



2022 TITLE VI **IMPLEMENTATION PLAN**

Approved by PAG Regional Council August 25, 2022



Pima Association of Governments

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I. Policy Statement

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 (FHWA) and the Federal Transit Administration (FTA) incorporates the Americans with Disabilities Act (ADA) regulations in addition to Title VI and environmental justice requirements into regional transportation plans. Federal transportation legislation, such as the Infrastructure Investment and Jobs Act (IIJA) (www.fhwa.dot.gov), recognizes these non-discrimination requirements as applying to both the planning, as well as to the individual project implementation phase. Additionally, Title VI compliance must include both data collection and analytic methods to assess impacts to protected groups and their level of public involvement.

This plan summarizes Pima Association of Governments' (PAG's) efforts to address Title VI requirements in its planning and programming activities. The plan highlights recently completed or upcoming activities in PAG's regional transportation planning, air quality and water management planning, and rideshare and travel demand management program areas. Existing policies and procedures, such as PAG's Title VI assurances and complaint procedures, are also addressed in this plan.

PAG is committed to complying with the requirements of Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all federally funded programs and activities. PAG operates without regard to race, color, or national origin, and will make every effort to address and eliminate such discrimination, if found to exist. PAG meetings are held in accessible locations (on site or virtual), and materials are provided in accessible formats or in languages other than English upon request within a reasonable advance notice period.

Pima Association of Governments



(Signature of Authorized Official)

Farhad Moghimi, Executive Director

DATE: 09/19/2022

II. MPO Organization and Program Administration

General Organization

Pima Association of Governments (PAG) was established in Pima County in 1972 as a 501(c)4 nonprofit association and became a designated metropolitan planning organization in 1973. The organization embraces a vision which recognizes the independence of each PAG member jurisdiction and celebrates the region's diverse environmental and cultural influences. PAG's nine-member jurisdictions include the Cities of South Tucson and Tucson, Pima County, the Towns of Marana, Oro Valley and Sahuarita, the Pascua Yaqui Tribe, Tohono O'odham Nation and Arizona Department of Transportation. 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.

Nathan Barrett, PAG Program Coordinator, has been designated as the PAG Title VI Coordinator. On matters relating to Title VI, the coordinator has direct access to the Executive Director. A PAG organizational chart is included in the Title VI Implementation Plan as Appendix F.

All PAG staff receive annual training at an all-staff meeting. The training focuses on Title VI requirements, how the organization fulfills those requirements, and the responsibilities each individual staff member has in fulfilling those requirements.

This annual Title VI training for staff will include the following elements:

1. A review of PAG's Title VI documents, what each one contains, and where they can be accessed and viewed.
2. Staff responsibilities for including Title VI notices on agendas and notifications.
3. Staff responsibilities for preparing for and reacting to potential LEP needs during public meetings and events.
4. Title VI complaint procedures, locations of the complaint form, and how staff are to respond if a member of the public approaches them with a complaint of discrimination.
5. Definitions of a disadvantaged business enterprise (DBE), and how the PAG procurement process responds if the state sets a DBE goal for a particular advertisement.

Title VI training is conducted by the PAG Title VI Coordinator. An attendance log is kept of the training to ensure that every member of staff received the annual training. Staff members

who were unable to attend the training also receive training in a group or, if necessary, one-on-one training with the Title VI Coordinator.

The PAG Title VI Implementation Plan must be approved each year by the PAG Regional Council. This will be done at the next Regional Council meeting in August 2022. The Legal Action Report for that meeting is included as Appendix J.

Title VI Program Administration

PAG engages in three broad categories of activities with Title VI implications. These activities are periodically reviewed to ensure that the way they are administered does not have a disparate impact upon minority populations. In addition, PAG has a responsibility to document the process by which these activities are administered, and to follow those processes consistently.

Regional Planning

PAG engages in a variety of planning activities that result in a number of different planning products. These products include both the Regional Mobility and Accessibility Plan (RMAP), and the biennial Transportation Improvement Program (TIP). PAG's regional planning efforts also encompass several mode-specific plans such as the Regional Pedestrian Plan and the Regional Freight Plan. Finally, PAG is the designated planning agency under section 208 of the Clean Water Act and is thus responsible for the Areawide Water Quality Management Plan (208 Plan). PAG also manages the Regional Transportation Authority, a political subdivision of the state, established in Pima County in 2004. The RTA is the fiscal administrator of the 20-year, voter-approved RTA plan and half-cent excise (sales) tax, which funds the plan.

Communication and Outreach

The PAG communications department engages in outreach and public involvement activities. These activities include organizing open houses for the public review of regional plans, promoting PAG-sponsored events and activities through emails, social media and advertisements, and managing the PAG website. In all these activities, PAG staff ensures that minority populations are included in the outreach efforts, including individuals with limited English proficiency.

Since 2012, PAG has included a Title VI section on the PAG website where the public can learn about PAG's Title VI commitments, Non-Discrimination Policy, and Limited English Proficiency Plan, as well as download the Title VI complaint process and complaint form.

The Title VI webpage on the PAG website includes introductory text in both English and Spanish. A "Google Translate" button is also available on the website, including the Title VI webpage, to allow users to translate the entire PAG website into over 50 languages. A link to

the Title VI information in English and Spanish is available on the PAG homepage. A fillable self-identification pdf and online forms are posted on the Title VI web page and Meetings and Events page.

Procurement and Contracts

PAG works closely with the Arizona Department of Transportation (ADOT) to ensure the most up-to-date language and assurances are included in relevant contracts, MOUs and other agreements. Annually, PAG's Contracts Administrator and/or Finance Director review relevant contracts, MOUs and other agreements to ensure they include the most up-to-date language and assurances.

Subrecipient Review

PAG has no subrecipients.

In the event that PAG acquires the responsibility to monitor and review subrecipients, PAG will provide annual Title VI training for select personnel among its subrecipient agencies. That training will be identical to the training provided to PAG staff. In addition, PAG will utilize the Title VI Subrecipient Compliance Assessment Tool provided on the ADOT website. PAG will request any subrecipients to complete that questionnaire on an annual basis.

The subrecipient compliance assessment tool can be found on ADOT's website here:

<https://azdot.gov/business/civil-rightsexternal-eeo-contractor-compliance/title-vi-nondiscrimination-program/fhwa>

Environmental Justice

There is broad overlap in the application of Title VI and the advancement of the principles of environmental justice. Whereas Title VI concerns itself with discrimination on the basis of race, color, or national origin, the principles of environmental justice require agencies to extend their Title VI analysis and procedures to the protection of other vulnerable populations. PAG accomplishes this by including low income, elderly and disabled populations in all of its Title VI analyses, mapping and outreach. In addition, PAG maintains a separate Limited English Proficiency Plan to identify the needs of LEP populations in the region.

One key difference between Title VI and environmental justice is that individuals may not file legal complaints of discrimination based on characteristics not covered under Title VI. The complaint procedures outlined later in this plan are therefore limited only to complaints relating to discrimination on the basis of race, color, or national origin.

III. MPO Membership

Member Agency Demographics

Below is a table containing the demographic composition of PAG's planning area population and is taken from 2020 American Community Survey 5-year data estimates. Percentages may total to more than 100% due to self-identification in more than one category. Please note that "Hispanic" is an ethnic designation rather than a racial one. Those identifying as Hispanic may also identify as any race, so table totals may sum to more than 100%.

Jurisdiction	Total Pop.	White	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian and other Pacific Islanders	Some Other Race	Two or more Races	Hispanic
PAG Planning Area	1,038,476	73.3%	3.5%	3.6%	2.9%	0.2%	8.7%	7.8%	37.5%
Unincorporated Pima County	350,029	78.4%	1.7%	1.7%	2.6%	0.2%	8.3%	7.2%	31.9%
City of Tucson	545,340	69.3%	4.9%	3.3%	3.2%	0.0%	10.3%	8.7%	44.2%
City of South Tucson	5,692	55.9%	4.2%	19.7%	0.1%	0.3%	13.8%	6.3%	67.1%
Town of Marana	47,164	78.3%	3.5%	1.4%	4.0%	0.0%	3.0%	9.6%	26.7%
Town of Oro Valley	45,303	87.6%	1.9%	0.3%	2.9%	0.0%	2.2%	5.1%	15.9%
Town of Sahuarita	30,679	89.2%	2.5%	0.7%	1.7%	0.0%	2.1%	3.8%	35.2%
Tohono O'odham Nation	9,982	14.4%	0.3%	80.8%	0.1%	0.6%	1.3%	2.6%	13.3%
Pascua Yaqui Tribe	4,287	4.3%	0.3%	74.1%	0.0%	0.2%	16.6%	4.5%	34.6%

Source: 2020 American Community Survey 5-year Estimates

PAG Committees

A nine-member Regional Council is the governing body of Pima Association of Governments and includes one member from each jurisdiction, plus an Arizona State Transportation Board member for transportation issues only. The Regional Council acts on policies, plans or reports that pertain to cross-jurisdictional issues on transportation, air quality, water quality, land use or human services. Per PAG's bylaws, the Regional Council is composed of the top elected official in each member jurisdiction, and the Pima County representative on the Arizona State Transportation Board (who is appointed by the governor).

