

# Title VI Plan

**Nondiscrimination in Federally Assisted Programs**  
Relating to  
Transportation Planning and Transportation Improvements



**2018 Title VI Plan Endorsed and Approved by:**  
**CENTRAL YAVAPAI METROPOLITAN PLANNING ORGANIZATION**  
**EXECUTIVE BOARD**  
**On: June 20, 2018**

As prepared by the  
Central Yavapai Metropolitan Planning Organization  
(CYMPO)

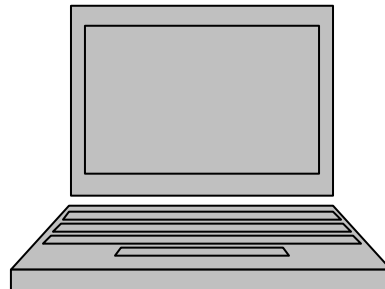
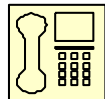
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**En Español:**

Para mas informacion, si esta interesado en partcipar en el planeamiento del proceso de transporte en su comunidad y necesita asisencia con idioma, por favor comuniquese:

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# Central Yavapai Metropolitan Planning Organization (CYMPO)

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## **I. Introduction**

The Central Yavapai Metropolitan Planning Organization (CYMPO), as a condition to receiving Federal financing assistance from the Federal Transit Administration (FTA), Federal Highways Administration (FHWA), and Arizona Department of Transportation (ADOT) agrees to comply with the Title VI of the Civil Rights Act of 1964 and the 1994 Presidential directive of 1994, Executive Order 12898.

## **II. Policy Statement**

The Central Yavapai Metropolitan Planning Organization (CYMPO), is committed to ensuring that no person is discriminated against on the grounds of race, color, national origin, or limited English proficiency as provided by Title VI of the Civil Rights Act of 1964, The Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (ADA), Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited Proficiency), Code of Federal Regulations 49 Part 21, Code of Federal Regulations 23 part 200, and Code of Federal Regulations Part 303.

The Central Yavapai Metropolitan Planning Organization (CYMPO) strives to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. As a sub-recipient of federal funding, the Central Yavapai MPO is responsible for initiating and monitoring Title VI activities, preparing required reports, technical assistance and training. The Central Yavapai MPO's contractors/consultants must also comply with this policy.

By: \_\_\_\_\_  
Christopher Bridges, Administrator  
Central Yavapai Metropolitan Organization

Date: June 20, 2018

### III. Environmental Justice Activity

In 1994, Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, was issued. EO 12898 emphasizes the responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. The Central Yavapai MPO accomplishes this by considering these populations in its transportation planning process to ensure equitable and safe projects within its community.

Title VI of the Civil Rights Act of 1964 requires outreach to underserved groups.

**"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 subjected to discrimination under any program or activity receiving Federal Financial assistance."**

A further 1994 Presidential directive dictates, **"Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."** *Executive Order 12898*

CYMPO will consider environmental justice through planning activity according to Federal legislation noted above. Furthermore, in order to involve and assist the underrepresented and underserved, the MPO will adhere to the Moving Ahead for Progress in the 21<sup>st</sup> Century Act or MAP-21, within the transportation planning process. The MPO will make every effort to hold public meetings in facilities that are Americans with Disabilities Act (ADA) compliant; and, arrange for reasonable accessibility and accommodation to persons with disabilities. Further, to provide equally effective communication, CYMPO will make due preparation, when appropriate, for persons requiring assistance, such as the hearing or visually impaired, upon request.

CYMPO will assist persons with limited English proficiency to participate in the transportation planning process. Staff will make every effort to provide Spanish interpreters and document translation, where feasible, upon request. Elderly persons or non-vehicle households who are unable to attend meetings may request information from the CYMPO office and have the requested materials delivered to their residence. CYMPO staff, coordinating availability, is willing to go speak to groups in an effort to eliminate participation barriers and involve citizens in the transportation process.

#### **IV. Public Participation Process**

The Central Yavapai Metropolitan Planning Organization recognizes the increasing importance of involving the public as they plan, organize and implement transportation projects. Engaging interested parties generally results in a more effective project overall. Taking time at the beginning to communicate with potentially affected interests, carefully explaining the proposal, and gathering input, can enhance the project and theoretically reduce the time and effort for implementation.

The goals of this public involvement are to ensure that:

- Residents are given the opportunity to participate in the transportation planning process.
- The issues and concerns of residents are given consideration in the selection of transportation investments.
- Transportation investments do not disproportionately burden any population with adverse impacts.

