General Assurance

The Pikes Peak Area Council of Governments HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, that no person in the United States shall, on the grounds of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this assurance.

Specific Assurances

Federal Highway Program Assurance

More specifically and without limiting the above general assurance, the Pikes Peak Area Council of Governments hereby gives the following specific assurances with its Federal-aid Highway Program.

1. The Pikes Peak Area Council of Governments agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations will be (with regard to a “program”) conducted, or will be (with respect to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. The Pikes Peak Area Council of Governments requires that all contractors sign and agree to a professional services contract (see Appendix X) which explicitly outlines Title VI requirements and regulations.

3. That where the Pikes Peak Area Council of Governments receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

4. That where the Pikes Peak Area Council of Governments receives Federal financial assistance in form or for the acquisition of real property or an interest in
real property, the assurance shall extend to rights space on, over, or under such property.

5. That this assurance obligates the Pikes Peak Area Council of Governments for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Pikes Peak Area Council of Governments or any transferee for the longer of the following periods:

   a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

   b. The period during which the Pikes Peak Area Council of Governments retains ownership or possession of the property.

6. The Pikes Peak Area Council of Governments shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations and this assurance.

7. The Pikes Peak Area Council of Governments agrees that the United States has the right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

**Federal Transit Administration Assurance**

The Pikes Peak Area Council of Governments HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.

2. The Pikes Peak Area Council of Governments will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1A and, in compliance with the Department of Transportation Title VI regulation, 49 CFR Part 21.9.

3. The Pikes Peak Area Council of Governments will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or
national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

Certification

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Pikes Peak Area Council of Governments by the Department of Transportation under the Federal-aid Highway Program/Federal Transit Grant Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in the interest, and other participants in these same Federal-aid programs. The person whose signature appears below is authorized to sign this assurance on behalf of the Pikes Peak Area Council of Government.

DATED 6/1/22

Pikes Peak Area Council of Governments

By

Andrew Gunning
Executive Director
PIKES PEAK AREA COUNCIL OF GOVERNMENTS
ANNUAL TITLE VI ASSURANCES
FISCAL YEAR 2021-2022

1. There have been no lawsuits or complaints alleging discrimination on the basis of race, color, or national origin filed against the Pikes Peak Area Council of Governments within the last year, July 1, 2021 through June 30, 2022.

2. There are no pending applications to any federal agency by the Pikes Peak Area Council of Governments other than to the FTA.

3. There were no civil rights compliance reviews performed on the Pikes Peak Area Council of Governments by any local, state or federal agency during the period July 1, 2021 through June 30, 2022.

4. Title VI will be enforced by the Pikes Peak Area Council of Governments for all contractors. All contracts with the Pikes Peak Area Council of Governments 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 attached.

Dated: 6/1/22

Pikes Peak Area Council of Governments

by

Andrew Gunning
Executive Director
TITLIE VI POLICY STATEMENT

It is the policy of the Pikes Peak Area Council of Governments that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act, the Civil Rights Restoration Act of 1987, and any other applicable non-discrimination civil rights laws and regulations.

The Pikes Peak Area Council of Governments' Title VI Administrator is granted the authority to administer and monitor the Title VI Plan as promulgated under the Title VI Civil Rights Act of 1964 and any subsequent legislation and will provide assistance as needed.

Andrew Gunning, Executive Director
Pikes Peak Area Council of Governments

Date

For more information contact:
Pikes Peak Area Council of Governments
Title VI Coordinator
15 S. 7th St.
Colorado Springs, CO 80905
719-471-7080
CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Andrew Gunning, Executive Director, hereby certify to the best of my knowledge and belief, that:

1. No Federal 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, an 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. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Executed this 3rd day of March 2021.

By _______________________
Andrew Gunning,
PPACG Executive Director
STATEMENT CERTIFYING
The Metropolitan Planning Organization Transportation Planning Process
In the Colorado Springs Urbanized Area
By the
Pikes Peak Area Council of Governments
And the
State of Colorado Department of Transportation

The Pikes Peak Area Council of Governments (PPACG), as the designated Metropolitan Planning Organization for the Colorado Springs Urbanized Area, is responsible for conducting the continuing, cooperative, and comprehensive metropolitan transportation planning process as required under as required under Section 134 of Title 23 and Section 5303 of Title 49, United States Code.

