



SouthEastern Arizona Governments Organization

Title VI Implementation and Public Participation Plan

Relating to Transportation Planning and Improvements

Annual Update - August 1, 2015

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Persons with a disability or language barrier may request this document in an alternative format or translation or request other reasonable accommodations by contacting Randy Heiss at (520) 432-5301 Extension 202. Requests should be made as early as possible to allow time to arrange the accommodation.

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I. INTRODUCTION

Overview

The SouthEastern Arizona Governments Organization (SEAGO) is a regional planning agency which performs and coordinates a variety of functions. Established in 1972, SEAGO is a 501(c)3, nonprofit organization whose mission is to assist local governments in seeking cooperative solutions to area wide problems; to provide a forum for regional policy development and serve as a coordinating link between municipal, county, tribal, state, and federal agencies. SEAGO is one of six Arizona Councils of Governments (COGs).

SEAGO serves the four counties of Cochise, Graham, Greenlee, and Santa Cruz. SEAGO's programs focus on issues that often cross jurisdictional boundaries. Originally a planning entity, SEAGO's operational scope has expanded considerably since its inception to include planning as well as project programming and implementation activities in the areas of housing, economic development, social services, transportation, the environment, and public transit.

The SEAGO Transportation Program assists member entities with programs administered through the Arizona Department of Transportation (ADOT). Each community within the region is eligible for funding through a competitive application process. As a result, the smaller communities find it difficult to compete with the larger communities within the state of Arizona for valuable grant funding. SEAGO's transportation department provides technical support, data, and other information to these communities when applying for ADOT or transportation related grants.

State transportation agencies such as ADOT are the principal recipients of Federal-aid Highway Funds for transportation planning and infrastructure improvements. ADOT has the authority to delegate project administration and management to subrecipients including Local Public Agencies (LPAs) including "any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the State transportation department in highway matters" (23 CFR 635.102).

As an LPA, SEAGO is required to carry out its transportation planning duties and obligations in accordance with all applicable federal requirements. The purpose of this plan is to describe how SEAGO intends to ensure that Title VI protected populations are provided meaningful opportunities to become involved in the transportation planning process within the SEAGO region.

Environmental Justice Activity

Title VI of the Civil Rights Act of 1964 requires outreach to underserved groups. Title VI specifically requires that "No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance." (42 USC 2000d)

Furthermore, in direct response to the 1984 Supreme Court decision in the Grove City College vs. Bell case (465 U.S. 555), the Civil Rights Restoration Act of 1987 restored the original intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether federally funded or not. This includes other civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance (23 CFR 200.5(p)) including:

- The 1970 Uniform Act (42 USC 4601), which prohibits **unfair and inequitable treatment** of persons displaced or property to be acquired as a result of federal-aid programs & projects.
- Section 504 of the 1973 Rehabilitation Act (29 USC 790), which states “No **qualified handicapped person** shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.”
- The 1973 Federal-aid Highway Act (23 USC 324), which states “No person shall on the grounds of **sex** be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.”
- The 1975 Age Discrimination Act (42 USC 6101), which states “No person shall on the basis of **age**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”
- Executive Order 13166 on Limited English Proficiency (LEP), which requires federal agencies [including those of recipients (see FHWA Order 6640.23(2)(h))] to examine the services they provide, identify any need for services to those with **limited English proficiency** (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.
- Executive Order 12898 on Environmental Justice (EJ), which states “Each Federal agency shall conduct its programs, policies, and activities [including those of recipients (see FHWA Order 6640.23(2)(h))] that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin.”

In response to the federal requirements noted above, SEAGO considers environmental justice as an integral part of its planning activities. In order to involve and assist the underrepresented and underserved, SEAGO has developed a Public Participation Plan which is included as Section IX of this document.

SEAGO makes every effort to hold public meetings in facilities that are Americans with Disabilities Act (ADA) compliant; and, arrange for reasonable accessibility and accommodation to persons with disabilities. In order to ensure effective communication, whenever possible, SEAGO provides assistance to individuals who are hearing or visually impaired, upon request.

SEAGO also assists persons with limited English proficiency to actively participate in the transportation planning process. Staff will make every effort to provide Spanish translators and document translation, where feasible, upon request. Elderly persons or non-vehicle households who are unable to attend meetings may request information from the SEAGO office and have the requested materials delivered to their residence. Upon request, SEAGO staff are made available to go speak to groups in an effort to eliminate participation barriers and involve citizens in the transportation process.

II. SEAGO ASSURANCES

General Assurances

The *SouthEastern Arizona Governments Organization (SEAGO)* HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the Arizona Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, that no person in the United States shall, on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) of the Regulations.

Specific Assurances

Federal-aid Highway Program Assurance

More specifically and without limiting the above general assurance, SEAGO hereby provides the following specific assurances with its Federal-aid Highway Program.

1. That SEAGO agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That SEAGO shall insert the following notifications in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

“The SouthEastern Arizona Governments Organization, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, gender, age, or disability in consideration for an award.”

3. That SEAGO shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.

4. That SEAGO shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where SEAGO receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where SEAGO receives Federal financial assistance in form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That SEAGO shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by SEAGO with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under Federal Aid Highway Program.
8. That this assurance obligates SEAGO 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 SEAGO 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 SEAGO retains ownership or possession of the property.
9. SEAGO shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. SEAGO agrees that the United States has right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

Federal Transit Administration Assurance

SEAGO HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, national origin, gender, age, or disability, will be subjected to discrimination in the level and quality of transportation planning services and transit-related benefits.

2. SEAGO will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1, and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. SEAGO will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transportation Administration and/or the U.S. Department of Transportation.

