

# Title VI Report



Pima Association of Governments

August 1, 2015

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## **I. Introduction**

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

This report summarizes Pima Association of Governments' (PAG) efforts to address Title VI requirements in its planning and programming activities. This report addresses recently completed or upcoming activities in PAG's Transportation Planning, Regional Planning, Air Quality Planning, Rideshare and Travel Demand Management program areas as well as the Regional Transportation Authority (RTA), which is housed within PAG. Existing policies and procedures, such as PAG's Title VI assurances and complaint procedures, are also addressed in this report.

## **II. MPO Organization and Program Administration**

### ***General Organization***

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

### ***Program Administration***

#### Transportation

While a number of local, state and federal agencies are responsible for planning, building and operating the transportation system in the Pima County region, PAG is responsible for determining the allocation of federal transportation dollars to its local member jurisdictions. The responsibility for building and operating the transportation infrastructure lies with PAG's member jurisdictions. Each jurisdiction has its own transportation department and/or staff associated with planning, building and operating the transportation system.

PAG's Transportation Planning Division develops many plans and programs, including the federally mandated long-range regional transportation plan (RTP) and short-range transportation improvement program (TIP). The current plans include the 2040 RTP and the 2016-2020 TIP. A congestion management process (CMP), in which PAG and its partners define and measure congestion and then develop appropriate strategies to reduce it, has been integrated into the development of these documents. PAG's Travel Demand Management program works with employers, employees and other commuters to reduce travel demand on the region's roadway network.

#### Regional Transportation Authority (RTA)

In 2004, legislation signed by then-Governor Janet Napolitano allowed the creation of a Regional Transportation Authority (RTA) to be housed within PAG. In 2006, Pima County voters approved the RTA's \$2.1 billion, 20-year regional transportation plan and half-cent

excise to fund the plan. The RTA is the fiscal manager of the RTA plan, which includes roadway, safety, transit and environmental and economic vitality projects. More than 650 transportation improvements have been completed by the jurisdictions using RTA funds throughout the Pima County region since 2006. The RTA is governed by a nine-member board, including representatives from the Cities of South Tucson and Tucson, Pima County, the Towns of Marana, Oro Valley and Sahuarita, the Pascua Yaqui Tribe, the Tohono O'odham Nation and the Arizona State Transportation Board.

### Sustainable Environment

PAG is the designated air quality planning agency for eastern Pima County. PAG's Air Quality Planning Program develops regional air quality plans, analyzes air quality conformity of transportation plans and ensures that air quality programs comply with federal, state and local air quality requirements.

PAG's Watershed Planning program focuses on ways to preserve or improve the water resources in Pima County's watersheds. As the Designated Planning Agency under Section 208 of the federal Clean Water Act, PAG plans for area-wide wastewater treatment within Pima County.

PAG also manages several energy-related efforts. The Tucson Regional Clean Cities program and the Southern Arizona Regional Solar Partnership promote alternative energy use.

### III. MPO Membership

#### *Member Agency Demographics*

Below is a table containing the demographic composition of the PAG region’s population and is taken from data from the 2013 American Community Survey.

Jurisdiction	Population	White	Black or African American	American Indian or Alaska Native	Asian	Two or more Races	Hispanic
<b>PAG Region</b>	986,891	86.1%	3.9%	3.5%	2.9%	3.4%	35.0%
<b>Unincorporated Pima County</b>	341,257	91.6%	1.9%	1.3%	2.6%	2.5%	28.7%
<b>City of Tucson</b>	523,278	84.2%	5.7%	2.9%	3.0%	4.0%	42.1%
<b>City of South Tucson</b>	5,679	85.2%	2.7%	6.7%	0.1%	5.2%	83.7%
<b>Town of Marana</b>	35,844	85.8%	4.3%	1.0%	4.4%	4.5%	21.3%
<b>Town of Oro Valley</b>	41,209	91.5%	1.1%	0.6%	3.7%	3.0%	11.7%
<b>Town of Sahuarita</b>	25,669	87.0%	3.3%	1.1%	4.7%	3.4%	31.6%
<b>Tohono O’odham Nation</b>	9,912	8.1%	0.8%	88.4%	0.7%	2.1%	9.6%
<b>Pascua Yaqui Tribe</b>	4,403	4.0%	0.3%	92.0%	1.3%	2.4%	16.9%

#### *PAG Committees*

The 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 takes action on policies, plans or reports that pertain to cross-jurisdictional issues on transportation, air quality, water quality, land use or human services.

