



PIMA COUNTY

TRANSPORTATION



TITLE VI
Implementation Plan

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Introduction

Title VI of the 1964 Civil Rights Act and the 1994 Executive Order on Environmental Justice require that any federally-funded planning, programming, and project implementation activities be free of discrimination. Further guidance from the Federal Highway Administration and the Federal Transit Administration incorporates the American with Disabilities Act (ADA) regulations in addition to Title VI and Environmental Justice into regional transportation plans. Today, federal transportation legislation known as MAP-21 (www.fhwa.dot.gov) recognizes these non-discrimination requirements as applying to both the planning as well as the individual project implementation phases. Additionally, Title VI compliance requires the inclusion of both data collection and analytic methods to assess the impacts on protected groups, and access to and level of public involvement.

This plan summarizes the Pima County Department of Transportation's (PCDOT) intended efforts to implement Title VI requirements in its programs. This plan incorporates completed and upcoming activities in PCDOT's Transportation program areas. Existing policies and procedures, such as PCDOT's Title VI Assurances and Complaint Procedures, are also included in this plan.



Non-Discrimination Policy Statement

The Pima County Department of Transportation (PCDOT) complies with Title VI of the Civil Rights Act of 1964 and all related statutes and regulations in all of its programs and activities. PCDOT operates without regard to race, color, national origin, age, sex, or disability. Meetings are held at accessible public locations with materials provided in accessible formats or in languages other than English upon request within reasonable advance notice.

A written complaint can be filed by any person who believes they have been discriminated against by PCDOT or any of its sub-recipients or contractors with the Arizona Department of Transportation (ADOT) Civil Rights. If the complaint is filed against PCDOT, then the PCDOT Title VI Liaison will forward the complaint to the ADOT Civil Rights Office. The ADOT Civil Rights Office will promptly investigate all complaints.

As the recipient and programming agency of both types of federal funding, PCDOT has the responsibility to follow federal nondiscrimination laws and policies as well as assist with the compliance of recipients of the federal funds provided through its programs, services, and processes. The Civil Rights Act of 1964, as well as several Presidential Executive Orders, outline these responsibilities. Applicable federal requirements include:

- Civil Rights Act of 1964
- Civil Rights Restoration Act of 1987
- Federal-Aid Highway Act of 1973
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Age Discrimination Act of 1975
- Uniform Relocation Act of 1970
- Executive Orders 12898 and 13166

Kathryn Skinner, P.E.

Transportation Department Director

September 7, 2022

Date

Kathryn Skinner, P.E., Director

NONDISCRIMINATION MEASURES

PCDOT has or pledges to have policies and procedures in place to promote open access to its programs, services, and processes and/or allow participation to all interested parties. These efforts include but are not limited to the following:

Staff Training

Designated PCDOT staff are trained on the agency's responsibilities to follow federal nondiscrimination laws and procedures.

Public Involvement Policy (PIP)

The PCDOT Public Involvement Policy (PIP) is reviewed on an on-going basis through meetings on Title VI and Environmental Justice issues. Discussion on how to incorporate strategies to engage traditionally under-served populations throughout is part of this process.

Meeting Locations and Times

PCDOT strives to hold public meetings at locations that are convenient and located in close proximity to available public transit. Public meetings are scheduled in late afternoon into the early evening to accommodate traditional "working schedules." Meeting locations are accessible according to the provisions of the Americans with Disabilities Act (ADA).

Development of a Limited English Proficiency (LEP) Plan

PCDOT has reviewed and will utilize the US Department of Transportation recommended Four-Factor analysis guidelines conducted by the regional Metropolitan Planning Organization (MPO), the Pima Association of Governments (PAG), to determine what language assistance is appropriate for PCDOT's service area, and formulate a Limited English Proficiency (LEP) Plan based on that analysis.

Agendas

PCDOT public meeting agendas contain a footnote in English and Spanish that has translations available upon request.

Website

The PCDOT website provides a link to all program summary materials.

Public Notice

Public notices and advertisements regarding public meetings include verbiage that additional information or language assistance is available upon request and is noted in Spanish.

Posted Public Notice

A Title VI notice is posted in public view wherever agendas for upcoming public meetings are posted; as well as in the applicable buildings and spaces that house PCDOT offices where the public and clients of PCDOT are frequently present in full view of the public. The Title VI Notice is posted in PowerPoint presentations for virtual meetings. The notice states that PCDOT complies with Title VI and provides direction to the Title VI Coordinator and website for the complaint form and process.

Procurement Policies

PCDOT procurement policies and contracts will contain provisions for Disadvantaged Business Enterprise outreach and nondiscrimination language whenever possible.

Nondiscrimination Process and Log

PCDOT developed a discrimination complaint process that is posted on the web site. Additionally, PCDOT keeps a log to track discrimination-related investigations, lawsuits, and complaints.

Assurances

The Civil Rights Act of 1964 (Title 49, CFR Part 21) requires states to submit assurances to the federal government that no person will be discriminated against on the basis of race, color or national origin in programs and activities receiving federal assistance from the U.S. Department of Transportation. Each state requires the same assurances from sub-recipients and contractors that receive federal funds, including funds from the Federal Highway Administration and the Federal Transit Administration. These assurances ensure that contractors and their employers know the terms of agreement between citizens and their government that protect the rights of the public. PCDOT submitted its authorized assurances to the Arizona Department of Transportation (ADOT) per these requirements, attached to this Plan.

Departmental Organization and Program Administration

GENERAL ORGANIZATION

The Pima County Department of Transportation (PCDOT) is a public governmental agency that is responsible for a variety of service and programmatic areas. PCDOT oversees the design, construction, maintenance, and operations of nearly 2,200 miles of roadways and Infrastructure throughout unincorporated Pima County. (See Attachment C for Organizational Structure.)

PROGRAM ADMINISTRATION

Planning & Design

The Planning and Engineering Division is responsible for planning future transportation corridors and multi-modal facilities throughout unincorporated Pima County. The division develops future transportation plans and reports and works closely with the Pima Association of Governments (PAG) and other local jurisdictions to develop the long-range Regional Mobility and Accessibility Plan (RMAP) and the short-range Transportation Improvement Program (TIP). The division seeks and evaluates funding for projects and manages the Roadway Development Impact Fee Program.