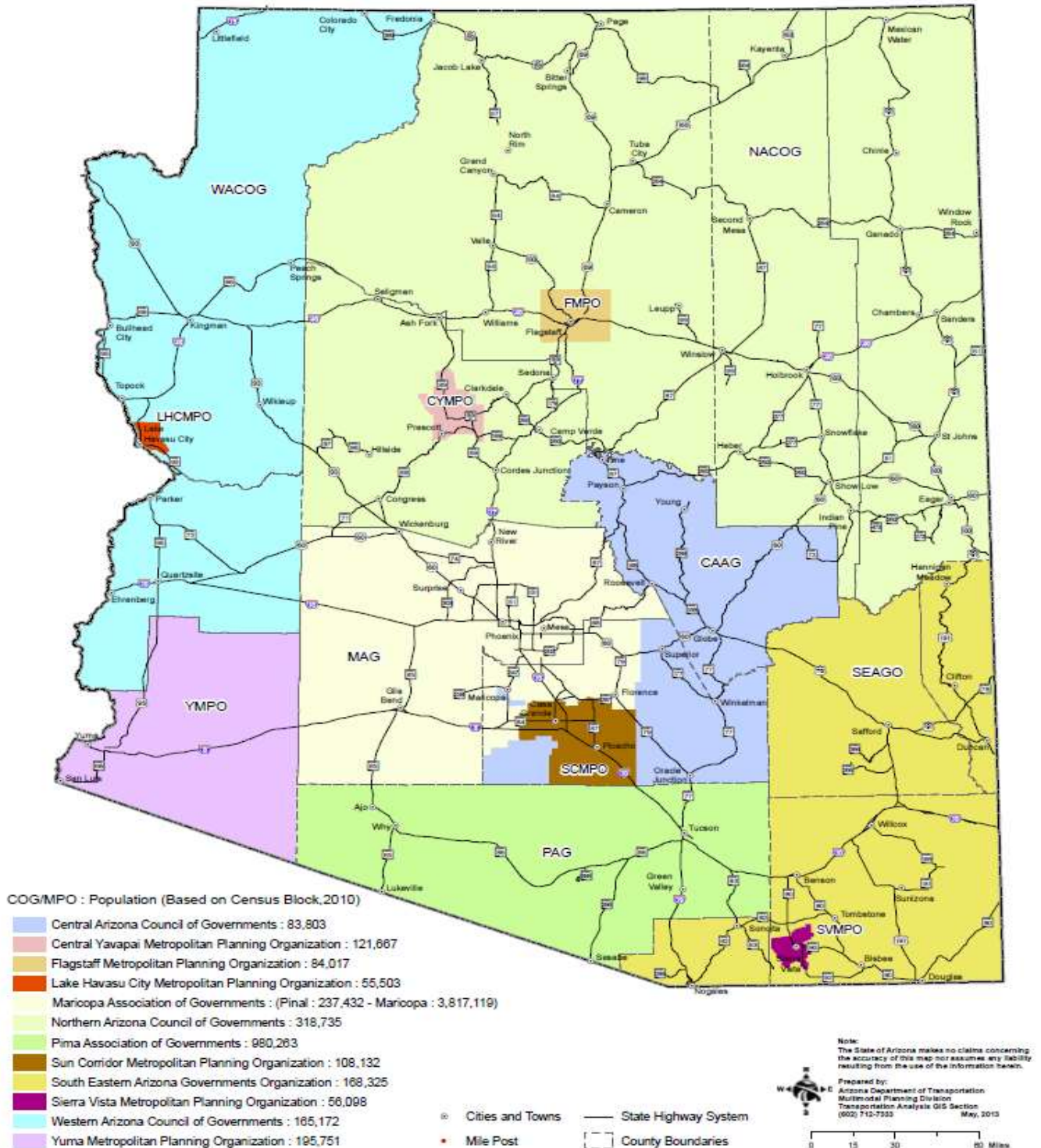
Certification

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

By  _____
Randy Heiss, Executive Director
SouthEastern Arizona Governments Organization

Date: July 27, 2015

III. SEAGO REGION MAP



IV. SEAGO ORGANIZATION AND TITLE VI ADMINISTRATION

a. General Organization

The SouthEastern Arizona Governments Organization (SEAGO) is a regional planning agency which performs and coordinates a variety of functions. Established in 1972, SEAGO is a 501(c)3, nonprofit organization whose mission is to assist local governments in seeking cooperative solutions to area wide problems; to provide a forum for regional policy development and serve as a coordinating link between municipal, county, tribal, state, and federal agencies. SEAGO is one of six Arizona Councils of Governments (COGs).

SEAGO serves the four-county planning area of Cochise, Graham, Greenlee and Santa Cruz counties, which covers 14,000 square miles and is very rural. Within the region, there are fourteen incorporated communities and one Native American government – the San Carlos Apache Tribe. SEAGO is charged with providing technical assistance to all the entities within the region, for transportation planning, population data gathering, project management, transit programs and activities, and other related programs.

b. SEAGO Title VI Coordination and Administration

The Executive Director, on behalf of the SEAGO Executive Board, is responsible for the overall implementation of the Title VI program, and serves as the Chief Title VI Officer. The day to day administration of the programs lies with the SEAGO Transportation Planner, which includes, but is not limited to; activity such as reporting, data collection, technical assistance and training. The Office Assistant/Assistant Mobility Manager shall be the Title VI Coordinator. The Title VI Coordinator is charged with ensuring that notices of opportunities for public involvement are directed to Title VI protected populations through agencies most likely to serve such populations.