Regional Council

	Race/ethnicity				
	Hispanic*	African American	Native American	Asian American	White
Number	3	0	2	0	4
Percent	22%	0%	22%	0%	56%

* "Hispanic" is an ethnicity and not a racial category; some committee members of Hispanic ethnicity preferred reporting a designation based on race rather than ethnicity.

An RTA Citizens Advisory Committee (CAC) was established in May 2018 and works in collaboration with the RTA Technical Management Committee (TMC) to jointly advise on and recommend a new draft RTA plan to the RTA Board for approval and eventual voter consideration.

Applications for CAC membership were sent to PAG's mailing list, which includes organizations and agencies that represent racial and ethnic minorities in the region, such as the Tucson Hispanic Chamber of Commerce.

Membership on the CAC does not revolve or rotate. Members who were selected at the time the committee was established were expected to serve for three years in which the committee would perform its work. Of the original 35 members, 22 are continuing to serve another 3-year term. In January and March 2022, the RTA Board appointed 11 new members to the committee following an application process. PAG sent three emails to its contacts to seek people to apply, posted the application notice on social media three times and posted the application notice online. PAG also distributed a news release to local media, including Spanish language media outlets.

Members of the CAC were selected by the RTA Board which sought to achieve diversity in geographic locale and topical expertise. When new members are appointed, CAC members receive a voluntary PAG Self-Identification Survey to complete for our records.

Membership on all other public PAG committees is determined solely by the individual jurisdictions. PAG has no ability to direct membership on any committee representing member jurisdictions or agencies.

IV. Title VI Program Review

Planning

Geographic Analysis of Underserved Populations

Staff within each PAG program area periodically perform a basic assessment to identify the location of protected Title VI and environmental justice populations in relationship to the provision of information and planning products and services. PAG's online regional data provide program staff with maps showing the location of protected Title VI and environmental justice populations for any specific geographic areas. ZIP Code maps are used to show locations of people in databases. The maps of protected populations and mailing list ZIP Codes are compiled as one way to demonstrate that protected populations are being notified and/or involved. This documentation is important for demonstrating compliance with Title VI and environmental justice provisions.

This assessment guides the Title VI analysis of each planning product. For PAG's long-range transportation plan, the Regional Mobility and Accessibility Plan (RMAP), an overall analysis of the cumulative effect of all the projects in the plan is conducted. The RMAP analysis assesses the impact of all the projects proposed in the region over the next 20 to 30 years.

Other planning products, such as the TIP or PAG's Long-Range Transit Plan, also follow a similar approach. These plans analyze the regional impact of the plan on protected populations.

However, PAG does not deliver individual projects and does not therefore perform a Title VI and environmental justice analysis on individual projects. Each project sponsor is responsible for its own environmental justice and Title VI compliance processes as part of the planning, design and construction of its individual projects.

Specific projects are expected to have appropriate public involvement and mitigation techniques applied during their design and development process. For example, a variety of state and federal rules and regulations govern "just" compensation and relocation assistance for properties that qualify due to the impacts of individual projects. These requirements are administered by the sponsoring agency at an appropriate time during project development and right-of-way acquisition.

Title VI Modeling in Plans and Programs

All the projects contained in the TIP must be consistent with PAG's long-range transportation plan, the RMAP. The RMAP has been analyzed and developed to provide an appropriately balanced program of transportation improvements with significant investment in transit, bicycle and pedestrian projects that benefit all individuals including those who may not own or operate a motor vehicle. Projects within the roadway component of the RMAP are distributed throughout the region to prevent disproportionate impacts on any one area or population group. This Title VI analysis is applied to the cumulative impact of all the projects in the plan. Because PAG does not deliver individual transportation projects, it does not conduct a project-by-project analysis for each individual project.

PAG has developed maps showing the concentration distribution of "protected" classes (as defined by federal regulation) within the region. These maps, along with official population statistics, current estimates and projections, and other household data in the PAG region, assist in analyzing the potential disparate impacts of the TIP on these groups.

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

PAG has developed maps showing the concentration distribution of "protected" classes (as defined by federal regulation) within the region. These maps, along with official population statistics, current estimates and projections, and other household data in the PAG region, assist in analyzing the potential impacts of the TIP on these groups.

For this analysis, a "concentration" of a protected group has been defined as those geographic areas where the percentage of a protected population within the area exceeds the average percentage of that same population living within the county as a whole. For example, if the county average for a protected population is 5%, an area with a population greater than 5% would be considered to have a concentration of that protected population. Also, for this analysis, Transportation Analysis Zones (TAZ) were used as the geographic area to identify concentrations of the protected groups.

The method used for this analysis was a computer model computation for the average travel time in the region with and without the projects identified for construction in the TIP. Additional computer runs were performed for each protected class by areas of geographic concentration and at the regional level. An analysis of model results then compared average travel times for protected populations.

The maps included in Appendix I are provided as a graphic representation of the location of the projects in comparison to the location of various concentrations of protected populations.

Because the impacts of projects are very subjective, the analysis assumes projects are equal in their benefits and burdens. The goal of this analysis is to attempt to determine if comparable numbers of people are being impacted by the project in the protected population as are being impacted in the general population. The TIP strives to provide a balance so that all groups are affected at approximately the same ratio.

It should be noted that there are several programs in the TIP that do not lend themselves to being mapped such as rideshare, systemwide technology upgrades, purchase of transit vehicles, etc. These, therefore, are not included in this analysis. For the most part, these activities are targeted toward one or more of the protected classes or they are distributed uniformly throughout the region. It is assumed then that these activities are either neutral or would improve the observed benefits of the program for each of the protected populations.

The following tables (**Figures 1 and 2**) provides the average travel time for the whole region (labeled “all”) and each protected population. The table also provides the travel times for the protected populations in concentrations (labeled “protected”) and for the region as a whole.

Please note that some individuals may belong to more than one protected population. For example, someone could belong to a protected ethnic population and be elderly, disabled and/or low income as well.

The analysis shows that, when compared to a baseline travel time of all residents in the urban portion of the county (labeled as “all”), the protected populations are expected to experience the same travel time benefits. In both analyses, the average travel time improvement with the TIP projects compared to without TIP projects was 0.1 of a minute (6 seconds). This same result was found for all protected populations and classes.

Figure 1: Title VI Analysis:

Modeling Results for Concentrations of Protected Populations: 2021 vs. 2026 (with TIP projects built)

<u>Group</u>	<u>Travel Period</u>	<u>Average Travel Time 2021</u> <u>(Minutes/ Vehicle)</u>	<u>Average Travel Time 2026</u> <u>with projects</u> <u>(Minutes/ Vehicle)</u>	<u>Comparison between years</u> <u>(Minutes/Vehicle) Negative</u> <u>numbers indicate travel</u> <u>time savings</u>
All	Peak	15.0	15.1	0.1
	Off-Peak	12.9	13.0	0.1
African American	Peak	12.5	12.5	0.0
	Off-Peak	10.6	10.6	0.0
Asian	Peak	13.9	14.0	0.1
	Off-Peak	11.7	11.7	0.0
Hispanic	Peak	13.5	13.7	0.2
	Off-Peak	11.7	11.7	0.0
Native American	Peak	13.6	13.8	0.2
	Off-Peak	11.7	11.7	0.0
Disabled	Peak	14.7	14.9	0.2
	Off-Peak	12.6	12.7	0.1
Elderly	Peak	16.5	16.7	0.2
	Off-Peak	14.1	14.3	0.2
Low Income	Peak	11.7	11.8	0.1
	Off-Peak	10.0	10.0	0.0

Figure 2: Title VI Analysis:

Modeling Results for Concentrations of Protected Populations: 2026 with no projects vs. 2026 with TIP projects built

<u>Group</u>	<u>Travel Period</u>	<u>Average Travel Time 2026</u> <u>No Build</u> <u>(Minutes/ Vehicle)</u>	<u>Average Travel Time 2026</u> <u>with projects</u> <u>(Minutes/ Vehicle)</u>	<u>Comparison with and without</u> <u>TIP projects (Minutes/Vehicle)</u> <u>Negative numbers indicate</u> <u>travel time savings</u> <u>with projects</u>
All	Peak	15.3	15.1	-0.2
	Off-Peak	13.0	12.9	-0.1
African American	Peak	12.6	12.5	-0.1
	Off-Peak	10.6	10.6	0.0
Asian	Peak	14.1	14.0	-0.1
	Off-Peak	11.8	11.7	-0.1

Hispanic	Peak	13.7	13.7	0.0
	Off-Peak	11.7	11.7	0.0
Native American	Peak	13.8	13.8	0.0
	Off-Peak	11.7	11.7	0.0
Disabled	Peak	15.0	14.9	-0.1
	Off-Peak	12.8	12.7	-0.1
Elderly	Peak	16.9	16.7	-0.2
	Off-Peak	14.3	14.3	0.0
Low Income	Peak	11.8	11.8	0.0
	Off-Peak	10.0	10.0	0.0

Communications and Outreach

PAG's public involvement plans provide full and fair participation for all potentially affected communities and can be found on the PAG website. 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 need particular attention in the public involvement effort. The analysis phase provides information on the potential level of impact to the various populations which will need to be integrated into those public involvement efforts seeking input on alternative development, alternative preferences and/or mitigation.