The Central Yavapai Metropolitan Planning Organization operates under a comprehensive Public Involvement Plan (PIP). The Plan explains the agency goals for public participation, governing structure, and composition of boards, procedures for board meetings, program areas, interagency coordination, and specific procedures for public participation in the planning process, public engagement and notification methods. The full plan is available at [www.cympo.org](http://www.cympo.org)

The CYMPO has developed a Limited English Proficiency Plan (LEP) which is incorporated as Appendix F in this document.

##### **IV-a Commitment to Public Involvement**

The Public Involvement Plan (PIP) contains background material, guidelines, and commitments that CYMPO is undertaking to incorporate an effective public process into future plans, projects, and programs. Specifically CYMPO is committed to:

- Inclusive and meaningful public involvement
- Open and honest communications with all individuals and entities
- Timely public notice
- Full public access to information and key decisions
- Shared responsibility and ownership for regional transportation/congestion problems and a shared sense of pride in the development of solutions to those problems
- Formation of partnerships between member entities, and the private and public sectors to plan and implement transportation/congestion solutions
- Establish policies and prioritize needs based on valid data and using objective, fair and consistent processes

- Provide information and gather input so that decision makers will be able to make informed decisions.

#### **IV-b Public Meetings**

CYMPO's Executive Board meets the 3<sup>rd</sup> Wednesday of every month. Their Technical Advisory Committee meets the 1<sup>st</sup> Thursday of the month. The upcoming Annual Meeting Schedule is published in the local newspaper (Prescott Daily Courier) in December of each year. Agendas for each meeting are posted at CYMPO's Administration office, 1971 East Commerce Center Circle, Suite E, Prescott, Arizona and online at: [www.cympo.org](http://www.cympo.org) a minimum of 48 hours in advance of each meeting. Executive Board Agendas are also posted at the Yavapai County Administration Building, 1015 Fair Street, Prescott, Arizona.

The following statement is conveyed on each Meeting Schedule as well as on each agenda, *"CYMPO endeavors to make all public meetings accessible to persons in need of foreign language assistance or with disabilities. Please call (928)442-5730 or e-mail [Allison.McCarthy@yavapai.us](mailto:Allison.McCarthy@yavapai.us) 72 hours prior to the meeting requesting reasonable accommodations."* To date, no request has been made.

Public participation is promoted at each meeting and our agendas give opportunity to call upon the public to make comment on any unrelated agenda topic as well as during discussion on an agenda topic.

In the event of a cancellation, notice will be posted on web site a minimum of 48 hours in advance as well as email notification sent to regular meeting participants.



## **IV-c Notice to the Public**

The following “Notice to the Public” is posted in the CYMPO Administration Office on the CYMPO website ([www.cympo.org](http://www.cympo.org)) and included in this document as Appendix “A”.

### **NOTICE TO THE PUBLIC**

#### ***PUBLIC NOTICE***

The Central Yavapai Metropolitan Planning Organization, (CYMPO), complies with Title VI of the Civil Rights Act of 1964 and related Nondiscrimination statutes and regulations in all programs and activities. CYMPO operates without regard to race, color, national origin, age, sex, or disability. CYMPO meetings are held in accessible locations, and materials are provided in accessible formats or in languages other than English upon request with a reasonable advance notice period.

Any person who believes they have been discriminated against by CYMPO, or any of its sub-recipients or contractors, may file a written complaint with CYMPO and/or the ADOT Civil Rights Office. If the complaint is filed against CYMPO, the CYMPO Title VI Liaison is required to forward the complaint to the ADOT Civil Rights Office. Only complaints on projects using FHWA funding will be investigated by the ADOT Civil Rights Office.

#### ***EL AVISO PUBLICO***

La **Organización Metropolitana de Yavapai, (CYMPO)**, cumple con el título VI de la ley de derechos civiles de 1964 y estatutos y reglamentos relacionados en todos los programas y actividades. CYMPO funciona independientemente de raza, color, origen nacional, o aptitud con ingles. Las reuniones de CYMPO se ocurren en lugares de acceso y materiales se proporcionan en formatos accesibles o en idiomas distintos del ingles, si se reciben una petición antes de la reunión.

Cualquier persona que cree que han sido discriminados por CYMPO, o cualquiera de sus subreceptores o contratistas, puede presentar una queja por escrito a CYMPO o la oficina de derechos civiles de ADOT. Si la queja es contra CYMPO, el enlace de CYMPO para TÍTULO VI enviara la queja a la oficina de derechos civiles de ADOT. La Oficina de Derechos Civiles de ADOT solo investigará las quejas sobre proyectos que utilicen fondos FHWA.