Compliance is ongoing and strategies to include disadvantaged populations (including individuals with Limited English Proficiency) in the transportation planning and grant awards processes are outlined in the SEAGO Public Participation Plan which is included as Section IX of this document. Every effort is made to include disadvantaged populations in the SEAGO Technical Advisory Committee (TAC) process.

c. Title VI Coordinator Contact Information

Zoya Greene,
Title VI Coordinator
SEAGO Main Office
1403 W. Highway 92
Bisbee, Arizona 85603
Phone: (520) 432-5301 X 207
Fax: (520) 432-5858
E-mail: zgreene@seago.org

V. SEAGO MEMBERSHIP

a. List of Member Communities

The member agencies of SEAGO are represented on the Executive Board by elected officials and by Private Sector Representatives appointed by the Executive Board members in accordance with Economic Development Administration requirements. It is the function of the Executive Board to act as a policy body, coordinating transportation planning and related implementation activities within the four-county transportation region. The Board must approve all agreements and contracts, and authorize the Executive Director to sign all appropriate documents related to contracts and agreements. The current Executive Board membership is shown in the table below:

Community	Executive Board Representative
Cochise County	Hon. Ann English, Supervisor
City of Benson	Hon. Toney King, Mayor
City of Bisbee	Hon. Ron Oertle, Mayor
City of Douglas	Hon. Danny Ortega, Mayor
Town of Huachuca City	Hon. Ken Taylor, Mayor
City of Sierra Vista	Hon. Rick Mueller, Mayor
City of Tombstone	Hon. Armando Villa, Council Member
City of Willcox	Hon. Gerald Lindsey, Council Member
Private Sector Representative	Rep. Mark Schmitt, Cochise County
Private Sector Representative	Vacant
Graham County	Hon. Danny Smith, Supervisor
Town of Pima	Hon. Tom Claridge, Mayor
City of Safford	Hon. Richard Ortega, Council Member
Town of Thatcher	Hon. Bob Rivera, Mayor
San Carlos Apache Tribe	Hon. Terry Rambler, Tribal Chairman
Private Sector Representative	Vacant
Greenlee County	Hon. David Gomez, Supervisor
Town of Clifton	Hon. Luis Montoya, Council Member
Town of Duncan	Hon. Billy Waters, Mayor
Private Sector Representative	Rep. Dustie L. Robinette, Greenlee County
Santa Cruz County	Hon. Rudy Molera, Supervisor
City of Nogales	Hon. John Doyle, Mayor
Town of Patagonia	Hon. Ike Isakson, Mayor
Private Sector Representative	Rep. Tony Sedgwick, Santa Cruz County

b. Administrative Council

The member agencies of SEAGO are also represented on the Administrative Council. The Administrative Council is comprised of the city, town, county, and tribal government managers

or their designees. It is the function of the Administrative Council to provide recommendations to the Executive Board regarding business and policy matters of SEAGO. The current Administrative Council membership is shown in the table below:

Community	Administrative Council Representative
Cochise County	Jim Vlahovich, Administrator
City of Benson	William Stephens, Manager
City of Bisbee	Jestin Johnson, Manager
City of Douglas	Carlos De La Torre, Manager
Town of Huachuca City	Tammy Mitchell, Clerk/Administrator
City of Sierra Vista	Charles Potucek, Manager
City of Tombstone	Vacant
City of Willcox	Tedmond Soltis, Manager
Graham County	Terry Cooper, Manager
Town of Pima	Jeff McCormick, Manager
City of Safford	Horatio Skeete, Manager
Town of Thatcher	Terry Hinton, Manager
San Carlos Apache Tribe	Marvin Mull, Planner
Greenlee County	Kay Gale, Administrator
Town of Clifton	Ian McGaughey, Manager
Town of Duncan	John Basteen, Manager
Santa Cruz County	Carlos Rivera, Manager
City of Nogales	Shane Dille, Manager
Town of Patagonia	Dave Teel, Manager

c. Technical Advisory Committee

The SEAGO Technical Advisory Committee (TAC) is the transportation advisory committee to the Administrative Council and Executive Board. The voting members of the TAC are comprised of an appointed representative from each public works department of each member entity (or the local equivalent), and an ADOT representative. The TAC has the authority, and primary responsibility to conduct technical reviews regarding all work activities of the Work Program; to recommend project awards; and to advise the Administrative Council and Executive Board on appropriate actions to be taken for the overall transportation planning policies and direction of the region. The 2010 Census triggered the creation of several new Metropolitan Planning Areas in Arizona. One of those is the Sierra Vista MPO which now administers its own transportation planning process. As a result, the City of Sierra Vista is no longer officially represented on the SEAGO TAC. The current TAC membership is shown in the table below.

Community	TAC Representative
Cochise County	Karen Lamberton, Transportation Planner
City of Benson	Brad Hamilton, Public Works Director
City of Bisbee	Tom Klimek, Public Works Director
City of Douglas	Lauren Ortega, Public Works Director
Town of Huachuca City	Vacant
City of Tombstone	Armando Villa, Council Member
City of Willcox	Gary Adams, Public Works Supervisor
Graham County	Michael Bryce, County Engineer
Town of Pima	Jeff McCormick, Manager
City of Safford	Randy Petty, City Engineer
Town of Thatcher	Heath Brown, Town Engineer
San Carlos Apache Tribe	Charles Russell, Director, Transportation Dept.
Greenlee County	Phil Ronnerud, County Engineer
Town of Clifton	Ian McGaughey, Manager
Town of Duncan	John Basteen, Manager
Santa Cruz County	Jesus Valdez, Deputy Public Works Director
City of Nogales	Juan Guerra, City Engineer
Town of Patagonia	Dave Teel, Manager
ADOT	Mark Hoffman, ADOT MPD

d. Statistical Data of Communities

Please see Appendix D for statistical community data.

e. Ethnicity and Gender Statistics for SEAGO Committees:

SEAGO Committees	ETHNICITY				GENDER	
	White	Hispanic	Native American	Other	Male	Female
Executive Board	13	8	1	0	21	1
Administrative Council	14	3	1	1	17	2
TAC	13	4	1	0	16	2

VI. COMPLAINT PROCESS

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 by SEAGO may file a Title VI complaint. Individuals wishing to file a complaint are encouraged to use the SEAGO Title VI Complaint Form provided as Appendix E.

