

# ARIZONA DEPARTMENT OF TRANSPORTATION EXTERNAL CIVIL RIGHTS

## TITLE VI NONDISCRIMINATION PROGRAM FY2025 TITLE VI PROGRAM COMPLIANCE PLAN FOR FMCSA



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**February 2025**

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## **Title VI Nondiscrimination Program Plan for FMCSA**

This Title VI Nondiscrimination Program Plan has been adopted by the Arizona Department of Transportation and is an inclusive plan applicable to the administration of activities funded by:

### **Federal Motor Carrier Safety Administration**

A translation of this plan into alternate languages will be made available upon request. For individuals with disabilities, this document will be made available in alternate formats upon request. 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  
External Civil Rights Program  
MD 154A, 1801 W. Jefferson St., Suite: 101  
Phoenix, AZ 85007  
(602) 712-8946  
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**Danielle Valentine  
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## **ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) OVERVIEW**

The ADOT is a multimodal transportation agency serving one of the fastest-growing areas of the country. ADOT is responsible for planning, building and operating a complex highway system; building and maintaining bridges; and operating the Grand Canyon National Park Airport, the Motor Vehicle Division (MVD) and the Enforcement and Compliance Division (ECD) for oversight of commercial vehicles.

ADOT is funded by the people who drive or own private and commercial vehicles, purchase fuel, 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. In addition, ADOT is also annually awarded federal funds by the United States Department of Transportation (USDOT) including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), National Highway Traffic Safety Administration (NHTSA), Federal Aviation Administration (FAA), and Federal Motor Carrier Safety Administration (FMCSA) 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 maintenance 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 Program Compliance Plan (Title VI Plan), were developed in accordance with federal compliance guidelines. Furthermore, this Title VI Plan has been reviewed by department directors and various agency administrators who are committed to the implementation of these policies.

To request further information, please contact the Title VI Nondiscrimination Program Coordinator, Danielle Valentine, at (602) 712-8946 or [Dvalentine@azdot.gov](mailto:Dvalentine@azdot.gov).

# 1. INTRODUCTION

## **POLICY OVERVIEW AND OBJECTIVES**

In compliance with Title VI of the Civil Rights Act of 1964 (Title VI) the Arizona Department of Transportation (ADOT) assures through its policies and procedures that no person 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 ADOT or ADOT sponsored program or activity. In addition to Title VI, ADOT's Title VI Nondiscrimination program extends protections under the following Nondiscrimination statutes: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), Section 504 of the Rehabilitation Act of 1973/ Americans with Disabilities Act of 1990 (disability), Airport and Airway Improvement Act of 1982 (49 U.S.C. 47123) (creed), Executive Order 12898 (Environmental Justice), and Executive Order 13166 (limited English Proficiency). While ADOT receives funds from various sources, there is no distinction between the sources of funding. Questions about ADOT's Title VI Program may be directed to:

### **External Civil Rights**

**Attention: Danielle Valentine, Title VI Nondiscrimination Program Coordinator**

**MD 154A, 1801 W. Jefferson St., Suite: 101**

**Phone: (602) 712-8946**

**Email: [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov)**

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

Title VI Nondiscrimination Program objectives:

1. To be transparent with the public on ADOT's standard operating procedures and to ensure nondiscrimination in all ADOT programs and activities.
2. To assign and clarify roles, responsibilities, and procedures for ensuring compliance with Title VI and all related nondiscrimination statutes.
3. To ensure that all participants and beneficiaries affected by ADOT's programs, projects, and activities receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, creed, age, sex, disability, income status, or limited English proficiency.
4. To bring awareness to all ADOT employees, including consultants and contractors performing work on behalf of ADOT of their roles and responsibilities to ensure nondiscrimination in all ADOT programs, services, and activities, regardless of funding source.
5. To establish procedures for identifying and eliminating discrimination when found to exist.
6. To establish ADOT processes for conducting Title VI internal program area reviews and subrecipient reviews to determine the effectiveness of the area's compliance activities at all levels.
7. To establish ADOT's Title VI compliance and enforcement procedures to address deficiencies or when noncompliance is determined for internal program areas and subrecipients.
8. To describe the procedures for processing complaints by persons who believe they have been subjected to discrimination under Title VI in any ADOT service, program, or activity, to include programs administered by ADOT subrecipients.

## 2. POLICY STATEMENT

### 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.

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 ADOT's 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 External Civil Rights (ECR) 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 the ADOT ECR and staff to assist in the effective implementation of the program as appropriate, to oversee and implement Title VI and related nondiscrimination authorities.



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Jennifer Toth- Director  
Arizona Department of Transportation

2/14/25

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Date

### 3. ASSURANCES

As required, ADOT’S Director has signed FMCSA Title VI/Nondiscrimination Assurances pledging ADOT’s commitment to nondiscrimination. These FMCSA Assurances were signed by the Director in February 2025.

**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 (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 Title VI issues can raise Environmental Justice concerns and FMCSA 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 EJ: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 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 Nondiscrimination 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 49 C.F.R. §§ 21.23 (b) and 21.23 (e) 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 the FMCSA Program 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 Arizona, 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)*

**Jennifer Toth**\_\_\_\_\_  
*(Name of Authorized Official)*



by\_\_\_\_\_  
*(Signature of Authorized Official)*

DATED 2/14/25\_\_\_\_\_

## 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 canceling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with 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 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 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 assignments.\*

*(\*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

### TITLE VI AND EXTERNAL AMERICANS WITH DISABILITIES ACT (ADA) DELEGATION OF AUTHORITY

**SUMMARY:** Through this notice, the Director delegates all compliance authority for ADOT's Title VI Nondiscrimination program and the External Americans with Disabilities Act program to the ECR and the ADA/Title VI Nondiscrimination Program Coordinators. The ADA/Title VI Nondiscrimination Program Coordinators report to the ECR Manager who reports to the Employee and Business Development (EBD) Administrator.

**DATE:** Effective upon signature

**FOR FURTHER INFORMATION CONTACT:** Title VI/ADA Nondiscrimination Program Coordinators, Danielle Valentine and Krystal Smith at MD 154A, 1801 W. Jefferson St., Ste 101, Phoenix, AZ 85007 (602)712-8946, [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov).

#### Section A. Authority Delegated

1. The ECR Manager is hereby delegated authority and assigned responsibility for directing and managing all aspects of the Title VI and 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 ECR Manager is hereby delegated authority to carry out the following responsibilities:
  - a. Provide guidance to leadership and management regarding all Title VI and 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 ADA program responsibilities. This includes Title VI liaison responsibilities for employees designated or identified by ADOT Leadership. Liaisons will be used for the delivery and oversight of Title VI and ADA Program duties.
  - c. The ECR Manager 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 ADA program federal requirements. The ECR Manager will perform any such additional duties as may be assigned to by the EBD Administrator by applicable law(s) or regulation(s).

#### Section B. Authority to Re-delegate

1. The ECR Manager 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 ADA/Title VI Nondiscrimination Program Coordinators will comply with the following nondiscrimination 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);
- 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);



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**Jennifer Toth - Director**  
**Arizona Department of Transportation**

2/14/25  
Date

## **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.

### **Employee and Business Development Administrator**

The EBD Administrator reports to the ADOT Director through the ADOT Deputy Director. In respect to this plan, the Administrator's program oversight includes: Title VI Nondiscrimination, Affirmative Action/Equal Opportunity (AA/EEO) Contractor Compliance, EJ, and the External ADA/Section 504 Programs. To comply with Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI roles and responsibilities are delegated to the ECR Manager.

### **ECR Manager**

The ECR Manager reports to the EBD Administrator. The ECR Manager oversees program oversight of the following: Title VI/Nondiscrimination, AA/EEO Contractor Compliance, EJ, and the External ADA/504 Programs. To comply with Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI roles and responsibilities are delegated to the ADA/Title VI Nondiscrimination Program Coordinators.

### **ADA/Title VI Nondiscrimination Program Coordinators**

The ADA/Title VI Nondiscrimination Program Coordinators report to the ECR Manager. The ADA/Title VI Nondiscrimination Program Coordinator's oversight includes both the day-to-day implementation of the Title VI and the External ADA Programs. The ADA/Title VI Nondiscrimination Program Coordinators are the department experts whose responsibilities include:

1. Delegated authority to have a direct line of communication to the ADOT Director.
2. Providing guidance and technical assistance on Title VI matters with overall program responsibility for preparing required reports regarding Title VI compliance and initiating activities including developing procedures, monitoring and:
  - a. Promptly resolving deficiencies and documenting remedial action within a reasonable period of time not to exceed 90 days.
  - b. Collecting statistical data (race, color, national origin and low-income status) of participants in and beneficiaries of ADOT programs.
  - c. Identifying and eliminating discrimination when found to exist.
3. Ensuring the Title VI Assurances are signed by the current ADOT Director.
4. Complying with ADOT's procedures to investigate Title VI complaints filed with ADOT against its subrecipients; investigate and address complaints filed against ADOT under non-FHWA funded programs.
5. Forwarding all FHWA-related discrimination Title VI complaints filed with ADOT against ADOT or its subrecipients to the FHWA Arizona Division Office.
6. Conducting Title VI reviews of program areas: Planning and Programming, Procurement and Contract Services, Communications and Community Relations, Environmental Planning (EP), Right-of-Way (ROW), Engineering Consultant Section (ECS), Contracts and Specifications, Construction Contract Administration, Research, Local Public Agency Section (LPA), Business Engagement and Compliance (BECO), Project Management Group (PMG), and Alternative Delivery/Major Projects.

