

Regional Council Meeting

At or after 12 p.m., Thursday, September 28, 2023

Pima Association of Governments
1 E. Broadway Blvd., Suite 401, Tucson

Public Access to Meeting Audio/Presentations: [YouTube Video Link](#)

Notice is hereby given to the public and to the Council's members that the Regional Council of Pima Association of Governments will have a meeting at the above stated time and location. The following is an agenda of the matters to be considered, discussed and acted upon.

The meeting room will be open to the public. Members of the public are invited to attend the meeting via the public access link above. Members of the Council may attend the meeting in-person or remotely. Regional Council members will be provided with a separate link to participate remotely, as needed.

Members of the public may submit written comments relating to this meeting to info@PAGregion.com within one hour of the posted start time for the meeting. These comments will be filed with the meeting's records.

Alternatively, a virtual call-in option subject to technological availability may be available for comments under the Call to the Audience item on the PAG Regional Council meeting agenda. Interested members of the public must email info@PAGregion.com or call (520) 792-1093 at least 24 hours prior to the start of the meeting to confirm your interest in participating in the virtual Call to the Audience.

The Council may vote to go into Executive Session on any agenda item for discussion and consultation for legal advice with its attorney on any matter(s) as set forth on the agenda, pursuant to A.R.S. § 38-431.03(A)(3).

Council Description: *Develop, adopt and/or endorse policies, plans, reports and other submittals related to regional problems and needs that require action on an areawide or regional basis, including air quality, water quality, transportation, land use and human services. Involve local and state governments in a voluntary and cooperative manner to develop regional solutions. Act in its capacity as the federally designated metropolitan planning organization and as the U.S. Environmental Protection Agency-designated lead agency for air, water quality and regional solid waste planning for the greater Tucson region.*

"We encourage and uphold the importance of regional collaboration as the PAG Regional Council addresses regional priorities and pursues regional solutions."

To view the fully Regional Collaboration and Unity Pledge, visit PAGregion.com/pledge

AGENDA

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Call to the Audience (Remote Access Option)**

Speakers are limited to a three-minute oral presentation, subject to technological availability, and may submit written comments of any length for the Council's files. The Call to the Audience is limited to 30 minutes. Those wishing to address the Council should follow the instructions above under the Special Notice prior to the meeting to specify the topic to be addressed. Individual Council members may respond to criticism made by those individuals who have addressed the Council and may ask staff to review a matter. However, the Council will not discuss or act on a matter raised during a Call to the Audience that is not already on the agenda.

Prior to making comments, we ask speakers to disclose if they are representing or speaking on behalf of another person or entity.

4. **Executive Session**

The Regional Council will convene in executive [closed] session, pursuant to A.R.S. 38-431.03(A)(1), to discuss the Executive Director's strategic goals. Following the executive session, the Regional Council might take action to provide direction to the Executive Director.

5. **Approval of the July 27, 2023, Meeting Summary and Executive Session Minutes**

The Regional Council will consider corrections and may amend the draft meeting summary prior to approval during the meeting.

Action: The Regional Council will be asked to approve the July 27, 2023, Meeting Summary and Executive Session Minutes.

6. **Consent Agenda Items for Information:**

Staff are available to report on any of these items upon request.

- a. **Regional Transportation Revenues Update**
- b. **Program Highlights Report**
- c. **Contracts and Agreements Report**

This is an information item.

7. Regional Mobility and Accessibility Plan (RMAP) Update

Staff will provide the Regional Council with an update on the development of the 2055 RMAP, which is the region's long-range transportation plan.

This is an information item.

8. FY 2022–FY 2026 Transportation Improvement Program (TIP) Amendment #2022.070

As described in the meeting packet memo, TIP Amendment #2022.070 includes one item that will result in the programming of Arizona Department of Transportation (ADOT) funding of HURF 2.6% on TIP ID 10.18 – Sunset: I-10 to River. This action is necessary since the HURF 2.6% funding is a new funding source for the Sunset: I-10 to River project and will be used for the ADOT portion of the right-of-way improvements only.

Action: The Regional Council will be asked to approve TIP Amendment #2022.070 to the PAG FY 2022–FY 2026 TIP as described.

9. PAG 2023 Title VI Implementation Plan

Action: The Regional Council will be asked to adopt the Arizona Department of Transportation (ADOT)-approved 2023 PAG Title VI Implementation Plan.

10. 2023 Regional Orthophoto Acquisition

Action: The Regional Council will be asked to authorize the Executive Director to execute a contract with Digital Mapping, Inc. for the 2023 Orthophoto acquisition.

11. Carbon Reduction Program (CRP) Implementation Update

PAG staff will provide an update on the implementation of the adopted strategies to reduce transportation-related carbon emissions in the PAG Region.

This is an information item.

12. Adjournment

The Regional Council meeting packet containing material related to the meeting is available at: <https://pagregion.com/get-involved/events/> for public review. In compliance with the Americans with Disabilities Act (ADA), those requiring special assistance, such as large typeface print, sign language or other reasonable accommodations, may request those through the administrative offices at: (520) 792-1093, at least two business days before the meeting.

PAG operates its programs without regard to race, color and national origin in compliance with [Title VI](#) of the Civil Rights Act. We invite you to complete our voluntary self-identification survey ([English/Spanish](#)).

If you need translation assistance, please call (520) 792-1093 and ask for Zonia Kelley. Si necesita ayuda con traducción, llame por favor al (520) 792-1093 y comuníquese con Zonia Kelley.

Communication #3759**SUBJECT: Call to the Audience (Remote Access Option)**

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Information	3

Speakers are limited to a three-minute oral presentation, subject to technological availability, and may submit written comments of any length for the Council's files per the instructions, under the Special Notice on the agenda. Call to the Audience is limited to 30 minutes. Those wishing to address the Council should follow the instructions under the Special Notice to confirm interest in participating in the Call to the Audience and share in advance the topic to be addressed. Individual Council Members may respond to criticism made by those individuals who have addressed the Council and may ask staff to review a matter. However, the Council will not discuss or act on a matter raised during a Call to the Audience that is not already on the agenda.

Communication #3760**SUBJECT: Executive Session**

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Executive Session	4

The Regional Council will convene in executive [closed] session, pursuant to A.R.S. 38-431.03(A)(1), to discuss the Executive Director's strategic goals. Following the executive session, the Regional Council might take action to provide direction to the Executive Director.

Communication #3761**SUBJECT: Approval of the July 27, 2023, Meeting Summary**

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Information	5

In compliance with the Arizona Open Meeting Law (A.R.S. 38-431.01.B.), PAG must provide a recording of the meetings to the public or a written meeting summary. PAG is a private entity and by policy follows the open meeting laws. Meeting recordings serve as the official summary for Pima Association of Governments' Regional Council meetings.

For meeting packets, PAG provides a general description (vs. verbatim) (A.R.S. 38-431.01. B.3.) of the matters considered at the previous meeting including the action items that were approved by the Regional Council at the previous meeting.

Based on past consensus of the Regional Council, the draft meeting summary in the packet is intended to be a general summary and does not serve as the official record of the meeting.

For the Sept. 28, 2023, meeting, Regional Council members are asked to please review the July 27, 2023, meeting summary in this meeting packet and submit written suggestions to staff (jontiveros@PAGregion.com) to request amendments 24 hours prior to the Sept. 28 meeting.

During the Sept. 28, 2023, meeting, the Regional Council may consider suggestions and may amend the draft summary prior to approval.

Regional Council Meeting Summary

Meeting Summary of Thursday, July 27, 2023

Full Video Recording (YouTube): [YouTube Meeting Link](#)

"We encourage and uphold the importance of regional collaboration as the RTA Board addresses regional priorities and pursues regional solutions."

To view the full Regional Collaboration and Unity Pledge, visit: PAGregion.com/pledge

Regional Council Members Present: Mayor Ed Honea
Mr. Ted Maxwell
Mayor Tom Murphy
Supervisor Rex Scott
Mayor Paul Diaz
Chairman Peter Yucupicio
Mayor Joe Winfield
Mayor Regina Romero

Regional Council Members Absent: Chairman Ned Norris Jr.

Staff Lead: Farhad Moghimi, Executive Director
Secretary

The following is an audio-to-text transcription of the **Regional Council Meeting held on Thursday July 27, 2023**, and is being used as the written summary of the discussion.

Minor changes were made to the transcription to include grammar or formatting for clarity, YouTube links/time stamps, spelling corrections and the addition of the agenda number or items based on the posted agenda.

AGENDA

1. Call to Order

[Item #1 Video Link](#)

Chairman Peter Yucupicio called the meeting to order at 12:02 p.m. and roll call of members was taken.

2. Pledge of Allegiance

[Item 2 Video Link](#)

The Pledge of Allegiance was performed by those in attendance.

3. Call to the Audience (Remote Access Option)

[Item #3 Video Link](#)

Farhad Moghimi: Mr. Chair, Jamie is going to take care of that if we have anyone.

Jamie Brown: Mr. Chair, we do not have any speakers for the call to the audience.

4. Approval of the May 25, 2023, Meeting Summary

[Item #4 Video Link](#)

Chairman Yucupicio: Move on to our next item for the May minutes.

Mayor Winfield: I move to approve.

Mayor Murphy: Second.

Mayor Romero: Mr. Chair, I have some corrections to the meeting minutes, corrections to the meeting summary and I'll give these to Jacki after. The description at the top of page three of the May 23 meeting summary, it says that Mayor Romero said that keeping it light doesn't set goals and doesn't think it's appropriate to not add any further information or strategies in terms of developing multimodal components of RMAP. Please change this paragraph to Mayor Romero said that keeping it light doesn't set goals, period. She doesn't think it's appropriate to not add any further information or strategy. In contrast, goal four in terms of developing multimodal components of the RMAP has 8 strategies based on input that I have given, or she has given at this table about how slim any detail on environmental justice planning and to continue having such a flimsy strategy. Is contrary to what a PAG member has been asking this organization to do. I'll provide a printed copy for you. Another one on page four between the paragraphs, the third paragraph that begins with Supervisor Scott asked that the 4th paragraph that begins with motion was made. Please add the following, Mayor Romero asked if any PAG committees were given the opportunity to work on Title VI and environmental justice planning and if anyone was able to give feedback and input on the overall work program and specifically on Title VI and environmental justice issues. Mr. Moghimi responded that every document goes through a committee process before being finalized.

Chairman Yucupicio: OK, motion was made, and seconded, all-in favor say aye with the amendments or the corrections. Aye, thank you. We'll move on to #5 consent agenda.

5. Consent Agenda Items for Information:

[Item #5 Video Link](#)

- a. Regional Transportation Revenues Update**
- b. Program Highlights Report**
- c. Contracts and Agreements Report**

Farhad Moghimi: Mr. Chair, this is for information only unless anybody has any questions, I'll be happy to answer any questions if you have any. No action required.

Chairman Yucupicio: Move to number 6, the mobility plan.

6. Regional Mobility and Accessibility Plan (RMAP) Update

[Item #6 Video Link](#)

Farhad Moghimi: Thank you, Mr. Chair. Jeanette will give us an update on the status of the long-range plan. Thank you, Jeanette.

Jeanette DeRenne: Alright. Thank you, Farhad, Chair, members of the Regional Council. Hello again. My name is Jeanette DeRenne, Transportation Planning Director here at PAG just here to provide a quick update on all the happenings of the RMAP since we last met. Since this committee last met, we do have a few significant activities. First, following this body's approval of the population projections, our team began the process of refining those population projections for census-designated places so as you remember, the county population projection came in. Jurisdictional population projections, came in, and now we're refining those even further down to the designated places. The PopTech committee will be meeting next month to go over this work and continue discussions on those population projections. Pop Tech will also discuss the inputs to the land use model. This effort requires a great deal of cooperation with your team, so we do appreciate working with our partners and all the hard work that your teams have provided in this effort. The inputs into the land use model include information pertaining to development, redevelopment, permits, existing and future land use, and some other components as well. But due to the cooperation we've had with our jurisdictional partners, the model includes the most up-to-date and detailed information, so we'll continue to work together and make sure that those updates come in and are incorporated appropriately. We'll continue to work on data updates for that model, so it's an ongoing process. As you all know, the RMAP takes 4 years and so we are constantly putting the most up-to-date information into our work. We've also really worked closely on our methodology for

refining and assessing redevelopment areas. So that's been a challenge in the past where how do we incorporate redevelopment into the land use model. It's not as simple as regular development permits and plans. So, our team has worked together on that, and we'll be discussing that further at PopTech next month. As mentioned in my last update to this group, updates to the RMAP Project Explorer tool have been made, and since that time we've opened the project explorer for our TPC partners to go in and load the projects. So, they have actually begun loading their projects and we're really happy to see folks logging in, and we have also seen some new staff signing into that. And we will be, we will have a training set up for, I believe it's going to actually be next week. So, we will provide opportunities for our TPC partners to work directly with us and then ask questions. As we get those projects into the explorer, as we all know, and I've probably mentioned dozen times to this group and to all audiences talking about the RMAP, all projects that are programmed through the TIP have to be in the long-range plan so it takes, it's a process to build that project list and to continue to refine it. Details on the projects that we're getting right now, our cost, scope and location and those are sort of the valuable first steps and inputs to that project list and as with PopTech, we're also looking at getting the latest and greatest datasets into the explorer, so all of our performance measured data goes into that Project Explorer. And so those datasets get updated, most datasets are yearly but we're constantly getting those in, for instance, we just got fresh data from ADOT. We get free data quite frequently, so we're updating the explorer as we go along. The RMAP finance plan was built last year, and we wrapped that effort up at the beginning of this year with assistance from TPC and right now we are updating that with the actual revenue numbers from this past year. So that is something we consistently do. We update the methodology, we have our TPC partners agree on how we're going to project our revenue and then as we get the actual numbers, we update. So, we're in the process of doing that as well. As always, coordination with RTA Next effort is ongoing. Most specifically because the RMAP requires physical constraint. The cost estimation work that Rick and his team are doing will be important into keeping the project details as up to date as we can. Any other project details including projects that are already programmed are already under construction, we try to keep those numbers as up to date as possible so our

projects that are in the future 30 years we're looking at planning level cost estimates, whereas projects that are in the TIP that are under construction or ADOT projects will have much more detail cost estimates that we will incorporate into that and we're very grateful for the TPC and their contributions. Thus far, we've been meeting regularly with them, and we'll continue to work with our PAG technical committees throughout the process, including POP Tech and TPC specifically. That's all the updates I have this go around. If you have any questions, happy to answer them.

Chairman Yucupicio: Questions? I have a question. Does this regional plan go five years, 10 years 15 or is it a 50-year plan?

Jeanette DeRenne: It's a 30-year plan, but we update it every four years.

Chairman Yucupicio: Any other questions?

General Maxwell: Thank you, Mr. Chair. So, on the population updates that you're doing right now it's obviously adopted from the CDPs, and will that affect the numbers we use in revenue projections for RTA Next?

Jeanette DeRenne: I'm going to defer that to Farhad.

Farhad Moghimi: Be happy to, Mr. Chair, Mr. Maxwell. So, the population projections were approved at the last meeting, we used those obviously for long-range planning purposes. The revenue projections were developed by Eller College, and they update their revenue projection every three years. But based on our conversations with them, I don't believe that there will be an impact. There's not that much of a difference in the growth projections from the last update, but when we do the next update, obviously they will take a look at that as well.

General Maxwell: Thank you.

Chairman Yucupicio: Any other questions?

Jeanette DeRenne: Thank you.

Chairman Yucupicio: Item 7, Jamie.

7. Legislative Update

[Item #7 Video Link](#)

Jamie Brown: Thank you, Mr. Chair, and members of the Regional Council. I appreciate the opportunity to provide a brief legislative update. Hopefully you can hear me if you can just do this, and I'll hold the microphone. I'll try to speak up though. I'm filling in for David Zynda, who always does an excellent job with these. He's out today. Today is Day 200 of the state legislative session that began on Jan. 3 of this year. This is the longest session in state history. The previous record was in 1988 at 173 days. Bills introduced this session totaled. 1,672. Of those, 202 have been signed and 143 have been vetoed. At the May meeting, David reported on the passage of the fiscal year 2024 state budget, which includes one-time appropriations for various transportation projects. For example, these include \$89 million for the I-10 widening project between Casa Grande and Chandler. \$10 million for the I-10 Cortaro Rd. traffic interchange, \$15 million for the Drexel Road bridge improvements and other projects throughout the state. As you all may know, the Legislature is currently in recess and is likely to return next week. I'm reading probably on Monday. In addition to administrative matters, it sounds like there may be another attempt at a bill that would allow for the extension of proposition 400 in Maricopa County, which is set to expire after 2025. Proposition 400 generated \$665 million last year, so the loss of this revenue could strain other state revenue sources distributed throughout Arizona. Now turning to some bills, we have been watching. This list has been narrowed down from a report in May. All three deal with limiting the amount of transportation funding. Senate Bill 1312 establishes prohibitions on considering vehicle miles of travel and transportation or land use planning, recording a person's vehicles, vehicle miles of travel, and imposing a fear tax based on vehicle miles of

travel. This passed out of the Senate as well as the transportation and infrastructure House committee. This also passed out of the House committee as a whole before the Legislature temporarily adjourned in June. So, we'll continue to watch this one if there is any movement. Senate Bill 1340 prohibits the County Board of Supervisors from granting an application to construct a toll road if the proposed toll road will be converted from a publicly funded or maintained street or highway. This prohibits ADOT from entering into a public private partnership agreement that allows the conversion of an existing publicly funded or maintained street or highway to a toll road including a conversion to implement the traffic management strategy as prescribed, and this was signed into law by Governor Hobbs on May 8. And finally, the Senate concurrent resolution 1018. This would be subject to voter approval and would constitutionally prohibit the imposition of a tax or fee based on vehicle miles traveled and any rural law that monitors or limits a person's vehicle miles traveled. This passed out of the Senate and also passed to the House committee, so will continue to watch this. That concludes my report. Thank you very much. Happy to take questions.

Supervisor Scott: Mr. Chair, Mr. Brown, thank you very much for making reference in your report to the fact that if Proposition 400 is not reauthorized in Maricopa County, it could have a deleterious effect on state revenues that all of us depend upon. And I think it has been unfortunate to see some members of the Legislature try to micromanage the components of the MAG package, even despite the objections of mayors and local officials of both political parties in Maricopa County. And I would encourage my colleagues, if any of you have any relationships with members of legislative leadership, that you encourage them to work with MAG and work with the Governor so that this can move forward because all of us are going to suffer if it does not. Thank you, Mr. Chair.

Chairman Yucupicio: Are there any other comments or questions?

Mayor Diaz: Thank you. I guess it's going to last another day to the session in regard to replacing the Representative that resigned and moving on to other things. Betty Villegas will be sworn in on Monday.

Chairman Yucupicio: Any other comments?

Mayor Romero: Chairman, I'd like to attach myself to the comments made by Supervisor Scott.

Chairman Yucupicio: Any others? None.

8. Executive Session

[Item #8 Video Link](#)

Chairman Yucupicio: Next on the agenda is the Executive Session. Do we have to say all in favor?

Farhad Moghimi: You do need a vote to go into Executive Session, yes.

12:18 p.m.: Motion was made by Supervisor Scott, seconded by Chairman Yucupicio and unanimously carried that the Regional Council of Pima Association of Governments move into closed Executive Session.

1:40 p.m.: Motion was made by Mayor Romero, seconded by Mayor Murphy and unanimously carried that the Regional Council of Pima Association of Governments reconvene into Regular Session.

1:40 p.m.: Motion was made by Mayor Honea, seconded by Mayor Winfield and unanimously carried that the Regional Council of Pima Association of Governments move back to the agenda item under discussion.

Chairman Yucupicio: We ask for a small report on the Executive Session.

Thomas Benavidez: Mr. Chairman, Members of the Regional Council, this successfully concludes the Council's 360 review process, and staff will move forward as discussed in Executive Session.

Chairman Yucupicio: Any questions? Move on to item number 9.

9. Adjournment

The meeting adjourned at 1:41 p.m.

CERTIFICATION

I hereby certify that the foregoing is a meeting summary of the Pima Association of Governments (PAG) Regional Council meeting held on July 27, 2023. This summary is not intended to be verbatim. It serves as the summary of action items taken at the meeting upon approval by the PAG Regional Council. An audio recording is available upon request and serves as the official minutes. I further certify that a quorum was present.



Farhad Moghimi, Executive Director

In compliance with the Arizona Open Meeting Law, the PAG Regional Council legal actions and this meeting summary are posted online, and an audio recording which serves as the official minutes of the meeting is available upon request. In addition, a meeting video is also available at: [YouTube Meeting Link](#)

Communication #3762

SUBJECT: Regional Transportation Revenues Update

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Consent Information	6a

REQUESTED ACTION/SUGGESTED MOTION

This is an information item.

ASSOCIATED OWP WORK ELEMENT/GOAL

Work Element, 40, Transportation Activities

SUMMARY

Staff will be available to report on the information in the tables below for regional transportation revenue sources. More detail of Highway User Revenue Fund (HURF) revenues can be found in the associated report.

Please note that the attached Regional Transportation Revenues report covers the complete fiscal year 2023 (through June 30) since the FY 2024 projected revenues have not yet been shared with the Regional Council. The FY 2024 will be provided later. In the meantime, fiscal year 2024 revenues through July for HURF 12.6%, HURF 2.6%, and RTA funds are provided below.