The Major Streets and Scenic Routes Plan (MSSRP) is one of the tools used to plan for future roadways in Pima County. The MSSRP is a map of current and future major roadways and establishes setbacks to allow for future roadway widening.

Pima County seeks public involvement in the development of projects. Citizens, neighborhoods and businesses provide valuable input during the design and construction phases of projects.

Typically, we establish a citizens' advisory committee for major projects. The Community Participation and Mitigation Ordinance identifies the policies and processes for citizen involvement.

The division also maintains Design Standards and Manuals, a Public Art policy, a Native Plant Salvage Program, and Plan Sheet standards.

Project Delivery

The Capital Program Office, a separate department within Pima County Public Works, is responsible for the project management of capital improvement projects related to transportation. The Planning and Engineering Division is responsible for engineering review and the Construction Monitoring Division is responsible for construction management of the transportation capital improvement projects.

Roadway Maintenance

The Maintenance Operations Division maintains nearly 2,200 miles of roadways, and provides the following services:

- Pavement Preservation
- Pothole Patching
- Street Sweeping
- Shoulder Repair
- Road Grading (dirt roads)
- Vegetation Management
- Snow and Ice Control (Mt. Lemmon)
- Storm Clean-up
- Other Incidentals (guardrails, cattle guards, etc.)

The Division also maintains over 100 traffic signals, thousands of signs, and hundreds of miles of roadway markings. It is also responsible for all aspects of traffic safety on the County roadway system and for collecting traffic data, including current and historical traffic counts for most streets; accident statistics for intersections and roadway segments; and traffic control ordinances such as speed limits, stop signs, and school crossings. The Planning and Engineering Division collects and maintains a database of traffic counts for most of the roadways and intersections in unincorporated Pima County. Traffic counts are listed in tabular form and in a GIS Map application by major road, minor roads, and intersection approach counts in alphabetical order.

Public Transit

Sun Tran and *Sun Shuttle* provide public transit in Pima County and City of Tucson. PCDOT does not manage this service, but provides financial assistance to the Regional Transportation Authority, which does. *Sun Tran* operates fixed-route buses throughout the metropolitan region including limited areas of unincorporated Pima County.

The Regional Transportation Authority (RTA) also operates rural transit service in Marana, Oro Valley, Catalina, Sahuarita, Green Valley, San Xavier, Tucson Estates, and Ajo. *Sun Shuttle* buses operate along fixed routes, but some routes allow flag stops and pick-ups or drop-offs within 3/4 mile of *Sun Shuttle* routes if pre-arranged.

Sun Shuttle provides dial-a-ride services for individuals with disabilities and who live within a designated eligibility area that includes parts of Pima County, central Tucson, and portions of Marana and Oro Valley. These services are available to persons who qualify through the Americans with Disabilities Act (ADA) Eligibility Office, in accordance with the ADA. The ADA Eligibility Office of the City of Tucson determines eligibility for all special needs transportation in the region. Once approved for services, advance reservations are required.

Permits and Fees

The Roadway Development Impact Fee is assessed for new or proposed developments to help pay for the arterial roadway capacity needs created by new development. Monies collected must be used to increase roadway traffic capacity (i.e. widening) on roadways that are specified for improvements. The fees are charged in seven designated benefit areas. Fees are assessed at the time of building permit issuance. They cannot be used for roadway maintenance or to improve local roads.

Anyone desiring to conduct work in the Pima County right-of-way needs to obtain a permit. Activities that require a permit include digging of any hole, drain, trench or ditch in any public street, alley, drainage-way or thoroughfare. Also included are the removal or change of any curb; the pavement of or other constructed improvement; the construction of any paving, irrigation, or landscaping or any other improvement; or the construction of any improvement for flood control purposes in any public drainage-way or drainage easement.

Special event permits are required to conduct, manage, or sponsor any organized special event within a public street or right-of-way in Pima County, and Oversize Vehicles that exceed 8.5 feet in width or 13.5 feet in height need to obtain a permit from PCDOT in order to operate as well.

Adopt-a-Roadway Program

Established in 1992, PCDOT's Adopt-a-Roadway Program (AAR) was created to help beautify Pima County by facilitating trash removal on arterial and collector roadways. Volunteer groups participating in the program save the taxpayers of Pima County approximately \$250 per mile cleaned, which translates into thousands of dollars saved. By adopting a roadway, civic and other nonprofit organizations help to generate pride in their community and create economic benefits to all citizens of Pima County.

Through the Adopt-a-Roadway Program, nonprofit organizations make a two-year commitment to pick up litter at least twice a year along a two-mile stretch of county roadway. The areas of responsibility are marked with two AAR signs bearing the organization's name.

Graffiti Removal

The purpose of this program is to abate graffiti immediately on all public properties and to provide private property owners in unincorporated Pima County with a Graffiti Abatement Assistance Program. In addition, PCDOT's *Taking Action against Graffiti* (TAAG) Program was created to prevent and control the spread of graffiti through an education program targeting students age 8-18.

Neighborhood Traffic Management Program

The Neighborhood Traffic Management Program (NTMP) improves traffic safety in neighborhoods by reducing speeding vehicles and reducing cut-through traffic. Residents collaborate with Pima County to modify neighborhood streets with traffic calming techniques such as speed humps and traffic circles.

Airports and Rail

Pima County owns, operates, and maintains the Eric Marcus Municipal Airport in Ajo, Arizona. Pima County Real Property Services in downtown Tucson administers and manages the airport while PCDOT maintains the facility. The Ajo Airport Master Plan provides detailed information on the airport and is accessible online.

Title VI Complaint Process

Any person who believes that he or she either individually or as a member of any specific class of persons, or in connection with any minority contractor, has been the subject of discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a Title VI complaint. The complaint must be unequal treatment because of race, color, or national origin, or noncompliance with Title VI rules or guidelines adopted there under.

PCDOT maintains a Title VI complaint log and provides a Title VI Complaint Form at public meetings, and on the PCDOT website as well as at PCDOT main office locations. PCDOT staff are trained on the federal Title VI requirements and on how to assist any member of the public who would like to file a Title VI Complaint.

The Title VI complaint process described below applies to PCDOT and its programs, as well to consultants and contractors funded by PCDOT.

