

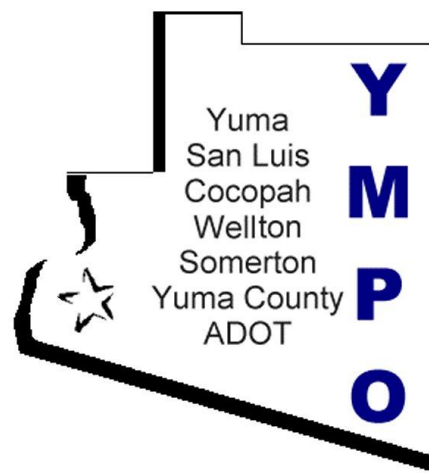
TITLE VI REPORT

YUMA

METROPOLITAN

PLANNING

ORGANIZATION



NONDISCRIMINATION

IN

FEDERALLY ASSISTED PROGRAMS

DECEMBER 2, 2010

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TITLE VI REPORT

I. INTRODUCTION

This report covers the Title VI nondiscrimination in Federally Assisted Programs Implementation and Review program of the Yuma Metropolitan Planning Organization (YMPO). The report includes a description of the YMPO planning area, a statistical breakdown of the communities in the planning area, the YMPO organizational chart and composition of advisory boards and committees, the public involvement process, a summary of project effects and benefits, a summary of lawsuits alleging discrimination, a listing of federal assistance programs, and assurances.

II. YMPO ASSURANCES

General Assurance

The Yuma Metropolitan Planning Organization 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, a copy of which is attached.

Specific Assurances

More specifically and without limiting the above general assurance, the Yuma Metropolitan Planning Organization hereby gives the following specific assurances with its Federal Aid Highway and Federal Transit Program.

CERTIFICATION

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Yuma Metropolitan Planning Organization by the Department of Transportation under the Federal Aid Highway Program and Federal Transit Program and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in the interest and other participants in the Federal Aid Highway and Transit Programs.

1. That the Recipient agrees that each "Transportation program" and each facility as defined in 49 CFR 21.23(b) and (e) and the Civil Rights Restoration Act of 1987, will be (with regard to a "program" or activity) conducted, or will be (with regard to a "facility") operated in compliance with all nondiscriminatory requirements imposed by, or pursuant to, the Regulations and this agreement.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all *Federal Aid Highway and Federal Transit Programs* and, in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259). Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact 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, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient 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 the Recipient 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 the Recipient receives Federal financial assistance in the 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 the Recipient 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 the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under *Federal Aid Highway and Federal Transit Programs*; 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 and Federal Transit Programs*.
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 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. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal Aid Highway and Federal Transit Programs and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway and Federal Transit Programs. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated _____

(Recipient)

by _____
(Signature of Authorized Official)

Attachments
Appendices A, B, and C

III. YMPO ORGANIZATIONAL STAFFING & PROGRAM ADMINISTRATION

a. General Organization and Staffing

The Yuma Metropolitan Planning Organization (YMPO) has responsibilities for transportation planning in the Yuma County, Arizona area and in the Winterhaven, California area, making the YMPO a bi-state Metropolitan Planning Organization.

The Chair of the Yuma Metropolitan Planning Organization Executive Board is responsible for ensuring the implementation of the YMPO Title VI program. The Executive Director of the YMPO, on behalf of the Executive Board, is responsible for the overall management of the Title VI programs and serves as the Title VI “Chief Officer”. The day-to-day administration of the program lies with the Title VI liaison under direct supervision of the YMPO Executive Director as depicted in Figure 1.

