

Arizona Department of Transportation Civil Rights

TITLE VI PROGRAM IMPLEMENTATION PLAN FOR FMCSA

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MAY 2019



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Title VI Implementation Plan for FMSCA

This Title VI Implementation Plan has been adopted by the Arizona Department of Transportation and is an inclusive plan applicable to the:

Federal Motor Carrier Safety Administration

The Title VI Plan is designed to aid the Civil Rights Office to ensure that there is Title VI compliance throughout ADOT. This document will be reviewed annually to reflect changes in law, administrators, regulations, and/or policy. This document is intended to provide guidance to Department personnel and other interested entities and is not intended to, does not and may not be relied upon to create any right or benefit, enforceable by law by a party against the Department.

A translation of this plan into alternate languages will be made available upon request. For individuals with disabilities, this document will be made available upon request in alternate formats. To obtain a copy in one of these alternate formats or for questions or concerns, please call or write:

Para obtener una copia de este documento en formatos alternativos o si tiene preguntas por favor llame o escriba a:

**Arizona Department of Transportation
Civil Rights Title VI Program
Attn: Title VI Nondiscrimination Program Coordinator
206 S. 17th Avenue
Room 183, MD155A
Phoenix, AZ 85007
(602) 712-8946**

ABOUT THE ARIZONA DEPARTMENT OF TRANSPORTATION

The Arizona Department of Transportation (ADOT) is a multi-modal transportation agency serving one of the fastest growing areas of the country. Among many things, ADOT is responsible for planning, building, and operating a complex highway system. In addition, ADOT is responsible for building and maintaining bridges and the Grand Canyon Airport. Finally, a major component of ADOT also includes the Motor Vehicle Division, which provides title, registration, and driver license services to the general public throughout the state of Arizona.

ADOT is primarily funded by the people who purchase fuel, drive or own private and commercial vehicles, or use transportation services. Individuals and businesses invest money through fuel taxes, motor carrier fees, vehicle title, registration, and license fees, to build and operate the state's transportation systems. About 80 percent of the money ADOT collects returns to the private sector in the form of paychecks and payment for transportation services and materials. In addition, ADOT is also annually awarded funds by the United States Department of Transportation (USDOT) including Federal Motor Carrier Safety Administration (FMCSA), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA) to help support ADOT's agencies and programs and their continued growth.

ADOT, with the support of USDOT, is proud to have created a transportation system that creates job opportunities through the planning, building, and maintaining of its projects and other innovative ideas. These projects in turn generate economic development and attract a varied workforce to join our community. ADOT consistently strives to successfully deliver a range of transportation projects through the efficient use of funds and the annual proposed budgets.

As a recipient of federal funds through USDOT, ADOT is held to a standard of nondiscrimination as further described in this document. These guidelines, identified as "Title VI Nondiscrimination Implementation Program Plan" (Title VI Plan), were developed in accordance with the Federal compliance guidelines.

To request further information, please contact Lucy Schrader, External Civil Rights Program Administrator at (602) 712-8946.

1. INTRODUCTION

POLICY OVERVIEW AND OBJECTIVES

In compliance with Title VI and according to the Civil Rights Act 1964, Arizona Department of Transportation (ADOT) assures through its policies, assurances and procedures that no person shall on the grounds of race, color, national origin, age, sex, or disability or limited English proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT or ADOT-sponsored program or activity. While ADOT receives funds from various sources, there is no distinction between the sources of funding. Questions about ADOT's FMCSA Title VI Program may be directed to:

**Civil Rights Office
206 S. 17th Avenue
Phoenix, AZ 85007**

Attention: Title VI Nondiscrimination Program Coordinator

Email: civilrightsoffice@azdot.gov

Website: <http://www.azdot.gov/business/civil-rights/title-vi-nondiscrimination-program>

Title VI plan objectives:

- I. To assign and clarify roles, responsibilities, and procedures for ensuring compliance with Title VI and all related statutes.
- II. To assure that all employees and people affected by ADOT's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, disability, economic status, or limited English proficiency.
- III. To proactively prevent discrimination and ensure nondiscrimination in all ADOT programs and activities, regardless of funding source.
- IV. To establish procedures for identifying and eliminating discrimination when found to exist.
- V. To establish procedures to review specific program areas within ADOT and with its external partners to determine effectiveness of the area's activities at all levels.
- VI. To work closely with areas that receive federal funds or others known to have compliance violations, otherwise known as "special emphasis program areas". Aid for these areas will include consistent progress reviews, working directly to train all members and stressing the importance of Title VI overall compliance.
- VII. To describe the process for filing and investigating complaints by persons who believe that they have been subjected to discrimination under Title VI in any ADOT service, program, or activity or any program that is administered by its subrecipients.

TITLE VI/ADA NONDISCRIMINATION POLICY STATEMENT

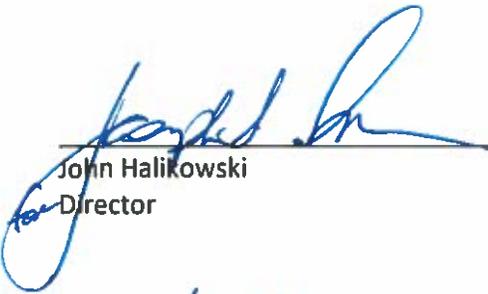
The Arizona Department of Transportation (ADOT), as policy, assures nondiscrimination compliance on the grounds of race, color, national origin, age, sex, disability, limited English proficiency (LEP) and low-income status as provided by Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990 (ADA), Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited English Proficiency), Code of Federal Regulations 49 Part 21, Code of Federal Regulations 23 part 200, Code of Federal Regulations 49 part 303 and related nondiscrimination authorities.

As a condition of receiving federal financial aid from the Federal Motor Carrier Safety Administration (FMCSA) and, in accordance with USDOT 1050.2A, the Director of ADOT signed FMCSA Title VI Assurances in 2019 further pledging the agency's commitment to nondiscrimination.

No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ADOT program or activity. Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. ADOT's subrecipients, grant recipients, and contractors must also comply with this policy.

The ADOT Civil Rights Office and program areas will work closely to implement their mutual Title VI nondiscrimination program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all of ADOT programs and activities.