The Colorado Department of Transportation (CDOT) and PPACG hereby certify that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements, including the following:

2. In nonattainment and maintenance areas, sections 174 and 176(c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506(c) and (d)) and 40 CFR part 93;
3. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
4. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
5. Section 1101(b) of the FAST Act (Pub. L. 114-357) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in DOT funded projects;
6. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
8. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender;
and

Long-Range Transportation Plan

The LRTP addresses the provision of multi-modal transportation facilities and services. The City of Colorado Springs, in cooperation with PPACG, prepared and maintains the Americans with Disabilities Act (ADA) Paratransit Plan. PPACG prepared the Colorado Springs Specialized Transportation Plan, and the City of Colorado Springs prepared a long-range public transportation plan. Both plans were adopted by PPACG in January 2020 as part of its Moving Forward 2045 Regional Transportation Plan. These plans address the provision of fixed-route transit service, ADA paratransit, and transportation services by human service providers in the Colorado Springs metropolitan area.

PPACG provides citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, and other interested parties with reasonable notice and provides them an opportunity to comment on the proposed plans and programs. PPACG has prepared public involvement procedures for the metropolitan transportation planning process that addresses these requirements: the most recent revision was adopted in April 2019. The Public Participation Plan (PPP) procedures explicitly consider the requirements of the Civil Rights Act of 1964 in addressing the involvement of minorities in the metropolitan transportation planning and programming processes. The PPP is designed to facilitate participation by a range of community members, including traditionally underserved groups and individuals including minorities, seniors, low-income populations, and individuals with disabilities. Implementation of the tactics outlined in the plan will provide an array of opportunities for meaningful public involvement and ensure compliance with all applicable federal regulations. Outreach efforts will be undertaken as necessary in support of transportation planning activities as they occur.

Ongoing PPACG activities consistent with Title VI of the Civil Rights Act, citizen involvement, and coordination of transportation services for elderly persons and persons with disabilities include the following:

1. Regular monthly meetings of the Community Advisory Committee (CAC), a citizens group consisting of persons representing a variety of member communities and citizens' interests appointed by their local member government entities and approved citizen organizations;
2. Monthly meetings of the Coordination Committee on Specialized Transportation;
3. Periodic review and update of the Public Involvement Procedures for transportation planning activities;
4. Proactive and ongoing citizen participation in the metropolitan transportation planning process from the earliest points of plan and program development through adoption; and
5. Annual meetings to review transportation planning assumptions.

Transportation Improvement Program

The latest fiscally constrained Transportation Improvement Program (TIP) was adopted in January 2022. Amendments to the TIP are considered on a regular basis and are reviewed by PPACG staff and committees for approval.
As the tool for program implementation, the TIP and all projects contained herein are aligned with the LRTP, its methodologies, and associated plans to include the Regional Non-Motorized Transportation Plan, the CMP, and the Human Services Public Transportation Coordination Plan Update. The TIP is also consistent with the Unified Planning Work Program (UPWP) and the Mountain Metropolitan Transit Plan.

As outlined in the PPACG TIP Policies and Procedures, proposed projects included in the TIP are modeled for air quality, Title VI, and Environmental Justice compliance as required. Public comment is solicited on the draft TIP for at least 30 days, to include public open houses and a public hearing at the PPACG Board of Directors meeting in accordance with the PPP. Public comments are made available to the Transportation Advisory Committee (TAC), CAC, and Board of Directors at least 30 days prior to the recommendation (in the case of the TAC and CAC) or approval (in the case of the Board of Directors) of the TIP.

**Unified Planning Work Program**

Unified Planning Work Programs (UPWP) are biennial documents that are approved annually by the Colorado Department of Transportation (CDOT), FHWA, and FTA, the most recent version was approved by the PPACG Board of Directors in June 2021 for FY2022-2023.

The UPWP process, as outlined in the PPP, includes a minimum 30-day public comment period, the results of which must be made available to the Board of Directors and relevant committees before adoption or recommendation is sought.

**Congestion Management Process**

PPACG updated the Transportation System Management and Operations (TSMO) CMP Corridor Plans in 2020 in accordance with 23 CFR § 450.322 to help direct funding toward projects and strategies most effective for addressing congestion. The CMP identifies critical corridors/problem areas throughout the region and provides cost-effective strategies for developing and evaluating projects that mitigate congestion. Details of the CMP are included in Section 8 and Appendix H of the LRTP.

**Air Quality Conformity**

The Colorado Springs Urbanized Area is an attainment area for all National Ambient Air Quality Standards (NAAQS) for pollutants U.S. Environmental Protection Agency under the Clean Air Act.

**Disadvantaged Business Enterprises in DOT Funded Projects**

CDOT has established Disadvantaged Business Enterprise (DBE) requirements and goals in accordance with 49 CFR § 26.1. CDOT’s three-year overall annual FHWA DBE goal for federal fiscal years (FFYs) 2022-2024 is 11.89%.