PAG's documents, data and information, with few exceptions, are a matter of public record. As such, any request from a member of the public for a PAG document is responded to in a timely manner. At a minimum, a written response is provided within one week of the receipt of a public information request.

Where appropriate, the following outreach and communication efforts and procedures should be followed on each project conducted by PAG. Please see the PAG Public Involvement Policy for more information regarding outreach techniques and strategies.

Stakeholder Analysis

PAG staff analyze who will be affected and/or interested in the planning issue or policy being developed. This involves identifying both internal and external stakeholders. Internal stakeholders typically include PAG member jurisdictions and tribal nations, PAG staff involved in related activities, and other governmental agencies with jurisdiction or interest in the

activity. External stakeholders typically include those non-governmental parties who may be affected by the activities and/or have an interest in them. This includes Title VI and environmental justice populations.

Many of PAG's program areas have 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.

PAG's communications staff maintains a large database of stakeholders and members of the public identified through a variety of public involvement initiatives over the years. This database includes civic and community organizations serving Title VI and environmental justice populations, neighborhood and homeowner associations, environmental and business groups, elected officials, PAG member jurisdiction staff at various levels, and other public groups. Communications staff are available to assist other agency staff in conducting stakeholder analyses and in accessing the public participation database upon request.

PAG program staff make a deliberate effort to identify and reach stakeholders across the region, including minorities, people with disabilities, seniors, low income earners and people who might not know they can be part of the planning process.

Public Notification of PAG Activities and Services

Promotion of inclusive and accessible public involvement includes regular efforts within each PAG 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. Communications 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, ads, social media) are encouraged. For reaching stakeholder groups, distribution of public information documents such as reports and newsletters via direct mail, email and social media also may be an effective communication method. The use of other methods is considered to promote equal access to information for targeted audiences. In particular, efforts are made to overcome barriers to accessing information among underserved populations, youth and other individuals who may not have internet access or read newspapers.

For example, public service radio announcements on Hispanic radio outlets are one method for reaching Hispanic populations, particularly non-English speaking residents. Additionally, underserved populations are no different than other populations in that they are more likely to read information distributed through trusted and familiar communication channels. Email may be used to distribute notices to school and community-based newsletters for publication. Other distribution methods include placement of English-Spanish information in libraries, community centers, other public places, or via social media.

Since early 2020, after the arrival of the coronavirus pandemic, PAG invited the public to participate in virtual meetings by visiting a YouTube livestream link to watch the online public meetings. The YouTube livestream links to the meetings were added to the agenda, as well as notices to invite comment submission via email prior to the meeting.

A Title VI Notice is posted on the main online Meetings and Events page, and information regarding Title VI was added to all agendas. A link to a voluntary self-identification survey (English/Spanish) also has been added to the Title VI tagline in agendas.

Event Scheduling, Location and Access

Public events are scheduled to increase the opportunity for attendance by stakeholders and the public. This may require scheduling events during non-traditional business hours, holding more than one event at different times of the day or on different days, and checking other community activities to avoid conflicts. For example, events in Green Valley have been found to be more effective if held during daytime or business hours, due to the large concentration of retired individuals in that area.

When hosting events for public meetings regarding regional plans, PAG tries to ensure that the majority of meeting venues are located on public transit routes, and that the host buildings are handicapped accessible.

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

Traditionally, PAG hosted multiple events for public meetings or open houses regarding regional plans. At a minimum, one event was held in the northern part of the region (Marana or Oro Valley), one was held in the urban core (downtown or midtown Tucson), and one was held in the south (Sahuarita or Green Valley). Additional events were hosted in other geographic locations, as appropriate. With the success of virtual open house participation for

the FY 2022-2026 TIP, PAG may continue to use virtual events to replace or enhance this traditional approach.

Following the arrival of the coronavirus pandemic in early 2020, PAG started conducting virtual meetings. In 2021, PAG conducted two virtual open houses to review the draft FY 2022-2026 Transportation Improvement Program with the public. As with an onsite event, the same level of outreach was executed with advertising promotions in English and Spanish media channels, and via news release, email and social media notifications. The Zoom webinar platform was used for advance open house registration. During the virtual open house, participants were able to submit written questions through a question-and-answer tool in Zoom. PAG staff read the Title VI notice at the start of the virtual events, followed by a presentation on the TIP, and a question-and-answer session including representation from PAG member jurisdictions to help provide responses. Participants were asked to submit formal comments online through the PAG website. Spanish-speaking staff were available to answer questions.

LEP Preparations

PAG staff are trained annually on how to prepare for potential LEP needs at outreach events or activities. Members of staff who conduct such meetings follow the established Four Factor analysis in preparing for public meetings.

Factor 1: The number or proportion of LEP persons served by the PAG service area.

When preparing for a meeting, PAG staff are instructed to consult the LEP plan and familiarize themselves with the demographic data contained in that plan. In doing so, staff become familiar with the types and numbers of LEP needs in the PAG planning area.

Factor 2: The frequency with which LEP individuals encounter PAG programs.

When preparing for an event, PAG staff, in coordination with the Communications Department, consult records of past events with similar topics or conducted in similar venues. This analysis identifies if any of these other meetings encountered LEP individuals or needs.

Factor 3: The importance of the service provided by the PAG program

PAG programs are of great importance to residents of the region. Where possible, PAG makes every effort to communicate information about PAG programs to all members of the region. No one PAG program is considered less important than the others.

Factor 4: The resources available and the overall cost to PAG

The PAG Title VI Coordinator maintains a roster of PAG employees who speak languages other than English and the degree of proficiency with which they speak those languages. If LEP needs are anticipated, PAG staff with the appropriate language skills are invited to attend the event or meeting to assist with translation.

For more information on how PAG has conducted a Four Factor analysis for general LEP purposes, or for information about LEP procedures for public outreach, please see the PAG LEP Plan.

LEP Translations

As indicated in PAG's Limited English Proficiency (LEP) Plan, Spanish is the predominant 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 and agendas, include a tagline affirming that PAG will make reasonable accommodations to translate any materials in Spanish, or other languages as needed. This information is also available on the public participation web page and on the Title VI web page.

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

Members of the public who call PAG or its Sun Rideshare alternative transportation program hotline (884-Ride) and require over-the-phone Spanish interpretation can be directed to a Spanish-speaking PAG staff member.

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.

Data Collection and Analysis of Outreach Efforts

PAG makes available a voluntary self-identification survey at every in-person public event hosted by PAG. On an annual basis, the surveys that have been returned to PAG staff are analyzed by the Title VI Coordinator. Each survey is labeled with the name of the event to determine which meetings, if any, are lacking in minority participation. PAG maintains an inventory of the self-identification surveys and provides them to Title VI monitoring agencies upon request.

This self-identification survey is also available via an online form. Attendees of virtual meetings also have the option of downloading a fillable pdf, complete the brief questionnaire, and submit it to PAG.

On an annual basis, the PAG Title VI Coordinator will use a sample size calculator to determine, for various public meeting sizes, the number of expected attendees from protected demographics. This range is calculated from the region-wide proportion of the selected demographic and then applies a statistical confidence interval for the corresponding meeting size. The lower range will be rounded down to the next whole person, and the upper range will be rounded up to the next whole person.

The Title VI Coordinator will conduct a visual survey of any meeting of the Regional Council, Management Committee, or other policy-making body if the number of public participants is large enough that one or more attendees of a given demographic are statistically expected. This expectation will be based on the lower end of the range in the table below. In such meetings, the Title VI Coordinator will estimate the number of public attendees who represent the demographic to be analyzed.

A visual survey is not suited for estimating members of the public who identify as “other” or as “two or more races.” Therefore, any analysis of meeting participation by these populations will be based solely on submitted self ID forms, if any.

Expected Number of Hispanic Participants at PAG Public Meetings

Meeting Size	Expected Hispanic	Confidence Interval	Expected Range
5	1.9	+/- 0.80	1 to 3
10	3.8	+/- 1.13	2 to 5
25	9.4	+/- 1.78	7 to 12
50	18.8	+/- 2.52	16 to 22
75	28.1	+/- 3.08	25 to 31
100	37.5	+/- 3.56	33 to 41

Based on the regional Hispanic population of 37.5% (See table on page 7)

Expected Number of Black, American Indian, and Asian Participants at PAG Public Meetings

Meeting Size	Expected from Each Demographic	Confidence Interval	Expected Range of Each Demographic
5	0.2	+/- 0.03	0 to 1
10	0.3	+/- 0.04	0 to 1
25	0.8	+/- 0.06	0 to 1
50	1.7	+/- 0.08	1 to 2
75	2.5	+/- 0.10	2 to 3
100	3.3	+/- 0.12	3 to 4

Based on the average regional population of Black, American Indian, and Asian populations of 3.33% each (See table on page 7).

For ease of use, a single table is calculated for Black, American Indian, and Asian populations. These demographics represent very similar proportions of the regional population (3.5%, 3.9% and 2.9%, respectively). Therefore, their statistically significant thresholds will vary only slightly between them.

At the conclusion of a meeting in which a visual survey is taken, the PAG Title VI Coordinator will analyze the demographic profile of the meeting to confirm that the participants in the meeting fell within the range of statistical expectations. If fewer members of the analyzed demographic were present than expected, the Title VI Coordinator will work with the PAG Director of Communications to develop a plan for increasing outreach to the demographic in question.

