resulting from the implementation of the Mason Express Bus Rapid Transit project. | 120 Days |  |
| 1. Monitoring Transit Service | D | No procedures for monitoring level or quality of service | Transfort must submit to the FTA Civil Rights Equal Opportunity Specialist documentation that it has conducted transit monitoring program, in accordance with FTA Circular 4702.1A. | 120 Days |  |

Findings at the time of the site visit: ND = No Deficiencies; D = Deficiency; NA = Not Applicable;

NR = Not Reviewed; AC = Advisory Comment

**VIII. A**TTENDEES

| **NAME** | **TITLE/**  **ORGANIZATION** | **PHONE** | **E-MAIL** |
| --- | --- | --- | --- |
| **GRANTEE – Transfort** | | | |
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| **AGENCY – Federal Transit Administration (FTA)** | | | |
| Rebecca Ubando Tanrath  (via telephone) | Region VIII Regional Civil Rights Officer | 720-963-3313 | [rebecca.tanrath@dot.gov](mailto:rebecca.tanrath@dot.gov) |
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1. Per the 2000 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories. [↑](#footnote-ref-1)
2. This represents the LEP population of the City of Fort Collins and Larimer County, not the Transfort service area. At the time of the Compliance Review, Transfort had not calculated the LEP population in its service area. [↑](#footnote-ref-2)