SEAGO contact information for filing such complaints is as follows:

Randy Heiss, Executive Director
SouthEastern Arizona Governments Organization
1403 W. Highway 92
Bisbee, AZ 85603

A person may also file a complaint directly with the Arizona Department of Transportation Civil Rights Office at 1135, N. 22nd Avenue, Mail Drop 154A, Phoenix, Arizona 85009, or the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

SEAGO will investigate complaints received no more than 180 days after the alleged incident. The complaint must be (a) unequal treatment because of race, color, national origin, gender, age and/or disability, or (b) noncompliance with Title VI rules or guidelines adopted thereunder. Once the complaint is received, SEAGO will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

SEAGO has 45 days to investigate the complaint. If more information is needed to resolve the case, SEAGO may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, SEAGO can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

Within 60 calendar days of the acceptance of the complaint, the investigator will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 15 days after the date of the letter or the LOF to do so.

SEAGO will immediately notify ADOT's Civil Rights Office of any transit related complaints and provide a copy of the final investigation report to their Civil Rights Office.

A formal complaint must be filed within 180 calendar days of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct. This timeframe is prescribed by 49CFR 21.11(b).

The complaint must meet the following requirements:

- a. Complaint shall be in writing and signed by the complainant(s) and must include complainant(s) name, address, and phone number. The Title VI Coordinator or a liaison will assist the complainant with documenting the issues if necessary.
- b. Present a date of the alleged act of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct.
- c. Present a detailed description of the issues including names and job titles of those individuals perceived as parties in the complained-of-incident.
- d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for SEAGO to be able to process it.
- e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to SEAGO for processing.
- f. Within 45 calendar days of the acceptance of the complaint, the SEAGO investigator will prepare a draft investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
- g. SEAGO's final investigative report with the preliminary findings and a copy of the complaint will be forwarded by certified mail to either ADOT, FHWA (Arizona Division office Civil Rights Specialist), FTA or FAA or NHTSA, within 60 calendar days of the acceptance of the complaint, per 23 CFR 200.9(b)(3).

A complainant dissatisfied with USDOT's final agency decision may file action with the appropriate US District Court.

VII. PROGRAM AREASa. Transportation Planning

The purpose of the SEAGO Transportation Program is to ensure that transportation related resources are equitably, effectively, and efficiently distributed throughout the region to support the safe movement of goods and people. This is accomplished by transportation planning and coordination with local, state, federal agencies, and the general public to identify and implement projects and multi-modal programs to meet the transportation needs of the region.

Management of the planning process is performed by the SEAGO Transportation Planner, with strategic direction from the Executive Director. The Technical Advisory Committee (TAC) provides review and input, as appropriate, and works directly with the Transportation Planner, providing recommendations on regional transportation policy and the development and maintenance of a fiscally constrained five-year Transportation Improvement Program (TIP). It is the function of the Executive Board to act as a policy body for transportation planning, and related implementation activities.

b. Other Activities Provided by the SEAGO Transportation Program

- Public Involvement – Provide outreach activities to stakeholders.
- Highway Performance Management System – Traffic Counts & Road Classification.
- Data Collection – Population data collection and Air Quality Standards.
- Regional Planning Coordination – Technical Assistance for project management, grant writing, funding research
- Transit – Planning and management activities to all rural transit programs throughout the region.
- Regional Mobility Management - Training and technical assistance to public transit programs to assist them in meeting compliance with program requirements.

VIII. DATA COLLECTION/ANNUAL REPORTING

SEAGO will collect and report to ADOT the following data by August 1 of each year:

a. Lawsuits Alleging Discrimination

SEAGO will keep data on any lawsuits or complaints relating to discrimination have been filed against SEAGO and report on the status and outcome of such incidences.

b. Outreach Efforts

SEAGO will maintain records on its efforts to invite participation from Title VI in its planning activities.

c. Public Participation Data

SEAGO will gather data reflecting the extent to which members of Title VI protected populations participate in planning activities and any issues raised by those participants.

d. Pending Applications for Federal Assistance

SEAGO will report the federal funding sources that it receives direct funding from each year. SEAGO currently applies annually for federal funds directly from the U.S. Department of Commerce. SEAGO also receives federal pass through funding from a number of state agencies, including but not limited to ADOT, Arizona Department of Housing, and the Arizona Department of Economic Security.

e. Compliance Reviews/Compliance Statement

SEAGO will report any compliance reviews performed during the preceding year and the status of SEAGO's compliance with Title VI requirements. No compliance reviews have been performed during the preceding three years and we are believed to be in compliance with the spirit of the law.

f. Plan Evaluation/Revision

SEAGO will evaluate this plan annually and report any new practices or changes to be implemented the following year.

IX. PUBLIC PARTICIPATION PLAN

Background

Over the past few years, governmental agencies have come to recognize the increasing importance of involving the public as they plan, organize, and implement transportation projects. Involving interested parties generally results in a more effective project overall. Taking time at the beginning to communicate with potentially affected parties, carefully explaining the proposal, and gathering input, can enhance the project and potentially reduce the time and effort for implementation.

The goals of public involvement are to ensure that:

- Residents are given the opportunity to participate in the transportation planning process.
- The issues and concerns of residents are given consideration in the selection of transportation investments.
- Transportation investments do not disproportionately burden any population with adverse impacts.

This plan outlines the importance of, and specific guidelines for, involving community members, organizations, governments, transportation professionals and others in ongoing and future regional projects, plans, and programs. Included is information about the value of public participation, how it will be accomplished, and what will be done with the results.

It is important to note that a Public Participation Plan (PPP) needs to incorporate a broad array of interested parties. These include agencies responsible for land use management, natural resources, environmental protection, conservation and historical preservation. Involving all the potentially affected interests, including the traditionally underserved populations, can significantly increase a plan or project's efficiency and effectiveness. By following the process outlined in this plan, SEAGO will be able to better ensure inclusive and meaningful public involvement.

