

APPENDICES

APPENDIX A

CIVIL RIGHTS REQUIREMENTS

29 u.s.c. § 623, 42 u.s.c. § 2000

42 u.s.c. § 6102, 42 u.s.c. § 12112

42 u.s.c. § 12132, 49 u.s.c. § 5332

29 CFR Part 1630, 41 CFR Parts 60 et seq.

Civil Rights

The following requirements apply to the underlying contract:

- (1)** Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. §2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. §6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. §12132, and Federal transit law at 49 U.S.C. §5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
- (2)** Equal Employment Opportunity - The following equal employment opportunity requirements apply to underlying contract:

 - (a)** Race, Color, Creed, National Origin, Sex - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. §2000e, and Federal transit laws at 49 U.S.C. §5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq. (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. §2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.
 - (b)** Age - In accordance with section 4 of the Age Discrimination in Employment
 - (c)** U.S.C. §5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(d) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. §121112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary, to identify the affected parties.

Executed this 5th day of May 2022.

By

Suzette Mallette, Executive Director
NFRT & AQPC

ATTEST:

Merideth Kimsey, Accounting Manager
NFRT & AQPC

**NORTH FRONT RANGE TRANSPORTATION
& AIR QUALITY PLANNING COUNCIL
(NFRT & AQPC)
ANNUAL TITLE VI ASSURANCES
FISCAL YEAR 2021**

1. There have been no lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against the North Front Range Transportation & Air Quality Planning Council within the last fiscal year, October 1, 2020 through September 30, 2021.
2. There are no pending applications to any federal agency by the North Front Range Transportation & Air Quality Planning Council.
3. There were no civil rights compliance reviews performed on the North Front Range Transportation & Air Quality Planning Council by any local, state or federal agency during the period October 1, 2020 through September 30, 2021.
4. Title VI will be enforced by the North Front Range Transportation & Air Quality Planning Council for all contractors. All contracts with the North Front Range Transportation & Air Quality Planning Council include compliance measures that in effect, state that failure to comply with Title VI requirements will result in termination of the contract. A copy of the standard contract language regarding Title VI is on file at the MPO's office.

Date: May 5, 2022

North Front Range Transportation & Air Quality Planning Council

Suzette Mallette, Executive Director
NFRT & AQPC

ATTEST:

Merideth Kimsey, Accounting Manager
NFRT & AQPC

CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Suzette Mallette, Executive Director, hereby certify, on behalf of the North Front Range Transportation & Air Quality Planning Council, that:

1. No Federally appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal Contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying." In accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code.

Executed this 5th day of May 2021,

By

Suzette Mallette, Executive Director
NFRT & AQPC

ATTEST:

Merideth Kimsey, Accounting Manager
NFRT & AQPC

APPENDIX B



NOTICE TO BENEFICIARIES OF PROTECTION UNDER TITLE VI

Non-Discrimination Notice

The North Front Range Metropolitan Planning Organization (MPO) provides services and operates programs without regard to race, color, and national origin in compliance with Title VI. Members of the public may obtain additional information regarding the MPO's non-discrimination obligations by requesting a copy of the MPO's Title VI program.

**North Front Range Metropolitan Planning Organization
Title VI Program Coordinator
419 Canyon Avenue, Suite 300
Fort Collins, CO 80521**

For additional information on the MPO's nondiscrimination obligations or to file a complaint, please call 970-221-6243 or 800-332-0950.



This notice is provided in compliance with 49 CFR Section 21.9 (d) and is posted in a conspicuous and accessible location.



AVISO A BENEFICIARIOS DE LA PROTECCIÓN DEL TÍTULO VI

Aviso Antidiscriminatorio

El North Front Range Metropolitan Planning Organization (NFRMPO) provee servicios y opera programas sin considerar raza, color y nacionalidad de origen, en cumplimiento con el Título VI. Los miembros del público pueden obtener información adicional sobre las obligaciones antidiscriminatorias del NFRMPO solicitando una copia del programa del Título VI del NFRMPO.

**North Front Range Metropolitan Planning Organization
Title VI Program Coordinator
419 Canyon Avenue, Suite 300
Fort Collins, CO 80521**

Para más información sobre las obligaciones antidiscriminatorias del NFRMPO o para presentar una queja, por favor llame a los tels. 970-221-6243 ó 800-332-0950.



Este aviso se provee en cumplimiento con el 49 CFR Sección 21.9 (d) y? está publicado en un lugar visible y accesible.

APPENDIX C



North Front Range
Metropolitan
Planning
Organization

TITLE VI COMPLAINT FORM

This form may be used to file a complaint with the North Front Range Metropolitan Planning Organization (NFRMPO) for alleged violations of Title VI of the Civil Rights Act of 1964. **If you need assistance completing this form due to a physical impairment or other reasons, please contact us by phone at (970) 221-6243 or via FAX (970) 416-2406.** Upon request this document will be made available in alternative formats.

Only the complainant or the complainant's designated representative should complete this form.

NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
HOME TELEPHONE	WORK TELEPHONE	FAX

Individual(s) discriminated against, if different from above (use additional page(s) if necessary):

NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
HOME TELEPHONE	WORK TELEPHONE	FAX
PLEASE EXPLAIN YOUR RELATIONSHIP TO THE INDIVIDUAL(S) INDICATED ABOVE.		

Name of Agency and department or program that discriminated:

NAME		
STREET ADDRESS		
CITY	STATE	ZIP CODE
WORK TELEPHONE	FAX	

Date(s) of alleged discrimination:

DATE DISCRIMINATION BEGAN	LAST OR MOST RECENT DATE OF DISCRIMINATION
---------------------------	--

Alleged discrimination:

Complaints should be filed within 180 calendar days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180 calendar day period, you have 60 calendar days after you became aware to file your complaint.

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the bases on which you believe these discriminatory actions were taken.

Example: If you believe that you were discriminated against because you are African American, you would mark the box labeled *race/color* and write *African American* in the space provided.

- ☐ Race _____
☐ Color _____
☐ National origin _____
-

North Front Range Metropolitan Planning Organization
419 Canyon Avenue, Ste 300
Fort Collins, CO 80521
Telephone: (970) 221-6243
Fax number: (970) 416-2406
E-mail: staff@nfrmpo.org



North Front Range
Metropolitan
Planning
Organization

TITULO VI – FORMULARIO DE QUEJA

Página 1 de 3

Este formulario puede ser utilizado para presentar una queja ante el North Front Range Metropolitan Planning Organization (NFRMPO) para violaciones presunta del Título VI de la Ley de Derechos Civiles de 1964. También pueden presentarse quejas por correo electrónico enviándolas a staff@nfrmpo.org. Usted puede solicitar este documento, a petición de ésta, en un formato alternativo.

Sólo el querellante o el representante designado por el demandante debe completar este formulario.

NOMBRE		
DIRECCIÓN		
CIUDAD	ESTADO	CÓDIGO POSTAL
TELÉFONO DE LA CASA	TELÉFONO DE TRABAJO	FAX

Persona(s) que la discriminación que sufren, si es diferente del anterior (usa página(s) adicionales si es necesario):

NOMBRE		
DIRECCIÓN		
CIUDAD	ESTADO	CÓDIGO POSTAL
TELÉFONO DE LA CASA	TELÉFONO DE TRABAJO	FAX
POR FAVOR EXPLIQUE SU RELACIÓN CON EL INDIVIDUO(S) INDICADOS ANTERIORMENTE		

Página 2 de 3

Nombre de la agencia y departamento o programa que discrimina:

NOMBRE

DIRECCIÓN		
CIUDAD	ESTADO	CÓDIGO POSTAL
TELÉFONO DE LA CASA	FAX	

Fecha(s) de la supuesta discriminación:

DISCRIMINACIÓN FECHA DE INICIO	ÚLTIMA FECHA O LA MÁS RECIENTE DISCRIMINACIÓN

Supuesta discriminación:

Las quejas deben ser presentadas dentro de un plazo de 180 días naturales a partir de la supuesta discriminación. Si no es razonable esperar que para conocer el acto discriminatorio en el plazo de 180 días calendario, usted tiene 60 naturales días después de que usted dé cuenta de su denuncia.

Si su queja es entre la que respecta a la discriminación en la prestación de servicios o la discriminación que implicaba el tratamiento de usted o de otros por la agencia o departamento se ha indicado anteriormente, indique a continuación las bases sobre las que usted cree que estas acciones discriminatorias fueron tomadas.

Ejemplo: Si usted cree que fueron víctima de discriminación porque son afroamericanos, que el cheque de raza o color y escritura afroamericanos en el espacio.

- ☐ Raza _____
- ☐ Color _____
- ☐ País de origen _____

Explica:

Por favor explique lo más claramente posible lo que pasó. Proporcionar el nombre (s) de los testigos y otras personas involucradas en la supuesta discriminación. (Adjunte hojas adicionales si es necesario y proporcionar una copia de los materiales escritos relacionados con su caso.)

SIGNATURE	DATE

Nota: Las leyes puestas por este departamento prohíben las represalias o intimidación en contra de nadie, porque esa persona ha actuado bien o participado en acciones para garantizar los derechos protegidos por estas leyes. Si usted experimenta represalia o intimidación aparte de la discriminación alegada en la queja, o si tiene alguna pregunta acerca de la finalización de esta forma, por favor póngase en contacto con:

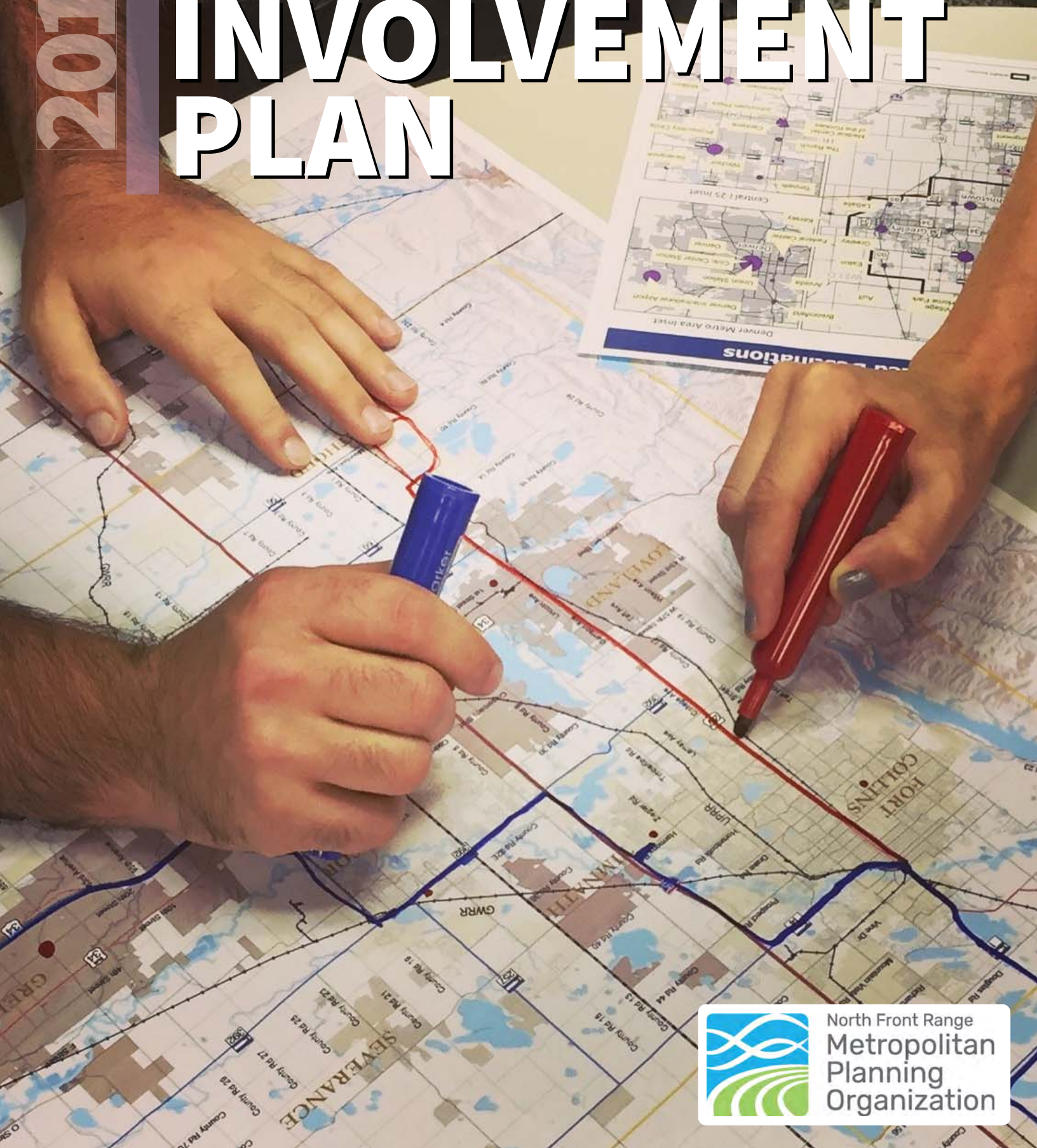
North Front Range Metropolitan Planning Organization
 419 Canyon Avenue, Ste 300
 Fort Collins, CO 80521
 Número de teléfono (970) 221-6243
 Número de fax: (970) 416-2406

E-mail: staff@nfrmpo.org

APPENDIX D

2019

PUBLIC INVOLVEMENT PLAN



North Front Range
Metropolitan
Planning
Organization

North Front Range MPO Public Involvement Plan



North Front Range
**Metropolitan
Planning
Organization**

Adopted:

March 7, 2019

Effective date:

March 7, 2019 – March 6, 2023

How to make a public comment:

Mail to: North Front Range Metropolitan Planning Organization
419 Canyon Ave, Suite 300
Fort Collins, CO 80521

Phone: (970) 221-6243

Fax: (970) 416-2406

Email: staff@nfrmpo.org

Website: <https://nfrmpo.org>

Preparation of this document has been financed in part through grants from the Federal Highway Administration, Federal Transit Administration, the Colorado Department of Transportation, and the local member communities of the NFRMPO.

**RESOLUTION NO. 2019-03
OF THE NORTH FRONT RANGE TRANSPORTATION & AIR QUALITY PLANNING COUNCIL
ADOPTING THE 2019 NFRMPO PUBLIC INVOLVEMENT PLAN (PIP)**

WHEREAS, the North Front Range Transportation & Air Quality Planning Council is designated as the Metropolitan Planning Organization (MPO) in cooperation with local elected officials and is authorized to carry out the continuing, cooperative, and comprehensive ("3C") multimodal transportation planning process as mandated by Congress in Titles 23 and 49 U.S.C.; and

WHEREAS, the Fixing America's Surface Transportation (FAST) Act and 23 CFR 450.316 require MPOs to engage in a metropolitan planning process that creates opportunities for public involvement, participation, and consultation; and

WHEREAS, the NFRMPO opened the PIP for a 45-day public comment period commencing December 19, 2018 and closing February 2, 2019, and received five comments which were incorporated into the Plan; and

WHEREAS, public input is critical to the NFRMPO transportation planning process including the Long Range Transportation Plan, the Transportation Improvement Program and the Unified Planning Work Program and is required by federal regulations (MAP-21) and state guidelines; and

WHEREAS, the PIP was first adopted in 2003, and was updated in 2005, 2008, 2011, and 2015; and

WHEREAS, the PIP defines NFRMPO's public involvement policies, tools, and evaluation measures for determining the effectiveness of the program; and

WHEREAS, the Planning Council approves the 2019 PIP and submits copies for informational purposes to the Colorado Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration; and

NOW THEREFORE, BE IT RESOLVED, the North Front Range Transportation & Air Quality Planning Council hereby agrees to adopt the 2019 PIP to guide public outreach efforts at the NFRMPO.

Passed and adopted at the regular meeting of the North Front Range Transportation & Air Quality Planning Council held this 7th day of March 2019.


Kristie Melendez, Chair

ATTEST:


Suzette Mallette, Executive Director

ACKNOWLEDGMENTS

<u>Community</u>	<u>Planning Council Representative (2018)</u>	<u>TAC Representative (2018)</u>
Berthoud	Mayor William Karspeck	Stephanie Brothers
Eaton	Mayor Kevin Ross	Gary Carsten
Evans	Mayor Pro Tem Mark Clark	Ken Martin
Fort Collins	Mayor Pro Tem Gerry Horak**	Tim Kemp
Garden City	Mayor Fil Archuleta	
Greeley	Mayor Pro Tem Robb Casseday	Will Jones
Johnstown	Councilmember Troy Mellon	John Franklin
Larimer County	Commissioner Tom Donnelly, Past-Chair	Rusty McDaniel
LaSalle	Trustee Paula Cochran	Vacant
Loveland	Mayor Pro Tem Dave Clark, Vice-Chair	Dave Klockeman, Chair
Milliken	Mayor Pro Tem Elizabeth Austin	Vacant
Severance	Mayor Donald McLeod	Mitch Nelson, Vice-Chair
Timnath	Mayor Pro Tem Aaron Pearson	Aaron Fuhrman
Weld County	Commissioner Julie Cozad	Dawn Anderson, Past Chair
Windsor	Mayor Kristie Melendez, Chair	Dennis Wagner
Transportation Commission/CDOT	Commissioner Kathy Gilliland	Karen Schneiders
CDPHE – Air Pollution Control Division	Rick Coffin, Air Quality Planner	
Non-Voting Members		Aaron Bustow, FHWA Ranae Tunison, FTA NoCo Bike & Ped Collaborative RAQC Senior Transportation Transit Agencies***
<p>* Bolded representatives are Planning Council or TAC officers.</p> <p>**Gerry Horak is the Planning Council representative for transit.</p> <p>***Transit agencies can vote if they are the alternate identified for their community.</p>		

NFRMPO Staff

Suzette Mallette, Executive Director

Crystal Hedberg, Finance Director

Becky Karasko, Transportation Planning Director

Rena Steffen, Administrative Director

Shane Armstrong, Operations Services Coordinator

Barbara Bills, Accounting Clerk I

Ryan Dusil, Transportation Planner

Alex Gordon, Transportation Planner II/Mobility Coordinator

Medora Kealy, Transportation Planner II

Merideth Kimsey, Accounting Clerk III

Sarah Martin, Transportation Planner

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Chapter 1 – INTRODUCTION

A. Purpose of the Public Involvement Plan

The purpose of the Public Involvement Plan (PIP) is to establish and document the guiding policies for the North Front Range Metropolitan Planning Organization (NFRMPO) regarding community engagement in the transportation planning process. Federal legislation requires the NFRMPO to develop and use a documented public participation plan defining a process for providing individuals, public and private transportation providers, advocates, and other interested parties with reasonable opportunities to be involved in the transportation planning process.