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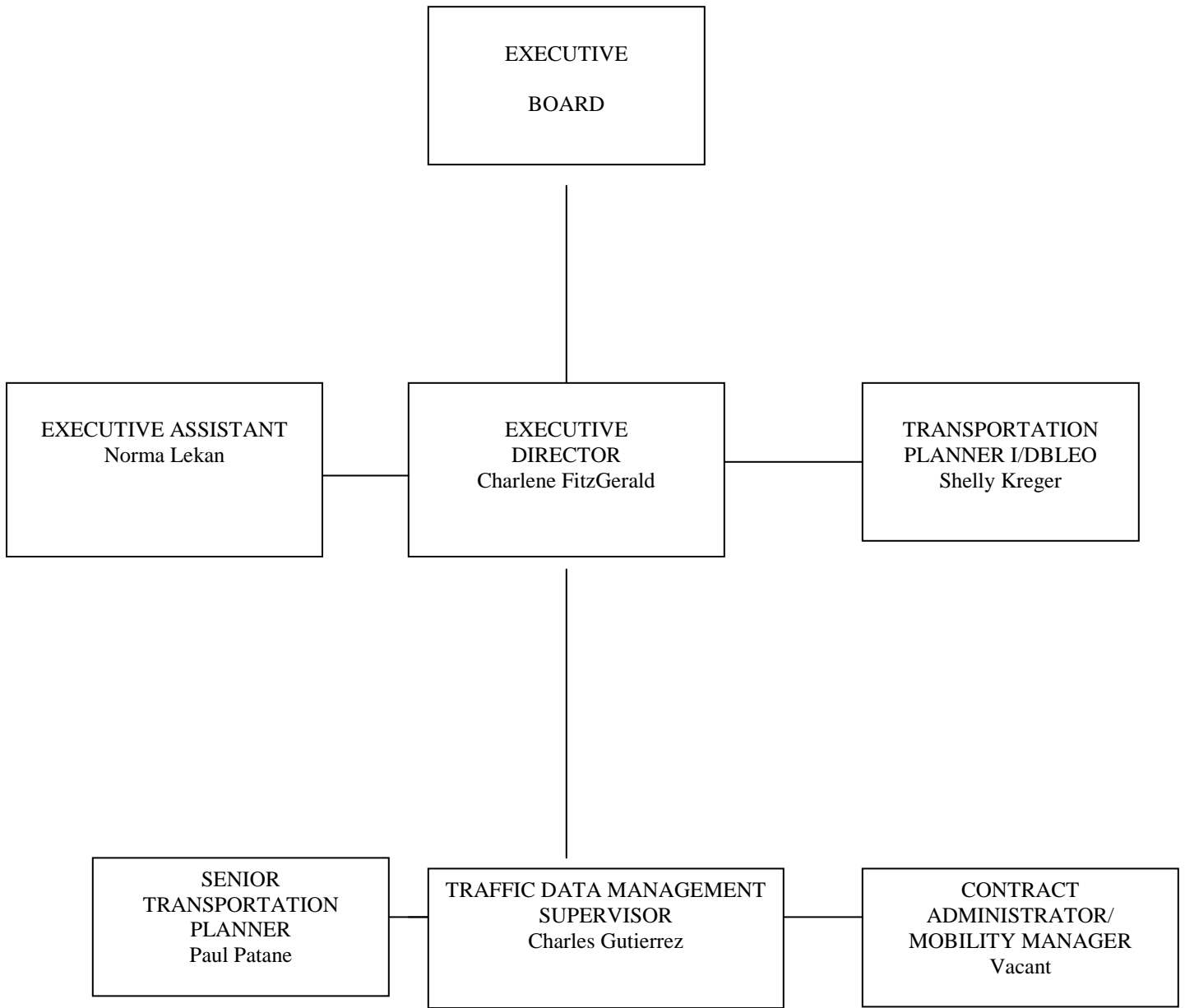


Figure 1

b. YMPO Planning Area

The planning area for the Yuma Metropolitan Planning Organization encompasses all of Yuma County and a portion of California (Figure 2). This region is approximately 180 miles southwest of the City of Phoenix and 170 miles east of the City of San Diego. The land ownership percentages for Yuma County are 84% Federal, 10.5% Private, 5.3% State of Arizona, and .2% Tribal lands.



Figure 2

c. Title VI Liaison Responsibilities

The Title VI Liaison is charged with the responsibility for implementing, monitoring, and ensuring YMPO compliance with Title VI regulations, including but not limited to, the following activities.

- (1) Identify and eliminate discrimination.
- (2) Prepare a yearly Title VI Report as required per ADOT directives.
- (3) Conduct Title VI reviews of contractors, consultants, suppliers, and other recipients of Federal Aid Highway and Transit fund contracts administered through the YMPO.
- (4) Collect statistical data (race, color, sex, age, disability or national origin) of participants in and beneficiaries of Federal Aid Highway and Transit programs.

- (5) Process the disposition of Title VI complaints received by the YMPO.
- (6) Develop Title VI and other information for dissemination to the general public and, where appropriate, in languages other than English.