Procurement and Contracts

The PAG Contracts Administrator and/or Finance Director will maintain any submitted demographic data on bidders and awardees. Once a year, the Contracts Administrator and/or Finance Director will review any submitted data with the PAG Title VI Coordinator. Pursuant to state procurement laws, data will not be requested of consultants or contractors prior to the award, and post-award submittal will be voluntary.

If the number of RFPs, RFQs, or contracts issued in a fiscal year is greater than 10, the PAG Title VI Coordinator will analyze the demographic profile of the awardees and compare it to the demographic profile of ADOT's on-call list. The ADOT on-call list will be used in this analysis to approximate the demographic profile of the universe of potential contractors and consultants.

At the end of each fiscal year, the PAG Title VI Coordinator will review PAG templates for contracts, RFPs and RFQs to ensure that they include the required assurances and appendices.

Data Collection and Analysis

The data collected from the self ID surveys or from the visual estimate will only be used internally. At the end of every fiscal year, the Title VI Coordinator will review the data on committee attendance that has been collected over the past year and gauge the effectiveness of outreach efforts to minority communities. These numbers will provide a baseline for the setting of goals for additional outreach efforts in the coming year.

At the end of every fiscal year, the PAG Title VI Coordinator will consult with the PAG Contracts Administrator and/or Finance Director to ensure that all contracts have included the necessary assurances and other clauses. This consultation will also include a review of any demographic data relating to contract bidders and awardees that has been collected during the previous year. This review will help PAG identify if additional outreach efforts need to be made to minority-owned businesses when issuing RFPs and RFQs.

PAG will rely upon data from the American Community Survey to create and maintain a demographic profile of the region for use in the Title VI Plan and the Limited English Proficiency Plan. The most recent dataset will be preferred, and 5-year estimates will be preferred over 1-year estimates.

Compliance and Enforcement Procedures

Each program area approaches its Title VI responsibilities in different ways, as described above. However, in general, the PAG Title VI Coordinator provides annual training to staff, so each PAG staff member understands his or her responsibilities under Title VI. Specialized training also will be provided to certain staff members, including those who prepare and set up public meetings or those who review and manage contracts.

If a PAG staff member fails to comply with Title VI responsibilities, retraining will be provided with additional spot checking of program activities in the ensuing months.

Significant Changes to the Title VI Implementation Plan

In the last year, some portions of the Title VI Implementation Plan were updated to clarify where and how PAG implements principles relating to environmental justice. Further, specific activities undertaken in support of the Title VI Plan are outlined in the annual Goals and Accomplishments Report. Other changes related to data collection and standard operating procedures also have been added to the Title VI Plan in response to recommendations from ADOT CRO during the most recent triennial Title VI site visit.

V. Title VI Complaint Process

Any person who believes that he or she has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 or the Rehabilitation Act of 1973 may file a Title VI discrimination complaint.

PAG maintains a Title VI complaint log and provides a Title VI complaint form on PAG's website as well as at the office front desk. PAG staff have been trained on the federal Title VI requirements and how to assist any member of the public who would like to file a Title VI complaint.

The Title VI complaint procedures described below apply to PAG and its programs, as well as to consultants and contractors funded through PAG.

The Arizona Department of Transportation (ADOT) has the principal responsibility for processing, investigating and resolving all Title VI complaints relating to services and programs funded by FHWA dollars. Complaints related to services or programs funded by FTA dollars may be processed and investigated by PAG.

Title VI complaints may be submitted to any of the contacts below.

Nathan Barrett
Title VI Coordinator
Pima Association of Governments
1 E. Broadway Blvd, Suite 401
Tucson, AZ 85701
Telephone (520) 792-1093, FAX (520) 620-6981
nbarrett@pagregion.com

ADOT Civil Rights Office
206 S. 17th Ave.
Mail Drop 155A
Phoenix, AZ 85007
(602) 712-8946
civilrightsoffice@azdot.gov

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE

8th Floor E81-105
Washington, DC 20590
(202) 366-0693
Civilrights.fhwa@dot.gov

Required procedures for FHWA Title VI Complaints filed against PAG, PAG's subrecipients, 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, or national origin, can file a formal complaint with PAG. A copy of the Complaint Form may be accessed electronically at: <https://pagregion.com/title-vi/>
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, email or in person. However, the complainant may call PAG and provide the allegations by telephone for transcription. Once transcribed, PAG 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, or 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 financial assistance; and is a consultant, contractor or subrecipient of PAG
 - f) The date(s) of the alleged discriminatory act(s)
5. Upon receipt of a completed complaint, PAG will forward all FHWA Title VI complaints to the Arizona Department of Transportation (ADOT) Civil Rights Office (CRO) within 72 hours.
6. The 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 subrecipient can be investigated by the ADOT CRO, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to the ADOT CRO. The 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 using the contact info above.

All FHWA Title VI complaints will be forwarded to ADOT within 72 hours for processing.

Complaints regarding FTA funding and programs may be investigated by PAG, according to the following procedures:

1. Any person who believes he and/or she has been discriminated against on the basis of race, color, or national origin, or disability may file a Discrimination complaint by completing and submitting the agency's Title VI Complaint Form.
2. Formal complaints must be filed within 180 calendar days of the last date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.
3. Complaints must be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The ADA/Title VI contact person will assist the complainant with documenting the issues if necessary.
4. Allegations received by fax or email will be acknowledged and processed, once the identity of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or email transmittal for the complaint to be processed.

5. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return for processing.
6. Once submitted, PAG will review the complaint form to determine jurisdiction. All complaints will receive an acknowledgement letter informing her/him whether the complaint will be investigated by PAG or submitted to the state or federal authority (hereinafter "the Authority") for guidance.
7. PAG will notify the ADOT Civil Rights Office of ALL Discrimination complaints within 72 hours via telephone at (602) 712-8946; or email at civilrightsoffice@azdot.gov.
8. PAG has 60 business days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has 60 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 60 business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.
9. After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Discrimination violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur.
10. A copy of either the closure letter or LOF also must be submitted to ADOT within 72 hours of that decision. Letters may be submitted by hardcopy or email.
11. A complainant dissatisfied with PAG's decision may file a complaint with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) offices of Civil Rights:

ADOT: ATTN ADA/Title VI Program Coordinator
206 S. 17th Ave MD 155A RM: 183
Phoenix, AZ 85007

FTA: Attention Title VI Program Coordinator,
East Building, 5th Floor-TCR

1200 New Jersey Ave., SE
Washington, DC 20590

A copy of these procedures can be found online at: <https://pagregion.com/title-vi/>

VI. Title VI Complaints, Investigations or Lawsuits Filed

No Title VI lawsuits or complaints have been filed against PAG within the last three calendar years. A copy of the complaint log is included below.

No complaints	8/1/2019 thru 7/31/2022
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VII. Notice to the Public

Pima Association of Governments (PAG) complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. PAG operates without regard to race, color, or national origin. PAG meetings are held in accessible locations, and materials are provided in accessible formats or in languages other than English upon request within a reasonable advance notice period.

Any person who believes they have been discriminated against by PAG, or any of its sub-recipients or contractors, may file a written complaint with PAG and/or the ADOT Civil Rights Office with one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about PAG's procedure and how to file a complaint, contact PAG offices at the address listed below.

La Asociación de Gobiernos de Pima (PAG) cumple con el título VI de la ley de derechos civiles de 1964 y estatutos y reglamentos relacionados en todos los programas y actividades. PAG funciona independientemente de raza, color, origen nacional, o incapacidad. Las reuniones de PAG se ocurren en lugares de acceso y materiales se proporcionan en formatos accesibles o en idiomas distintos del inglés, si se reciben una petición antes de la reunión.

Cualquier persona que crea que ha sido discriminada por PAG, o cualquiera de sus subreceptores o contratistas, puede presentar una queja por escrito ante PAG y / o a la Oficina de Derechos Civiles de ADOT dentro de los ciento ochenta (180) días siguientes a la fecha de la presunto hecho discriminatorio. Para obtener información adicional sobre el procedimiento de PAG y cómo presentar una queja, comuníquese con las oficinas de PAG en la dirección que se indica a continuación.

Pima Association of Governments
Nathan Barrett, Title VI Coordinator
1 E. Broadway Blvd, Suite 401
Tucson, AZ 85701
Telephone (520) 792-1093
Fax (520) 620-6981

VIII. Assurances

Pima Association of Governments (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition of receiving any federal financial assistance from the U.S. Department of Transportation (DOT), through the 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, or 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 citations hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurance

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 Programs* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"Pima Association of Governments, 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, for 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 whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subrecipients, subgrantees, 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 Association of Governments** also agrees to comply (and require any subrecipients, subgrantees, 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 the **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 Association of Governments 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 PAG, other recipients, subrecipients, subgrantees, 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 Association of Governments

by



DATED: 09/19/2022

(Signature of Authorized Official)

Farhad Moghimi, Executive Director

Appendices

Title VI Contract Language

The wording of PAG contracts will reflect the language required by ADOT and the federal government. Appendix A, B, C, D and E include the Title VI language that will be included in: A) contracts, B) deeds effecting or recording transfer of real property, structures and their improvements, and C) deeds, licenses, leases, permits or similar instruments entered into by PAG.