#### **CONTACT INFORMATION:**

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Website: [www.cympo.org](http://www.cympo.org)

## **V. Assurances and Certifications**

### **V-a Central Yavapai Metropolitan Planning Organization Title VI Assurances**

The **Central Yavapai Metropolitan Planning Organization** (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);
- 23 C.F.R. Part 200 Subchapter C-Civil Rights (Title VI program implementation and related statutes)

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 assurances 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 "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 **Central Yavapai Metropolitan Planning Organization**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 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 a 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 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, **Central Yavapai Metropolitan Planning Organization** 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 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.

**Central Yavapai Metropolitan Planning Organization** 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, sub-recipients, 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.

**Central Yavapai Metropolitan**  
**Planning Organization**

**BY: \_\_\_\_\_**

***Christopher Bridges, Administrator –***  
***Title VI Coordinator***

**DATED: June 20, 2018**

## 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 performance 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.

A

## 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 **Central Yavapai Metropolitan Planning Organization** 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 **Central Yavapai Metropolitan Planning Organization** 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 **Central Yavapai Metropolitan Planning Organization** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **Central Yavapai Metropolitan Planning Organization**, its successors and assigns.

The **Central Yavapai Metropolitan Planning Organization**, 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 **Central Yavapai Metropolitan Planning Organization** 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 non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will



thereon revert to and vest in and become the absolute property of the 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.

B

## 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 **Central Yavapai Metropolitan Planning Organization** 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 Non-discrimination covenants, **Central Yavapai Metropolitan Planning Organization** 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 Non-discrimination covenants, **Central Yavapai Metropolitan Planning Organization** 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 **Central Yavapai Metropolitan Planning Organization** 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.

C

## 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 **Central Yavapai Metropolitan Planning Organization** 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 Non-discrimination covenants, **Central Yavapai Metropolitan Planning Organization** 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, **Central Yavapai Metropolitan Planning Organization** will there upon revert to and vest in and become the absolute property of **Central Yavapai Metropolitan Planning Organization** 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.

D

## APPENDIX E

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

### **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.*).

E

## **V-b Federal Transit Administration Assurances**

The ***Central Yavapai Metropolitan Planning Organization (CYMPO)*** 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 Central Yavapai Metropolitan Planning Organization will compile, maintain and submit in a timely manner Title VI information required by FTA Circular 47021B in compliance with the Department of Transportation's Title VI regulation, 46 CFR Part 21.9(b).
3. The Central Yavapai Metropolitan Planning Organization 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 Transportation Administration and/or the U. S. Department of Transportation.

## **V-c Certification**

**Central Yavapai Metropolitan Planning Organization (CYMPO)** 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, sub-recipients, 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.

BY:\_\_\_\_\_

***Christopher Bridges, Administrator – Title VI Coordinator***

DATED: June 20, 2018

## VI. CYMPO Organizational & Program Administration

### a. General Organization

CYMPO was established in 2003 with responsibility for transportation planning within the regional area generally encompassing the City of Prescott, the towns of Prescott Valley, Chino Valley and Dewey-Humboldt, Central Yavapai County and the state highway system within its boundaries. Federal regulations require that an MPO be designated to carry out a comprehensive, continuing, and coordinated transportation planning process for urbanized areas with a population of 50,000 or more. Yavapai County is the fiscal and administrative agent for CYMPO. The region covered by CYMPO is over 400 square miles and is shown on the preceding map.

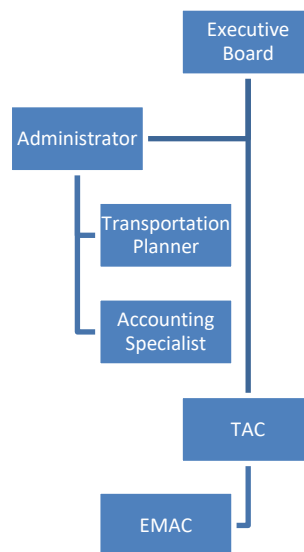
### b. CYMPO Title VI Coordination and Administration

Compliance is ongoing and falls under duties for the Title VI Coordinator and MPO Administrator, Christopher Bridges which includes, but is not limited to activity such as reporting, data collection, training and conduction program area and sub-recipient reviews. Additionally, as the Title VI Coordinator, Mr. Bridges is also responsible for developing the Title VI Plan and related reports and overseeing the implementation of the Plan.