The NFRMPO region is growing quickly and transportation investments are a constant need, but decisions on how to address these investments should not be made in a vacuum. By adopting the *2019 PIP*, the NFRMPO can ensure the current and future transportation system reflects the needs, expectations, and desires of those who call Northern Colorado home. The *2019 PIP* is a living document based on current experiences and feedback that allows the NFRMPO to examine the success of strategies and build an integrated system of public engagement that works. Community members of all mobility and ability levels should feel welcome and engaged in the transportation planning process. The NFRMPO recognizes the need to incorporate a wide range of involvement strategies and to continuously evaluate their effectiveness to fully engage the rapidly evolving community.

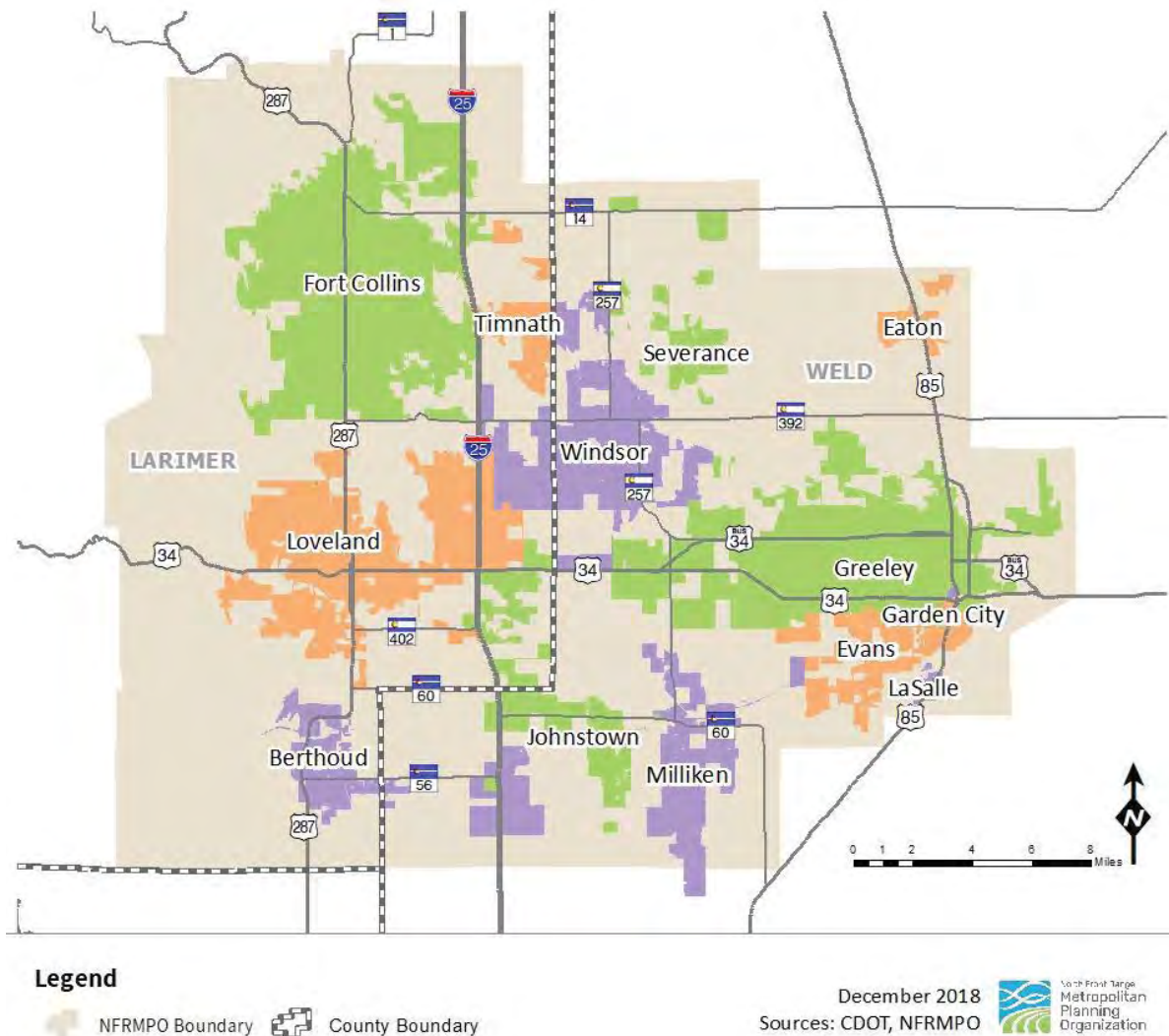
B. The NFRMPO

The NFRMPO is a regional transportation planning agency focused on the urbanized portions of Larimer and Weld counties in Northern Colorado as designated by the federal government and the Governor of Colorado in 1988. The mission of the NFRMPO is to promote and encourage regional coordination and cooperation in matters relating to transportation and transportation-related air quality planning. To achieve this mission, the NFRMPO provides a forum to identify, study, and recommend solutions to regional transportation and transportation-related air quality problems.

Federal law requires regions with populations of 50,000 or more to form metropolitan planning organizations (MPOs) like the NFRMPO and complete federal requirements to be eligible to receive federal transportation funds. The NFRMPO works with local, State, and Federal organizations and agencies to ensure the regional plans and projects developed move the region toward regionally-established goals. In addition to transportation planning, the NFRMPO is the designated lead air quality planning organization for carbon monoxide (CO) in the North Front Range. The NFRMPO works alongside the Regional Air Quality Council (RAQC) in Denver, which is the lead air quality planning organization for ozone for the Denver-North Front Range 8-Hour Ozone Nonattainment Area, which covers both the Denver Metropolitan Region and the NFRMPO region.

The NFRMPO region consists of 15 member communities, specifically 13 municipalities and portions of two counties: Berthoud, Eaton, Evans, Fort Collins, Garden City, Greeley, Johnstown, LaSalle, Loveland, Milliken, Severance, Timnath, Windsor, and portions of both Larimer and Weld counties. The NFRMPO covers 675 square miles and nearly 500,000 residents as of 2019. A map of the NFRMPO region is shown in **Figure 1**.

Figure 1: Map of the NFRMPO Region



C. NFRMPO Organizational Structure

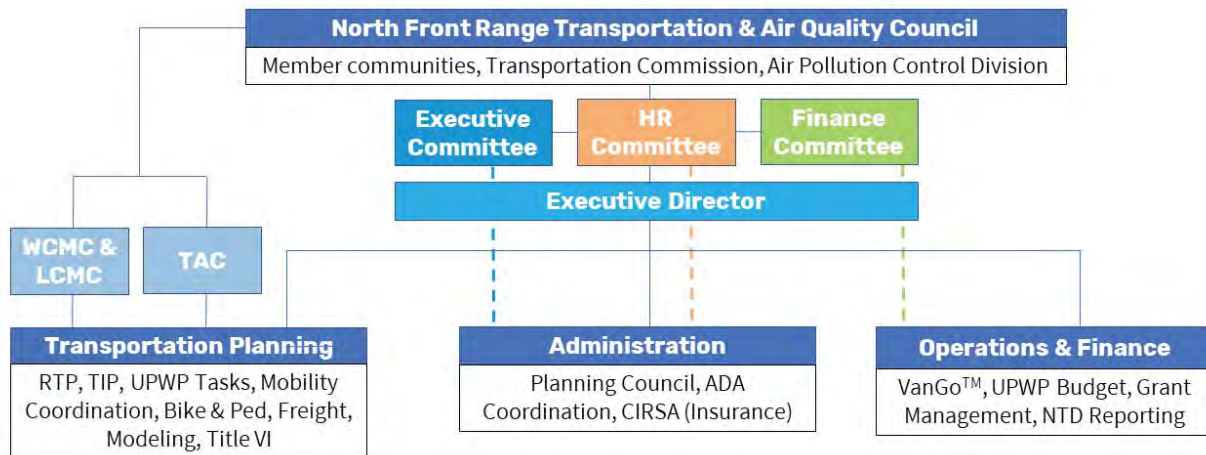
NFRMPO staff reports to the Executive Director who reports to the North Front Range Transportation & Air Quality Planning Council (NFRT&AQPC, more commonly referred to as the Planning Council). The Planning Council is explained in further detail in **Chapter 3**. NFRMPO staff are made up of two teams, the Transportation Planning Team and the Operations & Finance Team, as well as the Administrative Director. The Administrative Director, Executive Director, Finance Director, and Transportation Planning Director comprise the Management Team. An up-to-date list of staff with their contact information is available at nfrmpo.org/staff.

1. The **Transportation Planning Team** consists of Transportation Planners and the Mobility Coordinator who report to the Transportation Planning Director. The Transportation Team handles the *RTP*, *TIP*, *UPWP*, Mobility Coordination, Bike & Ped, Freight, Modeling, and Title VI.

2. The **Operations & Finance Team** consists of Accounting Clerks and the Operations Services Coordinator who report to the Finance Director. The Operations and Finance Team handle VanGo™, UPWP budgeting, grant management, and National Transit Database (NTD) reporting.

All actions of the NFRMPO are guided by the policies set by the Planning Council, which receives input from staff, boards, and committees. **Figure 2** is a flowchart which shows the relationship between the Planning Council, boards and committees, and NFRMPO staff as of December 2018. Boards and committees are explained in further detail in **Chapter 3**.

Figure 2: NFRMPO Organizational Chart



D. Legal Framework of the PIP

Public involvement has been a noted expectation in federal transportation legislation dating as far back as the *Intermodal Surface Transportation Efficiency Act* (ISTEA) in 1991. Most recently, the *Fixing America's Surface Transportation (FAST) Act*, passed in 2015, has reiterated the need for a robust public involvement program at the MPO and state levels.

In addition to overarching public outreach requirements, various Executive Orders and laws have further shaped the public outreach process.

1. The *Civil Rights Act of 1964* states “no person in the United States...can be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.
2. *Executive Order 12898* (Environmental Justice) directed federal agencies to provide minority and low-income communities’ access to public information and public participation in addition to identifying and addressing the disproportionately high and adverse human health or environmental effects of federal programs, policies, and activities on those populations.
3. Limited English Proficiency (LEP) is addressed in *Executive Order 13166*, which requires Federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

4. The *Americans with Disabilities Act* (ADA) requires public entity's facilities to be accessible to or usable by individuals with disabilities, ensuring participation in the public process.
5. The *Freedom of Information Act* (FOIA) requires federal agencies to disclose any information required under FOIA unless it falls under one of nine exemptions which protect interests.
6. *Colorado Sunshine Laws* state all meetings of a quorum of three or more members of a body at which any public business is discussed or at which any formal action may be taken must be open to the public unless an exception applies.
7. *Colorado Open Records Act* (CORA) requires all public records to be open for inspection by any person at reasonable times with some exceptions.

Title VI forms and requests for reasonable accommodations are available on the NFRMPO website at <https://nfrmipo.org/title-vi/>.

E. Relationship with the State Department of Transportation

The NFRMPO maintains a close relationship with the Colorado Department of Transportation (CDOT), both at the regional and Statewide level. CDOT's public involvement process is published in the [*Guide to the Transportation Planning and Programming Public Involvement Process*](#) document available on the CDOT website.

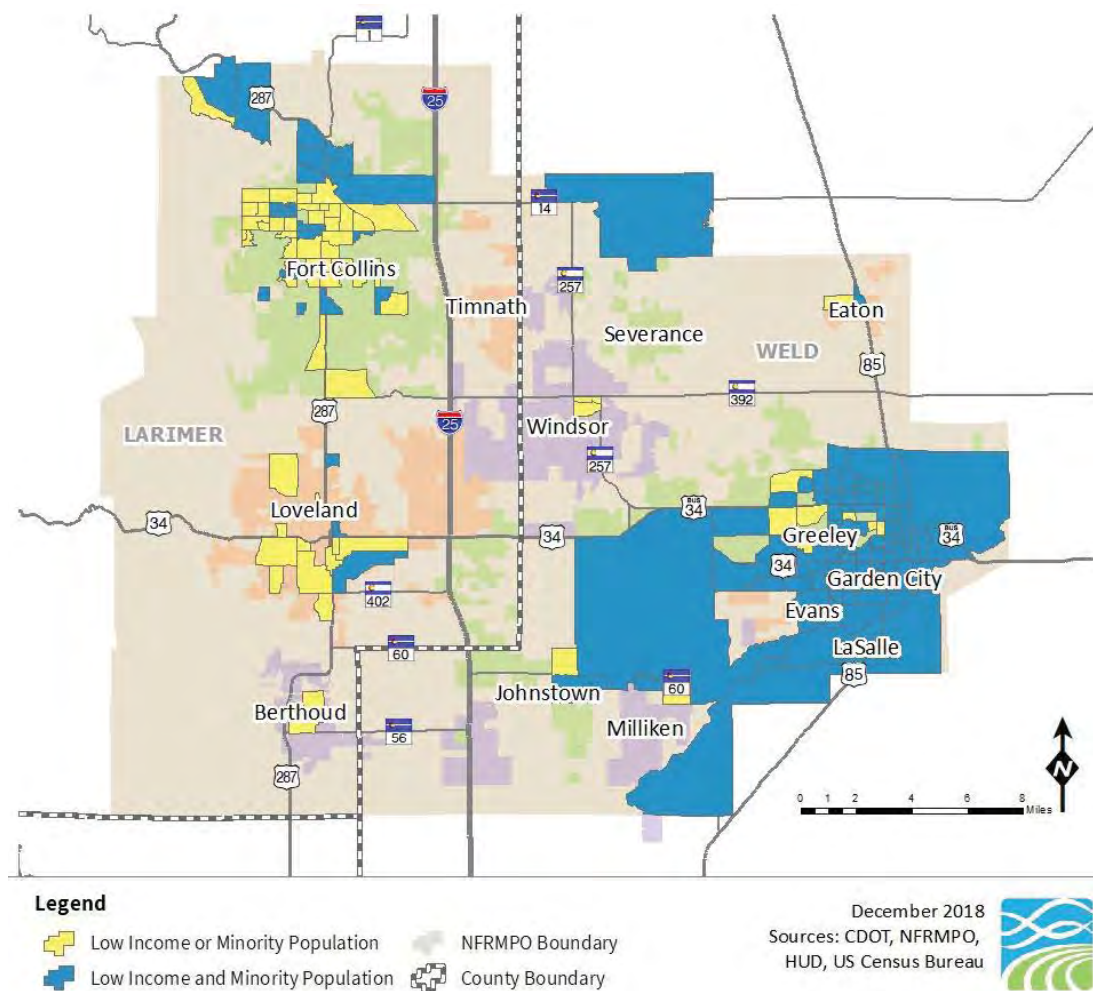
The NFRMPO is an active participant in both the Statewide Transportation Advisory Committee (STAC) and the Statewide MPO (SWMPO) meetings hosted by CDOT each month. CDOT and the NFRMPO have partnered on public meetings, telephone town halls, and other outreach opportunities within the NFRMPO region. The NFRMPO distributes CDOT public notices, announcements, and other documents to stakeholders within the NFRMPO region. Additionally, CDOT is a member of the NFRMPO Technical Advisory Committee (TAC), providing a direct interaction between CDOT, member communities, and the public. The Transportation Commission (TC) representative for the region is a member of the Planning Council.

F. Environmental Justice, Limited English Proficiency, and Special Populations

Vulnerable and protected populations are an important aspect of the NFRMPO's public involvement process. Executive Order 12898 defines environmental justice (EJ) populations as minority and low-income communities, but the NFRMPO plans to expand the definition to include additional populations. These additional populations may include Limited English Proficiency (LEP) populations, individuals with disabilities, individuals over the age of 60, and zero-car households. Specific strategies for engaging these populations are discussed in **Chapter 4**. The NFRMPO works to ensure the needs of these populations are represented in each Plan.

Figure 3 shows the EJ populations based on the federal definition of low-income and minority populations. Census block groups in yellow contain populations with populations of *either* low-income or minority populations higher than the regional average, while block groups in blue contain populations with **both** low-income and minority populations higher than the regional average. Block group data is explored in further detail in **Appendix D**.

Figure 3: EJ Populations in the NFRMPO Region



In addition to the work that will be undertaken for the EJ Plan, the NFRMPO will update its *Title VI Plan* and *LEP Plan* in 2019. These will be added as **Appendices F** and **G** when they are adopted by the Planning Council. For the most up-to-date information about the *Title VI* and *LEP plans*, visit <https://nfrmpo.org/title-vi/>.

Chapter 2 – GOALS, OBJECTIVES, AND DESIRED OUTCOMES

Setting goals, objectives, and desired outcomes means both the NFRMPO and the community understand what is expected from the transportation planning process. The following goals are based off best practice research, discussion with stakeholders and partners, the TAC, and Planning Council.

A. Goals

Goal 1: Use input to shape policies, plans, and programs.

- Provide a forum to identify, study and recommend solutions to regional transportation and transportation-related air quality problems.
- Serve as a vehicle for the collection and exchange of transportation and air quality-related information and expertise.

Goal 2: Ensure each Plan has individualized goals and objectives.

- Work with staff and community partners to personalize goals and objectives for each Plan.
- Use these goals and objectives as part of the evaluation process explained in **Chapter 4**.

Goal 3: Be a representative of the region.

- Represent the members of the public on matters of regional and municipal transportation and transportation-related air quality concerns.
- Develop and formalize policies involving regional transportation and transportation-related air quality planning and coordination of federal and state funding assistance based on feedback from the public as outlined in the Public Involvement Plan.

Goal 4: Communicate effectively.

- Provide the organizational framework to ensure effective communication and coordination.

Goal 5: Create and enhance partnerships.

- Create and enhance partnerships with local, State, and Federal agencies, advocacy groups, educational groups, public and private transportation providers, and other interested parties to enhance the NFRMPO public outreach network.

Goal 6: Evaluate the success of public outreach.

- Evaluate the tools, strategies, and feedback received for inclusion in plans and programs.
- Maintain a dialogue with partners to ensure proper strategies are being used and to enhance partnerships.
- Relate outcomes to established goals and objectives.

B. NFRMPO's Desired Outcomes

The NFRMPO expects:

- Plans, studies, and other NFRMPO actions will reflect the concerns, needs, and vision of the public.
- A cross-section of the region's population is represented, including protected and underserved populations.
- To maintain an open dialogue with residents and commuters throughout the public participation process.

- To work with key stakeholders, members of the public, and member jurisdictions to coordinate participation during the planning process.
- Each strategy will be evaluated on a timely basis.