IV. YMPO MEMBERS

a. List of Member Communities

The organization of YMPO consists of an Executive Board, a Technical Advisory Committee, Citizen Advisory Committees, and a small staff. Member agencies of the YMPO are Yuma County, the cities of Yuma, San Luis, and Somerton, the Town of Wellton, the Cocopah Indian Tribe, and the Arizona Department of Transportation.

b. Statistical Make up of Yuma County

Yuma County has a population in excess of 160,026 (2000 census) and contains 5,522 square miles of land. It is situated on the Colorado River in the southwestern corner of Arizona bordering Mexico. The county’s overall population and specific population characteristics of the member agencies are as shown in Tables 1 and 2.

Table 1. YMPO Member Agency Populations

Member Agency	Census 2000 Population	Arizona Dept. of Commerce 2009 Estimate
San Luis	15,322	29,027
Somerton	7,464	11,741
Wellton	1,829	2,081
Yuma	77,515	97,610
Unincorporated Areas	58,094	72,627
Cocopah Indian Tribe	1,025	NA

Table 2. Yuma County Census 2000 Demographic Profile Highlights

General Characteristic	Number	Percentage of Total County Population
Male	80,799	50.5
Female	79,227	49.5
Hispanic/Latino (of any race)	80,772	50.5
White/Not Hispanic	71,130	44.4
Black/African American	3,550	2.2
American Indian/Alaskan Native (one race)	2,626	1.6

c. Listing of Transportation Committees and Committee Composition

Yuma Metropolitan Planning Organization (YMPO) has responsibilities for transportation planning in the Yuma County, Arizona area and in the Winterhaven, California area, making the

YMPO a bi-state Metropolitan Planning Organization. The organization of the YMPO consists of an Executive Board, a Technical Advisory Committee, Citizen Advisory Committees, and a small staff.

(1) Standing Committees

(a) Executive Board

The YMPO Executive Board is responsible for all actions, agreements and functions carried out by the Yuma Metropolitan Planning Organization. An Executive Director is hired by the Executive Board to administer day-to-day operations and direct YMPO staff. The Executive Board consists of elected officials from the YMPO member agencies: Yuma County, the cities of Yuma, San Luis and Somerton, the Town of Wellton, the Cocopah Indian Tribe, and one member from the State Transportation Board appointed by the Governor.

(b) Technical Advisory Committee

The YMPO Technical Advisory Committee (TAC) has the authority and primary responsibility to conduct technical reviews and analyses regarding all work activities of the Unified Planning and Work Program and Budget and to advise the Executive Board on appropriate actions to be taken. The TAC is composed of technical and/or managerial staff representatives from each of the member agencies. In addition, there are one or more ex-officio, non-voting representatives.

(c) Audit Committee

The YMPO Audit Committee is a three-member committee selected from the Executive Board to oversee Federal audit compliance.

(2) Citizen Advisory Committees

Specific citizen advisory committees are formed to advise the Executive Board and the Technical Advisory Committee on related matters. Members are selected for their expertise, as a representative of an organization or interest group, or as a citizen.

(a) Transit

An ad hoc committee advising on transit needs in the planning area including the development of a Multi-Modal Transportation Center and Needs study. The Citizens Transit Committee (CTC) will be formed in FY 2011.

Table 3. YMPO Board and Committee Characteristics

Executive Board

Gender			Race/ethnicity				
	Male	Female	Hispanic	African American	Native American	Asian American	White
No.	9	1	2	0	1	0	7
Percent of Total	90%	10%	20%	0%	10%	0%	70%

Technical Advisory Committee

Gender			Race/ethnicity				
	Male	Female	Hispanic	African American	Native American	Asian American	White
No.	9	1	1	1	1	0	7
Percent of Total	90%	10%	10%	10%	10%	0%	70%

Transit Advisory Committee

Gender			Race/ethnicity				
	Male	Female	Hispanic	African American	Native American	Asian American	White
No.	5	1	2	0	1	0	3
Percent of Total	90%	10%	40%	0	10%	0	50%

V. COMPLAINT PROCESS

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a complaint. The basis of 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 there under.

The Arizona Department of Transportation (ADOT) has the principal responsibility for processing, investigating, and resolving any complaint arising as a result of operations its sub recipients such

as the YMPO. The YMPO will be responsible for processing, investigating and resolving complaints of discrimination by its member agencies.

The complaint process will follow the ADOT procedures. Complaints must be filed in writing with the ADOT Civil Rights Office, 1135 N 22nd Ave. 2nd Floor Mail Drop 154A, Phoenix, AZ 85009. The telephone number is 602-712-7761. Complaints received by the YMPO will be forwarded to the ADOT Civil Rights Office. All complaints will be promptly investigated by the ADOT Civil Rights Office.