The Director delegates full authority to Lucy Schrader, External Civil Rights Program Administrator and the Civil Rights Office to oversee and implement ADA/Title VI regulations and related nondiscrimination authorities.



John Halikowski
Director

4/26/19
Date

3. ASSURANCES

ADOT'S Director is required to sign FMCSA Title VI/Nondiscrimination Assurances pledging our agency's commitment to nondiscrimination. These FMCSA Assurances were signed by the Director on April 26, 2019.



The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The **Arizona Department of Transportation** (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 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.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898, 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: <http://www.fhwa.dot.gov/environment/ejustice/facts/index.htm>;

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency." When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons," dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

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

"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP 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 FMCSA."

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 Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FMCSA 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 "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 Motor Carrier Safety Programs* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Arizona Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award."

3. The Recipient will insert the clauses of **Appendix A and E** of this Assurance in **every** contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to 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.

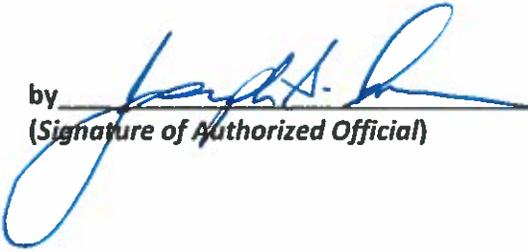
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Arizona Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA 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 FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Arizona Department of Transportation 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 Department of Transportation under the FMCSA Program. This ASSURANCE is binding on [insert State], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FMCSA Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Arizona Department of Transportation
(Name of Recipient)

John S. Halikowski
(Name of Authorized Official)

by  _____
(Signature of Authorized Official)

DATED 4/26/19 _____

ASSURANCE 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 Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 as set forth in Appendix E, 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 the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
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 or the FMCSA 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 or the FMCSA, 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 FMCSA 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 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 respect to any subcontract or procurement as the Recipient or the FMCSA 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.

**ASSURANCE APPENDIX B
CLAUSES FOR DEEDS TRANSFERING 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 Department of Transportation as authorized by law and upon the condition that the Arizona Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 49, Code of Federal Regulations, US Department of Transportation Part 303(FMCSA's Title VI/Nondiscrimination Regulation), the Regulations for the Federal Motor Carrier Safety Administration (FMCSA) Program, and the policies and procedures prescribed by the FMCSA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 **Arizona Department of Transportation** all the right, title and interest of the 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 **The Arizona Department of Transportation** 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 **Arizona Department of Transportation**, its successors and assigns.

The **Arizona Department of Transportation**, 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, national origin, sex, age, disability, income-level, or LEP 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 **Arizona Department of Transportation** 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 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 effectuate the purpose of Title VI.)*

ASSURANCE 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 **Arizona Department of Transportation** 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 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, national origin, sex, age, disability, income-level, or LEP 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, **Arizona Department of Transportation** 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 a deed, in the event of breach of any of the above Non-discrimination covenants, the **Arizona Department of Transportation** 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 **Arizona Department of Transportation** and its assigns.*

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

ASSURANCE 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 **Arizona Department of Transportation** 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, national origin, sex, age, disability, income-level, or LEP 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, national origin, sex, age, disability, income-level, or LEP 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, **Arizona Department of Transportation** will have the right to terminate the (license, permit, etc., as appropriate) and to 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, **Arizona Department of Transportation** will there upon revert to and vest in and become the absolute property of **Arizona Department of Transportation** and its assigns.*

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

ASSURANCE 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:

- 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), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. § 303;
- 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, (102 Stat. 28.), ("*...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*");
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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 non-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. 1681 *et seq.*), as implemented by 49 C.F.R. § 25.1 *et seq.*

4. Delegation of Authority

DELEGATION OF AUTHORITY

TITLE VI AND EXTERNAL AMERICANS WITH DISABILITIES ACT (ADA) NONDISCRIMINATION PROGRAM

DELEGATION OF AUTHORITY

SUMMARY: Through this notice, the Director delegates all compliance authority for the Arizona Department of Transportation Title VI Nondiscrimination program and the External American's with Disabilities Act program to the External Civil Rights Program Administrator. The External Civil Rights Program Administrator reports to the Civil Rights Office Administrator.

DATE: Effective upon signature

FOR FURTHER INFORMATION CONTACT: Lucy Schrader, External Civil Rights Program Administrator, 206 S. 17th Ave. Rm 183 MD 155A Phoenix, AZ 85007, 602-712-8946, Lschrader@azdot.gov.

Section A. Authority Delegated

1. The External Civil Rights Program Administrator is hereby delegated authority and assigned responsibility for directing and managing all aspects of the Title VI and External ADA Nondiscrimination programs including providing direction and oversight for Civil Rights administrative services, setting departmental administrative policy, and effectively managing program staff.
2. In addition to what is described above, the External Civil Rights Program Administrator is hereby delegated authority to carry out the following responsibilities:
 - a. Provide guidance to leadership and management regarding all Title VI and External ADA responsibilities. This includes identifying facility-related priorities, developing plans, and providing directives for improving nondiscrimination conditions for ADOT employees, customers, and stakeholders.
 - b. Provide ADOT departments and field office staff with Title VI and External ADA program responsibilities. This includes liaison services for employees designated or identified by ADOT Leadership. Liaisons will be used for the delivery and oversight of Title VI and External ADA Program duties.
 - c. The External Civil Rights Program Administrator has full authority to review policies and/or programs developed, administered and/or managed by ADOT to detect possible conflicts with the Title VI and External ADA program federal requirements. The Civil Rights Administrator will perform any such additional duties as may be assigned to by the Civil Rights Office Administrator by applicable law(s) or regulation(s).

- d. The External Civil Rights Program Administrator will meet with the Director on a quarterly basis, or as needed, to provide guidance on the strengths and weaknesses of the agency's efforts to meet Federal and State compliance requirements.

Section B. Authority to Re-delegate

1. The External Civil Rights Program Administrator may re-delegate any of the authority delegated under Section A above.

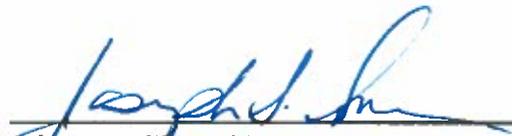
Section C. Authority Excepted

1. The authority delegated in this document does not include the authority to sue or be sued or issue a waiver of Federal law or regulations.