C. Desired Outcomes for the Public

The public expects:

- Open, accessible, and transparent information as part of the planning process.
- Their opinions, values, and needs are important to the planning process; however, this does not guarantee the plan will incorporate everything identified. Issues with fiscal constraint, rights-of-way, and/or other conflicts can hinder implementation.
- Reasonable accommodations regarding meeting locations, technology, and translation services to ensure all populations feel welcome and engaged in the planning process.
- Strategies which are tailored for specific populations, and are evaluated on a timely basis to ensure success.

Chapter 3 – ENGAGING IN THE PLANNING PROCESS

Residents know the inner workings of their communities better than any staff at the NFRMPO, and the NFRMPO wants to work with community members to ensure regional plans reflect that. Communities are made up of people with different thoughts, ideas, and opinions based on real-world experience, not federal regulations or technical analysis. Community members are an integral part of the transportation planning process and should therefore have opportunities to comment on the major plans and products of the NFRMPO. The NFRMPO region is becoming increasingly diverse so NFRMPO staff wants to ensure all populations are included. Underserved populations like older adults, college students, low-income, minority, individuals with disabilities, and zero-car households should feel part of the public outreach process and that their input was considered and implemented.

This section provides schedules, comment opportunities, and information on how members of the public can be actively engaged in the transportation planning process. With these strategies, the public will be engaged early and often, with an understanding of how their feedback will be incorporated into the planning process. Active participation by a range of stakeholders improves the understanding of different viewpoints, different needs and concerns, and helps to identify common goals.

The NFRMPO has three major deliverables: the *Unified Planning Work Program* (UPWP); the *Transportation Improvement Program* (TIP); and the *Regional Transportation Plan* (RTP). The *UPWP* sets out the activities of the NFRMPO over two fiscal years; the *TIP* documents transportation funding and investments over a four-year period; and the *RTP* guides transportation investments over the next two decades based on established visions and goals. In addition, the NFRMPO also produces other documents and plans, which have different expectations and processes. These are explained further in this chapter.

All Plans are taken to the TAC or Mobility Committees and recommended for Planning Council adoption or approval. Comments from the public, TAC, and Mobility Committees are taken into consideration before the Plans are adopted by the Planning Council. Members of the Planning Council are made aware of all public comment, which is included as an appendix in each Plan.

All meeting materials are posted to the NFRMPO website: <https://nfrmpo.org/meeting-materials/>. NFRMPO staff work to make sure the NFRMPO website is the most dynamic, up-to-date resource for the public. Visit <https://nfrmpo.org/>.

Figure 4: Boards and Committees Infographic

NFRMPO Meetings

Planning Council

The North Front Range Transportation & Air Quality Planning Council ("Planning Council") is made up of appointed persons from each of the 15 communities in the region, the Transportation Commission, and the Colorado Department of Public Health and Environment (CDPHE). The Planning Council sets the policy for the agency, approves and adopts plans, and is the lead air quality planning agency for carbon monoxide in Northern Colorado. The Planning Council also provides guidance on air quality planning related to ozone.

- Meets the first Thursday of each month
- Location changes each month
- Public comment period at beginning of each meeting
- nfrmpo.org/planning-council/

Technical Advisory Committee (TAC)

The NFRMPO TAC is made up of planning, engineering, transit, and other technical staff from each of the 15 communities in the region as well as non-voting members from the Regional Air Quality Council, CDPHE, and the senior community. TAC makes recommendations to Planning Council based on technical expertise and recommendations from NFRMPO staff.

- Meets the third Wednesday of each month at the Windsor Recreation Center
- Public comment period at beginning and end of each meeting
- nfrmpo.org/tac/

Larimer County Mobility Committee

nfrmpo.org/mobility/committees

The LCMC meets on the third Thursday of odd-numbered months at the NFRMPO office to discuss transit and mobility issues facing older adults and individuals with disabilities and to build partnerships between agencies in Larimer County. Members include transit agencies, human service agencies, advocates, and private transportation providers. Public comment is scheduled for the beginning of each meeting.

Weld County Mobility Committee

nfrmpo.org/mobility/committees

The WCMC meets the fourth Tuesday of even-numbered months in Weld County to discuss transit and mobility issues facing older adults and individuals with disabilities and to build partnerships between agencies in Weld County. Members include transit agencies, private transportation providers, human service agencies, and advocates. Public comment is scheduled at the beginning of each meeting.

NoCo Bike & Ped Collaborative

nfrmpo.org/bike-ped/noco

The NoCo Bicycle and Pedestrian Collaborative meets on the second Wednesday of each month to discuss various topics and share information related to improving biking and walking in northern Colorado. Public comment time is available at each meeting.

Other Meetings and Materials

nfrmpo.org/meeting-materials

The NFRMPO provides staff support at the Larimer County Senior Transportation Coalition and the I-25 Funding Committee.

All NFRMPO meeting materials are posted one week prior to the meeting on the NFRMPO website.



North Front Range
Metropolitan
Planning
Organization

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✉ staff@nfrmpo.org
📅 nfrmpo.org/calendar
📱 [@nfrmpo](https://www.instagram.com/nfrmpo)
📺 nfrmpo.blogspot.com

A. Boards and Committees

The NFRMPO reports to a policy board known as the Planning Council.

Planning Council: The Planning Council is made up of elected officials from each member community as well as a representative from both the Colorado TC and the Colorado Department of Public Health & Environment (CDPHE) Air Pollution Control Division (APCD). Each member community selects one representative and an alternate to represent them on the Planning Council.

Planning Council meetings are generally held the first Thursday of the month from 6:00 - 8:30 p.m., preceded by dinner at 5:30 p.m. The meeting location rotates among communities in the region and is posted on the NFRMPO [website calendar](#). Meetings and agenda items are generally noticed the Saturday prior to the meeting in three regional newspapers: the *Coloradoan*, the *Greeley Tribune*, and the *Loveland Reporter-Herald*. Council [meeting packets](#) and agendas are posted on the [NFRMPO website](#) and distributed through a listserv, generally 10 business days prior to each meeting. The public is welcome to join the listserv by emailing rsteffen@nfrmpo.org. Meeting materials are printed and available at each meeting location with the date and location of the next meeting printed on the agenda. [Meeting minutes](#) are posted on the website immediately following their approval at the subsequent Council meeting. Opportunity for public comment is provided at the beginning of every NFRMPO Council meeting and audio recordings are available to the public by completing the NFRMPO Request to Inspect Public Records form located in [Resources](#) on the NFRMPO website.

In the event of a Special or Emergency meeting, notices will be made public as soon as practicable and follow the Colorado Open Meetings law, as defined for a State Body. Although all Council meetings are open to the public, the Council may vote to go into an Executive Session for the purpose of discussing personnel matters and meeting with attorneys representing the Council in an advisory situation, and for any other purpose authorized by and consistent with the Colorado Open Meetings Law. Executive Sessions are closed to the public. The public will be able to speak at a designated time during the open portion of these meetings; however, recordings of Executive Sessions are not available to the public.

There are three committees of the Planning Council: Executive Committee, Finance Committee, and Human Resources (HR) Committee. NFRMPO staff and representatives of the Planning Council meet to discuss issues related to these topics and make recommendations to the full Planning Council. Meetings are posted on the NFRMPO website along with agendas and meeting minutes.

In addition to the Planning Council meetings every month, NFRMPO staff reports to three committees: the Technical Advisory Committee (TAC), Larimer County Mobility Committee (LCMC), and Weld County Mobility Committee (WCMC). Public comment periods are provided at each meeting.

TAC: TAC consists of technical staff from member communities, CDOT, transit agencies, NoCo Bike & Ped Collaborative, RAQC, CDPHE APCD, FHWA, FTA, and a representative of the senior community. Meetings are held at the Windsor Recreation Center on the third Wednesday of every month. Meeting packets are uploaded to the NFRMPO website each month, one week prior to the meeting. Handouts and minutes are uploaded after the meeting. The meeting packet is distributed through a listserv one week prior to each meeting, which the public is welcome to join by emailing bkarasko@nfrmpo.org. Opportunity for public comment is provided at the beginning and end of every meeting.

LCMC: The LCMC is the Local Coordinating Council (LCC) for the portion of the NFRMPO within Larimer County, which includes the communities of Berthoud, Fort Collins, Loveland, Timnath, and portions of Windsor. Representatives from transit agencies, human service agencies, and private transportation companies provide input on mobility needs for older adults and individuals with disabilities. Meetings are held on the fourth Thursday of every other month at the NFRMPO office in Fort Collins. Meeting packets are uploaded each month one week prior to the meeting and are distributed via email through a listserv. Those wishing to be added to the distribution list should email agordon@nfrmpo.org. Opportunity for public comment is provided at the beginning of every meeting.

WCMC: The WCMC is the LCC for the portion of the NFRMPO within Weld County, which includes the communities of Eaton, Evans, Garden City, Greeley, Johnstown, LaSalle, Milliken, Severance, and Windsor. Representatives from transit agencies, human service agencies, and private transportation companies provide input on mobility needs for older adults and individuals with disabilities. Meetings are held on the fourth Tuesday of every other month and meeting locations rotate through member agencies' offices. Meeting packets are uploaded each month one week prior to the meeting and are distributed via email through a listserv. Those wishing to be added to the distribution list should email agordon@nfrmpo.org. Opportunity for public comment is provided at the beginning of every meeting.

The NFRMPO also provides staff time to the following non-NFRMPO committees in the region. Though not officially NFRMPO committees, the following meetings are important to addressing transportation issues on a regional level.

NoCo Bike & Ped Collaborative (NoCo): NoCo consists of planners, engineers, advocates, and other members of the public working to improve bicycle and pedestrian facilities in Northern Colorado communities. The group hosts trainings and promotes regional efforts. Meetings are held on the second Wednesday of each month at the Windsor Recreation Center. Meeting packets are uploaded each month one week prior to the meeting and are distributed via email through a listserv. Those wishing to be added to the distribution list should email rdusil@nfrmpo.org. Members of the public are welcome to attend and participate in each meeting.

Senior Transportation Coalition (STC): STC consists of public and private transportation providers, advocates, and older adults who wish to improve mobility for older adults in Larimer

County. The group meets the first Thursday of every other month at the South Transit Center in Fort Collins. Meeting materials are posted to the website one week prior to the meeting and distributed through an email listserv. To be added to the distribution list, contact agordon@nfrmpo.org.

I-25 Funding Committee: The I-25 Funding Committee is a committee of the I-25 Coalition, which meets monthly to discuss funding improvements to I-25 in Larimer and Weld counties. Members represent the local, state, and federal levels. Meetings are held on the first Friday of each month at the Candlelight Dinner Theater in Johnstown. Meeting materials are posted to the website one week prior to the meeting and are distributed via email through a listserv. To be added to the distribution list, contact mkealy@nfrmpo.org.

B. Air Quality Conformity

As stated previously, the NFRMPO is part of the Denver-North Front Range 8-Hour Ozone Nonattainment Area and contains two Maintenance Areas for CO (Fort Collins and Greeley). Related, the NFRMPO has additional requirements for public involvement based on air quality conformity. The RTP and TIP must ensure NFRMPO-funded projects keep the region below the allotted Motor Vehicle Emissions Budgets (MVEB). A public hearing is held for all conformity determinations, and those deemed non-routine by the APCD are presented to the AQCC for review and possible concurrence. How air quality conformity relates to each plan is explained in each of the following sections.

Figure 5: Getting Involved Infographic

Getting involved:

The North Front Range Metropolitan Planning Organization (NFRMPO) promotes regional transportation and transportation-related air quality planning, cooperation, and coordination among and between federal, state, and local governments within Northern Colorado. The NFRMPO is involved in roadway, transit, freight, bicycle and pedestrian projects and works with community stakeholders to draft plans that reflect the region's needs, expectations, and priorities.

Have your say:

Have a question about our regional transportation system or construction, want to be involved between plans, or just want to know what the NFRMPO is up to? Visit nfrmpo.org/public-involvement for an up-to-date list of ways to contact us.

We also have boards and committees which may be of interest. See the schedule of boards and committees at nfrmpo.org/calendar.

Regional Transportation Plan (RTP)

nfrmpo.org/rtp

The RTP is the long-range transportation plan for portions of Larimer and Weld counties with a two-decade timespan. It is updated every four years and has an extensive public outreach program, including a 30-day public comment period.

Transportation Improvement Program (TIP)

nfrmpo.org/tip

The TIP is updated annually and is the short-range transportation plan, identifying projects to be funded over the next four years. The TIP is amended every other month, subject to a 30-day public comment period.

Public Involvement Plan (PIP)

nfrmpo.org/public-involvement

The PIP is the NFRMPO's community engagement policy. Updated every four years, the PIP analyzes trends and evaluates the NFRMPO's prior outreach to promote strategies for a robust outreach program. The PIP goes out for a 45-day public comment period.

Other NFRMPO Plans and Programs

Here's a list of other NFRMPO plans & programs:

- Regional Transit Element (RTE)
- Non-Motorized Plan (NMP)
- Coordinated Transit Plan
- Freight Northern Colorado (FNC)
- VanGo™ Vanpooling Service

Visit nfrmpo.org for more information.



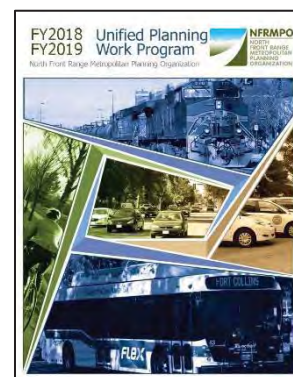
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📱 [@nfrmpo](https://www.facebook.com/nfrmpo)
📧 nfrmpo.blogspot.com

C. UPWP

The UPWP guides the transportation planning work for the NFRMPO. This document identifies tasks that specify work products and funding sources at the NFRMPO, its member governments, and to CDOT. Beginning in February of each year, a proposed budget for UPWP for the fiscal year commencing the following October 1 is prepared in coordination with the NFRMPO staff, along with input from CDOT's Division of Transportation Development (DTD) and CDOT Region 4 representatives. Once completed, the UPWP budget is approved by the Finance Committee of the NFRMPO Planning Council and the work tasks are recommended by the TAC. The budget includes tasks, proposed expenditures, and the funding sources. The Planning Council adopts the full UPWP in June by formal resolution.

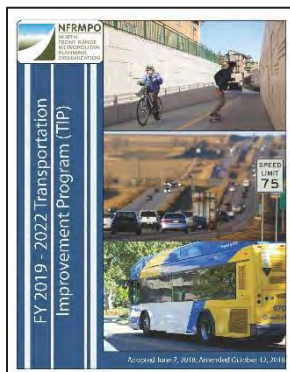


Schedule: The UPWP is updated every year on a rolling basis. Projects are solicited from communities and discussed at TAC meetings.

How to get involved: The UPWP is posted on the NFRMPO website and provided in the TAC packet. The UPWP will be released for 30 days for public comment once tasks and budgets are drafted by the appropriate committees.

Comment period: 30 days

D. TIP and TIP Amendments



The Transportation Improvement Program (TIP) identifies the surface transportation projects and activities to be funded in the NFRMPO area over a four year time period. The TIP includes roadway, transit, bicycle, and pedestrian improvements that are federally funded or regionally significant. TIP projects are included in CDOT's Statewide TIP (STIP) as are State-funded projects and projects from all of the Colorado MPOs and Transportation Planning Regions (TPRs). The NFRMPO TIP is updated annually to align with the STIP.

Each year, the draft TIP is sent to TAC in March, and released for a 30-day public comment period in April. Based on public comment, the TIP is expected to be adopted in May.

TIP Amendments are processed on a bimonthly schedule and have a 30-day public comment period. The comment period begins when the TAC packet is released and uploaded to the website, typically the second Wednesday of the month. In addition, the public comment period is announced on the home page of the website. The TAC provides a recommendation to the Planning Council on approval of the TIP Amendment and Planning Council Action occurs at the next scheduled meeting. Oftentimes, the 30-day public comment period closes after Planning Council Action. If public comment is submitted following approval of the TIP Amendment by Planning Council, the approval is voided, and the Amendment must return to the TAC and Planning Council for Action. TIP Amendments may trigger conformity re-determinations, while a new TIP requires a conformity determination.

Schedule: The TIP is updated annually. Projects are solicited from communities and discussed at TAC meetings. Amendments are solicited every other month as explained in the TIP Narrative.

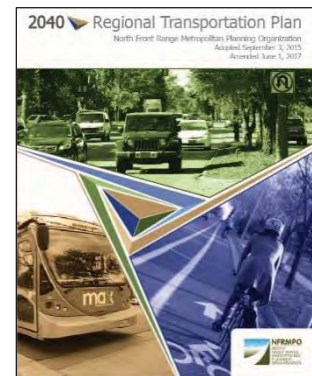
How to get involved: The TIP Amendment is uploaded as part of the TAC packet and the TIP is uploaded to the NFRMPO website at nfrmpo.org/tip.

Comment period: The TIP and TIP Amendments have 30-day comment periods.

E. RTP

The RTP is a federally-mandated plan for MPOs and includes a long-term transportation vision for the region. The RTP summarizes the existing transportation system: roadways, transit, bicycle and pedestrian infrastructure, the environment, and includes a fiscally-constrained corridor plan for the future. The RTP is updated every four years and includes an extensive public involvement process.

RTP amendments are completed on an as-needed basis, generally once a year. Member communities or CDOT request the NFRMPO complete an RTP amendment, which require a full solicitation for new or updated projects, which may necessitate an air quality conformity determination. The RTP amendment is released for public comment and a public hearing on the air quality conformity is held prior to Planning Council adoption. The RTP amendment process is expected to be updated with the *2045 RTP*, where it will be documented. RTP Amendments may trigger conformity re-determinations, while a new RTP requires a conformity determination.



Schedule: The RTP is updated every four years. The next RTP is anticipated to be adopted in September 2019.

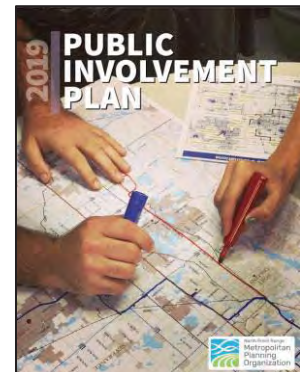
How to get involved: RTP public outreach begins approximately one year before the anticipated adoption of the Plan. Outreach opportunities will be posted on the NFRMPO website, discussed at TAC meetings, and occur throughout the region. Check nfrmpo.org/rtp for more information.

Comment period: The RTP has a 30-day comment period.

