



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION
TITLE VI PLAN: FY2022

FY 2022 TITLE VI and ENVIRONMENTAL JUSTICE PLAN

Transportation Planning & Transportation Improvements

Sierra Vista Metropolitan Planning Region

FINAL DRAFT – MARCH 2021

FOR REVIEW AND COMMENT

Adopted on

Sierra Vista MPO Board of Directors

Approved on

ADOT Civil Rights Division

Prepared by the Sierra Vista MPO

401 Giulio Cesare Ave

Sierra Vista, AZ 85635

www.svmpo.org

TABLE OF CONTENTS

Introduction.....	2
Federal Funding for SVMPO Planning and Programming	2
SVMPO Location.....	2
SVMPO Signed Policy Statement.....	4
General Assurances: Federal Aid Highway Program.....	4
Notice to the Public.....	7
Public Education of Title VI Information.....	8
SVMPO Organization and Staffing.....	8
Data Collection/Reporting and Analysis	10
SVMPO Program Areas	11
Demographic Profile for SVMPO Region.....	13
Limited English Proficiency.....	14
Environmental Justice.....	16
Disadvantaged Business Enterprises.....	17
Public Participation and Outreach.....	17
Complaint Procedures.....	19
Title VI Training	20
Compliance and Enforcement Procedures	21
Programs, Contracts and Sub-Recipient Reviews.....	21
Plan Timeframe and Update Schedule.....	22
Title VI Plan Goal.....	22
Attachments:	
Title VI Notice to the Public	
Title VI Non-Discrimination Complaint Procedures	
Title Complaint Form English & Spanish	
Signed Appendices A, B, C, D & E	
Demographic Maps of SVMPO Region	
SVMPO Demographic Report	
Approved Executive Board Meeting Minutes of <i>March 25, 2021 Pending</i>	

INTRODUCTION

The Sierra Vista Metropolitan Planning Organization, known as SVMPO, was formed in 2013, after the area reached a Census designated urban population of 50,000. It is the Federal and State designated Regional Transportation Planning Organization for the southwestern portion of Cochise County, located in southeast Arizona.

The SVMPO is governed by an Executive Board consisting of elected officials from each of the three member jurisdictions. The Executive Board exercises the powers invested in it under 23 U.S.C. 104 (f) and 49 U.S.C. 5305 to carry out the provisions of 23 U.S.C. 134/49 U.S.C. 5303, which includes the power to enter into agreements with other governmental entities for accomplishing necessary duties and responsibilities described under law. In addition, SVMPO is guided by a Joint Project Agreement with the Arizona Department of Transportation and an annual Work Program that describes responsibilities and planned activities to providing continuing, coordinated and comprehensive regional transportation planning.

The SVMPO is committed to encouraging participation in regional planning activities by all area residents. This agency has a nondiscrimination policy that addresses Title VI, Environmental Justice (EJ) and other relevant federal and state statutes. No person, on the grounds of race, color, national origin, gender, age, disability, income status or Limited English Proficiency (LEP), shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any SVMPO sponsored program of activity. Public outreach and data analysis are two tools used to ensure that equal benefits and disproportionate burdens are assessed during project development. This Title VI Plan sets out the SVMPO policies and assurances in compliance with Title VI of the Civil Rights Act of 1964 and the 1994 Presidential Executive Order 12898.

Title VI of the Civil Rights Act of 1964

“No person in the United States shall, on the ground 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.”

Federal Funding for SVMPO Planning and Programming

The SVMPO currently receives the following federal funding for planning and programming in the SVMPO region:

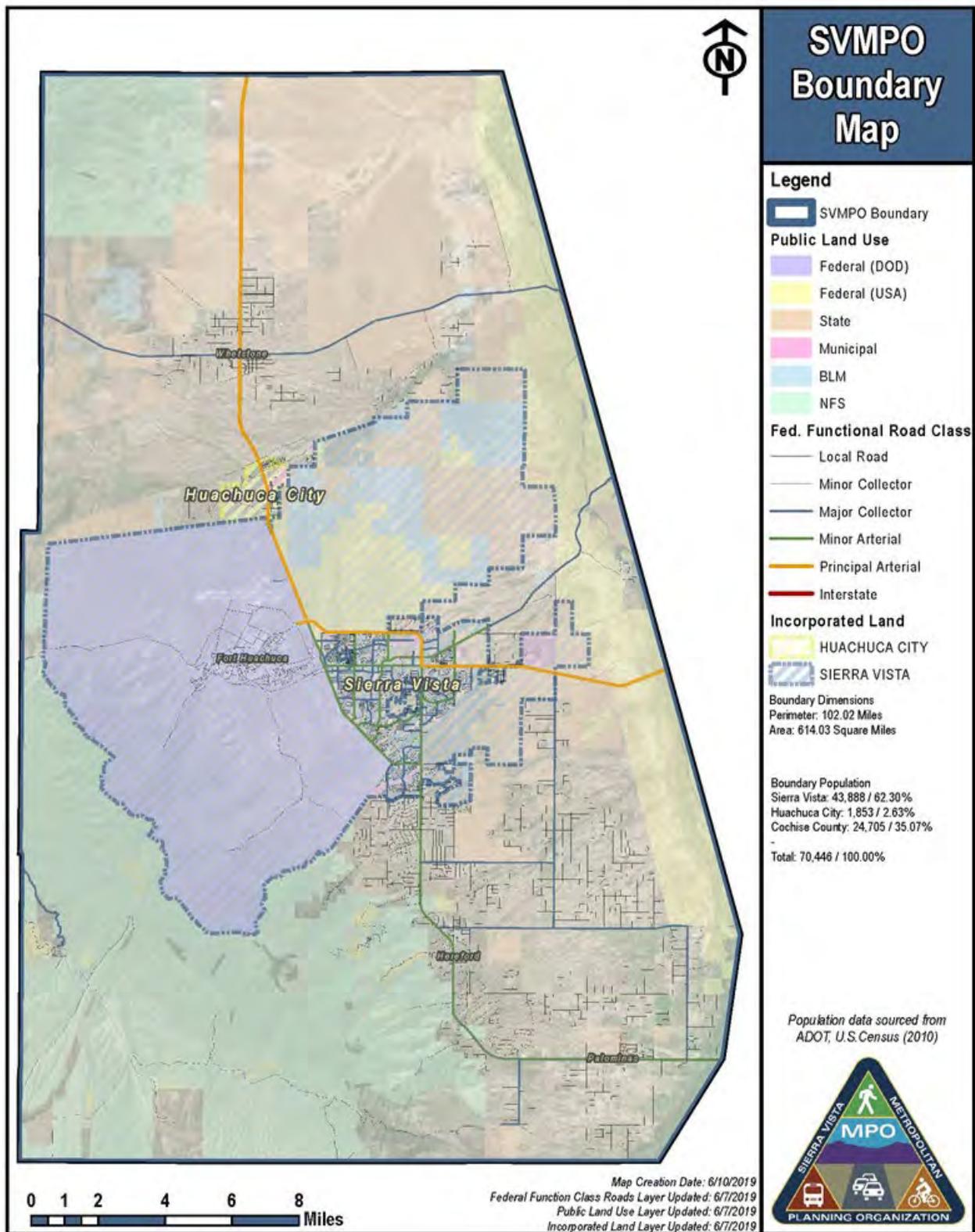
- ❖ Coordinated Planning Grant Funds
 - State Planning and Research Funds (SPR)
 - Metropolitan Planning Funds (PL)
- ❖ 5303(d) Transit Planning Funds

The SVMPO also coordinates, with their member jurisdictions, grant funding from public and private sources.

SVMPO Location

SVMPO is located in the southeast corner of Arizona. There are currently two incorporated areas within the SVMPO; the City of Sierra Vista and the Town of Huachuca City. Portions of southwest unincorporated Cochise County are included within the SVMPO boundaries. The City Limits for Sierra Vista also includes Fort Huachuca, a United States Army Base. Other jurisdictions within Cochise County and key areas outside of Cochise County are frequently included in planning processes in order to help evaluate connectivity and outside impacts. The MPO area is approximately 614.03 square miles, reaching to the international border with Mexico to the south, the Pima and Santa Cruz County boundaries to the west, to the City of Benson

jurisdiction boundary to the north, and the San Pedro river corridor to the east. The MPO now includes federal and state-owned lands, including the Coronado National Forest.