The Arizona Department of Transportation (ADOT) has the principal responsibility for processing any complaint arising as a result of operations of its sub-recipients such as PCDOT on FHWA funded programs. PCDOT will be responsible for processing, investigating, and resolving complaints of discrimination within our contractors and vendors and any non-FHWA Funded program. The PCDOT Title VI Coordinator contact information is as follows:

Katrina Noble, PCDOT Title VI Coordinator
201 North Stone Avenue – 4th Floor
Tucson, AZ 85701
(520) 724-6410
(520) 724-6439 fax
katrina.noble@pima.gov

The complaint process will follow the ADOT procedures. Complaints received by PCDOT on FHWA funded programs will be forwarded to the ADOT Civil Rights Office within 72 hours. Complaints may be sent directly to ADOT but they must be filed in writing to:

ADOT Civil Rights Office
206 South 17th Avenue, Mail Drop 155-A
Phoenix, AZ 85007
(602) 712-8946
(602) 239-6257 fax

FHWA Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 as they relate to any Federal Highway Administration program or activity administered by the Department, its sub-recipients, consultants and contractors. In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or take legal action for complaints alleging discrimination.

Required procedures for FHWA Title VI Complaints filed against the Department, the Department's sub recipients, contractors or consultants:

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FHWA-related activity or program as prohibited by the legal provisions of Title VI based on race, color, national origin, can file a formal complaint with the Department. A copy of the Complaint Form may be accessed electronically at <https://webcms.pima.gov/government/transportation/> – Civil Rights Tab.
2. The complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to the complainant or the last date of the incident.
3. Complaints should be in writing, signed, and may be filed by mail, fax, in person, or email. However, the complainant may call the Department and provide the allegations by telephone for transcription. Once transcribed the Department will send the written complaint to the complainant for correction and signature.
4. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint (e.g., race, color, national origin);
 - d. The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated;
 - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal Highway Administration (FHWA) financial assistance; and is a consultant, contractor or sub-recipient of the Department and
 - f. The date(s) of the alleged discriminatory act(s).
5. Upon receipt of a completed complaint, the Department will forward all FHWA Title VI complaints to Arizona Department of Transportation (ADOT) Civil Rights Office (CRO) within 72 hours.
6. ADOT CRO will forward all FHWA Title VI complaints to the FHWA Division Office.
7. All Title VI complaints received by the FHWA Division Office will be forwarded to the FHWA Office of Civil Rights for processing and potential investigation.

8. If the FHWA Office of Civil Rights determines a Title VI complaint against a sub-recipient can be investigated by ADOT CRO, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to ADOT CRO. ADOT CRO will conduct the investigation and forward the Report of Investigation to the FHWA Office of Civil Rights for review and final disposition.
9. The disposition of all Title VI complaints will be undertaken by the FHWA Office of Civil Rights, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the FHWA Division Office.
10. The complainant may also file a discrimination related complaint on an FHWA program or activity directly with ADOT or with the FHWA by contacting the agencies at:

ADOT Civil Rights Office
206 South 17th Avenue, Mail Drop 155A
Phoenix, AZ 85007
(602) 712-8946
(602) 239-6257 fax
civilrightsoffice@azdot.gov

Federal Highway Administration
Washington, DC 20590
(202) 366-0693
(202) 366-1599 fax
CivilRights.FHWA@dot.gov

U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105

Limited English Proficiency (LEP) Program

As both the recipient of and programming agency for some types of federal funding, PCDOT has the responsibility to follow federal nondiscrimination laws and policies as well as assist with the compliance of recipients of the federal funding that are programmed through PCDOT's processes. The Civil Rights Act of 1964, as well as several issued Executive Orders, outlines these responsibilities.

Executive Order 13166, titled "Improving Access to Services to Persons with Limited English Proficiency," indicates that in some circumstances differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. This order applies to all state and local agencies that receive federal funding.

This Limited English Proficiency (LEP) Plan provides direction on how PCDOT will stay compliant with these provisions and it was prepared in accordance with Title VI of the Civil Rights Act of 1964.

It is the policy of PCDOT to ensure that its programs and activities are accessible to persons with Limited English Proficiency (LEP) and thus does not discriminate based on national origin in violation of the Title VI prohibition against national origin discrimination. PCDOT will, to the maximum extent, provide appropriate alternative non-English formats for persons with LEP to access PCDOT information and services in its official deliberations and communications, community outreach, and related notifications, if requested.

As previously outlined above, any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination may file a complaint, the process for which has also been defined above. The referring documents, along with the Discrimination Complaint Form, is available on the PCDOT website Civil Rights tab at <https://webcms.pima.gov/government/transportation/>.

PLAN ASSESSMENT

As a recipient of federal funding, PCDOT pledges to take reasonable steps to ensure that all members of the community, regardless of their proficiency to understand English, have the opportunity for meaningful access to all of PCDOT’s planning and programming processes. The US Department of Transportation (US DOT) provides guidance on conducting a four-factor analysis to determine what language assistance is appropriate. The Pima Association of Governments (PAG), the regional Metropolitan Planning Organization (MPO) to which Pima County is a member jurisdiction, assists in conducting the analysis. Due to the similarity in the service area between PAG and PCDOT, PCDOT will use the data compiled and analyzed by PAG in its own LEP Plan as well as conducting its own data analysis.

The factors recommended for analysis according to US DOT guidance include:

- Factor 1: The number or proportion of LEP persons served by the service area
- Factor 2: The frequency with which LEP individuals come in contact with the programs
- Factor 3: The importance of the service provided by programs
- Factor 4: The resources available and the overall cost

PCDOT’s analysis of the four factors is provided below:

Factor 1: The Number or Proportion of LEP Persons Served by the Service Area

DOT reviewed U.S. Census Bureau data for the percentage of population in Pima County that indicated that they spoke English “less than very well.”

Languages Spoken at Home in Pima County by LEP Persons who Speak English "less than very well" (US Census Bureau's 2020 American Community Survey)						
	Total Population	LEP Population	% Total Non-LEP Population	% Total LEP Population	% of Population that Speaks Language other than English	% Total Population that Speaks English less than very well
Pima County	980,870	77,696	92.1%	7.9%	27.4%	7.9%
Tucson	514,226	52,204	89.8%	6.2%	32.6%	10.2%

Further, data was analyzed to determine which languages(s) were the primary languages spoken by those who spoke English "less than very well." Spanish was the predominant primary language in the PAG/PCDOT service area of those who indicated that they spoke English "less than very well."