F. PIP

The NFRMPO updates its PIP every four years, in line with the RTP update. The purpose of the PIP is to establish and document the guiding policies for the NFRMPO regarding community engagement in the transportation planning process. Ideas and guidance are solicited from best practices across the country, recommendations by FHWA, FTA, CDOT, and local stakeholders. The PIP establishes an evaluation process, goals and objectives, and strategies for each Plan as well as for the planning process overall. The document is one of the three key deliverables of the NFRMPO.

Schedule: The PIP is updated every four years.



How to get involved: The PIP is released for a 45-day public comment period and taken for discussion to the TAC. A draft PIP will be uploaded to the NFRMPO website and sent out to NFRMPO listservs.

Comment period: The PIP has a 45-day comment period.

G. Other NFRMPO Plans

The NFRMPO produces several plans, including the *Coordinated Public Transit/Human Services Transportation Plan*, *Freight Plan*, *Non-Motorized Plan*, *Transportation Profile*, and the *Regional Transit Element*. These plans generally have 30-day public comment periods, which are announced at TAC meetings and via the NFRMPO website.

H. VanGo™

The VanGo™ program is a commuter-based transportation program based out of the NFRMPO. Using seven-passenger vans purchased with State and Federal funds, the vans provide service between the NFRMPO region and communities within the Boulder and Denver metropolitan areas. The key opportunity for public involvement is fare increases, which are announced in October of the years they will happen, discussed at Planning Council meetings in October and November, and adopted in December based on public input. A public hearing is held at a Planning Council meeting and is announced via the VanGo™ email list, on the NFRMPO website, and via partner agencies as needed.



Schedule: VanGo™ fare increases are scheduled as needed.

How to get involved: All VanGo™ information is available on VanGo™ website: vangovanpools.org. VanGo™ commuters receive newsletters twice a year, have one safety meeting per year to discuss the program and safety, and receive emails via a listserv as needed. There is also an annual survey distributed to members after the Safety Meeting.

Partnerships with Colorado State University, University of Colorado – Boulder, the City of Boulder, Smart Commute Metro North, and Commuting Solutions expand the reach of the program. NFRMPO staff provides fare cards and brochures about the program at community events throughout the year.

Comment period: There is a 30-day public comment period for fare increases.

Chapter 4 – STRATEGIES

A diverse population requires a diverse toolkit of outreach techniques. The NFRMPO provides a variety of methods for reaching out to the public for comments, considering the range of availabilities, needs, and concerns. The NFRMPO tailors its public participation process for each audience. In addition to the techniques described in the following sections, NFRMPO staff will speak to the public using language, concepts, and images that are widely understandable. Making sure these concepts are understood by the public is key to the public involvement process.

The following are a range of activities the NFRMPO has used previously or plans to use in future public outreach efforts.

A. Public Comment Periods

During each Planning Council and TAC meeting, members of the public are given the opportunity to comment on the items for action before the respective body. Dates, agendas, and packets for these events are posted on the NFRMPO website prior to each meeting (nfrmpo.org).

Public comments are requested on a variety of NFRMPO activities. The NFRMPO will provide a reasonable number of calendar days for public input, typically 30 days. Federal and state requirements may influence the length of the public comment period. The TIP, RTP, RTE, and this PIP will also be provided for an appropriate public comment period. Public comment periods lengths are listed by document in **Table 1 of Chapter 3**.

The NFRMPO appreciates and welcomes all public comments. Staff review all public comments received. Comments are part of the public record and are published in the final documents.

B. Internet and Media

The NFRMPO maintains an online and print presence. Currently, the NFRMPO maintains Facebook, Instagram, LinkedIn, and Twitter accounts (@NFRMPO), a blog (nfrmpo.blogspot.com), and a website (nfrmpo.org). The website was overhauled in 2016 with minor



updates taking place since then, making it more user-friendly, interactive, and intuitive. It is updated by staff with plans and studies, as well as the meeting packets and minutes for TAC, Council, and other public meetings. Staff updates the blog with interesting and relevant transportation articles and items, including public meetings, local events, and air quality

reports. Twitter is used to update followers on new blog posts, air quality updates and alerts, upcoming meetings, and important links. Internal policies guide staff on what information is provided and how it is presented. Important updates such as meeting information, meeting minutes, air quality reports, and important transportation news items are updated on these media platforms on occasion.

The NFRMPO produces three newsletters:

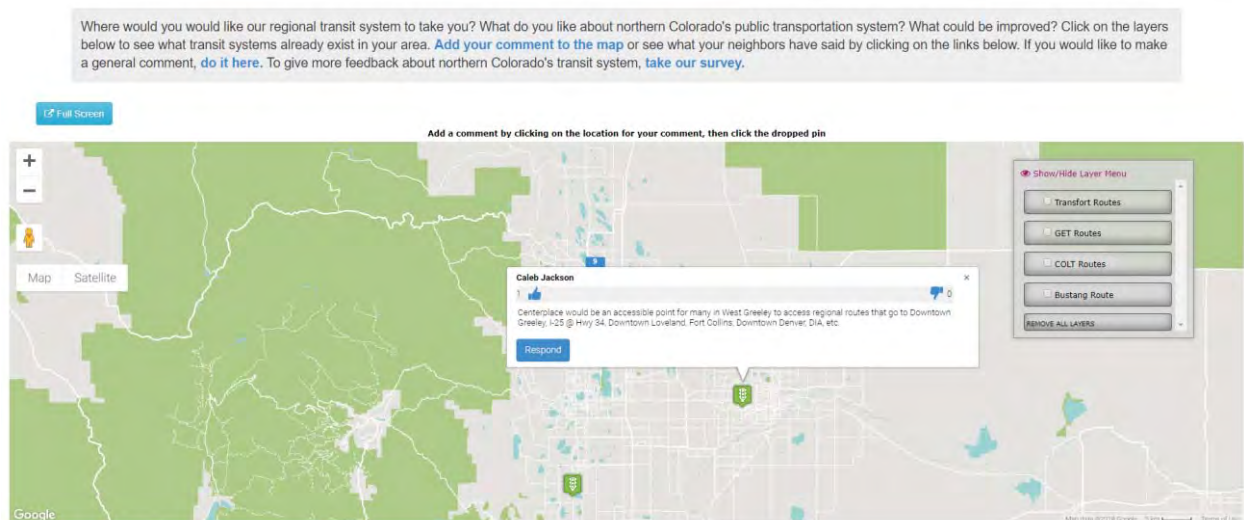
- *On the Move* is published quarterly and made available on the NFRMPO's website and via email. Information on how to sign up for the newsletter is available on the website. The newsletters contain articles about upcoming NFRMPO events, partner agency information, and other transportation-related information, while also providing updates about construction projects and important meeting dates.
- VanGo™ publishes the *GOing Forward* newsletter twice per year. Available through the VanGo™ website and via email, the newsletter provides updates about safety, upcoming events, driving tips, and other useful information for current and potential users of VanGo™.
- Mobility Coordination produces a quarterly newsletter, which includes information about mobility in the region and both Mobility Committees.



The NFRMPO also uses newspaper and other relevant print media to advertise public meetings. Mobility Coordination, VanGo™, and the Transportation Planning Team maintain a list of local media outlets for public notices. The lists are meant to reach impacted populations while broadcasting to as large an audience as possible.

Community Remarks® uses Geographic Information Systems (GIS), Google Maps, and other staff-created maps to allow the public to comment on projects. The public has the option to “vote up” or “vote down” on comments. Future versions of the software will require commenters to explain negative comments and “down votes”. Without receiving duplicate comments, staff can start to see how the public respond to certain ideas. This service was used in the NFRMPO’s *2040 RTP* outreach and can be reached via the NFRMPO’s website. An example comment is shown in **Figure 6**.

Figure 6: Screenshot of CommunityRemarks®



C. Outreach

To understand the needs of the public, the NFRMPO acknowledges it must engage the public as much as possible. Through public engagement, the NFRMPO can gauge interest and approval as well as receive input on the NFRMPO's plans and processes. Some methods the NFRMPO uses regularly include public meetings, working groups, staffing tables at community events, and giving presentations at local community meetings and events.

To enhance the reach of public involvement, the NFRMPO maintains relationships with local translators who are available for public meetings and document translation for the region's LEP population. These services may be requested by contacting NFRMPO staff at least 72 hours prior to a scheduled meeting and will be provided when a meeting/event is held in an LEP community.

NFRMPO staff will typically attend community events to increase the number of public interactions. These events allow NFRMPO staff to have friendly interactions in a relaxed, family-friendly setting. At these events, NFRMPO staff will enact the following strategies:

- **Transportation Trivia** – a fun, no-stress way to teach community members about transportation (transit, bike/ped, roadways) and air quality. This is a family- and kid-friendly tool which opens the doors for conversation.
- **Retractable banners and posters** – eye-catching posters like maps and banner bugs can start conversations and have been successful for VanGo™ and Simple Steps, Better Air, the ozone education program from RAQC.
- **Surveys** – after conversations or for those who are less willing to talk, surveys can be a helpful tool to get feedback in a directed way. Surveys should be displayed prominently and be a natural next step with no pressure. Surveys should be available in English and Spanish.
- **Informational items** – brochures, VanGo™ fare cards, the Ozometer, which shows the day's air quality status, and other informational items produced by the NFRMPO or partner agency (like RAQC) should be displayed on the table at events. These can allow community members to learn at their own pace. Contact information is readily available if there are questions or concerns.
- **Promotional items** – VanGo™, Simple Steps, Better Air, and the NFRMPO all have promotional items that can be given away. Examples of these promotional items are: balloons, activity books and crayons, tote bags, pens, lollipops, and seed postcards.





When interacting with the public, the NFRMPO will provide materials and handouts which visualize, explain, and are relevant to the plan or study being presented. Materials can include maps, charts, graphs, illustrations, and/or presentations. These materials should be easy for the public to understand and should illustrate and enhance the key points of the presentation. Materials will be available both during and after meetings and events by request and online.

Realizing the difficulty in reaching all interested parties at once, the NFRMPO will provide alternatives for those who cannot attend meetings. Events such as Telephone Town Halls provide access to meetings for those who cannot attend in-person, allowing them to call, or be called by, a designated phone number where they can listen to the presentation, ask questions, and participate in surveys. Some services also allow attendees to leave messages after the event ends, providing an opportunity to ask questions, provide input, and receive responses.

D. Partnerships

The planning process involves more than just the NFRMPO and community members and requires the NFRMPO to work with other public agencies to tackle major regional issues. For example, while working



on the Statewide Transit Plan, CDOT initiated a transit survey to Older Adults and Adults with Disabilities. Once completed, CDOT provided the results to the NFRMPO. The NFRMPO expects to maintain and expand these relationships for future opportunities.

The NFRMPO should continue working with local governments and other organizations when a member agency is doing outreach. This provides the NFRMPO with an understanding of what is happening at the local level and provides the public additional opportunities to understand what the NFRMPO is doing. The NFRMPO can provide the local agency with supplementary outreach tools and can spread awareness of such events. For example, the NFRMPO attended an event at La Familia in Fort Collins, providing surveys in Spanish at an employment fair.

Further, local communities consistently provide input to the NFRMPO. Elected officials and municipal staff participate in their own public involvement processes and bring the results to the attention of the NFRMPO. One tool the NFRMPO uses are the region's local Transportation Boards, which provide transportation input to the various City Councils. Receiving this input from municipal staff and elected officials allows staff to incorporate it into plans, ensuring the local municipalities provide valuable insight, and guarantee a continued conversation.

E. Involving Environmental Justice (EJ) and LEP Populations

The NFRMPO takes its interactions with EJ and LEP populations seriously, ensuring low-income and minority residents have opportunities to participate in the transportation planning process. NFRMPO staff aims to expand community outreach, identify new strategies, and build relationships within the region. The NFRMPO maps EJ populations using up-to-date American Community Survey (ACS) data,

The NFRMPO has identified the following methods for addressing barriers to participation.

- 2045 Regional Transit Element Survey - Spanish
- Cada cuatro años, la Dirección de planeación metropolitana de la zona norte del Estado (según prioridad) realiza la Encuesta Regional de Transporte Pública de larga distancia (Regional Transit Element, o RTE) para el año 2045 cuando se anticipa la apertura y el diseño para hacer movimientos de personas por un sistema de transporte público regional, incluso en el futuro, dentro del área marcada en negro en el siguiente mapa.
- Instrucciones: Por favor, conteste las siguientes preguntas con la mayor exactitud posible. Si está considerando viajar de alguna manera, please complete una encuesta por separado con sus propias respuestas.
-
1. Por favor, anote el código postal de su domicilio.
2. Por favor, marque en que comunidades trabaja, va de compras, se divierte, etc.
- | Comunidad | Trabajo | Compras | Recreación | Otro |
|---|---------|---------|------------|------|
| Belmont | | | | |
| Latham | | | | |
| Petaluma | | | | |
| Castroville | | | | |
| Geary | | | | |
| Albion | | | | |
| Lafayette | | | | |
| Livermore | | | | |
| Pittsburg | | | | |
| San Ramon | | | | |
| Tiburon | | | | |
| Walnut | | | | |
| Zona no incorporada en el condado de Latham | | | | |
| Zona no incorporada en el condado de Merced | | | | |
| Otro | | | | |

F. Future Techniques

- Services like Textizen take advantage of how connected the world can be. NFRMPO staff could post a question on a flyer and receive a response from anyone with a cellphone capable of

sending a text message. Posting these flyers in universities, on transit, in community centers, and in libraries means a large portion of the community can be reached. These types of services may work better for those who cannot attend meetings or who do not wish to comment in public setting.

- Telephone Town Halls offer members of the public who cannot attend meetings in person an opportunity to listen, comment and ask questions. NFRMPO staff worked with CDOT on one Telephone Town Hall in May 2014, with a large turnout. NFRMPO staff should consider this option for larger projects.
- Web Developers have come up with a range of interactive games that the public can play. One such game, Community PlanIt, allows the player to compete in timed missions, earn awards, collect coins, and pledge them to real-life causes. These causes can be a specific project like intersection safety improvements or additional transit. This interactive game provides a fun way to understand the public's needs.
- A number of services take advantage of crowdsourcing information, similar to Wikipedia. The community pages allow people to post issues, comment on other's suggestions, and to have a direct conversation about issues in their neighborhood, city, and/or region. Municipalities have used these services to find out about traffic problems, potholes, snow removal, and other issues important to the public.
- Stream NFRMPO-led meetings to increase participation. By streaming the meetings, the NFRMPO can engage people who cannot attend in person.
- Work with local and statewide transit agencies to provide on-board transit outreach including surveys, questionnaires, or material dissemination related to NFRMPO activities.
- Expand EJ and other vulnerable population analysis, including using social determinants of health in identifying key populations and meeting locations.

NFRMPO staff will continue to research new techniques and technologies, and continue to build relationships with residents, local communities, stakeholders, and agencies.

Chapter 5 – EVALUATION

No process is perfect – technology, expectations, populations, and strategies are constantly changing. NFRMPO staff must evaluate the public involvement process on a consistent basis to ensure community engagement is working to the best of its ability. This will be both an internal and external effort. With each plan, NFRMPO staff will define its expectation for success; at the adoption of the Plan, NFRMPO staff will evaluate how the expectations were met or not met.

The NFRMPO will perform an extensive analysis of the public outreach process every two years. The analysis will consider the following questions and processes, and the results of this analysis will be reported out to both TAC and Planning Council. Based on discussions at these two meetings, NFRMPO staff will consider amending the *PIP*.

A. Evaluation Process

In evaluating the public outreach process, NFRMPO staff will take the following steps:

- Draft goals and objectives for each plan prior to holding events or enacting strategies as a basis for evaluation.
- Assess the number of activities held, the number of notices sent, and the number of people who participated.
 - Were enough activities held to attract the highest number of participants? Were they the right type of activities? Were they held where the underrepresented populations live or gather? Were there unforeseen circumstances staff can avoid in the future?
 - Did online activities engage more than participant meetings?
- Obtain feedback from the public to understand if the public felt heard and represented.
- Review the effectiveness of the public input in plans and studies.
 - Staff will ensure public input is considered and incorporated, as applicable and appropriate, into final plans, studies, and documents.
- Review why and how certain techniques worked and why certain events or techniques had more participants.
- Evaluate its trust and respect within the community.
 - Knowing not everybody can participate and not every comment can be incorporated, does the NFRMPO do a good job of being fair and open with the public at all times?

B. Evaluation of NFRMPO Outreach

The NFRMPO has begun distributing a survey, either verbally or in written form, to evaluate interactions with the public. The survey asks the following questions:

- Have you heard of the NFRMPO before? If so, how did you hear about the NFRMPO?
- How do you like to receive information?
- Where do you live?
- Where do you work?
- How do you usually get to work?
- Demographic data (optional)

This information allows the NFRMPO to adjust public outreach policies based on the survey responses. If more people prefer to receive information via Facebook or through the newspaper, for example, then the NFRMPO will invest more time and effort into these methods. A similar survey will be distributed at public outreach events for individuals to respond to NFRMPO methods, ask questions, and provide feedback.

C. Evaluation of Plan-Based Outreach

NFRMPO staff will be proactive in setting goals and objectives for each plan. These goals and objectives will allow the NFRMPO to understand the desired outcomes and help choose the appropriate and corresponding strategies. These goals and objectives will be the basis for any evaluation done.

The NFRMPO analyzes all public outreach received as part of its planning process. Themes are included in each Plan either as a separate chapter or as an appendix. Based on this, NFRMPO staff can better understand where gaps exist and make notes for the next iteration of the Plan.

D. Annual Evaluation

The NFRMPO produces an Annual Report each year, distributed to stakeholders and at public outreach events. This Annual Report can add in an evaluation of public outreach throughout the year. In this section of the Annual Report, the NFRMPO can highlight:

- Number of interactions;
- Number of events;
- Responses to surveys; and
- Most common concerns.

E. Reporting to the Public

Internal evaluations cannot be considered useful if they are not shared with the public. NFRMPO staff will share evaluations of the public involvement process in the following ways:

- Inclusion in the NFRMPO's Annual Report;
- Annual discussion with TAC and Planning Council and a formal analytical discussion every two years;
- In each plan as an introductory section and appendix;
- Posting to the NFRMPO website; and,
- By request.