VI. PROGRAM AREAS

a. Transportation Planning

The purpose of the YMPO's Transportation Planning Program is to assure that transportation and air quality planning and related issues and the implementation of projects, are effectively identified and coordinated by local, state, federal agencies and the general public.

Management of the planning process is under direction from the YMPO Executive Board thru the Executive Director. It is the function of the Executive Board to act as a policy body coordinating transportation planning, traffic engineering, and air quality conformity and related implementation activities within the overall regional comprehensive planning process.

The YMPO Technical Advisory Committee (TAC) provides review and input, as appropriate, and works closely with the YMPO's staff, providing guidance for development of all work activities.

The primary products of the Transportation Planning Process are preparing a 23-year Regional Transportation Plan, a 5-year Transportation Improvement Program, and the Air Quality Conformity Report.

b. Other Activities/Programs

- (1) Administration
- (2) Data Collection
- (3) Freight and Rail Planning
- (4) Special Project Planning, New Commercial Port of Entry Planning at San Luis, Arizona
- (5) Public Transportation Planning/Program Administration
- (6) Environmental Overview
- (7) Capital Expenditures

c. Public Involvement

- (1) Process

YMPO's axiom is **“Local Governments and Citizens Working Together.”** The public input process used by the YMPO has many components. First and foremost, the elected representatives on the Executive Board receive citizen input from their communities in many ways. All have *Call to the Public* on their agency agendas and get direct input at that time. Several hold regular neighborhood meetings or lunch meetings to be available to their citizens to answer questions and receive input. In turn, the agency representatives carry forward this information to the YMPO Executive Board meetings and to the Technical Advisory Committee meetings for discussion. The YMPO Executive Board meetings are open to the public, with agendas posted 24 hours in advance, and an item identified as *Call to the Public* is on the agenda of each meeting providing a specific forum for citizen input.

Additionally, YMPO conducts official public meetings that are advertised and held on specific agenda items, including but not limited to the 5-Year Transportation Improvement Program (TIP), the 23-Year Regional Transportation Plan (RTP), and the Unified Planning Work Program and Budget (UPWPB). At times, the public meetings have been held twice on the same day--once in the afternoon, and again in the evening--and at as many as six different locations. YMPO conducts these public meetings in this manner in order to provide citizens ample opportunity to provide input. Moreover, YMPO staff will place in The Sun (a local newspaper of circulation) an advertisement in both English and Spanish prior to the final public meeting on the Regional Transportation Plan showing important elements of the Plan and requesting comments. At the public meetings, YMPO staff solicits and accepts written comments as well. This solicitation is designed to target minority groups that typically do not respond to newspaper postings.

Moreover, YMPO will conduct an additional round of public meetings to seek input on technical analyses or alternatives that are defined as a result of the initial public input phase. For the RTP, YMPO will conduct a second series of public meeting at the same sites, and consultants performing transportation studies on the behalf of the YMPO will conduct similar public meetings. Finally, YMPO will send out letters of invitation for both sets of public meetings for the RTP.

2001-2002

During April 2001 the YMPO developed a Public Participation Plan and established a written version of the YMPO Public Involvement Process.

Also in 2001, the YMPO required all member agencies that get Surface Transportation Program (STP) funds to hold a minimum of two public meetings during the planning/design stages of these projects to obtain input from affected individuals and businesses.

2002-2003

In preparation for the development of the new RTP, YMPO used public radio programs to get the word out about the associated public meetings. In addition, YMPO mailed public meeting invitation cards to past meeting participants and advertised in The Sun newspaper.

2003-2004

As part of the Public Participation Process for the YMPO 2003-2023 RTP adoption process, YMPO held two series of public meetings at two locations within the YMPO Planning Area and sent 300 cards to individuals that had previously shown interest in regional planning. In addition,

the meetings were published in both the English and Spanish language newspapers within the community. A translator was present at the meetings to explain items to non-English speakers.

2004-2005

The YMPO Executive Board held public meetings for the 2005-2009 TIP and the Transit Fare adjustment at their regular meetings. YMPO published the public notices for the meetings in The Sun and on the YMPO website.

2005-2006

In preparation for the development of the new RTP, YMPO mailed public meeting invitation cards to past meeting participants and advertised the meeting information in The Sun newspaper and on the YMPO website.