7. Regularly reviewing ADOT program directives in coordination with State Program officials, and where applicable, including Title VI and related requirements. ADOT's ADA/Title VI Nondiscrimination Program Coordinator meets this requirement through review of quarterly Liaison reports, which require reporting any proposed program directives. When it is determined that directives have Title VI implications, the ADA/Title VI Program Nondiscrimination Coordinator works with the program area liaison and program area management to develop recommendations to ensure compliance is achieved.
8. Conducting and coordinating Title VI training for ADOT.
9. Updating the Title VI Program plans as necessary for submission to USDOT authorities such as FHWA, FAA, FTA, FMCSA, and NHTSA.
10. Preparing and submitting an annual Title VI Program Compliance Plan and Title VI goals and accomplishments reports to FHWA.
11. Developing Title VI information for distribution to the general public in other languages, as needed.
12. Monitoring public participation and awareness of Title VI policies and procedures for their effectiveness in reaching the public.
13. Developing and overseeing implementation of ADOT's LEP Plan.
14. Monitoring the review of National Environmental Policy Act (NEPA) documents to ensure compliance with EJ, LEP, and Title VI.

#### **Title VI Nondiscrimination Program Manager**

The Title VI Nondiscrimination Program Manager reports to the ADA/Title VI Nondiscrimination Coordinator. The Title VI Nondiscrimination Program Manager works to assist the ADA/Title VI Nondiscrimination Coordinator in their review and responsibilities over all aspects of the Title VI Program. In particular, the Title VI Nondiscrimination Program Manager has the delegated responsibility of ADOT's Title VI program and oversees Civil Rights Specialists to ensure the day to day compliance with ADOT's Title VI Program Compliance Plan. The Title VI Nondiscrimination Program Manager's duties include, but will not be limited to:

1. Providing guidance on Title VI matters for subrecipients and overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and:
  - a. Promptly resolving deficiencies and documenting remedial action within 90 days.
  - b. Ensuring subrecipients develop procedures for the collection of statistical data (race, color, national origin and low-income status) of participants in and beneficiaries of federal aid programs.
  - c. Implementing and overseeing subrecipient Title VI plans and programs to ensure compliance.
  - d. Identifying and eliminating discrimination when found to exist.
2. Ensuring the Title VI Assurances are collected from all subrecipients.
3. Complying with ADOT's procedures to investigate and address non-FHWA funded program Title VI complaints filed with ADOT against its subrecipients.
4. Assist in the updates to the Title VI program plans as necessary for USDOT authorities such as: FHWA, FAA, FTA, FMCSA, and NHTSA.
5. Assist in conducting Title VI reviews and training of program areas: Planning and Programming, Procurement and Contract Services, Communications and Community Relations, Environmental Planning (EP), Right-of-Way (ROW), Engineering Consultant Section (ECS), Contracts and Specifications, and Construction Contract Administration, Research, Local Public Agencies

Section (LPA), Business Engagement Compliance (BECO), and Project Management Group (PMG), Alternative Delivery/Major Projects.

6. Assist in conducting subrecipient annual reviews based on a high risk/low risk assessment.
7. Assist in conducting Title VI training and technical assistance for subrecipients.
8. Complying with federal standards to ensure proper implementation of subrecipient LEP plans.
9. Providing technical assistance, resources and best practices for aiding subrecipient compliance including providing data collection resources, training, and establishing workgroups.
10. Comply with ADOT's responsibilities under EJ and other Title VI Nondiscrimination compliance programs.
11. Compliance and oversight of Title VI, EJ and LEP requirements under ADOT's FHWA NEPA Categorical Exclusion Assignment (23 U.S.C. 326) and (23 U.S.C. 327) Assignment including all Environmental Impact Statements (EIS), Environmental Assessments (EA) and Categorical Exclusions (CE).
12. Compliance and oversight of Title VI, EJ and LEP requirements for all NEPA projects under all other DOT authorities such as FAA, FTA, FMCSA, and NHTSA.
13. EJ, Title VI and LEP compliance oversight for all project-related Public Involvement activities and materials.
14. Participates in project meetings as a member of ADOT project teams.
15. Attends ADOT public meetings or hearings to ensure EJ, Title VI and LEP compliance.
16. Creates and conducts EJ training to internal program areas and provides technical assistance on a case by case basis.
17. Collects demographic information and conducts EJ, Title VI and LEP analysis on all ADOT projects and activities in order to review proposed impacts on low-income and or minority communities, potential Title VI disparate impacts and assesses national origin, engagement and services provided.
18. Provides guidance on integrating EJ principles into all ADOT programs, as needed.

### **Civil Rights Specialists**

The Civil Rights Specialists are responsible for the day-to-day implementation of ADOT's Title VI Program Compliance Plan and for ensuring compliance with the provisions of Title VI and other nondiscrimination authorities, including EO's for EJ and LEP. The Civil Rights Specialists' duties include, but will not be limited to the following:

1. Assist in and prepare the annual Title VI Accomplishment Report.
2. Assist in and prepare the Title VI Title VI Program Compliance Plan.
3. Coordinate activities related to the effective and efficient implementation of ADOT's Title VI Program.
4. Assist in the development of procedures and processes for preventing discrimination and addressing and resolving complaints of discrimination promptly under non-FHWA funded programs.
5. Provide Title VI technical assistance, guidance, and training to ADOT staff, subrecipients, state officials, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal funds.
6. Develop procedures for collecting statistical data on race, color, and national origin for participants and beneficiaries of the state highway program.
7. Develop and publish Title VI information for dissemination to the general public and where appropriate ensure that the information is available in languages other than English.
8. Conduct Title VI annual reviews of all appropriate internal program areas, subrecipients, consultants, contractors, and other recipients of ADOT funds.

9. Develop and oversee processes for obtaining public input, particularly in minority and traditionally underserved areas.
10. Participate in the identification of Title VI impacts and mitigation measures of proposed projects.
11. Attend ADOT public meetings or hearings.
12. Assist in the review of NEPA documents to identify and address social, economic and environmental effects and impacts.
13. Review Title VI Plans for ADOT FHWA subrecipients to include Metropolitan Planning Organizations (MPO's), Councils of Governments (COG's) and Certification Acceptance Agencies (CA's).
14. Review contractual procedures for consultants and contractors to ensure nondiscrimination, consistency and that required Title VI contract provisions are included.
15. Provide Title VI, LEP and EJ technical assistance on ADOT multidisciplinary project teams.

#### **Title VI Liaison Program**

To facilitate the inclusion of Civil Rights requirements in all aspects of ADOT's operations, ADOT has established a Title VI Liaison Program. The Liaison Program's purpose is to ensure all ADOT policies, procedures, and practices are compliant with Title VI and related nondiscrimination authorities.

The Title VI Liaison Program consists of one or more liaisons from ADOT programs including MVD and ECD. The liaisons work with the Title VI Nondiscrimination Program Manager 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, and meet the objectives of the Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for staff. The Title VI Liaison Program representatives will meet on a quarterly basis to assist in developing ADOT's federal reporting requirements.

## **5. FEDERAL AID PROGRAMS**

All recipients of federal funding must comply with the statutes of Title VI and subsequent acts and provisions. ADOT's ECD and MVD have applied for or are 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 (NESAP). 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. 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 NESAP 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 NESAP 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 service purchases associated with a successful Arizona-based motor

carrier business entity. Further information regarding the NESAP can be found here: <https://azdot.gov/motor-vehicles/enforcement/new-entrant-program>

#### **HIGH PRIORITY – INNOVATIVE TECHNOLOGY DEPLOYMENT PROGRAM**

FMCSA has provided financial assistance for the High Priority – Innovative Technology Deployment (HP-ITD) Program.

The primary objective of the HP-ITD Program is to implement information systems that support safety information exchange, credentials administration, and electronic screening. HP-ITD is not a new information system, but rather the integration of information systems at the national, state, and local levels. The HP-ITD 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 use license plate reader cameras, USDOT number reader cameras, and transponder antennas to identify the carrier and vehicle information. Data about the vehicle is obtained from national and state databases and used in making the sorting decision. Vehicles are instructed to pull into the port of entry or weigh station by dynamic message signs on the roadway, or via an active transponder or Electronic Logging Device in the truck.

Program funding is provided for new or upgraded technologies and for existing and future maintenance activities required to support systems that are part of ADOT's Expanded HP-ITD initiatives. These maintenance activities include vendor provided maintenance and support of applications, professional service costs of contractors supporting the HP-ITD system, as well as internal ADOT support staff resource costs.

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.

In addition to the grants above, the MVD has applied for FMCSA federal financial assistance for the programs described below.

#### **COMMERCIAL DRIVER LICENSE PROGRAM IMPLEMENTATION GRANT**

The Commercial Driver's License (CDL) Program Implementation Grant provides financial assistance to States to achieve compliance with the requirements of 49 CFR Parts [383](#) and [384](#).

The goal of the national CDL program is to reduce the number and severity of commercial motor vehicle crashes in the United States by ensuring that only qualified drivers are eligible to receive and retain a CDL. This goal focuses on maintaining the concept that for every driver, there is only one driving record and only one licensing document, commonly referred to as "One Driver-One-License-One Record". To further this concept, States are required to conduct knowledge and skills testing before issuing a CDL, to maintain a complete and accurate driver history record for anyone that obtains a CDL, and to impose appropriate disqualifications against any driver that violates certain offenses. This effort is directly linked to the FMCSA focus of reducing crashes, injuries, and fatalities involving large trucks and buses.

ADOT MVD was awarded the grant for FY2023 and FY2024. FY2023 funds were utilized to refurbish the paved areas of CDL skills test area conducted at the rural MVD test location in Holbrook, improve the data quality, and decrease number of broken pointers and missing pointers in Commercial Driver's License Information System records, and support adopting of Modern CDL Test System within Arizona. FY2024 funds will be utilized for expenses required for refurbishing paved areas to which off-road CDL

skills tests are conducted at the rural MVD office located in Yuma, Show Low, and Prescott (Chino Valley). All projects follow the State's standard contract award process for completing the project. ADOT MVD is planning to apply for the FY2025 Grant to support projects which increase and maintain State compliance with the CDL regulations in 49 CFR parts 383 and 384, improve access to CDL testing in underserved/rural communities, and develop innovative approaches to improve efficiency and compliance.