Table 1: Public Involvement Evaluation Matrix

<u>Involvement Tool</u>	<u>Metrics</u>	<u>Evaluation and Purpose</u>
Website	<ul style="list-style-type: none"> • Visits • Common searches • Number of document downloads • Most visited pages 	The NFRMPO website is the key tool used for public outreach, containing the most up-to-date documents, meeting schedules, meeting materials, and contact information.
Social media (Facebook, Twitter, Blog, Instagram, CommunityRemarks®)	<ul style="list-style-type: none"> • Number of annual site visits • Number of new followers • Comments received by users • Analytics, including Facebook likes and shares, retweets, success of Facebook promotion, blog comments, Instagram likes 	This information is used primarily to address the reach of social media outreach. If numbers fall compared to earlier years, then NFRMPO staff should address potential reasons and fixes.
Meetings	<ul style="list-style-type: none"> • Attendance • Comments made at and after meetings • Staff discussions after meetings 	This information is based primarily on interactions of those who attended and can better get at quality of outreach.
Newsletters	<ul style="list-style-type: none"> • Number of subscribers • Number of new subscribers • Number of subscribers opening newsletter 	The newsletter is an important tool used to discuss what happened in the previous quarter while promoting what is expected to happen in the next.
Surveys	<ul style="list-style-type: none"> • Number of responses filled out in each language • Number of requests to forward survey • Total number received 	Surveys are one of the NFRMPO's most effective tools. The number of surveys should be reflective of the population. Requests to forward surveys mean the NFRMPO has built a reasonable reputation as well as partnerships.
Public comment periods	<ul style="list-style-type: none"> • Number of comments received • Substance of comments received 	Public comment periods are addressed earlier in the PIP and vary by Plan and the number of comments received reflect the effectiveness of the public involvement. Comments received are incorporated into the Plans themselves.
Title VI, EJ, and ADA	<ul style="list-style-type: none"> • Number of requests for alternate formats • Number of participants in meetings • Number of requests for translations 	This information ensures the NFRMPO does not discriminate in any of its programs against individuals on the basis of race, color, national origin, minority or disability status, or income.

Appendix A – LIST OF ACRONYMS

ACS – American Community Survey (<https://www.census.gov/programs-surveys/acs/>)

ADA – Americans with Disabilities Act of 1990 (<https://www.ada.gov/>)

APCD – Air Pollution Control Division (<https://www.colorado.gov/pacific/cdphe/apcd>)

CDOT – Colorado Department of Transportation (<https://www.codot.gov/>)

CDPHE – Colorado Department of Public Health and Environment (<https://www.colorado.gov/cdphe>)

CO – Carbon Monoxide

DTD – CDOT Division of Transportation Development (<https://www.codot.gov/programs/planning>)

EJ – Environmental Justice (<https://www.epa.gov/environmentaljustice>)

FAST Act – Fixing America’s Surface Transportation Act (<https://www.fhwa.dot.gov/fastact/>)

FOIA – Freedom of Information Act (<https://www.foia.gov/>)

GIS – Geographic Information Systems

ISTEA – Intermodal Surface Transportation Efficiency Act of 1991
(https://www.fhwa.dot.gov/planning/public_involvement/archive/legislation/istea.cfm)

LCC – Local Coordinating Council

LCMC – Larimer County Mobility Committee (<https://nfrmpo.org/mobility/committees/>)

LEP – Limited English Proficiency (<https://www.lep.gov/>)

MPO – Metropolitan planning organization (<https://www.planning.dot.gov/mpo.asp>)

NFRMPO – North Front Range Metropolitan Planning Organization (<https://nfrmpo.org/>)

NFRT&AQPC – North Front Range Transportation & Air Quality Planning Council, also known as the Planning Council (<https://nfrmpo.org/planning-council/>)

NoCo – Northern Colorado Bicycle & Pedestrian Collaborative (<https://nfrmpo.org/bike-ped/noco/>)

PIP – Public Involvement Plan (<https://nfrmpo.org/public-involvement/>)

RAQC – Regional Air Quality Council (<https://raqc.org/>)

RTP – Regional Transportation Plan (<https://nfrmpo.org/rtp/>)

STAC – Statewide Transportation Advisory Committee
(<https://www.codot.gov/programs/planning/planning-partners/stac.html>)

STC – Senior Transportation Coalition (<https://nfrmpo.org/mobility/stc/>)

STIP – Statewide Transportation Improvement Program

(<https://www.codot.gov/business/budget/statewide-transportation-improvement-program-stip-reports-information>)

SWMPO – Statewide Metropolitan Planning Organization Committee

(<https://www.codot.gov/programs/planning/documents/planning-partners/swmpo>)

TAC – Technical Advisory Committee (<https://nfrmpo.org/tac/>)

TC – Transportation Commission (<https://www.codot.gov/about/transportation-commission>)

TIP – Transportation Improvement Program (<https://nfrmpo.org/tip/>)

TPR – Transportation Planning Region

(https://www.codot.gov/programs/planning/documents/planning-partners/TPR_Small.jpg/view)

UPWP – Unified Planning Work Program (<https://nfrmpo.org/upwp/>)

WCMC – Weld County Mobility Committee (<https://nfrmpo.org/mobility/committees/>)

Appendix B -ACCOMMODATIONS

The NFRMPO works to accommodate any and all requests. NFRMPO staff requests all inquiries for accommodations be made at least 72 hours in advance of the meeting. Forms for Title VI complaints and records requests are included as **Appendices C, D, and E**.

To request a translator, make a Title VI complaint, or inquire about a public outreach event, please contact:

NFRMPO – Title VI Coordinator

419 Canyon Ave, Suite 300

Fort Collins, CO 80521

Phone: (970) 221-6243

Fax: (970) 416-2406

Email: staff@nfrmpo.org



Request to Inspect Public Records

<p>Pursuant to the Colorado Open Records act, the MPO will respond to this request within three (3) working days. This completed form may be sent to the Administrative Director at the NFRMPO via mail, email or fax. The original of this form will be retained by the Administrative Director.</p>		Return form to:		
		Via mail:	North Front Range MPO Attn: Administrative Director 419 Canyon Ave, Suite 300 Fort Collins, CO 80521	
		Via email:	staff@nfrmpo.org	
		Via fax:	(970) 416-2406	
	Date of Request:	Time of Request:		
Contact Information	Name			
	Address			
	City	State	Zip	Telephone Number
	Email address			
Description of Record Desired				
Signature				
For NFRMPO Use Only	Response Date	Method of Delivery		
	Request denied?	Basis for denial		
	Comments:			

Appendix C - **PUBLIC OUTREACH EXAMPLES**

Example 1 – Public Outreach Annual Report

Example 2 – Presentation Template

Example 3 – Community Event Set-up

2018 Summer Outreach By the Numbers

Community Event Breakdown

Fort Collins Earth Day	125
Johnstown BBQ Day	102
Berthoud Day	61
Open Streets (Fort Collins)	81
Eaton Days	55
LaSalle Days	62
Beef N' Bean Day	58
Severance Days	71
Loveland Corn Roast Festival	332
Windsor Harvest Festival	158
Heritage Day (Evans)	101
Taste of Timnath	54
Total	1260

Survey Breakdown

RTE (English) - 500
RTE (Spanish) - 24
General Outreach - 120



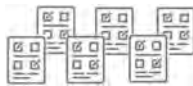
Attended **12** Community Events



Hosted **4** Bike to Work Day stations



Attended **13** meetings for the 2045 RTE



Received over **600** survey responses



Interacted with nearly **1,400** people

Newsletter

During 2018, staff published four quarterly newsletters to provide updates on regional transportation and air quality and to highlight Planning Council and community profiles, and local transportation initiatives. To subscribe to *On the Move*, visit <https://nfrmpo.org/newsletter/>.

Federal Certification

In 2018, the NFRMPO and its planning partners underwent the quadrennial federal transportation planning certification review, conducted by FHWA and FTA. On June 14, 2018 the NFRMPO was recertified as the MPO for the North Front Range region, effective until June 14, 2022. The NFRMPO received two commendations and 13 recommendations. No corrective actions were issued. Read the full report

NFRMPO Rebranded!

Towards the end of 2018, the NFRMPO overhauled their look and rebranded for a fresh, new look. Highlights of the rebrand include a new logo and an upgraded website. Check out the upgraded website at <https://nfrmpo.org/>. In addition to rebranding, the NFRMPO enhanced social media efforts in an attempt to reach a broader cross-section of the region's communities. To stay up to date, follow us on Facebook, Instagram, or Twitter using @nfrmpo.

Title

Audience




North Front Range
Metropolitan
Planning
Organization

Month Day, Year

1

2

2



North Front Range
Metropolitan
Planning
Organization

3

Title

NFRMPO Community Event Set-up

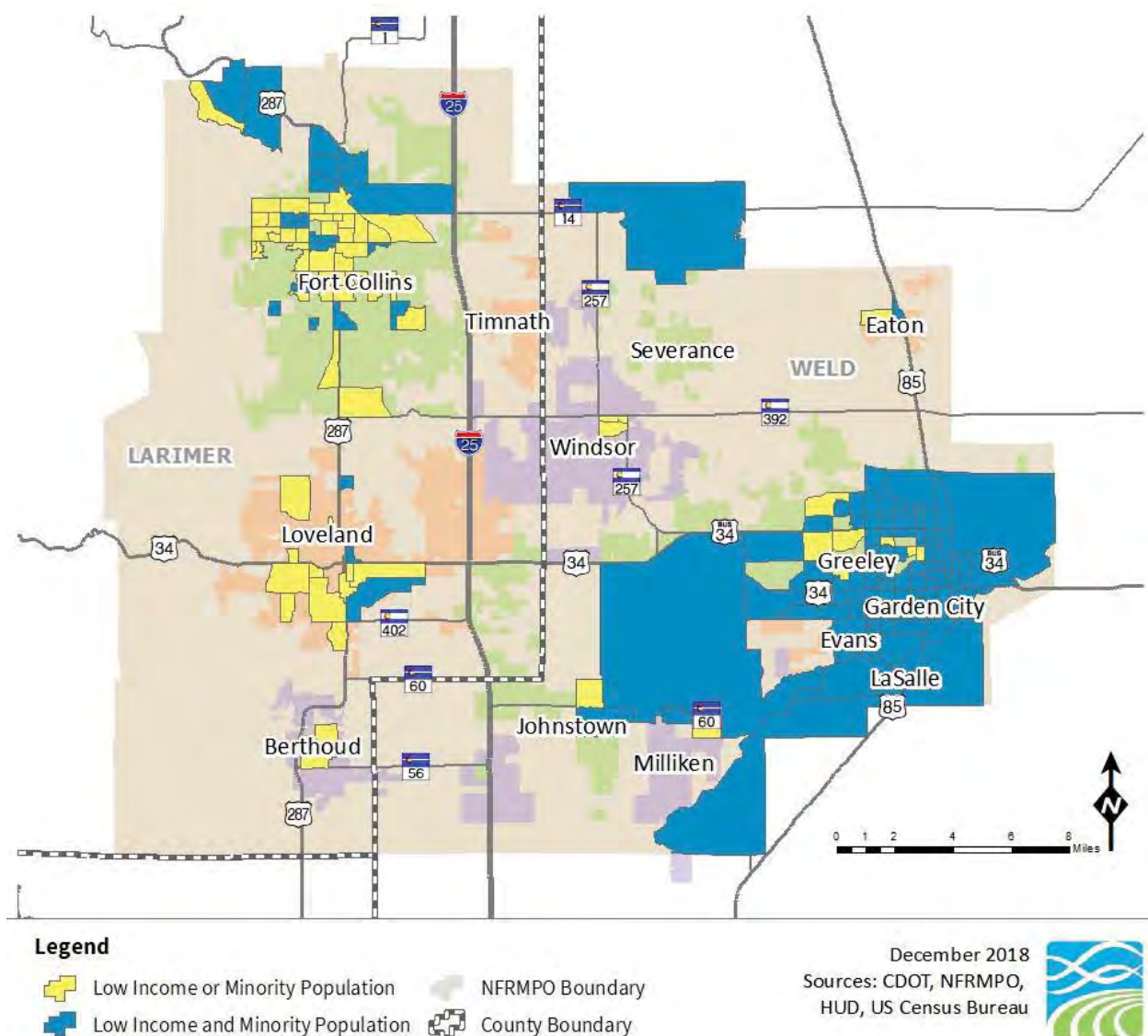


Appendix D -ENVIRONMENTAL JUSTICE

The NFRMPO is in the process of updating its Environmental Justice Analysis done as part of the TIP, the RTP, and the UPWP. The Environmental Justice Analysis currently looks at low-income and minority populations. This is shown in the **Figure 7**. EJ populations – block groups which have a higher percent population of low-income and minority populations than the regional average – are clustered in Fort Collins, Loveland, and eastern Greeley, Garden City, Evans, and LaSalle.

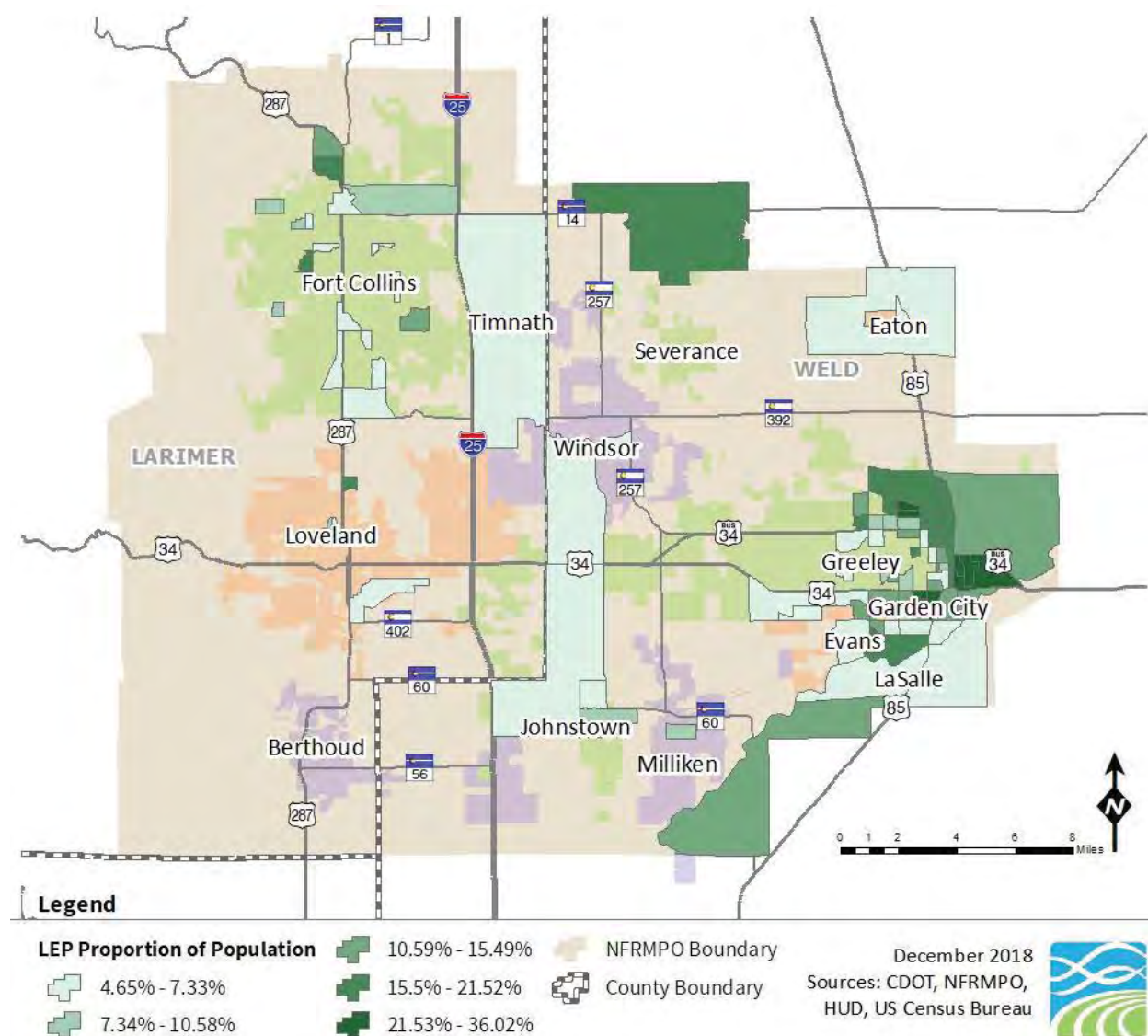
NFRMPO staff used the [CDOT National Environmental Policy Act \(NEPA\) methodology](#) to determine low-income thresholds for Larimer and Weld counties, respectively, and FY2018 HUD Income thresholds. Minority status is based on 2013-2017 American Community Survey (ACS) data for those who responded they are non-White Hispanic. Data for each block group is compared to the regional average. If the block group has a higher percentage than the regional average, it is considered to have an EJ population.

Figure 7: EJ Population Map



Areas in Fort Collins with higher low income and minority populations are clustered near CSU, and northeast and southeast Fort Collins. CSU maintains a highly diverse student group. Northeast Fort Collins is the location of the historic Tres Colonias neighborhoods. Greeley, Evans, and LaSalle are home to JBS, agricultural, and oil and gas jobs, which often attract immigrants. The area north of Timnath and Severance is predominantly agricultural, attracting seasonal migrants.

Figure 8: LEP Population Map



Limited English Proficiency (LEP) populations are located in similar areas to the EJ areas. The region maintains a relatively low LEP average (4.53 percent) as a proportion of its overall population. **Figure 8** shows the Census block groups with higher LEP proportions than the region, then compared. Some block groups are slightly over the regional average like in Timnath, while other block groups have nearly a third of the population with LEP. This nuance is needed to ensure resources are spent where the demand is greatest.

To reach these populations, the NFRMPO should focus on the following activities:

- Work with local partners like La Familia, senior centers, churches, and other community-based organizations.
- Attend community events like Evans Heritage Day, LaSalle Days, and events in downtown Greeley.
- Ensure posters, flyers, and brochures are available in languages other than English.
- Partner with transit agencies to disseminate information to riders.

Additional analysis will be completed as part of the EJ Plan, tentatively scheduled to be completed in FY2021.

Appendix E - PUBLIC COMMENT

The NFRMPO released the *2019 Public Involvement Plan* for a 45-day public comment period. In that time, the NFRMPO received feedback from five individuals and agencies. Public comment received includes:

- I would like to see if you all could implement an online platform where the Policy Committee and TAC meetings can be streamed and allow comments (during the public comment period) to be submitted for response. With the meeting location moving around each month and half a million people in the area it would be great to have better remote access to the NFRMPO functions. Topics move too quickly for someone to wait until the meeting comes back around to their community.
- I would like to suggest the addition of academic institutions. Educational groups could be non-profits, etc. With over 40,000 students between UNC and CSU, that's a decent percentage of the regional population that should be engaged with every MPO Planning effort.
- I think this is well written and I do not have any comments. Thanks for the review.

The Federal Highway Administration and the Larimer County Department of Health and Environment Built Environment Program sent letters, which are attached.

