

Non-Discrimination Policy

Pima Association of Governments

May 2018

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, national origin, age, gender, or disability. 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.

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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, as well as several Presidential Executive Orders, outlines these responsibilities. Applicable federal requirements include:

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

Nondiscrimination Measures:

Pima Association of Governments 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 meetings at locations that are convenient to public transit. Public meetings are held late in the afternoon into the early evening to facilitate most traditional "working schedules." Meeting locations are ADA accessible.
- **Development of a Limited English Proficiency (LEP) Plan.** PAG has conducted the U.S. DOT 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.
 - *The Meeting Room is accessible to persons with handicaps. In compliance with the Americans with Disabilities Act (ADA), those requiring special assistance, such as large-type face print, sign language or other reasonable accommodations, may request those through the administrative offices at: 1 E. Broadway, Suite 401, Tucson, AZ 85701 (520) 792-1093, at least twenty-four hours before the meeting. Si necesita ayuda con traducción, llame por favor al 792-1093 y comuníquese con Nathan Barrett.*
- **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 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 web site. Additionally, PAG keeps a log to track discrimination-related investigations, lawsuits and complaints.

Complaint Process:

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 prohibited by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a complaint. The complaint must be based on unequal treatment related to race, color, national origin, gender, age and/or disability, or noncompliance with Title VI rules or guidelines adopted there under.

The Arizona Department of Transportation (DOT) has the principal responsibility for processing, investigating and resolving any complaint arising as a result of operations of its subrecipients such as PAG. PAG will be responsible for processing, investigating and resolving complaints of discrimination by its member agencies. PAG contact information is as follows:

Nathan Barrett
 PAG's Title VI Coordinator
 Pima Association of Governments

1 E. Broadway, Suite 401
Tucson, AZ 85701
Telephone (520) 792-1093, Fax (520) 620-6981

The complaint process will follow the ADOT procedures. Complaints received by PAG will be forwarded to the ADOT Civil Rights Office. Complaints also may be sent directly to ADOT but they must be filed in writing to:

ADOT Civil Rights Office
206 S. 17th Ave.
Mail Drop 155A
Phoenix, AZ 85007
(602) 712-8625

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. This timeframe is prescribed by 49 CFR 21.11(b).

The complaint must meet the following requirements:

- a. Complaint shall be in writing and signed by the complainant(s) and must include complainant(s)' name, address and phone number. PAG's Title VI Coordinator, Nathan Barrett, will assist the complainant with documenting the issues if necessary.
- b. Present date of the alleged act of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct.
- c. Present a detailed description of the issues including names and job titles of those individuals perceived as parties in the complained-of-incident.
- d. Allegations received by fax or email will be acknowledged and processed, once the identity(ies) 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 PAG to be able to process it.
- e. 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 to PAG for processing.

f. PAG will submit the complaint to ADOT's Civil Rights Office (CRO). Within 60 calendar days of the acceptance of the complaint, the ADOT investigator will prepare a draft investigative report for the review of the ADOT CRO Deputy Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

g. ADOT's final investigative report with the preliminary findings and a copy of the complaint will be forwarded by certified mail to either FHWA (Arizona Division office Civil Rights Specialist), FTA or FAA, or NHTSA as required by law.