Limited English Proficiency Policy

It is the policy of SEAGO to ensure that our programs and activities, normally provided in English, are accessible to Limited English Proficiency (LEP) persons. As a recipient of federal funding, SEAGO is required to take reasonable steps to ensure that all members of the community, regardless of their proficiency to understand English, have the opportunity for meaningful access to SEAGO's planning and programming process. U.S. Department of Transportation guidance on LEP requires a four-factor analysis to determine the need for translation services in order to fully engage LEP populations in the planning process. The four factors are as follows:

1. The number or proportion of LEP persons served by the SEAGO service area.
2. Frequency of contact with SEAGO services or programs.
3. Nature and importance of SEAGO programs and services to people's lives.
4. The resources available and the overall cost to SEAGO.

SEAGO's analysis of the four factors is provided below.

Factor 1: The number or proportion of LEP persons served by the SEAGO service area.

According to the 2009 to 2013 American Community Survey (ACS) five-year estimates 36.5 percent of the region's population speaks a language other than English with 33.5 percent speaking Spanish. The ACS also indicated that 12.5 percent of persons five years old and over speak English less than "very well." The predominant language for this group is Spanish.

SEAGO has determined that it was not cost effective to take specific actions for languages of the LEP populations other than Spanish unless a specific request was made for an accommodation. This is because languages other than Spanish made up less than 1 percent of those that speak English less than "very well".

Factor 2: The number or proportion of LEP persons served by the SEAGO service area.

SEAGO recognizes that transportation planning is an area that touches everyone's lives. However, as a planning agency SEAGO's contact with the general public is significantly less frequent than programs that offer direct transportation services. When the scope of a proposed project or plan has the potential to significantly impact LEP persons, SEAGO will, to the maximum extent feasible, provide appropriate alternative non-English formats. Additional translation and interpreter services are offered.

Factor 3: Nature and importance of SEAGO programs and services to people's lives.

Transportation is an important element to people's independence. Inclusive community engagement is critical to ensuring that transportation planning is responsive to the needs of all residents.

Factor 4: The resources available and the overall cost to SEAGO.

SEAGO has limited staff and financial resources, which makes the translation of all materials cost prohibitive. Often persons with a limited English proficiency have several trusted sources to interpret for them. SEAGO works to provide enough bilingual information for the LEP population to understand which SEAGO services are available or what major planning activities are taking place so that they can ask for assistance from SEAGO or one of their trusted sources.

On the basis of this four-factor analysis, SEAGO will, to the maximum extent feasible, provide appropriate alternative non-English formats when the scope of a proposed project or plan has the potential to significantly impact LEP persons. All SEAGO agendas and public notices will contain a footnote in Spanish that translations are available upon request. SEAGO staff will

make every effort to provide Spanish translators and document translation of SEAGO's official deliberations and communications, community outreach, and related notifications, where feasible and upon request. Requested translation and interpreter services will be provided for SEAGO public meetings with advance notice as stated in our public notices.

Public Involvement Process

Public participation implies an open process. This means that anyone who is potentially affected, or is just interested in the process, is welcome to participate. Some of the reasons for encouraging this openness are:

- Project leaders may gain new information.
- Participants, who want a project to be completed, can provide additional resources in the form of assistance, goods, or services.
- Public participation can be a forum for dispute resolution.
- Progress can be made and implementation occur because:
 - The project itself will be better designed with public input.
 - The community better understands what the project is about.
 - Input can provide a warning mechanism for potential problems.

Participant comments help the project leaders understand areas where residents and other stakeholders may have concerns or misunderstandings. This can be used to provide better information to others who are not actively participating in meetings or providing input.

Just opening the process to the public is not enough. There are numerous populations that are not likely to get involved unless a special effort is made to reach out to them. In this Plan, groups that need a more focused effort to get involved are referred to as "underserved populations". These include, but are not limited to:

- Minority (Hispanic and/or non-white) community members.
- Low-Income community members.
- Physically and mentally challenged community members.
- People who may rely on alternative transportation.
- People with limited English proficiency.
- Aging individuals.

By making a reasonable extra effort to include these populations, SEAGO hopes to ensure that the interests and input of all residents are given equal consideration.

Guidelines

a. Techniques

There are numerous and varied techniques/activities to provide the opportunity for public involvement. Any combination and number of these may be used depending on the scope of the specific plan, program, or project. These techniques/activities are defined in detail in Table 1.

As funding permits, SEAGO will select from the various activities to provide the most effective public participation in each particular situation.

b. Welcoming Attitude

Public participation is welcomed and encouraged by SEAGO. All questions and statements are valuable and will be treated as such. Participants will be treated with respect. Meetings will be conducted with basic ground rules that enforce civil discussion. Anyone who feels that these rules have not been followed should contact SEAGO staff at (520) 432-5301.

c. Meeting Schedules and Locations

Meetings and hearings, which are open for public participation, will be scheduled to allow the best opportunity for attendance by the general public and other entities whenever possible. The meeting locations will be convenient and ADA accessible. In addition to general meetings, events and activities, reasonable efforts will be made to reach those who are particularly affected, the underserved or others who request SEAGO come to them. These options are open to any group or individual and it is the policy of SEAGO to go where people are whenever possible. Locations and meeting times for these activities will be designed according to the specific needs.

d. Notification

Notices will follow the general Open Meeting Law of the State of Arizona. Information about meetings, events and other opportunities for participation will be made in a timely manner. This is especially important for the physically and mentally challenged as extra time may be needed to arrange for accommodations to meet their needs. This notification will be easy to understand and provide adequate information or explain where the information can be obtained.

e. Presentation of Information

In order to help citizens better understand Transportation Planning, efforts will be made to show how presented information specifically relates to the public in both the near future as well as long-term. Visualization enhancements such as color, animation, physical props, pictures, 3-D models, etc. will be incorporated as appropriate and as budgets allow.

f. Written and Personal Communications from SEAGO

Technical and policy information from SEAGO will be written so that it is clear and understandable to the public. All relevant information will be open for public consideration. Staff will be available to answer questions at meetings and respond to phone questions in a timely manner.