#### **HIGH PRIORITY - COMMERCIAL MOTOR VEHICLE GRANT**

The High Priority (HP) grant program is a discretionary (competitive) grant program designed to provide Federal financial assistance to enhance the Motor Carrier Safety Assistance Program's (MCSAP) Commercial Vehicle Safety Plan (CVSP) activities, maintain innovative technology and/or new project(s) not included in the CVSP that will have a positive impact on Commercial Motor Vehicle (CMV) safety. Applicants are also eligible for HP grants that improve CMV safety.

#### **FMCSA provides federal financial assistance to States:**

1. To carry out activities and projects that augment motor carrier safety;
2. To advance the technological capability and promote the deployment of intelligent transportation system applications for CMV operations, including CMV, commercial driver, and carrier-specific information systems/networks; and to support and maintain CMV information systems and networks.

ADOT was awarded the Grant in FY2023 for FMCSA SPE training of state examiners. Funds have been utilized to train 12 state examiners in 2024.

## **6. ADOT PUBLIC INVOLVEMENT ANNEX TO COMPLY WITH FMCSA REQUIREMENTS**

ADOT has developed a Public Involvement Plan (PIP) in accordance with FHWA regulation. The ADOT PIP provides guidelines and techniques that ADOT will use to interact with the public throughout transportation planning and during construction, operation, and maintenance. The PIP also demonstrates how ADOT will engage people of all races, cultures, and minority and low-income populations in the transportation decision-making process. The plan is intended for use by ADOT staff, ADOT consultants, and any other entities conducting public involvement on behalf of ADOT. ADOT's PIP was approved by FHWA in 2023, and it will continue to evolve in alignment with innovative and effective best practices and/or new statutes governing public involvement. The PIP will be evaluated annually by ADOT Communications and Public Involvement for continued compliance with federal requirements and best practices. The ADOT PIP is available on ADOT's website: <https://www.azdot.gov/planning/transportation-planning/public-involvement-plan>

In addition to the FHWA PIP, ADOT has established the below ADOT PIP Annex to specifically address and comply with FMCSA Public Involvement requirements.

#### **Arizona Department of Transportation (ADOT) Public Involvement Annex to comply with Federal Motor Carrier Safety Administration 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. This extends to highway planning, design, construction and operations; long-range planning, Motor Vehicle Division (MVD) services and commercial vehicle enforcement duties.

### **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 specific 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 (NEPA), 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 and Public Involvement liaison(s) to the ADOT ECR 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 MVD Office, ADOT's public involvement philosophy and processes remain equitable.

### **Linkage to ADOT PIP**

As stipulated by FMCSA in its guidance documents, ADOT's Public Involvement Plan, as approved by FHWA, will remain the standard for how ADOT and MVD conduct outreach and gather public perspective on planned service modifications. Additionally, MVD commits to documenting all community input and completing an analysis to identify primary concerns, and providing that input to decision makers.

### **MVD Specific Overview**

As a dynamic customer service-oriented operation, the ADOT MVD 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, the age of office infrastructure, and office availability are some of the factors considered when office locations are modified, including full closure. In some instances, ADOT may not be the initiator of an MVD office closure, the department may be a tenant and receive notice by a building owner of the need to vacate, and must be reactive to notify affected MVD users and determine if a replacement facility is warranted. Regardless of the reasons for the service change, MVD commits to conducting an appropriate level of public outreach.

### **Determining Level of Public Outreach**

Scope and significance will be critical in determining the scale of required outreach for service alterations or facility closures. In the event of a decrease in MVD activities/services and/or facilities, MVD will make a determination if the change has a *minor or major impact to the public*, which will determine the level of public notification and outreach. The level of impact will generally be determined by the following factors:

- **Whether the decrease is localized, regional, or state-wide.** Whether the change has local, regional or statewide impact will inform decisions on how to engage customers to assess the full scale of impacts and provide data to decision makers.
- **Whether it is a planned service change/reduction or the elimination of an office location or service.**

- **Whether there are other facilities or methods of conducting activities/services available in the local or regional area or the ability to conduct those services online.** 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/TeleMVD stations in public facilities) will meet the identified community needs.
- **Number of affected customers and the nature of the affected community** (e.g. whether there is available Internet access).

In accordance with guidance from the FMCSA, 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 level of public outreach, including the need for public meetings, written/published advisories, less formal public notification, or no advance notice at all.

While more than 30 services can currently be completed online, and with a combination of ADOT- and privately operated motor vehicle services offices throughout the state, a range of service delivery options are available; yet, ADOT realizes that each population is unique in their needs, expectations, access to technology, and need for specific support to fully participate as an ADOT customer.

#### **Minor Service Impacts**

If the impact is local or regional and there are other methods of obtaining the services in the area, then this will be considered a minor impact and MVD will conduct the following notification:

- News release to media outlets serving the area, if available/applicable
- Posting a notice in community locations, such as libraries and community centers
- GovDelivery email alert to applicable email lists
- Notice to the local jurisdiction(s)/tribal nation staff and elected officials (elected officials notification should be conducted by ADOT Government Relations or ADOT's Tribal Liaisons as applicable)

An LEP Four-Factor Analysis shall be prepared to identify language needs in the affected community. Printed notices/materials will be translated into LEP languages based on the Safe Harbor Threshold of 5% of the affected population or 1,000 people, whichever is less. In the case of a statewide service change, translation services will follow ADOT's Statewide LEP plan. Language services and other accommodations will also be provided upon request.

#### **Major Service Impacts**

In the event that multiple facilities regionally or state-wide will be affected and there will be a marked diminution of available facilities and services offered, or there are not reasonable alternatives to a local office closure, then ADOT MVD may consider this a major impact and determine that an intensive outreach effort is needed to seek public feedback on the proposed change.

When the decision has been made to make major service reductions or to eliminate service at a particular MVD office that does not have a reasonable alternative to provide local service, MVD – in consultation with ADOT Communications and Public Involvement – will prepare a comprehensive plan of public outreach to seek the public's input on the planned change, which should be aligned with the agency Public Involvement Plan, approved in 2023 by the Federal Highway Administration. Elimination of an office location or vital service (e.g. vehicle registration) would be considered a major impact. The following activities will be conducted in the event of a major service reduction requiring public feedback:

1. Develop public outreach plan for the service change

A public outreach plan will be developed, which includes the following:

- Planned notification and outreach activities to be conducted and their timeline.
  - The plan will identify the number and type of Public Meetings (in-person/virtual) to hold in strategically-significant areas and at appropriate times to reach the greatest number of customers.
  - Notification should include strategies to effectively reach the affected population through a variety of methods.
- A stakeholder assessment, which includes:
  - Demographic data for the affected customer population
  - A community stakeholder list
  - An LEP Analysis to determine language translation /interpretation needs

Because ADOT staff and consultants, when used for outreach, may not be experts in the expectations, sensitivities or interests of a particular community, the Department will develop an outreach plan and stakeholder assessment based on input from local and regional governments and other community leaders in the affected service area. As a large and diverse state, this is a critical process step and respects the norm established by the Department, and the expectation of local, regional and statewide leaders. Whenever feasible, the public should be notified of office closures/consolidations or major service reductions with as much notice as possible.

#### **Stakeholder Assessments**

A stakeholder assessment should be prepared, which includes identifying a list of stakeholders, gathering demographic data for the affected customer population and an LEP analysis to determine language needs.

Public involvement activities must be accessible to anyone who has an interest in the initiative, regardless of race, color, national origin, age, sex, disability, limited English proficiency (LEP) and low-income status. 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 data should be gathered for the population likely to use the MVD services proposed to be changed. When considering an MVD office closure, the affected population would be those within a reasonable driving distance of the office, versus the next closest MVD office or third-party office location. This data is available through the U.S. Census and the American Community Survey.

- |                 |                                      |
|-----------------|--------------------------------------|
| ● Race          | ● Language spoken at home            |
| ● Age           | ● Vehicles available/use of transit  |
| ● Sex           | ● Number of licensed drivers at home |
| ● Income Levels |                                      |
| ● Disability    |                                      |

#### **Stakeholder Lists**

A stakeholder list should be prepared to identify affected customers (those who benefit and those burdened by the proposed action) and organizations that can engage the local community, such as local jurisdictions, advocacy groups, faith-based congregations, community-based organizations/nonprofits, advisory bodies, etc. ADOT Communications and Public Involvement

will assess, using tools outlined in the agency's Public Involvement Plan, which community groups may have an interest in upcoming MVD action. Stakeholder lists should be inclusive, ensuring that news of the proposed action is communicated to the greatest number of customers and done so in a way that provides accessibility for the unique makeup of the customer base.

### **LEP Analysis**

An LEP Four-Factor Analysis shall be prepared to identify community members with Limited English Proficiency. Accommodations will be made for those members of the community with limited English proficiency (based on the Safe Harbor Threshold of 5% of the affected population or 1,000 people, whichever is less) by printing materials in the appropriate languages and having translators available at public meetings. Language services and other accommodations will also be provided upon request.

## **2. Conduct Notification**

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 professional staff, 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. Efforts will be made to communicate with those groups in writing and, if necessary, in person. Notification to the general public within the affected service area may be made in various ways, including any of the following:

- Ads in local newspapers circulated within the affected service area
- ADOT and local jurisdiction social media
- Notices posted at the office location, community centers, religious organizations and other locations where community members frequent.
- Use of direct mailers to affected customers
- GovDelivery mass emails from MVD and ADOT Communications and Public Involvement to interested members of the public using existing geographically based and MVD email listservs.
- A news release to local media.

Distribution of information will vary based on community expectations and the tools available in each community.

Public involvement for any proposed action under ADOT purview aims to involve the largest possible segment of the population. Yet traditional methods such as meetings and hearings might be attended by only a small group of people compared to the number who are interested or affected. To maximize public engagement, ADOT may consider attending public events or identifying public places to disseminate information pertinent to the proposed MVD action, either by distributing fliers or by setting up kiosks/booths to discuss details. Following are examples of nontraditional places where grassroots outreach can be used:

- Distributing information about a proposed action or upcoming opportunities for public involvement at transportation hubs, transfer stations or heavily used transit stops.
- Setting up a booth at community fairs or events to increase exposure for a proposed action and distribute fliers or other information, in appropriate languages.
- Sharing posters or information at shopping centers, where the outreach team can reach

a large number of people from diverse backgrounds, and at community centers or other common community gathering places (the latter can be highly effective when reaching Native American communities, e.g., coordinating with chapter houses and other locations where other community information is regularly shared).