Section D. Statutory/ Regulation Authorities

During the performance of duties, the External Civil Rights Program Administrator will comply with the following non-discrimination statutes and authorities; including but not limited to:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252): and 49 CFR Part 21.
2. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601);
3. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*); and 49 CFR Part 27;
5. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*);
6. Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended;
7. The Civil Rights Restoration Act of 1987, (PL 100-209);
8. Titles II and III of the Americans with Disabilities Act, (42 U.S.C. §§ 12131-12189); 49 C.F.R. parts 37 and 38;
9. The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123);
10. FMCSA Title VI/Nondiscrimination Regulation 49 C.F.R. Part 303 ;
11. Executive Order 12898;
12. Executive Order 13166 (70 Fed. Reg. at 74087 to 74100);
13. Title IX of the Education Amendments of 1972, (20 U.S.C. 1687 *et seq.*).



John S. Halikowski,
Arizona Department of Transportation- Director

DATED 4/26/19_____

STAFFING

ADOT DIRECTOR

The Director is responsible for supervising and administering the overall activities of the department, its divisions, and employees. As such, the Director signs all necessary nondiscrimination assurances to aid in ensuring all civil rights requirements are met. Duties or powers are delegated to carry out the efficient operation of the department.

CIVIL RIGHTS ADMINISTRATOR

The Civil Rights Administrator is the highest ranking official within ADOT's Civil Rights Office. The Administrator's program oversight includes the following nondiscrimination programs: Title VI/Nondiscrimination; Equal Employment Opportunity (EEO) (Title VII); Internal Affirmative Action, EEO Contractor Compliance and the Americans with Disabilities Act (ADA) Programs.

EXTERNAL CIVIL RIGHTS PROGRAM ADMINISTRATOR

To comply with the Code of Federal Regulations 49 § 21 and other regulatory statutes, the External Civil Rights Program Administrator has delegated authority and assigned responsibility for directing and managing all aspects of the Title VI, External ADA and EEO Contractor Compliance Programs. The day-to-day Title VI roles and responsibilities are delegated to the Title VI and ADA Nondiscrimination Program Coordinators.

TITLE VI NONDISCRIMINATION PROGRAM COORDINATOR

The Title VI Nondiscrimination Program Coordinator is the second highest ranking official in the Civil Rights Office. The Title VI Nondiscrimination Program Coordinator's oversight includes the day-to-day implementation of Title VI/Nondiscrimination Program. The Title VI Nondiscrimination Program Coordinator is the department expert and responsibilities include:

1. Providing guidance and technical assistance on Title VI matters with overall program responsibility for preparing required Title VI compliance reports and initiating monitoring activities including developing procedures, monitoring and:
 - a. Promptly resolving deficiencies and documenting remedial action within a reasonable amount of time not to exceed 90 days;
 - b. Collecting statistical data (race, color, national origin, age, sex disability, limited English proficiency and low income status) of participants in and beneficiaries of ADOT programs;
 - c. Identifying and eliminating discrimination when found to exist.
2. Complying with ADOT's procedures to investigate Title VI complaints filed against ADOT and its subrecipients when appropriate ;
3. Conducting Title VI reviews of program areas
4. Conducting annual reviews of special emphasis areas;

5. Conducting and coordinating Title VI training for ADOT;
6. Developing Title VI information for distribution to the general public in languages other than English, as needed;
7. Monitoring public participation and awareness of Title VI policies and procedures for their effectiveness in reaching the public;
8. Overseeing implementation of ADOT's Limited English Proficiency plan.

TITLE VI NONDISCRIMINATION PROGRAM MANAGER

The Title VI Program Nondiscrimination Manager will work to assist the Title VI Nondiscrimination Program Coordinator in its review and responsibilities over all aspects of the Title VI program. In particular, the Title VI Program Nondiscrimination Manager has the delegated task to focus on internal and external Title VI responsibilities. The manager's duties include but will not be limited to:

1. Implementing and overseeing the Title VI Implementation Plan to ensure compliance;
2. Conducting Title VI training for division staff;
3. Conducting site reviews;
4. Providing guidance on the external Title VI matters for Division Programs and Activities;
5. Ensuring the collection of statistical demographics (race, color, national origin, age, sex, disability, limited English proficiency) of participants or beneficiaries of Division Programs and Activities;
6. Providing technical assistance, including developing data collection procedures and resources to analyze demographic data;
7. Assuming overall responsibility for compiling documentation of the Division's Title VI compliance ;
8. Ensuring Division Programs and Activities comply with ADOT's Limited English Proficiency plan;
9. Complying with ADOT procedures to investigate Title VI complaints filed against Division staff;
10. Establishing procedures to identify and eliminate discrimination when found to exist; and
11. Establishing procedures for promptly resolving deficiencies and documenting remedial action within 90 days.

CIVIL RIGHTS COMPLIANCE SPECIALIST

The Civil Rights Compliance Specialist will work to assist the Title VI Nondiscrimination Program Manager in its review and responsibilities over all aspects of the Title VI program. In particular, the Civil Rights Compliance Specialist has the delegated task to focus on external Title VI responsibilities. These duties include but will not be limited to:

1. Assisting with the implementation of the Title VI Implementation Plan to ensure compliance;
2. Conducting Title VI training for division staff;
3. Conducting site reviews;
4. Providing guidance on the external Title VI matters for Division Programs and Activities;
5. Assisting with the collection of statistical data of participants or beneficiaries of Division Programs and Activities;
6. Providing technical assistance, including assistance with data collection and analyzing demographic data;
7. Assisting with the compilation of documentation of the Division's Title VI compliance ;

8. Ensuring Division Programs and Activities comply with ADOT's Limited English Proficiency plan;
9. Complying with ADOT procedures to investigate Title VI complaints filed against Division staff;

TITLE VI LIAISON PROGRAM

To facilitate the inclusion of civil rights requirements in all aspects of ADOT's operations, ADOT has proposed to establish a Title VI Liaison Program. The Liaison Program's purpose is to ensure all ADOT policies, procedures, and practices are compliant with Title VI of the Civil Rights Act of 1964, related federal statutes, and federal agency guidelines and regulations.