#### **Regional Council**

	<b>Race/ethnicity</b>				
	<b>Hispanic*</b>	<b>African American</b>	<b>Native American</b>	<b>Asian American</b>	<b>White</b>
<b>Number</b>	2	0	2	0	5
<b>Percent</b>	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.

The Management Committee is a policy advisory committee for Pima Association of Governments. The committee reviews and makes recommendations to the PAG executive director on information, reports and plans developed by PAG that address regional problems and needs. The committee assesses technical and policy implications and determines action needed from the PAG Regional Council.

**Management Committee**

	<b>Race/ethnicity</b>				
	<b>Hispanic*</b>	<b>African American</b>	<b>Native American</b>	<b>Asian American</b>	<b>White</b>
<b>Number</b>	2	0	1	0	6
<b>Percent</b>	22%	0%	11%	0%	67%

\* "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.

The Transportation Planning Committee (TPC) provides direction and technical expertise for a variety of regional transportation planning studies, plans and programs, including the five-year Transportation Improvement Program and the long-range Regional Transportation Plan. Numerous other transportation subcommittees, task forces and working groups report their recommendations to, and receive direction from, the TPC. The TPC directly supports PAG's role as the federally designated Metropolitan Planning Organization (MPO), charged with maintaining a continuous, cooperative and comprehensive, multi-modal regional transportation planning process. All PAG member jurisdictions are represented on the TPC.

**Transportation Planning Committee**

	<b>Race/ethnicity</b>				
	<b>Hispanic*</b>	<b>African American</b>	<b>Native American</b>	<b>Asian American</b>	<b>White</b>
<b>Number</b>	3	0	1	0	10
<b>Percent</b>	21%	0%	7%	0%	71%

\* "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.

## **IV. Program Implementation of Title VI**

### ***Transportation Planning***

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 Transportation Improvement Programs (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, Clean Cities, alternate mode programs and airport improvements.

### ***Public Involvement***

PAG’s public involvement plans provide full and fair participation for all potentially affected communities. Identifying these communities requires close coordination between the development and implementation of the public involvement effort and the data collection and analysis phases of the planning process, all of which are subject to Title VI and Environmental Justice provisions. The data collection phase provides information on the protected populations, which are often synonymous with the underserved/under-represented populations and, therefore, may 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 addresses Title VI requirements both quantitatively and qualitatively with extensive public involvement and data analysis techniques. Federal regulations define specific groups as “protected populations.”

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

### Access to PAG Information

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.

### 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 public involvement staff maintains a large database of stakeholders and members of the general 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. Public involvement staff are available to assist other agency staff in conducting stakeholder analyses and in accessing the public participation database upon request.

### Public Notification of 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 general 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 general public, the website and media outreach (e.g., press releases) are encouraged. For reaching stakeholder groups, distribution of public information documents such as reports and newsletters via direct mail, e-mail, 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 to overcome barriers to accessing information among underserved populations, youth, and other individuals who may not have Internet access or read newspapers are undertaken.

For example, public service radio announcements on Latino radio outlets 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 communications channels. E-mail is used to distribute notices to school and community-based newsletters for publication. Placement of English / Spanish information in libraries, community centers, other public places, or via social media is also used.

#### Spanish 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, include a tagline affirming that PAG will make reasonable accommodations to translate any materials in Spanish.

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

General 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.

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

#### Task Force Composition

Efforts are made to assess the composition of PAG's task forces to ensure that invited members represent a cross section of key stakeholder groups.

### 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.

### Meeting Scheduling, Location and Access

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

When a public meeting or public hearing is focused on a planning study or program related to a specific geographic area or jurisdiction within the PAG region, the meeting 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.

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

### Title VI information on the PAG Website

In May 2012, PAG added a Title VI section to 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.

In June 2012, a Spanish-language version of the Title VI webpage was added to the PAG website, with all of the same information and documents. A "Google Translate" button was also added to the Title VI webpage to allow users to translate the entire PAG website into over 50 languages. The public can access the English and Spanish versions of the Title VI webpages from PAG's homepage.