2006-2007

Continuing its preparation for the development of the RTP, YMPO created a collaboration group representing a broad spectrum of public, tribal, and local agencies, including local non-profit agencies, to gather comments. Additionally, YMPO hosted several community forums, again soliciting public, tribal, and private entities, which supported development of the *Yuma Region Coordinated Human Services Plan* (the resulting efforts of United We Ride and Arizona Rides). YMPO also updated the Public Participation Plan to include the entities on the collaboration list, to include an entire section on project *Visualization*, and to update the language pertaining to a transit *Major Service Reduction*. Also, YMPO hosted several work sessions to support local agency FTA Section 5310, 5316, and 5317 grant applications and ADOT Safe Routes to Schools Programs, again utilizing the collaboration group network.

2007-2008

The YMPO Executive Board held public meetings for the 2007-2011 TIP and the Transit Fare adjustment at their regular meetings. YMPO published the public notices for the meetings in The Sun and on the YMPO website.

In preparation for the development of the new RTP, YMPO mailed RFP's to qualified consultant participants. Information announcing start-up activities were advertised in The Sun newspaper and on the YMPO website.

2008-2009

Continuing its preparation for the development of the RTP, YMPO created a collaboration group representing a broad spectrum of public, tribal, and local agencies, including local non-profit agencies, to gather comments. Additionally, YMPO hosted several community forums, again soliciting public, tribal, and private entities, which supported development of the *Yuma Region Coordinated Human Services Plan* (the resulting efforts of United We Ride and Arizona Rides). YMPO also updated the Public Participation Plan to include the entities on the collaboration list, to include an entire section on project *Visualization*, and to update the language pertaining to a transit *Major Service Reduction*. Also, YMPO hosted several work sessions to support local agency FTA Section 5310, 5316, and 5317 grant applications and ADOT Safe Routes to Schools Programs, again utilizing the collaboration group network.

The YMPO Executive Board held public meetings for the 2007-2011 TIP at their regular meetings. YMPO is using a 4 year TIP and will do a complete update 2011-2015. YMPO published the public notices for the meetings in The Sun and on the YMPO website.

2009-2010

Finalizing the development of the RTP, YMPO hosted several community forums, again soliciting public, tribal, and private entities. YMPO also updated the Public Participation Plan to include the entities on the collaboration list, to include an entire section on project *Visualization*, and to update the language pertaining to a transit *Major Service Reduction*. Also, YMPO hosted several work sessions to support local agency FTA Section 5307, 5310, 5316, and 5317 grant applications and ADOT Safe Routes to Schools Programs, again utilizing the collaboration group network. Many of the YMPO Executive Board meetings were televised and posted on the City and County websites and aired on the County and City channels. YMPO published the public notices for the meetings in The Sun and on the YMPO website.

2010-2011

Finalizing the development of the RTP, YMPO created a collaboration group representing a broad spectrum of public, tribal, and local agencies, including local non-profit agencies, to gather comments. Additionally, YMPO hosted several community forums, again soliciting public, tribal, and private entities. YMPO also updated the Public Participation Plan to include the entities on the collaboration list, to include an entire section on project *Visualization*, and to update the language pertaining to a transit *Major Service Reduction*. Also, YMPO hosted several work sessions to support local agency FTA Section 5307, 5310, 5316, and 5317 grant applications and ADOT Safe Routes to Schools Programs, again utilizing the collaboration group network. Many of the YMPO Executive Board meetings were televised and posted on the City and County websites and aired on the County and City channels. YMPO is using a 4 year TIP and developed a complete updated TIP for 2011-2015. YMPO published the public notices for the meetings in The Sun and on the YMPO website.

(2) Outreach to the Disadvantaged

YMPO ensures the participation of disadvantaged persons through localized meetings of elected Executive Board members in their respective areas and by advertising public meetings in both English and Spanish. Citizens who make comments or express interest in items at the public meeting or major informational meetings are placed on a mailing list to be notified of other meetings and any proposed actions. Moreover, several disabled and minority citizens have been selected to serve on YMPO Transit committees and the Yuma County Transportation Consortium.

The Cocopah Indian Nation gained membership to the YMPO in January 1999 with voting membership on the Executive Board and the TAC. This membership provides for input from the Cocopah Indian Nation on all transportation decisions affecting the planning area in addition to expressing the entity's transportation needs for there three Reservation locations.

VII. CONTRACTS AND SOLICITATIONS

YMPO contracts for some planning activities and obtains consultant support by using a Request for Proposal or Request for Qualifications procedure. The requests are advertised, and a short list of qualified applicants is determined from the proposals submitted. A selection committee is formed, interviews with the short-listed consultants are held, and a consultant is chosen. The TAC and the Executive Board must approve a contract before the Executive Director is authorized to sign it.