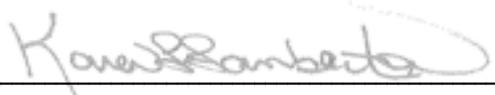


SVMPO SIGNED POLICY STATEMENT

The SVMPO Title VI Policies have not been changed and are supported by the following policy statement:

The Sierra Vista Metropolitan Planning Organization (SVMPO) is committed to ensuring that no person is discriminated against on the grounds of color, race, or national origin as provided by Title VI of the Civil Rights Act of 1964 and related authorities. Specifically, Title VI asserts 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 subjected to discrimination under any program or activity receiving federal financial assistance." Additional protections are provided in other federal and state authorities for individuals with Limited English Proficiency, income status, sex, disability, and age.

SVMPO strives to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. As a sub-recipient of federal funding, SVMPO is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities. The U.S. Department of Transportation Title VI implementing regulations can be found at 49 CFR part 21.



Karen L. Lamberton, AICP, SVMPO Administrator

March 25, 2021
Date

ASSURANCES

The SVMPO has signed the following assurances in compliance with federal civil rights requirements:

General Assurances: Federal Aid Highway Program

Sierra Vista Metropolitan Planning Organization Title VI Assurances: FHWA

The Sierra Vista Metropolitan Planning Organization (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *Federal Highway Administration and Arizona Department of Transportation*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation--Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda and/or guidance, the Recipient hereby gives assurances that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its *Federal Aid Highway Program*.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Aid Highway Program* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Sierra Vista Metropolitan Planning Organization , in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to a construct a facility or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

By signing this ASSURANCE, **Sierra Vista Metropolitan Planning Organization** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing *Federal Highway Administration or Arizona Department of Transportation* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *Federal Highway Administration or Arizona Department of Transportation*. You must keep records, reports, and submit the material for review upon request to *Federal Highway Administration, Arizona Department of Transportation*, or its designee in timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Sierra Vista Metropolitan Planning Organization gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal Highway Administration and Arizona Department of Transportation*. This ASSURANCE is binding on Arizona, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program* the person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.



Karen L. Lamberton, AICP, SVMPO Administrator

March 25, 2021
Date

General Assurances: Federal Transit Administration

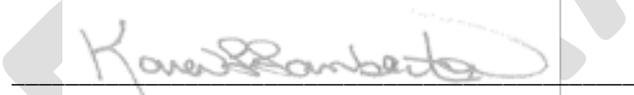
Sierra Vista Metropolitan Planning Organization Title VI Assurances: FTA

The Sierra Vista Metropolitan Planning Organization HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Sierra Vista Metropolitan Planning Organization will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 47021B and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9(b).
3. The Sierra Vista Metropolitan Planning Organization will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transportation Administration and/or the U.S. Department of Transportation.

Certification

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Sierra Vista Metropolitan Planning Organization by the Department of Transportation under the Federal-aid Highway Program/Federal Transit Grant Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in the interest and other participants in these same Federal-aid programs. The person whose signature appears below is authorized to sign this assurance on behalf of the Sierra Vista Metropolitan Planning Organization.



Karen L. Lamberton, AICP, SVMPO Administrator

March 25, 2021
Date

APPENDICES A, B, C, D AND E are provided in the Attachments to this Plan.

NOTICE TO THE PUBLIC

Continuing compliance with Title VI, EJ and LEP policies are an ongoing effort performed with every program and project activity. Information about non-discrimination policies and the rights of the public are provided at every meeting location, posted at the SVMPO Administrator's office and are on the SVMPO website.

Public Meeting Notices are posted at the SVMPO Office lobby, located at 401 Giulio Cesare Ave, Sierra Vista, Arizona, 85603; posted on the SVMPO Website at www.svmpos.org and disseminated for additional courtesy posting to all member jurisdictions. These postings include:

- ❖ Cochise County Offices at 1415 Melody Lane, Bisbee, Arizona 85603
- ❖ City of Sierra Vista City Hall at 1011 N. Coronado Drive, Sierra Vista, AZ 85635
- ❖ Town of Huachuca City Town Hall at 500 N. Gonzales Blvd., Huachuca City, AZ 85616

The Title VI Notice to the Public is provided in the Attachments to this Plan.

PUBLIC EDUCATION OF TITLE VI INFORMATION

Public education regarding Title VI, EJ and LEP programs and strategies is on-going. Inclusive public outreach strategies are identified in the SVMPO Public Participation Plan, last adopted January 17, 2019, and include:

- ❖ Use of local media through press releases, paid advertisements and legal notices;
- ❖ Maintaining a website to disseminate information and provide data, plans and studies to the public;
- ❖ Providing information about rights under Title VI, EJ and LEP along with opportunities for discussion at formal and information meetings with the public about issues of concern to these population groups;
- ❖ Posters regarding Title VI rights and processes to file complaints are posted at all member jurisdiction's offices

The SVMPO is committed to incorporating an effective public process into future planning efforts, project development and program activities.

SVMPO ORGANIZATION & STAFFING

Regional planning activities of the SVMPO are supported by multiple partners and under the direction of the SVMPO Administrator. At the time of this Plan, SVMPO has one Full-Time-Equivalent (FTE) staff person, one part-time Regional Transportation Engineer, supported with in-kind staff support from all three member jurisdictions.

Title VI Coordinator

The SVMPO Title VI Coordinator is Karen L. Lamberton, SVMPO Administrator, located at 401 Giulio Cesare Ave., Sierra Vista, Arizona, 85635-2411. Office Phone: 520-515-8525 E-Mail: svmpto@SierraVistaAz.gov

Compliance for the SVMPO transportation planning program with Title VI and EJ requirements falls under the duties of the SVMPO Administrator, which includes activities such as project reporting, data collection, providing Title VI/EJ training and complaint response and resolution.

Responsibilities of SVMPO Partners

Title VI and Environmental Justice (EJ) activities are undertaken by partners working closely together to ensure that all people in the region have a voice in, and benefit from, investments made in transportation. These agencies include:

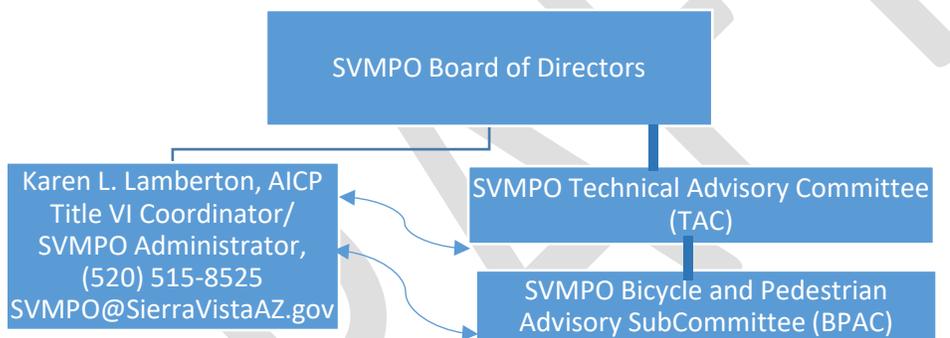
- ❖ The SVMPO member jurisdictions have primary responsibility for Title VI and EJ analysis under the National Environmental Policy Act (NEPA) for local construction projects, funded through the SVMPO.
- ❖ The Arizona Department of Transportation has primary responsibility for providing guidance and oversight on regional construction projects as well as conducting Title VI and EJ analysis for highway projects within the SVMPO region.
- ❖ Vista Transit, as the designated recipient for Federal Transit Administration (FTA) funds, transit operators and sub-recipients of FTA funds have the primary responsibility for Title VI and EJ analysis for transit service and transit projects subject to the National Environmental Policy Act (NEPA).

The SVMPO Long-Range Transportation Plan, and subsequent updates, assesses the impacts of proposed transportation benefits and impacts on vulnerable population groups. Agreements and contracts are reviewed by the SVMPO fiscal agent (City of Sierra Vista) to ensure compliance with Title VI requirements. Project sponsors also consider targeted outreach strategies appropriate to the project area, in keeping with the adopted SVMPO Public Participation Plan.