## ***Public Outreach and Involvement Activities since August 2014***

### TIP Open Houses

PAG annually prepares the Transportation Improvement Program (TIP), the five-year schedule and budget of proposed transportation improvements within eastern Pima County. The primary PAG-sponsored events for public involvement in the development of this year's FY 2016-2020 TIP were three open houses and a 30-day public comment period. The open houses provided the public with an opportunity to review the candidate list of projects for the updated TIP, speak with jurisdiction representatives about the projects, and submit written comments; and the 30-day public comment period extended the opportunity to the public to thoroughly review the plan on their own and to provide comments. All materials related to the open-house and the 30-day review were available in Spanish, and a Spanish translator was present at the open house events.

Other opportunities for public involvement were provided through PAG's website ([www.PAGregion.com](http://www.PAGregion.com)) and TIP Subcommittee meetings, which are open to the public. PAG published a notice of public involvement activities and time established for public review and comments on the TIP satisfy the Federal Transit Administration-required Program of Projects (POP).

The TIP display at the open houses featured large boarded maps of TIP projects and Title VI analysis, along with boarded displays on regional transportation funding sources, how to read the TIP projects document, and common acronyms and funding sources in order to interpret the TIP projects document. PAG also provided the public with candidate project listings by jurisdiction or agency; background information about the TIP, and other related information, as well as the TIP public comment form. Transportation professionals from PAG member jurisdictions and the Regional Transportation Authority (RTA) were available to talk one-on-one with members of the public in attendance regarding TIP projects.

The TIP open houses were widely publicized in print and electronic media with advertisements in both the Sunday, March 8, 2015 and Tuesday, March 10, 2015 editions of the Arizona Daily Star and postings on PAG's website. The notification was also published in the March issue of the Arizona Bilingual. The 2016-2020 TIP web page featured the candidate project list, an online public comment form, and information about the TIP planning process. The open houses were also promoted through a news release and via social media.

Following the open houses, TIP survey results were compiled and analyzed. This documentation was transmitted to the TIP Subcommittee for consideration in the development of final recommendations for project selection. Jurisdictions also had the opportunity to develop written response to the comments received. These responses were displayed on PAG's website.

### Human Services Planning

Each year, PAG works with local governments, the Arizona Department of Transportation, the Arizona Department of Economic Security (DES), community agencies and interested citizens to develop the annual Public Transit – Human Services Coordinated Transportation Plan (a.k.a. Coordination Plan) and the annual PAG Social Services Block Grant(SSBG) Plan.

The SSBG plan directs funding to programs and services that help address the social services needs of children, youth at risk, families in crisis, low income individuals, homeless, elderly and persons with disabilities. Approximately \$1.36 million in SSBG funding is planned for by PAG to be contracted by DES to local agencies to respond to the locally identified needs in the plan. PAG works with member jurisdictions and local agencies to identify priority needs, explore options, establish goals and develop partnerships with interested stakeholders. A regional Social Services Planning Committee meets four to five times annually to coordinate regional responses to community needs. All meeting announcements are posted on the PAG website and sent to a Social Services Planning distribution list serve of almost 100 members.

This past year, PAG worked with members of the SSBG Planning Committee and interested stakeholders to overhaul the planning process. That resulted in a regional roundtable of area experts to define funding priorities for the immediate. Following that meeting, PAG received notice of additional cuts to the SSBG program, resulting in further contraction of locally funded priorities. A 30-day comment period for the draft 2015-2016 SSBG Plan concluded in January 2015 with an opportunity for public comment in front of PAG's Regional Council. PAG received no comments.

PAG also prepares a Public Transit - Human Services Coordinated Transportation Plan that identifies human services transportation needs, barriers to meeting those needs and recommends strategies to increase mobility options in the region. The Coordinated Transportation Plan provides guidance for the implementation of the federal section 5310 grant program, known as Enhanced Mobility of Seniors and Individuals with Disabilities.

Human service agencies are actively involved in identifying regional human service transportation needs and developing strategies to meet these needs through quarterly coordination meetings and the public is always invited to attend. All meeting

announcements are posted on the PAG website and sent to a Coordinated Transportation distribution list serve of over 100 members. This year, nearly \$1 million was awarded in the PAG region for capital and operating support to agencies providing transit services for seniors and persons with disabilities.

### Transit

The PAG Short-Range Transit Program Implementation Plan (SRTP) provides a five-year overview of projected transit expenditures in the region. The FY 2015-19 update to SRTP allowed for public comment period.

In the spring of 2015, PAG employed the consulting firm Jarrett Walker and Associates to guide a series of transit visioning workshops. The workshops were conducted to help inform the transit element update of the 2045 Regional Transportation Plan. Three public visioning workshops were held allowing participants to provide their input on how future changes to the regional transit network should be pursued.