- Hosting public meetings.
- Meeting with trusted members of a community to seek their assistance with distributing information and/or collecting feedback.

Notices should be translated into other languages based on the LEP analysis and Notice of Reasonable Accommodations notices provided, as required by Title VI, ADA and ADOT's PIP.

### **3. Hold Public Meetings**

For proposed major service changes, MVD may hold public meetings to explain the upcoming change and to obtain customer feedback. When appropriate based on community sensitivities or communication preferences, MVD may, on occasion, hold meetings to discuss planned service changes for local and regional operations that do not have statewide impact. Consideration should be given to ensuring the meeting location is accessible to all stakeholders (close to transit if possible, ADA compliance, etc.) and at an appropriate time of day based on community assessments. Public meetings should be planned and implemented in compliance with the ADOT Public Involvement Plan.

### **4. Prepare a Public Outreach Summary**

Following the public outreach efforts, a written report should be prepared that captures the public outreach activities conduction, notification efforts and summarizes public input received.

### **5. Prepare Report With Review and Analysis**

At the conclusion of the outreach effort, MVD leadership will review the public input received and prepare a report to analyze the impacts to affected customers (regardless of a customer's race, color, national origin, sex, age, disability, income-level, or LEP) regarding their ability to access the facilities/services both prior to the proposed change(s) and following the proposed change(s). This analysis is required to be sufficiently detailed so that the ultimate conclusion as to how the proposed change(s) will impact customers is well-documented. The report should include the Public Outreach Summary that documents all aspects of the outreach efforts. The report will be submitted to FMCSA for review.

### **6. Notify Public of the Service Change**

Following the decision to move forward with the planned major service change, MVD will notify the affected public of the change, using similar notification methods used during the public input phase.

### **7. Monitor Public Feedback**

ADOT MVD and Communications/Public Involvement will monitor and track customer input for a period of 45 days following the service change, for reactions to the change. This input will be provided to MVD leadership to determine if any adjustments are needed/appropriate. Any changes will be communicated to affected customers.

### **8. Assessment of Input**

While there is not a public vote on implementing or rejecting a proposed change to MVD

services, input from members of the community – respecting the diversity of the community – shall inform the decision of Department or Division leaders. In accordance with the ADOT PIP, all comments shall be documented individually and the nature of the comments should be analyzed and summarized in an executive summary to aid decision makers. The summary and underlying analysis shall be sufficient to reflect the input received by the community and indicate any changes to the proposed action that are made based on this input. This critical step – documenting how the decision was influenced, if at all – is key in building and maintaining community support for the proposed change and for ADOT and MVD. Once a proposed action is implemented, public comments will be used to assess any needed mitigation or countermeasures to smooth the transition; adjustments can be made following the Arizona Management System processes.

#### **Title VI Notice to the Public/Notification of Title VI Program Protections**

ADOT provides printed Title VI materials, including posters, brochures, and self-ID survey cards or electronic equivalents, at every public hearing and meeting. The Title VI Notice to the Public notifies beneficiaries of protections available to them under the Title VI Program and of the procedures for filing a Title VI complaint. These program posters and brochures are available in languages other than English, as needed. Furthermore, current copies of ADOT's Nondiscrimination Notice to the Public are available and accessible at ADOT buildings statewide.

ADOT's Nondiscrimination Notice to the Public is also posted at Division locations and at MVD Authorized Third Party locations. This notice is posted in a visible location for customers and employee knowledge and reference. A copy of ADOT's Nondiscrimination Notice to the Public is included in this document as **Attachment A**.

The ADOT Public Involvement Annex to comply with Federal Motor Carrier Safety Administration requirements can be found on ADOT's website:

<https://azdot.gov/sites/default/files/2023-05/PIP-Annex-for-FMCSA.pdf>

## **7. COMPLIANCE AND MONITORING**

At present, ADOT receives FMCSA funding through the HP-ITD Grant, the New Entrant Safety Audit Grant, the Commercial License Driver Program Information Grant (CDLPI), HP-CMV and the MCSAP, the latter grant is funded through the Arizona Department of Public Safety (DPS). As ADOT is a subrecipient to DPS, ADOT will provide DPS a copy of its Title VI Program Compliance Plan after submission and approval by FMCSA, annually.

Currently, ADOT does not sub-award FMCSA funds to another recipient. If ADOT were to sub-award FMCSA funds, the FHWA subrecipient compliance and oversight process outlined below would be modified to meet FMCSA requirements:

#### **FHWA Subrecipient Compliance Review Process-Local Public/Self-Administered Agencies (LPAs)**

##### **High/Low Risk Assessment for LPAs compliance reviews:**

On an annual basis ECR conducts the following high/low risk assessment to select desk review of LPAs. ADOT's goal is to conduct annual desk reviews of 20% of active LPAs. The ECR works with the LPA's Title VI designated point of contact to facilitate and report desk review findings.

**High/Low Risk Assessment for LPAs Desk Reviews:**

1. Funding amount and type;
2. Complaints received;
3. Length of time between reviews.

Desk reviews include the following elements:

1. Review that vital documents are translated for LEP persons;
2. Demographic data collection and analysis;
3. Title VI dissemination efforts;
4. Review Title VI training records.

**Deficiencies**

If deficiencies are found:

1. Within 30 calendar days of the desk review, deficiencies are documented in a report provided to the agency's director, ADOT's LPA Section, ECR Manager, Title VI Program Coordinator and the Title VI Program Manager.
2. By expectation, the LPA should correct all deficiencies within a reasonable period of time, not to exceed 90 calendar days of receipt of the report.
3. Within 30 calendar days of report mailing, a meeting must be scheduled to discuss possible technical assistance and an action plan towards full compliance.
4. Outstanding high priority vital items, such as signed Title VI assurances, are submitted within 30 calendar days of report mailing.
5. The LPA is asked to submit a formal action plan within 45 calendar days of report mailing.
6. Within 90 calendar days, the LPA must be fully compliant on outstanding deficiencies.
7. If not compliant, ADOT makes 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 is provided, within 30 calendar days from the desk review to the agency's director, ADOT's LPA Section, ECR Manager, Title VI Program Coordinator and the Title VI Program Manager.
2. The report may still provide recommendations for strengthening the LPA's Title VI compliance program.

**Follow-up Monitoring**

The ECR determines if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

## **8. TITLE VI TRAINING**

ADOT's Internal Training Program on Title VI consists of different levels of training of varied intensity and content, as shown below.

Title VI Nondiscrimination Training Program is implemented for all ADOT staff, consultants and contractors. ADOT's training component for staff is composed of two (2) levels of training of varied intensity and content. Past training has included topics such as methods for identifying and eliminating

complaints of discrimination, understanding and applying Title VI regulations and identifying elements of Title VI compliance within program areas. A copy of the sample training log that is utilized to measure progress is included as **Attachment B**.

**External Nondiscrimination Staff Training** – This training is provided by the ECR every two years to ECD staff and yearly to MVD staff. ECR provided training to MVD on November 13, 2024; ECR plans to provide training for ECD staff in March 2025. The training defines discrimination, discusses examples of discrimination and incorporates strategies to recognize and avoid potential issues when working with the public. The training includes an overview of ADOT's Title VI complaint process.

**All staff/new staff computer based training (CBT)** – The CBT is mandatory for all ADOT employees; it includes a brief overview of the elements contained in the Title VI Program, and it reviews Title VI, ADA, EJ, and LEP requirements, complaint routing process. It further emphasizes "knowing your role" as an ADOT employee to ensure nondiscrimination in activities and services provided to the public. Title VI training records for all ADOT employees are maintained by ADOT Learning and Development.

As there are no current ADOT subrecipients of FMCSA funding, the ECR did not conduct Title VI Nondiscrimination training to external agencies.

## **9. COMMERCIAL MOTOR VEHICLE INSPECTIONS POLICY**

ADOT ECD continues to implement the Commercial Motor Vehicle Inspections Policy, Operational Order Number 8.1.52 which was signed and approved by the ECD Director on November 26, 2024. The order ensures inspections are conducted in an equitable, fair, and consistent manner that complies with Title VI Nondiscrimination Program requirements. Although ECD implemented the policy on December 22, 2020, to assure effectiveness, validity and alignment with best practices the policy is reviewed on a two year cycle.

The policy cites ECD's Biased Based Policing policy (Operation Order 4.1.100) signed and approved by the ECD Director on January 20, 2024, which prohibits the "selection of any individual for enforcement actions based in whole or part of a trait common to a group without actionable intelligence to support consideration of that trait. This includes, but is not limited to, race, ethnic background, national origin, gender identity, sexual orientation, religion, economic status, age, disability, cultural group, or any other identifiable characteristics." Operational Order 4.1.100, will continue to be reviewed annually to assure effectiveness, validity and alignment with best practices. Since 2021, ECD has released this policy on an annual basis to all ECD employees who review, pass a short test with a score of 100% accuracy and electronically sign the policy indicating understanding. The section below is the Commercial Motor Vehicle Inspection policy.

### **Purpose**

ECD personnel are committed to enhancing public safety through the consistent and objective enforcement of laws, rules, and regulations relating to commercial motor vehicles (CMV). The purpose of this policy is to establish uniform guidelines for the selection of CMVs for inspection.

### **Policy**

It is the policy of the Division to concentrate inspection efforts on those CMVs that have a negative impact on traffic safety. Inspections will be conducted only by Commercial Vehicle Safety Alliance (CVSA) certified employees utilizing the North American Standard inspection process set forth by the CVSA.