The Liaison Program will consist of one or more liaisons for each program area. The liaisons will work with the ADA/Title VI Nondiscrimination Program Coordinator to ensure their respective areas, programs, and subrecipients comply with Title VI regulations and assurances, collect and analyze demographic data of participants/beneficiaries of programs, meet the objectives of the Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff. The Title VI Liaison Program representatives will meet on a quarterly basis to assist in developing ADOT's Annual Goals and Accomplishment Report.

5. FEDERAL AID PROGRAMS

All recipients of federal funding must comply with the statutes of Title VI of the Civil Rights Act of 1964 and subsequent acts and provisions. The Enforcement and Compliance Division (ECD) has applied for or is currently a recipient of FMCSA federal financial assistance for the programs described below.

NEW ENTRANT SAFETY ASSURANCE PROGRAM

FMCSA provides federal financial assistance for ADOT's New Entrant Safety Assurance Program. This program was established in 2010 in response to the Motor Carrier Safety Improvement Act of 1999 to reduce safety incidents involving new motor carriers and drivers through increased training and oversight. As part of Enforcement Services, the New Entrant Assurance Unit provides extensive training and monitoring through the thorough and effective regulatory enforcement action necessary to facilitate the safe operation of heavy trucks and buses traversing Arizona highways. This unit also conducts approximately 200 enroute commercial vehicle and driver inspections to increase assurances that commercial drivers and vehicles are both safe and qualified to remain on the road.

The primary public benefit of the New Entrant Safety Assurance Program continues to be the reduction of commercial vehicle related crashes which reduces extensive private property damage, public highway infrastructure damage and major commuter delays in Arizona. Although the ADOT New Entrant Safety Assurance program is specific to Arizona-based motor carriers, these benefits also extend to residents of all other states in which Arizona New Entrant motor carriers operate. A secondary benefit to Arizona recipients includes an increase in employment opportunities, tax revenue and general goods and services purchases associated with a successful Arizona-based motor carrier business entity.

www.azdot.gov/mvd/MotorCarrierServices/NewEntrantProgram

COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS

FMCSA has provided financial assistance for the Commercial Vehicle Information Systems and Networks (CVISN) and the International Registration Plan/International Fuel Tax Agreement (IRP/IFTA).

The primary objective of the Commercial Vehicle Information Systems and Networks (CVISN) Program is to implement information systems that support safety information exchange, credentials administration, and electronic screening. CVISN is not a new information system, but rather the integration of information systems at the national, state, and local levels. The CVISN Program allows trucks to bypass weigh stations by electronically verifying a truck's legal weight, safety rating, and credentials as the truck continues down the road at freeway speeds. These information systems are able to communicate through transponders and have the operational capability to exchange safety, credential and electronic screening data.

Program funding is provided for existing and future maintenance activities required to support systems that are part of ADOT's Expanded CVISN initiatives. These maintenance activities include vendor provided maintenance and support of applications, professional services costs of contractors supporting the CVIEW system, as well as, internal ADOT support staff resource costs.

IRP/IFTA System Replacement. This purpose of this project is to acquire, implement and operate a modern, integrated International Fuel Tax Agreement (IFTA) and International Registration Plan (IRP) system to replace the aging legacy systems currently used by ADOT. This system will provide the complete functionality to manage and support IFTA and IRP credentialing and revenue distributions. The new system will also extend web access for carriers for all credentialing and miles and tax reporting needs. The expanded CVISN grant will cover the International Registration Plan (IFTA) software and associated implementation services. The IRP portions of the project will be paid with ADOT funds.

Both programs are specific to motor carriers and enable ECD to carry out its safety enforcement and licensing requirements more efficiently. Motor Carrier operators also benefit from less time waiting for individual weighing, review of registrations and safety inspections.

FUEL TAX EVASION

FHWA provides financial support for ADOT'S Fuel Tax Evasion Unit (FTEU) which is an investigatory branch of the Enforcement and Compliance Division (ECD) of ADOT. Its primary function is to investigate civil and criminal fuel related violations of the Arizona Revised Statutes (ARS). FTEU is responsible for all fuel related investigations statewide and includes supporting local and county agencies and the Native American Sovereign in their enforcement efforts of fuel tax related laws, when needed.

FTEU handles complex cases such as undocumented importation of bio-diesel, misuse of dyed diesel, under reporting of ethanol usage, smuggling of stolen diesel, and fuel tax evasion by individual truck drivers and / or companies. FTEU has also conducted an extensive Dyed Diesel Outreach Program communicating with over 9,000 taxpayers regarding the lawful/unlawful use of dyed diesel.

FTEU's investigations have resulted in millions of annual recovered tax dollars. These recovered tax dollars go directly to the Highway User Revenue Fund (HURF) which supports Arizona's infrastructure. This program benefits the public by ensuring all applicable taxes are paid on fuel which are used for highway improvements and new construction and further, by ensuring gasoline and diesel fuels to operate vehicle in the state meet established quality standards.

<http://www.azdot.gov/mvd/professional-services/FuelTaxInfo/fuel-tax-evasion-unit>

6. DISSEMINATION OF TITLE VI INFORMATION

A. ADOT has developed a Public Involvement Plan in accordance with FHWA regulation. The plan was approved by FHWA in 2017 and can be found by following this link:

<https://www.azdot.gov/planning/transportation-planning/public-involvement-plan>

In addition to the FHWA Public Involvement Plan; ADOT has established the following Public Involvement Guidelines to comply with FMCSA Requirements

ADOT Public Involvement Philosophy

As ADOT strives to create and maintain a transportation system for Arizona that improves the quality of life and bolsters the state's economy, we will include a diversity of voices and viewpoints from across the state that provide valuable insight to help inform the decision-making process.

Public Involvement Requirements

Federal regulations do not specifically define how to perform public involvement. Project teams develop and implement public involvement plans that are relative to the needs of the project and public. This flexibility allows adoption of the following guidance, which seeks to ensure public participation by a comprehensive range of stakeholders. As an agency, project team members will be familiar with the guidance, practices and documentation required as stated in this document and especially with the federal requirements for Title VI, Environmental Justice, Americans with Disabilities Act and Limited English Proficiency outreach and for National Environmental Policy Act, if applicable. All project team members will be familiar with ADOT's Public Involvement Plan and use the tactics required for federal compliance for public participation. The designated ADOT Communications liaison to the ADOT Civil Rights Office will provide training for any or all team members when public involvement is required. Whether for a new highway or the scheduled closure of a Motor Vehicle Division Office, ADOT's public involvement philosophy and processes remain equitable.