FY 2022 Actuals and Federal Obligation Authority

Regional HURF 12.6% Actual Revenue	Regional HURF 2.6% Actual Revenue	RTA Actual Revenue	Federal Obligation Authority
\$26,680,967	\$5,550,822	\$110,241,891	\$26,203,415

FY 2023 Actuals and Federal Obligation Authority

Regional HURF 12.6% Actual Revenue (through June)	Regional HURF 2.6% Actual Year-to-date Revenue (through June)	RTA Actual Revenue (through June)	Federal Obligation Authority
\$28,966,452	\$6,464,297	\$118,943,588	\$26,621,339

FY 2023 Projected Revenues per the FY 2022-FY 2026 TIP (Adopted May 2021)

Projected Regional HURF 12.6% Projected Revenue	Regional HURF 2.6% Projected Revenue	RTA Projected Revenue	Projected Federal Obligation Authority
\$22,000,000	\$3,400,000	\$101,356,000	\$21,500,000

FY 2024 Actuals and Federal Obligation Authority

Regional HURF 12.6% Actual Revenue (through July)	Regional HURF 2.6% Actual Year-to-date Revenue (through July)	RTA Actual Revenue (through July)	Federal Obligation Authority
\$2,728,060	\$562,933	\$ 9,961,459	Available Oct./Nov. 2023

FY 2023 RTA TPT Revenue Budget Performance

	FY 2022 Actual	FY 2023 Adopted	FY 2023 Actual	YOY Growth	Change to Budget
July	9,186,735	8,202,459	9,621,307	4.7%	1,418,848
August	9,133,031	8,873,484	9,846,411	7.8%	972,927
September	8,741,438	8,498,345	9,394,523	7.5%	896,178
October	8,988,463	8,626,321	9,518,066	5.9%	891,745
November	8,469,731	8,959,936	9,764,086	15.3%	804,150
December	8,910,968	8,634,362	9,620,059	8.0%	985,697
January	9,204,353	8,592,759	9,733,704	5.8%	1,140,945
February	9,821,320	10,200,959	11,918,562	21.4%	1,717,603
March	9,015,942	8,482,827	9,077,608	0.7%	594,781
April	8,592,033	8,196,658	9,569,299	11.4%	1,372,640
May	10,463,520	10,245,950	10,601,294	1.3%	355,344
June	9,714,357	9,511,938	10,278,670	5.8%	766,731
Total	\$110,241,891	\$107,026,000	\$118,943,588	7.9%	\$11,917,588

*Actual values lag by two months. For example, an actual shown in May was TPT collected on sales in March.

PRIOR BOARD AND/OR COMMITTEE ACTION

This is a regularly occurring agenda item.

FINANCIAL CONSIDERATIONS

None.

TECHNICAL, POLICY, LEGAL OR OTHER CONSIDERATIONS

- ADOT reports the state gas tax revenue portion of Local HURF (sometimes called Direct HURF) and the Vehicle License Tax (VLT). This is used to report to our member jurisdictions, on a regionwide level, to compare with actual distributions.
- In addition to HURF allocations, the region receives federal funding through the Surface Transportation Block Grant Program (STBG). These funds are apportioned on an annual basis, and the amount is set by federal law in the most recent transportation authorization bill.
- In addition to regional HURF and STBG, ADOT funds spent in the greater Tucson region consist of both HURF and federal funds and are referred to as “ASTBG” funds in the PAG Transportation Improvement Program. PAG works cooperatively with ADOT to program 13% of ASTBG funds on projects in the greater Tucson planning area.

ATTACHED ADDITIONAL BACKUP INFORMATION

Regional Transportation Revenues Report.

Staff Contact/Phone	<p>Farhad Moghimi, (520) 792-1093, ext. 4420</p> <p>James Towe, (520) 495-1471, ext. 4471</p> <p>Jamie Brown, (520) 495-1473, ext. 4473</p> <p>Carolyn Laurie, (520) 495-1461, ext. 4461</p> <p>David Zynda, (520) 495-1480, ext. 4480</p> <p>Dave Adler, (520) 495-1443, ext. 4443</p>
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Regional Council

September 28, 2023

Regional Transportation Revenues Report

Regional Highway User Revenue Funds (HURF)

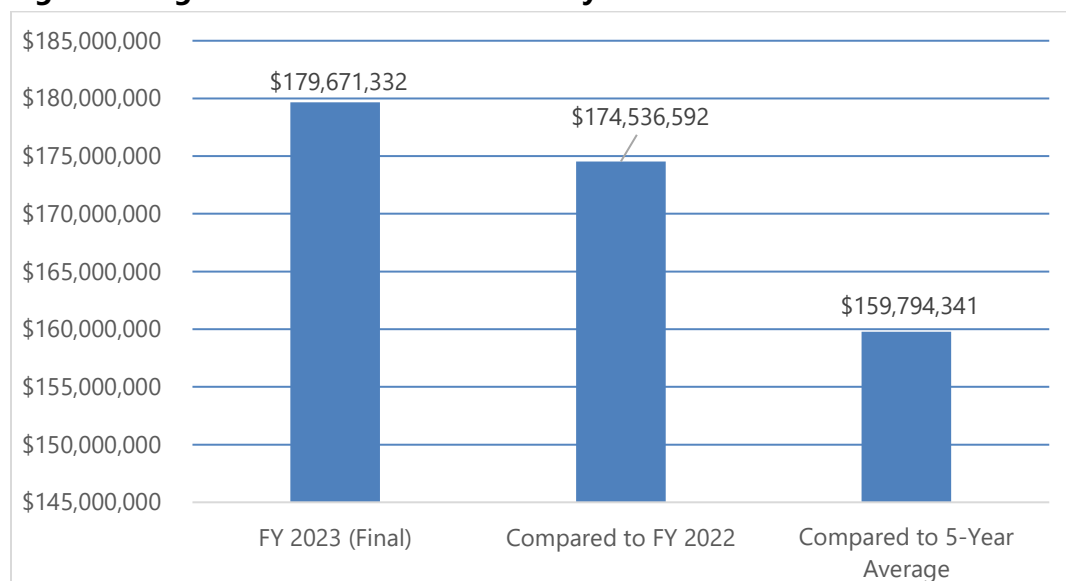
Highway User Revenue Funds (HURF) are revenues from the state gas tax and the vehicle license tax that are distributed to the State Highway Fund and directly to cities, towns and counties in Arizona for transportation purposes¹.

Table 1: HURF Distributions in the PAG Planning Area: July 2022 – June 2023²

	Total Distribution FY 2023	Compared to FY 2022	Compared to 5-year Average
Regional Total	\$179,671,332	2.94%	12.4%

Source: ADOT HURF Monthly Distribution Report and ADOT Monthly Receipts and Expenditures Report

Figure 1: Regionwide HURF Revenues: July 2022 – June 2023



Source: ADOT HURF Monthly Distribution Report and ADOT Monthly Receipts and Expenditures Report

¹ [ARIZONA DEPARTMENT OF TRANSPORTATION FY 2022 HURF \(azdot.gov\)](https://azdot.gov)

² Exact values from official ADOT reports are rounded to the nearest dollar.



Table 2: HURF 12.6% Report²

HURF 12.6% Funds (\$)					
Month	FY 23 Actual	FY 23 Projected*	Comparison FY 23 Actual to Projected	FY 22 Actuals	Comparison FY 23 to FY 22
July	2,645,880	2,264,667	+16.83%	2,287,029	+15.69%
August	2,187,812	2,264,667	-3.39%	2,209,903	-1.00%
September	2,104,642	2,264,667	-7.07%	2,261,520	-6.94%
October	2,336,721	2,264,667	+3.18%	2,193,699	+6.52%
November	2,300,286	2,264,667	+1.57%	2,157,170	+6.63%
December	2,219,478	2,264,667	-2.00%	2,008,842	+10.5%
January	2,649,298	2,264,667	+16.98%	2,453,210	+7.99%
February	2,411,602	2,264,667	+6.49%	2,176,583	+10.80%
March	2,327,088	2,264,667	+2.76%	2,005,554	+16.03%
April	2,435,298	2,264,667	+7.53%	2,368,812	+2.81%
May	2,805,152	2,264,667	+23.87%	2,458,415	+14.10%
June	2,543,195	2,264,667	+12.30%	2,100,230	+21.09%
SUBTOTAL (YTD)	28,966,452	27,176,004	+6.59%	26,680,967	+8.57%
TOTAL		27,176,004		26,680,967	

Source: ADOT Monthly Receipts and Expenditures Report (actuals) and ADOT Arizona Highway Users Revenue Fund Forecasting Process & Results FYs 2023-2032 – MAG and PAG HURF Distribution received October 2022.

*Projected values – annual projection equally divided by PAG across 12 months to generate monthly estimates.



Table 3: HURF 2.6% Report

HURF 2.6% Funds (\$)					
<u>Month</u>	<u>FY 23 Actual</u>	<u>FY 23 Projected*</u>	<u>Comparison FY 23 Actual to Projected</u>	<u>FY 22 Actual</u>	<u>Comparison FY 23 to FY 22</u>
July	545,975	467,333	+16.83%	471,927	+15.69%
August	468,784	467,333	+0.31%	458,324	+2.28%
September	457,699	467,333	-2.06%	468,626	-2.33%
October	509,363	467,333	+8.99%	454,020	+12.19%
November	511,832	467,333	+9.52%	446,333	+14.67%
December	497,270	467,333	+6.41%	416,690	+19.34%
January	590,143	467,333	+26.28%	508,881	+15.98%
February	546,085	467,333	+16.85%	451,715	+20.89%
March	525,365	467,333	+12.42%	416,821	+26.04%
April	553,143	467,333	+18.36%	492,720	+12.26%
May	628,812	467,333	+34.55%	512,070	+22.80%
June	629,824	467,333	+34.77%	452,694	+39.13%
SUBTOTAL (YTD)	6,464,296	5,608,000	+15.27%	5,550,822	+16.46%
TOTAL		5,608,000		5,550,822	

Source: ADOT Monthly Receipts and Expenditures Report (actuals) and ADOT Arizona Highway Users Revenue Fund Forecasting Process & Results FYs 2023-2032 – MAG and PAG HURF Distribution received October 2022.

Note: HURF 2.6% is limited to projects on the state system (TIP Policies and Procedures PO10.0)

*Projected values – annual projection equally divided by PAG across 12 months to generate monthly estimates.

Table 4: HURF 12.6% Balances

PAG HURF 12.6% Start of Month Balance (\$)	
June 2022	44,258,762
July 2022	46,904,642
August 2022	49,092,454
September 2022	51,197,095
October 2022	50,638,099
November 2022	52,938,386
December 2022	54,880,562
January 2023	57,529,859
February 2023	59,873,516
March 2023	61,968,417
April 2023	64,401,836
May 2023	66,964,439
June 2023	69,277,633
Year-over-year	56.52%

Source: ADOT Monthly Receipts and Expenditures Report

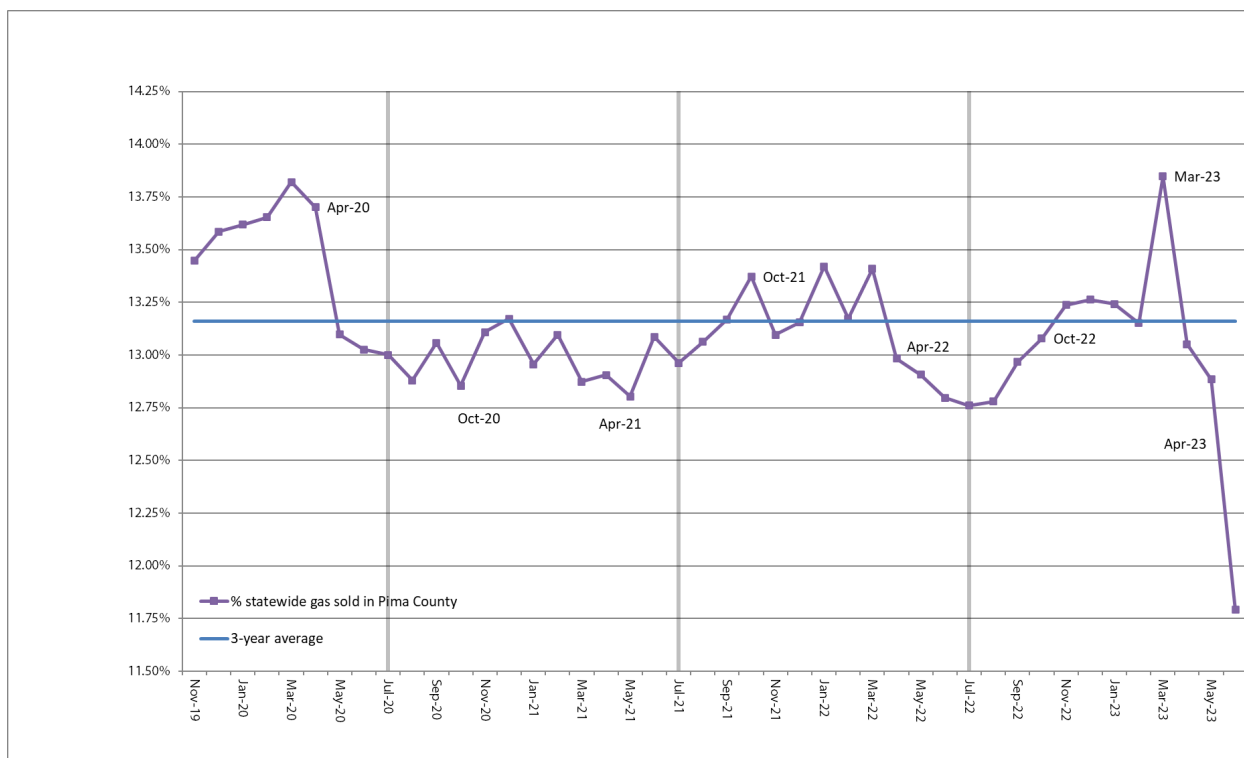


Table 5: Gasoline Sales: July-June FYs 2019-23

	Gallons FY	Percent of Statewide
Pima County Sales FY 2023	389,518,448	13.0%
Pima County Sales FY 2022	397,471,370	13.1%
Pima County Sales FY 2021	365,699,680	13.0%
Pima County Sales FY 2020	387,515,324	13.5%
Pima County Sales FY 2019	407,706,549	13.6%
Pima County Sales 5-Year Average	392,185,173	13.4%

Source: ADOT HURF Monthly Distribution Report

Figure 2: Percent of Statewide Gasoline Sales in Pima County: Current FY and Last Three FYs



Source: ADOT HURF Monthly Distribution Report

Communication #3763

SUBJECT: Program Highlights Report

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	July 27, 2023	Consent Information	6b

REQUESTED ACTION/SUGGESTED MOTION

This is an information item.

ASSOCIATED OWP WORK ELEMENT/GOAL

Overall OWP.

SUMMARY

Program highlights are included in the attachment for July and August 2023.

PRIOR BOARD AND/OR COMMITTEE ACTION

Regular updates are provided for information only.

FINANCIAL CONSIDERATIONS

None.

TECHNICAL, POLICY, LEGAL OR OTHER CONSIDERATIONS

None.

ATTACHED ADDITIONAL BACKUP INFORMATION

Listing Attached.

Staff Contact/Phone

Farhad Moghimi, (520) 792-1093, ext. 4420
Sheila Storm, (520) 792-1093, ext. 4451

OWP Monthly Report

July 2023

Mobility

- Supported staff activities related to the FY 2022-FY 2026 Transportation Improvement Program (TIP), including amendments and HURF reimbursements, as well as review of RTA IGAs.
- Supported (1) implementation steps for the Regional Transportation Alternatives Program projects; (2) tracking legislation; and (3) monitoring revenue sources for transportation funding.
- Participation in meetings and activities of the Making Action Possible (MAP) Dashboard.
- Collected employee surveys from 21 TRP companies totaling 8,656 employees in July through the online survey tool. Dillard's Park Place and Clinisys will receive non-compliance letters due to zero participation for the 2023 AIR Survey.
- Submitted final ADEQ billing for June 2023 TRP expenses.
- Updated PAG budget tracking sheet for FY 22-23 ADEQ Grant contract period.
- Submitted expense and program metrics to ADEQ via online Google sheets tracking sheet.
- Held onboarding for two employers: Sandstone of Tucson Nursing and Healthcare and Pathways of Arizona.
- Met with Commute with Enterprise representative to discuss amendment to vanpool contract for FY 24.
- Continued orientation of Management Analyst for monthly report and AIR Survey follow-up activity.
- Relationship building – virtual call with Amanda Leucker, TRP Program Manager, from ADEQ to meet and greet, discuss AIR Survey changes/enhancements, and explore changes to the monthly reporting format.
- Began reformatting ADEQ Monthly Report template to improve readability and comprehensibility.
- Conducted intense follow up and outreach for employers who needed to complete July TRP Employee Surveys. Outreach included contacting employers multiple times by email and personal phone calls to engage, educate and encourage compliance with the required task.
- Opened the RMAP Project Explorer for jurisdictional partners to submit projects for possible inclusion in the 2055 RMAP. The training will be on Aug. 3.
- Continued to work on a draft schedule for the RMAP which includes all the steps for development.
- Provided RMAP updates to Management Committee and Regional Council.
- Continue to coordinate internally with PAG staff on the development of the 2055 RMAP.
- Continued the 2023 update of the Tucson Metro Bike Map.
- Acquired 2022 crash data from ADOT.
- Started annual update to data featured in PAG's Performance Measures Dashboard tool.
- Distributed 100 bike light sets to FUGA (Familias Unidas Ganando Accesibilidad/Families United Gaining Accessibility)
- Continued development of TIP performance measures report.
- Continued to attend PAG ABM model development meetings with PAG consultant regarding model validation, scenario tests, and peer review responses.
- Completed finalizing the presentations for ABM RMAP comparison test, BRT scenario, and telecommute scenario for the second ABM peer review.
- Completed importing 2045 external OD trips to ABM, which also matched to a target ABM 2045 VMT.
- Initiated changing the ABM UEC files to adjust mode choice, trip length, and other submodel performance measures of ABM.

- Continued updates of TransCAD model network and model runs for air quality modeling and MOVES 3 model runs and AP-42 calculations for Rillito PM 10 nonattainment area for 2028, 2035 and 2045 action/no action scenarios.
- Continued to upload 2023 Miovision counts to MS2.
- Continued development of 2022-2023 Traffic Count statistics.
- Presented 2022-2023 Traffic Count statistics to TSSS.
- Continued development of base DTA model (AM, MD period).
- Continued location selection and MS2 setup for 2023-2024 traffic counts.
- Completed to review the final draft report of PAG-UA Phase 2 performance measure project and reviewed two journal papers summarizing the project.
- Continued contract compliance and monitoring for Total Ride/National Express.
- Conducted RTA/Total Ride Operations Meeting.
- Prepared and Submitted 5311 funding reimbursements for May 2023 services.
- Contract compliance review for new National Express contract and producing reports for the RTA Board on operational statistics.
- Overseeing new Second Generation contract to ensure compliance.
- Monitored Key Performance Indicators (KPIs) with contractor and updated invoicing protocol
- Worked with Ecolane software company to enhance Sun Shuttle paratransit trip data collection.
- Identified a major training opportunity enhancing operational effectiveness, data integrity, and business communication with vendor partner.
- Created a new MoE agreement with the Town of Marana.
- Directed several insurance claims to the appropriate agencies and contractors involved.
- Assisted in providing information to the new Transit Program Guide.
- Sun Tran Marketing discussions with Sun Tran marketing team for targeted marketing campaigns for new Sun Shuttle route changes.
- Monthly Operating Reports reviewed and uploaded into internal database.
- Evaluating and making improvements to Sun Shuttle timetables and routes.
- Further coordinated with Total Transit and Sun Tran to implement updates to the Sun Shuttle schedule.
- Sun Shuttle route booklet updated to represent new changes to routes and schedules.
- Attended July Tucson Transit Task Force meeting.
- Continued training Management Analyst for 5311 Reimbursement Request procedures.
- Edited Transit Team Program Guide – added file paths and contacts, updated to 2023 template.
- Initiated monthly MOR best practices (ongoing effort):
- Verify SQL procedures are still valid with proposed route changes and new reporting standards.
- Investigate how to adapt legacy database to changes in reporting from contractors starting March 23.
- Gather documentation necessary for 5307 Grant vehicle procurement.
- Held TWG meeting to gather recommendations on new August service.
- Generated new Transit Program Guide that outlines job duties of the Transit Team.
- Completed FTA Grant 5339 to request funding for bus safety equipment.
- Provided guidance and support to sub-recipients regarding vehicles listed as past due for annual inspections, as per the ADOT Coordinated Mobility Program Guidebook.
- Finalized the outline and timeline of key tasks associated with the mapping project extension through Sept 30, 2023. The mapping and associated key information is pertinent to the expansion of the Pima Find a Ride online database.
- Worked on potential ideas for coordination efforts involving non-emergency medical transportation in our region.
- Attended the Tucson COA Agency Stakeholder Briefing on July 18.
- Discussions with PCOA regarding expansion of Neighbors Care Alliance Programs (volunteer driver programs) and initiatives for proactive identification of changes in mobility among elderly and the associated transportation needs.
- Discussions with PCOA regarding planning for their contract renewal pertinent to funding for Neighbors Care Alliance Programs.

- Continued work on a draft document to determine feasibility of a pilot Accessibility Advocate Program in the PAG region to provide a level of service to support non-traditional riders in using
- Conducted individual training on FTA Section 5310 compliance elements to individual agencies with new staff or role changes within the program.
- Worked on the development of guidelines for Personal Care Attendants and a potential certification program through PCOA.
- Continued work on draft plan to help identify agencies with a core competency around accessibility and functional needs with the goal of inviting these agencies into the Coordinated Mobility Working Group discussions. Pertinent to compliance-related elements outlined in the ADOT Coordinated Mobility, the discussions have a primary aim of advancing regional coordination, improving driver training and regional travel training.
- Worked with ADOT/EQS to support agencies in their efforts to meet vehicle inspection compliance requirements and vehicle transfer requests.
- Ongoing development of compliance-related checklists and tools to offer supplemental support for adhering to compliance standards.
- Ongoing development of efforts to share resources and best practices throughout the region.
- Continued development of potential approaches to coordinating with case managers across social service agencies and healthcare agencies to address the unique transportation needs of elderly and disabled in both urban and rural areas of the PAG region and incorporate strategies and/or data into the Pima Find a Ride website and potential support for regional disaster preparedness planning.
- Continued support to agencies by providing information, guidance, tools and resources.
- Developed and completed Mock Site Visit support tools including observation sheets and site visit checklists pertinent to Federal Requirements, Asset Management, Vehicle Maintenance, Safety, ADA, Title VI/LEP, Human Resources Management- Record keeping, and DBE/EEO.
- Developed a Mock Site Visit Prep Workbook with evaluative criteria in Program Guidebook including Asset Management, Inspection Practices, Safety and Training, Vehicle Useful Life Guidelines, Appropriate Use of Vehicles, Insurance Requirements, Verification of Coverage Vehicle Maintenance, Accident Reporting, Change in Status or Condition, Transfers or Disposals, Civil Rights, Title VI, Substance Abuse Testing Requirements, and Reimbursements.
- Scheduled Mock Site Visits with 14 agencies for the month of August.
- Scheduled five 5310 application review sessions with various subrecipients of 5310 funding to better understand strengths and potential opportunities for improvement in their grant applications relative to the scoring rubric.
- Conducted a 5310 Coordinated Mobility Program Overview training with the organization Pilot Parents.
- Worked on the development of a “Welcome Packet/ 5310 Fundamentals and Intro Packet” for new agencies interested in the program.
- Developed a draft standardized glossary of terms for use when completing the quarterly reports to ensure consistency of definitions when reporting.
- Attended the Gila Rides Transportation Coordination Council Meeting to enhance inter-regional coordination efforts including among mobility managers across the state.
- Facilitated the development of new approaches to collecting and sharing training opportunities for all sub-recipients across the state. Training opportunities include those offered by the National Rural Transit Assistance Program (NRTAP), COG/MPOs, Arizona Transit Association (AzTA), Community Transportation Association of America, etc.
- Provided information and support regarding the FTA Drug and Alcohol Program including guidelines, required trainings and videos, and FAQs.
- Provided data to PDEQ regarding air pollutant emissions from transit buses.
- The GIS team established a plan for RMAP mapping needs in coordination with transportation planning.
- The GIS team continued new TIP project delineation into a shape file and received a review of an updated template for the plan maps.
- Continued development of RTA Next fact sheets and frequently asked questions.
- ADA updates to Title VI webpage.
- Updates to RTA Next presentation.
- Ongoing content development for social media platforms.