Other Appendices

Appendix F contains copies of the PAG Title VI complaint procedures and complaint form.

Appendix G contains the Complaint, Lawsuits and Investigations Log.

Appendix H contains the PAG Organization Chart.

Appendix I contains the Title VI maps for the most recent Transportation Improvement Program.

Appendix J contains the Legal Action Report for the Regional Council meeting in which the PAG Title VI implementation plan was approved.

APPENDIX A

CLAUSES FOR PAG EXECUTED CONTRACTS

"Pima Association of Governments, 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."

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. canceling, 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 U.S. PROPERTY

The following clauses will be included in deeds affecting 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 **Pima Association of Governments** 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 **Pima Association of Governments** 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 Association of Governments** 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 Association of Governments**, its successors and assigns.

Pima Association of Governments, 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 **Pima Association of Governments** 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.

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 **Pima Association of Governments** 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, **Pima Association of Governments** 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, **Pima Association of Governments** 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 **Pima Association of Governments** 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 Association of Governments** 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 and 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, **Pima Association of Governments** 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 Association of Governments** will there upon revert to and vest in and become the absolute property of **Pima Association of Governments** 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 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, or 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);
- 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.*).

APPENDIX F

PIMA ASSOCIATION OF GOVERNMENTS

Asociación de Gobiernos de Pima

COMPLAINT OF TITLE VI DISCRIMINATION

Formulario de Queja de Discriminación por el Título VI

Pima Association of Governments (PAG), 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 PAG.

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.

Asociación de Gobiernos de Pima (PAG), 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 PAG.

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

Submit your signed complaint and any attachments to:

Entregue el formulario con su firma y paginas adicionales a:

Nathan Barrett
PAG's Title VI Coordinator
1 E. Broadway, Suite 401
Tucson, AZ 85701
(520) 792-1093
(520) 620-6981 fax
nbarrett@pagregion.com

Para ayuda adicional en español:

Nathan Barrett
(520) 792-1093

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

2. **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

3. 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 / <i>Especifique</i>
	Race <i>Raza</i>	
	Color <i>Color</i>	
	National Origin <i>Nacionalidad</i>	

Note: The listed categories above are those that are specifically protected by federal law. PAG will consider complaints of discrimination based on other categories on a case-by-case basis.

Nota: La categorías arriba son solo ellos que son protegidos por la ley federal. PAG considerará quejas de discriminación basadas in otras categorías caso por caso.

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

- 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.*

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

6. 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 / Especifique
	Federal <i>Federal</i>	
	State <i>Estatal</i>	
	Local <i>Local</i>	
	Federal Court <i>La Corte Federal</i>	
	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

7. 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

APPENDIX G

Title VI Complaint Log

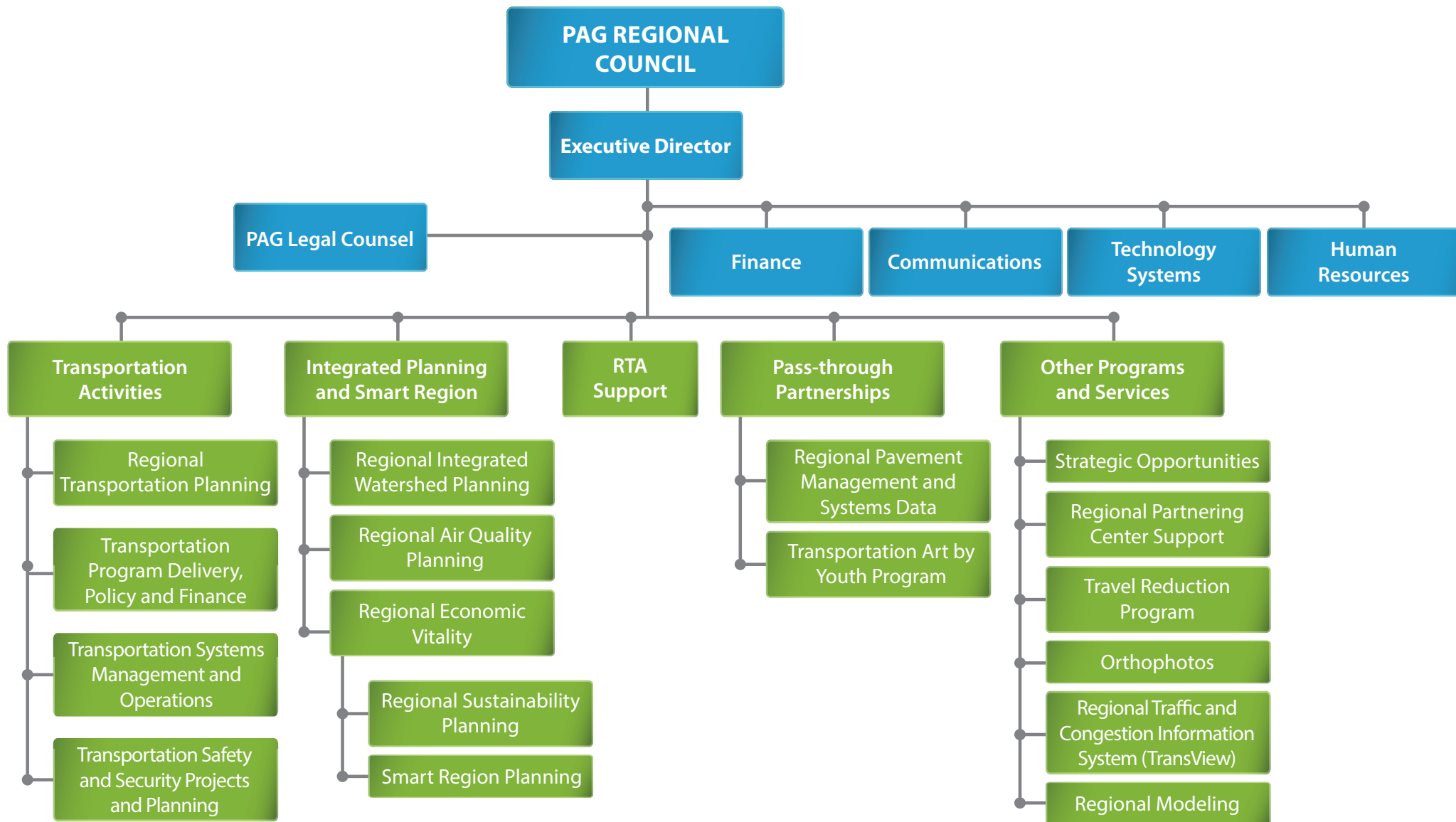
Pima Association of Governments

No Title VI complaints were received between the following dates:

- **August 1, 2021 – July 31, 2022**

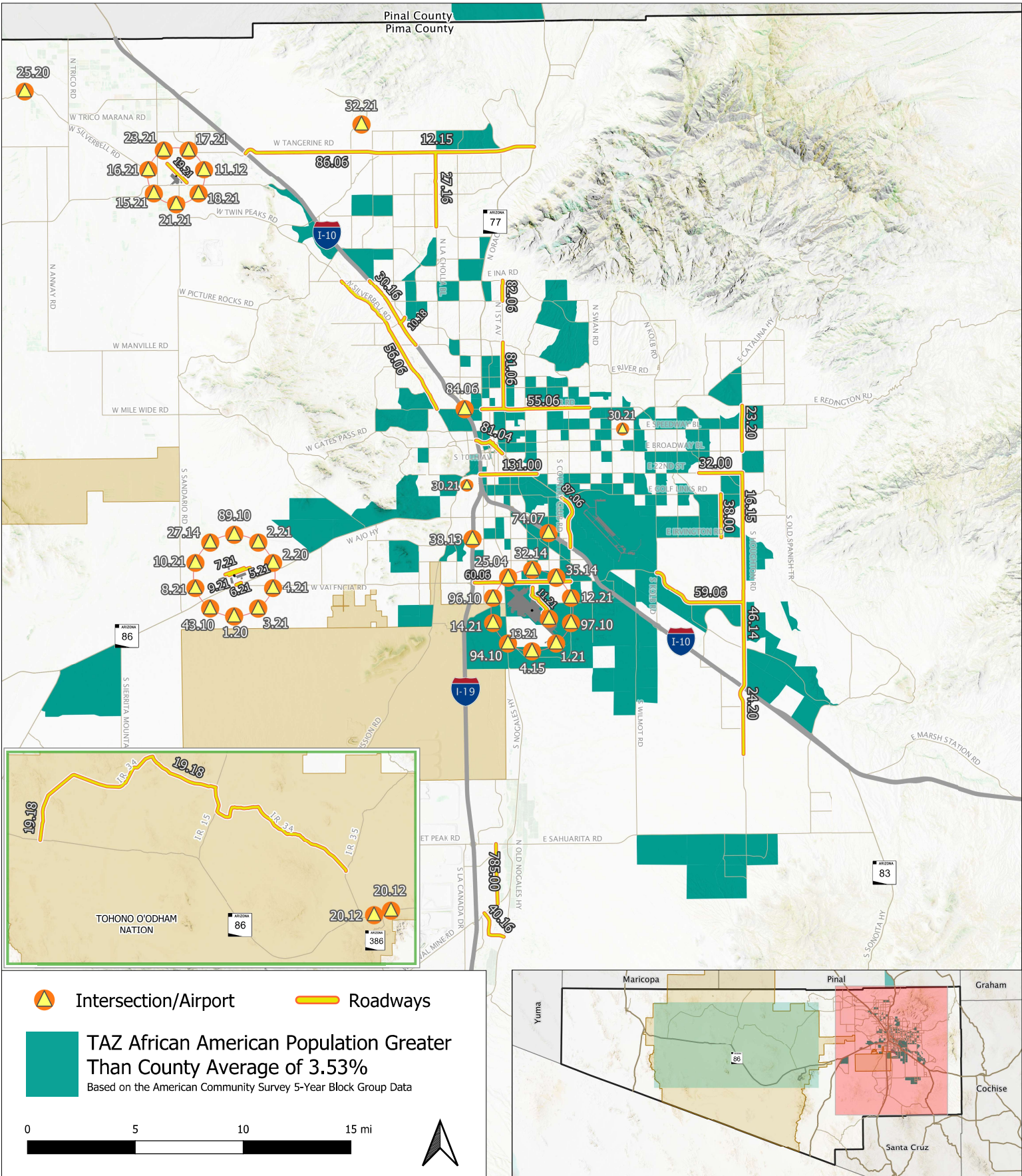
[illegible]