Board of Directors and Committees

It is the function of the Board of Directors to act as a policy body, coordinating all SVMPO activities, programs and projects. The SVMPO Board must approve all agreements and contracts, and authorizes the SVMPO Administrator or other designated staff to sign all appropriate documents related to agreements and contracts. **The SVMPO Board of Directors must also review and approve the Title VI Plan and Public Participation Plan.**

The Board of Directors consists of elected officials from all the member jurisdictions and a representative from the Arizona State Transportation Board with the SouthCentral District Engineer serving as the alternate member.



It is acknowledged that there is an over-representation of white, non-Hispanic on the SVMPO Board of Directors and committees. However, it is also acknowledged that the SVMPO Board is made of elected officials, the committee members are appointed by virtue of their position or expertise (e.g. City or County engineers) and that those positions are recruited by the member jurisdictions through non-discriminative and open processes. The process to select members of the SVMPO Board of Directors and all SVMPO committees (currently two: Technical Advisory Committee (TAC) and the Bicycle/Pedestrian Advisory Subcommittee BPAC) is set out in the adopted SVMPO By-Laws, Section III, B1 & C3.

Given the limited number of committees and membership on those committees, changes in even one member’s ethnicity, race or national origin significantly adjusts the demographic percentages. For example, the hiring of Ms. Jing Luo as the Sierra Vista City Engineer, adjusted the percent of representation by Asian’s to 12.5 percent of committee representation, in contrast to the 2.6 percent within the region. Nevertheless, proactive recruitment of Hispanic or non-white representatives to subcommittees and project focus groups is desired to more equally represent the SVMPO population as a whole.

Ethnicity and Gender Statistics for SVMPO Region, Executive Board, Committees and Staff

SVMPO	RACE/ETHNICITY						GENDER	
	White Non-Hispanic	Hispanic	Black Non-Hispanic	Asian Non-Hispanic	Native American Non-Hispanic	Multi-Racial Non-Hispanic	Male	Female
SVMPO	61.6%	24.7%	5.2%	3.4%	0.9%	3.8%	48.9%	51.1%
Board of Directors							50%	50%
SVMPO TAC Committee	80%			20%			50%	50%
SVMPO BPAC	100%						67%	33%
SVMPO Staff	100%						50%	50%

Chart does not include 0.3% Pacific Islander or 0.1% Some Other Race/Non-Hispanic Categories

DATA COLLECTION/REPORTING AND ANALYSIS

Title VI reporting is typically completed and reported to Arizona Department of Transportation's Civil Rights Division on an annual basis. Data is retrieved from the Bureau of the Census (decennial Census data and American Community Survey/ACS data) as well as from other sources that compile and report this data such as the Maricopa Association of Governments Demographic Viewers (<https://maps.asmag.gov>), University of Arizona and Cochise College economic departments. The SVMPO Board and Committee members are offered the opportunity to self-report demographic data for the purposes of Title VI reporting. Additional surveys and neighborhood scaled outreach efforts supplement collected data with self-reported or real-time observed data. The SVMPO is developing strategies to collect and compare demographic data during outreach events and activities for inclusion in the upcoming FY21 Long-Range Transportation Plan effort.

The U.S. Census Bureau is the source of data used for determining the environmental justice communities of concern. The unit of analysis is typically Census Tracts: small, fixed boundaries that are updated every ten years, as part of the Census Bureau's Participant Statistical Areas Program. Census tracts have an average population size of 4,000 people but may range in size from 1,200 to 8,000 people. Census Tracts are defined to provide a standard geographical unit for presentation of statistical data. Boundaries tend to follow visible and identifiable features and allow for statistical comparisons over time. Data collected includes information about ethnicity, race, socio-economic factors, demographic profile and quality of life measures (such as housing and rental costs). Data may be analyzed on a region-wide basis or narrowed to a specific project or planning area by the SVMPO Administrator with the assistance of GIS and Planning staff of the member jurisdictions, academic and economic development professionals and consultants.

The SVMPO plans to gather demographic data, specifically related to ethnicity/race but when appropriate also gender, age and income at meetings, public outreach events, and associated with SVMPO internal program areas. Survey forms have been developed: the SVMPO has developed a standardized visual survey form for use. The SVMPO Title VI Coordinator is the lead staff member to ensure the following assessment steps are undertaken.

1. With the use of survey tools (visual, written, electronic) demographic data, will be collected.
2. This data, once collected, would be assessed and compared to regional and project area data.
3. An analysis of trends would be completed.
4. Outreach strategies and materials could be adjusted, if needed, to improve outreach into protected population groups that are not being adequately reached.
5. Recommendations and revised activities/strategies would be included in annual Title VI Plan updates and in amendments or updates of the SVMPO Public Participation Plan.

The SVMPO boundary does not follow precisely along Census Tract boundaries. All tracts within the SVMPO Planning Boundary are used but, in some cases, may also include portions of Tracts located outside of the SVMPO boundaries. Analysis often compares the SVMPO region to other geographic units such as individual member jurisdictions, other MPO's or the State.

SVMPO Program Areas

Title VI and EJ Issues are communicated, and considered, as planning activities move through the SVMPO committee process. This generally begins with the technical and advisory committees and concludes with the final deliberations and decisions of the SVMPO Board. Data is used to inform decision makers of the implications of project or planning decisions on these protected population groups, to develop projects or planning activities that mitigate or enhance transportation services to protected population groups and to target specific outreach mechanisms to engage these groups. An example of this process was the identification of a larger cluster of elderly, disabled population within the Town of Huachuca City in comparison to the rest of the region who were then in need of higher level of emergency services. Working with ADOT, a pre-emption signal and emergency beacons were installed to facilitate faster emergency response times on Highway 92. Demographic data on bidders and selected consultants are also collected on a voluntary basis potentially allowing comparative data to be tracked over time. Staff are working with their Fiscal Agent to obtain provided demographic data for all previously issued contracts for future analysis and reporting. Internal program area information will be compiled and reviewed on an annual basis.

The adopted SVMPO Work Program and Budget defines the activities of the internal programs that are overseen by the SVMPO. The SVMPO Technical Advisory Committee provides direction to the SVMPO Administrator on implementing the Board approved work program tasks. Work program elements for both FY20/FY21 and pending FY22/FY23 consists of nine categories described in the following Table:

WORK PROGRAM ELEMENT		PUBLIC Interaction LEVEL	DATA COLLECTION STRATEGIES
1	Administration	Low	Rare contact with the public on this work element. Track Title VI demographics at SVMPO meetings via self-reporting, observation, survey tools; log data related to inquiries to the SVMPO office to the extent provided; Collect data from bidders and selected consultants for MPO contracts.

WORK PROGRAM ELEMENT			PUBLIC Interaction LEVEL	DATA COLLECTION STRATEGIES
2	Transportation Systems Data and Monitoring	Collect, analyze and report on data for federal and state mandates, e.g. traffic data, performance measures, GIS land and infrastructure records.	Low	Rare contact with the public on this work element; technical; supports the GIS mapping for Title VI analysis of regional or project specific for ethnicity, race and/or gender factors.
3	Long-Range Transportation Plan	Develop and implement a long-range vision for the regional transportation system.	High	Proactive outreach to reach vulnerable population groups and solicit feedback from underserved areas. Track Title VI factors in outreach activities, meetings: feedback via self-reporting, observation, map analysis.
4	Transportation Improvement Program	Prepare the short-range, 4-5 year project list for available funding.	Medium	Outreach primarily broad web-based and press releases providing opportunity to comment on short-range plan selection. Track Title VI factors for feedback, sensitivity to ensure coverage of areas with high percentages of vulnerable population groups. Provide language assistance for documents upon request.
5	Coordinated Public Transit Planning	Coordinate transit planning activities, promoting effective mobility and system efficiencies, coordinating funding options for local transit agencies.	Medium	Coordination with transit agencies for Title VI outreach during any transit oriented planning activities. Rely on transit agencies for on-board surveys on ridership demographics. Inclusion of transit mode riders in outreach for regional programs, plans and projects.
6	Alternative Transportation Systems Planning	Support development of alternative modes e.g. bicycling, pedestrian, aviation, freight.	Medium	Involve advocacy groups and agency specific expertise related to alternative mode activities. Target educational activities by mode, use web-based tools and special events to inform, involve and engage local residents.
7	Regional Planning	Integration of land use with the transportation planning processes, identify gaps, needs and opportunities, including bike and pedestrian activities.	Medium	Track with self-reporting, observation and map analysis membership and attendees to advisory sub-committees, special focus group targeted to specific modes; proactively target underserved areas and vulnerable population groups in regional planning activities; provide language assistance, when appropriate for regional planning documents or response forms.
8	Special Project Planning	Special focused planning activities, including addressing safety, environmental, storm water-issues.	Medium	On a project specific basis, outreach may be extensive or may only be dissemination of information.
9	Public Involvement and Outreach	Outreach activities including the development of a Public Participation Plan and a Title VI/EJ/LEP Plan.	High	This work program element is specifically targeted to providing outreach to all population groups of the SVMPO region; includes activities specific to Title VI population groups; includes tracking Title VI data of participants through self-reporting, observation, map analysis. Development of the Title VI Plan and targeted outreach strategies in this work program element.