Mr. Bridges may be contacted via telephone at 928-442-5730, e-mail at [Christopher.bridges@yavapai.us](mailto:Christopher.bridges@yavapai.us) or in person at 1971 Commerce Center Circle, Suite E, Prescott, Arizona (an appointment is suggested).

Strategies to include disadvantaged populations (including individuals with Limited English Proficiency) in the transportation planning and grant awards processes are outlined in the CYMPO Public Involvement Plan which is included as Appendix "G" of this document.

### Central Yavapai Metropolitan Planning Organization Organizational Chart



### c. CYMPO Executive Board

The member agencies of the Central Yavapai Metropolitan Planning Organization are represented on the Executive Board by elected officials. It is the function of the Executive Board to act as a policy body coordinating transportation planning and related implementation activities within the metropolitan area. The Board must approve all agreements and contracts and the Chairman must sign all appropriate documents related to contracts and agreements. The Executive Board consists of elected or appointed officials from the City of Prescott, the Towns of Prescott Valley, Chino Valley and Dewey-Humboldt, Yavapai County and one member from ADOT State Transportation Board (appointed by the Governor of the State of Arizona).

**CYMPO Executive Board Representation**

1. City of Prescott
2. Town of Prescott Valley
3. Town of Chino Valley
4. Town of Dewey-Humboldt
5. Yavapai County
6. Arizona State Transportation Board

**d. CYMPO Technical Advisory Committee**

The Technical Advisory Committee (TAC) is an advisory committee to the Executive Board. The eight-member committee is comprised of the Public Works Directors (or other support staff) from the five member agencies, as well as representatives from the Arizona Department of Transportation's Northwest District Engineering Office and Transportation Multi-modal Planning Division, and the U.S.D.A. Forest Service. The committee has the authority and primary responsibility to conduct technical reviews and analysis regarding all work activities of the Work Program and to advise the Executive Board on appropriate actions to be taken.

**CYMPO Technical Advisory Committee Representation**

1. City of Prescott
2. Town of Prescott Valley
3. Town of Chino Valley
4. Town of Dewey-Humboldt
5. Yavapai County
6. Arizona Department of Transportation – Northwest District
7. Arizona Department of Transportation - MPD
8. U.S. Forest Service

**e. CYMPO Ecosystem Connectivity and Mitigation Advisory Committee**

The mission of the Ecosystem Connectivity and Mitigation Advisory Committee (EMAC) is to study and advocate for the preservation of interconnected ecosystems in the CYMPO Region that will integrate land use and mitigation for natural resource protection, and wildlife habitats into the regional transportation planning and design program. The EMAC reports to the TAC

on a monthly basis and provides regular reports quarterly, biannually or as needed to the Executive Board.

The EMAC is composed of seven voting members from ADOT NW District Environmental, AZ Game & Fish, Yavapai County Land Use Planning Staff, Prescott National Forest, and three private citizens who reside within the CYMPO planning boundary.