APPENDIX H



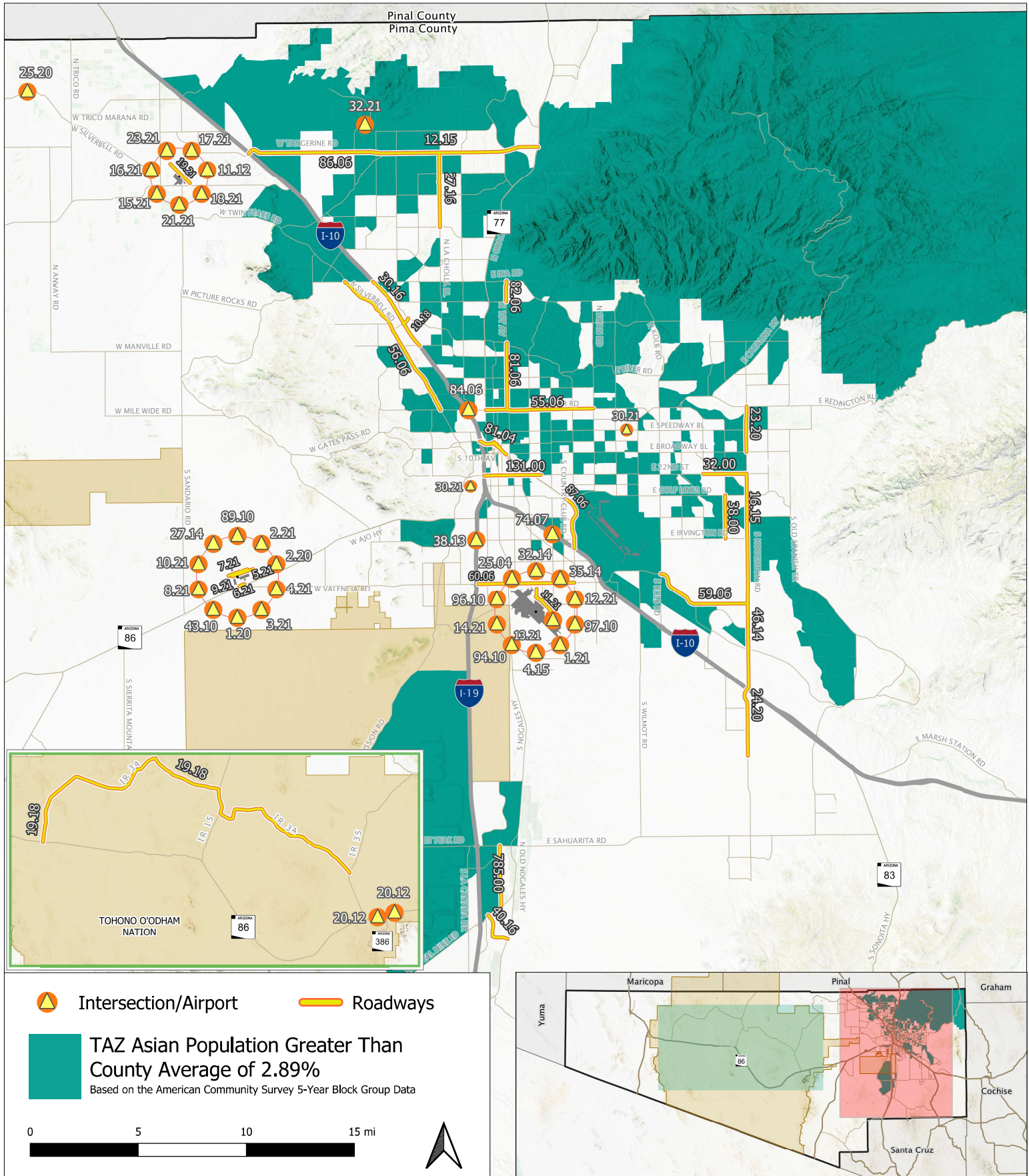
APPENDIX I

Title VI Analysis African American Population	
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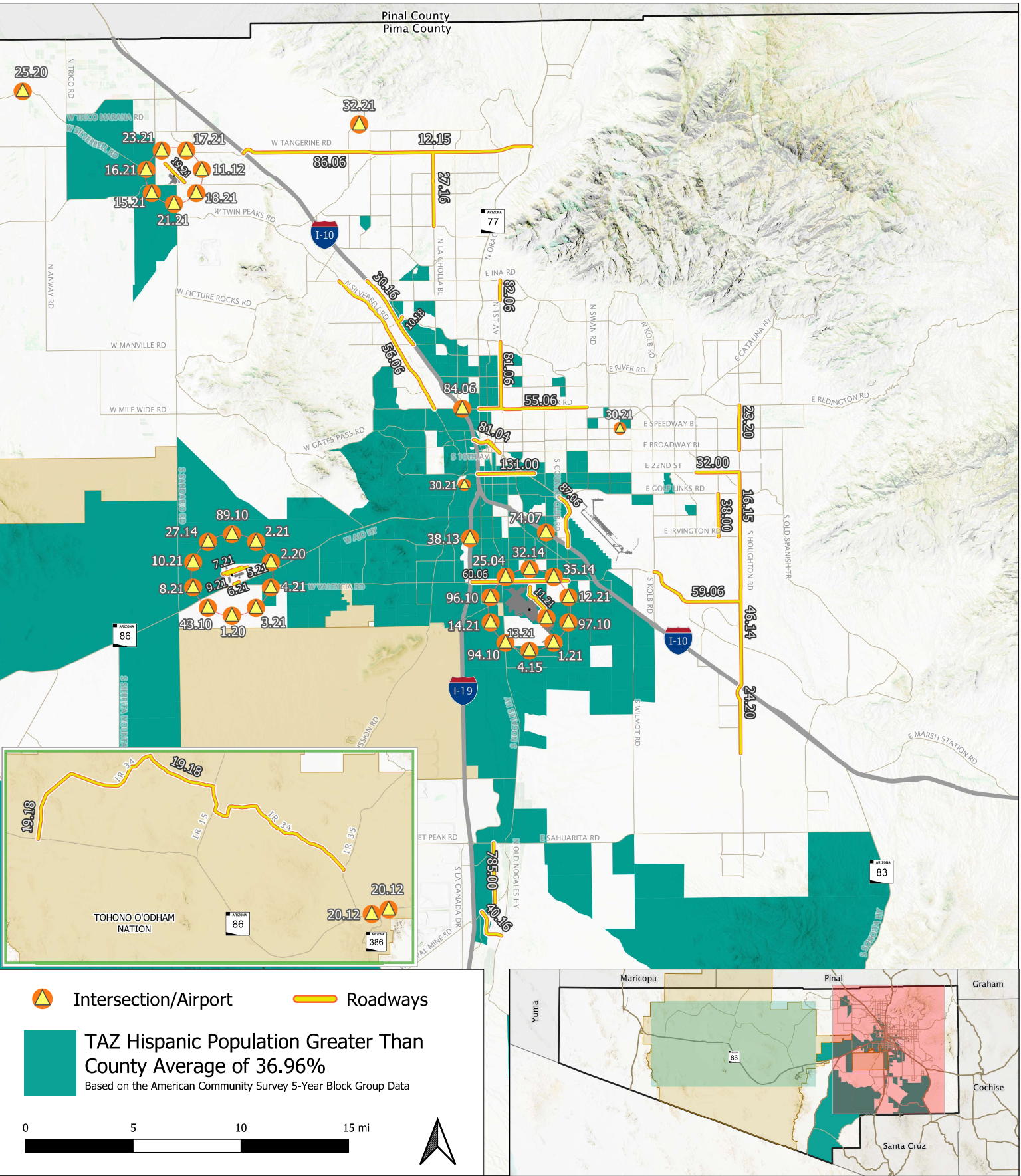