FY20&21 Work Program and Budget: Adopted May 2019/Approved FHWA June 2019/Admin Amendment One Aug. 2019/Amendment Two Approved June 2020/Amendment Three January 2021/FHWA Approved March 2021

DEMOGRAPHIC PROFILE FOR SVMPO REGION

Communities of concern are defined as those Census Tracts where the identified groups represent a percentage of the population equal to or greater than that of the county average. The threshold for the population of Limited English Proficiency (LEP) population follows federal guidance at five percent or 1,000 people within a census tract, whichever is less. Based on the 2015-2019 American Community Survey five-year estimates, the threshold for each mandated community of concern for census tracts within the SVMPO are as follows:

- ❖ **Minority Population: 38.4 percent or higher**
- ❖ **Limited English Proficiency: Five (5) percent or higher**
- ❖ **Elderly/Over 65: 21.1 percent or higher**
- ❖ **Population in poverty: 12.9 percent or higher**
- ❖ **Disability: 17.6 percent or higher**

Maps illustrating the SVMPO areas with communities of concern are provided in the Attachments of this Plan. Maps providing information about fixed route transit in the SVMPO region and a project location map for the one regionally funded design and construction project in the SVMPO five-year Transportation Improvement Program are also included in the Attachments to this Plan. One other federally funded project: an adaptive signal project, is not site specific but provides transportation benefits throughout the most densely populated areas of the SVMPO region.

Title VI Data for Sierra Vista MPO						
Population and Households			Census Block Groups			
Category	Total	Percent	Number of block groups >= Area Percentage	% Block Groups	Affected Population	% of Affected Population Captured in Census Block Groups
Population Base	69,074	N/A	53	100.0%	N/A	N/A
Minority	26,558	38.5%	26	49.1%	19,309	72.3%
Age 65+	14,580	21.1%	21	39.6%	9,177	66.2%
Below Poverty Level	8,577	12.9%	22	41.5%	7,191	79.7%
Population with a Disability	9,345	17.6%	21	39.6%	4,572	43.4%
Limited English Proficient Persons (LEP)	2,043	3.4%	26	49.1%	2,832	76.9%

Source: United States Census Bureau, American Community Survey 2015-2019 5yr Estimates
 Prepared by: Maricopa Association of Governments, www.azmag.gov, (602) 254-6300.

Source: U.S. Census Bureau, 2015-2019 American Community Survey (ACS) 5-Year Estimates. ACS data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate is represented through the use of a margin of error (MOE). In addition to sampling variability, the ACS estimates are subject to nonsampling error. The MOE and effect of nonsampling error is not represented in these tables. Supporting documentation on subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website (www.census.gov/acs) in the Data and Documentation section. Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the Census Bureau website (<https://data.census.gov/cedsci/>) in the Methodology section. The MOE for individual data elements can be found on the Census Bureau Data Site. Note: Although the ACS produces population, demographic and housing unit estimates, the decade Census provides the official counts of the population and housing units for the nation, states, counties, cities and towns.

1. Poverty Status does not include institutionalized persons or persons under five years of age. In the defined MPO area the total population universe is 66,248 persons. 34.3% of the population falls below the 200% rate of defined poverty)
2. Disability is determined for the noninstitutionalized civilian population based on six reported types of difficulty: hearing, vision, cognitive, ambulatory, self-care and independent living difficulties.
3. Limited English Proficiency does not include persons under five years of age. In the defined MPO area the total population universe is 64,248 persons.

Ethnicity & Race

According to the 2015-2019 ACS data, Hispanics constituted 24.7 percent of the SVMPO's total population compared to 31.3 percent for the State and 18.0 percent for the nation. African American's accounted for 5.2 percent of the SVMPO's population, Asians for 3.4 percent, Native American's for 0.9 percent and Native Hawaiian/Pacific Islander for 0.3 percent. Multi-racial, that is persons indicating two or more races, were indicated by 3.8 percent of the population. 0.2% identified themselves as Other Race/Non-Hispanic.

The dominate European ethnicity identifies with either a German or Irish ancestry. It is also notable that a dramatic shift in ethnicity is seen among the youth of this area: almost half of all those under the age of 18 are Hispanic. This mirrors the demographic profile in Arizona, which had the largest age gap between race/ethnicity in the Nation at the time of the 2010 Census.

Age, Gender & Disability

The median age of the SVMPO population was 37.1 years – just slightly younger than both the State and Cochise County median age of 37.7. 21.1 percent of the population is over the age of 65 and 9.3 percent over the age of 75. Older population groups are a higher percentage of residents on the southeastern corner and across the northern border of the SVMPO region. The gender split in 2015-2019 ACS data was 51.1 percent female and 48.9 percent male.

Over 17.6% percent of the population indicated a disability that interferes with normal life function which may include a sensory, physical, mental or self-care disability in the 2015-2019 ACS results. For those aging in the Cochise County population, 2019 ACS data indicates that for those over 65 disability rates rise to 35.3%. In one member jurisdiction, within Huachuca City, the rate of elder disability of those over 65 rises to 42.9%. Given the higher-than-average number of elders in the SVMPO region this data indicates a higher-than-normal level of life function disabilities within this region's community.

Member jurisdictions worked with the Bureau of the Census to encourage participation in this year's Census 2020 population count and continue to collect, review, analyze and update socio-economic data. Up-to-date data on vulnerable population groups and communities of concern will continue to be included as part of the assessment of program and project development and implementation.

Limited English Proficiency

Persons with Limited English Proficiency (LEP) in SVMPO Region	Persons 5 yrs or over	Percent of Persons 5 yrs or over	Percent of Persons 5 yrs and over with LEP
Total Persons 5 years and over	60,023	100%	
English Speaking Only	46,478	77.4%	
Speak Other Languages	13,545	22.5%	
Limited English Proficiency	2,043	3.4%	100%

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-year Estimates. ACS Data are based on a sample and are subject to sample variability.

An area is defined as having a Limited English Proficient (LEP) community of concern when five percent (5%) or 1,000 people or more of the population within any given Census Tract reports limited English proficiency. Limited English Proficient (LEP) persons refer to people who are age 5 years or older for whom English is not

their primary language and have a limited ability read, write, speak or understand English. It includes those people who have reported to the Census that they speak English less than very well, not well or not at all.

Guidance from the U.S. Department of Transportation sets out a four-factor analysis to determine need for translation services in order to provide meaningful access for those with Limited English Proficiency (LEP) to engage with regional planning programs and activities. Reasonable steps should be in place to ensure that interested members of the public can receive information and communicate their perspectives in the language most comfortable to them. These four factors are as follows:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided to people's lives.
4. The resources available to the recipient and costs.

LEP Persons to be Served: According to the 2015-2019 ACS five-year estimates, 3.4 percent of the population over five years of age was identified as persons with LEP. The predominate language for the SVMPO LEP group is Spanish. The federal standard is to translate materials when 5 percent or more people in an area speak English less than "very well". Of those that speak a second language, Spanish is the most common, followed by German and Tagalog. Korean and Vietnamese, while less than 1 percent of other language spoken, are represented in the region. The majority of the LEP identified persons in the SVMPO reside in the Town of Huachuca City, along the Fry Blvd Corridor in the City of Sierra Vista and along the southern border.