- Continued website content and site management.
- Initiate development of PAG Annual Report.
- Initiate development of employee newsletter.
- Preparation and review of the Sun Rideshare newsletter.
- Ongoing RTA Next outreach development.
- Preparing updates to PAG Employee Communication Plan.

Sustainability

- Presented an update on Greenhouse Gas Inventory Report progress to EPAC.
- Completed draft version of PAG's Regional Greenhouse Gas Inventory.
- Water staff continued to conduct areawide water quality management (208) regulatory research to support PAG's 208 contracts and designation.
- Water staff met with Maricopa Association of Governments, Central Arizona Governments, and the Arizona Department of Environmental Quality (ADEQ) staff to build relationships and foster coordination between ADEQ and the Designated Planning Agencies (DPAs).
- Water staff responded to inquiries from a contractor and the Town of Marana about a potential new wastewater reclamation facility within the Town of Marana Designated Management Agency boundary and provided technical assistance to assist the facility planning, PAG consistency review application, and eventual Arizona Pollutant Discharge Elimination System (AZPDES) permit application process.
- Water staff continued to monitor ADEQ's AZPDES permits-in-process map and public notices for advance notice of potential consistency reviews or other PAG 208 processes.
- Water staff initiated cleanup of the 208 GIS folder so the most up-to-date facility data will be available in a centralized location.
- Water staff continued a review of ADEQ's draft 2024 Clean Water Act Assessment for Arizona and coordinated information sharing with other stakeholders in the region.
- Water staff shared quarterly riparian health assessment flow extents with Pima County Regional Flood Control District staff for inclusion in the Cienega Creek Hydrological Monitoring Report for calendar year 2022.
- Water staff continued an update of the riparian health assessment quarterly flow length data by migrating data from traditional GIS flow lines to more standard National Hydrographic Dataset flow lines, cleaning up files, and adding attributes from handwritten datasheets, where needed.

Livability

- Continued review of building permits records and comments from PAG jurisdictions.
- Continued development of Census-designated places (CDP) projections.
- Continued developing the draft of subcounty population projections documentation.
- Completed Census-designated places (CDP) population projection presentation at PopTech.
- Continued 2021/2022 Employment Data review and processing.
- Concluded update of RMAP density table scripting.
- Completed preparation of RMAP density presentation to PopTech.
- Continued administrative employment data survey acquisition and processing.
- Continued employment data processing optimization.
- Continued to review Python scripts of AZ-SMART and testing AZ-SMART.
- Continued to attend City of Tucson – U of Arizona signal project meeting before and after signal timing updates.
- Attended FHWA EDC Crowdsourcing course.
- Attended Smart Mobility Webinar – Freight.
- Attended Zephyr Learning Session: Big Data.
- Water staff attended the Pima County Local Drought Impact Group (LDIG) meeting and provided brief updates on PAG's wet/dry mapping and the FY 2021-22 Cienega Creek Summary.
- Water staff attended virtual sessions of the annual Water Resources Research Center Conference.
- Water staff assisted with the PAG Ortho RFP process.
- Water and GIS staff attended virtual sessions of the annual Esri User Conference, which provided

valuable training opportunities and GIS product updates.

- Water and GIS staff responded to an inquiry from PAG Air Quality staff regarding a map in the draft Greenhouse Gas Inventory Report.
- The GIS team finalized score cards for the Ortho 23 RFP evaluations and confirmed the review panel members.
- All Ortho 23 RFP question responses were posted online.
- Seven Proposals for Ortho 23 regional acquisition were received and opened at a publicly viewable meeting online. All bids were assessed and found to be complete.
- The GIS team attended ESRI trainings and began enhancing the Enterprise data management system.

OWP Monthly Report

August 2023

Mobility

- Supported staff activities related to the FY 2022–FY 2026 Transportation Improvement Program (TIP), including amendments and HURF reimbursements, as well as review of RTA IGAs.
- Supported staff activities related to the TIP fiscal year rollover process, including meetings with member agency partners.
- Preparation for meetings to continue development of the FY 2024–FY 2028 TIP.
- Supported (1) implementation steps for the Regional Transportation Alternatives Program projects; (2) tracking legislation; and (3) monitoring revenue sources for transportation funding.
- Participation in meetings and activities of the Making Action Possible (MAP) Dashboard.
- Collected employee surveys from 24 TRP companies totaling 15,847 employees in August through the online survey tool.
- Submitted final ADEQ billing for July 2023 expenses.
- Kicked off and updated PAG budget tracking sheet for FY 2023-24 ADEQ Grant contract period.
- Submitted expense and program metrics to ADEQ via online Google sheets tracking sheet.
- Coordinated with PAG Air Quality Manager and PAG Tech Services staff to provide metrics for annual MOVE Model run and annual AQ Memo.
- Explored specific employer carpool matching options with RidePro Software with Tripspark Tech Team.
- Conducted outreach for zero-activity TRP employers stressing compliance with local ordinances.
- Implemented new monthly report format after receiving approval from ADEQ program manager.
- Addressed Remote Work Employer (RWE) site reconfirmation process to reconfirm in second year of RWE implementation.
- Drafted 2024 enhancements list for online portal.
- Management Analyst and TRP Director attended Association of Commuter Transportation Conference in Seattle
- Commenced preparations for ADEQ Annual Report Submission in September.
- Monitor and track federal transportation funding.
- Provide monthly reports on state transportation funding.
- Track RTA revenues.
- Develop new funding forecasts for TIP and other projects.
- Completed second ABM peer review with the review panel from Maricopa Association of Governments (MAG), Atlanta Regional Commissions (ARC), San Diego Association of Governments (SANDAG), Arizona State University, ADOT, RSG, WSP, and Cambridge Systematics.
- Initiated the ABM exploratory tool development project in FY 2024-FY 2025 OWP.
- Completed (for now) updates of TransCAD model network and model runs for air quality modeling and MOVES 3 model runs and AP-42 calculations for Rillito PM 10 nonattainment area for 2028, 2035 and 2045 action/no action scenarios.
- Completed MOVES 3 model run and calculations for TRP report for CY 2022.
- Initiated review of purchased Street Light volume estimates by vehicle class over PAG's TDM network.
- Initiated to review the procured StreetLight Data including multimodal traffic volume.
- Continued to review and upload 2023 Miovision counts to MS2.
- Began development of base DTA model (PM period).
- Completed location selection and MS2 setup for 2023-2024 traffic counts, drafted task order.

- Began responding to City of Tucson modeling and data request.
- Completed review of the final draft report of PAG-UA Phase 2 performance measure project and reviewed two journal papers summarizing the project.
- Continued turning movement count estimation.
- Discussed with INRIX for new traffic signal analytics tool.
- Discussed with the final project report update for PAG-UA project.
- Continued contract compliance and monitoring for Total Ride/National Express.
- Conducted RTA/Total Ride Operations Meeting.
- Prepared and Submitted 5311 funding reimbursements for May 2023 services.
- Contract compliance review for new National Express contract and producing reports for the RTA Board on operational statistics.
- Overseeing new Second Generation contract to ensure compliance.
- Monitored Key Performance Indicators (KPIs) with contractor, and updated invoicing protocol.
- Worked with Ecolane and Tripshot software companies to enhance Sun Shuttle paratransit trip data collection.
- Identified a major training opportunity enhancing operational effectiveness, data integrity, and strengthen business communication with vendor partner.
- Drafted contract amendment with new price sheet for Total Ride/National Express.
- Worked with Total Ride/National Express to troubleshoot operational issues.
- Held and facilitated Transit Safety Committee (TSC) with contractors.
- Submitted PAG Title VI Plan to ADOT for review and approval.
- Marketing discussions with Sun Tran marketing team for targeted marketing campaigns for new Sun Shuttle route changes.
- Monthly Operating Reports reviewed and uploaded into internal database.
- Evaluating and making improvements to Sun Shuttle timetables and routes.
- Sun Shuttle August route booklet updated to represent new changes to routes and schedules.
- Attended August Tucson Transit Task Force meeting.
- Continued training Management Analyst for 5311 Reimbursement Request procedures.
- Initiated monthly Operations Reports (MOR) best practices.
- Verify SQL procedures are still valid with proposed route changes and new reporting standards.
- Investigate how to adapt legacy database to changes in reporting from contractors starting March 2023.
- Gather documentation necessary for 5307 Grant vehicle procurement.
- Chaired Transit Working Group discussing Sun Shuttle service changes.
- Attended five public input meetings for the Sun Tran/Sun Shuttle COA.
- Analyzed existing and alternate service patterns for 414P to assess feasibility of extending the pilot.
- Provided guidance and support to subrecipients regarding vehicles listed as past due for annual inspections, as per the ADOT Coordinated Mobility Program Guidebook.
- Discussions with PCOA regarding expansion of Neighbors Care Alliance Programs (volunteer driver programs) and initiatives for proactive identification of changes in mobility among elderly and the associated transportation needs.
- Continued work on a draft document to determine feasibility of a pilot Accessibility Advocate Program in the PAG region to provide a level of service to support non-traditional riders.
- Conducted individual training on FTA Section 5310 compliance elements to individual agencies with new staff or role changes within the program.
- Worked on the development of guidelines for Personal Care Attendants and a potential certification program through PCOA.
- Continued work on draft plan to help identify agencies with a core competency around accessibility and functional needs with the goal of inviting these agencies into the Coordinated Mobility Working Group discussions. The discussions would have a primary aim of advancing regional coordination, improving driver training and regional travel training.
- Worked with ADOT/EQS to support agencies in their efforts to meet vehicle inspection compliance requirements and vehicle transfer requests.

- Ongoing development of compliance-related checklists and tools to offer supplemental support for adhering to compliance standards.
- Ongoing development of efforts to share resources and best practices throughout the region.
- Continued development of potential approaches to coordinating with case managers across social service agencies and healthcare agencies to address the unique transportation needs of elderly and disabled in both urban and rural areas of the PAG region and incorporate strategies and/or data into the Pima Find a Ride website and potential support for regional disaster preparedness planning.
- Continued support to agencies by providing information, guidance, tools and resources.
- Conducted virtual Mock Site Visits with 12 subrecipients using recently developed site visit checklists pertinent to federal requirements, Asset Management, Vehicle Maintenance, Safety, ADA, Title VI/LEP, Human Resources Management - Record keeping, and DBE/EEO.
- Conducted three 5310 application review sessions with various subrecipients of 5310 funding to better understand strengths and potential opportunities for improvement in their grant applications relative to the scoring rubric.
- Worked on the development of a "Welcome Packet/ 5310 Fundamentals and Intro Packet" for new agencies interested in the program.
- Exploring potential shared platforms for pre- and post-trip inspections.
- Worked with subrecipients in identifying potential opportunities for MOUs for shared vehicles and emergency planning.
- Began planning for joint training initiatives pertinent to ADA, PTASP, TAM Plans and Federal Braiding.
- Initial preparations for different opportunities to coordinate with first responders for Safety and Emergency Planning Training.
- Developed a draft standardized glossary of terms for use when completing the quarterly reports to ensure consistency of definitions when reporting.
- Attended the Gila Rides Transportation Coordination Council Meeting to enhance inter-regional coordination efforts including among mobility managers across the state.
- Facilitated the development of new approaches to collecting and sharing training opportunities for all subrecipients across the state. Training opportunities include those offered by: National Rural Transit Assistance Program (NRTAP), COG/MPOs, Arizona Transit Association (AzTA), Community Transportation Association of America, etc.
- Provided information and support regarding the FTA Drug and Alcohol Program including guidelines, required trainings and videos, and FAQs.
- Processed, planned and executed jurisdiction meetings, Teams meetings and funding reconciliations.
- Drafted the FY 2023 TIP Rollover amendments.
- Drafted TIP rollover documentation for FY 2023.
- FY 2024–FY2028 TIP development management in preparation for the new TIP cycle.
- Ongoing Transit reviews and information management.
- Ongoing TIP Rollover number project.
- Ongoing TIP coordination with jurisdictions and funding exercises.
- Ongoing FY 2023 reimbursement issues with the City of Tucson.
- Ongoing review of Federal Ledger Revisions for ADOT FMS.
- Review RTA budget numbers for future committee action.
- Researched, reviewed and commented on IGAs for the RTA team.
- Reviewed and commented on updated Regional Transportation Alternatives Program Call for Projects, GIS mapping and drafted application.
- Programmed update for FHWA and ADOT regarding Highway Safety Improvement Program awards.
- Manage Highway Safety Improvement Program notifications with ADOT's LPA team.
- Ongoing coordination with FHWA and ADOT regarding naming conventions.
- Research grants were awarded to the RTA transit team.
- Coordinated with the City of Tucson Transit team regarding TIP amendments.
- Providing budgetary approval of invoices from jurisdictions.
- Development of financial exhibits for new IGAs and IGA amendments.

- Maintenance of off-line cashflow sheet. This sheet tracks fund balances and programming through 2026 of RTA and supplanted HURF (12R).
- Project and IGA budget updates within RTA web.
- Revising Project Cost Worksheet to include fiscal years 2027 and 2028. This revision is intended primarily for STBG allocations in post-RTA years.
- Attending monthly project updates for Element I roadway projects.
- Continuing research to isolate RTA purchased real estate on Broadway, between Euclid and Country Club. This is an effort to determine what proceeds, to date, have been captured by the City of Tucson as these remnant parcels are sold.
- Providing unexpended budgets from projects to jurisdictions in annual rollover meetings.
- Providing final expenditures and rollover budgets for transit.
- Updating TIP proposed with FY 2023 final expenditures and FY 2024 RTA TPT programming.
- Attended Arizona COG/MPO Planner Meeting.
- Attended EPA Multi-Jurisdictional Organization transportation modeling meeting.
- Provided Air Pollutant Benefits and Methods Summary memo for Travel Reduction Program.
- Completed GIS linework delineation and uploaded these 2023 facility updates from jurisdictions on the Tucson Metro Bike Map for all maps dependent on feature layers including the online map and future printed pocket maps for the public.
- The GIS team is finalizing PCOA Neighbors Alliance shuttle maps of service areas to be used as handouts for their clients. The GIS team initiated adding American Community Survey layers to PAG's internal interactive map to allow for future gap and asset analysis of Pima Find-a-Ride transportation services for elderly and disabled users.
- The GIS team established a plan for RMAP mapping needs in coordination with PAG transportation planners.
- The GIS team continued new TIP project delineation into shapefiles and received a review of the updated template for the Plan maps.
- RMAP Project Explorer training was held on Aug. 3 to assist jurisdictional partners in uploading projects.
- Continued to work with and assist jurisdictional partners in uploading new projects to the RMAP Project Explorer for possible inclusion in the 2055 RMAP.
- Provided RMAP updates to TPC.
- Continued to coordinate internally with PAG staff on the development of the 2055 RMAP and refine the project schedule in coordination with RTA Next.
- Continued the 2023 update of the Tucson Metro Bike Map.
- Distributed 600 bike light sets to the City of Tucson for its general bike/ped safety outreach.
- Distributed 100 bike maps to Sabino Cycles.
- Continued development of TIP performance measures report.
- Began preparations for annual bicycle and pedestrian count.
- Continuing RTA Next outreach efforts, updates to website and presentations, email marketing and fact sheet development.
- Continuing content management on PAG and RTA websites.
- Continuing content management of PAG social media sites.
- Initiated development of PAG Annual Report.
- Updated PAG's Overview binder.

Sustainability

- Water staff initiated a draft presentation to ADEQ's Statewide Water Quality Management Working Group (WQMWG) on WQMWG and Designated Planning Agency roles and responsibilities.
- Water staff continued to monitor ADEQ's AZPDES permits-in-process map and public notices for advance notice of potential consistency reviews or other PAG 208 processes.
- Water staff attended ADEQ's virtual Triennial Review Kickoff Webinar.
- Water staff initiated planning for the September quarterly riparian health assessments for Cienega Creek and Davidson Canyon, within Pima County's Cienega Creek Natural Preserve.
- Water staff initiated the draft Riparian Health Assessment Summary for Monitoring Year 2022-23.

- Water staff continued an update of the riparian health assessment quarterly wet/dry mapping data by standardizing pool point shapefiles, cleaning up files, and adding attributes from handwritten datasheets, where needed.
- Water staff provided brief email news updates to the Stormwater Management Working Group (SWMWG) and interested parties and the Municipal Separate Storm Sewer Systems (MS4) email lists.
- Water staff initiated planning for a potential future SWMWG meeting, covering topics of interest to SWMWG members and potential speakers.
- Water staff provided digital stormwater pollution prevention outreach templates to a community member by request.
- Water staff drafted the Stormwater Program Annual Summary for Fiscal Year 2022-23.
- Water staff participated in the Tucson Floodplain Management Plan Meeting and Stormwater Workshop.
- Water staff assisted in reviewing the draft Greenhouse Gas Inventory Report.
- Completed reviewing Greenhouse Gas Inventory Report regarding descriptive statistics and charts.
- Completed draft PAG Regional Greenhouse Gas Inventory Report.
- Attended EPA 2020 National Emissions Inventory Rail Emissions Development Teams meeting.
- The GIS team finalized the 2020 Census Urban Areas map for the TIP team to enable geographic understanding of the distribution of federal funding categories per population size.
- The GIS team is working with the IT team on a new PAG Data Portal/Hub to organize GIS data internally and more fully utilize Enterprise system tools.
- Reached out to EPAC members and member organizations to update representative information and fill vacancies for the committee fact sheet.

Livability

- Completed review of building permits records (July to December 2022) and comments from PAG jurisdictions and reported the collected building permit summary to AOEO.
- Continued to collect building permit records (January to June 2023) from the jurisdictional partners and discussed with City of Tucson for the new permitting system outputs.
- Completed development of Census designated places (CDP) projections and reported to AOEO.
- Completed development of the subcounty population projections documentation and published it on the PAG website and reported the link to AOEO.
- Completed to host PopTech meeting and presentations including RMAP and Census/AOEO timeline and CDP projection methodology.
- Continued 2021/2022 business listing review and processing for employment database.
- Completed delivery of RMAP density presentation to PopTech.
- Completed two small area traffic impact analyses ("greenies").
- Concluded administrative employment data survey acquisition and processing.
- Initiated employment density data request.
- Completed two top 10 employer data requests.
- Continued employment data processing optimization.
- Continued to review Python scripts of AZ-SMART and testing AZ-SMART.
- Continued to attend City of Tucson – U of Arizona signal project meeting for before and after signal timing updates.
- Completed draft SOWs for the four OWP projects related to ABM exploratory tool development, DTA model calibration and implementation, household travel survey, and UA project III for multimodal performance measure development.
- Attended U of Arizona CATS Project Meeting, SAITE meeting, TRB AED50 annual mid-term meeting, interagency transit data webinar, and U of Arizona EBRC third quarter 2023 forecasting project sponsor meeting.
- Attended FHWA Resilience Improvement Plans: Best Practices & Requirements Webinar.
- The GIS team met with the Orthophotography 2023 RFP Reviewer panel and determined final rankings for RFP submissions.
- The GIS Team helped draft the Ortho 23 contract and EULA, which is currently being finalized.

- The GIS team is reviewing a sample of ortho feature extraction on UA property provided by Ecopia as part of the Sun Cloud project. This pilot project of imagery classification will inform future larger efforts in eastern Pima County to delineate locations and size attributes for biking and pedestrian facilities.

Communication #3764

SUBJECT: Contracts and Agreements Report

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Consent Information	6c

REQUESTED ACTION/SUGGESTED MOTION

This is an information item.

ASSOCIATED OWP WORK ELEMENT/GOAL

Work Element, 1300, Administration

SUMMARY

- The PAG Contracts and Agreements Report for the period July 19 - Sept. 14, 2023, is presented.
- The report contains information on contracts and agreements with a value of up to \$50,000 that were started, extended or concluded.

PRIOR BOARD AND/OR COMMITTEE ACTION

None.

FINANCIAL CONSIDERATIONS

- 1 new contract was reported.
- 1 extended contract was reported.
- 3 concluded contracts were reported.

TECHNICAL, POLICY, LEGAL OR OTHER CONSIDERATIONS

None.

ATTACHED ADDITIONAL BACKUP INFORMATION

PAG Contracts and Agreements Report for July 19 - Sept. 14, 2023.

Staff Contact/Phone

Farhad Moghimi, (520) 792-1093, ext. 4420
Roy Cuaron, (520) 792-1093, ext. 4470



Pima Association of Governments

Contracts and Agreements Report

7/19/2023 - 9/14/2023

New Contracts

Contract Number	Contractor	PAG Staff	Agency	Start Date	End Date	Amount
24-001-00	Rounds Consulting Group	Farhad Moghimi	PAG	7/24/2023	10/31/2023	\$49,500.00
Total						\$49,500.00

Extended Contracts

Contract Number	Contractor	PAG Staff	Agency	Start Date	End Date	Amount
21-014-03	All Traffic Data	Hyunsoo Noh	PAG	7/21/2023	5/24/2024	\$60,000.00
20-007-02	Commute with Enterprise	Mary Carter	PAG	9/11/2023	9/11/2024	
Total						\$60,000.00

Concluded Contracts

Contract Number	Contractor	PAG Staff	Agency	Start Date	End Date	Amount
20-007-01	Commute with Enterprise	Mary Carter	PAG	7/5/2022	9/11/2023	
23-013-00	Kimley Horn	Gabriel Thum	PAG	2/3/2023	8/30/2023	\$25,000.00
19-021-07	WSP	Hyunsoo Noh	PAG	4/1/2023	8/31/2023	
Total						\$25,000.00

Communication #3765

SUBJECT: Regional Mobility and Accessibility Plan (RMAP) Update

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Information	7

REQUESTED ACTION/SUGGESTED MOTION

This is an information only item.

