2020
TITLE VI
NONDISCRIMINATION IN
FEDERALLY ASSISTED PROGRAMS

YMPO Executive Director
Paul D. Ward. P.E.

July 25, 2019
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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.

Title VI/ADA Nondiscrimination Policy Statement


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

The YMPO works closely with the Civil Rights Office at the Arizona Department of Transportation, and consultants who work on program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all of YMPO's programs and activities.

The Chair signs assurances and delegates full authority to the Title VI Non-discrimination Program Coordinator to oversee and implement Title VI regulations.

Signed By:

[Signature]

J.D. Begay, Jr. Vice-Chairman, Cocopah Indian Tribe and Chairman, YMPO Executive Board

Date: 7-30-2017
II. YMPO Assurances

General Assurance

The YMPO HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the ADOT, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, Title 42, United States Code (42 USC) 2000d to 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to 49 CFR, the 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

More specifically, and without limiting the above general assurance, the YMPO hereby gives the following specific assurances with its Federal Aid Highway 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 YMPO 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 Programs.

YMPO - Title VI Assurances

The YMPO (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (USDOT), through Federal Highway Administration (FHWA) and ADOT, is subject to and will comply with the following:
Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

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

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

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to a construct a facility or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendices C and D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

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

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

b. the period during which the Recipient retains ownership or possession of the property.

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

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

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

YMPO gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the USDOT under the FHWA and ADOT. This ASSURANCE is binding on Arizona, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors’, transferees, successors in interest, and any other participants in the Federal Aid Highway Program the person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

The appendices A through E that are referred to as part of this Assurance are listed in the appendices at the end of this report.
Signed by:

[Signature]

Paul D. Ward, P.E., YMPO Executive Director 7/30/2019

Date

Notes:

A Copy of the July 25, 2019 YMPO Executive Board Agenda will be sent to ADOT Civil Rights Office.

A Copy of the Official YMPO Executive Board approval will be provided as soon as the Executive Board approves the July 25, 2019, minutes at the August 2019 meeting.

III. YMPO Organizational Staffing and Program Administration

A. General Organization and Staffing

The 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.

J. Deal Begay, Jr, Vice Chairman of the Cocopah Tribe, is the current YMPO Executive Board Chairman and, 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".

Paul D. Ward, is the current YMPO Executive Director, and is responsible for ensuring the implementation of the YMPO Title VI program and the day-to-day administration of the program as the YMPO Title VI Liaison, as depicted in Figure 1 on the next page.

Paul Ward, P.E., Executive Director
Yuma Metropolitan Planning Organization
502 South Orange Avenue
Yuma, Arizona 85364
pward@ympo.org
Phone: 928-783-8911
Fax: 928-329-1674
B. YMPO Planning Area
The planning area for the YMPO encompasses all of Yuma County and a portion of California (Figure 2). The boundary of the YMPO covers 5,522 square miles, which includes all of Yuma County. The small area of Winterhaven, California covers less than 1% of the total MPO boundary area. 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.
C. Staffing

Title VI Title Chief Officer
The Chairman of the YMPO Executive Board, J. Deal Begay, Jr. is the Title VI Chief Officer with the overall responsibility of leading, supervising and administering the activities of the YMPO. The Chairman signs the Policy Statement assuring YMPO’s commitment to Title VI and leads the organization in its efforts to ensure nondiscrimination in its programs and activities. The Title VI Chief Officer also delegates Title VI duties, as necessary and appropriate, to the Title VI Liaison.

Title VI Liaison/Coordinator Responsibilities
The Title VI Liaison/Coordinator, Paul D. Ward, Executive Director, has direct access to the Title VI Chief Officer and 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. Provide Title VI Training to staff on a regular basis or, as necessary.
3. Prepare a yearly Title VI Accomplishment and Goals Report as required per ADOT directives.
4. Conduct Title VI reviews of contractors, consultants, suppliers, and other recipients of Federal Aid Highway and Transit fund contracts administered through the YMPO.

5. Collect statistical data (race, color, sex, age, disability, national origin, income, or limited English proficiency (LEP)) of participants in and beneficiaries of transportation-related programs under its jurisdiction.

6. Process the disposition of Title VI complaints received by the YMPO.

7. Develop Title VI and other information for dissemination to the public and, where appropriate, in languages other than English.

IV. YMPO MEMBERS

A. List of Member Communities
The organization of the YMPO consists of an Executive Board, a Technical Advisory Committee, Citizen Advisory Committees, and a small staff. Member agencies of the YMPO are the City of Yuma, Yuma County, the Cities of San Luis, and Somerton, the Town of Wellton, the Cocopa Indian Tribe, and representative of the State Transportation Board, usually the ADOT Southwest District Engineer.