LARIMER COUNTY | DEPARTMENT OF HEALTH & ENVIRONMENT

1525 Blue Spruce Dr., Fort Collins, Colorado 80524, 970.498.7010, Larimer.org/health

January 28, 2019

North Front Range Metropolitan Planning Organization
ATTN: Alex Gordon
419 Canyon Ave., #300
Fort Collins, CO, 80521

RE: Public Involvement Plan

Dear Alex,

Thank you for the opportunity to comment on the Public Involvement Plan; the Built Environment team at the Larimer County Department of Health and Environment is honored to provide comments. As our local Metropolitan Planning Organization, your plans and policies have a large geographic impact and can set an example for other transportation planning documents in the region to be inclusive during the public participation process. Additionally, we would like to congratulate you on finding value in the need to thoughtfully prepare a public involvement plan that seeks to incorporate feedback from partners. Thank you for your hard work and for being our partner.

Built Environment at Larimer County Department of Health and Environment is an Amendment 35 Cancer, Cardiovascular, and Pulmonary Disease (CCPD) grant funded project. CCPD funds are distributed to local health departments and organizations through a competitive application process administered by the Colorado Department of Public Health and Environment (CDPHE). Our team's focus is to increase plans and policies that support health in the built environment by partnering, supporting, and leading strategies that impact individual, interpersonal, organization, community, and policy level work that will increase community member's opportunity to engage in physical activity.

From our conversations, it was identified that the North Front Range Metropolitan Planning Organization (NFRMPO) specifically wanted feedback regarding community engagement tactics presented in the Public Involvement Plan (PIP), suggested tools to use in community engagement, and the evaluation of the PIP metrics and associated goals.

Social Determinants of Health

The direct comments regarding the Public Improvement Plan are specifically made based on the "social determinants of health." According to Healthy People 2020, "the social determinants of health are conditions in the environments in which people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks" (1). There are *social determinants* and *physical determinants*, which can be collectively broken into five broad categories: Neighborhood and Environment, Education, Social and Community, Health and Healthcare, and Economic Stability. Within each broad category are underlying factors that include things like transportation, employment, food insecurity, housing instability, and poverty. These categories and subcategories are interdependent, they interact and create either protective or risky scenarios that influence health outcomes. The social determinants of health "...greatly impact how long and how well people live and 'are key drivers of health inequities'" (2).





We recommend that the NFRMPO use factors from these five broad categories as a basis for outreach to help identify the groups that might have limited access to transportation options. An example from the “neighborhood and environment” category could be using a health indicator like obesity rates to determine where to increase access to transportation. If the population in a given census tract is experiencing high obesity rates compared to the state average, perhaps accessibility to healthy food options, medical care, and safe recreation facilities can become a priority for the determination of new transportation routes and options (3). Additional spatial data on health outcomes can be found on the [Colorado Department of Public Health and Environment Open Data website](#) and we are happy to assist you in determining which health outcomes are most relevant.

Community Engagement Strategies

We have a handful of documents that we use regularly to determine community engagement strategies and would recommend these as a way to integrate community engagement throughout the PIP:

- [Community Engagement Toolkit](#) published by FutureWise.
- *Authentic Community Engagement* published in the Office of Health Equity’s [“Sweet Tools to Advance Equity”](#).
- Our own Community Engagement Working Group, “Engage Fort Collins” (Enfoco) has also produced a one pager titled [Community Engagement Best Practices](#).
- [Community Planning Toolkit](#) by Community Places from Belfast, Ireland outlines strengths and weaknesses of several community engagement strategies.

Public Involvement Plan Comments

Below is a summary of recommendations we have after reviewing the Public Involvement Plan. We are happy to discuss any of these recommendations in more detail.

Recommendation 1: Use consistent and easily definable language when referring to a group of people who have a unifying characteristic.

We recognize that the NFRMPO must satisfy certain federal regulations to accommodate for what is referred to in the document as “Environmental Justice Populations,” but we would recommend for a public-facing document to use more inclusive and recognizable language. When referring to protected groups, an organization should continually state the protected classification that is being referenced. For example, in the PIP, stating “individuals receiving a low income,” or “people experiencing poverty” and “persons with Limited English Proficiency” may be more inclusive and respectful than using “EJ Populations” and “LEPs.” Additionally, stating multiple times through the document exactly whom you intend to reach helps community members realize that you want to connect with them, instead of using a term community members are unlikely to recognize.

While resources for inclusive language must be updated frequently and are therefore difficult to find, [University of Calgary has created a helpful glossary of terms](#) that might aid you in your outreach efforts.

Recommendation 2: Providing culturally appropriate activities, language-appropriate text, and interpretation services to participants who may prefer speaking and/or reading in a language other than English.

In Larimer County, English and Spanish are the two dominant languages, although many Spanish dialects exist within the county. The Built Environment program is currently creating a comprehensive, living document on translation and interpretation services available in Larimer County to help guide partners through the process



of finding certified translators for document translation and for interpretation services. Once this document is in a sharable form, we will share it with you. Additionally, Built Environment staff can assist in the creation of activities, including assistance setting up focus groups, experiential events, and environmental audits (bike, walk, or transit audits).

If you find that you are encountering difficulty contacting the populations you seek, [Metropolitan Area Planning Council of Boston](#) has a robust community engagement guide.

Recommendation 3: Ensuring that opportunities to participate are easy to access, explicitly stated, easy to understand, and that there is a plan to create a "feedback loop" to participants.

Equitable and inclusive community engagement depends upon the community understanding why their feedback is important and how their feedback will be incorporated in the process; we recommend more clearly articulating both of these elements in the PIP. The Boston Public Health Commission's [Community Engagement Plan](#) provides examples and ideas of how to do this on page 9.

To explicitly provide information about how the public can be involved, consider reorganizing Table 1 on page 14 to include more columns to explicitly state how the public can get involved, information regarding the comments you seek, how the comments are incorporated, and how to find the final product. Additionally, we recommend presenting Table 1 earlier in the section.

Recommendation 4: Streamline access and contact points

To provide easier access to sign up for the various listservs for participation in boards and meetings as a public commenter or participant, we recommend streamlining the contact points in the PIP and NFRMPO website by providing one online form and/or one email address to increase accessibility of engagement opportunities. A singular inquiry form or sole contact email address could help to remove confusion about which staff to contact and can provide an opportunity for the staff to assist a community member with being appropriately placed into an engagement opportunity or board.

Additionally, we recommend streamlining community member feedback opportunities with other external partners seeking input as much as possible. For example, when hosting an event, the NFRMPO could consider partnering with a local transportation department or transportation advocacy organization to consolidate and share survey results.

Metrics to consider in evaluating PIP

We applaud your consideration of using metrics to determine strategies that need to be revamped. A good tool to use to create metrics is the American Planning Association's Metrics for [Planning Healthy Communities](#); however, for a public involvement plan, it may be less relevant than for the MPO's transportation planning efforts. It is best practice when identifying metrics to first identify the end goal of the participation and engagement activity. For example, if the intent is to inform and engage, capturing metrics like "number of retweets" would be helpful; but if the goal is to facilitate empowerment, then the metrics matrix would need more metrics like "% of board's members who are demographically representative of the region." We have provided a few recommendations to improve the Public Involvement Evaluation Matrix below.

Recommendation 1: Use SMART goal statements to create strong metrics

The first recommendation is to clarify exactly what the metric is capturing and tracking by defining it using a SMART goal format (S-specific, M-measurable, A-attainable, R-relevant, T-timely). For example, instead of using "visits" for the Website tools, identify if you are trying to increase the number of visits over the course of the year and by how much.



Recommendation 2: Ensure metric is supportive of the end goal

Ensure that each metric will be valuable and necessary to collect by establishing how that information can be used to support the end goal. For example, a metric that could be more supportive of the end goal could be “number of blog posts created based off common searches from website” instead of just a list of “common searches.”

Recommendation 3: Capture inclusivity

Metrics could be added to better track and identify populations of people who are typically attending meetings to better understand who is missing from involvement so improvements to engagement can be evaluated.

Recommendation 4: Formalize processes

To make use of metrics like “staff discussions after meetings” or “comments made at and after meetings,” consider formalizing these interactions between staff and the public and use those documented interactions as a metric.

As the Public Involvement Plan continues to develop, we are happy to offer our support to the NFRMPO staff for the co-creation of writing metrics and/or more targeted brainstorming sessions to create metrics that are valuable and informative. If you have any questions or require more assistance, please do not hesitate to reach out.

Sincerely,

Brooke Bettolo
Health Educator, Built Environment
LCDHE
O: 970-222-7204
bbettolo@larimer.org

Liz Young Winne
Built Environment Planner, Built Environment
LCDHE
O: 970-498-6704
eyoung@larimer.org

References:

- (1) Office of Disease Prevention and Health Promotion. *Healthy People 2020: social determinants of health*. Retrieved from: <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>
- (2) American Public Health Association. *Partnering with metropolitan planning organizations to advance healthy communities*. Retrieved from: https://www.apha.org/~media/files/pdf/topics/transport/health_primer_designed.aspx
- (3) Office of Disease Prevention and Health Promotion. *Healthy People 2020: Nutrition, Physical Activity, and Obesity*. Retrieved from: <https://www.healthypeople.gov/2020/leading-health-indicators/2020-lhi-topics/Nutrition-Physical-Activity-and-Obesity/determinants>

2019 NFRMPO Public Involvement Plan Comments

Produced by Aaron Bustow, FHWA Colorado, 1/23/2019

Certification Review Recommendation

The NFRMPO PPP must provide procedural detail on public engagement strategies and opportunities for input in major planning activities such as the development of the RTP, TIP, and UPWP.

2019 PIP

The section highlighting the participation engagement with major deliverables needs more prominence. Currently there is little differentiation from the stakeholders' section to the documents section. This is a major part of the PIP and must capture the reader's attention. A novel approach could identify each document's process on a single page in a flyer-like format that could be used as a hand-out at events or posted to the documents webpage as a refresher on engagement when visitors seek information.

If possible, adding any details on specific months or timeframes for participation is strongly encouraged. Currently, the descriptions for scheduling is vague and unhelpful, requiring the public to check the NFRMPO website constantly for any updates. If the TIP is updated every year, it must conform to a rigid development cycle that already has an identified public comment period. At a minimum, the PIP should include a link/reference where someone can obtain a detailed schedule of when comments are solicited. For the UPWP description, it walks through the various MPO committees, but mentions nothing about public comments. Overall, a consistent approach to outlining the schedule for public comment opportunities is beneficial.

Consider separating the TIP and TIP Amendment procedures. Currently, the way it is written blurs the activities together. Each of these activities on their own are significant opportunities and should be treated as such. Also, link to the TIP Policy Guide to help the public find further information.

The "How to get involved" sections should directly relate to the Strategies in Chapter 4.

Certification Review Recommendation

The NFRMPO PPP needs to evaluate the effectiveness of its public involvement procedures and strategies on a periodic basis.

2019 PIP

In Chapter 5 – Evaluation, remove all the should and would and replace with will and accountable-like terms.

Overall, this is a great step forward and the results will be interesting to review. In terms of meeting the CR recommendation, both the FHWA and NFRMPO will monitor the results and impacts the evaluation presents. This topic will warrant reflection on its implementation and effectiveness during the next round of PIP development.

Certification Review Recommendation

The PPP should include explicit procedures, strategies, and outcomes for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.

2019 PIP

Pg. 19 – Under bullet #2, change the word neutral to something like community locations. Neutral is a word that begets aggression. It should be conveyed that the NFRMPO will work with communities to bring them opportunities.

It's positive that the NFRMPO includes underserved community metrics in the evaluation.

Has there been consideration of including a representative of the traditionally underserved communities on the TAC or some other committee? Something similar the senior transportation representative on the TAC. This would be an informational position, nothing that effects membership and bylaws.

Does the NFRMPO engage in any on-board transit outreach including surveys, questionnaires, or material dissemination related to MPO activities?

General 2019 PIP comments

The Title VI complaint forms are not required for inclusion in the document. It might serve better if a mention of their availability on the NFRMPO website is included in the "Legal Framework of the PIP" section.

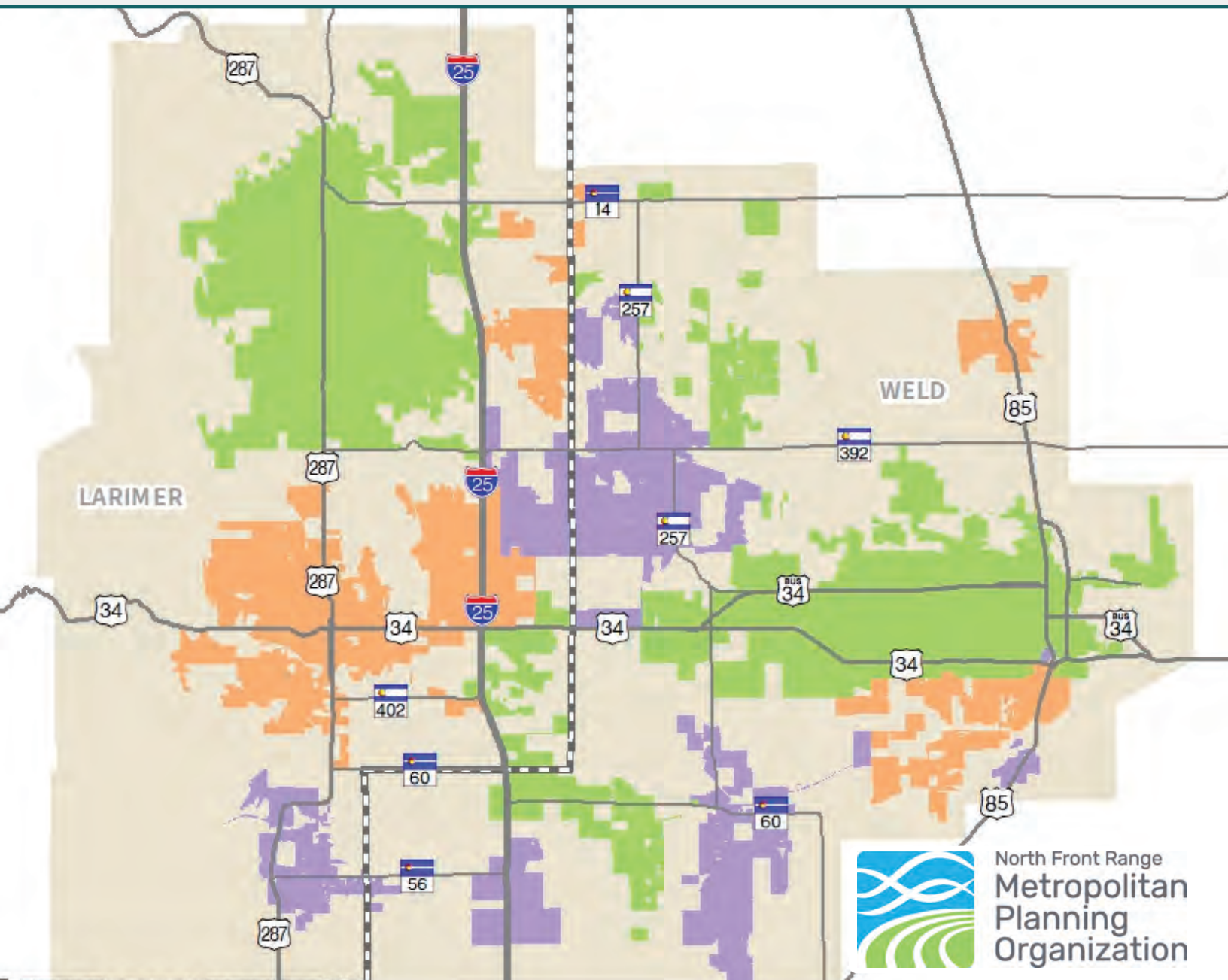
LEP description – Pg. 3- Change the definition of the LEP requirements. It is not strictly to provide translation services, which is how I read the NFRMPO PIP language. There is no regulation within FHWA rules that requires translation services, it's considered a best practice, but nothing more. Please revise this section to address the intent of EO, which is captured here and the quoted section below:

<https://www.lep.gov/13166/eo13166.html>

"The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them"

APPENDIX E

Limited English Proficiency Plan
Limited English Proficiency Plan
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Limited English Proficiency Plan





North Front Range
**Metropolitan
Planning
Organization**

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Prepared by:

NFRMPO

419 Canyon Avenue, Suite 300
Fort Collins, CO 80521

with assistance from

Colorado Department of Transportation

Preparation of this document has been financed in part through grants from the Federal Highway Administration, the Federal Transit Administration, and the local member communities of the NFRMPO.

Adopted May 2022

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1. INTRODUCTION

A. Preamble

This Limited English Proficiency (LEP) Plan, for the North Front Range Metropolitan Planning Organization (NFRMPO) has been developed in response to federal requirements included under **Section 601 of Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d), which provides that no person shall “on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Federal Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency was issued in August 2000 by President Clinton to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." President Bush affirmed his commitment to **Executive Order 13166** through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr., Loretta King, Acting Assistant Attorney General, further strengthened the enforcement of Title VI in a memorandum dated July 10, 2009.

As a sub-recipient of funds from the Federal Transit Administration (FTA), through the Colorado Department of Transportation (CDOT), the NFRMPO has developed this [LEP Plan](#) to ensure compliance with Federal LEP regulations including the FTA LEP handbook “**Implementing the Department of Transportation’s Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient Persons.**” This Plan includes an assessment of the limited English proficiency needs of the NFRMPO region, an explanation of the steps the NFRMPO is currently taking to address these needs, and the steps the NFRMPO plans to take in the future to ensure meaningful access to the region’s transit and planning programs for persons with limited English proficiency.

B. Policy

It is the policy of the NFRMPO to ensure that the NFRMPO’s programs and activities, normally provided in English, are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964. The NFRMPO will, to the maximum extent feasible in its official deliberations and communications, community outreach and related notifications, provide appropriate alternative non-English formats to ensure LEP persons have access to information and services.