Frequency of LEP Persons in Contact: Unlike direct services agencies, like transit or health programs, this regional planning agency encounters people with language barriers less frequently. Broad outreach programs lend itself to reaching out to groups of people where the likelihood of accompanying family and friends that can translate is high. The most frequent contact by this agency is with individuals that speak English.

Importance of Program to LEP Persons: Transportation is an essential aspect of people's ability to travel where they need and want to go safely. Providing equitable services and communicating effectivity with everyone using the transportation system is desired. It is important to consider how "vital" the information being solicited is or the planning activities are to the LEP population groups. Awareness of rights to obtain information in a language comfortable to them is considered vital; however, all informational materials in behalf of long-range regional wide planning activities may not reach the level of importance as materials on evacuation routes or emergency services would be. Reasonable judgment must be used to determine if a specific project or activity is vitally important to a LEP individual or group such that professional translation services are deemed appropriate.

Resources Available to LEP Persons: Resources to provide translation of materials and translation for individuals is available but finite. The SVMPO has the ability to obtain alternative formats, such as Braille or large print, upon request. Staffing is very small (one to two persons) and the annual operating budget less than \$250,000.

Based on this four-factor test, it is reasonable for the SVMPO to provide translation and alternative formats upon request, to rely on bi-lingual staff and attendees for translation and proactively prepare Spanish language materials when the subject matter or location indicates that the potential for this need may arise. Mapping analysis indicates that of the three largest language groups within the SVMPO area (Spanish, German and Tagalog) there are only three Census tracts that reach the mandated threshold for LEP Spanish speakers. It is noted that even within those three Census Tracts that most speak English "well". It is also

noted that one of these Census tracts are within the project area of one of the SVMPO design and construction projects: additional funds were provide for enhanced public outreach, with Spanish materials and translation, for the public outreach for that project (North Garden/Fry Blvd). The SVMPO website includes a link to language translation for ease of translation of web-based materials.

The provisions of a Safe Harbor, as defined by a rigorous four step analysis of the level of contact and type of services provided to limited English speakers, state that a reasonable effort should be made to provide translation services but that there is no mandate for those groups under the thresholds. The SVMPO will coordinate appropriate outreach strategies with their member jurisdiction's staff and Public Information Officers on a project by project basis using data compiled for this report and local knowledge to evaluate potential LEP specific assistance that may be needed. Best practices encourage innovative outreach to those that do indicate a dual language or limited English language skills even if regulatory thresholds are not met. The policy of the SVMPO is to provide alternative formats, when appropriate, and within finite resources available.

Environmental Justice (EJ)

Average median household income for the SVMPO region for 2019 is estimated to be just about \$55,179. County-wide poverty rates for individuals was 15.7 percent at the time of the Census in 2010, but for families with young children the rates went up to 19.5 percent and for single women with children under 5 the poverty rates were 59.3 percent. In 2019, the overall poverty rate for individuals within the SVMPO boundaries was 12.9 percent. The Town of Huachuca City, the West End area of Sierra Vista and along Highway 92 north of Ramsey Road have the largest clusters of persons in poverty in the SVMPO region.

Following the Office of Management and Budget's (OMB) Statistical Policy Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is living in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).

For example, for a four-person family unit with two children, the 2019 poverty threshold was \$25,750 For one- or two-person family units, the poverty thresholds differ by age; the 2019 Health & Human Services Department thresholds for one individual is \$12,490. In 2019, for a two-bedroom rental, the median average was \$879 dollars in the SVMPO region. For a family of four living at the poverty threshold, who are paying the median rent amount, must then expend over 34.1 percent of their income dedicated to housing costs. One and two person households either must contribute a substantive portion of their income on housing and/or find the lowest rental units possible within the region.

Of the 28,295 occupied households in the SVMPO region, 4.2 percent (1,194 households) report having no vehicles available. 33.8 percent have one vehicle available; 37.0 percent have two vehicles available and 25 percent have three or more vehicles available.

Environmental Justice Provisions of 1994

"Identify and address disproportionately high and adverse human health or environmental effects of federal policies, programs, and activities on minority and low income populations."

Although other aspects of Title VI reach to the ethnicity, race and national origin, the Environmental Justice (EJ) provisions specifically require consideration of persons who are defined as low income/in poverty. In the SVMPO region, poverty among those with young children is a matter of concern. Typically, single parent

households or grand-parent caregiver households with young children are not easily reached by typical open houses or public meetings held during daytime hours. Transportation options that include transit vouchers, safe routes to schools and information transmitted through preschools/daycares or churches are examples of SVMPO strategies for addressing EJ population groups. Elderly persons or non-vehicle households who are unable to attend meetings or visit the SVMPO offices for information may request materials to be mailed to their home by phone or e-mail.

Disadvantaged Business Enterprises (DBE)

Disadvantaged Business Enterprises (DBE), are for-profit small businesses that meet both of the following requirements:

1. Is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more such individuals; and,
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

An individual may be found to be socially and economically disadvantaged on a case-by-case basis or have been designated as such by the Small Business Administration. Individuals in Title VI protected groups are presumed to be socially and economically disadvantaged.

Contractors, subrecipients or subcontractors are required to carry out all applicable requirements to not discriminate on the basis of race, color, sex or national origin. These policies extend to the solicitation and participation in contracts; in particular those contracts through the U.S. Department of Transportation and/or the Arizona Department of Transportation in accordance with 49 CFR Part 26. In order to ensure that DBEs have an equal opportunity to receive and participate in federally assisted contracts the following policies should govern procurement activities of regional governments and their member jurisdictions (local public agencies).

- ❖ Ensure nondiscrimination in the award and administration of federal assisted contracts;
- ❖ Create a level playing field on which DBEs can compete fairly for federal assisted contracts;
- ❖ Ensure that the DBE program is tailored in accordance with applicable law;
- ❖ Ensure that DBE eligibility standards are adhered to;
- ❖ Remove barriers to the participation of DBEs in federal assisted contracts; and
- ❖ Assist in the development of firms that can compete successfully in the market place outside the DBE program.

SVMPO solicits contracts using state approved DBE lists and includes requirements, when applicable, upon contractors to comply with all applicable laws and regulations, including those related to Title VI and Environmental Justice.

PUBLIC PARTICIPATION AND OUTREACH

The SVMPO Public Participation Plan was updated and adopted by the SVMPO Board of Directors on January 17, 2019. The adopted plan is available on the SVMPO website at www.svmppo.org. The SVMPO Public Participation Plan commits to:

- ❖ Inclusive and meaningful public involvement;
- ❖ Open and honest communication with individuals and entities;

- ❖ Timely public notification of meetings and pending plans, studies and projects;
- ❖ Easily accessible access to information and opportunities to comment on key decisions;
- ❖ Forming partnerships between member entities, public and private sectors, state and federal agencies to plan and implement transportation programs and projects.

Welcoming public participation and providing opportunities to comment are the foundation of effective public outreach. Specific strategies to reach low income (EJ populations) and those with limited English skills (LEP populations) include providing translation services both accessible directly by the individual, such as google translate on the SVMPO website, or by having informal or professional translators at meetings; providing materials in different languages and/or in Braille and identifying sites where lower income or ethnic groups might congregate. An example of targeted LEP outreach would be reaching out to first generation German immigrants to the area by distributing materials at the three Sierra Vista area German restaurants and visiting the monthly meeting of the German club. Other examples include advertising in ethnic media outlets, use of illustrations/pictogram cards, engaging multilingual staff and volunteers and providing support services like bus passes and child-care to facilitate lower income/single parent participation.