MVS-Specific Overview

As a dynamic customer service-oriented operation, the Arizona Department of Transportation Motor Vehicle Division is consistently monitoring and reviewing its performance and operational needs and capacity in future years. Part of this process will occasionally require a review of the effectiveness and need for physical MVD offices in various localities. Population shifts, technological advances and the age of office infrastructure are some of the factors considered when office locations are modified, including full closure.

When the decision has been made to make major service reductions or to eliminate service at a particular MVD office, MVD – in consultation with ADOT Communications – prepares a comprehensive plan of public

outreach aligned with the Public Involvement Plan, approved in 2017 by the Federal Highway Administration.

Process for Outreach

Typically, the initial and earliest effort will be to contact government representatives in the potentially affected area. This includes – but is not limited to – state legislators, county supervisors, mayors and city council members and local tribal community leaders, as well as professionals such as city/town managers, legislative staff, etc. This is intended to outline the reasons for the upcoming change and to obtain feedback from these stakeholders. ADOT Communications will assess, using tools outlined in the agency’s Public Involvement Plan, which community groups may have an interest in upcoming MVD action; efforts will be made to communicate with those groups in writing and, if necessary, in person. Following completion of the Four-Factor Analysis and review of census records, accommodations will be made for those members of the community who do not speak English by printing materials in the appropriate languages and having translators available at a public meeting.

Notification to the general public is made using various mass media available. This may include newspapers and local media websites, social media and notices posted at the office location, community centers, religious organizations and other locations where community members frequent. Accommodation languages, as required by Title VI of the Civil Rights Act, is included. Additional notification can be made through the use of mass emails from ADOT Communications to interested members of the public. ADOT Communications has the capability to deliver such emails on a broad geographic basis as well as to news media and MVD customers.

For proposed closures that may have a statewide, as opposed to limited local or regional implications, MVD would initiate public meetings to explain the upcoming change and to obtain customer feedback. When appropriate based on community sensitivities or communication preferences, MVD has, on occasion, held meetings to discuss planned service changes for local and regional operations that did not have statewide impact. Consideration is given to ensuring the meeting location is accessible to all stakeholders (close to transit if possible, Americans with Disability Act compliance, etc.) and at an appropriate time of day based on community assessment. Public meetings are planned and implemented in compliance with the ADOT Public Involvement Plan.

Outreach Options

Scope and significance will be critical in determining the scale of required outreach for service alterations or facility closures. In following with provisions outlined through Federal Highway Administration guidelines for the implementation of the National Environmental Policy Act and from guidance from the Federal Motor Carrier Safety Administration, MVD will assess the service radius for each impacted facility to aid in identification of the target population. That data, connected to the severity of the service impact, will guide decisions on the need for formal public meetings, written/published advisories, less formal public notification, or no advance notice at all. As part of the service-area assessment and possible community impact, MVD will evaluate the role of Authorized Third Party offices to provide services as needed to the public or if other technological-based options (such as kiosks in public facilities) will meet the identified community needs.

Stakeholder Assessments

Public involvement activities must be accessible to anyone who has an interest in the initiative, regardless of race, national origin, sex, age, income level or disability. Making sure that all interested members of the public are provided the opportunity to have input helps ADOT and MVD comply with federal

nondiscrimination regulations, including Title VI, Americans with Disabilities Act, Environmental Justice and Limited English Proficiency. In addition to legal requirements for public involvement, the more that is known about the area population, the more effective the outreach will be.

The following factors/demographics should be documented and addressed in any MVD outreach plan supporting a service-level change:

- Race
- Age
- Sex
- Income levels
- Home ownership and occupancy
- Disability
- Language spoken at home
- Vehicles available/use of transit
- Employment

Linkage to ADOT PIP

The agency Public Involvement Plan, as approved by FHWA, will remain the standard-bearer for how ADOT and MVD conduct outreach and gather public perspective on planned service modifications. The more stringent guidelines for NEPA project outreach will support the decision process for MVD outreach to communities and key stakeholders.

Additionally, MVD commits to documenting all community input and completing an analysis to identify primary concerns, and providing that input to decision makers. Following implementing of the change, public sentiment/comment will be tracked for no less than six months for reaction or unforeseen consequences. If necessary, adjustments may be considered following the track-and-assess process.

B. Title VI Notice to the Public/ Posters and Brochures

The Arizona Department of Transportation (ADOT) provides posters, brochures, and survey cards at every public hearing and meeting. These program posters and brochures are available in languages other than English, as needed. Furthermore, current copies of ADOT's ADA/Title VI Notice to the Public are available and accessible at ADOT buildings statewide.

ADOT's ADA/Title VI Notice to the Public is also posted at Division locations and all authorized third party locations. These entities post this notice in a visible location for customers and employee's knowledge and reference. A copy of ADOT's ADA/Title VI Notice to the Public is included in this document as Attachment A.

7. COMPLIANCE AND MONITORING

Subrecipient Compliance Review ProcessThe Arizona Department of Transportation (ADOT) is a recipient of federal financial assistance. All recipients are required to comply with various nondiscrimination laws and regulations including Title VI of the Civil Rights Act of 1964 (Title VI).

ADOT and its subrecipients of federal aid funds must ensure that all of its programs and activities are operated in a nondiscriminatory manner. ADOT's CRO requires subrecipients to provide an annual report describing Title VI data collected from agency and subcontractors, outreach methods, Title VI implementation changes and upcoming Title VI program goals. Yearly reports are analyzed and categorized based on a high/low risk assessment. After the annual high/low risk assessment, the CRO will conduct compliance reviews of local public agencies, transit grantees, MPOs and COGs, universities, colleges, and other subrecipients of federal financial assistance to determine level of compliance with Title VI requirements. ADOT's Title VI Nondiscrimination Program staff will conduct subrecipient compliance reviews annually to:

1. Ensure compliance with Title VI.
2. Provide technical assistance in the implementation of the Title VI program.
3. Correct deficiencies when found to exist.