ASSOCIATED OWP WORK ELEMENT/GOAL

Work Element 40, Transportation Planning

SUMMARY

PAG is in the process of developing the 2055 RMAP, and staff will give an update on the status of the development process for the new long-range transportation plan. A long-range plan is federally required for the Tucson metropolitan area. The last update was adopted by the PAG Regional Council in September 2020. PAG staff also will provide updates on the following items:

- Update on Project Explorer
- Update on Plan Development
- Status update on modeling

PRIOR BOARD AND/OR COMMITTEE ACTION

The Management Committee heard this report at its meeting on Sept. 13, 2023.

FINANCIAL CONSIDERATIONS

The 2055 RMAP is a fiscally constrained long-range transportation plan.

TECHNICAL, POLICY, LEGAL OR OTHER CONSIDERATIONS

Transportation projects to be delivered in the region must be shown to be consistent with PAG's adopted RMAP to be eligible to receive federal funding for regional projects.

ATTACHED ADDITIONAL BACKUP INFORMATION

None.

Staff Contact/Phone	Farhad Moghimi, (520) 792-1093, ext. 4420 Jeanette DeRenne, (520) 792-1093, ext. 1477 Dave Atler, (520) 792-1093, ext. 1443 Hannah Oden, (520) 792-1093, ext. 1418
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Communication #3766

**SUBJECT: FY 2033 – FY 2026 Transportation Improvement Program (TIP)
Amendment #2022.070**

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Discussion Action	8

REQUESTED ACTION/SUGGESTED MOTION

The Regional Council will be asked to approve an amendment to the PAG FY 2022–FY 2026 Transportation Improvement Program (TIP), which would program Arizona Department of Transportation (ADOT) regional HURF 2.6% funds in FY 2024 on TIP ID 10.18, Pima County, Sunset: I-10 to River project.

ASSOCIATED OWP WORK ELEMENT/GOAL

Work Element 40, Transportation Activities

SUMMARY

As the region's designated metropolitan planning organization (MPO), PAG is responsible for maintaining a transportation improvement program (TIP), including processing amendments to its FY 2022–FY 2026 TIP.

Item A programs \$1,814,000.00 of regional ADOT HURF 2.6%, a new funding source for the project in FY 2024, TIP ID 10.18, Pima County, Sunset: I-10 to River project.

PRIOR BOARD AND/OR COMMITTEE ACTION

The Transportation Planning Committee (TPC) recommended approval of this TIP amendment at the Aug. 16, 2023, meeting.

The Management Committee recommended approval of this TIP amendment at its meeting on Sept. 13, 2023.

FINANCIAL CONSIDERATIONS

PAG HURF 2.6% can only be used on state facilities. Arizona State Transportation Board Policy 19.4 states: "It is the policy of the Board to make available an additional 2.6% of the highway fund for use in cooperation with MAG and PAG on state routes and highways that are in their region." Programming of PAG HURF 2.6% is done with consultation from ADOT.

ADOT financial staff has completed a cash flow analysis and supports the addition of HURF 2.6% in the fiscal year 2024.

TECHNICAL, POLICY, LEGAL OR OTHER CONSIDERATIONS

The PAG TIP Policies and Procedures (Appendix 3 of the FY 2022-FY 2026 TIP) outline policies pertaining to the programming of HURF 2.6% funds.

Applicable policies include:

PO10.0 – PAG HURF 2.6% funds are available to the region to cooperatively program with ADOT for projects or studies on the state system. The policies below are unique to this fund source.

PO10.2 – PAG HURF 2.6% funding should not be programmed more than two years in advance.

PO10.3 – Priority for 2.6% funding shall be given to projects that:

- 1. Fund RTA projects that are on a state facility.*
- 2. Supplement funding for a jurisdictional project that is located on an ADOT route or highway.*
- 3. Cover a local share contribution to an ADOT project.*
- 4. Fund additional elements in a state project as requested by the region but that were not part of the original ADOT project. The additional elements must be HURF eligible.*
- 5. Augment the funding of a state project.*
- 6. Fund a study of a state facility.*

PO10.4 – PAG HURF 2.6% funds shall be prioritized to keep the RTA-related time periods on schedule.

ADOT, Pima County and PAG/RTA worked to develop a funding solution to cover the funding gap for the project due to bids coming in higher than the engineers' estimate.

The additional PAG HURF 2.6% funding will be used to construct ADOT facilities in the ADOT right of way for the Sunset project.

This TIP amendment meets the PAG programming policy.

ATTACHED ADDITIONAL BACKUP INFORMATION

- Amendment Request to FY 2022–FY 2026 PAG TIP for Sunset: I-10 to River, TIP ID 10.18
- Proposed Formal Amendment No. 2022.070 to the PAG FY 2022–FY 2026 TIP

Staff Contact/Phone	Farhad Moghimi, (520) 792-1093, ext. 4420 Dave Atler, (520) 792-1093, ext. 4443 Jamie Brown, (520) 792-1093, ext. 4473 Carolyn Laurie, (520) 792-1093, ext. 4461
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July 28, 2023

Farhad Moghimi, Executive Director
Pima Association of Governments
1 E. Broadway Blvd., Suite 401
Tucson, AZ 85701
fmoghimi@pagregion.com

Re: Amendment to FY 2022-2026 PAG TIP for Sunset: I-10 to River, TIP ID 10.18

Dear Mr. Moghimi:

The purpose of this letter is to request an amendment to the FY 2022-2026 PAG Transportation Improvement Program (TIP) for Sunset: I-10 to River, TIP ID 10.18. Pima County, PAG and Arizona Department of Transportation (ADOT) met on July 12 and July 24 to discuss remaining funding needs on the project due to bids coming in higher than the engineers' estimate. Per these discussions, it was agreed that \$1.814 million of HURF 2.6% was available for the project in FY 2024. ADOT's cash flow analysis supports the addition of HURF 2.6% to this project.

Details for the TIP amendment are as follows:

1. Project name: Sunset: I-10 to River
2. Project TIP ID number 10.18
3. Total project cost to be programmed, including any required match percentage: \$44.346 million
4. Fiscal year(s) to program funds and phase(s): FY 2024 \$1.814 million HURF 2.6%, construction phase

Thank you,

Kathryn Skinner, P.E.
Pima County Transportation Director

c: Carolyn Laurie, PAG Programming Manager
Roderick F. Lane, P.E., ADOT Southcentral District Engineer
Carmine DeBonis, Jr., Pima County Deputy County Administrator

Kathryn Skinner, P.E., Director

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www.pima.gov/transportation

TipID	RTAID	STREET/PROJECT NAME	PROPOSED FUNDING				
SponsorID	Length	LOCATION	(IN THOUSANDS OF DOLLARS)				
StateID	Existing Lanes	PROJECT DESCRIPTION	FISCAL YEAR				
FedID	After Lanes	AQ STATUS	2022	2023	2024	2025	2026
		TIP STATUS					
		TOTAL COST					

ITEM A

Existing Approval							
10.18	08_b	Sunset: I-10 to River	5344 CRRSAA	C	536 CRRSAA	C	
4SRRIV		Sunset Rd, from I-10 to River Rd	3848 LOCAL	C	716 HIP	C	
		Extend roadway	500 PCDIFO	C	318 PCDIFO	C	
	0	Undetermined	15163 RTA	C	1385 STP	C	
	4	Active	1674 STP	C	2955 TOTAL		
		\$39,979	3714 STP	C			
			2500 TUC	C			
			2000 HURF12R	D			
			1352 LOCAL	D			
			1500 PCDIFO	D			
			452 RTA	D			
			38047 TOTAL				
Proposed Request							
10.18	08_b	Sunset: I-10 to River	5344 CRRSAA	C	536 CRRSAA	C	1814 HURF26 C
		Sunset Rd, from I-10 to River Rd	3848 LOCAL	C	716 HIP	C	1814 TOTAL
		Extend roadway	500 PCDIFO	C	318 PCDIFO	C	
	0	Exempt	15163 RTA	C	1385 STP	C	
	4	Active	1674 STP	C	2955 TOTAL		
		\$44,346	3714 STP	C			
			2500 TUC	C			
			2000 HURF12R	D			
			1352 LOCAL	D			
			1500 PCDIFO	D			
			452 RTA	D			
			38047 TOTAL				
SPONSOR: Pima County			ACTION: Programming of ADOT HURF 2.6 funds.				

Communication #3767

SUBJECT: PAG 2023 Title VI Implementation Plan

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Discussion Action	9

REQUESTED ACTION/SUGGESTED MOTION

The Regional Council will be asked to adopt the Arizona Department of Transportation (ADOT)-approved 2023 PAG Title VI Implementation Plan.

ASSOCIATED OWP WORK ELEMENT/GOAL

Work Element 40, Transportation Activities

SUMMARY

Title VI of the 1964 Civil Rights Act requires that any federally funded planning, programming, and project implementation activities be free of discrimination.

PAG's Title VI Implementation Plan outlines the procedures that PAG follows to ensure that federally funded activities conducted by PAG do not discriminate on the basis of race, color, or national origin. Additional demographic categories are also protected under the Executive Order on Environmental Justice, and the PAG Title VI plan endorses the same procedures for these protected populations as used for demographic categories protected under Title VI.

The Plan also outlines the steps that PAG takes when it receives a complaint or allegation of discrimination, as well as includes a copy of the Title VI complaint form, which is available in both English and Spanish. The plan notes that no Title VI complaints have been received by PAG in the last year.

PAG is required to update its Title VI Implementation Plan annually in accordance with ADOT's requirements. The plan is approved by ADOT and is presented to the Regional Council for adoption.

PAG also maintains a Non-Discrimination Policy and a Limited English Proficiency (LEP) Plan that inform and augment the efforts outlined in the Title VI Plan.

PRIOR BOARD AND/OR COMMITTEE ACTION

PAG's Title VI Plan was last updated and adopted by the Regional Council in 2022.

FINANCIAL CONSIDERATIONS

None.

TECHNICAL, POLICY, LEGAL OR OTHER CONSIDERATIONS

PAG is required to maintain and periodically review and update a Title VI plan. The Non-Discrimination Policy and Limited English Proficiency Plan also inform and augment the Title VI Plan.

ATTACHED ADDITIONAL BACKUP INFORMATION

- Memo: PAG's Role in Title VI Implementation Planning
- 2023 PAG Title VI Implementation Plan
- 2023 PAG Limited English Proficiency Plan
- PAG Non-Discrimination Policy

Staff Contact/Phone	<p>Farhad Moghimi, (520) 792-1093, ext. 4420</p> <p>Dave Atler, (520) 792-1093, ext. 4443</p> <p>Jamie Brown, (520) 792-1093, ext. 4473</p> <p>Preston McLaughlin, (520) 792-1093, ext. 4415</p> <p>Adam Ledford, (520) 792-1093, ext. 4434</p>
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BENAVIDEZ LAW GROUP, P.C.
AN ARIZONA LAW FIRM

MEMORANDUM

Thomas A. Benavidez, President

Elisabeth I. Benavidez

Joeli P. Secrest, Paralegal & Office Manager

Dawn M. Nickel, Paralegal

To: Mr. Farhad Moghimi

From: Thomas Benavidez

Re: PAG's Role in Title VI Implementation Planning

Date: September 20, 2023

CC: All Members of the Regional Council

ISSUE PRESENTED

We have been asked to analyze PAG's role and responsibility in federally required Title VI Implementation Planning.

ANALYSIS

Introduction

PAG was designated by the Arizona Governor in 1973 as the metropolitan planning organization (MPO) for transportation planning in Pima County. Consistent with PAG's planning designations and legal mandates, all of PAG's revenue is derived from governmental agencies which provide dedicated funding to PAG for specific work tasks which are the subjects of specific elements of PAG's Work Program, approved by the USDOT/FHWA, through the ADOT, pursuant to grant funding agreements. The ADOT, FHWA Arizona Division and FTA Region IX provide regular oversight of PAG's planning activities to ensure that all federal regulations are meticulously followed by PAG in carrying out its planning mandates and contractual responsibilities. To continue to receive state and federal funding, PAG's activities are subject to periodic review for recertification.

Title VI Implementation Planning Process

As you know, all recipients of federal funds must comply with Title VI of the Civil Rights Act of 1964. Title VI provides: “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.” The federal government places the primary burden upon state highway administrations, like ADOT, to annually submit Title VI Plans to FHWA. This requirement comes from, 23 C.F.R. § 200.9(b)(11), which states: State Highway Administrations “shall annually submit an updated Title VI implementation plan to the Regional Federal Highway Administrator for approval or disapproval.”

All state highway administrations must submit their plans to FHWA division offices for review and approval by October 1st each year. FHWA division offices then submit the plan and approval documents to the FHWA Office of Civil Rights for reporting purposes by December 1st of the same year.

PAG’s Role in the Planning Process

In fulfilling its legal obligation to the federal government, ADOT requires all of the state’s MPOs, including PAG, to submit local Title VI plans to ADOT for review by the ADOT Title VI Program Manager by August 1st each year. These local plans enable ADOT to submit a comprehensive and legally sufficient Title VI Plan to FHWA for Arizona by October 1st.

These MPO plans are evaluated by ADOT within 90 days for compliance with specific enumerated requirements. The “Title VI Implementation Plan Checklist” is attached hereto. In general, the Plan is to be a user-friendly document that serves as the MPO’s standard operating procedures for implementing the goals of Title VI. “FHWA discourages including elements that are not specifically covered under Title VI bases of race, color or national origin. Plans should not include state specific bases of discrimination, other federal regulations outside of Title VI, or programs and activities enforced by other federal agencies. ”*FHWA Civil Rights Program Fact Sheet 2023 Page 2.*

ADOT has established a Title VI Liaison Program. The program’s purpose is to provide oversight and ensure all ADOT policies, procedures, and practices are compliant with federal statutes, agency guidelines and regulations for FHWA. Designated ADOT liaisons work closely

with PAG to provide technical assistance in developing and implementing PAG's plan to ensure that PAG provides the required implementation plan components necessary for ADOT to meet its obligations to FHWA. *See ADOT's Title VI Implementation Plan page 36.*

Compliance and Enforcement

ADOT is tasked by the federal regulations with ensuring compliance with Title VI. ADOT staff will conduct annual compliance reviews of all MPO implementation plans. These reviews include periodic onsite audits of Title VI Plan compliance which ensure that PAG not only has the requisite plan components in place, but also verifies that PAG faithfully implements those components. *See ADOT's Title VI Implementation Plan page 37.*

CONCLUSION

Inasmuch as ADOT bears the primary responsibility for Title VI planning within Arizona, PAG's role is to work with ADOT to provide a user-friendly, publicly accessible local plan which meticulously follows the guidelines issued by ADOT to the state's MPO's. Deviation from these standards is discouraged because PAG is rigorously audited for compliance and its state and federal funding is jeopardized with non-compliance.



2023 TITLE VI **IMPLEMENTATION PLAN**

To be approved by PAG Regional Council September 28, 2023

DRAFT



Pima Association of Governments

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APPENDIX K – FHWA/FTA TITLE VI IMPLEMENTATION PLAN CHECKLIST55

I. POLICY STATEMENT

Title VI of the 1964 Civil Rights Act and the 1994 Executive Order on Environmental Justice require that any federally funded PAG planning or programming activities, such as the long-range transportation plan or the Transportation Improvement Program (TIP) 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 by respective jurisdictions. 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 only. 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. As a part of the Title VI Implementation Plan, PAG is required to update the plan each year, analyzing demographic data or protected populations as defined by Executive Order (EO) 12898. For all Title VI analyses, PAG also includes low-income, elderly, disabled and limited English proficiency (LEP) populations in its analysis to fulfill requirements relating to environmental justice (EJ). PAG is also required to include Title VI notices on public agendas and other products. Staff are trained in outreach as well as the Title VI complaint procedure. PAG does not discriminate within procurement processes and staff are trained on disadvantaged business enterprise (DBE) goals. 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: _____

II.MPO ORGANIZATION AND PROGRAM ADMINISTRATION

Introduction

Under the Title VI Civil Rights Act and subsequent Environment Justice Regulations, programs or activities receiving federal financial assistance may not exclude persons from participating in, deny benefits to or subject anyone to discrimination based on a person's race, color, national origin or income status. This document outlines the roles, method of administration, and analysis that supports Pima Association of Governments' (PAG) regional planning activities. This program document also represents PAG's commitment, obligations and compliance in regard to Title VI and Environmental Justice

For recipients of federal funds, the Civil Rights Office (CRO) of the Arizona Department of Transportation (ADOT) is responsible for ensuring Title VI compliance for subrecipients, such as local governments and Metropolitan Planning Organizations (MPOs) such as PAG in accordance with Title 23 CFR § 200.9 and FTA Circular 4702.1B. As described on ADOT Title VI Nondiscrimination Program [web page](#), ADOT's Title VI enforcement responsibilities include conducting internal and external compliance reviews, providing technical support to subrecipients developing their Title VI Program, approving subrecipients' Title VI Policy, Assurances and Plan, and more. Approval of the Title VI plan rests with the ADOT CRO as PAG is a subrecipient of ADOT FHWA/FTA funds.

On behalf of the Federal Highway Administration and Federal Transit Administration, the ADOT CRO provides a detailed checklist to MPOs to guide the development of Title VI implementation plans. That checklist, entitled "FHWA/FTA Title VI Implementation Plan Checklist," is included in Appendix K.

In terms of Environmental Justice (EJ), according to the ADOT Title VI Nondiscrimination Program webpage, "Related statutes and presidential executive orders under the umbrella of Title VI address environmental justice (EJ) in minority and low-income populations and services to those individuals with limited English proficiency (LEP), women and the disabled." Thus, within this Title VI Implementation Plan, EJ is covered within the umbrella of Title VI.

This Title VI Implementation Plan is the product of a joint effort between PAG and ADOT CRO in fulfilling policies and regulations outlined by both FHWA and FTA. It reflects PAG's commitments to Title VI and environmental justice objectives through specific U.S. Department of Transportation assurances, notices to the public, ongoing collection and presentation of demographic statistics, Title VI organization and staffing, development of a

Limited English Proficiency Plan, up-to-date complaint forms and procedures, annual staff training, and general public participation efforts.

As such, the Title VI Implementation Plan acts as a generalized guide and policy directive for more specific efforts encapsulated within individual plans and programs. For specific strategies and goals on public involvement, please refer to the PAG Public Involvement Plan (PIP). Additionally, outreach efforts and robust Title VI and environmental justice analysis for specific plans and programs are outlined in detail within those documents, such as the TIP and the RMAP. The analysis provided within these documents, as well as the input from the communities of concern, is presented as the planning activity moves through the PAG committee process. PAG makes every effort to be compliant in all matters related to Title VI and Environmental Justice.

Finally, PAG does not deliver individual projects and does not therefore perform a Title VI and environmental justice analysis on individual construction projects. Each construction 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. Please refer to the Title VI Implementation Plan for each project lead agency for more details.

In summary:

- The ADOT Civil Rights Office (CRO) is responsible for ensuring that subrecipients of federal funds, such as local governments and MPOs, comply with Title VI, such as through site visits and document review.
- The scope and contents of PAG's Title VI Implementation Plan follows specific requirements set forth by the ADOT CRO on behalf of FHWA and FTA.
- The overall scope and contents of PAG's Title VI Implementation Plan is similar to that of other MPOs in Arizona and, based on review of a few other MPOs outside of Arizona, is similar to those as well.
- ADOT considers Environmental Justice within the umbrella of Title VI.
- The PAG Title VI Implementation Plan acts as a guide and policy directive for more specific efforts encapsulated within individual planning documents and programs, such as the RMAP and TIP.
- The scope of PAG's Title VI Implementation Plan does not cover Title VI compliance for individual construction projects, which are the responsibility of the respective jurisdictions.

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 members 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.

Preston McLaughlin, PAG Program and Policy 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 H.

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. 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 receives 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.

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.

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 September 2023. 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 several 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 multiple 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 and Justice40

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 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.

Justice40 is an initiative coming from Presidential Executive Order 14008 that outlines the goal that at least 40% of the benefits from certain federal grants flow to disadvantaged

communities. Justice40 is a separate initiative from Title VI, ADA, and environmental justice considerations, and is not considered in the Title VI Implementation Plan as instructed by ADOT Civil Rights Office.

III. MPO MEMBERSHIP

Member Agency Demographics

Below is a table containing the demographic composition of PAG's planning area population and is taken from 2021 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 Population	White	Black or African American	Native American or Alaska Native	Asian	Native Hawaiian and other Pacific Islanders	Some Other Race	Two or More Races	Hispanic
Pima County (PAG Planning Area)	1,035,063	69.6%	3.4%	3.6%	2.8%	0.1%	9.2%	11.2%	38.0%
City of Tucson	538,167	64.8%	4.8%	3.4%	3.1%	0.2%	11.1%	12.6%	44.6%
City of South Tucson	4,726	49.4%	3.4%	17.6%	0.4%	0.0%	15.9%	13.3%	70.1%
Town of Marana	50,834	75.4%	3.2%	1.2%	3.7%	0.3%	4.3%	11.9%	27.6%
Town of Oro Valley	46,515	84.2%	2.3%	0.3%	3.6%	0.1%	2.9%	6.6%	100.0%
Town of Sahuarita	33,524	83.2%	2.2%	0.5%	1.0%	0.0%	4.1%	8.9%	39.5%
Tohono O'odham Nation	10,554	12.1%	0.3%	80.3%	0.4%	0.9%	1.6%	4.3%	11.1%
Pascua Yaqui Tribe	3,742	3.4%	0.2%	85.6%	0.0%	0.5%	5.9%	4.4%	27.8%
Unincorporated Pima County	347,001	75.7%	1.7%	1.6%	2.6%	0.0%	8.4%	10.1%	21.3%

Source: 2021 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	2	0	2	0	5
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**) provide the average travel time for the whole region (labeled “all”) and each protected population as found in the PAG FY 2022-2026 Transportation Improvement Program (TIP). The tables also provide the travel times for the protected populations in concentrations (labeled “protected”) and for the region as a whole. This analysis will be updated in the new TIP currently under development.

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 in 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., flyer 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, completing the brief questionnaire, and submitting it to PAG.