**Ecosystem Connectivity and Mitigation Advisory Committee**

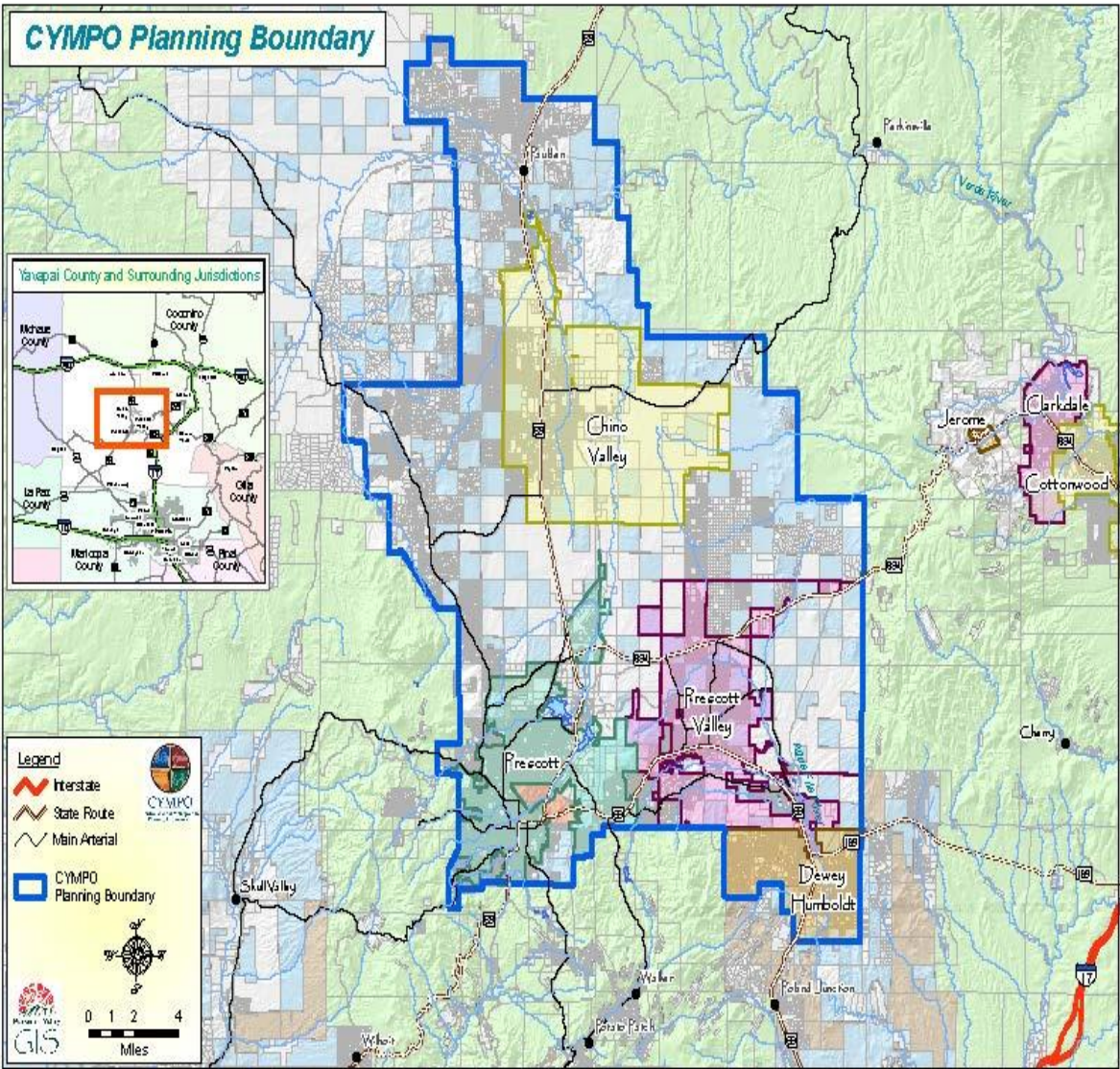
1. ADOT NW District Environmental
2. AZ Game & Fish
3. Yavapai County Land Use Planning Staff
4. Prescott National Forest
5. Private Citizen
6. Private Citizen
7. Private Citizen

**f. CYMPO Committee Characteristics**

CYMPO COMMITTEES	RACE/Ethnicity	GENDER	
		Female	Male
Executive Board	6 Caucasian	2	4
Technical Advisory Committee	8 Caucasian	1	7
Ecosystem Connectivity Mitigation Advisory Committee	7 Caucasian	5	2



CYMPO Planning Boundary



## VII. Population and Demographic Profile of the Central Yavapai Metropolitan Planning Region

Population and Households			Census Tracts <sup>g</sup>			
Category	MPO		Number of tracts >= MPO Percentage <sup>d</sup>	% Tracts	Affected <sup>e</sup> Population	% of Affected Population Captured in Census Tracts
	Total	Percent				
Population Base (Defined Census geography)	88,259	100.0%	17	100%	-----	-----
Minority <sup>a</sup>	15,788	17.9%	7	41.2%	9,963	63.1%
Age 60+ <sup>a</sup>	28,049	31.8%	10	58.8%	19,273	68.7%
Age 65+ <sup>a</sup>	21,048	23.8%	10	58.8%	14,517	69.0%
Age 75+ <sup>a</sup>	9,726	11.0%	10	58.8%	6,723	69.1%
Below Poverty Level <sup>b</sup>	14,476	16.2%	6	35.3%	7,927	54.8%
Population with a disability <sup>c</sup>	17,234	19.0%	9	52.9%	9,929	57.6%
Limited English Proficient (LEP) Persons <sup>f</sup>	2,681	3.1%	4	23.5%	1,468	54.8%

**Sources: U.S. Census Bureau, 2010-2014 American Community Survey (ACS) 5-Year estimates and 2010 Decennial Census**

**ACS data are based on a sample and are subject to sampling variability**

<sup>a</sup> Minority includes total population less White (Non Hispanic). Data for minority and population groups by age are from 2010 Census data.