Notification

1. Subrecipients will be notified within 30 days of the upcoming Title VI review by certified letter and/or prioritized email.
2. A week prior to the onsite review, a reminder will be sent by priority email to discuss agenda, logistics, expectations of the onsite visit, and to request policies, procedures and sample documents for a desk audit.

Onsite Review

1. A Title VI staff member will review:
 - a. subrecipient data collection methods;
 - b. subrecipient methods for analyzing Title VI data;
 - c. environmental justice efforts;
 - d. LEP efforts; and
 - e. leadership changes
2. Training efforts and number of complaints received included in the required subrecipient annual goals and accomplishment report.
3. During the onsite review, Title VI staff will conduct interviews and discuss reporting and data collection practices, public notification practices, examine public participation practices, examine efficiency of Title VI complaint procedures and make verbal and written recommendations towards best practices.

Deficiencies

If deficiencies are found:

1. Within 30 days of the onsite review, deficiencies will be documented in a report provided to agency director, ADOT's LPA Section and the ADOT Civil Rights Administrator.
2. By expectation, the LPA should correct all deficiencies within a reasonable time period, not to exceed 90 days of receipt of the report.
3. Within 30 days of report mailing, a meeting must be scheduled to discuss possible technical assistance and action plan towards full compliance.
4. Outstanding high priority vital items such as signed Title VI assurances will be submitted within 30 days of report mailing.
5. LPA will be asked to submit a formal action plan within 45 days of report mailing.
6. Within 90 days, the subrecipient MUST be fully compliant on outstanding deficiencies.

7. If not compliant, ADOT will make a formal funding recommendation to the appropriate oversight division and/or federal authority.

No Deficiencies

If no deficiencies are found:

1. A formal letter of full compliance will be provided within 30 days of onsite review along with a report of findings.
2. The report may still provide recommendations for strengthening the subrecipient's Title VI Program.

Follow-up Monitoring

Title VI staff member will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

Currently, ADOT's Enforcement and Compliance Division does not sub-award FMCSA funds to another recipient.

8. TITLE VI TRAINING

The Civil Rights Office will provide a Title VI/Nondiscrimination Training Program for ADOT, its recipients and subrecipients annually or more frequently, as needed. Currently, the Enforcement and Compliance Division does not distribute funding to subrecipients. Training will be conducted by a trained Civil Rights Office Specialist specifically assigned to provide division-wide training.

ADOT's Internal Training Program on Title VI of the Civil Rights Act of 1964 is comprised of three levels of training of varied intensity and content, as shown below.

Director and Division – This training will occur annually and functions as part training and debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges and Special Emphasis Areas.

Federal Program Area Manager/Supervisor Level – This training will occur annually and will specifically focus on the major challenges and Special Emphasis Areas in each of the Federal Program Areas. It will highlight the challenges that require coordination between Federal Program Areas.

Federal Program Areas Title VI/ Nondiscrimination Liaisons level – This training will be conducted annually and is intended to provide Liaisons with an opportunity to discuss issues, ask questions regarding reviews conducted or to be conducted, review specific scenarios and share experiences. It is also an opportunity to provide individualized training related to Title VI/Nondiscrimination/ADA requirements and ways to apply the requirements to the specific Federal Program Area.

Staff Training – This training will be provided annually to ECD staff by the Civil Rights Compliance Specialist at division locations throughout the state for staff that participate in driver/vehicle inspection and enforcement activities and will include an in-depth examination of Title VI of the Civil Rights Act of 1964 and ADOT’s Nondiscrimination Policy. The training will define discrimination, discuss examples of discrimination and incorporate strategies to recognize and avoid potential problems when working with the public. Special emphasis will be placed on identifying practices that may be interpreted as discriminatory in nature due to an individual’s protected class and will identify established processes designed to overcome barriers relative to a person’s limited English proficiency. Training will also cover the Title VI Complaint process and include a question/answer session to be followed by a written test.

New Hires – Training for new ECD staff will act as an introduction to ADOT’s Civil Rights Non-Discrimination and ADA policies; ADOT’s commitment to its antidiscrimination programs; how the program affects the new hire; best practices and will conclude with a question/answer series about what comprises discrimination and best practices to prevent discrimination in the workplace. The Civil Rights Compliance Specialist will provide this training, as required.

9. ACCESS TO RECORDS / PROGRAM REVIEWS

ADOT is responsible for ensuring that records documenting implementation of the Title VI Plan requirements are available for review by the Federal Motor Carrier Safety Administration. To assess the effectiveness of the program, the following information should be included:

- Program/Activity description
- Service area demographics
- Program/Activity demographics
- How the information was collected
- How Title VI information was disseminated to the public
- What Title VI population was affected and how
- Number of requests for LEP services and services provided
- Detailed Complaint Log

FMCSA requires recipients of federal financial aid to comply the provision of Title VI of the Civil Rights Act of 1964 and, specifically, with CFR 49 §21 and §303. To ensure compliance, Division Programs will prepare biannual reports based on responses to program-specific questionnaires provided by ADOT’s Civil Rights Office. These reports will be submitted to the ADA/Title VI Nondiscrimination Coordinator who is responsible for the implementation and oversight of this IP and ADOT’s Nondiscrimination Program. The report will contain demographics collected for each program, an overview of measures taken to help ensure compliance and any deficiencies noted or complaints filed during the review period. Data provided will be

analyzed to evaluate the success of program civil rights efforts and establish a Compliance Action Plan, if needed. These reports will provide documentation of the Division's compliance with the provisions of Title VI and will be maintained by the Civil Rights Office and available to FMCSA upon request. The biannual reports and the completed questionnaires will be submitted every February and September. A sample Questionnaire is included as Attachment A.

SPECIAL EMPHASIS PROGRAM AREAS

All FMCSA-funded programs are considered special emphasis program areas and are subject to comprehensive reviews which will follow the steps outlined below:

Step 1: CRO will review internal policies and procedures.

Step 2: CRO will perform on-site inspections and desk audits.

Step 3: Personnel interviews will be conducted by the CRO.

Step 4: CRO will complete a review and issue findings with recommendations to achieve compliance.

Step 5: CRO and the program area will work together to create a Compliance Action Plan which will include, at a minimum, resources, trainings, and best practices to achieve compliance.

Step 6: If a resolution cannot be achieved, the recommendation and findings will be issued to the ADOT Director.