Title VI Analysis

Asian Population

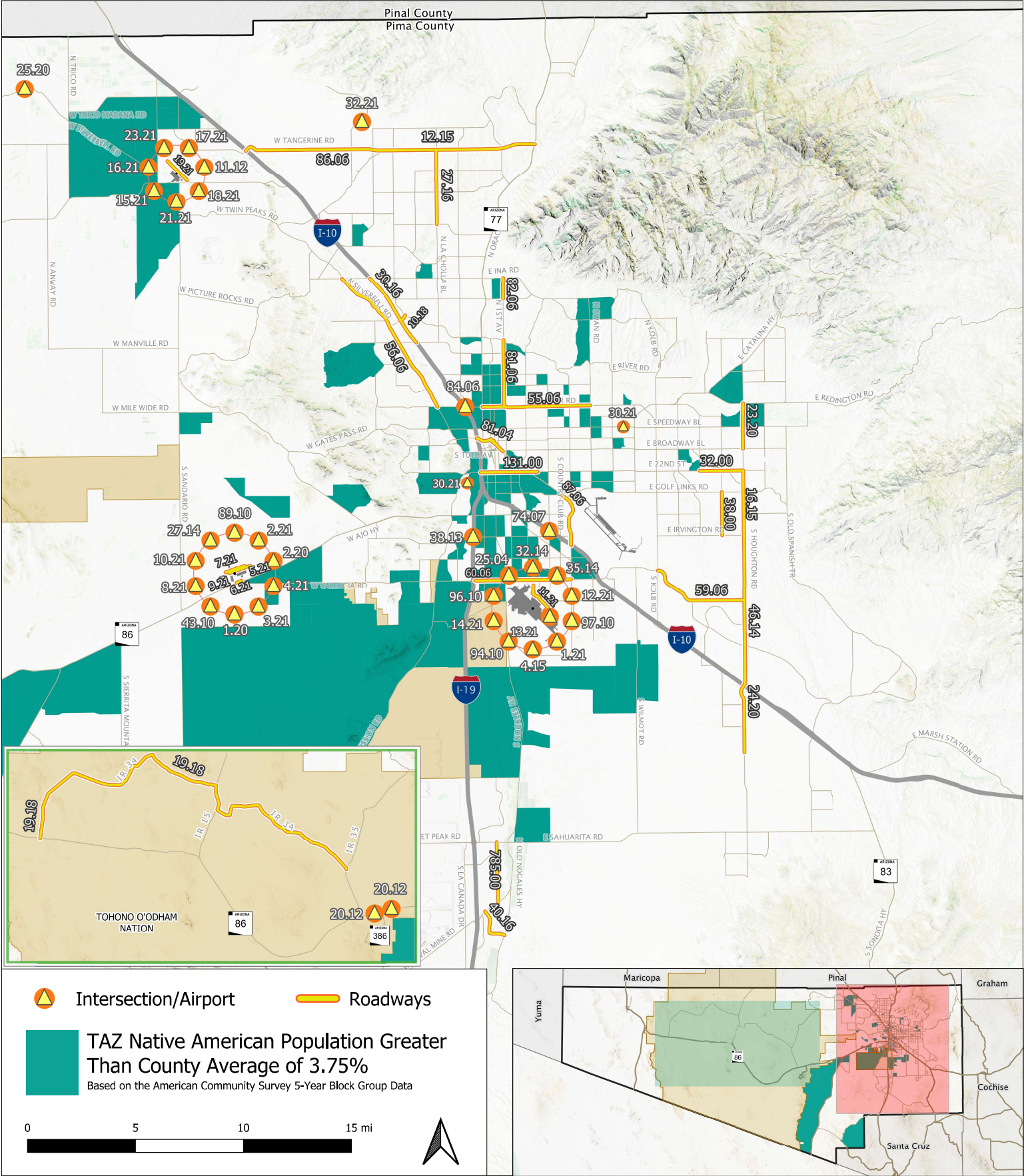


Title VI Analysis Hispanic Population

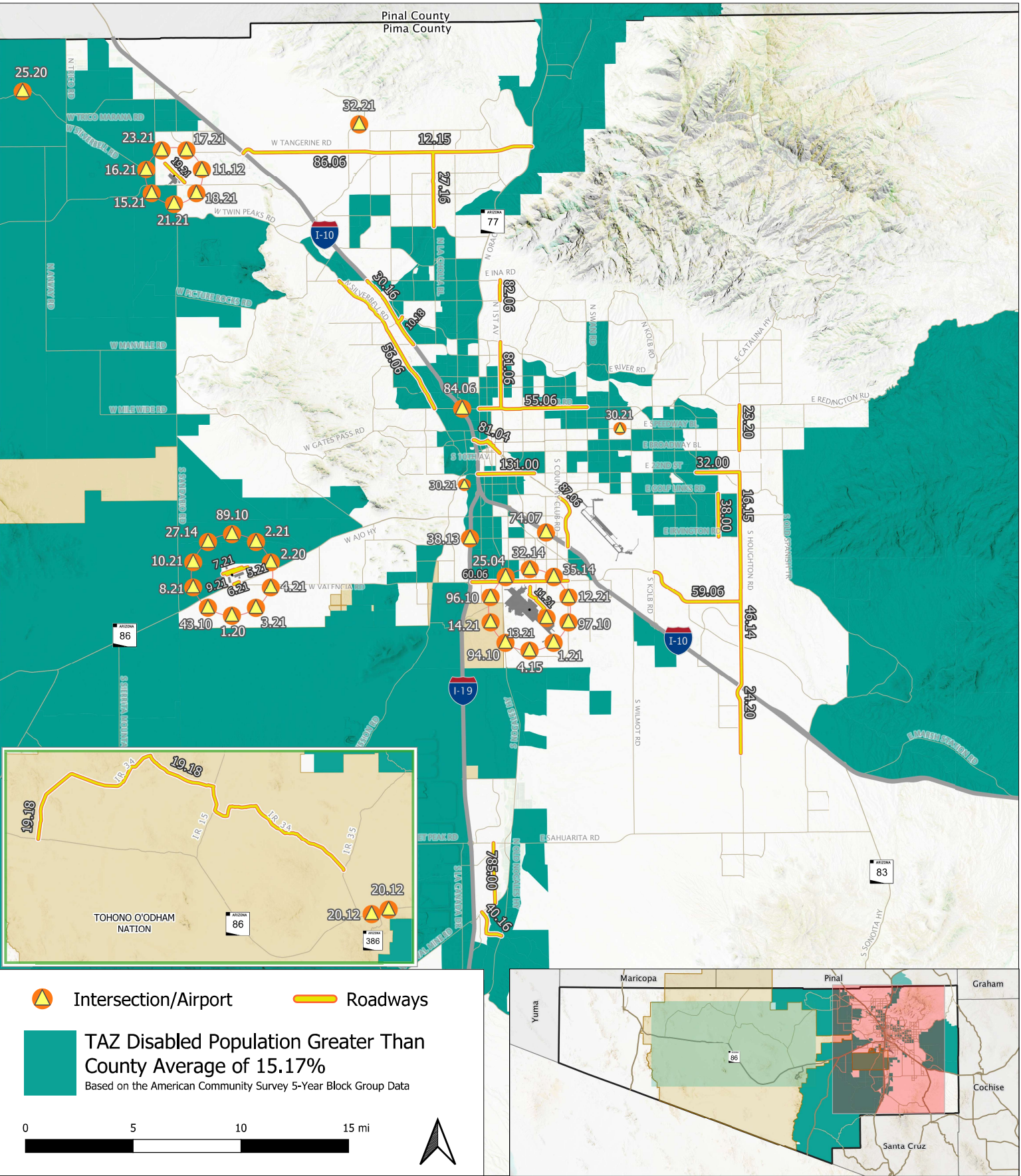


Title VI Analysis

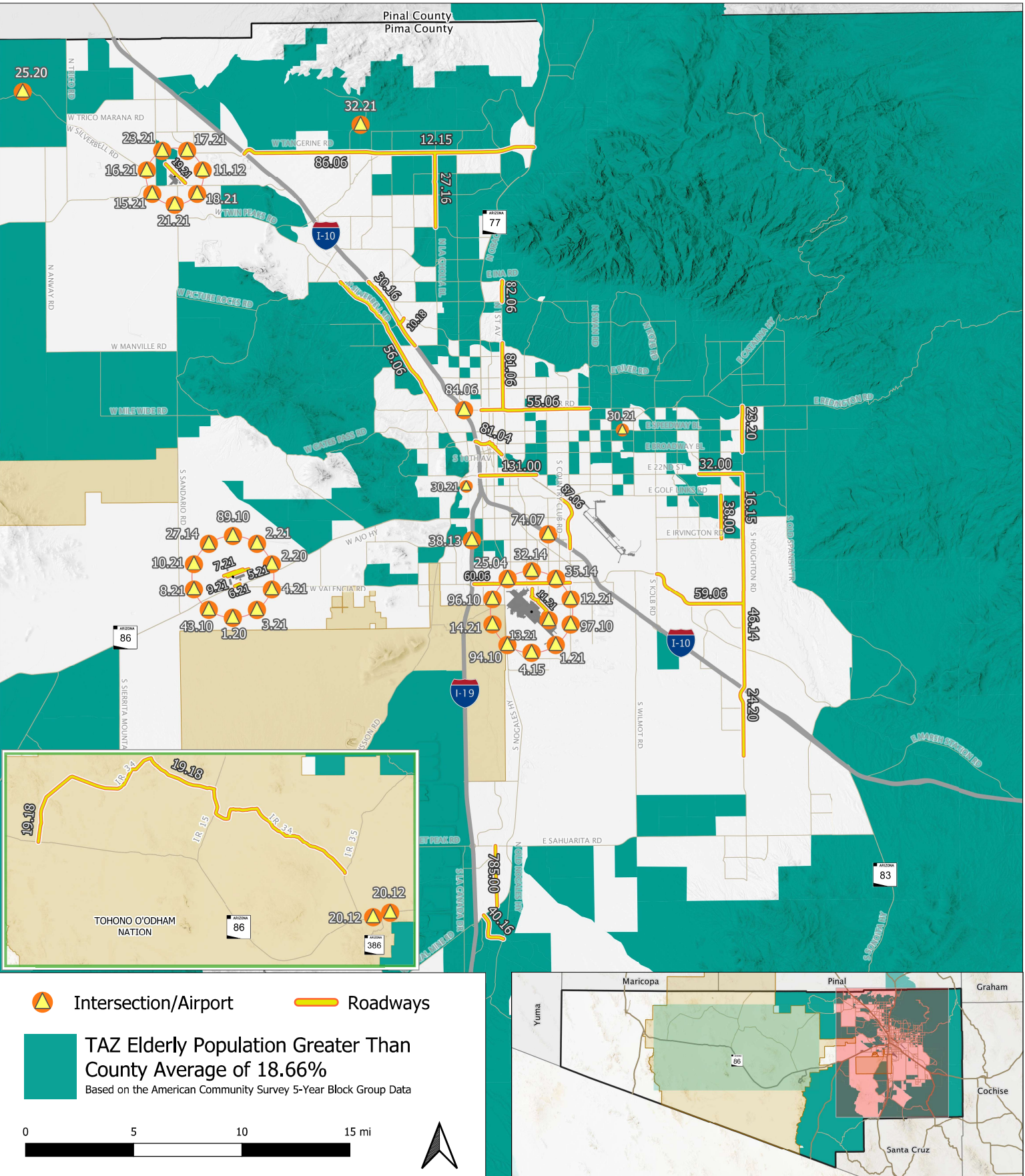
Native American Population



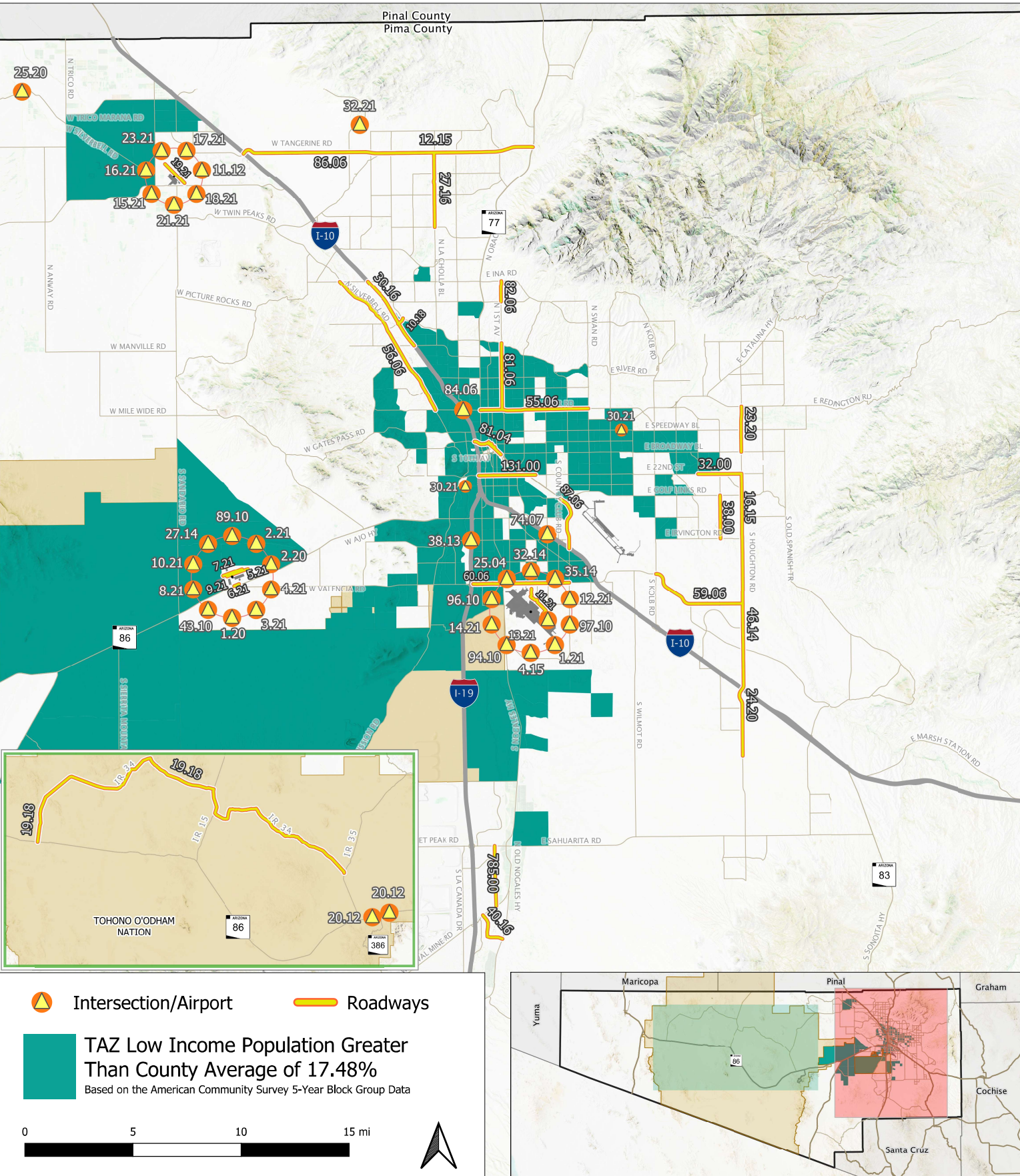
Title VI Analysis Disabled Population



Title VI Analysis Elderly Population



Title VI Analysis Low Income Population



APPENDIX J

Regional Council Legal Action Items

Legal Action Items of Thursday, August 25, 2022, Meeting

Public Access to Meeting Audio/Presentations: <https://youtu.be/QK3Rh3HcQsA>

AGENDA

1. Call to Order

2. Pledge of Allegiance

3. Call to the Audience (Remote Access Option)

None.

4. Approval of the June 2, 2022, Meeting Summary

Motion was made by Chairman Yucupicio, seconded by General Maxwell and unanimously carried that the Regional Council of Pima Association of Governments approve the meeting summary of June 2, 2022.

5. Consent Agenda Items for Information:

Staff was available to report on any of the following items. No action was taken on items a-c.

a. Regionwide Highway User Revenue Fund (HURF) Report

David Zynda, PAG, provided an update on actual FY 2022 revenues from the Highway User Revenues Fund (HURF) including gas sales volumes for FY 2022 in Pima County.

b. Program Highlights Report

c. Contracts and Agreements Report

6. Arizona Heroes Memorial Presentation

Supervisor Rex Scott introduced Ms. Lisa Hopper, executive director of the Arizona Heroes Memorial. Ms. Hopper provided a presentation regarding the Arizona Heroes Memorial initiative.

This was an information item; no action taken.

7. 2022 PAG Title VI Implementation Plan