The consultants are required to conform to all Title VI provisions and those provisions specifically included in Request for Proposals and in the Contract for Services.

a. Request for Proposal

SECTION I: SOLICITATION

Respondents are notified that Disadvantaged Business Enterprises are encouraged to submit proposals to this request. The YMPO will ensure during the consultant selection process and award process, those respondents to this request will not be discriminated against based on sex, race, age, color, disability, creed, or national origin.

SECTION II: QUALIFICATIONS AND SELECTION PROCESS

The choice of a consultant/firm will be determined by the applicants' technical merits and will be based on a combination of factors, including but not limited to the following: (1) Education of the staff assigned to the project, experience of the firm, the assigned project manager, and the assigned staff relative to the desired work; (2) References of bilateral processes or agreements from past clients to gauge competence, technical understanding of the issues, procedures, and tasks accomplished in reaching the objective; (3) Direct experience; 4) Project understanding and approach; and (5) the YMPO's has adopted ADOT's current race neutral Disadvantaged Business Enterprise program. Based on the above technical factors, the YMPO's selection committee will rank the submitted proposals. The consultant/firm ranked highest will be chosen for negotiation of a final cost, at which time the Review Committee may review the attached cost estimates.

b. Contracts

OTHER RESPONSIBILITIES OF CONSULTANT

The CONSULTANT shall comply with, at its own expense, the provisions of all local, state and federal laws, regulations, ordinances, requirements, and codes that are applicable to the CONSULTANT as an employer of labor or otherwise. The CONSULTANT shall further comply with all laws, rules, regulations, and licensing requirements pertaining to its professional status and that of its employees, and shall

require the same compliance of partners, associates, subcontractors, sub-consultants, and others employed or retained by it rendering any services hereunder.

VIII. PROJECT EFFECTS AND BENEFITS

The effects and benefits of YMPO projects, generally, are that transportation within the planning area is improved and that coordination has taken place among all agencies, assuring development of a complete, dependable, efficient, safe, aesthetically pleasing, and economical transportation system. It is a system that will provide safer and smoother traffic flow, will reduce fuel consumption, will optimize the use of citizens' personal and tax money, and will increase the efficiency of the existing transportation system. All citizens of the YMPO Planning Area benefit from these improvements.

Specifically, project improvements have increased roadway capacities and reduced air pollution across the YMPO Planning Area. Enhancement projects have increased greatly the number of bicycle paths and pedestrian walkways near irrigation canals and along the Colorado River. Construction of curbs, gutters, and sidewalks on projects has increased pedestrian safety. Traffic signal installation and intersection geometric improvements have made travel safer for all citizens. The fixed-route Transit System for the Yuma Area that has greatly enhanced the mobility of many of the area's minority, elderly, and disabled residents in the City of Yuma urbanized areas and the rural communities of Somerton, San Luis, Wellton, and the three Cocopah Tribal Reservations. In FY 2007 and 2008, YMPO worked with CALTRANS to conduct a transit feasibility study for the Winterhaven/Quechan Indian Tribe area to determine how best to meet the transit needs of the residents in that area. Currently, YMPO is preparing to conduct a transit needs and assessment for Yuma County in preparation of a Regional Transit Authority.

Transit services with a demand response Dial-A-Ride and fixed-route bus service have been operating since 2001. As of 2009, Dial-A-Ride ridership has increased steadily while the bus service has expanded to seven fixed-routes. Dial-A-Ride and the fixed route services have significantly enhanced the mobility of low income, elderly, and disabled persons in the YMPO Planning Area, particularly during the 2004-2009 operational years. For example, the combined fixed route and demand response ridership for the month of October 2009 was approximately 30,000 trips. For the month of February 2009, the total trips provided were 33,000. Ridership continues to increase in the total number of trips.

IX. LAWSUITS ALLEGING DISCRIMINATION

All the member agencies have been contacted, and none reported any lawsuits, claims, or complaints filed against them for discrimination relating to transportation and/or public transit.

X. FEDERAL ASSISTANCE PROGRAMS

The YMPO presently receives yearly grants of Federal Transit Administration Planning Section 5303, 5307, 5311, 5316, and 5317 grant funds in addition to and SafeTea-Lu Surface Transportation Program (STP) Funds, SPR, and PL Funds. Eligible entities within the YMPO planning area receive Section 5310 funds.



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.

[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 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.

*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.

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.