On an annual basis, the PAG Title VI Coordinator will estimate, for various public meeting sizes, the number of expected attendees from protected demographics using the ACS 5-year Estimates Data Profiles as shown in the table below for a variety of meeting sizes. Each row shows the measured ACS demographic proportion multiplied by the meeting size.

The Title VI Coordinator will conduct a visual survey of any meeting of the Regional Council, Management Committee, or other policymaking body if the number of public participants is large enough that one or more attendees of a given demographic are expected.

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	Expected Hispanic (Rounded)
5	1.9	2
10	3.8	4
25	9.5	10
50	19.0	19
75	28.5	29
100	38.0	38

Based on the regional Hispanic population of 38% (See table on page 7)

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

Meeting Size	Expected Demographic	Expected Demographic (Rounded)
5	0.2	0
10	0.3	0
25	0.8	1
50	1.6	2
75	2.3	2
100	3.1	3

Based on the average regional population of Black, American Indian, and Asian populations of 3.13% 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 (3.6%, 3.0% and 2.8%, 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 fall approximately close to the expected proportions in the tables above. 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 Implementation 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 the 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.

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

Preston McLaughlin
Title VI Coordinator
Pima Association of Governments
1 E. Broadway Blvd, Suite 401
Tucson, AZ 85701
Telephone (520) 792-1093, FAX (520) 620-6981
dzynnda@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.

1. 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.
2. 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 7/31/2023
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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 within 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
Preston McLaughlin, 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: _____
(Signature of Authorized Official)
Farhad Moghimi, Executive Director

IX. 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:

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

Para ayuda adicional en español:

Zonia Kelley
(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 / Especifique
	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.

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

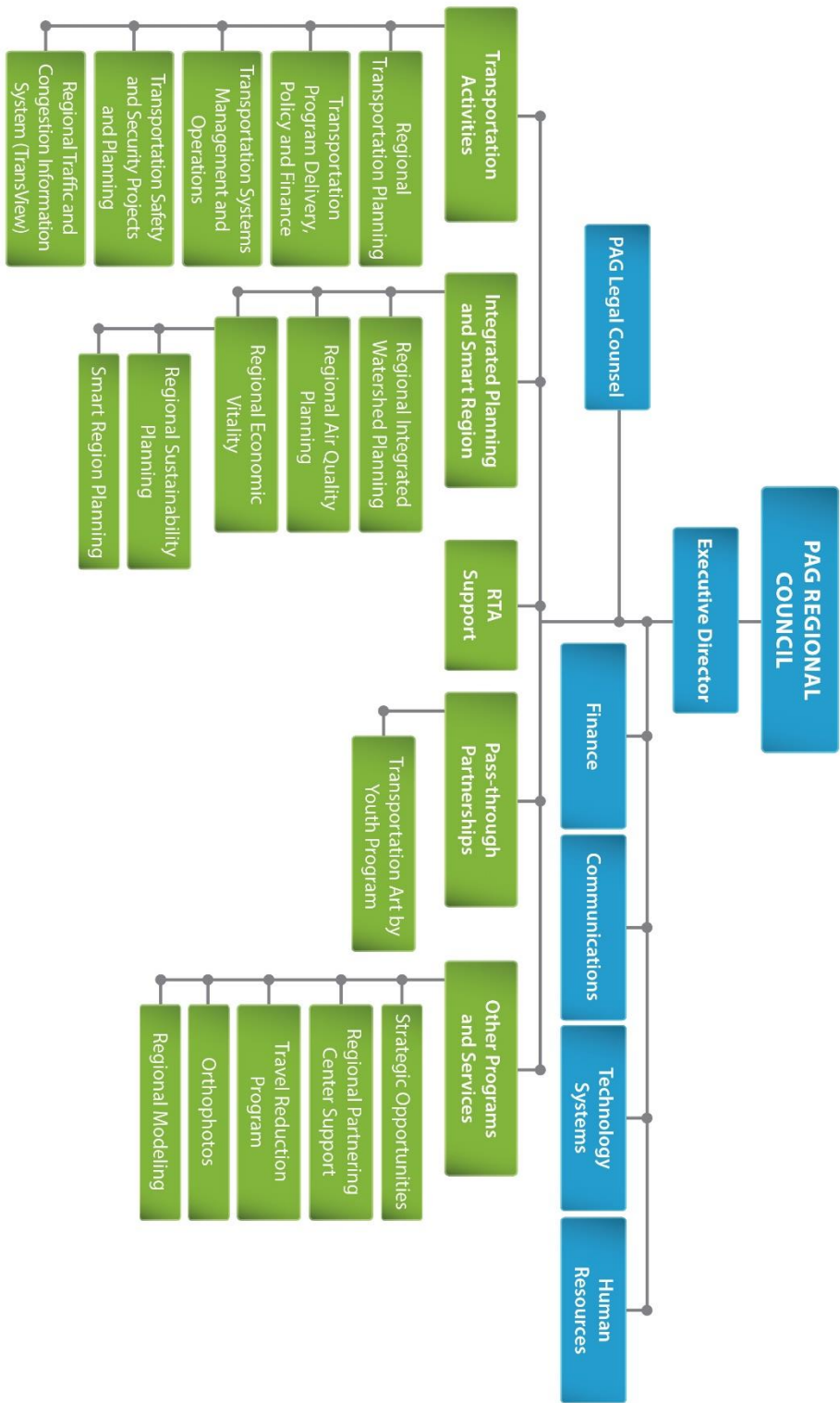
Pima Association of Governments

No Title VI complaints were received between the following dates:

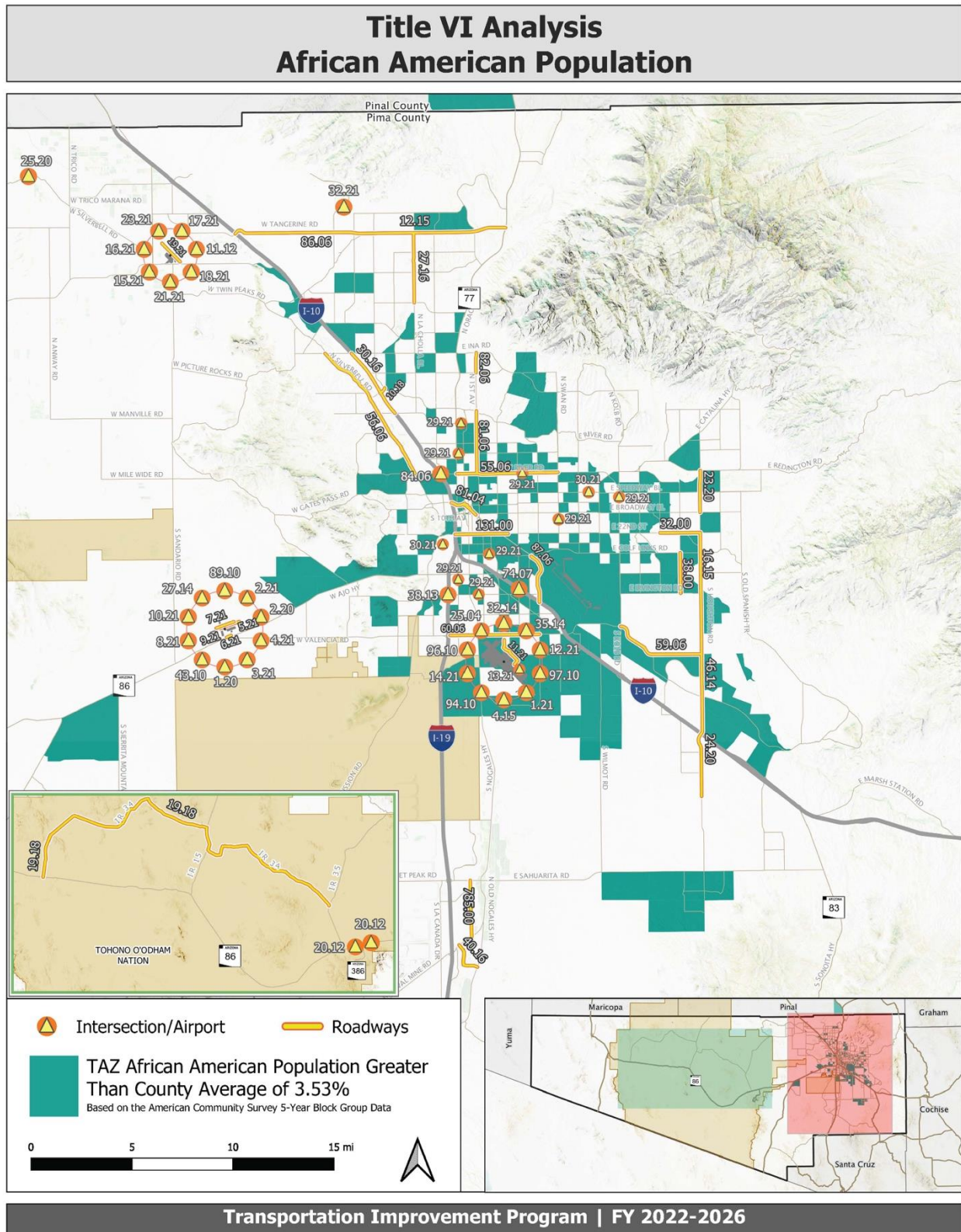
- **August 1, 2022 – July 31, 2023**

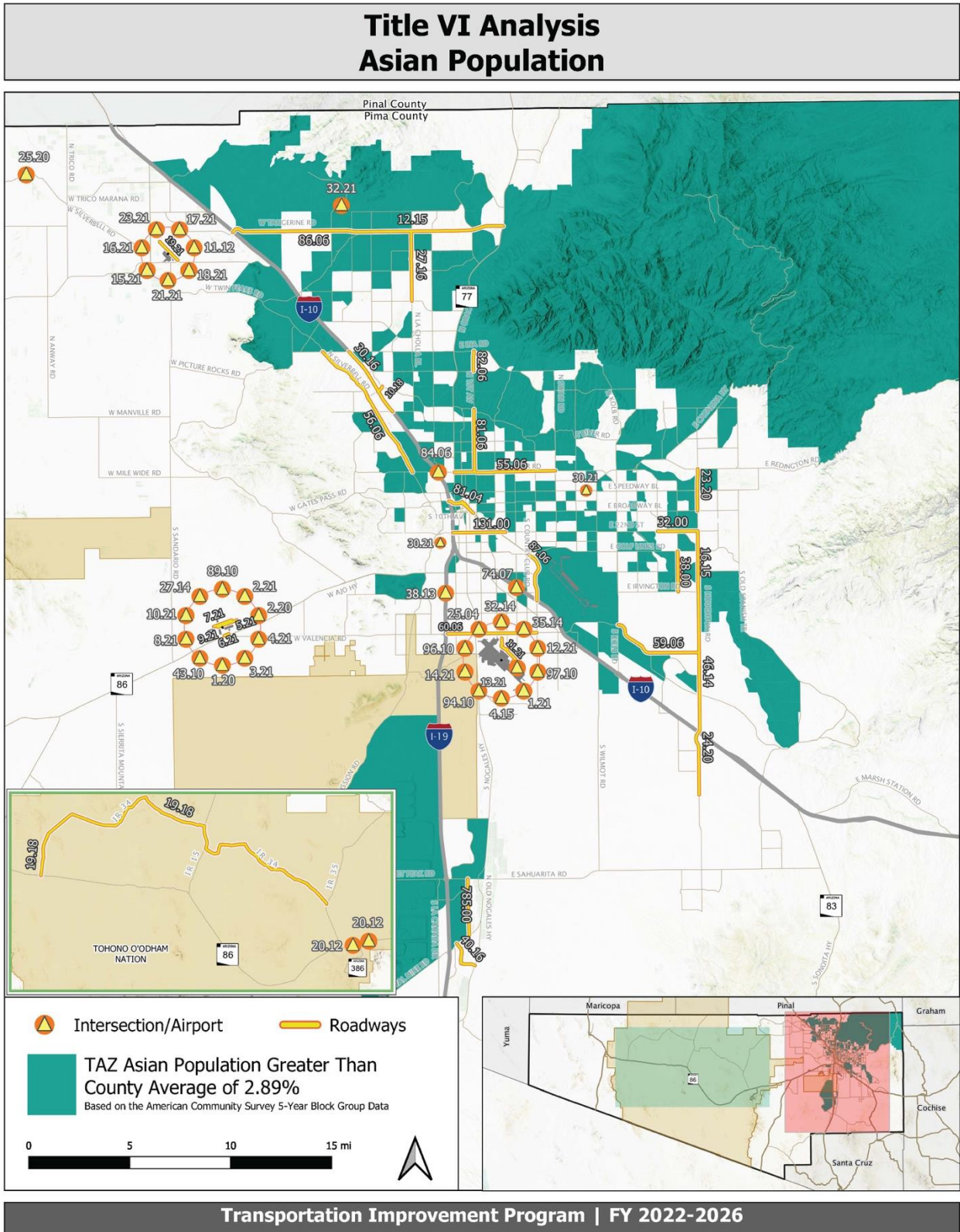
Case #	Complainant Name	Complainant Address	Date Filed	Basis	Status	Disposition