Top Three Languages Spoken at Home In LEP Households in Pima County (US Census Bureau's 2020 American Community Survey)			
	Speak Language other than English	% of Speak Language other than English	% of population who speak English less than "very well"
Spanish	220,028	22.4%	7.9%
Indo European	16,685	1.7%	20.4%
Asian and Pacific Languages	18,429	1.9%	41.2%
Other	13,793	1.4%	29%

It was determined that it was not cost effective to take specific actions for languages of the LEP populations other than Spanish, all being less than two (2) percent of the population, unless a specific request was made for an accommodation.

Factor 2: The Frequency with which LEP Individuals Come in Contact with Programs

Transportation planning is an area that affects everyone in Pima County. PCDOT knows that an effort should be made to provide the Spanish speaking community an opportunity to participate in the planning process. See the "Language Assistance Measures" portion of this document for more detail on how Spanish is incorporated into PCDOT's community outreach and public involvement efforts.

Factor 3: The Importance of the Service Provided by Programs

The importance of the programs and services provided by PCDOT cannot be understated. Most PCDOT activities relate to maintaining existing public right-of-way, identifying and planning funding for future projects, while also designing and implementing such projects where appropriate. Since PCDOT's activities bring it into continuous direct contact with the public, it is pivotal for PCDOT to ensure that LEP populations have input in the planning of future and current projects for the region. PCDOT strives to be inclusive in soliciting community participation for services and programs that it provides directly to the public.

Factor 4: The Resources Available and Overall Cost

PCDOT has limited staff and financial resources, which makes the translation of all materials cost prohibitive. The Pima County Communications Office provides PCDOT translation assistance when translation services are requested. Often, persons with a limited English proficiency have several trusted sources to interpret for them. PCDOT will work to provide sufficient bilingual information for the LEP population to understand that PCDOT services are available or what major planning activities are taking place so that they can ask for assistance from PAG or one of their trusted sources.

LANGUAGE ASSISTANCE MEASURES

Agency Training

- All appropriate staff members receive training regarding PCDOT's responsibilities for providing LEP services and the resources that PCDOT has available in fulfilling these responsibilities.
- Staff receive instruction on what to do when individuals with Limited English Proficiency seek to participate in a PCDOT program, process, or service.
- PCDOT's Human Resource Officer maintains a list of PCDOT employees who speak or write additional languages other than English.

Identification of Individuals who Require Language Assistance

- PCDOT will adhere to the Census "Language Identification Flashcards" which PAG utilizes to identify potential future needs. These cards have been enhanced to include O'odham and Yaqui, the dominant Native American languages spoken in the PCDOT service area.
- PCDOT will examine records to observe if requests for language assistance have been received in the past, either at meetings both in person and virtually or over the phone, to determine the extent to which language assistance might be needed at future events.
- When PCDOT sponsors an event, there will be a staff person to greet participants as they arrive whenever possible. By informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English.
- Front-office staff and other staff members who speak directly with the public will be surveyed annually on their experience concerning any contacts with LEP persons during the previous year. Logs are kept noting how many non-English constituents have called.

Outreach Techniques

- PCDOT public meeting agendas contain a footnote in English and Spanish that states translations are available upon request.
- The PCDOT website provides a link to program summary materials translated into Spanish.
- Public notices and advertisements to public meetings will include a footnote, in Spanish, that translation are available upon request.

- The PCDOT service area is adjacent to the Pascua Yaqui Tribe and Tohono O’odham Nation. Some members of both the Tribe and the Nation have greater proficiency with their own tribal languages than with English. When PCDOT events take place on Tribal or Nation Lands, every effort is made to work with the respective jurisdictional staff to make accommodations for cultural and language assistance, as the hosting jurisdiction considers appropriate.

MONITORING AND UPDATING THE LEP PLAN

The LEP Plan will be updated annually as required by US DOT guidance and direction. At a minimum, the LEP Plan will be updated when new census data becomes available, in cooperation with the analytical work previously conducted by PAG. It is understood that the community profile of Pima County will undoubtedly continue to change over time. Not only will the four-factor analyses need to be revisited, but also the appropriate language assistance measures may need to be improved to reflect community changes.

CONTACT INFORMATION

PCDOT, through development of this LEP Plan, does not intend to exclude anyone from participating in the PCDOT process or from taking advantage of PCDOT programs or services. PCDOT will make every reasonable effort to accommodate any special needs request.

Questions or comments regarding this LEP Plan may be submitted to the PCDOT Title VI Coordinator:

Katrina Noble, PCDOT Title VI Coordinator
201 North Stone Avenue – 4th Floor
Tucson, AZ 85701
(520) 724-6410
(520) 724-6439
Katrina.Noble@pima.gov

Program Area Implementation of Title VI

TRANSPORTATION PLANNING

PCDOT use maps developed by the Maricopa Association of Governments (MAG) and the US Environmental Protection Agency (EPA) showing the concentration distribution of “protected” classes (as defined by federal regulation) within its area of service, namely unincorporated Pima County. These maps, along with official population statistics, current estimates and projections, and other household data in the PCDOT service region, serve to assist in analyzing the potential disparate impacts of the Regional Mobility and Accessibility Plan (RMAP) and Transportation Improvement Program (TIP) on these groups. A project area specific report will be developed and attached to the project charter to inform the entire project team of the concentration of protected populations near the project.

The types of projects that appear in the RMAP and TIP may include roadway improvements, bridge improvements, transit improvements, transportation enhancements, transportation planning studies, bicycle and pedestrian programs, alternate mode programs, and airport improvements.

TRANSPORTATION MAINTENANCE AND OPERATIONS

PCDOT Maintenance Division will track the location of all activities. A yearly report will be developed to review the data and locations served to determine any disparate impact to protected classes.

RIGHT-OF-WAY

Pima County Real Property Department will collect demographic information for all properties acquired for right-of-way and easements on PCDOT projects. The information will be collected through the self-identification survey cards or other means. The demographic data will be reviewed for any potential disparate impacts to protected classes in the Department’s service area.