<sup>b</sup> Percent of the population for whom poverty status is determined does not include institutionalized persons or persons under 5 years of age. Total population in the Census defined MPO area for whom poverty status is determined is 89,355. Data from 2014 ACS 5-Year estimates (Table B17001)

<sup>c</sup> Disability status from the 2014 ACS 5-year estimates. All percentages are based on Census Tracts that match as close as possible to the MPO area, see note 'g'. Disability status is determined for the civilian noninstitutionalized population based on six types of difficulty: hearing, vision, cognitive, ambulatory, self-care, and independent living difficulty. (Table B18101)

<sup>d</sup> For Limited English Proficient (LEP) persons, the Federal guidance (Federal Transit Administration Circular 4702.1B) notes that DOT has adopted the DOJ's Safe Harbor Provision. This Provision stipulates that the targeted minimum number of recipients regarding the translation of written materials for LEP populations is five percent or 1,000 persons, whichever is less, of the total population of persons eligible to be served. Thus for determining the number of affected Census Tracts and affected population, 5% is used as the guideline rather than the MPO percentage.

<sup>e</sup> Affected population is the total of people that fall into the specified category for all Census tracts that have greater than or equal to the percentage for the MPO area (as defined by the Census geography, see note h) or as designated for LEP populations (see note e).

<sup>f</sup> The guidance for Limited English Proficiency (LEP) for DOT recipients refers to persons age 5 years and over who speak english less than "very well." See [http://www.lep.gov/guidance/guidance\\_Fed\\_Guidance.html](http://www.lep.gov/guidance/guidance_Fed_Guidance.html) Data from 2014 ACS 5-Year estimates (Table B16005). 2014 estimate of total persons age 5 years and over for the defined Census geography is 86,678.

<sup>g</sup> The Census Tracts used in this analysis include the best match using full Census Tracts where the majority of the population or the tract centroid is within the MPO boundary. The base numbers for all values in this table are for this Census-based defined area.

Demographic Data obtained from the above referenced sources is analyzed and used to ensure minority, disabled and low income populations are considered and encouraged to participate in the transportation planning process.

## VIII. Limited English Proficiency (LEP)

Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. Arizona's diverse population makes it critically important the Central Yavapai MPO be innovative and proactive in engaging individuals from different cultures, backgrounds and businesses in planning, project development and other program areas.

As a recipient of federal funding, CYMPO has taken reasonable steps to ensure that all member of the community, regardless of their proficiency to understand English, have the opportunity for meaningful access to CYMPO's planning process. The U.S. Department of Transportation has provided guidance to conduct a four factor analysis to determine what language assistance is appropriate.

CYMPO has analyzed the four factors identified below:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee. There are 88,259 people in the CYMPO Planning Region. The limited English proficiency population is 3.1% or 2,681 of the total population with Spanish being the predominate language. This data was obtained from the US Census Bureau and is outlined the table below.
2. The frequency with which LEP individuals come in contact with the program. Transportation planning and air and water quality touch the lives of all persons in the CYMPO member area. CYMPO believes every effort should be made to provide those who speak English "less than well" the opportunity to participate in the planning process. Public Meeting notices provide information on obtaining interpreter services.
3. The importance of the service provided by the program to people's lives. CYMPO activities related to identifying and planning future funding for future projects which will then be implemented by its member agencies. These activities are vital and affect all persons living in communities under the jurisdiction of CYMPO.
4. The resources available and the overall cost to the MPO. CYMPO has limited staff and financial resources and has determined that the translation of large plan documents and maps are warranted at this time. However, CYMPO does provide translation services upon request with advance notice.

### Laws and Policy

Executive Order (EO) 13166 - *Improving Access to Services for Persons with Limited English Proficiency* is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

The following matrix illustrates legal and policy considerations:

**Title VI of the Civil Rights Act of 1964**

**Limited English Proficiency**  
**Executive Order 13166**

Federal law

Federal policy

Enacted July 2, 1964

Signed August 11, 2000

Considers all persons

Considers eligible population

Contains monitoring and oversight

Contains monitoring and oversight

Compliance review requirements

Requirements

Factor criteria is required, no numerical  
or percentage thresholds

Factor criteria is required, no  
numerical or percentage thresholds

**Program Responsibility**

Executive Order (EO) 13166 directs recipients of Federal financial assistance to take reasonable steps to provide limited English proficient individuals with meaningful access to their programs, activities and services.

- *Notify LEP customers of the availability of language assistance services*

LEP persons have the right to language assistance at no cost to them in their spoken language. Language identification cards or posting signs in public areas are methods that can be used to provide notice of the service.