g. Ongoing Communications

SEAGO will use mailings, media, and electronic technology such as e-mail and web sites to have ongoing communication with the public and other entities. Members of the staff are also available via the phone for questions, concerns, and suggestions.

h. Other Entities

The needs and interests of other public and governmental entities will be solicited as appropriate. Coordination, cooperation, and teamwork among all the agencies are vital to the success of any plan, program, or project.

i. Transportation Interests

SEAGO will solicit input from transportation-related groups such as professional organizations, freight interests, private providers of transportation, chambers of commerce, and others.

j. Opportunities for Input

Opportunities for input will vary depending on the project, program, or plan. For larger projects, such as a regional transportation plan, several rounds of public participation may be appropriate. Opportunity for initial comments on what projects citizens would like their transportation system to include, prior to the start of any work may be desired. Comments on the first draft would be collected and incorporated as appropriate in the final draft. Finally, if there were significant changes to the final draft, there could possibly be another call for input. In each of these stages a variety of techniques would be used to involve all the stakeholders. Techniques would be determined by the extent and nature of the project as well as available funds to do so.

k. Use of Public Comments

A complete record of public comments will be retained for public review. In specific cases, identified by federal regulations, public comments would be a part of the final document. Additionally, individual questions will receive a response in a timely manner.

l. Decision Making

All final transportation decisions (other than those requiring a vote of the people) are made by one or more groups of elected or appointed officials. Public meetings allow comments to be collected and may identify a consensus. The final decision, however, will be up to the elected and/or appointed officials based on a consideration of all related information. Prior to each key decision point, ample opportunity will be offered for input and that input will be shared with the decision-makers.

Evaluating Public Involvement Activities

A continuing focus on evaluation and enhancement of the public participation process should help to improve the outcome of each new SEAGO plan, project, or program. Evaluating public participation is a multi-dimensional task. First, there is the quantitative aspect which uses

measurements such as the number of activities held, the number of notices sent, and/or the number of people who participated. While valid and important, these factors may not show the complete picture.

Second, it is important to evaluate the qualitative aspects relating to perceptions, attitudes, and effectiveness. Did the people who participated feel they were heard? Were all the potentially affected interests (including the underserved) actually represented? Were the materials provided easy to understand? Were announcements received in a timely manner?

Third, is the question of how the public input was used. This information needs to be recorded and made available. It also needs to be considered in the decision-making process. Fourth, is the need to evaluate the reason something happened. Understanding why there was good (or poor) participation is important to assessing effectiveness.

The ultimate point to consider in an evaluation is the existence of respect and trust. It is not possible to please everyone, but it should be possible to proceed forward with an atmosphere of respect and trust and SEAGO intends to earn this by being fair and open with everyone at all times.

Development, Adoption, and Revision of the Public Participation Plan

This PPP, and the associated Title VI Implementation Plan has gone through several stages during its development:

- Preparation of a preliminary draft plan.
- Evaluation of this plan to ensure compliance with all federal regulations.
- Review of the plan by SEAGO's Technical Advisory Committee.
- Review of the plan by stakeholders including the general public, governmental entities, and transportation professionals/businesses.
- Revision of the plan based on the above reviews.
- Completion of a final draft plan.
- Circulation of the draft plan for at least 45 calendar days. This includes notice to all potentially affected interests that this final draft plan is available for review, including placement at public libraries throughout the region.
- Review and evaluation of any further recommended changes.
- Ongoing implementation of the plan by SEAGO.
- Availability of alternative formats i.e. large prints, Braille, audio/video cassettes (as appropriate) upon request for individuals who are blind or individuals with hearing/vision impairments. Due to the time and expense required to develop such materials, this will only be done upon request and a minimum of two weeks' notice must be provided to ensure timely preparation of such materials.

The plan will be officially reviewed at a minimum of every 5 years. (The first review would be in 2017.) Public input would be solicited for future revisions and a minimum 45 calendar day review period prior to adopting any changes. Efforts to involve the public and other organizations will follow the steps outlined in the adopted plan.

Other periodic revisions may occur, as new and better approaches are determined. Each time any significant content revisions are made (other than technical or grammatical revisions) the public will be given a 45-calendar day review and comment period prior to implementing the changes. SEAGO will update the plan annually and submit an annual accomplishment report to ADOT.

SEAGO Commitment

This plan contains background material, guidelines, and commitments that SEAGO is undertaking to incorporate an effective public process into future plans, projects, and programs.

Specifically SEAGO is committed to:

- Inclusive and meaningful public involvement.
- Open and honest communications with all individuals and entities.
- Timely public notice.
- Full public access to information and key decisions.
- Creating a sense of shared responsibility and ownership for regional transportation/congestion problems and a shared sense of pride in the development of solutions to those problems.
- Helping form partnerships between member entities, and the private and public sectors to plan and implement transportation/congestion solutions.
- Establishing policies and prioritizing needs based on valid data and using objective, fair, and consistent processes.
- Providing information and gathering input so that decision makers will be able to make informed decisions.

Table 1 – Public Participation Toolbox

Activity	Description	Comments
Brochure	Written material to distribute generally contains more information than a flyer. It is often folded to create a small piece for distribution.	
Charrette	An intensive brainstorming session using visual methods to define alternatives.	These can last anywhere from a few hours to a few days.
Conference	A meeting with two or more people where the participants confer and discuss. (This can also be a series of meetings and/or events focused on a unifying subject.)	
Contact lists	Create contact lists for interested parties.	
Display	Information and materials are displayed in an informal setting where people are free to move about and consider whatever is of interest to them.	These are typically held at malls, city halls, banks, etc.