## **Definitions**

- A. Commercial Motor Vehicle: As defined in ARS § 28-5201 a commercial motor means a motor vehicle or combination of motor vehicles that is designed, used or maintained to transport passengers or property in the furtherance of a commercial enterprise on a highway in this state, that is not exempt from the gross weight fees as prescribed in section 28-5432, subsection B and that includes any of the following:
  - 1. A single vehicle or combination of vehicles that has a gross vehicle weight rating of twenty six thousand and one or more pounds and that is used for the purposes of intrastate commerce.
  - 2. A single vehicle or combination of vehicles that has a gross vehicle weight rating of ten thousand one or more pounds and that is used for the purposes of interstate commerce.
  - 3. A bus, or school bus or a vehicle that transports passengers for hire and that has a design capacity for eight or more persons including a bus or school bus.
  - 4. A vehicle that is used in the transportation of materials found to be hazardous that are required to be placarded under federal regulations.
- B. Manufacturer: A person who transports or causes to be transported or shipped by a motor vehicle a material that is represented, marked, certified or sold by a person for transportation in commerce.
- C. Motor carrier: A person who operates or causes to be operated a commercial motor vehicle on a public highway.
- D. Shipper: A person who offers a material for motor vehicle transportation in commerce.

## **Procedures**

- A. General
  - 1. ECD complies with Arizona statutes that grant authority to conduct inspections, as well as all applicable ADOA, ADOT, and ECD rules of conduct, enforcement activity restrictions, and published policies and procedures regulating commercial vehicle enforcement.
  - 2. Title 28, Chapter 14 of the Arizona Revised Statutes (ARS) sets forth Motor Carrier Safety regulations. A.R.S. § 28-5204 allows for the Arizona Department of Public Safety (DPS) or any political subdivision to enforce any rules adopted pursuant to this chapter. This same statute requires that anyone acting for a political subdivision in enforcing this chapter must be certified by DPS as qualified for the enforcement activities. CVSA certification requirements for ECD personnel are detailed in ECD Operational Orders 8.1.50, CVSA Level 1 Certification and 8.1.51, CVSA Additional Certifications.
  - 3. 3. A.R.S. § 28-5231 provides the authority for ECD personnel to inspect CMV documents and equipment. It notes that employees of the ADOT or DPS may inspect the books, records or other data of a manufacturer, shipper, or motor carrier during business hours or at any time if the cause is to protect the public safety. It also notes that a DPS officer or any police officer, including an ECD officer, may during usual business hours, or at any time if there is a public safety issue, examine records, books or other data required to be maintained and equipment and facilities pertinent to the operation in order to verify the truth and accuracy of a statement, report or return and to determine compliance with safety rules imposed under Title 28, Chapter 14.
  - 4. Although such administrative actions, including commercial vehicle inspections, do not require probable cause or reasonable suspicion, it is ECD's practice to identify vehicles for inspection based on factors articulated in this policy.

5. ARS § 28-369 provides the authority for ECD officers to require CMVs to stop at a Port of Entry (POE) for the purpose of enforcing a motor vehicle law and makes it a misdemeanor to fail to stop (port runners).
- B. Criteria for Selection of CMV's for Inspections at Ports of Entry and During Mobile Operations
1. Priority for inspections will be given to those situations where there is an observed violation of law or regulations. This could be a violation related to the driver or the vehicle, including equipment or size violations, or weight and load violation.
  2. When available, POEs will consistently use standardized electronic vehicle screening systems that utilize ISS carrier safety rating information. Those carriers that are either poorly rated or have insufficient data will take priority in the inspection selection.
  3. On those occasions when CMV traffic patterns are minimal, CMVs with no valid CVSA decal may be selected for inspection.
  4. Vehicles displaying a valid CVSA decal will generally not be subject to re-inspection unless an equipment violation is observed or a driver violation is suspected.
  5. ECD personnel shall not interrupt or otherwise disturb any driver of a CMV in an off duty or sleeper berth status when the CMV is legally parked for the sole purpose of conducting a random inspection.
- C. Documentation
1. All inspections will be documented through the SafeSpect inspection program.
    - a. Inspections shall be uploaded as soon as possible, but no later than the end of the inspecting employee's shift.
    - b. Inspections containing out-of-service violations shall be uploaded immediately.
    - c. In unusual scenarios where the SafeSpect program is not available, CVSA inspections are to be documented on a hand written Driver-Vehicle Examination Report (DPS form 802-09013).
    - d. A Spillman Incident Report number shall be obtained and a report prepared, which will include the demographic information of the driver and document any citations issued.
- D. The Division is committed to the unbiased and equitable treatment of all persons in enforcing the law and providing services. Employees conducting motor vehicle enforcement, including CMV inspections, will adhere to ECD Operational Order 4.1.100, which prohibits biased based policing of any type and notes the following:
1. It is the policy of the ADOT to uphold and ensure full compliance with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and related nondiscrimination authorities as identified in the FMCSA Title VI Program Assurance signed by the ADOT Director.
    - a. These authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any ADOT program or activity on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency.
    - b. ADOT has adopted a Public Notice of Compliance with Title VI Program Rights that informs the public of the department's Title VI program assurances and responsibilities. This public notice is posted for public access at this link:  
<https://azdot.gov/sites/default/files/2023-05/nondiscrimination-notice-to-the-public-poster-fmcsa.pdf>

2. ADOT must ensure that all of its programs and activities are operated in a nondiscriminatory manner. In order to monitor ADOT's Title VI compliance, the ADOT ECR reviews and analyzes quarterly reports and Title VI meeting summaries. The review looks for potential disparities based on race, color, national origin, sex, age, disability, income level, or limited English proficiency. Each program area also submits data through quarterly reports and Title VI meeting summaries to document outreach methods, compliance efforts with ADOT PIP, FMCSA Title VI Plan, Title VI dissemination, DOT LEP Four-Factor Analysis results on a project by project basis and data sources, policy updates, Title VI training attended and public complaints reported. Using a high/low risk assessment ECR staff may conduct periodic compliance reviews to:
    - a. Ensure compliance with Title VI.
    - b. Provide technical assistance in the program areas implementation of Title VI.
    - c. Correct deficiencies, when found to exist.
- E. As part of ADOT's Title VI internal monitoring programs, CMV enforcement, including commercial vehicle inspections, are reviewed periodically to ensure compliance with Title VI, provide any needed technical assistance in the implementation of Title VI, and correct any deficiencies found to exist.

## 10. ACCESS TO RECORDS/PROGRAM REVIEWS

ADOT is responsible for ensuring that records documenting implementation of the Title VI Program Compliance Plan requirements are available for review by FMCSA. To assess the effectiveness of the program, the following information will be included:

- Program/Activity description
- Service area demographics
- Program/Activity demographics
- Demographic data collection and analysis methods
- Title VI dissemination to the public
- Method to measure Title VI impacts to the public
- Number of requests for LEP services and services provided
- Complaint Log

FMCSA requires recipients of federal financial aid to comply with the provision of Title VI and, specifically, with CFR 49 §21 and §303. To ensure compliance, ECD and MVD Division Programs will prepare quarterly reports to submit to the ECR. These reports are submitted to the Title VI Nondiscrimination Program Manager who is responsible for the implementation and oversight of ADOT's Nondiscrimination Program. The quarterly report will contain demographics collected for each program area activity, an overview of measures taken to help ensure compliance and complaints filed during the quarter. Demographic data provided will be analyzed quarterly, to evaluate the Division's compliance with the provisions of Title VI, to determine the need to conduct program reviews and when necessary, develop a corrective action plan. Compliance reports will be maintained by the ECR and available to FMCSA upon request. The quarterly reports will be submitted every March, June, September, and December. A quarterly report sample is included as **Attachment C**.

## **DATA COLLECTION AND ANALYSIS**

ADOT is required by federal regulation to collect statistical data on the race, color, national origin, age, sex, disability, low income status, and LEP of participants in and beneficiaries of its programs. The ECR staff works with both MVD and ECD to collect and analyze data through their quarterly report submissions. MVD submits incident reports to document service denials, when possible, these reports include the customer's demographic information and a copy of the customer's Photo ID or Driver's License. This data is reviewed and tracked, and if needed, the ECR will work with MVD to ensure service denials are not done in a discriminatory manner. This data is used to document compliance with Title VI.

## **ADOT MVD**

ADOT MVD delivers services to millions of Arizona motorists each year by providing motor vehicle services throughout the state. These services are provided in compliance with all applicable state and federal laws and regulations.

- **Commercial Licensing Program** issues operating licenses for motor carriers, commercial vehicle drivers, and vehicles for hire. MVD is also responsible for MVD's medical review program which affects both commercial drivers and all public.
- **Customer Service Program** provides customer service to the public throughout the state in regards to MVD related matters.
- **Division Operational Support Services (DOSS)** is responsible for policy development for MVD, providing record services, driver services, and overseeing the mandatory insurance program. Additionally, DOSS provides specialty services for aircraft registration and aircraft dealer licensing, dealer licensing, special plates, and professional driving schools.
- **The Authorized Third Party (ATP) Group** serves private companies authorized by ADOT MVD to provide driver license services, including written and road tests under ARS 28-5101. A convenience fee may be collected by third parties in addition to the appropriate state fees. MVD Third Party Compliance Program conducts on-site visits of ATP's to ensure compliance with MVD's program requirements, ADA and Title VI public notification and other requirements are met.

## **ADOT ECD**

The mission of the ADOT ECD 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.

- **The Enforcement Services Bureau (ESB)** 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.

All ECD programs having direct contact with the public collect demographic data to include racial/ethnic makeup and LEP. This data is reported to the ECR through quarterly reports for trend analysis and to identify any possibly impacted protected groups participating in or benefiting from any of its programs or activities.

MVD commits to documenting all community input and completing an analysis to identify primary concerns, and providing that input to decision makers. Specifically, when the decision has been made to make major service reductions or to eliminate service at a particular MVD office, MVD will conduct a comprehensive plan of public outreach that considers demographics of race, national origin (limited English proficiency), sex, age, income level or disability and other factors into the decision-making process.

All demographic data provided to by MVD and ECD is analyzed for disparate impacts against protected groups based on race, national origin (limited English proficiency). After analysis, the ECR will provide feedback, recommendations, and technical guidance to MVD and ECD regarding any potential disparate impacts.