- *Translation of vital documents in languages other than English*

It is appropriate to have written materials that have been historically provided in English to applicants, customers and the general public translated into languages that are regularly encountered. The translation of vital documents into languages other than English is particularly important where a significant number or percentage of the customers served and/or eligible to be served have limited English proficiency. Written materials include electronic documents and web-sites. CYMPO will indicate on its web site and newspaper publications that translation can be provided, with 10-days' notice prior to when the services are needed.

Vital Documents are documents that convey information that critically affects the ability of the recipient/customer to make decisions about his/or her participation in the program or activity. Examples of vital documents include, but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, notices advising of the availability of language assistance and outreach and community education materials. It is recommended that

divisions/programs develop criteria for deciding which documents are vital thereby subject to translation.

Translating documents for LEP to a fourth (4th) grade literacy level ensures the targeted audience understands the information. Community based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

The Department of Transportation Policy Guidelines give recipients of federal funds substantial flexibility in determining what language assistance is appropriate based upon a local assessment. Due to current financial constraints, translation of large plan documents and maps are considered not warranted at this time. The CYMPO will provide translation services, if requested, with 10-days' notice prior to when the services are needed.

<b>CYMPO Persons with Limited English Proficiency (LEP)<sup>a</sup></b>	<b>Estimate</b>	<b>Percent of Persons 5yrs and over</b>	<b>Percent of persons 5 yrs. and over with LEP</b>
Total Persons 5 years and over	86,678	100.0%	--
English Speaking Only	77,979	90.0%	--
Limited English Proficiency <sup>a</sup>	2,681	3.1%	100.0%
Spanish with LEP	2,112	2.4%	78.8%
Other Indo-European languages with LEP	269	0.3%	10.0%
Asian and Pacific Island languages with LEP	169	0.2%	6.3%
Other languages with LEP	131	0.2%	4.9%

Source: U.S. Census Bureau, 2010-2014 American Community Survey (ACS) 5-Year estimates  
*ACS data are based on a sample and are subject to sampling variability*

<sup>a</sup> Limited English Proficient (LEP) refers to person or persons age 5 years and over for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the Census that they speak English less than very well, not well, or not at all.

## **IX. Program Areas**

### Transportation

- Regional Transportation Plan (RTP)
- Transportation Improvement Program (TIP)
- Public Involvement Plan (PIP)
- Coordinated Public Transit-Human Services Transportation Plan, also known as the Regional Mobility Management Implementation Plan (RMMIP)
- Unified Planning Work Program

All persons living, working, conducting business and visiting the region are beneficiaries of the planning, coordination, and construction activities of the MPO. CYMPO does not construct projects; albeit, this activity is accorded to member agencies. The safe movement of goods and people is supported by providing and maintaining a transportation network and facilities.

The Title VI Coordinator will provide review of the transportation-related program areas to help ensure Title VI compliance in their programs and activities. Additionally, the Title VI Coordinator reviews transportation-related contracts and other agreements to ensure the most current language and assurances are included.

## **X. Lawsuits Alleging Discrimination**

No lawsuits or complaints have ever been filed regarding CYMPO since its inception in 2003.

Title VI Complaint Log Attached:

Title VI Complaints, Investigations and Lawsuits				
Description/Name	Date Month, Day & Year	Summary (Basis of Complaint)*	Status	Actions / Final Findings
<b>Complaints</b>				
1)				
2)				
3)				
<b>Investigations</b>				
1)				
2)				
3)				
<b>Lawsuits</b>				
1)				
2)				
3)				

Include basis of complaint.

Report to be Submitted Annually to ADOT Title VI Department



## **XI. FTA Compliance**

### **A. Compliance**

CYMPO is committed to Title VI and other nondiscrimination authorities and will make every effort to identify and address discrimination in its programs and activities, if found to exist. Compliance is ongoing and falls under the direction of the Title VI Coordinator.

### **B. Sub-recipient Review Procedures**

CYMPO sub-recipient review procedures include review of sub-recipient contracts, data collection and analysis efforts and staff interviews to help ensure compliance with Title VI and subsequent authorities. CYMPO does not have any sub recipients at this time.

## **XII. FTA 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 Transit Administration funded program or activity administered by Central Yavapai Metropolitan Planning Organization (CYMPO), 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.