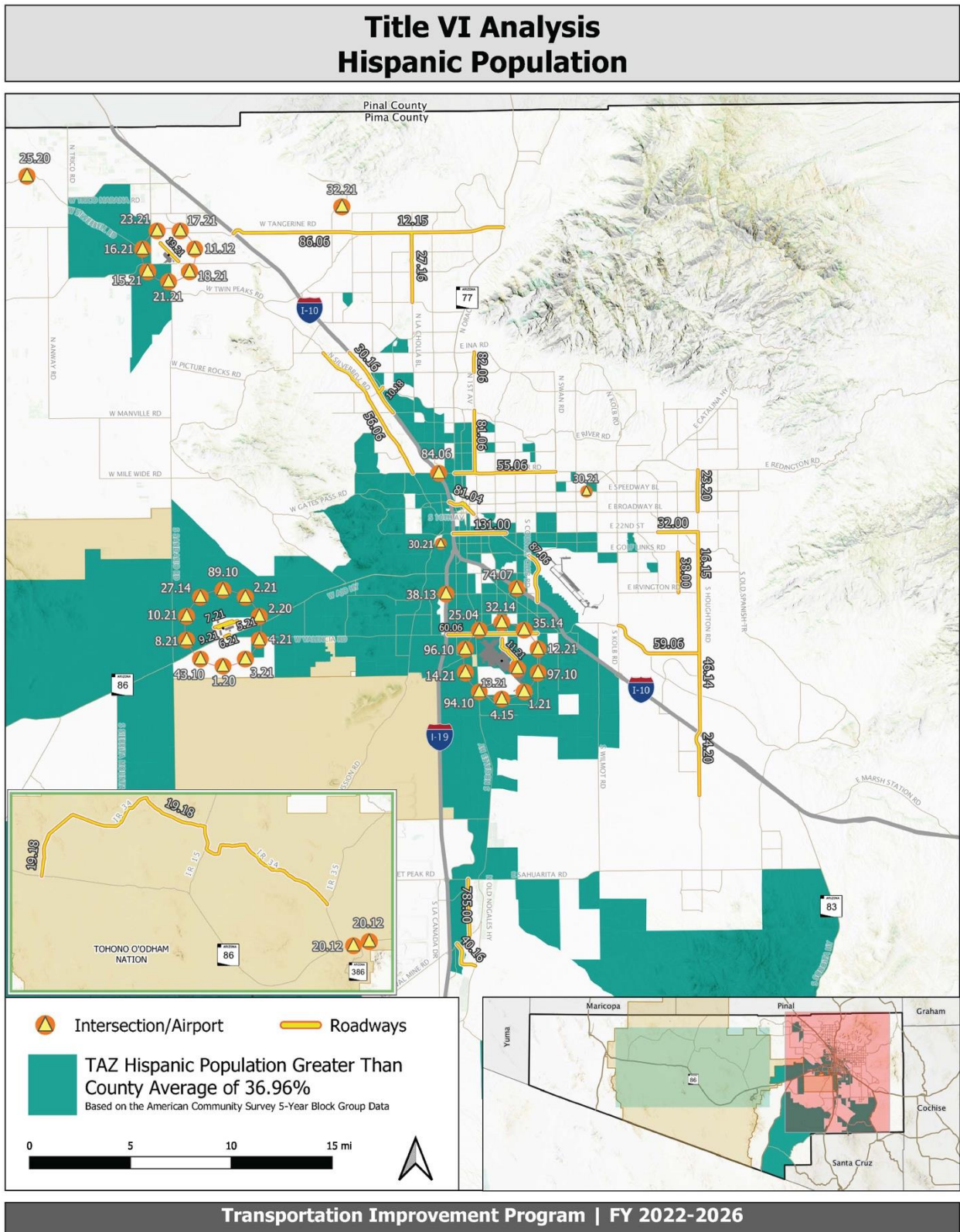
APPENDIX H

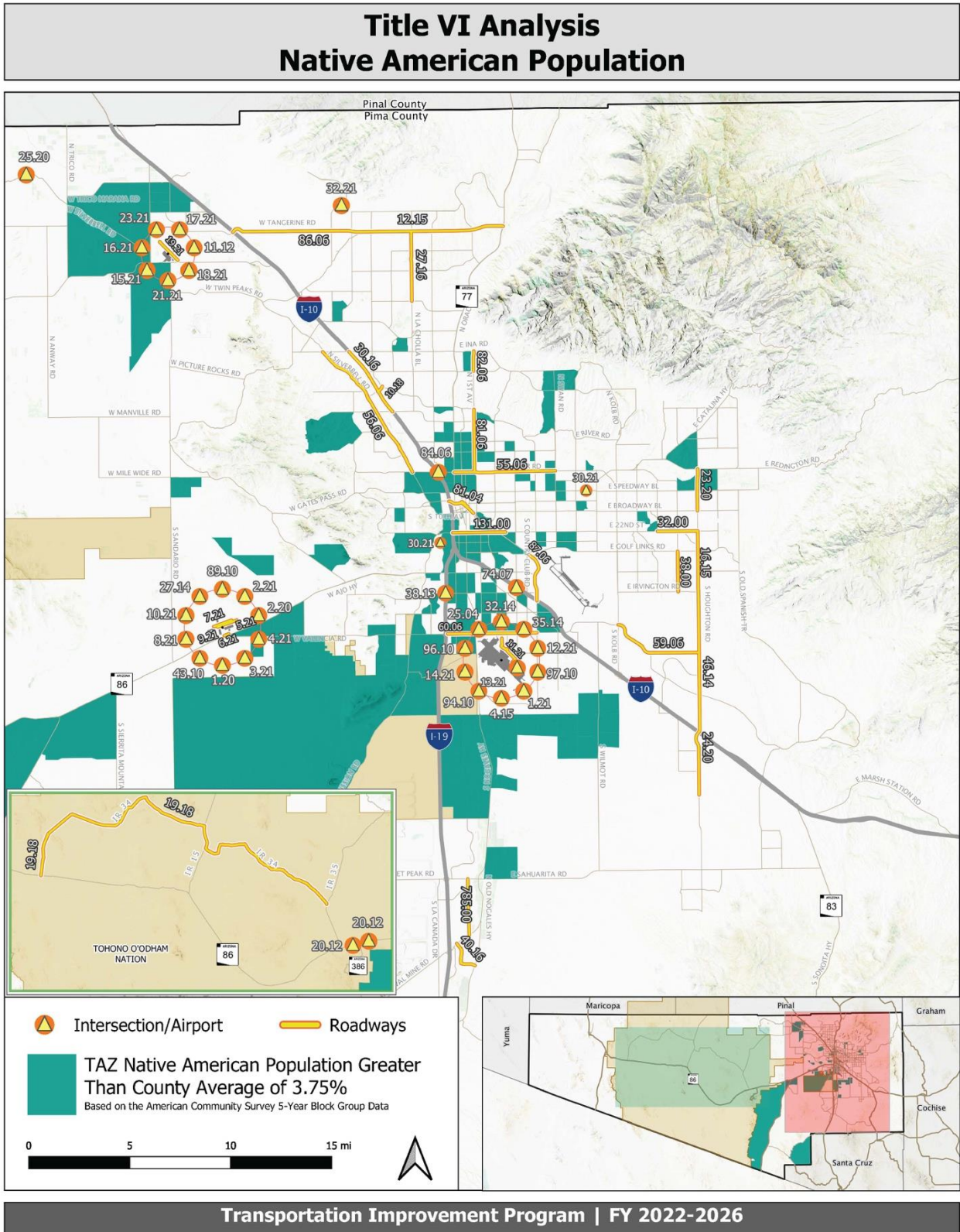


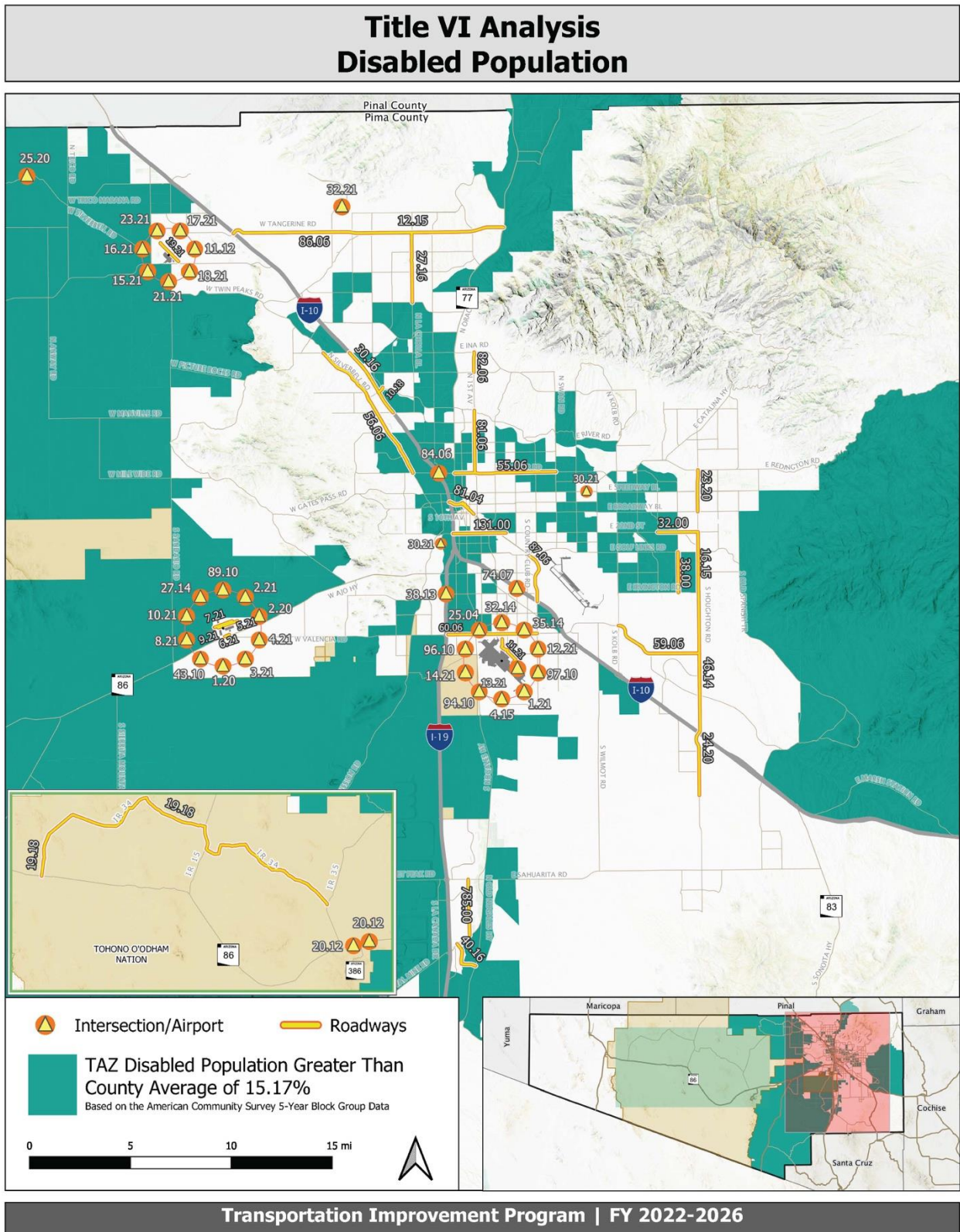
APPENDIX I

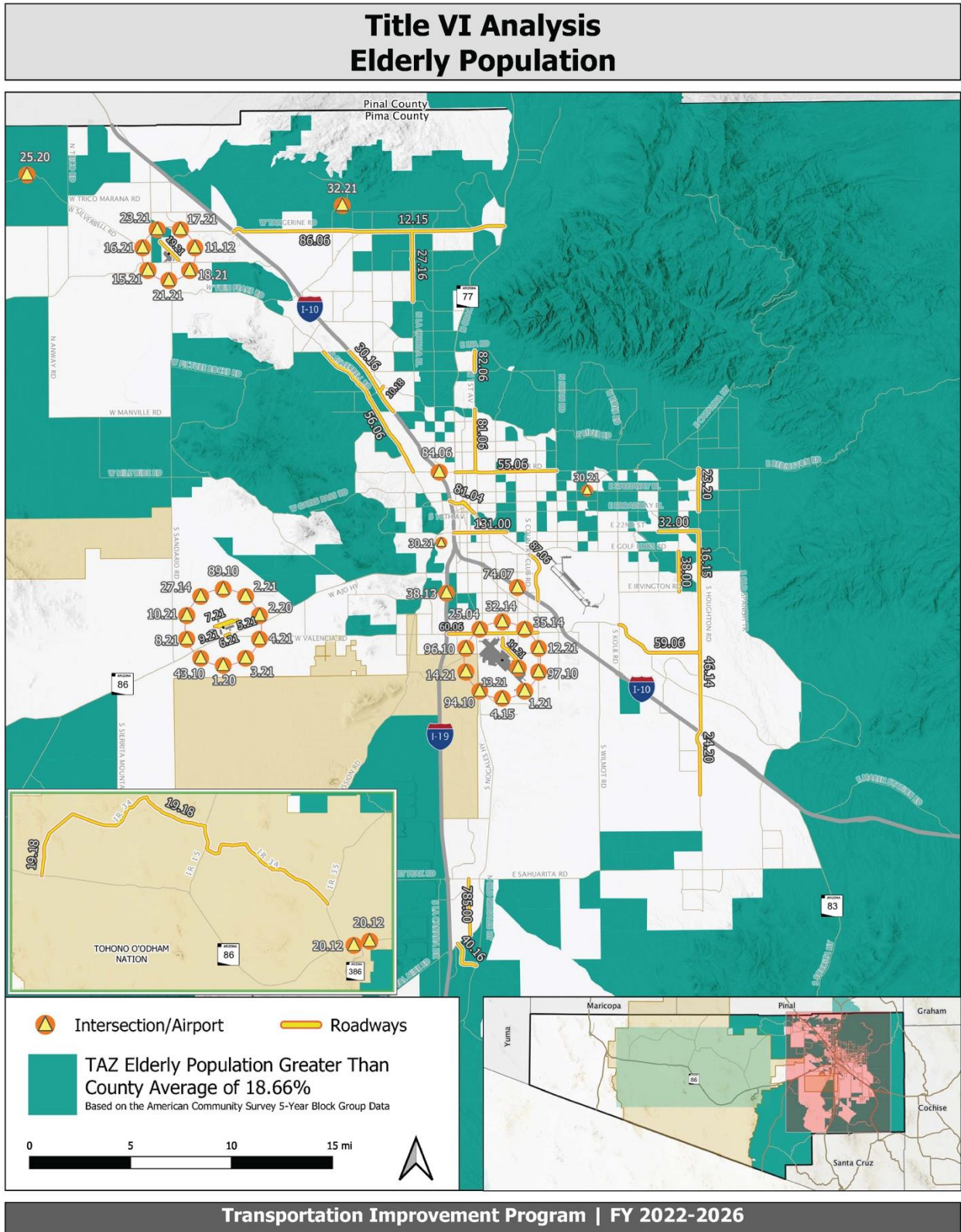


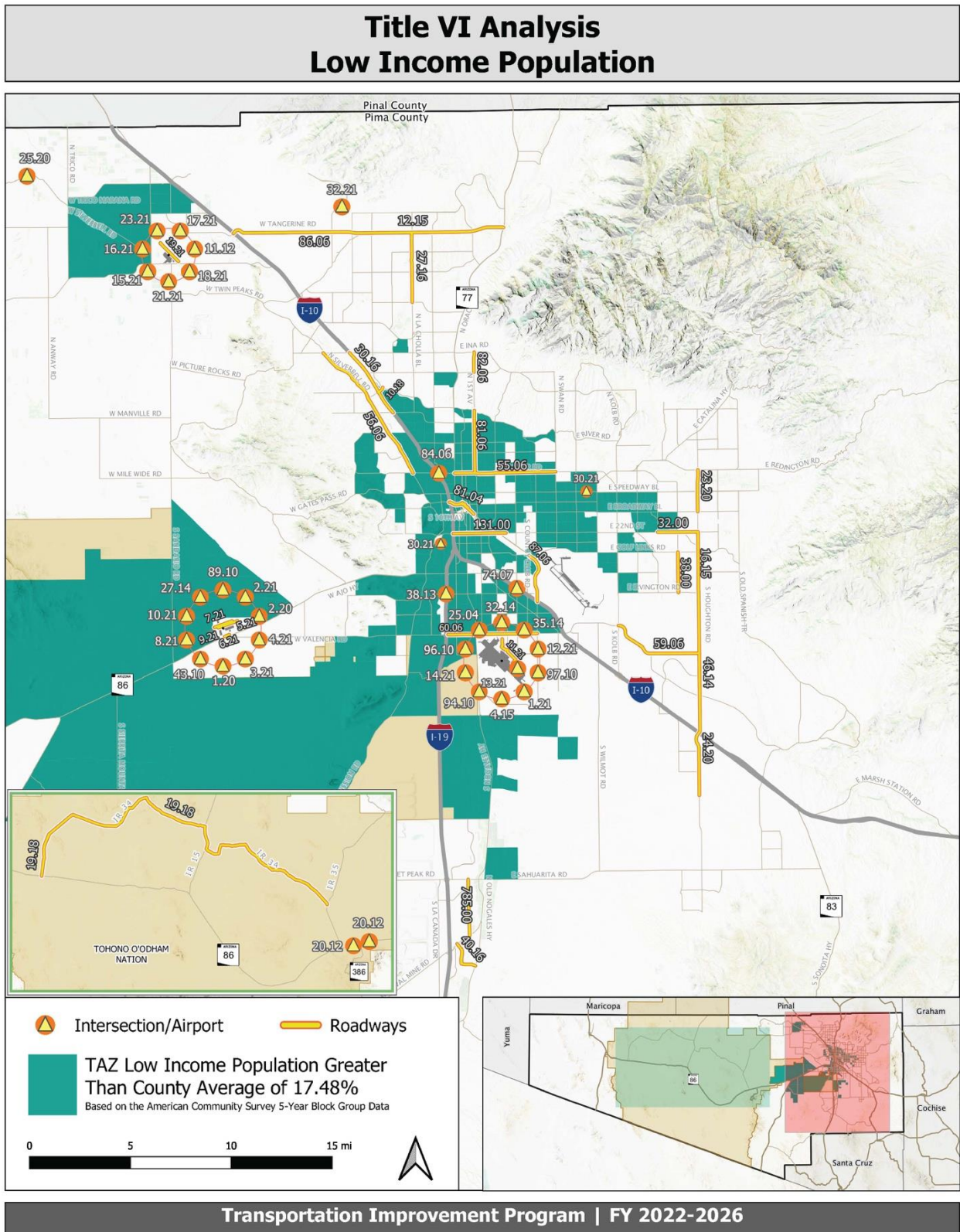












APPENDIX J

Insert Legal Action Item upon RC approval

THIS APPENDIX WILL BE ADDED AFTER COMMITTEE ACTION HAS BEEN TAKEN

APPENDIX K – FHWA/FTA TITLE VI IMPLEMENTATION PLAN CHECKLIST

A new version that ADOT has filled out should be included once available

FHWA/FTA Title VI Implementation Plan Checklist

COG/MPO	Yes	No	Comments
1. POLICY STATEMENT: Does the Plan have a Title VI Program Policy Statement signed by the Executive Director? (FHWA)			
2. STANDARD DOT ASSURANCES: Does the Plan include a signed copy of the DOT Standard Title VI Assurances with Appendices "A," "B," "C," "D," and "E"? (FHWA). Review for updated Assurance language. "The (Title of Recipient), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."			
3. NOTICE TO THE PUBLIC: Does the Plan include a Notice to the Public and a list of locations where it is posted? Does the Notice include contact information? (FHWA/FTA)			
4. DISSEMINATION OF TITLE VI INFORMATION: Does the Plan contain community outreach and public education procedures, e.g. website, posters, public notices (making the public aware of their rights under Title VI program authorities)?			
5. DEMOGRAPHIC PROFILE: Does the Plan include a demographic profile of the metropolitan area? (FTA)			
6. ORGANIZATION & STAFFING: Does the Plan identify the Title VI Coordinator who has direct access to the head of the agency? Is an organizational chart that identifies the placement of the Title VI coordinator in the Agency included? (FHWA)			
7. EXECUTIVE BOARD REVIEW APPROVAL: Does the Plan include a statement that the Executive Board or Regional Council must review and approve the Title VI Plan and Program. Is a copy of the minutes indicating such approval provided? (FTA)			
8. COMMITTEE MEMBERSHIP: Does the program include a table depicting the non-elected committee and council members, broken down by race and a description of the process used to encourage the participation of minorities on its committees? (FTA)			
9. DEMOGRAPHIC MAPS: Are demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects included in the Plan? (FTA)			
10. DATA COLLECTION/REPORTING/ANALYSIS: Does the Plan contain a process for collecting, reporting Title VI data (race, sex), and analyzing said data on an on-going basis? (FHWA)			

FHWA/FTA Title VI Implementation Plan Checklist

11. LIMITED ENGLISH PROFICIENCY (LEP): Does the Plan have a language assistance plan for providing language assistance to the LEP population, based on the DOT LEP Guidance? Does the LEP Plan explain how the MPO/COG implements those requirements? (FHWA/FTA)			
12. PUBLIC PARTICIPATION PLAN: Does the Plan include a public participation plan, including information about outreach methods to engage minority and low income populations, and LEP persons? (FHWA/FTA) VIRTUAL PUBLIC INVOLVEMENT (VPI): Include the tools that your Agency is using in order to demonstrate Title VI compliance in virtual public participation; modifications made to your current processes as well as any additional virtual tools that are used.			
13. ENVIRONMENTAL JUSTICE (EJ): Does the Plan explain how the MPO/COG implements the Title VI Program requirements of EJ? (FHWA/FTA) Does the Plan include an analysis of the MPO's transportation system investments to identify and address any disparate impacts? (review of member agencies to ensure mobility needs of minority populations are identified and considered within the planning process) (FTA)			
14. COMPLAINT FORM AND PROCEDURES: Does the plan contain Title VI/ADA complaint procedures and a complaint form (with race, color, national origin, disability) which describes a prompt process for investigations and disposition of Title VI and ADA complaints? (FHWA/FTA) Does the Plan contain separate processes for FHWA and FTA? (FHWA/FTA) Does the Plan include a Title VI Complaint Form? (FHWA/FTA) Attach a sample log that will be used to log and track transit related Title VI investigations, complaints, and lawsuits over the past three years. (FTA)			
15. Title VI TRAINING: Does the Plan address Title VI training of staff members and subrecipients? (FHWA)			
16. COMPLIANCE AND ENFORCEMENT PROCEDURES: Does the Plan outline Title VI Program compliance and enforcement procedures to eliminate and address discrimination, resolve deficiencies, etc. when noncompliance occurs? (FHWA)			
17. PROGRAM REVIEW PROCEDURES: Does the Plan describe the nature of the recipient's transportation program areas and include procedures for conducting reviews of pertinent program areas? (i.e., internal review of contracts to ensure Title VI language and FHWA Assurances are included)			
18. SUBRECIPIENT REVIEW: Does the Plan include a description of how the agency monitors its subrecipients for compliance with Title VI. (If your Agency does not have any subrecipients, this should be stated in the Plan). (FTA)			



Limited English Proficiency Plan

August 1, 2023

This report was funded in part through grant(s) from the Federal Highway Administration and/or Federal Transit Administration, U.S. Department of Transportation. The contents of this report reflect the views and opinions of the author(s) who is responsible for the facts and accuracy of the data presented herein. The

contents do not necessarily state or reflect the official views or policies of the U.S. Department of Transportation, the Arizona Department of Transportation, or any other state or federal agency. This report does not constitute a standard, specification or regulation.

Introduction:

Pima Association of Governments (PAG) is the designated metropolitan planning organization (MPO) for Pima County. As the MPO, PAG is responsible for developing federally required plans and programs related to regional planning/management of the following:

- Transportation Planning Agency per Title 23, U.S.C. Section 134
- Water Quality Management Planning Agency per Section 208 of the federal Water Pollution Control Act of 1972
- Lead Air Quality Planning Agency per agreement with Arizona Department of Environmental Quality (ADEQ) to meet requirements of the federal Clean Air Act
- Solid Waste Planning Agency per the federal Resource Conservation and Recovery Act of 1976

As both the recipient and programming agency for federal funding, PAG has the responsibility to follow federal nondiscrimination laws and policies as well as assist with the compliance of recipients of the federal funds that are programmed through the PAG process. The Civil Rights Act of 1964 and several Presidential Executive Orders outline these responsibilities.

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

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

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

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination may file a complaint. The complaint must be based on unequal treatment

related to race, color, national origin, gender, age and/or disability. A formal complaint must be filed within 180 calendar days 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. PAG's Title VI Plan and Non-Discrimination Policy clearly explain the complaint process. The documents, along with the Discrimination Complaint Form, can be found on PAG's website at www.PAGregion.com.

Plan Assessment:

As a recipient of federal funding, PAG needs to take reasonable steps to ensure that all members of the community, regardless of their proficiency to understand English, have the opportunity for meaningful access to the PAG planning/programming process. The U.S. Department of Transportation (U.S. DOT) provides guidance¹ on conducting a four-factor analysis to determine what language assistance is appropriate.

Factors to be analyzed are:

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

PAG's analysis of the four factors is provided below.

In collecting LEP data for this plan, PAG relies upon the American Community Survey dataset. The most recent year available from the ACS is used for this plan, with a preference for 5-year data over 1-year data, where both are available.

When possible, PAG will identify Safe Harbor thresholds based on specific languages and not on language families or groups. However, PAG also recognizes the need to use the most current data possible. The B16001 dataset provides the granularity PAG needs to calculate Safe Harbor thresholds, but if that dataset is more than 4 years old, PAG will use the less granular C16001 dataset.

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

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

¹ Federal Register Vol. 70, No. 239 Wednesday, December 14, 2005

Languages Spoken at Home in Pima County by LEP Persons who speak English "less than very well"						
	Total Population (excluding those under 5 years old)	LEP Population	% Total Non-LEP Population	% Total LEP Population	% Total LEP Population that Speaks Spanish	% Total LEP Population that Speaks Language Other Than Spanish
Pima County	979,353	74,922	92.3%	7.7%	82.1%	17.9%
2021 American Community Survey 5-Year Estimates--Table ID: C16001 *Data for this table excludes individuals under the age of 5						

Further, the data was analyzed to determine which languages(s) were the primary languages spoken by those who spoke English "less than very well." Spanish was the predominant primary language in the PAG planning area of those who indicated that they spoke English "less than very well." Other languages that meet the Safe Harbor threshold of 5% or 1,000 individuals include Chinese, Swahili, Vietnamese, and Arabic.

Languages Spoken by LEP Individuals in Pima County*			
Language Spoken	Number of LEP individuals	% of total population	% of LEP population
Spanish	61,472	6.3%	82.0%
Chinese	5,912	0.3%	3.7%
Vietnamese	1,423	0.1%	1.9%
Arabic	1,086	0.1%	1.4%
Russian	1,080	0.1%	1.4%
2021 American Community Survey 5-Year Estimates--Table ID: C16001 *Data for this table excludes individuals under the age of 5			

* After Chinese, the ACS dataset report "Other and Unspecified Languages" having the third most number of LEP individuals at 2,279. After Vietnamese, "Other Indo-European Languages" is the next largest group. Because these classifications consist of potentially several languages, they are not shown in the table above.

It was determined that it was not cost effective to take specific actions for languages of the LEP populations other than Spanish, unless a specific request was made for an accommodation.

Factor 2: The frequency with which LEP individuals come in contact with the MPO programs.

Air and water quality and transportation planning are areas that touch everyone's lives in Pima County. As such, PAG believes that an effort should be made to provide the Spanish speaking community an opportunity to participate in the planning process. See the "Language Assistance Measures" portion of this document for more detail on how Spanish is incorporated into MPO community outreach and public involvement efforts.

To date, PAG staff have only encountered LEP individuals who speak Spanish.

Factor 3: The importance of the service provided by MPO programs.

The importance of the programs and services provided by PAG cannot be understated. Most PAG activities relate to identifying and planning funding for future projects; these projects are then designed and implemented by other jurisdictions (e.g., the City of Tucson provides transit service and builds roadways projects). While the jurisdictions' activities bring them into more direct contact with the public, it is still important for PAG to ensure that LEP populations have input in the planning of future projects for the region. PAG does provide some direct services to the region, for example, through the Travel Reduction Program and other commuter services; these programs strive to be inclusive in soliciting community participation.

Factor 4: The resources available and the overall cost to the MPO.

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

Language Assistance Measures

- Agency training

- All staff members will receive annual training regarding PAG's responsibilities for providing LEP services and the resources that PAG has available in fulfilling these responsibilities.
- Staff will receive instruction on what to do when individuals with limited English proficiency seek to participate in a PAG process or use a PAG service.
- PAG's Title VI coordinator shall maintain a list of PAG employees who speak or write additional languages other than English.
- Identify individuals who need language assistance
 - PAG uses the Census "Language Identification Flashcards" to identify potential future needs. These cards have been enhanced to include O'odham, as this is the primary Native American language spoken in the PAG region.
 - PAG will examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine the extent to which language assistance might be needed at future events.
 - When PAG sponsors an event, there will be a staff person to greet participants as they arrive. By informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English.
 - Front-office staff and other staff members who speak directly with the general public will be surveyed annually on their experience concerning any contacts with LEP persons during the previous year.
- Outreach techniques
 - PAG public meeting agendas include a Title VI notice and contain a footnote in English and Spanish that translations are available upon request.
 - *In compliance with the Americans with Disabilities Act (ADA), those requiring special assistance, such as large typeface print, sign language or other reasonable accommodations, may request those through the administrative offices at: (520) 792-1093 at least two business days before the meeting.*
 - *PAG operates its programs without regard to race, color and national origin in compliance with Title VI of the Civil Rights Act. We invite you to complete our voluntary self-identification survey (English/Spanish).*

- *If you need translation assistance, please call (520) 792-1093 and ask for Zonia Kelley. Si necesita ayuda con traducción, llame por favor al (520) 792-1093 y comuníquese con Zonia Kelley.*
- The PAG website provides a link to program summary materials translated into Spanish.
- The PAG website includes a Google Translate button on every page.
- Public notices and advertisements to public meetings and PAG quarterly newsletters include a footnote, in English and Spanish, that translation is available upon request and a Title VI notice.
- Two of PAG's member jurisdictions include the Pascua Yaqui Tribe and Tohono O'odham Nation. Some members of both the Tribe and the Nation have greater proficiency with their own tribal languages than with English. When PAG events take place on Tribal or Nation Lands, an effort is made to work with the respective jurisdictional staff to make accommodations for cultural and language assistance as the hosting jurisdiction deems appropriate.

Monitoring and Updating the LEP Plan

The LEP Plan will be updated as required by U.S. DOT guidance/direction and as instructed by ADOT Civil Rights Office. At a minimum, the LEP Plan will be updated when new census data becomes available. It is understood that the community profile of Pima County and the jurisdictions within the county will continue to change over time. Not only will the four-factor analyses need to be revisited, but the appropriate language assistance measures may need to be improved to reflect community changes.

Contact Information

PAG, through development of this LEP Plan, does not intend to exclude anyone from participating in the PAG process or from taking advantage of PAG services. PAG will make every reasonable effort to accommodate any special needs request. Questions or comments regarding this LEP Plan may be submitted to the PAG Title VI Coordinator.

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



Non-Discrimination Policy

August 1, 2023

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 in languages other than English upon request within a reasonable advance notice period.

This report was funded in part through grant(s) from the Federal Highway Administration and/or Federal Transit Administration, U.S. Department of Transportation. The contents of this report reflect the views and opinions of the author(s) who is responsible for the facts and accuracy of the data presented herein. The contents do not necessarily state or reflect the official views or policies of the U.S. Department of

Transportation, the Arizona Department of Transportation, or any other state or federal agency. This report does not constitute a standard, specification or regulation.