Activity	Description	Comments
E-mail	Using the Internet to contact people with electronic mail addresses.	This is very inexpensive and a quick way to contact people. It is, however, important to find other ways to communicate with people who do not have access to computers.
Flyer	A written communication piece that provides the most basic information.	Multiple flyers can be produced for one event, plan or project with each flyer designed to communicate with different groups. These can be produced in various languages when resources are available to do so.
Focus Group	A small carefully selected group of individuals who meet together to give feedback to the organizer on a specific topic.	Because this is a selected group, people who are not selected may be suspicious of the information gathered.
Forum	A public meeting that is designed to help attendants better understand a subject by hearing different points of view. Usually several people with differing opinions, each make a short presentation and then answer questions. It is not designed for decision making.	It is most helpful if a disinterested party moderates. It also might be helpful, especially in some communities, if some of the “experts” were local and trusted by the community. If a forum is used, it may need to be in Spanish for Spanish speaking community members.
Games and Contests	These include a wide variety of activities including such things as board games, role playing, computer simulations, etc.	Use of these is an unusual and creative way to actively involve people.
Grocery Store	Contacting people at the grocery store, either by printing information on a grocery bag, dropping information into a grocery bag, staffed information tables, or by displaying flyers or posters in the store.	This is a way to reach a larger and possibly diverse group of people, but it will also require availability of the necessary level of resources.
Information Booths	Place an information exhibit at fair-type events.	
Key Person Interview	This question and answer session is with a specifically targeted person who has been identified as someone with whom it would be particularly important or useful to speak.	This may be useful as a first step in reaching minority or other interest groups.

Activity	Description	Comments
Meetings	These are opportunities for larger groups of people to get together for a multitude of purposes. The general intent is to allow people to interact on a person-to-person basis. Meetings can be held for a wide variety of reasons from working on an issue to making a presentation	To be most effective, a meeting should inform the participant prior to coming: what type of meeting it will be, what their role will be, and the expected outcome of the meeting.
Modeling	Computer and/or physical modeling can be used to help people better visualize or better understand a particular concept or project.	
Newspaper Advertisement	Information that a newspaper prints in their paper that is not part of the news. The person/group placing the advertisement has control of the content.	These are generally purchased, and are used to announce meetings, events, etc.
Newsletter	A regular communication for a predetermined group of individuals/groups.	These can be mailed or sent electronically. This is a standard way to keep interested individuals and entities informed on a regular basis.
Open House	Information and materials are displayed in an informal setting where people are free to move about and consider whatever is of interest to them. Informed people are available to answer questions and take comments and suggestions.	This is a commonly used tool which has now been expanded to locations such as the local mall, in addition to places such as the lobby at city hall.
Organization Contact	Contact with an organization could take the form of a presentation, question & answer session, brainstorming, etc.	
Postcard Notices	A postcard mailed to a predetermined mailing list to announce an event or activity or provide other specific information.	
Posters	A large written announcement posted in a public place.	These can be placed at numerous locations and designed to appeal to different groups or underserved populations. Posters must be displayed in conspicuous and accessible locations.
Presentation Meetings	These meetings allow the organizer to provide information and answer questions for a large group at once.	The presenter generally does not present any side of the issue other than their own.

Activity	Description	Comments
Press Releases	This official release tells the press there is news they might be interested in reporting. It generally follows a specific format and includes who, what when, where and a contact for more information.	Information that is reported as "news" gets more attention and credibility than paid advertising.
Public Hearings	This is a legal meeting that is often required to make sure there is some opportunity for public comment. It is normally done with elected officials sitting at the front and allowing community members very specific conditions to speak under.	These are a poor setting for getting input as they are generally late in the process and can easily erupt into confrontation.
Public Notice	These are official notices posted prior to meetings.	These are required for meetings where a quorum of elected officials from the same governing body will be present.
Public Service Announcements	These are short announcements usually on radio or television, for which there is no charge and announce something important for the public to know.	
Radio Talk Show	A longer discussion, on the radio, of a particular subject. It usually involves a talk show host and one or more additional people. Sometimes there is an opportunity for people to call in questions.	This is an opportunity for providing more in-depth information on a certain topic.
School Presentations	In order to reach the youth, presentations can be made at the schools, including presentations to clubs, student council, and specific classes.	Suggested classes would be: civics, economics (or other senior level classes), and transportation classes. (Presentations to the students needs to be short and to the point with a source of additional information such as a web site.)
School TV/News Stations	Some schools have a local school TV station for sharing information with the students. This could be used to reach a larger spectrum of youth.	Presentations to the students needs to be short and to the point with a source of additional information such as a web site.

Activity	Description	Comments
Speakers' Bureau	This is an organized effort to provide speakers to various groups and events on one or more specific subjects. This generally consists of several speakers who are used as needed.	This allows more flexibility and a broader outreach.
Survey - General	This type of survey is open to anyone who wants to participate. (This can be in traditional or electronic formats).	While the information is useful and important, it cannot be stated as representing a larger group. To be representative the survey must be statistically valid. (Surveys should be offered in Spanish as well as English.)
Survey - Statistically Valid	This is a survey that collects information from specific people who have been chosen on a random basis according to a specific formula. With this type of survey the results can be stated as representing the group from which the random sample was taken.	These are very expensive but can be useful in certain circumstances. (Any survey should be offered in Spanish as well as English.)
Town Meeting	This is usually a semi-formal meeting designed to be open to everyone in a community. It often includes both the public and elected officials with an opportunity for comments back and forth.	
TV Advertisements	These are usually 30 or 60 second spots on TV during breaks in a regular show.	These would only be utilized if sufficient resources were available to do so.
Web Site	A series of "pages" on the Internet that relate to a specific subject. They can be reached by anyone who has access to the Internet by typing a particular address or by doing a search.	This is an easy and inexpensive place to keep the most recently updated information and it is becoming an increasingly popular way to communicate.
Working Meetings	Generally these are meetings designed to work through issues when there can be give and take among all the participants.	
Workshop	Meetings to inform and solicit input on specific issues, plans, or projects.	These usually allow a smaller group of people to participate more intensively.