A selection of strategies described in the Public Participation Plan that can be used to reach out to protected, and vulnerable, population groups include:

Activity	Description	Comments
Brochures	Written material to distribute that generally contains more information than a flyer. It is often folded to create a small piece for distribution.	Translation into different languages or provided in alternative formats may be desired for targeted outreach to Title VI protected groups.
Charrettes	An intensive brainstorming session using visual methods to define alternatives.	These can last anywhere from a few hours to a few days. The use of visual aids and hands-on activities can cross the language barriers as well as engage inter-generational or cross-cultural groups.
Displays/Open Houses	Information and materials are displayed in an informal setting where people are free to move about and consider whatever is of interest to them. Informed people are typically available to answer questions and take comments and suggestions.	These are typically held in various public locations, like regional malls and government buildings, but the use of locations or events frequented by specific ethnic groups or targeted groups e.g. soup kitchens may increase outreach to protected population groups; Events like the annual Juneteenth Festival may engage the African-American population.; Octoberfest the German population; Cinco de Mayo, the Hispanic population.
E-mails	Using the Internet to contact people that have shared electronic mail addresses.	This is very inexpensive and a quick way to contact people. It is, however, important to find other ways to communicate with people who do not have access to computers. Libraries and Senior Centers are locations in the SVMPO region that provide public access to computers and could be a source providing electronic connections to protected population groups.
Flyers	A written communication piece that provides basic information. Could be mailed, inserted into other communications e.g. utility bills, schools handouts.	Multiple flyers can be produced for one event, plan or project with each flyer designed to communicate with different groups. These can also be produced in various languages or alternative formats.

Activity	Description	Comments
Focus Groups	A small selected group of individuals meet together, either formally or informally, to give feedback to the organizer on a specific topic.	Because this is a selected group, people who are not selected may be suspicious of the information gathered. Alternative points of view may be left out by those too shy to assert themselves into a selected group or have time constraints.
Forums	A public meeting that is designed to help attendees better understand a subject by hearing different points of view. Usually several people with differing opinions, each make a short presentation and then answer questions. This format is not designed for decision making.	It is often helpful if a disinterested party moderates. It is also helpful, especially in some communities, if some of the "experts" are local and trusted by the community. If a forum is used, it may need to be in Spanish for Spanish speaking community members (or other language formats depending upon the community group).
Meetings or Presentations	These are opportunities for larger groups of people to get together for a multitude of purposes. The general intent is to allow people to interact on a person-to-person basis. Meetings can be held for a wide variety of reasons from working on an issue, to making a presentation and allows for interactive Questions and Answers.	To be most effective, a meeting should inform the participant prior to coming: what type of meeting it will be, what their role will be, and the expected outcome of the meeting. Weakness is that the meeting format typically focuses solely on the presenter's point of view.
Newsletters	A regular communication for a predetermined, or self-selected, group of individuals/groups.	These can be mailed or sent electronically. This is a standard way to keep interested individuals and entities informed on a regular basis. Newsletters are also a source of regular information to those that cannot or do not want to travel to meetings.
Public Hearings	This is a legal meeting that is often required to make sure there is some opportunity for public comment. It is normally conducted with elected officials sitting at the front and allowing community members very specific conditions, and limited timeframes, to speak to the issue at hand.	These are often the last opportunity for getting input as they generally occur late in the process. The primary intent of a public hearing is to provide decision makers with input prior to making their final decision. It can also result in contentious and emotional presentations that have little basis in fact.

COMPLAINT PROCEDURES

SVMPO provides a complaint process for people who believe they have been discriminated against or feel that they have not been adequately accommodated. The information about this process is provided at public meetings and is posted on the SVMPO website. The complaint form is available in both English and Spanish: translation into other language available via google translator on the web or by request to the SVMPO offices.

Complaint procedures and processes for both FHWA and FTA related Title VI complaints are also posted on the SVMPO Website and will be kept up to date with any future changes made by federal or state agencies regarding required procedures for addressing alleged discrimination complaints. The SVMPO Non-Discrimination Complaint Procedures are incorporated into this Plan, by reference, and included in the Attachments to this Title VI and Environmental Justice Plan.

Staff likely to be the first contact for a potential Title VI complaint receive training on what forms to provide and advised of the rights of individuals to file complaints with the SVMPO. A complaint log, sample shown

below, will be used to track any submitted complaints, investigations or lawsuits.

Title VI Complaints, Investigations and Lawsuits: FY 22 Log					
Description/Name	Date Month, Day & Year	Funding Source (FHWA or FTA)	Summary (Basis of Complaint)*	Status	Actions / Final Findings
Complaints					
1)					
2)					
Investigations					
1)					
2)					
Lawsuits					
1)					

**Specific category, i.e. Race, Color or National Origin
Report to be Submitted Annually to ADOT Civil Rights Division*

TITLE VI TRAINING

The ADOT Title VI Liaisons notify SVMPO of various Title VI training opportunities as they become available. These opportunities are then made known to staff of the member jurisdictions and, when appropriate, to members of the public. The SVMPO Administrator will be involved with either seminars, conference sessions or webinar's on this topic on an annual basis. On a regular basis, but no less than annually, the SVMPO committee's and Board of Directors will be briefed on updated Title VI data, analysis and outreach strategies. In addition, the SVMPO subscribes to a number of professional organizations and journals that provide information regarding best practices throughout the nation on public outreach and non-discrimination practices for transportation programming and projects.

At the time of this plan, the SVMPO consists of one staff member and one part-time Civil Engineer: any new hires, interns or volunteers will be given training on this topic during their employee orientation. Training will be tracked and reported annually to ADOT's Civil Rights Division. A sample tracking form is shown below:

Title VI FY22 TRAINING					
Name/Title	Month, Day & Year	Type of Training	Provided By	Cost	Comments
Staff					
1) Karen Lamberton/SVMPO Administrator					
2) Dennis Donovan, /Civil Engineer					
Boards & Committees					
1)					
Others					
1)					

Report to be Submitted Annually to ADOT Civil Rights Division

It is acknowledged that FY20 experienced a global health crisis that reduced travel options, cancelled conferences and reduced training opportunities specific to Title VI. It was necessary to rapidly develop innovative outreach strategies to provide safe, socially distanced, public outreach strategies for immediate implementation.

COMPLIANCE AND ENFORCEMENT PROCEDURES

Compliance is an on-going effort to go beyond the regulatory requirements to ensure that fair and equitable engagement with all the users of the transportation system are included in decisions regarding investment of available funds. Data will be collected and reported throughout the year regarding SVMPO outreach activities. SVMPO implemented their approved Public Participation Plan and reported annually on targeted Title VI/EJ/LEP efforts.

Program areas, as set forth in the SVMPO adopted Work Program, are reviewed no less than annually by the SVMPO Administrator, Technical Advisory Committee and the Executive Board for compliance with relevant federal and state requirements. An annual report of Title VI activities is prepared for ADOT's Civil Rights Division review and comment. (FY19 Annual report approved on August 24, 2020)

As potential projects are proposed, consideration is given to Title VI, EJ and DBE factors. Projects, plans and studies also generated as an outcome of analysis of Title VI data. For example, the SVMPO North Garden/Fry Blvd. project is located in the City of Sierra Vista's West End: shown by Title VI data analysis has having a higher minority and higher poverty rates than other parts of the City and investment in this area to connect these residents to services and enhanced walkable spaces highly desired. During development of project public outreach, review of Title VI data for the project area led to the translation of materials and outreach surveys into Spanish for public outreach efforts.

Any complaints filed will be given the highest priority for timely resolution with the applicable state and federal agencies. Data will be kept on these complaints or any lawsuits that might be filed and the SVMPO will report on the status and outcomes of those actions. **Discriminatory trends and patterns, if identified, will be brought forward, with recommendations on how to address these developing issues, to the SVMPO TAC committee and Board of Directors for remedial action.** The SVMPO Administrator/Title VI Coordinator is responsible for implementing remedial measures as directed by the Executive Board.

PROGRAMS, CONTRACTS AND SUB-RECIPIENT REVIEWS

Each program area and any sub-recipients would be reviewed by the SVMPO's fiscal agent (City of Sierra Vista) staff, the SVMPO Administrator and the SVMPO contract attorney as contracts and planning agreements are developed. Two key steps included in every contract issued for the SVMPO: prior to issuing any contract the contract will be reviewed by the SVMPO Administrator to ensure inclusion of the required, and most current, Title VI Assurance documents. Secondly, all final draft contracts will be reviewed by ADOT's Multimodal Planning Division in advance of being issued. The SVMPO Administrator will then review completed contract documents and verify the receipt of signed Assurances in advance of approving a Notice to Proceed to any contractor or vender. Small contracts (sole source through the SVMPO offices) include a requirement to provide signed acknowledgement of Assurances and a standardized process has been developed between the SVMPO and the Sierra Vista Procurement Office for both small and larger contracts issued by the SVMPO Fiscal Agent, in behalf of the SVMPO.