Federal Transit Administration Section 5311 funding provides grant dollars to pay for rural transit service and capital expenses. Annually, PAG/RTA applies for this funding via the Arizona Department of Transportation. A public hearing was held as part of the FY 2015 grant application process.

### RTP Engagement Tool

As part of the public outreach efforts in the development of the 2045 Regional Transportation Plan, PAG designed a public engagement tool for the website. The tool allows users to make selections on future land use patterns and transportation investment options and see how those choices affect transportation based on a number of performance measures.

The engagement tool is available in both English and Spanish.

## V. Limited English Proficiency Plan

PAG adopted its Limited English Proficiency (LEP) Plan in June 2012. This plan provides direction on how PAG will stay compliant with Title VI provisions and requirements. It is the policy of PAG to ensure that its programs and activities are accessible to LEP individuals. PAG, to the maximum extent feasible, provides 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.

### ***Plan Assessment:***

The U.S. Department of Transportation (U.S. DOT) provides guidance on conducting an analysis based on the following four factors to determine what language assistance is appropriate.

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."

Languages Spoken at Home in Pima County by LEP Persons who speak English "less than very well" (US Census Bureau's 2006-2010 American Community Survey)						
	Total Population	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	901,096	85,211	90.54%	9.46%	7.89%	1.57%
Tucson	482,208	59,212	87.72%	12.28%	10.43%	1.85%

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 service area of those who indicated that they spoke English "less than very well."

The Top Three Languages Spoken at Home in Pima County by LEP Persons who speak English "less than very well" (US Census Bureau's 2006-2010 American Community Survey)								
Population 5 years and older	Number of LEP Persons	Percent LEP	LEP Persons who Speak Spanish		LEP Persons who Speak Chinese		LEP Persons who Speak Vietnamese	
			Total	Percent of Total	Total	Percent of Total	Total	Percent of Total
901,096	85,211	9.46%	71,079	7.89%	2,888	0.32%	1,826	0.20%

It was determined that it is not cost effective to take specific actions for languages of the LEP populations other than Spanish, all being less than 1 percent, 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.

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 roadway 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 Clean Cities program; 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***

In order to serve LEP populations, PAG staff have received training regarding the organization's responsibilities for providing LEP services and the resources that PAG has available in fulfilling these responsibilities. This training included instruction on what to do when individuals with limited English proficiency seek to participate in a PAG process or utilize a PAG service. PAG's Human Resource Director also maintains a list of PAG employees who speak or write additional languages other than English.

PAG has also developed strategies to help identify individuals who need language assistance. For example, the Census "Language Identification Flashcards" are used to identify individuals at meetings or events who may need help. These cards have been enhanced to include O'odham, as this is a common Native American language spoken in the PAG region. PAG staff tracks requests for language assistance that 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.

All PAG agendas contain a footnote in English and Spanish that translations are available upon request. The footnote provides instruction, in Spanish, on how to contact PAG to obtain translation assistance for the meeting or event. The Pascua Yaqui Tribe and Tohono O'odham Nation, both PAG member jurisdictions, have members with 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.

In addition to the efforts outlined above, PAG ensures that key documents and web pages are translated into Spanish.

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

PAG maintains a Title VI complaint log and provides a Title VI complaint form on the 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 process described below applies to PAG and its programs, as well as to consultants and contractors funded through PAG.

PAG's Title VI policies and complaint process also apply to the Regional Transportation Authority (RTA), housed within PAG, and its programs. Accordingly, all RTA transit-related Title VI complaints will be submitted to PAG for processing. While it is PAG's policy to coordinate investigations with ADOT, all RTA transit-related Title VI complaints will be sent to Sun Tran for investigation, rather than ADOT.

The Arizona Department of Transportation (ADOT) 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. The PAG contact information is as follows:

John Liosatos  
PAG's Title VI Liaison  
Pima Association of Governments  
1 E. Broadway Blvd, Suite 401  
Tucson, AZ 85701  
Telephone (520) 792-1093, FAX (520) 620-6981

The complaint process will follow the ADOT procedures. Complaints must be filed in writing to:

ADOT Civil Rights Office  
206 S. 17<sup>th</sup> 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 Liaison, John Liosatos, 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 e-mail 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 e-mail transmittal for PAG to be able to process it.

e. Allegations received by telephone will be transcribed 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 45 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 within 60 calendar days of the acceptance of the complaint, per 23 CFR 200.9(b)(3).