A Standard Special Provision to CDOT’s *Standard Specifications for Road and Bridge*
Construction was adopted in 2021 for use on all Federal-Aid Design-Bid-Build Projects, except Local Agency Projects, and should be used in conjunction with the Project Special Provision Worksheet, DBE Contract Goal. For design-build other innovative projects, the Civil Rights and Business Resource Center (CRBRC) should be contacted for DBE provisions.

The CDOT DBE Program Manual can be found online at DBE Program Manual — Colorado Department of Transportation (codot.gov), and the DBE Requirements are available at Revisions to Miscellaneous section — Colorado Department of Transportation (codot.gov).

Equal Employment Opportunity Program Implementation

In 2021, CDOT adopted a Requirement for Affirmative Action to Ensure Equal Employment Opportunity as a Standard Special Provision that revises or modifies CDOT’s Standard Specifications for Road and Bridge Construction in accordance with Executive Order 11246 and 41 C.F.R. § 60. This standard special provision is for use on all projects and includes goals and timetables for minority and female participation. The Affirmative Action Requirement is available at Revisions to Miscellaneous section — Colorado Department of Transportation (codot.gov).

PPACG and CDOT certify that the transportation planning process, including the 2045 LRTP, the FY2023-2027 TIP, FY2022-2023 UPWP, and the 2020 CMP have met all the above requirements.

Andrew Gunning, Executive Director
Pikes Peak Area Council of Governments

Shoshana Lew, Executive Director
Colorado Department of Transportation

2/14/22
3/02/2022
April 13, 2022

Mr. John Cater  Ms. Cindy Terwilliger
Colorado Division Administrator  Region 8 Administrator
Federal Highway Administration  Federal Transit Administration
12300 W. Dakota Avenue, Suite 180  Byron Rogers Federal Building
Lakewood, Colorado 80228  1961 Stout Street, Suite 13-301

Dear Mr. Cater and Ms. Terwilliger:

Pursuant to 23 U.S.C. § 134 (j) (1) (d), I am submitting my approval of the Transportation Improvement Program (TIP) for the Pikes Peak Area Planning Organization (PPACG) for state fiscal years 2023 through 2027. The TIP was adopted by the PPACG Board and the Colorado Department of Transportation (CDOT) certifies the accuracy of projects and fiscal constraint for this new PPACG TIP. The TIP was adopted in accordance with the Infrastructure Investment and Jobs Act (IIJA).

For your information, supporting documentation is included with this request:
- PPACG Board Resolution adopting the TIP
- Certification of the Planning Process
- CDOT Division of Accounting and Finance verification of TIP fiscal constraint
- CDOT Region 2 Transportation Director Concurrence with PPACG TIP
- The full PPACG FY 2023 - 2027 TIP can be found on the PPACG website at: https://www.ppacg.org/transportation/transportation-improvement-program/#23-27-TIP

If you have any questions regarding these documents, please contact Marissa Gaughan, CDOT Multimodal Planning Branch Manager, (303) 512-4235.

Sincerely,

Jared Polis
Governor
State of Colorado
cc: Rebecca White (CDOT DTD Director)
    Marissa Gaughan (CDOT MPB Branch Manager)
    Aaron Willis (CDOT Statewide and Regional Planning Manager)
    Richard Zamora (CDOT Region 2 Transportation Director)
    Andy Gunning (PPACG MPO Director)
RESOLUTION BY
THE PIKES PEAK AREA COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS
ADOPTING THE
Fiscal Year (FY) 2023–2027 TRANSPORTATION IMPROVEMENT PROGRAM
FOR THE COLORADO SPRINGS URBANIZED AREA

January 12, 2022

WHEREAS, Title 23, Chapter 1, Section 134 and Title 49, Section 8, United States Code, as updated by the Fixing America’s Surface Transportation Act of 2015 (FAST Act), requires that each urban area, as a condition to the receipt of Federal Capital or Operating Assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in transportation plans and programs consistent with the planned development of an urbanized area, and

WHEREAS, pursuant to the aforementioned legislation, the Pikes Peak Area Council of Governments was designated by the Governor of the State of Colorado as the Metropolitan Planning Organization responsible for carrying out the transportation planning and programming requirements of Title 23 and Title 49, United States Code, and

WHEREAS, the Pikes Peak Area Council of Governments is responsible for the development of a transportation improvement program which is to contain all transportation projects in the Colorado Springs Urbanized Area for which federal assistance is sought as well as those private, state, or locally-funded projects that are regionally significant, and

WHEREAS, the Colorado Department of Transportation and Pikes Peak Area Council of Governments have jointly determined the FY2023-2027 Transportation Improvement Program is fiscally constrained,
NOW, BE IT THEREFORE RESOLVED, the Pikes Peak Area Council of Governments has determined that the FY2023-2027 Transportation Improvement Program, as approved April 8, 2020 is in conformity with the Clean Air Act Amendments of 1990 and adequately addresses metropolitan planning requirements for the preparation of a transportation improvement program per the FAST Act.