Nathan Barrett, PAG, provided a report on PAG's updated Title VI Implementation Plan which outlines the manner in which PAG's federally funded activities comply with the requirements of Title VI of the 1964 Civil Rights Act.

Motion was made by Mayor Honea, seconded by Supervisor Scott and carried by a vote of 6-1, with Mayor Romero voting no, that the Regional Council of Pima Association of Governments adopt the 2022 PAG Title VI Implementation Plan.

8. PAG FY 2022-2026 Transportation Improvement Program (TIP) Amendment #2022.040

Jamie Brown, PAG program coordinator, updated the Regional Council on TIP Amendment #2022.040.

Motion was made by General Maxwell, seconded by Mayor Romero and unanimously carried that the Regional Council of Pima Association of Governments approve an amendment to the PAG FY 2022-2026 Transportation Improvement Program (TIP), which would program available Arizona Department of Transportation (ADOT) funds, known as ASTBG funds, on two major ADOT projects in the PAG planning area, including programming of additional HURF 2.6% funds on one of the projects.

9. Legislative Update on Proposed Transportation-Related Legislation

David Zynda, PAG policy analyst, updated the Regional Council on relevant transportation-related issues and policies of interest to the region at the state level. The report included an update on the state budget.

This was an information item; no action taken.

10. Amtrak Expression of Interest

Jamie Brown, PAG director of strategic planning, programming and policy, updated the Regional Council on the status of Amtrak's proposed service between Tucson and Phoenix and ADOT's rail planning for the Tucson-to-Phoenix corridor. The report included an update on PAG's letter of interest.

This was an information item; no action taken.

11. Adjournment

The meeting was adjourned at 1:10 p.m.