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- Solid Waste Planning Agency per the federal Resource Conservation and Recovery Act of 1976

As both the recipient and programming agency for federal funding, PAG has the responsibility to follow federal nondiscrimination laws and policies, as well as assist with the compliance of recipients of the federal funds that are programmed through the PAG process. The Civil Rights Act of 1964 and several Presidential Executive Orders outline these responsibilities. Applicable federal requirements are included in:

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

Nondiscrimination Measures:

PAG has policies and procedures in place to promote open access to the PAG process and/or allow participation to all interested parties. These efforts include but are not limited to:

- **Staff Training.** PAG staff is trained annually on the MPO's responsibilities to follow federal non-discrimination laws.

- **Public Involvement Policy (PIP).** The PAG PIP includes a discussion of Title VI and Environmental Justice issues. Strategies to engage traditionally under-served populations are incorporated throughout.
- **Meeting Location and Times.** PAG strives to hold public events at locations that are convenient to public transit. Public events are held late in the afternoon into the early evening to facilitate most traditional “working schedules.” Event locations are accessible per the Americans with Disabilities Act (ADA).
- **Development of a Limited English Proficiency (LEP) Plan.** PAG has conducted the U.S. Department of Transportation-recommended, four-factor analysis to determine what language assistance is appropriate for the PAG region.
- **Agendas.** PAG agendas contain a footnote in English and Spanish that translations are available upon request.
 - *In compliance with the Americans with Disabilities Act (ADA), those requiring special assistance, such as large typeface print, sign language or other reasonable accommodations, may request those through the administrative offices at: (520) 792-1093 at least two business days before the meeting.*
 - *PAG operates its programs without regard to race, color and national origin in compliance with Title VI of the Civil Rights Act. We invite you to complete our voluntary self-identification survey (Available in English and Spanish).*
 - *If you need translation assistance, please call (520) 792-1093 and ask for Zonia Kelley. Si necesita ayuda con traducción, llame por favor al (520) 792-1093 y comuníquese con Zonia Kelley.*
- **Website.** PAG’s website provides a link to program summary materials translated into Spanish.
- **Public Notice.** Public notice and advertisements to public meetings include a note, in English and Spanish, that translation is available upon request.
- **Posted Public Notice.** A notice has been posted in public view in the display case that holds the agendas for upcoming public meetings; the notice states that PAG complies with Title VI and provides direction to the website for the complaint form and process.
- **Procurement Policies.** PAG procurement policies and contracts contain provisions for DBE outreach and nondiscrimination language.
- **Nondiscrimination Process and Log.** PAG has developed a discrimination complaint process and has it posted on the website. Additionally, PAG keeps a log to track discrimination-related investigations, lawsuits and complaints.

Complaint Process:

Any person who believes that he or she has been subjected to discrimination prohibited by Title VI of 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.

Preston McLaughlin
Title VI Coordinator
Pima Association of Governments
1 E. Broadway Blvd, Suite 401
Tucson, AZ 85701
Telephone (520) 792-1093, FAX (520) 620-6981
pmclaughlin@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, 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, in person, or email. 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, 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 and
 - 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. 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, 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 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 must also be submitted to ADOT within 72 hours of that decision. Letters may be submitted by hardcopy or email.
11. A complainant dissatisfied with the PAG 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

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

Communication #3768

SUBJECT: 2023 Regional Orthophoto Acquisition

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Action	10

REQUESTED ACTION/SUGGESTED MOTION

The Regional Council is asked to authorize PAG's Executive Director to negotiate and execute a contract with an amount not to exceed \$500,000 with Digital Mapping, Inc. for purchase of the region's orthoimagery.

ASSOCIATED OWP WORK ELEMENT/GOAL

OWP Work Element 61, Orthophotos.

SUMMARY

- PAG and members of the Regional Data Working Group (RDWG) (Marana, Oro Valley, Tucson, Tucson Water, Pascua Yaqui Tribe, Tucson Electric Power [TEP], Pima County Regional Flood Control District [RFCD], Sahuarita, Tohono O'odham Nation, University of Arizona Libraries, and Pima County) advised the development of the project's scope of work, extent, and specifications, and they were invited to be part of the proposal review panel.
- This acquisition cycle complements the even year acquisition cycle that the Pima County Assessor's Office manages for its oblique imagery acquisition. This acquisition cycle will provide consistent, reliable coverage and unifies efforts by partners across the region.
- Acquisition of 15 cm resolution, 4-band imagery (red, green, blue, near-infrared) orthoimagery would support American Society for Photogrammetry and Remote Sensing (ASPRS) Class I planimetric data development and will cover approximately 4,000 square miles of eastern Pima County.
- PAG released a Request for Proposals (RFP) in May 2023. A proposal review panel consisted of four reviewers with expertise in orthoimagery. A scoring process was used that had been advertised in the RFP. The panel unanimously recommended negotiating a contract with the top-scoring firm, Digital Mapping, Inc., subject to approval by the Executive Director and the Regional Council.

PRIOR BOARD AND/OR COMMITTEE ACTION

None.

FINANCIAL CONSIDERATIONS

- \$500,000 budget supporting orthophoto and LiDAR acquisition is approved in the FY 2024-FY 2025 OWP.
- Funding contributions by members of the RDWG will be used to satisfy the local match requirement for federal funding.

TECHNICAL, POLICY, LEGAL OR OTHER CONSIDERATIONS

None.

ATTACHED ADDITIONAL BACKUP INFORMATION

None.

Staff Contact/Phone	Mead Mier-Welborn, (520) 792-1093, ext. 1464 Jeanette DeRenne, (520) 792-1093, ext. 1477 Dave Atler, (520) 792-1093, ext. 1443
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Communication #3769

SUBJECT: Carbon Reduction Program (CRP) Implementation Update

Meeting	Meeting Date	Agenda Category	Agenda Item #
Regional Council	Sept. 28, 2023	Information	11

REQUESTED ACTION/SUGGESTED MOTION

This is an information item to provide updates as requested.

SUMMARY

See attached memo.

PRIOR BOARD AND/OR COMMITTEE ACTION

See attached memo.

ATTACHED ADDITIONAL BACKUP INFORMATION

- Memo from Mayor Romero: Carbon Reduction Program Funding – Sept. 22, 2023
- PAG Memo: Air Quality Planning Update – Sept. 26, 2023

Staff Contact/Phone	Farhad Moghimi, (520) 792-1093, ext. 4420
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September 22, 2023

Chairman Peter Yucupicio, Pascua Yaqui Tribe
PAG Chair

Dear Chairman Yucupio,

Subject: Carbon Reduction Program Funding

I am writing to request an update from PAG staff on the development of strategies to reduce transportation-related carbon emissions in the PAG region, specifically as it relates to the programming of federal Carbon Reduction Program (CRP) funding at our September 28 PAG Regional Council meeting. Please invite ADOT staff involved with administering the CRP program to attend to help clarify CRP eligibility.

As Mr. Moghimi's memo on this topic dated April 6, 2023 emphasized, the identification of carbon reducing strategies and programming of CRP funds should be developed as an "integral part of the regional transportation planning process". As such, I think it important for the Regional Council to understand how PAG staff are engaging our regional Transportation Planning Committee and Environmental Planning Advisory Committee in developing a process for programming these funds.

Additionally, guidance from the Federal Highway Administration (FHWA) for the implementation of CRP program funds emphasizes the importance of, "involving the public, including traditionally underserved and underrepresented populations in transportation planning ...[which] include minority and low-income populations but may also include many other demographic categories that face challenges engaging with the transportation process and receiving equitable benefits." How is PAG ensuring that this guidance is followed and underserved and underrepresented populations are benefitting from the CRP activities?

I'm concerned that \$6,359,321 of the anticipated \$11,500,000 of CRP funding made available to the PAG region through the Infrastructure Investment and Jobs Act (IIJA) has already been programmed in the PAG Overall Work Program (OWP) to support long-standing activities that PAG has already been performing without a meaningful discussion with the Regional Council or other relevant PAG committees about the optimal use of this critical *new* funding source.

These actions are at odds with what many other MPOs across the country are doing. Many MPOs are treating CRP funds like any other federal formula funds. Some have issued a call for projects, and many have had robust board and committee discussions on funding new carbon reduction activities in their regions.

In the case of Maricopa Association of Governments (MAG), on September 13, 2023, MAG's Management Committee met to discuss a recommendation for programming CRP funds in the MAG region in support of electric vehicle charging infrastructure and alternative fuel transit vehicle fleet and infrastructure projects. (See page 329 of the MAG Management Committee Meeting packet: https://azmag.gov/Portals/0/Committee-Meetings/2023/MC/MC_2023-09-13_Agenda-Packet.pdf?ver=z77R4AmAhYXJgaS9rQGvCQ%3d%3d)

In addition to a discussion at Regional Council, I would like to request that PAG staff provide a written update related to the following questions:

- How is the public and how are member jurisdictions being engaged in developing carbon reducing strategies and a *process* for programming CRP funds?
- What activities have been performed by PAG since incorporating CRP funding into the OWP in June 2022 and how much CRP funding has already been spent on them?
- What are the plans for spending the remaining CRP funds already programmed in the OWP in FY24 and FY25?
- What is the plan for programming the remaining CRP funds in the PAG region?
- How is PAG ensuring that CRP funding supports the Justice40 Initiative, which establishes a goal that at least 40 percent of the benefits of federal investments in climate and clean energy infrastructure are distributed to disadvantaged communities?
- Have the committees in charge of giving input been consulted in how to use these funds?

I'm concerned that as a region we are not utilizing this funding source to its fullest potential to achieve meaningful reductions in carbon emissions, and bypassing important implementation guidance from the Federal Highway Administration for the use of these funds. I have included a memo from FHWA regarding CRP guidance for your convenience. This memo is also available online at: https://www.fhwa.dot.gov/environment/sustainability/energy/policy/crp_guidance.pdf.

Being proactive about identifying meaningful and effective carbon emission reduction strategies is of utmost importance to our entire region. I value the opportunity to have an open dialogue with my colleagues on the Regional Council and to provide policy direction to PAG staff on the best use and process for these funds.

In community,



Mayor Regina Romero
City of Tucson

cc: Supervisor Rex Scott, Pima County, PAG Vice Chair

Mayor Paul Diaz, South Tucson, PAG Treasurer
Chairman Verlon Jose, Tohono O'odham Nation, PAG Member
Mayor Joe Winfield, Oro Valley, PAG Member
Mayor Ed Honea, Marana, PAG Member
Mayor Tom Murphy, Sahuarita, PAG Member
Ted Maxwell, Arizona State Transportation Board, PAG Member
Farhad Moghimi, PAG Executive Director
Thomas Benavidez, PAG Legal Counsel
Michael Ortega, Tucson City Manager
Sam Credio, Tucson Director of Transportation and Mobility



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** Carbon Reduction Program
(CRP) Implementation Guidance

Date: April 21, 2022

From: Gloria M. Shepherd
Associate Administrator, Office of Planning,
Environment, and Realty

In Reply Refer To:
HEP-1

To: Division Administrators
Directors of Field Services

On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”) (BIL) into law. The BIL authorizes a new Carbon Reduction Program codified at 23 United States Code (U.S.C.) 175 to reduce transportation emissions. The attached Carbon Reduction Program (CRP) Implementation Guidance provides information on funding, eligible activities, and requirements of the CRP.

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States or the public in any way. This document is intended only to provide information regarding existing requirements under the law or agency policies.

This document will be accessible on the Sustainability Website ([FHWA Sustainability Website](#)), the BIL Website ([FHWA Bipartisan Infrastructure Law Website](#)), and through the Policy and Guidance Center ([FHWA Policy and Guidance Center](#)).

If you have questions, please contact: Becky Lupes (202-366-7808 or Rebecca.Lupes@dot.gov) or John Davies (202-366-6039 or JohnG.Davies@dot.gov) of the Office of Natural Environment.

Attachment

Carbon Reduction Program Implementation Guidance
(April 21, 2022)

TABLE OF CONTENTS

- A. **DEFINITIONS**
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- D. **GOVERNING AUTHORITIES**
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- G. **ELIGIBILITIES AND COORDINATION REQUIREMENTS**
- H. **DAVIS-BACON ACT REQUIREMENTS**

A. Definitions

In this guidance, the following definitions apply:

Consultation means that one or more parties confer with other identified parties in accordance with an established process and, prior to taking action(s), considers the views of the other parties and periodically informs them about action(s) taken (*See* 23 CFR 450.104).

Coordination means the cooperative development of plans, programs, and schedules among agencies and entities with legal standing and adjustment of such plans, programs, and schedules to achieve general consistency, as appropriate (23 CFR 450.104).

Metropolitan Planning Organization means the policy board of an organization established as a result of the designation process under 23 U.S.C. 134(d) (23 U.S.C. 134(b)(2); 23 U.S.C. 175(a)(1)).

Transportation Emissions means carbon dioxide emissions from on-road highway sources of those emissions within a State (23 U.S.C. 175(a)(2)).

Transportation Management Area means a transportation management area identified or designated by the Secretary under 23 U.S.C. 134(k)(1) (*See* 23 U.S.C. 175(a)(3)).

Urbanized Area means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census (23 U.S.C. 134(b)(7); 23 U.S.C. 175(a)(1)).

B. PROGRAM PURPOSE

The purpose of the Carbon Reduction Program (CRP) is to reduce transportation emissions through the development of State carbon reduction strategies and by funding projects designed to reduce transportation emissions (*See* 23 U.S.C. 175 as established by the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “[Bipartisan Infrastructure Law](#)” (BIL)) (BIL § 11403).

C. GUIDANCE ON ADMINISTRATION PRIORITIES AND USE OF THE FEDERAL-AID HIGHWAY FORMULA FUNDING

- 1. Overview:** This document provides background and guidance to clarify eligibility requirements for the CRP. On December 16, 2021, FHWA issued guidance, [Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America](#), that serves as an overarching framework to prioritize the use of BIL resources on projects that will Build a Better America. That policy is available on FHWA’s BIL resources implementation website at the following URL: https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy_framework.cfm.

2. Safety:

Prioritizing Safety in All Investments and Projects

The National Roadway Safety Strategy (NRSS) (issued January 27, 2022) commits the United States Department of Transportation (USDOT) and FHWA to respond to the current crisis in traffic fatalities by “taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation’s roadways,” in pursuit of the goal of achieving zero highway deaths. FHWA recognizes that zero is the only acceptable number of deaths on our roads and achieving that is our safety goal. FHWA therefore encourages States and other funding recipients to prioritize safety in all Federal highway investments and in all appropriate projects, using relevant Federal-aid funding, including funds from CRP.

The Safe System approach addresses the safety of all road users, including those who walk, bike, drive, ride transit, and travel by other modes. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. To achieve the vision of zero fatalities, safety should be fully reflected in a State’s transportation investment decisions, from planning and programming, environmental analysis, project design, and construction, to maintenance and operations. States should use data-driven safety analyses to ensure that safety is a key input in any decision made in the project development process and fully consider the safety of all road users in project development.

FHWA encourages State and local agencies to consider the use of funds from CRP to address roadway safety and implement the Safe System approach wherever possible. Improvements to safety features, including traffic signs, pavement markings, and multimodal accommodations that are routinely provided as part of a broader Federal-aid highway project can and should be funded from the same source as the broader project as long as the use is eligible under that funding source.

Because of the role of speed in fatal crashes, FHWA is also providing new resources on the setting of speed limits and on re-engineering roadways to help “self-enforce” speed limits. To achieve the vision of zero fatalities on the Nation’s roads, FHWA encourages States to assess safety outcomes for all project types and promote and improve safety for all road users, particularly vulnerable users. FHWA recommends that streets be designed and operated to maximize the existing right-of-way for accommodation of nonmotorized modes and transit options that increase safety and connectivity. Pedestrian facilities in the public right-of-way must comply with the Americans with Disabilities Act.

Complete Streets

As one approach to ensuring the safety of all roadway users, FHWA encourages States and communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction and operations. Section 11206 of the BIL defines Complete Streets standards or policies as

those which “ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.” A complete street includes, but is not limited to, sidewalks, bike lanes (or wide paved shoulders), special bus lanes, accessible public transportation stops, safe and accommodating crossing options, median islands, pedestrian signals, curb extensions, narrower travel lanes, and roundabouts. A Complete Street is safe, and feels safe, for everyone using the street.

3. **Transit Flex:** FHWA, working with FTA, seeks to help Federal-aid recipients plan, develop, and implement infrastructure investments that prioritize safety, mobility, and accessibility for all transportation network users, including pedestrians, bicyclists, transit riders, micromobility users, freight and delivery services providers, and motorists. This includes the incorporation of data sharing principles and data management.

Funds from CRP can be “flexed” to FTA to fund transit projects. For title 23 funds that are flexed to FTA, section 104(f) of title 23, U.S.C., allows funds made available for transit projects or transportation planning to be transferred to FTA and administered in accordance with chapter 53 of title 49, U.S.C., except that the Federal share requirements of the original fund category continue to apply (See 23 U.S.C. 104(f)(1)).

The use of Federal-aid funding on transit and transit-related projects can provide an equitable and safe transportation network for travelers of all ages and abilities, including those from marginalized communities facing historic disinvestment. FHWA encourages recipients to consider using funding flexibility for transit or multimodal-related projects and to consider strategies that: (1) improve infrastructure for nonmotorized travel, public transportation access, and increased public transportation service in underserved communities; (2) plan for the safety of all road users, particularly those on arterials, through infrastructure improvements and advanced speed management; (3) reduce single-occupancy vehicle travel and associated air pollution in communities near high-volume corridors; (4) offer reduced public transportation fares as appropriate; (5) target demand-response service towards communities with higher concentrations of older adults and those with poor access to essential services; and (6) use equitable and sustainable practices while developing transit-oriented development.

4. **Transferability Between FHWA Programs:** Section 126 of title 23, U.S.C., provides that a State may transfer up to 50 percent of the amount apportioned for the fiscal year for certain highway programs, including CRP, to other eligible apportioned highway programs.¹ See also FHWA Order 4551.1, “Fund Transfers to Other Agencies and Among Title 23 Programs”, ([Fund Transfers to Other Agencies and Among Title 23 Programs](#)). Historically States have used this flexibility to address unmet needs in areas where apportioned funding was insufficient.

The BIL made historic investments in highway programs including more than \$300 billion in Contract Authority from the Highway Trust Fund. This represents an average

¹ States may only transfer CRP funds that are allocated for use anywhere in the State.

annual increase of 29 percent in Federal-aid funding over the amount of Contract Authority for FHWA programs compared to fiscal year 2021. Congress also established more than a dozen new highway programs to help address urgent surface transportation needs.

States have the flexibility to transfer funds out of CRP to other apportioned programs, but we encourage States to first consider the need to transfer in light of the significant increase in apportioned funding and the considerable funding for new programs. States, working with FHWA, should determine the need for CRP funds – including the ability to apply CRP funds to eligible assets owned by local governments, counties, and Tribes – and identify and prioritize projects that maximize the CRP funding before deciding to transfer funds out of the CRP.

5. **ADA:** The Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination against people with disabilities and ensure equal opportunity and access for persons with disabilities. The Department of Transportation’s Section 504 regulations apply to recipients of the Department’s financial assistance (*See* 49 CFR 27.3(a)). Title II of the ADA applies to public entities regardless of whether they receive Federal financial assistance (*See* 28 CFR 35.102(a)). The ADA requires that no qualified individual with a disability shall, because a public entity’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity (*See* 28 CFR 35.149). A public entity’s pedestrian facilities are considered a “service, program, or activity” of the public entity. As a result, public entities and recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way, such as curb ramps, sidewalks, crosswalks, pedestrian signals, and transit stops in accordance with applicable regulations.

If the project reduces transportation emissions, funds from CRP are available to improve accessibility and to implement recipients’ ADA transition plans and upgrade their facilities to eliminate physical obstacles and provide for accessibility for individuals with disabilities. FHWA will provide oversight to recipients of CRP funds to ensure that each public agency's project planning, design, and construction programs comply with ADA and Section 504 accessibility requirements.

6. **Equity:** The BIL provides considerable resources to help States and other funding recipients advance projects that consider the unique circumstances affecting community members’ mobility needs and allocate resources consistently with those needs, enabling the transportation network to effectively serve all community members. FHWA will work with States to ensure consideration of using CRP funds for projects and inclusion of project elements that proactively address racial equity, workforce development, economic development, and remove barriers to opportunity, including automobile dependence in both rural and urban communities as a barrier to opportunity or to redress prior inequities and barriers to opportunity.

Federal-aid recipients, including recipients of CRP funds, are responsible for involving the public, including traditionally underserved and underrepresented populations in transportation planning and complying with participation and consultation requirements in 23 CFR 450.210 and 23 CFR 450.316, as applicable. “Underserved populations” include minority and low-income populations but may also include many other demographic categories that face challenges engaging with the transportation process and receiving equitable benefits (See [FHWA's Environmental Justice Reference Guide](#) for additional information). In addition, CRP projects can support the Justice40 Initiative, which establishes a goal that at least 40 percent of the benefits of federal investments in climate and clean energy infrastructure are distributed to disadvantaged communities. (See [OMB's Interim Implementation Guidance for the Justice40 Initiative](#) or its successor for additional information).

To assist with these public engagement efforts, FHWA expects recipients of CRP funds to engage with all impacted communities and community leaders to determine which forms of communication are most effective. Recipients should gain insight on the unique circumstances impacting various disadvantaged and underrepresented groups so that new channels for communication may be developed. And, the recipients should use this information to inform decisions across all aspects of project delivery including planning, project selection, and the design process.

Among other things, recipients of CRP funds are also required to assure equitable treatment of workers and trainees on highway projects through compliance with Equal Employment Opportunity requirements under 23 CFR Part 230, Subpart A, as well as ensuring nondiscrimination in all of their operations on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964. Recipients of CRP funds should ensure that they have the capacity and expertise to address Federal civil rights protections that accompany grant awards.

- 7. Climate Change and Sustainability:** The United States is committed to a whole-of-government approach to reducing economy-wide net greenhouse gas pollution by 2030. The BIL provides considerable resources—including new programs and funding—to help States and other funding recipients advance this goal in the transportation sector. In addition, the BIL makes historic investments to improve the resilience of transportation infrastructure, helping States and communities prepare for hazards such as wildfires, floods, storms, and droughts exacerbated by climate change.