## 11. COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, as amended and the Civil Rights Restoration Act of 1987 as they relate to any program or activity administered by ADOT, its subrecipients, consultants, and/or contractors. Intimidation or retaliation as a result of a complaint is prohibited by law.

In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or to seek private counsel. For Non-FHWA funded programs and activities, every effort will be made to resolve complaints informally by ADOT and subrecipient level.

### Procedures

1. 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 LEP may file a formal complaint with the ADOT's ECR. A copy of the Complaint Form **Attachment D** may be accessed electronically at: <https://azdot.gov/sites/default/files/2023-12/FMCSA-ADA-Title-VI-Discrimination-Complaint-Form.pdf>
2. 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.
3. The complaint must be written and signed by the complainant and shall include:
  - a. The complainant(s) name, address and phone number.
  - b. A detailed description of the alleged incident that led the complainant to believe discrimination occurred.
  - c. 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.
  - d. The names and job titles of those parties involved in the complaint.
  - e. 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).

- f. Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations.
  - g. The corrective action being sought by the complainant.
- 4. Complaints may be filed by one of the following methods:
  - a. By completing and signing the Complaint Form and delivering it in person or by mail.
  - b. By emailing the Complaint Form and sending the signed original to the ECR.
  - c. By calling the ECR where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature and return.
  - d. By electronically submitting and digitally signing the Complaint Form.
- 5. Upon receipt of a completed complaint, the ECR will determine jurisdiction, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action.
  - a. Complaints against ADOT or its subrecipients in FHWA funded programs will be referred to FHWA for processing.
  - b. Complaints against ADOT under all other USDOT federally-funded programs fall under ADOT's authority and jurisdiction for investigation and/or resolution.
- 6. For acceptance, a complaint must be:
  - a. In writing;
  - b. Timely filed.
  - c. Involve a covered basis (race, color, national origin, sex, age, disability, income status or LEP).
  - d. Within ADOT's authority.
- 7. Complaints may be dismissed if the complainant:
  - a. Requests the withdrawal of the complaint.
  - b. Fails to respond to repeated requests for additional information.
  - c. Fails to cooperate in the investigation; and
  - d. Cannot be located after reasonable attempts to reach the complainant have been made.
- 8. ADOT ECR will maintain a confidential log of accepted and/or forwarded Title VI Complaints which will include:
  - a. Name of complainant(s);
  - b. Date the complaint was received;
  - c. Date of the allegation;
  - d. Description of the alleged discrimination;
  - e. Other relevant information, as needed;
  - f. Report date;
  - g. Recommendations; and
  - h. Outcome/Disposition.

A copy of the Complaint Log is included in this plan as **Attachment E**.
- 9. Upon accepting a complaint, the ECR investigator:
  - a. Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 calendar days from the ECR written notification to furnish a written response; and/or
  - b. Determine if more information is needed to resolve a complaint and may contact the complainant who will then have 10 calendar days to provide additional information.
- 10. Within 45 days of accepting a complaint, an ADOT Investigators:
  - a. Gather all relevant information in a fair and impartial manner;
  - b. Conduct interviews of all concerned parties; and
  - c. Prepare a final investigative report with a recommended disposition.

11. Upon final determination, one of two letters will be issued to the complainant:
  - a. A closure letter summarizing the allegations stating that there was no
  - b. Title VI violation and that the complaint will be closed.
  - c. 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.
12. All allegations of discrimination will be taken seriously and every effort will be made to provide fair and unbiased determinations. In instances where there is dissatisfaction with ADOT's determination, the complainant may file a complaint directly with the appropriate USDOT modality:
  - a. US Department of Transportation, Federal Highway Administration, AZ Division  
4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012
  - b. US Department of Transportation, Federal Aviation Administration  
800 Independence Ave. SW, Washington, DC 20591
  - c. US Department of Transportation, Federal Motor Carrier Safety Administration  
1200 New Jersey Ave. SE, Washington, DC 20590
  - d. US Department of Transportation, Federal Transit Administration  
FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590
  - e. US Department of Transportation, National Highway Traffic Safety Administration  
1200 New Jersey Ave. SE, Washington, DC 20590

## 12. LEP Plan

ADOT in the course of routine business matters related to its programs and activities will make efforts to effectively communicate with all members of the public. LEP is a term used to describe individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. ADOT's LEP Plan is designed to comply with Title VI of the Civil Rights Act of 1964 and EO 13166 which prohibits recipients of Federal financial assistance from discriminating on the basis of national origin.

### Authorities

The following matrix illustrates the authorities that require ADOT to provide LEP persons with meaningful access to programs, activities, and services.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
federal law	federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible persons
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight compliance review requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin; focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons'

	meaningful access to services using factor criteria under federally-funded programs
Annual Accomplishments and Upcoming Goals Report to Federal Highway Administration (FHWA)	Annual Accomplishment and Upcoming Goals Report to Federal Highway Administration (FHWA)

### Roles and Responsibilities

Recipients of federal financial assistance are required to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services (EO 13166). The following chart, although not exhaustive, illustrates activities and responsibilities that are required to adhere to LEP directives. The chart also outlines the responsibilities of the ADOT ECR and ADOT Program Areas.

Each program area is responsible for conducting a Four-Factor Analysis and ensuring compliance with LEP requirements on a project-by-project basis. Quarterly, ADOT Program Area Title VI Liaisons will provide the ECR with documentation of Four-Factor Analysis conducted on a project-by-project basis. The ECR will conduct a secondary examination to ensure accuracy and consistency of the application of the Four-Factor Analysis, and provide feedback when necessary or as required. On a quarterly basis, the ECR will also analyze Four-Factor results to identify potential disparate impacts to be addressed within the program area. Lastly, the Title VI Program reviews all Civil Rights Title VI meeting summaries required to be submitted within two weeks by program areas that have convened a public meeting to ensure compliance with ADOT's LEP Plan.

Activity	Responsibility ADOT Division / Program	Title VI Program
1. Assessing and addressing the needs of eligible persons (Conduct a Four-Factor Analysis). <b>Recommended table to be used: B16001 "language spoken at home by ability to speak English for population 5 years and over" from the 5 year American Community Survey.</b>	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	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

### Program Areas will use the below LEP Four-Factor Analysis

**Factor 1:** Identify the number and proportion of LEP persons served or encountered and eligible for service population by the ADOT Program/Project

**Factor 2:** Identify the frequency in which LEP persons encounter the ADOT Program/Project

**Factor 3:** Identify the nature and importance of program, activity, or services provided by the ADOT Program/Project

**Factor 4:** Identify available resources, including language assistance services varying from limited to wide ranging with varying costs by the ADOT Program/Project



**AGENCY LEP FOUR-FACTOR ANALYSIS  
(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA'S RESPONSIBILITY TO CONDUCT  
THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)**

In developing this plan, ADOT undertook USDOT Four Factor LEP analysis which considers the following:  
The number or proportion of LEP persons eligible in Arizona who may be served or likely to encounter ADOT programs, activities, or services.

Based on data collected from the U.S. Census for Arizona, Spanish and Navajo are identified as the top LEP languages of persons likely to be served by an ADOT program, service or activity. Additional LEP languages may be identified through Four-Factor analysis conducted on a project-by-project basis.