B. Statistical Make up of Yuma County and Data Collection.
Yuma County has a population of 210,500 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, below and on the next page.

<table>
<thead>
<tr>
<th>Member Agency</th>
<th>Census 2000</th>
<th>Census 2010</th>
<th>Est. 2017</th>
<th>Est. 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yuma</td>
<td>77,515</td>
<td>93,064</td>
<td>96,531</td>
<td>97,908</td>
</tr>
<tr>
<td>Yuma County</td>
<td>58,094</td>
<td>60,013</td>
<td>61,000</td>
<td>61,469</td>
</tr>
<tr>
<td>San Luis</td>
<td>15,322</td>
<td>25,505</td>
<td>32,751</td>
<td>33,490</td>
</tr>
<tr>
<td>Somerton</td>
<td>7,464</td>
<td>14,287</td>
<td>16,300</td>
<td>16,491</td>
</tr>
<tr>
<td>Wellton</td>
<td>1,829</td>
<td>2,882</td>
<td>3,023</td>
<td>3,030</td>
</tr>
<tr>
<td>Cocopah Indian Tribe</td>
<td>1,025</td>
<td>817</td>
<td>837</td>
<td>826</td>
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</table>
Source: U.S. Census Bureau, Population Division:
https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF

Table 2 : 2017 American Community Survey 5- Year Average Demographic Profile

<table>
<thead>
<tr>
<th>General Characteristic</th>
<th>Yuma</th>
<th>Yuma County</th>
<th>San Luis</th>
<th>Somerton</th>
<th>Wellton</th>
<th>Cocopah Tribe</th>
<th>Quechan Indian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>51.0%</td>
<td>51.4%</td>
<td>53.5%</td>
<td>49.8%</td>
<td>48.5%</td>
<td>48.3%</td>
<td>51.3%</td>
</tr>
<tr>
<td>Female</td>
<td>49.0%</td>
<td>48.6%</td>
<td>46.5%</td>
<td>50.2%</td>
<td>51.5%</td>
<td>51.7%</td>
<td>48.7%</td>
</tr>
<tr>
<td>Hispanic/Latino (any race)</td>
<td>59.1%</td>
<td>62.9%</td>
<td>96.3%</td>
<td>96.9%</td>
<td>45.2%</td>
<td>3.0%</td>
<td>30.2%</td>
</tr>
<tr>
<td>White</td>
<td>70.7%</td>
<td>73.1%</td>
<td>75.3%</td>
<td>84.4%</td>
<td>65.9%</td>
<td>43.4%</td>
<td>37.1%</td>
</tr>
<tr>
<td>Black/African American</td>
<td>3.4%</td>
<td>2.1%</td>
<td>0.7%</td>
<td>0.6%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>N/A</td>
</tr>
<tr>
<td>Am. Indian/ Alaskan Native</td>
<td>1.0%</td>
<td>1.3%</td>
<td>0.3%</td>
<td>0.4%</td>
<td>4.2%</td>
<td>54.1%</td>
<td>60.3%</td>
</tr>
<tr>
<td>Poverty</td>
<td>18.1%</td>
<td>20.8%</td>
<td>35.4%</td>
<td>26.8%</td>
<td>0.9%</td>
<td>33.6%</td>
<td>35.2%</td>
</tr>
</tbody>
</table>

Source: https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml

Male and Female Population Concentrations
Within the Yuma Region, 51.4% of the population was male, 48.6% female.

Data Source: U.S. Census, 2013-2017 American Community Survey 5-Year Estimates:
https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF

Hispanic/Latino (of any race) Population Concentrations

Within the Yuma region, 62.9% of the population identified themselves as Hispanic or Latino. In the communities of San Luis and Somerton, nearly all residents identified themselves as Hispanic or Latino (96.3% and 96.9% respectively). Map 1 displays concentrations of Hispanic/Latino Populations in the Yuma Region. The orange-colored areas show census tracts with high concentrations of Hispanic Latino Populations relative the Yuma County average. 22 of the 55 (40%) census tracts have concentrations of Hispanic/Latino population greater than the County average.


White Population Concentrations
Within the Yuma Region, 77.5% of the population classified themselves as White.

Data Sources:
U.S. Census, 2013-2017 American Community Survey 5-Year Estimates
https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF.

Black/African American Population Concentrations
Within the Yuma Region, only 2.8% of the population identified themselves as Black or African American. The highest concentration of Black/African American population is in the City of Yuma. Map 2 indicates the location of those concentrations. Approximately 33% (or 18 out of 55 census tracts) had concentrations greater than the County average.

Data Sources:
U.S. Census, 2013-2017 American Community Survey 5-Year Estimates
https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF.