FHWA encourages the advancement of projects that address climate change and sustainability. To enable this, FHWA encourages recipients to consider climate change and sustainability throughout the planning and project development process, including the extent to which projects under CRP align with the President’s greenhouse gas reduction, climate resilience, and environmental justice commitments. In particular, consistent with the statute and guidance below, recipients should fund projects that reduce carbon dioxide emissions. FHWA encourages recipients to fund projects that support fiscally responsible land use and transportation efficient design, or incorporate electrification or zero emission vehicle infrastructure. In addition, FHWA encourages

recipients to consider projects under CRP that support climate change resilience, including consideration of the risks associated with wildfires, drought, extreme heat, and flooding, in line with guidance for projects in floodplains. FHWA also encourages recipients to consider projects under CRP that address environmental justice concerns.

- 8. Labor and Workforce:** Highway programs, including CRP, may provide opportunities to support the creation of good-paying jobs, including jobs with the free and fair choice to join a union, and the incorporation of strong labor standards, such as the use of project labor agreements; employer neutrality with respect to union organizing; the use of an appropriately trained workforce (in particular registered apprenticeships and other joint labor-management training programs); and the use of an appropriately credentialed workforce in project planning stages and program delivery.

Recipients should work with FHWA, to the extent possible, to identify opportunities for Federal-aid highway investments to advance high-quality job creation through the use of local or other geographic or economic hire provisions authorized under section 25019 in the BIL, and Indian employment preference for projects that are located on or near Tribal reservations authorized under 23 U.S.C. 140(d), or other workforce strategies targeted at expanding workforce training opportunities for people to get the skills they need to compete for these jobs, especially underrepresented populations: women, people of color, and groups with other systemic barriers to employment (people with disabilities, formerly incarcerated, etc.).

- 9. Truck Parking:** Truck parking shortages are a national concern affecting the efficiency of U.S. supply chains and safety for truck drivers and other roadway users. Jason's Law, which was passed in 2012, established a national priority on addressing the shortage of long-term parking for commercial motor vehicles on the National Highway System (NHS).

Many Federal-aid highway funding programs have eligibility for truck parking projects, including the CRP. CRP funds may be obligated for a project on an eligible facility that reduces transportation emissions. FHWA anticipates that such projects may support progress toward the achievement of national performance goals for improving infrastructure condition, safety, congestion reduction, system reliability, or freight movement on the NHS. Advanced truck stop electrification systems are eligible under 23 U.S.C. 175(c)(1)(A) and projects that reduce transportation emissions at port facilities are eligible under 23 U.S.C. 175(c)(1)(M).

States should consider working with private sector truck stop operators and the trucking community in the siting and development of specific truck parking projects. States also are encouraged to offer opportunities for input from commercial motor vehicle drivers and truck stop operators through their State Freight Advisory Committees established under 49 U.S.C. 70201.

D. GOVERNING AUTHORITIES

- 1.** Section 11101 of the BIL authorizes contract authority for the CRP.

2. Section 11104 of the BIL updates apportionment instructions in 23 U.S.C. 104.
3. Section 11403 of the BIL establishes the CRP in 23 U.S.C. 175.

E. FUNDING

1. **Authorization Levels:** Estimated annual CRP funding under the BIL is:

Estimated Annual CRP Funding	
Fiscal Year (FY) 2022	\$1.234 B
FY 2023	\$1.258 B
FY 2024	\$1.283 B
FY 2025	\$1.309 B
FY 2026	\$1.335 B

The BIL sets each State's initial share of Federal-aid highway program apportioned (formula) funds annually based on the share of formula funds each State received in fiscal year 2021. The methodology for calculating the apportionments for FY 2022 under 23 U.S.C. 175 is discussed in FHWA Notice [N4510.858](#). For FY 2023 through 2026 funds, please revisit [FHWA's Notice website](#) at the appropriate future time.

The Fiscal Management Information System Program Codes for these CRP funds are as follows:

Program Code	Program Description	Title 23 Reference
Y600	Carbon Reduction Program (CRP) Flexible	Section 175(e)(1)(B); Section 104(b)(7)
Y601	CRP – Urbanized Areas with Population Over 200K	Section 175(e)(1)(A)(i)
Y606	CRP – Urbanized Areas with Population 50K to 200K	Section 175(e)(1)(A)(ii)
Y607	CRP – Urban Areas with Population 5K to 49,999	Section 175(e)(1)(A)(iii)
Y608	CRP – Areas with Population less than 5K	Section 175(e)(1)(A)(iv)

For urbanized areas with population over 200K and urbanized areas with population 50K to 200K, the CRP funding in FMIS will be provided at the individual urbanized area level.²

² For example see [FHWA Notice N 4510.864 Fiscal Year \(FY\) 2022 Supplementary Tables – Table 18 - Apportionments Pursuant to the Infrastructure Investment and Jobs Act](#) and [FHWA Notice N 4510.864 Fiscal Year \(FY\) 2022 Supplementary Tables – Table 19 - Apportionments Pursuant to the Infrastructure Investment and Jobs Act](#).

2. **Period of Availability:** CRP funds are contract authority. CRP obligations are reimbursed from the Highway Account of the Highway Trust Fund. CRP funds are available for obligation for a period of 3 years after the last day of the fiscal year for which the funds are authorized (*See* 23 U.S.C. 118(b)). Thus, CRP funds are available for obligation for up to 4 years.
3. **Obligation Limitation:** CRP funds are subject to the annual obligation limitation imposed on the Federal-aid highway program.

In general, a State that is required under 23 U.S.C. 175(e) to obligate CRP funds in an urbanized area with an urbanized area population of 50,000 or more shall make available during the period of fiscal years 2022 through 2026 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying:

- a. the aggregate amount of funds that the State is required to obligate in the area under this subsection during the period; and
- b. the ratio that—
 - i. the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to
 - ii. the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period. (*See* 23 U.S.C. 175(e)(6)(A))

Each State, each affected Metropolitan Transportation Planning Organization (MPO), and the Secretary shall jointly ensure compliance with 23 U.S.C. 175(e)(6)(A). (*See* 23 U.S.C. 175(e)(6)(B))

4. **Federal share:** The Federal share for CRP-funded projects is governed by 23 U.S.C. 120, as amended by the BIL. It is generally 80 percent (*See* 23 U.S.C. 120(b)).
5. **Combining CRP Funds with Other Eligible USDOT funding:** CRP funds can be spread further by combining them with other eligible USDOT funding for projects that support the reduction of transportation emissions, if the eligibility requirements and applicable Federal share are met for each program.
6. **Deobligations of Other Title 23 Obligated Funds:** Project Agreements should not be modified to replace one Federal fund category with another unless specifically authorized by statute (*See* 23 CFR 630.110(a)).
7. **Suballocation Within a State** (*See* 23 U.S.C. 175(e))
Specified Areas
For each fiscal year, 65 percent of funds apportioned to the State for the CRP shall be obligated, in proportion to their relative shares of the population in the State:

- In urbanized areas of the State with an urbanized area population of more than 200,000 (these funds may be obligated in the metropolitan area established under 23 U.S.C.134 that encompasses the urbanized area.);
- In urbanized areas of the State with an urbanized population of not less than 50,000 and not more than 200,000;
- In urban areas of the State with a population of not less than 5,000 and not more than 49,999; and
- In other areas of the State with a population of less than 5,000.

The State may obligate these funds suballocated for specified areas based on other factors if the State and relevant MPOs jointly apply to the Secretary for permission to base the obligation on other factors, and the request is approved by the Secretary.

Any Area of State

The remaining 35 percent of funds apportioned to a State for the CRP each fiscal year may be obligated in any area of the State.

F. CARBON REDUCTION STRATEGIES

- 1. General:** By November 15, 2023, States are required to develop a Carbon Reduction Strategy in consultation with any MPO designated within the State (23 U.S.C. 175(d)(1)). The State Carbon Reduction Strategy shall support efforts to reduce transportation emissions and identify projects and strategies to reduce these emissions. The Carbon Reduction Strategy must be updated at least once every four years (23 U.S.C. 175(d)(3) and (4)). States and MPOs are encouraged to obligate CRP funding for projects that support implementation of the State's Carbon Reduction Strategy.
- 2. Development:** States, in coordination with MPOs, are encouraged to develop their Carbon Reduction Strategies as an integral part of their transportation planning processes, such as by integrating them into the State's Long-Range Statewide Transportation Plan (LRSTP), the MPO's Metropolitan Transportation Plan (MTP), or by developing a separate document which is incorporated by reference into the LRSTP and MTP.

States may request technical assistance from FHWA for the development of their Carbon Reduction Strategy (*See* 23 U.S.C. 175(d)(5)).

Development of a Carbon Reduction Strategy is an allowable use of CRP funds (see Eligibilities below).

- 3. Contents:** Each Carbon Reduction Strategy shall (*See* 23 U.S.C. 175(d)(2)):
 - A. support efforts to reduce transportation emissions;
 - B. identify projects and strategies to reduce transportation emissions, which may include projects and strategies for safe, reliable, and cost-effective options—
 - i. to reduce traffic congestion by facilitating the use of alternatives to single-occupant vehicle trips, including public transportation facilities, pedestrian facilities, bicycle facilities, and shared or pooled vehicle trips within the State

- or an area served by the applicable MPO, if any;
 - ii. to facilitate the use of vehicles or modes of travel that result in lower transportation emissions per person-mile traveled as compared to existing vehicles and modes; and
 - iii. to facilitate approaches to the construction of transportation assets that result in lower transportation emissions as compared to existing approaches;
 - C. support the reduction of transportation emissions of the State;
 - D. at the discretion of the State, quantify the total carbon emissions from the production, transport, and use of materials used in the construction of transportation facilities within the State; and
 - E. be appropriate to the population density and context of the State, including any metropolitan planning organization designated within the State.
- 4. Review:** Not later than 90 days after the State submits a request for the approval of a Carbon Reduction Strategy, the Secretary will review the process used to develop the Carbon Reduction Strategy and either certify that the Carbon Reduction Strategy meets the requirements of 23 U.S.C. 175(d)(2) or deny certification and specify the actions necessary for the State to take to correct the deficiencies in the State's process for developing the Carbon Reduction Strategy (23 U.S.C. 175(d)(4)).

G. ELIGIBILITIES AND COORDINATION REQUIREMENTS

- 1. General:** CRP funding may be used on a wide range of projects that support the reduction of transportation emissions. Projects must be identified in the Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP) and be consistent with the Long-Range Statewide Transportation Plan and the Metropolitan Transportation Plan(s). (23 U.S.C. 134 and 23 U.S.C. 135)

Projects are subject to requirements under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601 *et seq.*), and other applicable Federal laws. Projects funded with CRP funds are required to be treated as projects on Federal-aid highways (23 U.S.C. 175(g)).

2. Program Evaluation

States are encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115-435 (2019) urges federal awarding agencies to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means “an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.” Evidence Act § 101 (codified at 5 U.S.C. § 311). Credible program evaluation activities are implemented with relevance and utility, rigor,

independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6 Section 290).

Evaluation costs are allowable costs unless prohibited by statute or regulation, and such costs may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation. (2 CFR Part 200).

3. Eligible Activities: Subject to the general eligibility requirements described in Section E.1 of this memorandum, the following activities are listed as eligible under 23 U.S.C. 175(c):

- A. a project described in 23 U.S.C. 149(b)(4) to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems;
- B. a public transportation project eligible for assistance under 23 U.S.C. 142 (this includes eligible capital projects for the construction of a bus rapid transit corridor or dedicated bus lanes as provided for in BIL Section 11130 (23 U.S.C. 142(a)(3));
- C. a [transportation alternatives project](#) as described in 23 U.S.C. 101(a)(29) as in effect prior to the enactment of the FAST Act,³ including the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation;
- D. a project described in section 23 U.S.C. 503(c)(4)(E) for advanced transportation and congestion management technologies;
- E. a project for the deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle-to-infrastructure communications equipment, including retrofitting dedicated short-range communications (DSRC) technology deployed as part of an existing pilot program to cellular vehicle-to-everything (C-V2X) technology;
- F. a project to replace street lighting and traffic control devices with energy-efficient alternatives;
- G. development of a carbon reduction strategy (as described in the Carbon Reduction Strategies section above);
- H. a project or strategy designed to support congestion pricing, shifting transportation demand to nonpeak hours or other transportation modes, increasing vehicle occupancy rates, or otherwise reducing demand for roads, including electronic toll collection, and travel demand management strategies and programs;
- I. efforts to reduce the environmental and community impacts of freight movement;
- J. a project to support deployment of alternative fuel vehicles, including—
 - (i.) the acquisition, installation, or operation of publicly accessible electric vehicle charging infrastructure or hydrogen, natural gas, or propane vehicle fueling infrastructure; and
 - (ii.) the purchase or lease of zero-emission construction equipment and vehicles, including the acquisition, construction, or leasing of required supporting facilities;
- K. a project described under 23 U.S.C. 149(b)(8) for a diesel engine retrofit;
- L. certain types of projects to improve traffic flow that are eligible under the CMAQ

³ See [Transportation Alternatives Set-Aside Implementation Guidance as Revised by the Infrastructure Investment and Jobs Act](#)

- program, and that do not involve construction of new capacity; (23 U.S.C. 149(b)(5) and 175(c)(1)(L)); and
- M. a project that reduces transportation emissions at port facilities, including through the advancement of port electrification.

Other projects that are not listed above may be eligible for CRP funds if they can demonstrate reductions in transportation emissions over the project's lifecycle. Consistent with the CRP's goal of reducing transportation emissions, projects to add general-purpose lane capacity for single occupant vehicle use will not be eligible absent analyses demonstrating emissions reductions over the project's lifecycle. For example, the following project types may be eligible for CRP funding:

Sustainable pavements and construction materials

Sustainable pavements technologies that reduce embodied carbon during the manufacture and/or construction of highway projects could be eligible for CRP if a lifecycle assessment (LCA) demonstrates substantial reductions in CO₂ compared to the implementing Agency's typical pavement-related practices. The [LCA Pavement Tool](#) can be used to assess the CO₂ impacts of pavement material and design decisions.

Climate Uses of Highway Right-of-Way

Projects including alternative uses of highway right-of-way (ROW) that reduce transportation emissions are also eligible. For example, renewable energy generation facilities, such as solar arrays and wind turbines, can reduce transportation emissions. And, biologic carbon sequestration practices along highway ROW to capture and store CO₂ may demonstrate potential for substantial long-term transportation emissions reductions. [State DOTs Leveraging Alternative Uses of the Highway Right-of-Way Guidance](#) provides information on these practices.

Mode Shift

Projects that maximize the existing right-of-way for accommodation of nonmotorized modes and transit options that increase safety, equity, accessibility, and connectivity may be eligible. Projects that separate motor vehicles from pedestrians and bicyclists, match vehicle speeds to the built environment, increase visibility (e.g., lighting), and advance implementation of a Safe System approach and improve safety for vulnerable road users may also be eligible. Micromobility and electric bike projects, including charging infrastructure, may also be eligible.

States should work with the FHWA on eligibility questions for specific projects. The [CMAQ Emissions Calculator Toolkit](#) is an available resource for estimating the CO₂ emissions benefits of certain projects.

4. Flexibility on Use of Funds and Certification of Emissions Reduction

In addition to the above eligibilities, a State may use funds apportioned under CRP for any project eligible under the Surface Transportation Block Grant program (23 U.S.C 133(b)) if the Secretary certifies that the State has demonstrated a reduction in

transportation emissions (1) as estimated on a per capita basis, and (2) as estimated on a per unit of economic output basis. In the first year of this program, States should initially focus on developing their Carbon Reduction Strategies and using CRP funding to begin implementing their Carbon Reduction Strategies once adopted to establish a baseline; for this reason, the Secretary will not certify flexibility for the CRP until at least FY 2023. FHWA will publish additional guidance on the process under which the Secretary will certify state transportation emissions reductions. Section C.4 of this memo discusses the separate flexibility on transferability between FHWA programs.

5. Consultation and Coordination

Coordination in Urbanized Areas

Before obligating funds for eligible projects in an urbanized area that is not a transportation management area, a State must coordinate with any MPO that represents the urbanized area prior to determining which activities should be carried out under the project (23 U.S.C. 175(e)(4)). The State and MPO must also use their documented public involvement processes, including their process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services (23 U.S.C. 450.210(a)(1)(viii) and 450.316(a)(1)(vii)).

Consultation in Rural Areas

Before obligating funds for an eligible project in a rural area, a State must consult with any regional transportation planning organization or MPO that represents the rural area prior to determining which activities should be carried out under the project (23 U.S.C. 175(e)(5)). The State and MPO must also use their documented public involvement processes, including their process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services (23 U.S.C. 450.210(a)(1)(viii) and 450.316(a)(1)(vii)).

H. DAVIS-BACON ACT REQUIREMENTS


As provided at 23 U.S.C 175(g), all projects funded with CRP funding shall be treated as located on a Federal-aid highway. Accordingly, 23 U.S.C 113 applies, and Davis-Bacon wage rates must be paid. In general, Davis-Bacon requires that all laborers and mechanics employed by the applicant, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work on an award or project in excess of \$2000 funded directly by or assisted in whole or in part by funds made available under CRP shall be paid wages at rates not less than those prevailing on similar projects in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code commonly referred to as the “Davis-Bacon Act” (DBA).

For additional guidance on how to comply with DBA provisions and clauses, see <https://www.dol.gov/agencies/whd/government-contracts/construction> and

<https://www.dol.gov/agencies/whd/government-contracts/protectations-for-workers-in-construction>. See also <https://www.fhwa.dot.gov/construction/cqit/dbacon.cfm>.

Date September 26, 2023

To: PAG Regional Council Members

From: Farhad Moghimi, Executive Director 

Re: Carbon Reduction Program Implementation Update

Thank you for your inquiries regarding Carbon Reduction Program (CRP) funding for regional planning and Pima Association of Governments' strategic approach to meeting the CRP's federal requirements.

PAG, designated as both the federally recognized Metropolitan Planning Organization (MPO) and the state's Air Quality Planning Agency, holds the responsibility for implementing air quality strategies to ensure compliance with air quality standards within its planning area. Below are the integrated strategies, adopted in May 2023 by the PAG Regional Council, which are all aimed at the common goal of reducing carbon emissions from on-road sources.

Currently, PAG is developing a comprehensive, data-driven process to collect, benchmark, implement, monitor, and report on the performance of these strategies in achieving emissions reduction within its planning area. Our approach is intentionally designed to be data-centric, systematic and sustainable, extending well beyond the typical five-to-six-year transportation reauthorization cycle. As part of our long-range planning commitment, we will conduct a thorough household survey to develop an updated assessment of travel patterns and transportation needs. We will use these valuable insights from the survey to validate parameters within our activity-based modeling, which is at the core of our transportation planning process.

Since PAG serves as the designated Air Quality Planning Agency, we are now able to leverage the Carbon Reduction funding, a new regional funding source, to align with our regional transportation planning efforts. These strategies, endorsed by the Regional Council, aim to establish the foundational, long-term planning framework for a sustainable carbon reduction program rather than being reactive to funding isolated projects without a clear means of evaluating their regional effectiveness.

Our strategic approach places a strong emphasis on capacity building, ensuring the long-term sustainability and effectiveness of our efforts. To establish a baseline for current emissions levels from on-road sources, we will set benchmarks and continuously monitor and report our progress in emission reduction. This approach equips us with the necessary tools to make data-driven comparisons among future

strategies, prioritizing those that offer the greatest regional benefits while aligning with our fiduciary responsibilities. Most importantly, this approach ensures that our region's air quality complies with the mandates of our MPO air quality conformity requirements and all other regulatory obligations.

It's important to clarify that the responsibility for planning and programming of regional funds falls on MPOs, not on the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT). Nevertheless, we maintain a close, cooperative relationship with both agencies to ensure alignment, compliance, and concurrency with regional plans developed through a public planning process.

The following represents the data-driven, integrated planning strategies we are planning to implement to achieve our shared regional objective of reducing carbon emissions from on-road sources:

- Conduct a Comprehensive Household Travel Assessment and Study
- Align with the Travel Reduction Program
- Utilize Orthophotography Feature Data Extraction for additional data
- Complete a Regional Active Transportation Plan
- Conduct Exploratory Planning – Activity-Based Model and Study
- Update the Dynamic Traffic Assessment Model
- Conduct a Micro Transit Study
- Expand Carpool and Vanpool offerings
- Integrate with the Multimodal Performance Assessment
- Monitor progress through the ongoing Regional Traffic Count Program
- Confirm the interrelationship of all these efforts with the program goals of emission reductions

We have thoroughly reviewed this approach with our committees, and we are committed to reviewing data derived from various activities with respective committees throughout the planning process over the next two years. Currently, we have expanded staff coordination time and plan to kick off all other activities by the end of this fiscal year.

In contrast, Maricopa Association of Governments (MAG) has a different approach due to its unique Carbon Monoxide emissions status. They have maintained a long-standing program in response to their non-attainment status, utilizing Congestion Mitigation and Air Quality (CMAQ) funds for emissions reduction for many years. Now, they plan to complement their existing CMAQ strategies with Carbon Reduction funds, aligning them with CRP objectives.

The CMAQ Program provides funding to state DOTs, local governments, and transit agencies for projects and programs aimed at meeting federal Clean Air Act requirements by reducing mobile source emissions.

PAG, however, does not receive CMAQ funds due to our significantly better air quality compared to MAG. The allocation of CRP funds to PAG presents a unique opportunity to proactively develop a program rather than merely respond to a federal mandate. If executed correctly, this new program will remain resilient to fluctuations in federal funding sources or policies.

It is crucial to emphasize that our data-driven program serves the entire region and aligns seamlessly with regulatory requirements, as confirmed by our partners at FHWA and ADOT.

Unlike MAG, PAG has not been subject to the same mandates and has never received CMAQ funds. With the availability of CRP funds, we now have the opportunity to proactively develop our program and seamlessly integrate strategies into all our future planning efforts, ensuring compliance with regulatory mandates and the sustained well-being of our region.

This effort necessitates a regional approach that is required to align seamlessly with the state's efforts (due to be finalized in November 2023) to benchmark, implement, monitor and report our results.

The data-driven strategies approved by the Regional Council, as listed above, align with our regional mission and will be implemented over the next two years. This gives us an exciting and meaningful opportunity to gain insights that will inform and shape future planning activities. Ultimately, achieving our desired outcomes from these activities will serve to benefit our region well into the future.