PUBLIC INVOLVEMENT

PCDOT’s Community Participation and Mitigation Ordinance provides guidelines for full and fair participation for all potentially-affected communities. Identifying these communities requires close coordination between the development and implementation of the public involvement effort and the data collection and analysis phases of the planning process, all of which are subject to Title VI and Environmental Justice provisions. The data collection phase provides information on the protected populations, which are often synonymous with the underserved/under-represented populations and, therefore, may require particular attention in the public

involvement effort. The analysis phase provides information on the potential level of impact to the various populations. Findings will determine the need for integration into public involvement efforts seeking input on alternative development, alternative preferences, and/or mitigation.

PCDOT will address Title VI requirements both quantitatively and qualitatively with extensive public involvement and data analysis techniques. Federal regulations define specific groups as “protected populations.”

To promote and help foster public participation, staff in each program area will work to ensure that information is readily accessible and make certain that the people likely to be affected by and/or interested in a specific program are identified and made aware of opportunities to participate. The following sections address each of these practices in detail.

Access to PCDOT Information

PCDOT’s documents, data, and information, with very few exceptions, are a matter of public record. Intrinsicly, any request from a member of the public for a PCDOT document is responded to in a timely manner. At a minimum, a written response is provided within one (month) of the receipt of a public information request.

Stakeholder Analysis

PCDOT staff investigates and analyze who may be potentially affected and/or interested in the planning issue or policy being developed, identifying both internal and external stakeholders. Internal stakeholders typically include PCDOT staff involved in related activities, and other governmental agencies with jurisdiction or interest in the activity. External stakeholders typically include non-governmental parties and citizens who are affected by the activities and/or have an interest in them including Title VI and Environmental Justice populations.

Many of PCDOT's program areas have already compiled their own lists of external stakeholders. For each new activity, or over the course of longer activities, these lists are reviewed to ensure they are up to date and reflect the broadest range of stakeholders reasonably possible. A common method for identifying additional stakeholders is to interview existing stakeholders to determine who else needs to be involved.

PCDOT’s public relations staff maintains a database of stakeholders and members of the public identified through a variety of public involvement initiatives over time with previous and continual efforts. This database includes civic and community organizations serving Title VI and Environmental Justice populations, neighborhood and homeowner associations, environmental and business groups, elected officials, partner jurisdiction staff at various levels, and other public groups. Public involvement staff are available to assist other agency staff in conducting stakeholder analyses and in accessing the public participation database upon request.

Public Notification of PCDOT Activities and Services

The promotion of inclusive and accessible public involvement includes regular efforts within each PCDOT program area to notify a wide range of stakeholders and the public regarding the information, data, funding, policy and planning issues being addressed.

Public information is presented in formats that are accessible to the intended audiences. Public involvement program staff are available for consultation in determining what information is appropriate to publicize and in what form.

For reaching the public, the website and media outreach (e.g., press releases) are encouraged. For reaching stakeholder groups, distribution of public information documents such as reports and newsletters via direct mail also may be an effective communication method. The use of other outreach methods is considered to promote equal access to information for targeted audiences. In particular, efforts to overcome barriers to accessing information among underserved populations, youth, and other individuals who may not have Internet access or read newspapers are undertaken.

For example, public service radio announcements on Latino radio outlets as well as in the newspaper *La Estrella* are two methods for reaching Hispanic populations, particularly non-English speaking residents. Additionally, underserved populations are no different from other populations in that they are more likely to read information distributed through trusted and familiar communications channels. E-mail is used to distribute notices to school and community-based newsletters for publication. Placement of English / Spanish information in libraries, community centers, or other public places is also used.

Spanish Translations

As indicated in PCDOT's Limited English Proficiency (LEP) Plan, Spanish is the predominant primary language spoken by those in the PAG Service area who speak English "less than very well."

Public information documents written in English, including meeting notices include a tagline affirming that PCDOT will make reasonable accommodations to translate any materials in Spanish.

As a general provision, Spanish-speaking staff are on hand at public meetings intended for gathering input.

Spanish translations are used for activities specifically targeted to the public even without a request. Examples of materials to be translated include meeting notifications (e.g., flier or Web posting). Additional information that is translated upon request includes any public meeting handouts, such as fact sheets, newsletters, and executive summaries of planning documents under review.

Task Force Composition

Efforts will be made to assess the composition of PCDOT’s task forces and citizen’s advisory committees and groups to ensure that invited or appointed members represent a cross section of key stakeholder groups.

Geographic Analysis of Underserved Populations

Staff within each PCDOT division and program area will be asked to periodically perform a basic assessment. The purpose of assessment is to identify the location of protected Title VI populations as it relates to the provision of information and planning programs and services. PCDOT will provide program staff with maps showing the location of protected Title VI and Environmental Justice populations for any specific geographic areas, and ensure that such information is available online. Zip code maps are used to show demographics using Census data. Proposed maps of protected populations and mailing list zip codes will be compiled as a way to demonstrate that protected populations are being notified and/or involved. The documentation is important for demonstrating compliance with Title VI and Environmental Justice provisions.

Meeting Scheduling, Location and Access

Public meetings are scheduled to increase the opportunity for attendance by stakeholders and the public. This may require scheduling meetings during non-traditional business hours, holding more than one meeting at different times of the day or on different days, and checking other community activities to avoid conflicts.

When a public meeting or public hearing is focused on a planning study or program related to a specific geographic area or jurisdiction within the PCDOT service area, the meeting or hearing is held within that geographic area or jurisdiction. The appropriate elected officials as identified in the stakeholder analysis are consulted and/or informed of relevant outreach activities within their jurisdictions.

Public meetings are held in locations accessible to people with disabilities and are located near a transit route whenever possible.

Title VI Information on the PCDOT Website

PCDOT has a Civil Rights section on the PCDOT website where the public can learn about PCDOT’s Title VI commitments and efforts, Non-Discrimination Policy, and Limited English Proficiency Plan, as well as download the Title VI complaint process and complaint form.

PCDOT website: <https://webcms.pima.gov/government/transportation/> – Civil Rights Tab.

A “Google Translate” button is on the Title VI webpage to allow users to translate the entire PCDOT website into over 50 languages.

PROGRAM REVIEW

Department Directives

Department directives are reviewed for any Title VI implications. The Title VI Coordinator or other qualified individual completes the review during the directive development process. Directives are looked at for any disparaging impacts on protected classes. Any identified Title VI implications will be brought to the attention of the directive initiator and Department Management. Title VI implications will be resolved prior to directive issuance.