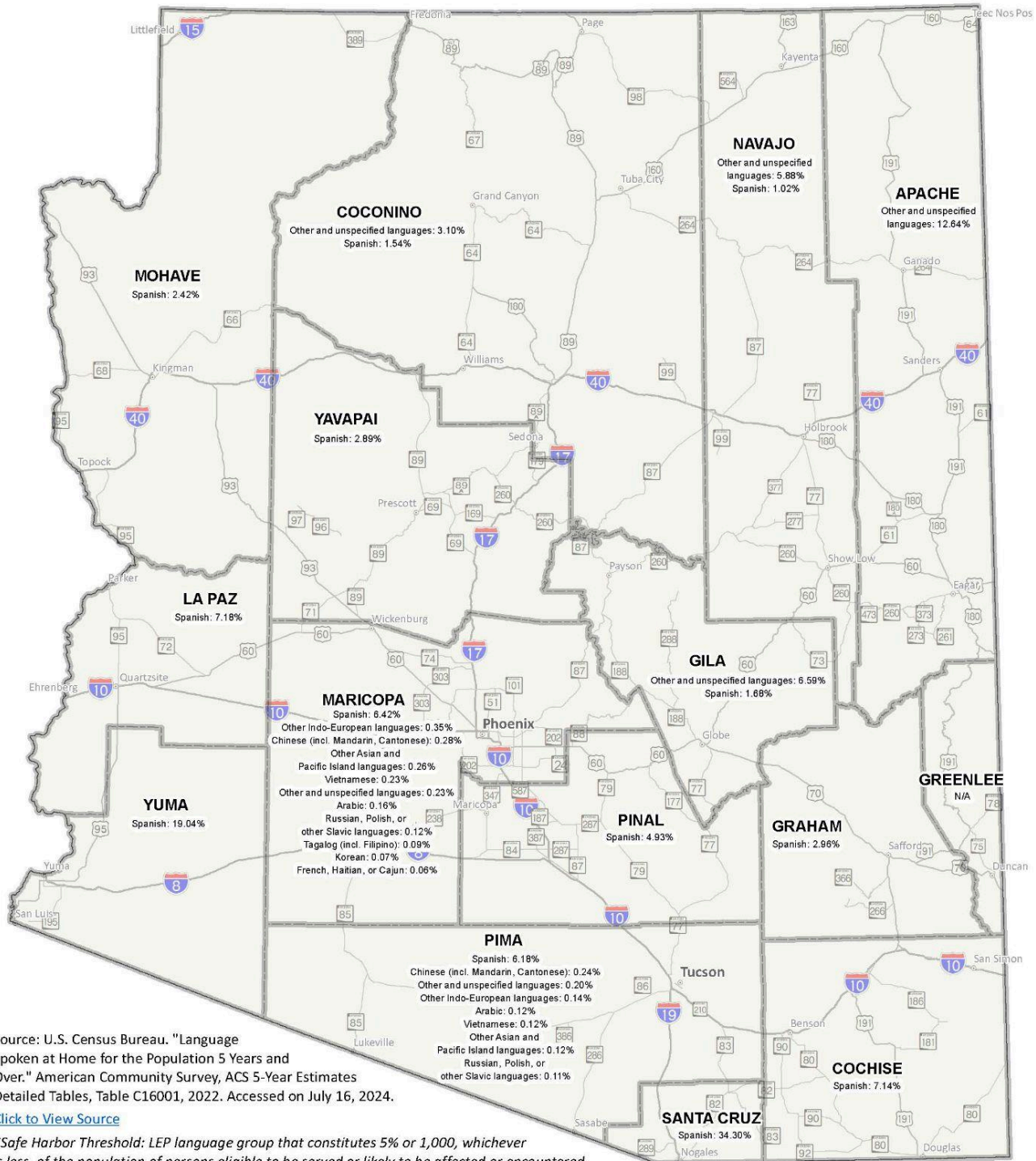
<b>State of Arizona Limited English Proficient Populations that meet the *Safe Harbor Threshold by Counties</b>				
<b>County</b>	<b>Language</b>	<b>Percent</b>	<b>Speak English less than "very well"</b>	<b>Total Population</b>
<b>Apache</b>	Other and unspecified languages	12.64%	7,834	61,963
<b>Cochise</b>	Spanish	7.14%	8,480	118,773
<b>Coconino</b>	Spanish	1.54%	2,076	137,653
<b>Coconino</b>	Other and unspecified languages	3.10%	4,270	137,653
<b>Gila</b>	Spanish	1.68%	854	50,904
<b>Gila</b>	Other and unspecified languages	6.59%	3,355	50,904
<b>Graham</b>	Spanish	2.96%	1,063	35,924
<b>Greenlee</b>	N/A	N/A	N/A	8,795
<b>La Paz</b>	Spanish	7.18%	1,145	15,954
<b>Maricopa</b>	Spanish	6.42%	267,707	4,171,400
<b>Maricopa</b>	French, Haitian, or Cajun	0.06%	2,362	4,171,400
<b>Maricopa</b>	Russian, Polish, or other Slavic languages	0.12%	5,056	4,171,400
<b>Maricopa</b>	Other Indo-European languages	0.35%	14,647	4,171,400
<b>Maricopa</b>	Korean	0.07%	2,950	4,171,400
<b>Maricopa</b>	Chinese (incl. Mandarin, Cantonese)	0.28%	11,735	4,171,400
<b>Maricopa</b>	Vietnamese	0.23%	9,518	4,171,400

State of Arizona Limited English Proficient Populations that meet the *Safe Harbor Threshold by Counties				
Maricopa	Tagalog (incl. Filipino)	0.09%	3,907	4,171,400
Maricopa	Other Asian and Pacific Island languages	0.26%	10,848	4,171,400
Maricopa	Arabic	0.16%	6,495	4,171,400
Maricopa	Other and unspecified languages	0.23%	9,716	4,171,400
Mohave	Spanish	2.42%	4,969	205,348
Navajo	Spanish	1.02%	1,028	100,367
Navajo	Other and unspecified languages	5.88%	5,900	100,367
Pima	Spanish	6.18%	61,097	988,748
Pima	Russian, Polish, or other Slavic languages	0.11%	1,080	979,353
Pima	Other Indo-European languages	0.14%	1,399	988,748
Pima	Chinese (incl. Mandarin, Cantonese)	0.24%	2,349	988,748
Pima	Vietnamese	0.12%	1,154	988,748
Pima	Other Asian and Pacific Island languages	0.12%	1,169	988,748
Pima	Arabic	0.12%	1,219	988,748
Pima	Other and unspecified languages	0.20%	1,971	988,748
Pinal	Spanish	4.93%	20,215	410,022
Santa Cruz	Spanish	34.30%	15,336	44,706
Yavapai	Spanish	2.89%	6,602	228,774
Yuma	Spanish	19.04%	36,235	190,315
Source: U.S. Census Bureau (2022). Language Spoken at Home by Ability to Speak English for the population 5 years and over, 2019-2022 American Community Survey 5-Year estimates. Retrieved July, 16, 2024 from <a href="https://data.census.gov/table/ACSDT5Y2022.C16001?q=C16001:%20Language%20Spoken%20at%20Home%20for%20the%20Population%205%20Years%20and%20Over&amp;g=040XX00US04\$0500000&amp;moe=true">https://data.census.gov/table/ACSDT5Y2022.C16001?q=C16001:%20Language%20Spoken%20at%20Home%20for%20the%20Population%205%20Years%20and%20Over&amp;g=040XX00US04\$0500000&amp;moe=true</a>				
<i>*Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.</i>				

# State of Arizona

## Limited English Proficient Populations

### Meeting Safe Harbor Threshold\* by County



2. The frequency with which LEP persons come in contact with ADOT programs and services. ADOT program areas identified to have the potential for public interaction are listed below:

**MOTOR VEHICLE DIVISION (MVD) AND COMPLIANCE**

- Motor Vehicle Division (MVD)
  - Customer Service Program
  - Specialty Registration and Licensing Program
  - Division Operational Support Services
  - Commercial Licensing Program
  - Regulatory (Third Party Program)
- Enforcement and Compliance Division (ECD)
- Office of Inspector General
  - Enforcement Services Program

**OFFICE OF LAW AND POLICY**

- Executive Hearing Office

**BUSINESS OPERATIONS**

- Employee and Business Development Office
  - BECO
  - External Civil Rights
- Audit and Analysis
- Communications
  - Community Relations and Public Involvement

**BUSINESS ENTERPRISE**

- State Transportation Board
- Arizona Highways Magazine
- Administrative Services Division (ASD)
  - Grand Canyon National Park Airport
  - Facilities Management
  - Business Safety and Business Continuity

**FINANCIAL**

- Procurement

**STATE ENGINEER**

- Infrastructure Delivery and Operations Division (IDO)
  - Project Resource Office and Local Public Agency (LPA)
  - Contracts Group
    - Joint Project Agreement Section
    - Engineering Consultant Section (ECS)
    - Contracts and Specifications
  - Development Group
    - Right-of-Way (ROW)
  - Project Management Group (PMG)
  - Environmental Planning (EP)
  - Operations Group

- Construction Group
  - Statewide Maintenance Support
  - Traffic Maintenance
  - Traffic Safety
  - Transportation Technology Group
    - Operational Traffic and Maintenance
    - Systems Technology
- Multimodal Planning Division (MPD)
  - Aeronautics
  - Transit
  - Major Projects
  - Grant Coordination
  - Research
  - Transportation Analysis
  - Planning and Programming
  - Tribal Planning and Coordination
  - Safety
  - Administrative Functions
- Alternative Delivery/Major Projects
  - Public Private Partnership (P3) Initiatives

3. The nature and importance of the program, activities or services provided by ADOT to LEP persons:

All of ADOT's programs are important; however, ADOT has identified those related to safety, public transit, MVD, ROW, EP, Community Relations and public information are among the most important and likely to have the highest LEP interactions. As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. ADOT will strive to continue to provide alternative and meaningful language formats to all LEP persons. Moreover, ADOT will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

4. The resources available to ADOT and overall cost to provide LEP assistance:

ADOT makes every effort to make its programs, services and activities accessible to LEP individuals. ADOT displays ADOT's Nondiscrimination Notices to the Public in both English and Spanish in conspicuous locations within its facilities, public rest areas, and at public meetings both in-person or virtual. Additionally, Title VI/ADA Complaint Procedures, and Title VI informational brochures are distributed by program areas that come into contact with the public in both English and Spanish. Nondiscrimination language in both English and Spanish is also displayed on external notices/communications to the public to request language assistance. ADOT continues to use available resources, both internal and external, to accommodate reasonable requests for translation and interpretation services free of cost, regardless of the language, when requested within reasonable notice.

ADOT has identified the following resources for LEP:

- List containing direct contact information for ADOT staff who have volunteered to assist as interpreters and/or translators if needed. Lists will be verified and updated annually for each program area by the Title VI Liaison and will be published on the ADOTNet under the "FHWA Title VI Liaison Resources" tab as an internal employee resource.

- Program areas that have contact with the public may use the U.S. Census “I Speak” language cards to identify language needs in order to match them with available services. Language cards will be verified and distributed annually by the program area Title VI Liaison.
- Use of web based translation and telephonic interpretation services under contract with ADOT, when required.
- Each program area will maintain a list of translation and interpretation services for use, when required.
- All ADOT program areas procure interpretation and or translation services through the Arizona Procurement Portal (APP) which lists ADOT “on-contract” interpretation and or translation vendors.

ADOT makes the below Title VI information available in Spanish:

- Title VI and Nondiscrimination Notice to the Public
- Complaint Procedures
- Complaint Form
- Title VI Informational Brochures
- Self-Identification Cards to voluntarily collect demographic data
- Outgoing voice message for the ECR’s main phone line

### **USDOT Safe Harbor Stipulation**

The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that “Speaks English less than very well” by the total population of the county. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less, of the population to be served) ADOT must provide translation of vital documents (e.g., Notice of Nondiscrimination, Complaint Procedure and Complaint Form) in written format for LEP persons.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, Four-Factor analysis. For example, if a language does not meet the Safe Harbor Threshold and a document is not considered “vital,” then a written translation would not be necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written-translation obligations under ‘Safe Harbor’ includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

### **Conclusion**

ADOT understands that language needs will change as the Arizona population changes. Further, ADOT will comply with the requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, ADOT will revisit the LEP plan each year and make

appropriate changes, as needed. For questions or concerns regarding the ADOT's commitment to nondiscrimination or to request additional information about LEP services, contact Danielle Valentine or Krystal Smith, Title VI/ADA Nondiscrimination Program Coordinators at [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov) or 602-712-8946.