BE IT FURTHER RESOLVED, the Pikes Peak Area Council of Governments, acting for and on behalf of its affected local governmental units, hereby approves the FY 2023-2027 Transportation Improvement Program for the Colorado Springs Urbanizing Area.

RESOLVED, APPROVED, and ADOPTED by the Pikes Peak Area Council of Governments this 12th day of January 2022, at Colorado Springs, Colorado.

[Signature]
Commissioner Stan VanderWerf,
Chair

[Signature]
Commissioner Dick Elsner,
Secretary
January 18, 2022

The Honorable Jared Polis
Governor of Colorado
136 State Capitol
Denver, CO 80202

Dear Governor Polis:

This letter affirms that the attached FY 2023 through FY 2027 Transportation Improvement Program from the Pikes Peak Area Council of Governments (PPACG) is financially constrained based on our current revenue estimates and program distribution. Please be aware that as revenues, policies and priorities change, the availability of funds to the PPACG area may vary. CDOT will work with PPACG to provide transparency through the TIP and STIP amendment processes should changes become necessary.

Sincerely,

Jeff Sudmeier
Chief Financial Officer
Colorado Department of Transportation

cc: file
Shoshana P. Lew, Executive Director
Rebecca White, Director, Division of Transportation Development
Bethany Nicholas, Budget Director, Division of Accounting & Finance
Marissa Gaughan, Manager, Statewide & Regional Planning, DTD
Jamie Collins, STIP Manager, DTD
Paige Castaneda, STIP Manager, DAF
Date: January 13, 2022

To: Shoshana Lew
   Executive Director

From: Richard Zamora
      Regional Transportation Director
      CDOT Region 2

Subject: Adoption of the Pikes Peak Area Council of Governments’ 2023 - 2027 Transportation Improvement Program

The Region 2 staff have reviewed the Pike Peak Area Council of Governments’ (PPACG) 2023 - 2027 Transportation Improvement Program (TIP), as adopted by the PPACG Board on January 12, 2022. Region 2 concurs that the projects are accurately represented in the TIP and has evaluated the various programs for fiscal constraint. Approval of the PPACG 2023 - 2027 TIP is highly recommended by Region 2.

Cc: Marissa Gaughan (DTD)
    Jamie Collins (DTD)
    Aaron Willis (DTD)
    Kathleen Collins (DTD)
    Rob Frei (P & Env. R 2)
Mar 3, 2022

The Honorable Jared Polis
Governor’s Office
136 State Capitol
Denver, CO 80203

RE: Request for Governor Approval – Pikes Peak Area Council of Governments (PPACG) FY 2023-2027 Transportation Improvement Program (TIP)

Dear Governor Polis,

In coordination with FHWA and FTA, the PPACG Board has adopted their FY 2023-2027 TIP. The following materials are attached for your reference:

- PPACG TIP Adoption and Air Quality Conformity Board Resolution
- Certification of the Planning Process
- CDOT Division of Accounting and Finance verification of TIP fiscal constraint
- CDOT Region 2 Transportation Director Concurrence with PPACG TIP
- The full PPACG FY 2023-2027 TIP can be found on the PPACG website at: https://www.ppacg.org/transportation/transportation-improvement-program/#23-27TIP.

CDOT has confirmed the following information, and based on these findings, I recommend that you approve this TIP:

- All projects in the TIP are consistent with Regional and Statewide Plans;
- All projects in the TIP are accurately represented;
- The FY 2023-2027 TIP meets fiscal constraint requirements based on the Transportation Commission’s Program Distribution.

Upon your approval of the PPACG FY 2023-2027 TIP, an approval letter from you must be sent to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). To facilitate this, we have attached a draft memo for your use in sending your approval to FHWA and FTA. An electronic version of this document will also be forwarded to your staff.

If you have any questions, please contact Marissa Gaughan of my staff at 303-512-4235.

Sincerely,

Shoshana Lew
Executive Director
Colorado Department of Transportation
Cc: Rebecca White (CDOT DTD Director)
    Marissa Gaughan (CDOT MPB Branch Manager)
    Richard Zamora (CDOT Region 2 Transportation Director)
    Andrew Gunning (PPACG MPO Director)
    Aaron Willis (CDOT MPO and Regional Planning Manager)