Although contracts are anticipated in the upcoming fiscal year, at the time of this Plan there are no active Procurement activities underway. The SVMPO averages one contract per year and, since its inception in 2013, has only issued a total of 12 contracts. The SVMPO now has an approved Professional Planning Services On-Call list and all selected contractors have completed mandated and current Title VI Assurance Agreements and most of the consultant teams voluntarily provided demographic data on their companies.

It is the SVMPO Administrator's responsibility to ensure that current versions of required Assurances are on file with their Fiscal Agent.

At the time of this plan, the SVMPO is working to developing appropriate Agreements or Memorandums of Understanding with member jurisdictions that will be receiving pass through federal funds from the SVMPO for future projects. Vista Transit is a partner with the SVMPO but is a direct recipient of FTA funds and reports independently on their Title VI activities and compliance. Should the relationship of the SVMPO change in respect to any member jurisdiction, other agency or non-profit, and funds be passed through, additional oversight would be developed and implemented. E.g. Agreements for compliance with this Title VI Plan and signed Assurances, as appropriate and required, provided.

PLAN TIMEFRAME AND UPDATE SCHEDULE

This Title VI plan updates the May 21, 2020 adopted Title VI Plan (approved by ADOT's Civil Rights Division on August 24, 2020) and covers the time-period of July 1, 2021 through June 30, 2022. The SVMPO will continue to implement the goals submitted in their FY21 Title VI Annual Report and will report on those accomplishments by August 2021 to the ADOT Civil Rights Division. The FY23 update to this Title VI and Environmental Justice Plan will be undertaken in early spring of 2022.

TITLE VI PLAN GOAL

The goal of the SVMPO Title VI Plan is to identify and better understand vulnerable population areas within the region so that opportunities can be enhanced to allow these population groups to be engaged in the regional planning process in meaningful ways. All persons within the SVMPO region should receive equal benefits from planning activities without shouldering a disproportionate share of the burdens. This effort is a continual work in progress that will evolve to reflect the changing demographics and transportation infrastructure needs of the SVMPO area residents.

For more information, please contact Karen L. Lamberton, AICP, Title VI Coordinator, at 520-515-8525.

**Attachments also posted on www.svmmpo.org at
<https://www.svmmpo.org/about/title-vi-plan/>**

ATTACHMENTS (Referenced Documents within this Title VI Plan)

Title VI Notice to the Public

Title VI Non-Discrimination Complaint Procedures

Title VI Complaint Form English & Spanish

Appendices A, B, C, D & E

Demographic Maps of SVMPO Region

Minority Populations; Limited English Proficiency; Limited English Proficiency Census Tracts of Interest (Spanish, German, Tagalog; Persons over 65; Persons in Poverty; Persons with Disabilities;; Zero Vehicle Households; Fixed Route Transit and Bus Stops; SVMPO Area Project Location and Minority Populations within Project Area.

Sierra Vista MPO Demographic Report/Drawn from the 2014-2018 American Community Survey as compiled and reported by Maricopa Association of Governments (Report Format Pending for 2015-2019 Data)

Certification of Minutes/Approved Executive Board Meeting Minutes for March 25, 2021 Pending

This FY2022 Title VI and Environmental Justice Plan for the SVMPO region was supported by funding from the Federal Highway Administration, Federal Transit Administration, the Arizona Department of Transportation and the SVMPO Member Jurisdictions.

SVMPO Board of Directors

Frederick Mueller, Rachel Gray, Sarah Pacheco, Peggy Judd, Johann Wallace, Richard Searle



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION ATTACHMENT: NOTICE AND COMPLAINT PROCESS

1. Title VI Notice to the Public
2. Non-Discrimination Complaint Procedures
3. Discrimination Complaint Form: English
4. Discrimination Complaint Form: Spanish



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION TITLE VI/ADA NOTICE TO THE PUBLIC

NOTIFYING THE PUBLIC OF RIGHTS UNDER TITLE VI/ADA

The Sierra Vista Metropolitan Planning Organization (SVMPO) hereby gives public notice that it is this Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Title II of the Americans with Disabilities Act of 1990(ADA), and related authorities in all of its programs and activities.

The SVMPO Title VI and ADA Programs require that no person shall, on the grounds of race, color, national origin, or disability, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which SVMPO receives Federal financial assistance.

Any person, who believes his/her Title VI or ADA rights have been violated, may file a complaint. Any such complaint must be in writing and filed with the SVMPO Administrator/Title VI Coordinator, Karen L. Lamberton, within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the SVMPO Office or from www.svmppo.org

A complaint may be filed with the Sierra Vista MPO by mail at 401 Giulio Cesare Ave., Sierra Vista, AZ 85635-2411; by e-mail to svmppo@SierraVistaAZ.gov; by contacting SVMPO at 520-515-8525.

Aviso al Público Sobre los Derechos Bajo el Título VI/ADA

La organización de planificación metropolitana Sierra Vista Metropolitan Planning Organization (SVMPO) por este medio hace un aviso público de que la norma de la Agencia es la de asegurar el cumplimiento total con el Título VI del Decreto de los Derechos Civiles de 1964, con el Decreto de Restauración de los Derechos Civiles de 1987, con el Título II del Decreto de Americanos con Discapacidades de 1990 (ADA por sus siglas en inglés), y con las autoridades relacionadas en todos sus programas y actividades.

Los programas de SVMPO bajo el Título VI y el decreto ADA requieren que ninguna persona deberá, basándose en su raza, color, origen nacional, o discapacidad, ser excluida de su participación en, denegada de los beneficios de, o de otra forma verse sujeta a discriminación bajo cualquier programa de Carreteras con Asistencia Federal u otra actividad para la cual SVMPO reciba asistencia financiera federal.

Cualquier persona que crea que se han violado sus derechos bajo el Título VI o el decreto ADA, puede registrar una queja. Cualquier dicha queja debe hacerse por escrito y registrarse con la Coordinadora del Título VI de la organización SVMPO, Karen L. Lamberton, dentro de ciento ochenta (180) días después de la fecha en la que haya ocurrido el supuesto evento discriminatorio. Las Formas de Quejas se pueden obtener en la oficina o el sitio web de la organización www.svmppo.org.

Se puede presentar una queja ante Sierra Vista MPO por correo al 401 Giulio Cesare Ave., Sierra Vista, AZ 85635-2411; o por correo electrónico a SVMPO@SierraVistaAZ.gov; o contactando SVMPO al 520-515-8525.



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION

Non-Discrimination Complaint Procedures

Any person who believes that they have been individually or as a member of a specific class of person, on in connection with any minority contractor, has been subject to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 or the American with Disabilities Act of 1990, may file a complaint with the Sierra Vista Metropolitan Planning Organization (Sierra Vista MPO).

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 as they relate to any Federal Highway Administration or Federal Transit Administration funded program or activity administered by the Sierra Vista MPO, its sub-recipients, consultants and contractors. In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or take legal action for complaints alleging discrimination.

Required Procedures for FHWA and FTA Title VI Complaints filed against the Sierra Vista MPO, and the Sierra Vista's MPO's sub-recipients, contractors or consultants:

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FHWA or FTA related activity or program as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, or disability can file a formal complaint with the Sierra Vista MPO.
2. A copy of the Title VI Complaint Form may be accessed electronically at www.svmmpo.com or obtained by contacting the SVMPO office located at 401 Giulio Cesare Ave., Sierra Vista, AZ 85635
3. Your complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to you/complainant or the last date of the incident.
4. Your complaint should be in writing and signed; you may file your complaint by mail, fax, in person, or e-mail. You may also call the SVMPO office at 520-515-8525 to provide the allegations by telephone; a written transcription of the allegations of your complaint, as provided over the telephone, will be sent to you/ complainant for correction and signature.
5. Your complaint should contain at least the following information:
 - A written explanation of what has happened;
 - A way to contact the you/complainant;
 - The basis of your complaint (e.g., race, color, national origin);
 - The identification of a specific person/people and the respondent (e.g., agency/organization) alleged to have discriminated against you;
 - Sufficient information to understand the facts that led you/complainant to believe that discrimination occurred in a program or activity that receives FHWA or FTA financial assistance; a consultant, contractor or sub-recipient of the Sierra Vista MPO and
 - The date(s) of the alleged discriminatory act(s).