People need to understand that Transportation Planning is relevant to them. Maintaining public interest as decisions are made is critical to gathering effective public input. Therefore:

- With each contact, efforts will be made to present information that is relevant and show how this information relates to the public in both the near future as well as long-term.
- As any of the above tools are used, SEAGO will keep in mind the importance of making whatever the subject matter is as interesting as possible. Color, animation, physical props, pictures, visualization, 3-D models, etc. will be incorporated, as budget allows, to enhance the experience for the public.
- Public notices must include reasonable accommodations for individuals with disabilities with special needs, e.g. sign language interpreters. SEAGO will include point of contact person, telephone number, e-mail address, and timeframe for response from those with special needs.
- When the scope of a proposed project or plan has the potential to significantly impact individuals with special needs, pertinent materials will be available in alternative formats, i.e. large print, Braille, audio/video.

X. APPENDICES

Appendix A (to Assurances)

Appendix B (to Assurances)

Appendix C (to Assurances)

Appendix D – Statistical Data of Communities

Appendix E – SEAGO Title VI Complaint Form



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 shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), 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, shall not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, 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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, or sex.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Arizona Department of Transportation* or the *Federal Highway Administration and Federal Transit*

Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the *Arizona Department of Transportation*, or the *Federal Highway Administration and Federal Transit Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.

- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the *Arizona Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration and Federal Transit Administration* may determine to be appropriate, including, but not limited to:
- a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract. or procurement as the *Arizona Department of Transportation* or the *Federal Highway Administration and Federal Transit* may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the *Arizona Department of Transportation* to enter into such litigation to protect the interests of the *Arizona Department of Transportation*, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.



APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

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 23, United States Code* the Regulations for the Administration of *Federal Aid for Highways and Transit* and the policies and procedures prescribed by *Federal Highway and Transit Administrations* of the Department of Transportation and Federal Transit Administration, also in accordance with and 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, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) 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), and the Civil Rights Restoration Act of 1987 (Public Law 100.259) 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 *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 shall 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 shall on the grounds of race, color, national origin, or sex 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 shall 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, Nondiscrimination in federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall 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 purposes of Title VI of the Civil Rights Act of 1964.*



APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the *Arizona Department of Transportation pursuant to the provisions of Assurance 7(a).*

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, *Arizona Department of Transportation* shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, *Arizona Department of Transportation* shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *Arizona Department of Transportation* and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by *Arizona Department of Transportation* pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc. as appropriate) for himself, his 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, or sex shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, *Arizona Department of Transportation* shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of *Arizona Department of Transportation* and its assigns.

**Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.*

**Appendix D
Demographic Composition of the SEAGO Region**

Geographic Area	Total Population	Race								Hispanic or Latino (of any race)
		One Race							Two or More Races	
		Population - One Race	White Alone	Black or African American, Alone	American Indian or Alaska Native, Alone	Asian, Alone	Native Hawaiian and Other Pacific Islander, Alone	Some Other Race, Alone		
Cochise County Total	131,346	126,071	103,085	5,465	1,589	2,525	418	12,989	5,275	42,543
PLACES										
Benson, City	5,105	4,922	4,481	51	49	37	8	296	183	1,126
Bisbee, City	5,575	5,370	4,696	80	81	26	8	479	205	2,019
Douglas, City	17,378	16,926	11,848	483	296	81	10	4,208	452	14,353
Huachuca City, Town	1,853	1,753	1,429	119	26	38	15	126	100	364
Sierra Vista, City	43,888	41,373	32,695	3,951	467	1,781	269	2,210	2,515	8,527
Tombstone, City	1,380	1,333	1,269	6	9	9	1	39	47	288
Willcox, City	3,757	3,643	2,539	43	48	25	7	981	114	1,883
TOTAL PLACES	78,936	75,320	58,957	4,733	976	1,997	318	8,339	3,616	28,560
Graham County Total	37,220	36,172	26,827	683	5,376	200	52	3,034	1,048	11,320
PLACES										
Pima, Town	2,387	2,300	2,086	9	15	3	3	184	87	500
Safford, City	9,566	9,210	7,789	116	153	85	5	1,062	356	4,166
Thatcher, Town	4,865	4,698	4,143	87	88	35	11	334	167	1,052
San Carlos Apache Tribe	4,780	4,612	19	1	4,591	0	1	0	16	152
TOTAL PLACES	21,598	20,820	14,037	213	4,847	123	20	1,580	626	5,870
Greenlee County Total	8,437	8,117	6,514	89	195	46	5	1,268	320	4,040
PLACES										
Clifton, Town	3,311	3,140	2,342	28	109	23	3	635	171	1,991
Duncan, town	696	671	563	8	12	0	1	87	25	235
TOTAL PLACES	4,007	3,811	2,905	36	121	23	4	722	196	2,226
Santa Cruz County Total	47,420	46,467	34,835	179	328	255	15	10,855	953	39,273
PLACES										
Nogales, City	20,837	20,338	14,933	75	140	126	4	5,060	499	19,793
Patagonia, Town	913	903	801	2	20	0	0	80	10	387
TOTAL PLACES	21,750	21,241	15,734	77	160	126	4	5,140	509	20,180
TOTAL SEAGO REGION	224,423	216,827	171,261	6,416	7,488	3,026	490	28,146	7,596	97,176

Source: U.S. Census Bureau, 2010 Census
2010 Census Redistricting Data
(Public Law 94-171) Summary File
Tables P1 and P2



APPENDIX E

SEAGO Title VI Complaint Form

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Type
	TDD		Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all the apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Age <input type="checkbox"/> Sex <input type="checkbox"/> National Origin <input type="checkbox"/> Disability			
Date of Alleged Discrimination (Month, Day, year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.			
Section IV:			
Have you previously filed a Title VI complaint with this agency?		Yes	No

Section V:	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	<input type="checkbox"/> State Agency: _____
<input type="checkbox"/> Federal Court: _____	<input type="checkbox"/> State Court: _____
	<input type="checkbox"/> Local Agency: _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI:	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

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

Signature and date required below:

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Randy Heiss
SouthEastern Arizona Governments Organization
1403 W. Highway 92
Bisbee, AZ 85603