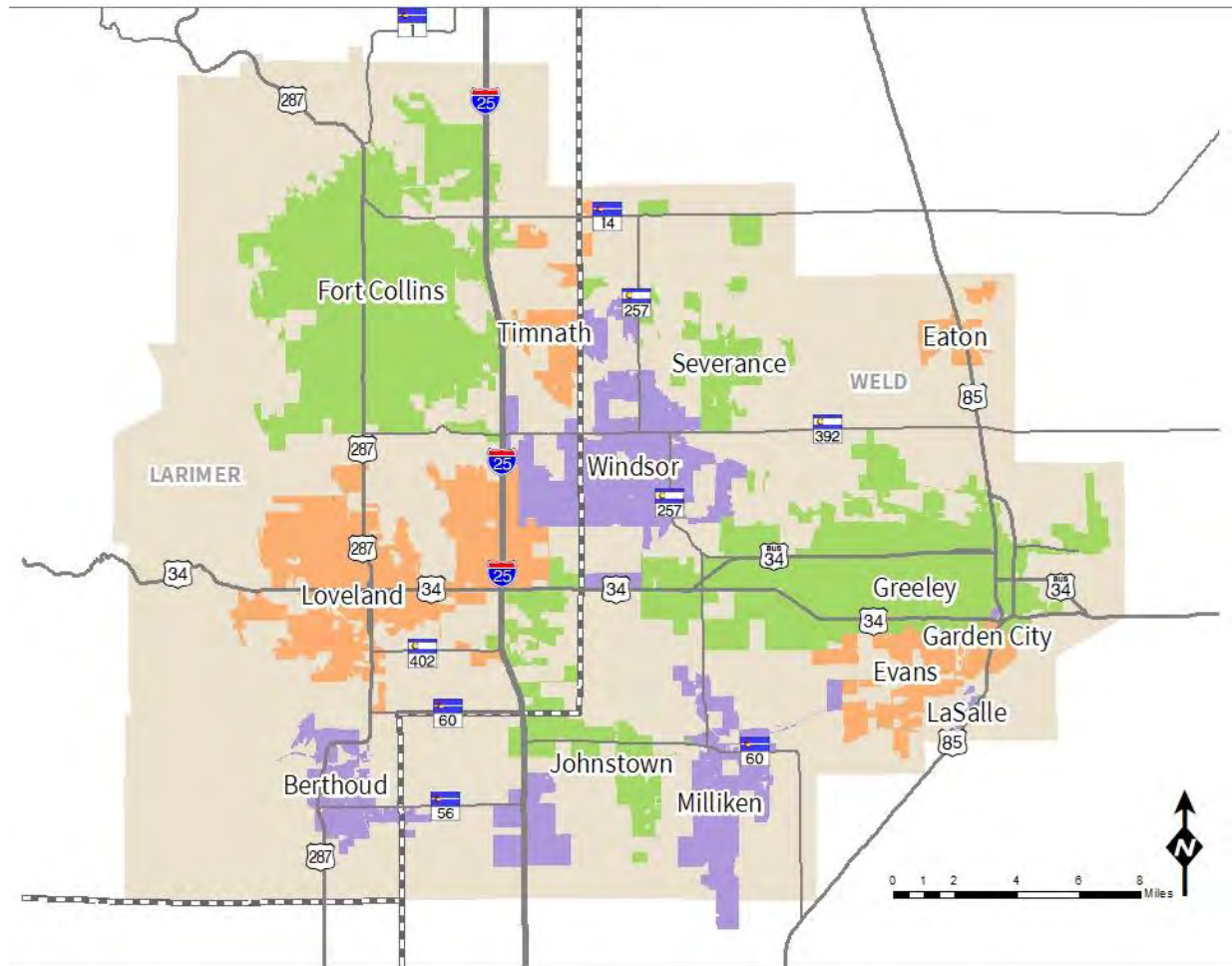
C. The NFRMPO

The NFRMPO is a regional transportation planning agency focused on the urbanized portions of Larimer and Weld counties in Northern Colorado as designated by the federal government and the Governor of Colorado in 1988. The mission of the NFRMPO is to promote and encourage regional coordination and cooperation in matters relating to transportation and transportation-related air quality planning. To achieve this mission, the NFRMPO provides a forum to identify, study and recommend solutions to regional transportation and transportation-related air quality problems.



The NFRMPO region consists of 15 member communities, specifically 13 municipalities and portions of two counties: Berthoud, Eaton, Evans, Fort Collins, Garden City, Greeley, Johnstown, LaSalle, Loveland,

Milliken, Severance, Timnath, Windsor, and portions of both Larimer and Weld counties. The NFRMPO covers 675 square miles and more than 530,000 residents. A map of the NFRMPO region is shown in **Figure 1**.

Figure 1: Map of the NFRMPO Region



Legend

-  County Boundary
-  NFRMPO Boundary

March 2019
Sources: CDOT, NFRMPO



2. LIMITED ENGLISH PROFICIENCY SELF-ASSESSMENT

A. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee

The NFRMPO uses American Community Survey (ACS)-level data, specifically the 5-Year 2016-2020 data, for LEP analysis. According to the ACS, 4.4 percent of residents within the NFRMPO boundary indicated they spoke English less than very well. This equates to approximately 22,500 residents. Overall, approximately 13.4 percent of residents speak a language other than English. The most common language in the region other than English is Spanish. In total, 97.5 percent of residents speak English very well. **Figure 2** maps LEP Census Tracts in the region with a higher percentage than the regional average.

Figure 2: LEP by Census Tract

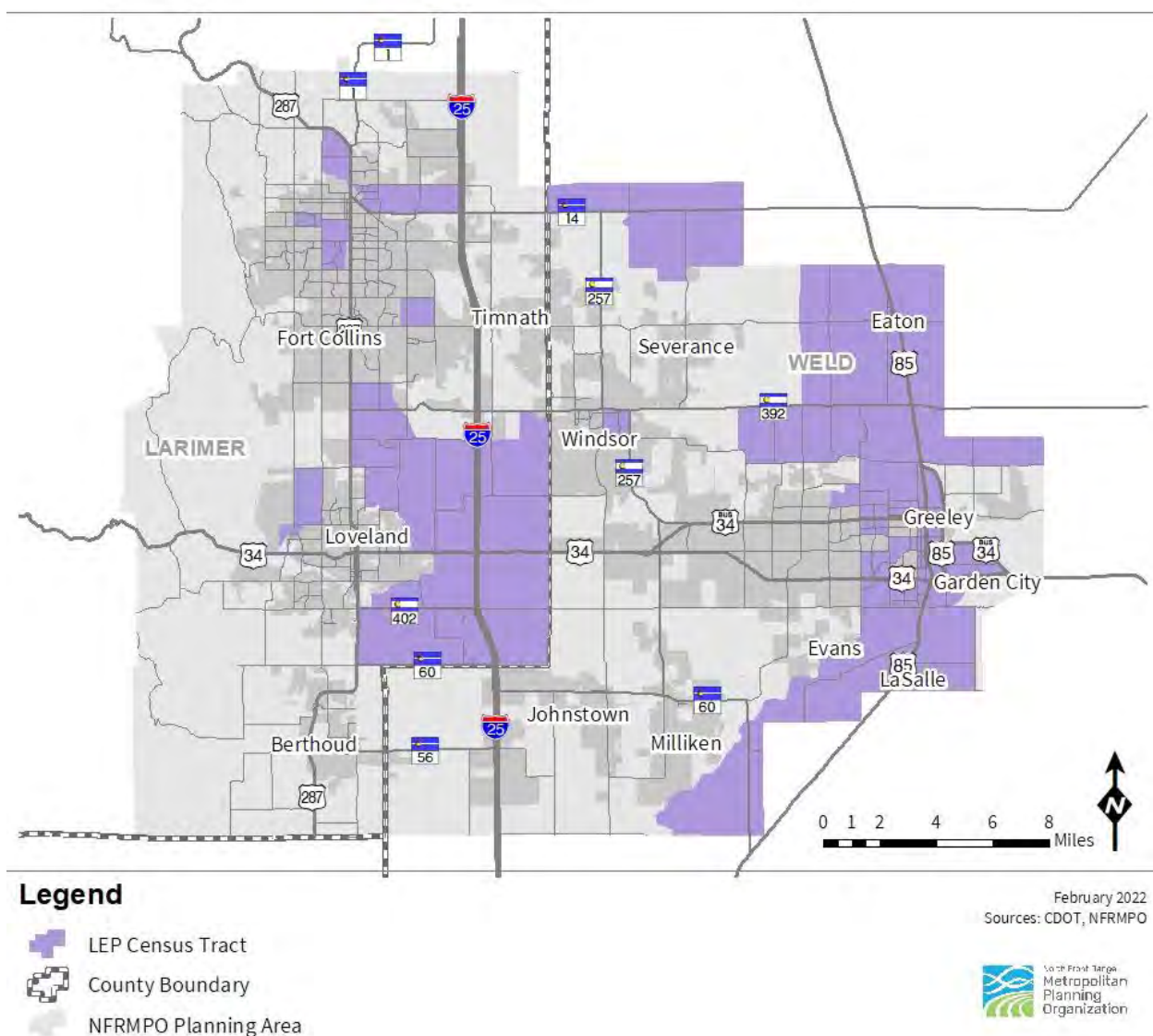


Table 1 and **Table 2** provide a breakdown of LEP populations by County and at the regional level. The NFRMPO consists of a large amount of unincorporated area, which for some data may be less easy to separate from the larger County data. Spanish has the most speakers after English, with 10.9 percent of residents in the region speaking the language. Weld County has a larger proportion of LEP residents than Larimer County.

Table 1: LEP in the NFRMPO Region for Population Age 5 and Over (2020)

Geography	Total Population 5 years old and over	English Speakers Only	Population Speaking Language Other than English	LEP Population	% LEP Population
Larimer County	333,109	303,520	29,589	8,877	2.7%
Weld County	292,920	236,525	56,395	19,775	6.8%
NFRMPO Region*	515,468	446,187	69,281	22,530	4.4%
Source: 2016-2020 American Community Survey 5-Year Estimates					
*This data is based on the Tract which align with the NFRMPO boundary, not the full counties.					

Table 2: Language Breakdown at County and Regional Level

Language	Total Larimer and Weld Counties	Incorporated NFRMPO Region
Only English	86.3%	85.7%
Spanish	10.6%	10.9%
Other Asian Languages	0.5%	0.5%
Other Indo-European Languages	0.4%	0.5%
German	0.5%	0.5%
Chinese	0.3%	0.4%
Other Languages	0.3%	0.4%
French	0.3%	0.7%
Arabic	0.2%	0.2%
Vietnamese	0.2%	0.8%
Russian	0.2%	0.2%
Tagalog	0.1%	0.1%
Korean	0.2%	0.2%
Source: 2016-2020 American Community Survey 5-Year Estimates Larimer and Weld County data includes all of the NFRMPO region and areas outside of the NFRMPO boundary. Incorporated NFRMPO region data is based on the 13 incorporated communities within the NFRMPO boundary.		

B. Frequency with which LEP individuals come in contact with the NFRMPO programs

The NFRMPO collaborates with various stakeholders, including community members and staff from local communities and counties, transit agencies, CDOT, and other transportation providers to conduct the federally-required transportation planning process. Other than the VanGo™ Vanpool program, the NFRMPO does not operate any specific services like bus or rail transit.

Outreach undertaken by the NFRMPO is guided by the 2019 Public Involvement Plan (PIP), which was adopted in March 2019. An updated PIP is expected in 2022. The PIP outlines strategies to reach as much of the public living within the NFRMPO region as possible, including EJ and LEP populations.

Between 2014 and 2022, the NFRMPO did not receive any requests for translation services at meetings or for brochures. The NFRMPO's Rider's Guide was translated into Spanish and distributed at outreach events in local communities. The NFRMPO has also assisted collaborating agencies in personalizing their outreach efforts by taking advantage of existing partnerships, such as Regional Air Quality Commission (RAQC) creating Spanish-language materials with the guidance of the Community Champions and the Larimer County Department of Health and Environment.

C. Nature and importance of the program, activity, or service

NFRMPO staff analyzed the agency programs and services provided to determine their value and importance to the LEP population. To carry out its mission, the NFRMPO has a range of programs meant to address transportation funding, transportation planning, and transportation demand management (TDM). These programs include:

- **VanGo™ Vanpool Program**

The City of Fort Collins and Transfort initiated the VanGo™ program in 1994. As a component of a regional Transportation Demand Management (TDM) program, VanGo™ Vanpool Services was incorporated into the North Front Range Transportation & Air Quality Planning Council (NFRT&AQPC) in 1996. In 2022, the VanGo™ program had over 130 daily commute participants and 35 vanpool routes in operation. The majority of VanGo™ participants travel from within the North Front Range to the Denver Metro Area.

- **Transportation Improvement Program (TIP)**

The NFRMPO works with member communities and other agencies, like the Colorado Department of Transportation (CDOT) to fund regionally significant transportation projects. These projects are described in the TIP alongside funding amounts and sources over a four-year period. An Environmental Justice (EJ) Analysis is done each time the TIP is updated both annually and with the bimonthly Amendment cycle, ensuring there is no disparate impacts on low income and minority neighborhoods. A new EJ Analysis worksheet was incorporated into the NFRMPO's Call for Projects in 2021.

- **Mobility Coordination**

The Mobility Coordination program works with human service agencies, transit providers, advocates, and other stakeholders to improve transit and mobility for older adults and individuals with disabilities. Two Local Coordinating Councils (LCCs), one per County, provide a forum for discussion. Educational tools are also distributed to assist with transit access.

- **Bicycle and Pedestrian Program**

The Bicycle and Pedestrian Program consists of regional trail planning, counter program, and technical assistance. The NoCo Bike & Ped Collaborative, although not an NFRMPO committee, is an important regional tool for bicycle and pedestrian planning in the region.

- **Transportation Planning**

In addition to specific programs, NFRMPO staff undertake a wide range of transportation plans, including the long-range Regional Transportation Plan, Active Transportation Plan, Freight Northern Colorado, and the Transportation Profile. Much of the planning is complemented by the Regional Travel Demand Model (RTDM) and Land Use Allocation Model (LUAM).

- **Air Quality**

The NFRMPO partners with the RAQC in Denver to do air quality outreach during the summer ozone season. This entails going to community events and providing information and outreach items – some available in Spanish – to educate residents in Larimer and Weld counties about ozone, how ozone and bad air quality impacts vulnerable populations, and what the region can do to improve its air quality.

The NFRMPO comes into contact with LEP populations specifically at community events during the summer, when the NFRMPO staff attends member entities' festivals. Some materials are provided in Spanish, the most common language other than English. The NFRMPO seeks opportunities to garner input and feedback from LEP populations during plan updates as well.

The NFRMPO views all public outreach as important and analyzes each event for the possibility of interacting with residents who speak English less than very well. The NFRMPO believes investments should be equitable and benefit all residents regardless of language.

D. Resources available to the recipient and costs

The NFRMPO has the following materials available in Spanish:

- Rider's Guides
- Air Quality brochures
- Major plan surveys
- Colorado Bicycling Manual

The following materials may be translated if a request is made:

- Non-Motorized Brochure
- Public Involvement Brochure

Translation services are included in the NFRMPO's Unified Planning Work Program (UPWP) each year to ensure funding is set aside for translating documents if requests are made or documents are updated. In addition, the NFRMPO partners with outside agencies to analyze the likelihood of needing translated documents at outreach and community events.

Requests for translation of documents or translators at outreach events can be made to the Title VI Coordinator at (970) 289-8281 or bkarasko@nfrmpo.org. Accommodation requests must be made within 72 hours of an event.

3. LANGUAGE ASSISTANCE PLAN

The following sections provide additional information on how the NFRMPO assists LEP populations, based on the Four Factor Analysis.

Language Assistance Measures

- Post the LEP Plan on the NFRMPO website at <https://nfrmpo.org/> and make it available to others upon request. Copies of the Plan will also be available to the NFRMPO Planning Council and other jurisdictional and community partners upon request. LEP persons may obtain copies/translations of the Plan upon request.
- Build further partnerships with governmental and non-profit organizations which work with LEP populations.
 - Use these networks to find translators from the community when possible.
- Ensure the NFRMPO website is accessible or translatable to Spanish and other languages where there are more than five percent of the population who speak the language.
- Provide important documents in English and Spanish, including the Title VI Complaint Forms.

Staff Training

- Work with administrative staff and Title VI Coordinator to ensure phone calls are handled appropriately if information is needed in a language other than English.
- Provide staff training to ensure the LEP and Title VI policy is carried out in the NFRMPO's daily policies and programs, as well as at outreach and community events.

Monitoring and Updating the LEP Plan

- The NFRMPO will continually update its LEP populations to ensure up-to-date data is used. The LEP Plan will be updated on the same schedule as the *Title VI Plan*. Data to be collected includes:
 - The most recent American Community Survey (ACS) data for populations which speak languages other than English;
 - Number of requests for translation received per year; and
 - Number of existing translated documents distributed at outreach and community events.

Providing Notice to LEP Persons

- Post signs and other informational items at events where NFRMPO staff expects community members who do not speak English.
- Provide handouts and other documents in English and Spanish (or other language) if in an LEP community.
- Work with partner agencies to hold outreach events in LEP communities.

APPENDIX F

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made and entered into this ____ day of _____, 20__, by and between THE NORTH FRONT RANGE TRANSPORTATION AND AIR QUALITY PLANNING COUNCIL (the "MPO"), and _____ an independent consultant with a principal place of business at _____ ("Consultant") (collectively the "Parties").

WHEREAS, the MPO requires professional services; and

WHEREAS, Consultant has held itself out to the MPO as having the requisite expertise and experience to perform the required professional services.

NOW, THEREFORE, for the consideration hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

I. SCOPE OF SERVICES

A. Consultant shall furnish all labor and materials required for the complete and prompt execution and performance of all duties, obligations, and responsibilities which are described or reasonably implied from the Scope of Services set forth in the attached **Exhibit A**.

B. A change in the Scope of Services shall not be effective unless authorized as an amendment to this Agreement. If Consultant proceeds without such written authorization, Consultant shall be deemed to have waived any claim for additional compensation, including a claim based on the theory of unjust enrichment, quantum merit or implied contract. Except as expressly provided herein, no agent, employee, or representative of the MPO is authorized to modify any term of this Agreement, either directly or implied by a course of action.

II. COMMENCEMENT AND COMPLETION OF WORK

Consultant shall commence work as set forth in the Scope of Service. Except as may be changed in writing by the MPO, the Scope of Services shall be complete and Consultant shall furnish the MPO the specified deliverables and project timeline as provided in **Exhibit A**.

III. COMPENSATION

A. In consideration for the completion of the Scope of Services by Consultant, the MPO shall pay Consultant an amount not to exceed _____. This maximum amount shall include all fees, costs and expenses incurred by Consultant, and no additional amounts shall be paid by the MPO for such fees, costs and expenses. The compensation paid under this Agreement is based on the Cost Proposal attached hereto as **Exhibit B**.

B. Notwithstanding the maximum amount specified in Paragraph A hereof, Consultant shall be paid only for work performed. If Consultant completes the Scope of Services for a lesser amount than the maximum amount, Consultant shall be paid the lesser amount, not the maximum amount.