DATA COLLECTION AND ANALYSIS

ADOT is required by federal regulation to collect statistical data on the race, color, national origin, age, sex and disability of participants in and beneficiaries of its programs. ADOT Civil Rights staff works with program staff to collect and analyze data. This data will be used to document compliance with Title VI.

Enforcement and Compliance Division (ECD) The mission of the Enforcement and Compliance Division is to ensure the safe and efficient movement of people, goods and services throughout Arizona while promoting compliance with all applicable state and federal laws and regulations.

ECD Programs and Activities having direct contact with the public will collect demographic data to include racial/ethnic makeup, age and sex and disability. This data will be reported to CRO for trend analysis and to identify any possibly impacted protected groups participating in or benefiting from any of its programs or activities.

The Enforcement Services Bureau (ES) utilizes officers in the enforcement of transportation related laws and regulations. Through the fixed port of entry system and mobile enforcement, commercial vehicles are checked for compliance with size, weight, and safety laws, including laws relating to the transportation of hazardous materials. In addition, Enforcement Services inspects vehicles for authorized ownership, monitors and recovers stolen vehicles and vehicle components, and completes administrative and criminal investigations.

Ports of Entry (POE) monitor all commercial traffic entering Arizona for registration, taxes, size and weight restrictions, commercial driver license requirements, insurance requirements and equipment safety requirements and issue permits, as required.

New Entrant (NE) Program is designed to assure that new motor carriers understand the complex federal and state safety regulations that are required and provides a mechanism with which to remove unsafe commercial transportation operations. ECD conducts all New Entrant inspections and Safety Audits on Arizona-based interstate motor carriers.

Fuel Tax Evasion Unit (FTEU) is an investigatory branch of the Enforcement and Compliance Division (ECD). Its primary function is to investigate civil and criminal fuel related violations of the Arizona Revised Statutes (ARS). FTEU handles complex cases such as undocumented importation of bio-diesel, misuse of dyed diesel, under reporting of ethanol usage, smuggling of stolen diesel, and fuel tax evasion by individual truck drivers and/or companies. FTEU has also conducted an extensive Dyed Diesel Outreach Program communicating with over 9000 taxpayers regarding lawful /unlawful use of dyed diesel.

10. COMPLAINT PROCEDURES

Title II – Programs, Services, and Activities – The Complaint Procedure is designed to provide prompt and equitable resolutions of complaints alleging non-compliance with Title II of ADA or discrimination on the basis of disability in the provision of services, activities or programs by ADOT. Includes any ADOT program, services, or activity whether in ADOT or administered or operated by an ADOT contractor, consultant, external partner, grantee, etc.

Title VI of the Civil Rights Act of 1964, in part, protects against national origin discrimination. With regard to national origin discrimination, the External Complaint Procedure is designed to provide prompt and equitable resolutions of complaints. Failure to provide meaningful access to individuals who are Limited English Proficient (LEP) in the provision of services, activities or programs by ADOT is a form of discrimination. This applies to all ADOT services, activities or programs whether federally funded or not.

Procedures

- A. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, age, sex, disability, income status or limited English Proficiency (LEP) may file a formal complaint with ADOT's Civil Rights Office. A copy of the Complaint Form may be accessed electronically at:

<https://www.azdot.gov/docs/default-source/planning/complaint-form-for-fmcsa.pdf?sfvrsn=0>

- B. The complaint must be filed within 180 days of the alleged discrimination, the date the alleged discrimination became known to the complainant or the last date of the incident.
- C. The complaint must be written and signed by the complainant and shall include:
 1. The complainant(s) name, address and phone number.

2. A detailed description of the alleged incident that led the complainant to believe discrimination occurred.
 3. The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date the conduct was discontinued.
 4. The names and job titles of those parties involved in the complaint.
 5. The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (race, color, national origin, sex, age, disability, income status or LEP).
 6. Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations.
 7. The corrective action being sought by the complainant.
- D. Complaints may be filed by one of the following methods:
1. By completing and signing the Complaint Form and delivering it in person or by mail.
 2. By emailing or faxing the Complaint Form and sending the signed original to the CRO.
 3. By calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature and return.
 4. By electronically submitting and digitally signing the Complaint Form.
- E. Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action.
1. Complaints against ADOT or its subrecipients in FHWA funded programs will be referred to FHWA for processing.
 2. Complaints against ADOT under all other USDOT federally-funded programs fall under ADOT's authority and jurisdiction.
- F. For acceptance, a complaint must be:
1. Timely filed.
 2. Involve a covered basis (race, color, national origin, sex, age, disability, income status or LEP).
 3. Within ADOT's authority.
- G. Complaints may be dismissed if the complainant:
1. Requests the withdrawal of the complaint.
 2. Fails to respond to repeated requests for additional information.
 3. Fails to cooperate in the investigation.
 4. Cannot be located after reasonable attempts to reach the complainant have been made.

- H. ADOT CRO will maintain a confidential log of accepted and/or forwarded Title VI Complaints which will include:
1. Name of complainant(s).
 2. Date the complaint was received.
 3. Date of the allegation.
 4. Description of the alleged discrimination.
 5. Other relevant information, as needed.
 6. Report date.
 7. Recommendations.
 8. Outcome/Disposition.
- I. Upon accepting a complaint, the CRO investigator will:
1. Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 calendar days from the CRO's written notification to furnish a written response.
 2. Determine if more information is needed to resolve a case and may contact the complainant who will then have 10 calendar days to provide additional information.
- J. Within 45 days of accepting a complaint, an ADOT Investigator will:
1. Gather all relevant information in a fair and impartial manner.
 2. Conduct interviews of all concerned parties.
 3. Prepare a final investigative report with a recommended disposition.
- K. Upon final determination, one of two letters will be issued to the complainant:
1. A closure letter summarizing the allegations stating that there was no Title VI violation and that the case will be closed.
 2. A Letter of Finding summarizing the allegations and the interviews regarding the alleged incident and explaining whether any additional action, additional training of the staff or other action will occur.
- L. All allegations of discrimination will be taken seriously and every effort will be made to provide a fair and unbiased determination. In instances where there is dissatisfaction with ADOT's determination, the complainant may file a complaint directly with the appropriate USDOT modality:

US Department of Transportation, Federal Highway Administration, Arizona Division
4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012

US Department of Transportation, Federal Aviation Administration
800 Independence Ave. SW, Washington, DC 20591

US Department of Transportation, Federal Motor Carrier Safety Administration
1200 New Jersey Ave. SE, Washington, DC 20590

US Department of Transportation, Federal Transit Administration
FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590

US Department of Transportation, National Highway Traffic Safety Administration
1200 New Jersey Ave. SE, Washington, DC 20590

11. LIMITED ENGLISH PROFICIENCY (LEP)

Recipients of Federal financial assistance are required to take reasonable steps to provide Limited English Proficient (LEP) persons meaningful access to their programs, activities, and services. Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. This section outlines the LEP protections and ADOT's plans for compliance. Title VI and Executive Order 13166 prohibit recipients of Federal financial assistance from discrimination based on national origin. This protected class is addressed under Title VI on the basis of national origin. ADOT has taken steps to provide meaningful access to services for LEP individuals.

Activity	Responsibility ADOT Division / Programs	Title VI Program
1. Assessing and addressing the needs of eligible persons	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	

Based on survey results of the Title VI Interdisciplinary and Liaison Teams in 2012, program areas with the most public interaction most likely to encounter LEP individuals in the Enforcement and Compliance Division are the Office of Inspector General and the Enforcement Services Bureau.

Technical Assistance

The ADOT Civil Rights Office Title VI Nondiscrimination Program Coordinator is responsible for providing ADOT program areas with technical assistance. This includes advising program areas of LEP requirements and implementing and assisting in developing individual program plans and mechanisms.

LEP Guidance and Resources

The guidance document and the resources listed below are provided to assist program areas with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001
- U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000 <http://www.usdoj.gov/crt/cor/>
- U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001 <http://www.usdoj.gov/crt/cor/lep/Oct26>

12. STATUS OF CORRECTIVE ACTIONS

Applicants applying for federal funding from FMCSA that have undergone a Civil Rights Title VI Review by FMCSA-CRO or any other Federal Agency must provide a copy of the Compliance Review Report.

ADOT has not undergone a Civil Rights Title VI review since its last submission to FMCSA in 2016.

Attachment "A" Title VI Notice to the Public



**ADOT'S NONDISCRIMINATION NOTICE TO THE PUBLIC FOR
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA)
FUNDED PROGRAMS ONLY**

The Arizona Department of Transportation (ADOT) hereby gives public notice that it is the Agency's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990 (ADA), and other related authorities in all of its programs and activities.

ADOT's Title VI and ADA Programs require that no person shall, on the grounds of race, color, national origin, age, sex, disability, low income status or limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

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 ADOT Civil Rights Office within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about ADOT's Civil Rights programs and the procedures to file a complaint contact ADOT Civil Rights Office via the information listed below:

**AVISO PÚBLICO DE LA LEY DE NO-DISCRIMINACIÓN DE ADOT
QUE APLICA SOLO PARA LOS PROGRAMAS FINANCIADOS
POR LA ADMINISTRACION FEDERAL DE SEGURIDAD DE
AUTOTRANSPORTE (FMCSA)**

El Departamento de Transporte del Estado de Arizona (ADOT) informa al público que esta agencia tiene como regla asegurar el cumplimiento total del Título VI de la Ley de los Derechos Civiles de 1964, del Título II de la Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA) y otras normas relacionadas con todos sus programas y actividades.

Los programas del Título VI y ADA de ADOT exigen que a ninguna persona se le excluya de participar, se le nieguen beneficios o de ninguna otra manera sea sujeta a discriminación en ningún programa o actividad de ADOT por motivo de raza, color, país de origen, edad, sexo, discapacidad, bajos recursos económicos o dominio limitado del inglés.

Cualquier persona que crea que se han violado sus derechos bajo el Título VI o el ADA, puede presentar una queja. Esta queja debe presentarse por escrito a la Oficina de Derechos Civiles de ADOT dentro de ciento ochenta (180) días a partir de la fecha en que se alega que ocurrió la discriminación. Para recibir más información sobre los programas de Derechos Civiles de ADOT y los procedimientos para presentar una queja, por favor póngase en contacto con la Oficina de Derechos Civiles de ADOT a través la información que aparece abajo:

LUCY SCHRADER
ADA/TITLE VI NONDISCRIMINATION
PROGRAM COORDINATOR

ADOT Civil Rights Office
206 S. 17th Avenue, Mail Drop 155-A
Phoenix, AZ 85007
602.712.8946
602.239.6257 FAX
azdot.gov

ATTACHMENT B

TITLE VI PROGRAM BIENNIAL REVIEW Enforcement and Compliance Division/ Enforcement Services Bureau Mobile Port Operations

Please submit to ADOT Civil Rights Office.

I. Program/Activity Information

Date _____

Division/Program: MOBILE PORT OPERATIONS

Location: _____ Completed by: _____

II. Demographic Information by Activity

For the month of _____.

Please provide the following demographic data:

	TRAFFIC STOP	WARNING	CITATION	ARREST	LEP	M	F
White							
Black							
Hispanic							
Asian							
Native American							
Disabled							

III. LEP

Provide the number of LEP services requested over the past month: _____

Please indicate the languages for which assistance was requested and number of times assistance was requested _____

What efforts are taken to overcome language or other barriers in your activities?

IV. Dissemination of Title VI Information

1. Is Title VI Civil Rights information being disseminated to individuals?

Yes No

Please briefly explain how this is being done.

2. Are posters or program brochures available in languages other than English?

Yes No

V. Complaint Information

Provide a log of all Title VI Complaint Log for the previous six months. The log should include:

- Date of complaint
- Name of person who filed the complaint
- Date of alleged act of discrimination
- Basis of the complaint (race, color, national origin, sex, age, disability)
- Description of alleged act of discrimination
- Date complaint was forwarded to CRO for investigation

ATTACHMENT C



ADA/Title VI Discrimination Complaint Form

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

Complainant's Information:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alternate Phone Number: _____

Person discriminated against (someone other than complainant):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alternate Phone Number: _____

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

Race _____ Color _____ National Origin _____

Sex _____ Age _____ Disability _____

Low Income Status _____ Limited English Proficiency (LEP) _____

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).