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION Non-Discrimination Complaint Procedures

Required Process for FHWA Title VI Complaints filed against the Sierra Vista MPO, and the Sierra Vista's MPO's sub-recipients, contractors or consultants:

1. Upon receipt of a complaint, the Sierra Vista MPO will forward all FHWA Title VI complaints to Arizona Department of Transportation (ADOT) Civil Rights Office within 72 hours.
2. ADOT's Civil Rights Office will forward all FHWA Title VI complaints to the FHWA Division Office.
3. All Title VI complaints received by the FHWA Division Office will then be forwarded to the FHWA Office of Civil Rights for processing and potential investigation.
4. If the FHWA Office of Civil Rights determines a Title VI complaint against a sub-recipient can be investigated by ADOT's Civil Rights Office, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to ADOT. ADOT's Civil Rights Office will conduct the investigation and forward the Report of Investigation to the FHWA Office of Civil Rights for review and final disposition.
5. 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.
6. The complainant may also file a discrimination related complaint on an FHWA program or activity directly with ADOT or with the Federal Highway Administration by contacting the agencies at:

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

7. ADOT's Civil Rights Office processing of your complaint will follow ADOT's complaint processing procedures as per ADOT's FHWA Title VI Implementation plan, located on ADOT's website at: <https://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/filing-a-complaint>

Required Process for FTA Title VI Complaints filed against the Sierra Vista MPO, and the Sierra Vista's MPO's sub-recipients, contractors or consultants:

1. For FTA funded programs or activities; you/complainant may file a discrimination related complaint directly with the Sierra Vista MPO or with ADOT or with the Federal Transit Administration



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION Non-Discrimination Complaint Procedures

by contacting the agencies at:

ADOT Civil Rights Office 206 S. 17th Avenue Mail Drop 155A Phoenix, AZ 85007	Federal Transit Administration Office of Civil Rights 1200 New Jersey Avenue SE Washington, DC 20590
--	--

2. Upon receipt of a FTA related Title VI complaint, the SVMPO will notify both the transit agency involved with the alleged discrimination and the ADOT Civil Rights Division within 72 hours.
3. The SVMPO will then initiate an investigation of the alleged discrimination and prepare a draft Letter of Finding.
4. SVMPO will transmit the initial investigative findings to ADOT Civil Rights Division for review and comment. Upon coordinating findings and recommendations for resolution a final Letter of Finding will be prepared.
5. The disposition of all FTA Title VI complaints will be undertaken by the SVMPO, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI.
6. If the FTA related Title VI complaint has not been resolved through informal resolution, a Letter of Finding will be sent to the complainant.
7. A copy of the Final Letter of Finding will be sent to ADOT's Civil Rights Division, the transit agency and FTA, if appropriate and required.

Title VI Complaint Log and Maintenance of Records:

The Sierra Vista MPO will maintain a confidential log of all accepted Title VI Complaints for four (4) years; the log will include:

- Name of complainant(s)
- Date the complaint was received
- Date of the allegation
- Description of the alleged discrimination
- Other relevant information, as needed
- Report date
- Recommendations
- Outcome/Disposition

If this information is needed in another language, please contact the Sierra Vista MPO at 520-515-8525. Si se necesita información en Español, por favor comuníquese con la oficina de Sierra Vista MPO al 520-515-8525.



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION Discrimination Complaint Form

Note: *The following information is needed to assist in processing your complaint.*

Complainant's Information:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Home Phone Number: _____ Alternate Phone Number: _____

Person discriminated against (someone other than complainant):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Home Phone Number: _____ Alternate Phone Number: _____

Which of the following best describes the specific reason you believe the discrimination took place?

Race _____

Color _____

Disability _____

National Origin _____

On what date(s) did the alleged discrimination take place? _____

Where did the alleged discrimination take place? _____

What is the name and title of the person(s) who you believe discriminated against you (if known)?

Describe the alleged discrimination. Explain what happened and who you believe was responsible. (If additional space is needed, add a sheet of paper).



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION

Forma Para Poner una Queja De Acuerdo Al ADA Y Título VI

Nota: La siguiente información se necesita para procesar su queja.

Información de la persona que está poniendo la queja:

Nombre: _____

Dirección: _____

Ciudad _____ Estado _____ Código Postal _____

Teléfono (Casa): _____ Teléfono (Trabajo): _____

Persona A La Que Se Discriminó (alguien que no sea la persona que está poniendo la queja):

Nombre: _____

Dirección: _____

Ciudad _____ Estado _____ Código Postal _____

Teléfono (Casa): _____ Teléfono (Trabajo): _____

¿Cuál de las siguientes razones describe por lo que usted siente que se le discriminó?

Raza _____ Nacionalidad (Especifique) _____

Color (Especifique) _____ Discapacidad (Especifique) _____

¿En qué fecha(s) sucedió la discriminación?

¿En dónde sucedió la discriminación?

¿Cuál es el nombre y título de la persona(s) que usted siente que cometió la discriminación contra usted (si lo sabe)? _____

Describa la presunta discriminación. Explique qué sucedió y quién cree usted que fue responsable (si necesita más espacio, agregue otra hoja). _____



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION

Forma Para Poner una Queja De Acuerdo Al ADA Y Título VI

Escriba una lista con los nombres de las personas que puedan tener conocimiento de la presunta discriminación y cómo contactarlas. _____

Si ha presentado esta queja con otra agencia federal, estatal o local, o con cualquier corte federal o estatal, marque todas las que apliquen.

- Agencia Federal Corte Federal Agencia Estatal Corte Estatal
 Agencia Local

Por favor proporcione información de la persona a la que presentó su queja en la agencia/corte.

Nombre de contacto: _____

Dirección: _____

Ciudad _____ Estado _____ Código Postal _____

Teléfono (Casa): _____ Teléfono (Trabajo): _____

Por favor firme abajo. Puede incluir cualquier material escrito u otra información que usted crea que es importante para probar su queja.

Firma de la Persona que presenta la queja _____ Fecha Número de anexos: _____

Por favor envíe su formulario de queja en persona, por correo o por correo electrónico a:

Sierra Vista MPO

ATTN: Karen L. Lamberton, SVMPO Administrator - Title VI Program Coordinator

401 Giulio Cesare Ave.,

Sierra Vista, AZ 85635

Phone: 520.515-8525

SVMPO@SierraVistaAZ.gov



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION ATTACHMENT: TITLE VI ASSURANCES

Title VI Assurances A, B, C, D and E

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performance by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the *Federal Highway Administration or Arizona Department of Transportation* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with request to any subcontract or procurement as the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

A

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that **Sierra Vista Metropolitan Planning Organization** will accept title to the lands and maintain the project constructed thereon in accordance with *Title 23*, United States Code the Regulations for the Administration of *Federal Aid for Highways*, and the policies and procedures prescribed by the *Arizona Department of Transportation ,Federal Highway Administration* and the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252;42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Sierra Vista Metropolitan Planning Organization** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **Sierra Vista Metropolitan Planning Organization** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **Sierra Vista Metropolitan Planning Organization**, its successors and assigns.

The **Sierra Vista Metropolitan Planning Organization** ,in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [.] [and]* (2) that the **Sierra Vista Metropolitan Planning Organization** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.

B

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **Sierra Vista Metropolitan Planning Organization** pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Sierra Vista Metropolitan Planning Organization** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Sierra Vista Metropolitan Planning Organization** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **Sierra Vista Metropolitan Planning Organization** and its assigns*.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

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 Sierra Vista Metropolitan Planning Organization pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Sierra Vista Metropolitan Planning Organization will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Sierra Vista Metropolitan Planning Organization will there upon revert to and vest in and become the absolute property of Sierra Vista Metropolitan Planning Organization and its assigns.*

Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1687 *et seq.*).

E



SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION ATTACHMENT: SVMPO DEMOGRAPHIC REPORT

Population and Demographic Data provided by:

Maricopa Association of Governments State Demographic Viewer

<https://geo.azmag.gov/maps/azdemographics/>

Data based on the U.S. Census Bureau's 2014-2018 American Community Survey