### **A. Required Procedures for FTA Title VI/ADA Non-discrimination Complaints filed against CYMPO:**

1. For FTA funded programs or activities; the complainant may file a discrimination related complaint directly with CYMPO or with ADOT or with the Federal Transit Administration by contacting the agencies at:

Christopher Bridges, Administrator  
Central Yavapai Metropolitan Planning Organization  
1971 Commerce Center Circle, Suite E  
Prescott, AZ 86301  
928-442-5730  
928-442-5736 (FAX)  
Email: Christopher.Bridges@yavapai.us

**And or:**

ADOT Civil Rights Office 206 S. 17 <sup>th</sup> Ave., Mail Drop 155-A Phoenix, AZ 85007 602-712-8946 602-239-6257 (FAX) Email: Civilrightsoffice@azdot.gov	FTA Office of Civil Rights 1200 New Jersey Avenue SE Washington, DC 20590
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### **B. Required Procedures for FTA Title VI Complaints filed against CYMPO's sub-recipient, contractor or consultant:**

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FTA related activity or program as prohibited by the legal provisions of Title VI on the basis of race, color, or national origin, can file a formal complaint with CYMPO. A copy of the Complaint Form may be accessed electronically at: [https://www.cympo.org/wp-content/uploads/2016/12/Title-VI-Complaint-Form\\_UpdateLI.docx](https://www.cympo.org/wp-content/uploads/2016/12/Title-VI-Complaint-Form_UpdateLI.docx)
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 and signed; they may be filed by mail, fax, in person, or e-mail. However, the complainant may call CYMPO to provide the allegations by telephone (928-442-5730). CYMPO will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for acknowledgement and signature.
4. A complaint should contain at least the following information:
  - A written explanation of what has happened
  - A way to contact the complainant
  - The basis of the complaint (e.g., race, color, national origin)
  - The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated
  - Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives FTA financial assistance; a consultant, contractor or sub-recipient of CYMPO and
  - The date(s) of the alleged discriminatory act(s)
5. Upon receipt of a completed complaint, CYMPO will determine jurisdiction, acceptability or need for additional information. Once the determination has been made to accept the complaint for investigation, ADOT CRO will be notified. Title VI complaints against CYMPO's sub-recipient, contractors or consultants in FTA funded programs will be investigated by CYMPO.
6. CYMPO will maintain a confidential log of all accepted Title VI Complaints for four (4) years; the log will include:
  - Name of complainant(s)
  - Date the complaint was received
  - Date of the allegation
  - Description of the alleged discrimination
  - Other relevant information, as needed
  - Report date
  - Recommendations
  - Outcome/Disposition
7. Timeframes for Investigating Title VI complaints received directly by CYMPO must be completed within 60 days of receipt.
8. CYMPO will forward a copy of FTA Title VI complaints and preliminary findings reports to ADOT CRO within 60 days. Once ADOT CRO issues concurrence on preliminary report, CYMPO will notify all parties involved.

### **XIII. FHWA 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 funded program or activity administered by Central Yavapai Metropolitan Planning Organization (CYMPO), 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.

#### **A. Required procedures for FHWA Title VI Complaints filed against CYMPO, CYMPO'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 on the basis of race, color, national origin, can file a formal complaint with CYMPO. A copy of the Complaint Form may be accessed electronically at: [https://www.cympo.org/wp-content/uploads/2018/06/Title-VI-Complaint-Form\\_Update\\_06282018.pdf](https://www.cympo.org/wp-content/uploads/2018/06/Title-VI-Complaint-Form_Update_06282018.pdf)
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 e-mail. However, the complainant may call CYMPO and provide the allegations by telephone for transcription. Once transcribed, CYMPO will send the written complaint to the complainant for correction and signature.
4. A complaint should contain at least the following information:
  - A written explanation of what has happened
  - A way to contact the complainant
  - The basis of the complaint (e.g., race, color, national origin)
  - The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated
  - 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 financial assistance; and is a consultant, contractor or sub-recipient of CYMPO
  - The date(s) of the alleged discriminatory act(s)
5. Upon receipt of a completed complaint, CYMPO 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 Federal Highway Administration by contacting the agencies at:

<b>ADOT Civil Rights Office</b> 206 S. 17th Avenue, Mail Drop 155A Phoenix, AZ 85007 Email: <a href="mailto:civilrightsoffice@azdot.gov">civilrightsoffice@azdot.gov</a> 602.712.8946 602.239.6257 FAX	<b>Federal Highway Administration</b> U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590 Email: <a href="mailto:CivilRights.FHWA@dot.gov">CivilRights.FHWA@dot.gov</a> 202-366-0693 202-366-1599 FAX
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**Attachment A**

**“Limited English Proficiency (LEP) Plan”**

(Document Attached)

**Attachment B**  
**“Public Involvement Plan (PIP)”**  
(Document Attached)

## **Attachment C**

### **“ADOT Title VI Complaint Form**

(Document Attached)