C. Consultant shall submit invoices to the MPO on a monthly basis for all services rendered during the month represented on the invoice. Such invoices shall detail, with appropriate documentation, the task performed, the individuals working on such task, and expenses incurred with supporting documentation. Each invoice will contain all hours and expenses from the Consultant for the month. Upon receipt of an invoice, the MPO shall pay all undisputed amounts within thirty (30) days.

IV. PROFESSIONAL RESPONSIBILITY

A. Consultant hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law.

B. The work performed by Consultant shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community. The work and services to be performed by Consultant hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations.

C. The MPO's review, approval or acceptance of, or payment for any services shall not be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

D. Because the MPO has hired Consultant for its professional expertise, Consultant agrees not to employ subcontractors to perform any of the work required under the Scope of Services without the prior written consent of the MPO.

E. Commencing at the end of the calendar month following the date of execution of this Agreement and every calendar month end thereafter, Consultant shall provide the MPO with a written report of the status of the work. Failure to provide any required monthly report may, at the option of the MPO, suspend the processing of any partial payment request.

V. OWNERSHIP

The materials, items, and work specified in the Scope of Services, together with any and all related documentation and materials provided or developed by Consultant shall be exclusively owned by the MPO. Consultant expressly acknowledges and agrees that all work performed under the Scope of Services constitutes a "work made for hire." To the extent, if at all, it shall not constitute a "work made for hire," Consultant hereby transfers, sells, and assigns to the MPO all of its right, title, and interest in such work. Other entities that may reproduce, publish, or otherwise use the designs, plans, reports, specifications, drawings, and other services rendered by the Consultant include but are not limited to the Colorado Department of Transportation ("CDOT"), the Federal Transportation Administration ("FTA"), and the Federal Highway Administration ("FHWA").

VI INDEPENDENT CONTRACTOR

Consultant is an independent contractor. Notwithstanding any other provision of this Agreement, all personnel assigned by Consultant to perform work under the terms of this Agreement shall be, and remain at all times, employees or agents of Consultant for all purposes. Consultant shall make no representation that it is an MPO employee for any purposes.

VII. INSURANCE

A. Consultant agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by Consultant pursuant to this Agreement. Such insurance shall be in addition to any other insurance requirements imposed by law.

B. Consultant shall procure and maintain, and shall cause any subcontractor of Consultant to procure and maintain, the minimum insurance coverages listed below. Such coverages shall be procured and maintained with forms and insurers acceptable to the MPO. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.

1. Worker's compensation insurance to cover obligations imposed by applicable law for any employee engaged in the performance of work under this Agreement, and Employer's Liability insurance with minimum limits of five hundred thousand dollars (\$500,000) each accident, one million dollars (\$1,000,000) disease – policy limit, and one million dollars (\$1,000,000) disease – each employee. Evidence of qualified self-insured status may be substituted for the worker's compensation requirements of this Paragraph.

2. Commercial general liability insurance with minimum combined single limits of two million dollars (\$2,000,000) each occurrence and two million dollars (\$2,000,000) general aggregate. The policy shall be applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including completed operations), personal injury (including coverage for contractual and employee acts), blanket contractual, products, and completed operations. The policy shall contain a severability of interests provision and shall be endorsed to include the MPO and the MPO's officers, employees, and contractors as additional insureds. No additional insured endorsement shall contain any exclusion for bodily injury or property damage arising from completed operations.

3. Professional liability insurance with minimum limits of two million dollars (\$2,000,000) each claim and two million dollars (\$2,000,000) general aggregate.

C. Any insurance carried by the MPO, its officers, its employees, or its contractors shall be excess and not contributory insurance to that provided by Consultant. Consultant shall be solely responsible for any deductible losses under any policy.

D. Consultant shall provide to the MPO a certificate of insurance, completed by Consultant's insurance agent, as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect. The certificate shall identify this Agreement and shall provide that the coverages afforded under the policies shall not be cancelled, terminated or

materially changed until at least thirty (30) days prior written notice has been given to the MPO. The MPO reserves the right to request and receive a non-certified copy of any policy and any endorsement thereto with sensitive information redacted by Consultant..

E. Failure on the part of Consultant to procure or maintain the insurance required herein shall constitute a material breach of this Agreement upon which the MPO may immediately terminate this Agreement, or at its discretion, the MPO may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the MPO shall be repaid by Consultant to the MPO upon demand, or the MPO may offset the cost of the premiums against any monies due to Consultant from the MPO.

VIII. INDEMNIFICATION

Consultant agrees to indemnify and hold harmless the MPO and its officers, volunteers, representative, agents, employees, heirs and assigns from and against all claims, liability, damages, losses, expenses and demands, including reasonable attorney fees, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, to the extent which arise out of or are in any manner resulted from this Agreement if such injury, loss, or damage is caused in whole or in part by, the negligent act, omission, or error of Consultant, any subcontractor of Consultant, or any officer, employee, representative, or agent of Consultant, or which arise out of a worker's compensation claim of any employee of Consultant or of any employee of any subcontractor of Consultant. Consultant's liability under this indemnification provision shall be to the fullest extent of, but shall not exceed, that amount represented by the degree or percentage of negligence or fault attributable to Consultant, any subcontractor of Consultant, or any officer, employee, representative, or agent of Consultant or of any subcontractor of Consultant. If Consultant is providing architectural, engineering, surveying or other design services under this Agreement, the extent of Consultant's obligation to indemnify and hold harmless the MPO may be determined only after Consultant's liability or fault has been determined by adjudication, alternative dispute resolution or otherwise resolved by mutual agreement between the Parties, as provided by C.R.S. § 13-50.5-102(8)(c).

IX. TERMINATION

A. This Agreement shall terminate when all the work described in the Scope of Services is completed to the MPO's satisfaction, or upon the MPO's providing Consultant with seven (7) days advance written notice, whichever occurs first. Upon receipt of the notice, Consultant shall immediately discontinue all work, except as permitted by the MPO in writing and deliver to MPO all data, drawings, specifications, reports, estimates, summaries, and other information and materials accumulated in performing this contract, whether completed or in process. If the Agreement is terminated by the MPO's issuance of written notice, the MPO shall pay Consultant for all work authorized and completed prior to the date of termination.

B. If Consultant defaults or fails or neglects to carry out the Agreement, or any part thereof, or fails to perform any provision of this Agreement after notice of default and an opportunity to cure, the MPO, after seven (7) days written notice to Consultant and without prejudice to any other remedy the MPO may have, may make good such deficiencies and may

deduct the cost thereof, including compensation for any additional services made necessary thereby, from the payment then or thereafter due the Consultant. Or, at the MPO's option after said notice, the MPO may terminate this Agreement and may finish the project by whatever method the MPO deems expedient, and if the unpaid balance of the compensation exceeds the expense of finishing the project, such excess shall be paid to the Consultant, but if such expense exceeds such unpaid balance, the Consultant shall upon demand pay the difference to the MPO.

X. WORKERS WITHOUT AUTHORIZATION

A. Certification. By entering into this Agreement, Consultant hereby certifies that, at the time of this certification, it does not knowingly employ or contract with a worker without authorization who will perform work under the Agreement and that Consultant will participate in either the E-Verify Program administered by the United States Department of Homeland Security and Social Security Administration or the Department Program administered by the Colorado Department of Labor and Employment in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the Agreement

B. Prohibited Acts. Consultant shall not:

(1) Knowingly employ or contract with a worker without authorization to perform work under this Contract; or

(2) Enter into a contract with a subcontractor that fails to certify to Consultant that the subcontractor shall not knowingly employ or contract with a worker without authorization to perform work under this Contract.

C. Verification.

(1) If Consultant has employees, Consultant has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under the Agreement through participation in either the E-Verify Program or the Department Program.

(2) Consultant shall not use the E-Verify Program or Department Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.

(3) If Consultant obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with a worker without authorization who is performing work under the Agreement, Consultant shall:

1. Notify the subcontractor and the MPO within three (3) days that Consultant has actual knowledge that the subcontractor is employing or contracting with a worker without authorization who is performing work under the Agreement; and

2. Terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to subsection (1) hereof, the subcontractor does not stop employing or contracting with the worker without

authorization who is performing work under the Agreement; except that Consultant shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with a worker without authorization who is performing work under the Agreement.

D. Duty to Comply with Investigations. Consultant shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to C.R.S. § 8-17.5-102(5)(a) to ensure that Consultant is complying with the terms of this Contract.

E. If Consultant does not have employees, Consultant shall sign the "No Employee Affidavit" attached hereto.

F. If Consultant wishes to verify the lawful presence of newly hired employees who perform work under the Agreement via the Department Program, Consultant shall sign the "Department Program Affidavit" attached hereto.

XI. FEDERAL PROVISIONS

A. Equal Employment Opportunity compliance.

1. Consultant shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Consultant shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action includes but is not limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

2. Consultant shall, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

3. Consultant shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the Consultant's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

4. Consultant shall comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

5. Consultant shall furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

6. In the event of the Consultant's non-compliance with the nondiscrimination clauses of this Agreement or with any of such rules, regulations, or orders, this Agreement may be canceled, terminated or suspended in whole or in part, and the Consultant may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

7. Consultant shall include the provisions of this Section XI(A) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, in order that each of the foregoing provisions shall be binding upon each subcontractor or vendor. Consultant shall take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Consultant becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Consultant may request the United States to enter into such litigation to protect the interests of the United States.

B. **Clean Air Act and Clean Water Act compliance.** Consultant shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

C. **Energy Efficiency Standards compliance.** If applicable, Consultant shall comply with mandatory standards and policies relating to energy efficiency contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. 6201.

D. **Debarment / Suspension compliance.** By execution of this Agreement, Consultant represents that it is not a party listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235). Consultant further represents it is not otherwise excluded or declared ineligible for award of federal funds under any other statutory or regulatory authority.

E. **Byrd Anti-Lobbying Amendment compliance.** If this Agreement includes

compensation of \$100,000 or more, Consultant shall file the certification required for compliance with the Byrd Anti-Lobbying Amendment, certifying that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Consultant shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award.

F. **Procurement of recovered materials.** Consultant must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

G. **Right to inventions made under the Agreement.** If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and involves Consultant's performance of experimental, developmental, or research work, the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations apply.

H. **Breaches and Disputes**

(1) *Disputes* – Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the NFRMPO’s Executive Director. This decision shall be final and conclusive unless within then (10) days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the Transportation Planning Director. In connection with any such appeal, the Contractor shall be afforded and opportunity to be heard and to offer evidence in support of its position. The decision of the Executive Director shall be binding upon the Contractor and the Contractor shall abide by the decision

(2) *Performance During Dispute* – Unless otherwise directed by the NFRMPO, Contractor shall continue performance under this Contract while matters in dispute are being resolved.

(3) *Claims for Damages* – Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury or damage.

(4) *Remedies* – Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the NFRMPO and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or if a court of competent jurisdiction with the State in which the NFRMPO is located.

(5) *Right and Remedies* – The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of and duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the NFRMPO or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, no shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

I. **FTA Compliance**. Special provisions or conditions relating to federal patent law and rights in data that are applicable to this Agreement are set forth in **Exhibit C**, attached hereto and incorporated herein by this reference. (ONLY REQUIRED FOR RESEARCH PROJECTS WITH FTA FUNDING)

X. MISCELLANEOUS

A. **Governing Law and Venue**. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in either Weld or Larimer Counties, Colorado.

B. **No Waiver**. Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the MPO shall not constitute a waiver of any of the other terms or obligation of this Agreement.

C. **Integration**. This Agreement and any attached exhibits constitute the entire Agreement between Consultant and the MPO, superseding all prior oral or written communications.

D. **Third Parties**. There are no intended third-party beneficiaries to this Agreement.

E. **Notice**. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the party at the address set forth on the first page of this Agreement.

F. **Severability**. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

G. **Modification**. This Agreement may only be modified upon written agreement of the Parties.

H. **Assignment**. Neither this Agreement nor any of the rights or obligations of the Parties hereto, shall be assigned by either party without the written consent of the other.

I. **Governmental Immunity**. The MPO, its officers, and its employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the MPO and its officers or employees.

J. No Obligation by the Federal Government. The MPO and the Consultant acknowledge and agree that notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the purchaser, Consultant, to any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

K. Subject to Annual Appropriations. Consistent with Article X, § 20 of the Colorado Constitution, any financial obligations of the MPO not performed during the current fiscal year are subject to annual appropriation, and thus any obligations of the MPO hereunder shall extend only to monies currently appropriated and shall not constitute a mandatory charge, requirement or liability beyond the current fiscal year.

[Remainder of blank intentionally left blank – signatures on following page]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first set forth above.

**NORTH FRONT RANGE TRANSPORTATION PLANNING
COUNCIL**

Executive Director

CONSULTANT

By: _____

NO EMPLOYEE AFFIDAVIT

[To be completed only if Consultant does not have any employees]

1. Check and complete one:

☐ I, _____, am a sole proprietor doing business as _____. I do not currently employ any individuals. Should I employ any employees during the term of my Agreement with the MPO, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

OR

☐ I, _____, am the sole owner/member/shareholder of _____, a _____ [specify type of entity – i.e., corporation, limited liability company], that does not currently employ any individuals. Should I employ any individuals during the term of my Agreement with the MPO, I certify that I will comply with the lawful presence verification requirements outlined in that Agreement.

2. Check one.

☐ I am a United States citizen or legal permanent resident.

The MPO must verify this statement by reviewing one of the following items:

- *A valid Colorado driver's license or a Colorado identification card;*
- *A United States military card or a military dependent's identification card;*
- *A United States Coast Guard Merchant Mariner card;*
- *A Native American tribal document;*
- *In the case of a resident of another state, the driver's license or state-issued identification card from the state of residence, if that state requires the applicant to prove lawful presence prior to the issuance of the identification card; or*
- *Any other documents or combination of documents listed in the MPO's "Acceptable Documents for Lawful Presence Verification" chart that prove both the contractor's citizenship/lawful presence and identity.*

OR

☐ I am otherwise lawfully present in the United States pursuant to federal law.

Contractor must verify this statement through the Federal Systematic Alien Verification of Entitlement ("SAVE") program, and provide such verification to the MPO.

Consultant Signature

Date

DEPARTMENT PROGRAM AFFIDAVIT

***[To be completed if Consultant participates in the
Department of Labor Lawful Presence Verification Program]***

I, _____, as a public contractor under contract with The North Front Range Transportation and Air Quality Planning Council (the "MPO"), hereby affirm that:

1. I have examined or will examine the legal work status of all employees who are newly hired for employment to perform work under this public contract for services ("Contract") with the MPO within twenty (20) days after such hiring date;

2. I have retained or will retain file copies of all documents required by 8 U.S.C. § 1324a, which verify the employment eligibility and identity of newly hired employees who perform work under this Contract; and

3. I have not and will not alter or falsify the identification documents for my newly hired employees who perform work under this Agreement.

Consultant Signature

Date

EXHIBIT A

SCOPE OF SERVICES

EXHIBIT B
COST PROPOSAL

EXHIBIT C
FTA PATENT CLAUSES

CONTRACTS INVOLVING EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK.

A. Rights in Data.

1. The term "subject data" means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under this Agreement. The term includes graphic or pictorial delineation in media such as drawings or photographs; text in specifications or related performance or design-type documents; machine forms such as punched cards, magnetic tape, or computer memory printouts; and information retained in computer memory. Examples include, but are not limited to: computer software, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. The term "subject data" does not include financial reports, cost analyses, and similar information incidental to contract administration.

2. The following restrictions apply to all subject data first produced in the performance of the contract to which this Exhibit has been added:

a. Except for its own internal use, the Consultant may not publish or reproduce subject data in whole or in part, or in any manner or form, nor may the Consultant authorize others to do so, without the written consent of the Federal Government, until such time as the Federal Government may have either released or approved the release of such data to the public; this restriction on publication, however, does not apply to any contract with an academic institution.

b. In accordance with 49 C.F.R. 18.34 and 49 C.F.R. 19.36, the Federal Government reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for "Federal Government purposes," any subject data or copyright described in subsections (2)(b)(1) and (2)(b)(2) below. As used in the previous sentence, "for Federal Government purposes," means use only for the direct purposes of the Federal Government. Without the copyright owner's consent, the Federal Government may not extend its Federal license to any other party.

1. Any subject data developed under this Agreement, whether or not a copyright has been obtained; and

2. Any rights of copyright purchased by the Consultant using Federal assistance in whole or in part provided by FTA.

c. When FTA awards Federal assistance for experimental, developmental, or research work, it is FTA's general intention to increase transportation knowledge available

to the public, rather than to restrict the benefits resulting from the work to participants in that work. Therefore, unless FTA determines otherwise, the Consultant performing experimental, developmental, or research work required by this Agreement agrees to permit FTA to make available to the public, either FTA's license in the copyright to any subject data developed in the course of that contract, or a copy of the subject data first produced under the contract for which a copyright has not been obtained. If the experimental, developmental, or research work, which is the subject of the underlying contract, is not completed for any reason whatsoever, all data developed under that contract shall become subject data as defined in subsection (a) of this clause and shall be delivered as the Federal Government may direct. This subsection (c), however, does not apply to adaptations of automatic data processing equipment or programs for the Consultant's use whose costs are financed in whole or in part with Federal assistance provided by FTA for transportation capital projects.

d. Unless prohibited by state law, upon request by the Federal Government, the Consultant agrees to indemnify, save, and hold harmless the Federal Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Consultant of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under that contract. The Consultant shall not be required to indemnify the Federal Government for any such liability arising out of the wrongful act of any employee, official, or agents of the Federal Government.

e. Nothing contained herein shall imply a license to the Federal Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Federal Government under any patent.

f. Data developed by the Consultant and financed entirely without using Federal assistance provided by the Federal Government that has been incorporated into work required by the underlying contract to which this Exhibit has been added is exempt from the requirements of subsections (b), (c), and (d) of this clause, provided that the Consultant identifies that data in writing at the time of delivery of the contract work.

g. Unless FTA determines otherwise, the Consultant agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

3. Unless the Federal Government later makes a contrary determination in writing, irrespective of the Consultant's status (*i.e.*, a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual, etc.), the MPO and Consultant agree to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

4. The Consultant agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

B. Patent Rights.

1. If any invention, improvement, or discovery is conceived or first actually reduced to practice in the course of or under this Agreement, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the Consultant agrees to take actions necessary to provide immediate notice and a detailed report to the party at a higher tier until FTA is ultimately notified.

2. Unless the Federal Government later makes a contrary determination in writing, irrespective of the Consultant's status (a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual), the Consultant agrees to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

3. The Consultant agrees to include the requirements of this clause in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.