Program Areas

Each year a Department program will be reviewed for compliance. A program's documentation and data collection will be reviewed for conformance to the requirements. Discussions will be held with program staff to review procedures and determine any areas of improvement needed for a particular program. Any non-conformance identified will be documented and reported to the Department Management. A correction plan will be included in the report. Corrective actions may include, but are not limited to, revised procedures, additional training, etc.

TRAINING

PCDOT Title VI Coordinator and a backup will attend Title VI training annually or as available by ADOT or FHWA. Pima County staff will receive training annually on the PCDOT Title VI Program and responsibilities during the second quarter of each fiscal year. The training will be conducted by the Title VI Coordinator or back up and will cover the following: definition and terms of the Title VI Civil Rights Act, purpose of Title VI and protection laws; limited English Proficiency assessment and assistance; public engagement requirements, purpose of data collection, compliance program review, type of discrimination; and the complaint process.

At a minimum, the training will include Department Management, Planning and Engineering, Construction Monitoring, Community Relations, Maintenance Operations managers, and any other Department personnel who interact with the public. Sub-recipients when feasible will receive training at the beginning of each project. The training will be incorporated in the kickoff meeting or pre-construction meeting where applicable.

SUB-RECIPIENTS

PCDOT will include all Title VI requirements in all Contracts and Intergovernmental Agreements (IGA) for any sub-recipient. A sampling of sub-recipients agreements will be reviewed for conformance on an annual basis. Department procedures will be reviewed and updated when changes occur or deficiencies found. Currently, PCDOT is not working with any sub-recipients.

ANNUAL UPDATE AND STATISTICAL REPORTING

PCDOT will provide an annual report by August 1 of each year, which will highlight its Public Outreach and Involvement activities and efforts for the previous year, as well as report on the population it serves by making available figures on the diversity of those who have actively taken part in PCDOT programs, services, and processes. The latter statistical reporting will be compiled by gathering the demographic data of those who take part in such activities and wish to voluntarily disclose such information when appropriate and possible. In addition, PCDOT will provide information on complaints made during the year, as well as any legal action pertaining to alleged discrimination.

SPECIAL EMPHASIS PROGRAM AREAS

Should any discriminatory trends or patterns be observed in a program area that program will be designated a special emphasis program. The Department will conduct a comprehensive review of the program area. The Department Director and program area manager will be notified of the observations and review process. The Title VI coordinator and others, as designated by the Director will conduct this review. All internal policies and procedures will be reviewed. Personnel interviews may be used as required. All documents developed pertaining to the special emphasis program will be reviewed. A report will be developed which includes the findings and recommendations. This report will be coordinated between the Title VI Coordinator and the program area under review to include an action plan for remediation of the findings. The special emphasis program will be monitored in accordance with the action plan.

If a program area is found to be in noncompliance with the requirements of the Title VI program, it will also be considered a special emphasis program. Additional training will be provided for staff in the program. The program will be monitored over the following year with regular reviews to verify correction of any areas of noncompliance.

Disadvantaged Business Enterprise (DBE) Program

It is Pima County's policy, as a federally-assisted corporate body of the State of Arizona, to encourage small and minority businesses and women's business enterprises to submit proposals for contracted work, including projects overseen or administered by PCDOT. In accordance with Pima County policy, DBE language will be included in PCDOT solicitations for work regarding ADOT and federally-funded projects.

PCDOT will work closely with contracted agencies to ensure DBE compliance. ADOT establishes a DBE goal for each competitive federal aid contract whenever applicable, and that goal will be incorporated into the contract between PCDOT and its consultant. Both PCDOT and its contractors are then required to track invoices and payments in ADOT's online Local Public Agency DBE Data Collection and Reporting System.

Attachments

- A. TITLE VI ASSURANCES**
- B. PUBLIC NOTICE POSTER**
- C. ORGANIZATIONAL CHART**
- D. COMPLAINT FORM FORMAT**
- E. SAMPLE COMPLAINT LOG**
- F. PIMA COUNTY DISADVANTAGE BUSINESS ENTERPRISE (DBE) POLICY**

Pima County Department of Transportation

Title VI Assurances

The **Pima County Department of Transportation** (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *Federal Highway Administration and Arizona Department of Transportation*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation--Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

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

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its *Federal Aid Highway Program*.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Aid Highway Program* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **Pima County Department of Transportation**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

Pima County Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal Highway Administration and Arizona Department of Transportation*. This ASSURANCE is binding on Arizona, other recipients, subrecipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Pima County Department of Transportation

(Name of Recipient)

by  _____
(Signature of Authorized Official)

Dated September 7, 2022 _____

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the *Federal Highway Administration or Arizona Department of Transportation* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with request to any subcontract or procurement as the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **Pima County Department of Transportation** will accept title to the lands and maintain the project constructed thereon in accordance with *Title 23*, United States Code the Regulations for the Administration of *Federal Aid for Highways*, and the policies and procedures prescribed by the *Arizona Department of Transportation ,Federal Highway Administration* and the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252;42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Pima County Department of Transportation** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

The **Pima County Department of Transportation**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [.] [and]* (2) that the **Pima County Department of Transportation** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

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

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, **Pima County Department of Transportation** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, **Pima County Department of Transportation** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **Pima County Department of Transportation** and its assigns*.

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

APPENDIX D

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

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

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, **Pima County Department of Transportation** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

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

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1687 *et seq.*).



PIMA COUNTY DEPARTMENT OF TRANSPORTATION

Title VI Notice to the Public

The Pima County Department of Transportation hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related statutes and regulations in its programs and activities. Title VI requires that no person shall; on the grounds of race, color, sex, national origin, age, or disability; be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which Pima County receives Federal financial assistance.

Any person who believes his/her Title VI protection has been violated may file a complaint. Any such complaint must be in writing and filed with the Pima County Transportation Department's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Pima County Transportation Department by contacting:

EL DEPARTAMENTO DE TRANSPORTACIÓN DEL CONDADO DE PIMA

Aviso Publico Sobre el Titulo VI

El Departamento de Transportación del Condado de Pima por este medio da aviso al público que es póliza del condado garantizar el cumplimiento con el Título VI del Acta de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1987, y todas las leyes y reglamentos relacionados en sus programas y actividades . Título VI requiere que ninguna persona; por motivos de raza, color, sexo, origen nacional, edad o discapacidad; ser excluido de la participación en, ser negado los beneficios de, o ser sujeto de otro modo a discriminación bajo cualquier programa de Asistencia Federal u otra actividad para la cual el Condado Pima recibe asistencia financiera federal.