## **VII. Title VI Complaints, Investigations, or Lawsuits Filed**

There have been no Title VI lawsuits or complaints filed against PAG.

Among our member jurisdictions, a single complaint was filed against the City of Tucson. The complaint contained two claims, both of which were investigated by PAG.

Of the first claim, PAG found that the act of alleged discrimination in the complaint occurred in 2010, outside the 180-day window in which a Title VI complaint can be made.

The PAG investigation into the second claim determined that the City of Tucson did not discriminate on the basis of race or ethnicity and that the city procedures which were the subject of the complaint were applied in a racially neutral manner.

PAG issued a letter with the results of the investigation and sent copies of the letter to the complainant, the City of Tucson, ADOT, and FHWA.

After the complainant objected to the findings of the investigation, ADOT and FHWA interviewed the complainant and reviewed the PAG investigation. At this time, PAG is awaiting further direction from ADOT and FHWA.

## **VIII. Non-Discrimination Policy Statement**

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 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. If the complaint is filed against PAG, the PAG Title VI Liaison is required to forward the complaint to the ADOT Civil Rights Office. All complaints will be promptly investigated by the ADOT Civil Rights Office.

## **IX. Disadvantaged Business Enterprise**

It is PAG's policy, as a federally assisted agency, to encourage small and minority businesses and women's business enterprises to submit proposals. The following DBE language will be included in all PAG solicitations for work or material made in connection with ADOT and federal funds.

The issuing agency, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259). Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this solicitation, minority business enterprises will be afforded full 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.

In all subsequent agreements between PAG and a sub-consultant or contractor, PAG will include the following statements:

(1) As required by 49 CFR 26.13, the MPO shall not discriminate on the basis of race, color, national origin, religion, gender, age or disability in the award and performance of any USDOT assisted contract or in the administration of its DBE program or the requirements of 49 CFR 26. The MPO shall take all necessary and reasonable steps under 49 CFR 26 to ensure nondiscrimination in the award and administration of USDOT assisted contracts. The MPO's DBE program, as required by 49 CFR 26 and as approved by USDOT, is incorporated by reference in the Planning Funds Agreement between the MPO and ADOT.

(2) Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of the Agreement. Upon notification to the MPO of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under 49 CFR 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

PAG works closely with contracted agencies to ensure DBE compliance. ADOT establishes a DBE goal for each competitive federal aid contract, if it is determined that there is a DBE goal, and the goal is then incorporated into the contract between PAG and the consultant, and both PAG and the consultant are required to track invoices and payments in ADOT's online Local Public Agency DBE Data Collection and Reporting System.

## **X. Assurances**

Pima Association of Governments (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition for 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, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation--Effectuation Of Title VI of the Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 23 C.F.R. Part 200 Subchapter C-Civil Rights (Title VI program implementation and related statues)

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-4) and the Regulations, hereby notifies in all advertisement that 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, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

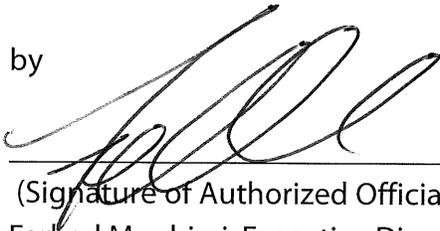
By signing this ASSURANCE, **Pima Association of Governments** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing *Federal Highway Administration* or *Arizona Department of Transportation* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *Federal Highway Administration* or *Arizona Department of Transportation*. You must keep records, reports, and submit the

material for review upon request to *Federal Highway Administration, Arizona Department of Transportation*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

**Pima 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 Arizona, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Pima Association of Governments

by



(Signature of Authorized Official)  
Farhad Moghimi, Executive Director  
Pima Association of Governments

DATED: 7/27/15

## **Appendices: Title VI Contract Language**

The wording of PAG contracts will reflect the language required by ADOT and the federal government. Appendix A, B and C 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.

## **APPENDIX A**

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

**1. Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to non-discrimination in federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

**2. Non-discrimination:** The contractor, with regard to the work performance by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

**3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and Regulations relative to non-discrimination on the grounds of race, color, or national origin.

**4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the *Federal Highway Administration or Arizona Department of Transportation* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation*, as appropriate, and will set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

**6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with request to any subcontract or procurement as the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## **APPENDIX B**

### **CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

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

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