### **LEP Guidance and Resources**

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

- [The 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.](#)
- [The 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](#)
- [U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001](#)
- [United States Census 2010 Language Identification Flashcard](#)
- [LEP.gov website](#)

## **13. STATUS OF CORRECTIVE ACTIONS**

Applicants applying for federal funding from FMCSA that have undergone a Civil Rights Title VI Review by FMCSA-ECR or any other Federal Agency must provide a copy of the Compliance Review Report. ADOT did not have any federal agency reviews in the reporting period.

**Attachment A**  
**ADOT's Nondiscrimination 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 ADOT External Civil Rights within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about ADOT's External Civil Rights programs and the procedures to file a complaint contact ADOT External Civil Rights 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:

**KRYSTAL SMITH**

ADA/504 Nondiscrimination Program Coordinator  
Ksmith2@azdot.gov

**DANIELLE VALENTINE**

TITLE VI Nondiscrimination Program Coordinator  
Dvalentine@azdot.gov

**ADOT Civil Rights Office**

1801 W. Jefferson Street, Mail  
Drop 154-A Phoenix, AZ 85007  
602.712.8946  
azdot.gov

06-00007-01-0001



INSERT AGENCY NAME  
EMPLOYEE ADA/TITLE VI TRAINING LOG

[illegible]

## Attachment C

### Quarterly Reports: MVD and ECD

**Section 1 of 7**

### Motor Vehicle Division Title VI Quarterly Report

If additional space is needed for any question(s) please send attachment(s) to [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov). Please complete all sections of the report.

In compliance with ADOT's Title VI Nondiscrimination Implementation plan for the Federal Motor Carrier Safety Administration (FMCSA) a quarterly report is required to be submitted by the designated program area. Each program area is required to ensure that ADOT's respective areas, programs, and subrecipients comply with Title VI regulations and assurances, collect and analyze demographic data of participants/beneficiaries of programs, and meet the objectives of the Title VI Plan. Data collected will be used to create ADOT's Annual Goals and Accomplishment report to meet federal and state reporting requirements.

This form is automatically collecting emails from all respondents. [Change settings](#)

Provide the following information: Division/Program Area, Title VI Liaison, Official Title, Date Submitted, Mailing Address, Phone Number, Fax Number, and Email Address. \*

Long answer text

After section 1 Continue to next section

**Section 2 of 7**

### Dissemination of Title VI Information

Description (optional)

Are current copies of ADOT's Nondiscrimination Notices available and accessible to your division/office and any off site location? If so, please briefly explain where they are located: \*

Long answer text

Do you need any Nondiscrimination Notices or brochures? \*

☐ Yes

☐ No

Section 3 of 7

**Motor Vehicle Division Service Changes**



Description (optional)

Have there been any decisions to close an MVD Office, make major service reductions or eliminate services at any MVD Office within the last three months? If yes, please explain. \*

☐ Yes

☐ No

After section 3 Continue to next section



Section 4 of 7

**Service Area Demographic Data Requirements**



Description (optional)

Was a Four Factor Analysis conducted if there was a decision to close an MVD Office, make major reductions or eliminations of MVD services? If so, please describe the analysis and if it was approved by the Civil Rights Office. \*

Long answer text

What method(s) did MVD use to collect demographic (race, age, sex, income levels, home ownership and occupancy, disability, language spoken at home, vehicles available/use of transit, and employment) data? \*

Long answer text

Briefly describe what groups were affected and what efforts were made to minimize and mitigate adverse effects. \*

Long answer text

Were any public meetings conducted (public meetings include any ADOT hosted events for the public or external customer(s)?) \*

If so, please briefly explain the projects and how they were advertised:

Long answer text

Did all of your public advertisements contain ADA and Title VI Nondiscrimination language? \*

Provide a copy of an advertisement.

☐ Yes

☐ No

☐ Did not have any public meetings.

Provide the date the Title VI summary report(s) were provided to the Civil Rights Office for all public meetings held by MVD. \*

Short answer text

Section 5 of 7

Limited English Proficiency (LEP) & Translation Services



Description (optional)

Did you receive any translation services requests from members of the public? \*

If yes, provide a log that includes the name of the customer, MVD office location, demographic information of the customer and what steps were taken to ensure "meaningful" access to LEP individuals?

☐ Yes

☐ No

How many LEP/translation services were requested this quarter and explain the type of LEP/translation services provided. \*

Long answer text

Please provide a log of requested translation services with the customer's name, the MVD Office location, and demographic information of the customer.

Add file

View folder

Cost of LEP services provided this quarter? \*

Short answer text

#### Section 6 of 7

##### Denial of Services




Description (optional)

Were any customers denied services within the last three months? If yes, please provide a log \* that includes the name of the customer, MVD Office location, demographic information of the customer, and reason for the service denial.

Long answer text

Please attach any incident reports submitted.

 Add file

 View folder

After section 6 Continue to next section



#### Section 7 of 7

##### Major Accomplishments



Please list and provide a summary of activities and accomplishments within your division/program area relative to any or all of the following (please send attachment if more space is needed), if applicable:

List any efforts your program area has made to your process towards compliance with Title \* VI.

Long answer text

☐ Office of Inspector General

☐ Port and Commercial Locations

Provide the following information: Unit/port of entry, Title VI Liaison, official title, date submitted, mailing address, phone number, fax number, and email address. \*

Long answer text

After section 1 Continue to next section

## Section 2 of 8

### II. Training



Description (optional)

Provide the number of Title VI related training provided during this quarter. Also, briefly describe who conducted the training and when. \*

Long answer text

Does the program area have a Title VI training request. If yes, please describe the need. \*

Long answer text

## Section 3 of 8

### III. Policy Updates



Description (optional)

Were any manuals, policies or procedures updated this quarter? If so, please briefly describe which Title VI requirements were considered in the update(s): \*

Long answer text

Section 4 of 8

IV. Dissemination of Title VI Information



Description (optional)

Were any public meetings conducted this quarter? (Public meetings include any ADOT hosted events for the public or external customer(s).) If yes, please explain the projects and how they were advertised: \*

Long answer text

Did all of your public advertisements contain ADA and Title VI Nondiscrimination language? \*

- ☐ Yes
- ☐ No
- ☐ Did not have any public advertisements

Were Title VI summary reports provided to the Civil Rights Office for all public meetings? \*

- ☐ Yes
- ☐ No
- ☐ Did not have any public advertisements

Are current copies of ADOT's Nondiscrimination Notices available and accessible to your division/office and any off site location? If so, please briefly explain where they are located: \*

Long answer text

Do you need any Nondiscrimination Notices or brochures? \*

- ☐ Yes
- ☐ No



Section 5 of 8

V. Affected Populations



Description (optional)

Were any Title VI Populations affected this quarter? If so, please briefly describe what groups <sup>\*</sup> were affected and what efforts were made to minimize and mitigate adverse effects.

Long answer text

Section 6 of 8

VI. Limited English Proficiency (LEP) Requirements



Description (optional)

Did you receive any translation services requests this quarter? If yes, please explain.

☐ Yes

☐ No

How many LEP services were requested this quarter? <sup>\*</sup>

Short answer text

Please explain the LEP services that were provided this quarter. \*

Long answer text

Please provide a log of requested translation services with the customer's name, the Port location, and demographic information of the customer.

 Add file

 [View folder](#)

Cost of LEP services provided this quarter? (Can be based on LEP logs) \*

Short answer text

What steps are taken to ensure "meaningful" access to LEP individuals, even if there have been no requests? \*

Long answer text

#### Section 7 of 8

### VII. Complaint Information



Description (optional)

Were there any discrimination complaints filed with your division/program area this last quarter? \*

Long answer text

List any complaints of discrimination filed with your division/program area for the reporting period to include case number, complainant, respondent, agency filed with, date filed, basis (race, color, national origin, age, sex, disability, and low income status), date of report, and decision.

Long answer text

Section 8 of 8

VIII. Observations/Summary



Please list and provide a summary of activities and accomplishments within your division/program area relative to any or all of the following (please send attachment if more space is needed):



Promoting and providing diversity in the decision-making process; addressing/mitigating any possible adverse impacts on minority communities.



Short answer

Short answer text



Required ☒



List any efforts your program area has made to your processes towards compliance with Title VI. \*

## Attachment D Complaint Form



### Discrimination Complaint Form - FMCSA

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

Clear

#### 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:

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).

List names and contact information of persons who may have knowledge of the alleged discrimination.

If you have filed this complaint with any other federal, state, or local agency, or with any federal or state court, check all that apply.

☐ Federal Agency    ☐ Federal Court    ☐ State Agency    ☐ State Court    ☐ Local Agency

Name:

Address:

City:  State:  Zip:

Phone Number:  Alternate Phone Number:

Please sign below. You may attach any written materials or other information you think is relevant to your complaint.

Complainant Signature

Date

Number of attachments:

Please email form and any additional information to:

**Upload**

ADOT External Civil Rights  
[CivilRightsOffice@azdot.gov](mailto:CivilRightsOffice@azdot.gov)  
ATTN: ADA/Title VI Nondiscrimination Program Coordinator  
1801 W. Jefferson St. Ste 101, MD 154A  
Phoenix, AZ 85007  
Phone: 602.712.8946  
[www.azdot.gov](http://www.azdot.gov)

**Attachment E**  
**Sample Public Complaint Log**  
 \*2024-2025 complaint log provided separately.

ADOT maintains a list of any investigations, complaints or lawsuits that allege discrimination on the basis of race, color, national origin, age, sex, disability, low income status or limited English proficiency (LEP) in FMCSA programs. A copy of the Investigation, Complaint and Lawsuit Log is maintained by the ADOT ECR and is available for review upon request. Below is a copy of the Investigation, Complaint and Lawsuit Log for FMCSA since the last reporting year.

CASE NO.	COMPLAINANT	RESPONDENT	PROGRAM AREA	AGENCY FILED WITH	DATE FILED	BASIS (race, color, national origin, age, sex, disability, and low income status)	DATE OF REPORT	DECISION