Cualquier persona que cree que sus protecciones bajo VI Título han sido violados puede presentar una reclamación. Cualquier reclamación debe ser por escrito y presentada ante el Departamento de Transportación del Condado de Pima, dirigido al Coordinador del Título VI, dentro de ciento ochenta (180)días desde la fecha de la ocurrencia de discriminación alegado. Hojas de Reclamaciones Título VI pueden obtenerse en el Departamento de Transportación del Condado de Pima poniéndose en contacto con:

PIMA COUNTY DEPARTMENT OF TRANSPORTATION

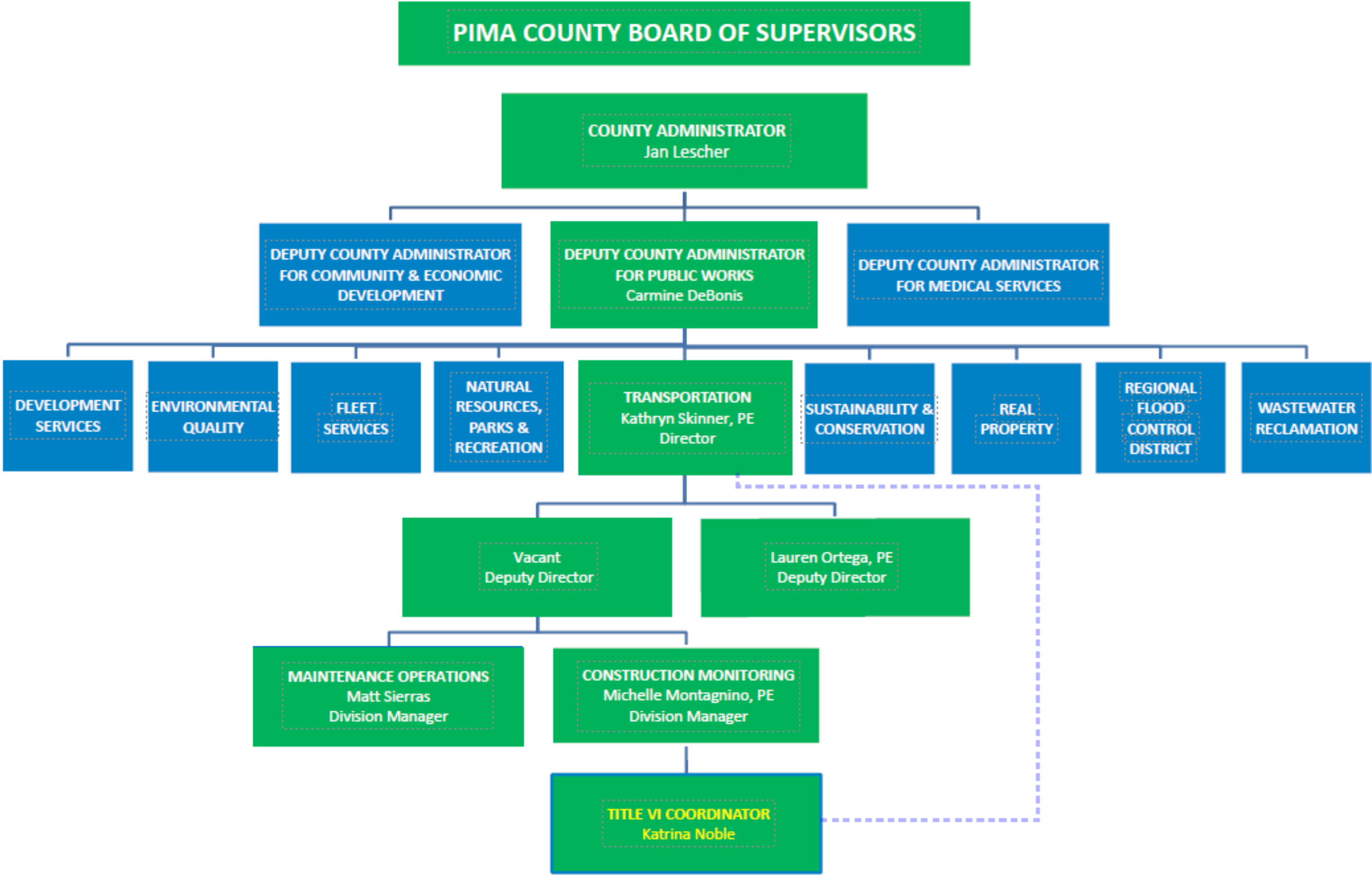
KATRINA NOBLE

Title VI Coordinator

201 North Stone Avenue, 4th Floor

Phone: (520) 724-6410

PIMA COUNTY DEPARTMENT OF TRANSPORTATION
Title VI Organizational and Reporting Structure



Complaint Form

PIMA COUNTY DEPARTMENT OF TRANSPORTATION

El Departamento de Transportación del Condado de Pima

COMPLAINT OF TITLE VI DISCRIMINATION

Formulario de Queja de Discriminación por el Título VI

The Pima County Department of Transportation (PCDOT), as a recipient of federal financial assistance, is required to ensure that its services and related benefits are distributed in a manner consistent with Title VI of the Civil Rights Acts of 1964, as amended.

Any person who believes that he or she, individually or as a member of any specific class of persons, has been subjected to discrimination under Title VI, on the basis of race, color, or national origin, may file a written complaint with PCDOT.

We are asking for the following information to assist us in processing your complaint. If you need help in completing this form, please let us know.

El Departamento de Transportación del Condado de Pima (PCDOT), como recipiente de ayuda financiera federal, es requerida a asegurar que sus servicios y servicios relacionados son distribuidos de una manera consistente con el título VI de los Actos de los Derechos Civiles de 1964, con sus enmendadas.

Si usted cree que, individualmente o como parte de una clase específica de personas, ha sido discriminado bajo el Título VI, basado en su raza, color, o nacionalidad, puede presentar una queja escrita con PCDOT.

Le pedimos la siguiente información para poder procesar su queja. Si necesita ayuda para llenar este formulario, por favor, pónganse en contacto con PCDOT.

Submit your signed complaint and any attachments to:

Entregue el formulario con su firma y paginas adicionales a:

Katrina Noble, PCDOT Title VI Coordinator

201 North Stone Ave – 4th Floor

Tucson, AZ 85701

(520) 724-6410 (520)

724-6439 fax

katrina.noble@pima.gov

1. Complainant Reclamante

Name:

Nombre

Street Address:

Domicilio

City, State, ZIP Code:

Ciudad, Estado, Código Postal

Telephone:

Numero de Teléfono

Email Address:

Dirección de Correo Electrónico

Person Discriminated Against (if someone other than the complainant) Persona que fue discriminada, si no es la misma que el reclamante

Name:

Nombre

Street Address:

Domicilio

City, State, ZIP Code:

Ciudad, Estado, Código Postal

Telephone:

Numero de Teléfono

Email Address:

Dirección de Correo Electrónico

2. Which of the following best describes the reason you believe the discrimination took place: En su opinión, ¿en que se basaron esas acciones discriminatorias?

		Specify / Especifique
<input type="checkbox"/>	Race <i>Raza</i>	
<input type="checkbox"/>	Color <i>Color</i>	
<input type="checkbox"/>	National Origin <i>Nacionalidad</i>	

3. Date of the alleged discrimination: _____
Fecha de la supuesta discriminación

4. In the space below, please describe the alleged discrimination. Explain what happened and who you believe was responsible. Include names and contact information of persons who may have knowledge of the alleged discrimination.

En el espacio abajo, describa el supuesto acto de discriminación. Explique lo más claro posible lo que pasó y quien usted piensa es el responsable por el supuesto acto. Incluye los nombres de las personas que puedan tener conocimiento del supuesto acto y cómo contactarlas.

5. Have you filed a complaint of the alleged discrimination with a federal, state, or local agency, or with a state or federal court?

¿Ha presentado usted (o la persona que fue discriminada) la queja ante una agencia del gobierno federal, estatal, o local? ¿O ante la corte estatal o federal?

Yes _____ No
Sí _____ No

If yes, check all that apply:		Specify / <i>Especifique</i>
<input type="checkbox"/>	Federal <i>Federal</i>	
<input type="checkbox"/>	State <i>Estatal</i>	
<input type="checkbox"/>	Local <i>Local</i>	
<input type="checkbox"/>	Federal Court <i>La Corte Federal</i>	
<input type="checkbox"/>	State Court <i>La Corte Estatal</i>	

Please provide the name of the agency where you filed your complaint
¿Ante qué agencia usted presentó la queja?

Name: _____
Nombre:

Contact Person at the Agency: _____
Nombre del investigador o representante

6. Please sign below. You may attach any additional information you think is relevant.

Por favor, firme el formulario. Adjunte cualquier información adicional que usted cree es pertinente con su queja

Signature of Complainant
Firma del reclamante

Date
Fecha



**PIMA COUNTY, ARIZONA BOARD
OF SUPERVISORS POLICY**

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I. Purpose

Title 20 of the Pima County Code and Board of Supervisors Policy D29.8 ensures a fair and equitable opportunity for participation in County contracts by local certified Small Business Enterprises (SBE). Where County Contracts are federally-funded, however, the County's SBE program may be supplanted by a federal mandate for participation by Disadvantaged Business Enterprises (DBEs). This Policy is intended to ensure compliance with mandates for DBE participation, where federally required, in lieu of the County SBE program.

II. Scope

This policy applies to all County contracts that are funded, in whole or in part, by U.S. federal financial assistance that include DBE requirements.

III. Policy

- A. It is the policy of Pima County to ensure that DBEs have an equal opportunity to receive and participate in federally-funded contracts. To achieve this, the County will strive to:
1. Ensure nondiscrimination in the award and administration of federally-funded procurements and contracts for products and services.
 2. Create a level playing field on which DBE's can compete fairly for federally-funded procurements and contracts for products and services.
 3. Ensure annual overall DBE participation percentage is narrowly tailored in accordance with applicable law.
 4. Ensure that only firms that meet eligibility standards are permitted to participate as DBEs.
 5. Help remove barriers for the participation of DBEs in federally-funded procurements and contracts for products and services.
 6. Assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.

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- B. It is the policy of Pima County to ensure that Pima County will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, or national origin. In administering the Pima County components of the DBE Program Plan, Pima County will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to an individual of a particular race, color, sex or national origin.

- C. It is the policy of Pima County to comply with agency-specific DBE requirements applicable to federally-supported projects.
 - 1. To receive federal financial assistance from the Federal Transit Authority (FTA), the Federal Highway Authority (FHWA), and other agencies of the U.S. Department of Transportation (DOT), Pima County complies by adopting the Arizona Department of Transportation DBE Program Plans and Policies for FTA and FHWA-funded projects.
 - 2. The Procurement Department, on its own initiative or at the request of other Departments will comply with the DBE program requirements of other federal agencies.

IV. Responsibility

A. DBE Liaison Officer

The DBE Liaison Officer is responsible for implementing all aspects of the DBE Program. Implementation will include setting overall annual goals and gathering and reporting statistical data for County federally-funded contracts with DBE requirements. Duties and responsibilities include the following:

- 1. Gather and reports statistical data and other information as required.
- 2. Review third-party contracts and purchase requisitions for compliance with this program.
- 3. Work with all departments to determine projected annual anticipated DBE participation level.
- 4. Ensure that bid notices and requests for proposals are made available to DBEs in a timely manner.
- 5. Analyze DBE participation and identify ways to encourage participation.
- 6. Participate in pre-bid meetings.
- 7. Advise the granting agency on DBE matters.

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8. Provide DBEs with information and recommend sources to assist in preparing bids and obtaining bonding and insurance.
9. Plan and participate in DBE training seminars.
10. Provide outreach to DBEs and community organizations to fully advise them of contracting opportunities.
11. Report bidder DBE information to ADOT or other federal agency, as required, prior to execution of contract award.
12. Submit the FHWA Contract Award, DBE Commitment Report or any other required reports by due dates to granting agencies.

B. The assigned Commodity/Contracts Officer is responsible to ensure that the DBE Liaison Officer reviews every federally-funded solicitation or contract to ensure compliance with this policy.

Adopted Date: July 7, 2009
Revised Date: September 5, 2017
Effective Date: October 1, 2017