American Indian/Alaskan Native Population Concentrations
Within the Yuma Region, 2.3% of the population was American Indian or Alaskan Native. Not surprisingly, over half of those living the Cocopah and Quechan Indian Communities identify themselves as Native American. However, Somerton and Wellton had larger percentages of Native American populations compared to the County average. Map 3 displays the location of those concentrations. 34% (or 19 out of 55 census tracts) had concentrations exceeding Yuma County’s average.

Data Sources:
U.S. Census, 2013-2017 American Community Survey 5-Year Estimates
https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF.

Concentration of Those Living in Poverty
20.8% of those in Yuma County lived below the poverty level in the past 12 months. Only Wellton and the City of Yuma have a smaller percentage of those individuals living in poverty relative to the region. This data represents all individuals not just those in families. Map 4 shows those concentrations in Yuma County. Approximately 38% (or 21 out of 55) of all census tracts in the County had greater concentrations of poverty then the Yuma County average.

Data Sources:
Data Collection and Analysis
Data collected from the Census Bureau and other sources are analyzed and used to ensure the minority, low income, and disabled populations are considered in the planning process. YMPO will begin to track with Title VI Survey Cards for Self-Identification Race (Sex and National Origin are not collected currently, maybe in the future).

YMPO will begin to track Program Areas (Functional Classification, Special Project and Regional Planning, Public Participation, Public Transportation Planning, Administration) by using the survey card process at all meetings. During the RFP Process, YMPO will implement a process to track all submittals for studies, reports, and plans to include Auditors and External Accounting firms.
Map 3: American Indian Population in Yuma County by Census Tract

Legend

American Indian Population
- Concentration less than Yuma County average
- Concentration more than Yuma County average
- Insufficient Data
- Imperial County

Source: U.S. Census, 2011-2017
American Community Survey 5-Year Estimates, DP05
Map 4: All Individuals Living Below the Poverty Level by Census Tract

Legend

Poverty
- Concentration less than Yuma County average
- Concentration more than Yuma County average
- Insufficient Data
- Imperial County

Source: U.S. Census, 2011-2017
American Community Survey 5-Year Estimate, DP03
MAP 5: FY 2019 Surface Transportation Block Grant Federal Funds
**Project List: Map 5 & 6 by FISCAL YEAR 2019 & 2020**

MAP 5: FY 2019 Surface Transportation Block Grant (STBG) Federal Funds Project List

- WEL-14-01C: Town of Wellton – Coyote Wash Multiuse Pathway
- YC-BR-05C: Yuma County – Bridge Rehab-Design – 7751/8865
- YC-BR-05C: Yuma County – Bridge Rehab-Construction – 7751/8865

MAP 6: FY 2020 Surface Transportation Block Grant (STBG) Federal Funds Project List

- SOM-18-01C: City of Somerton – Cesar Chavez Widening – Construction – HURF
- YC-20-01D: Yuma County – Ave B Mill and Fill – Design – In House
- COY-20-02D: City of Yuma – Signal Battery Back-up Systems – Various Locations – List Below
  - 16th Street and Pacific Avenue
  - 16th Street and I-8 Ramps
  - 16th Street and Redondo Drive
  - 16th Street and Avenue B
  - Avenue B and 20th Street
  - Avenue B and 24th Street
  - Avenue B and 26th Street
  - Avenue B and 28th Street
  - Avenue B and 32nd Street
  - 4th Avenue and 1st Street
  - 4th Avenue and 8th Street
  - 4th Avenue and 24th Street
  - 4th Avenue and 28th Street
  - 4th Avenue and 32nd Street
  - 32nd Street and 32nd Street
  - 32nd Street and Arizona Avenue
  - 32nd Street and Pacific Avenue
  - 32nd Street and Avenue 3E
  - 32nd Street and Avenue 6E
  - 32nd Street and Avenue 8E
  - 32nd Street and Avenue 8.5E
C. Listing of Transportation Committees and Committee Composition

The 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 YMPO consists of an Executive Board, a Technical Advisory Committee, Citizen Advisory Committees, and a small staff.

1. Executive Board
   The YMPO Executive Board is responsible for all actions, agreements, and functions carried out by the YMPO. 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.

   The Executive Board is also responsible for reviewing and approving the YMPO Title VI Program Plan. A copy of the minutes indicating approval is included as an Attachment to this report.

   The YMPO Bylaws State, under Section III: Organization, A. Executive Board, 1. Membership (a), that to be an eligible member of the Executive Board, that person must be a duly elected member of a governing body of a unit of local government located in the YMPO area, excepting the member of the Arizona State Transportation Board (who is appointed by the Governor of the State of Arizona). Each unit of local government and the State Transportation Board shall designate the person or persons among its duly elected governing body or, appointed to the State Transportation Board by the Governor, that shall serve as primary member(s) of the YMPO Executive Board. (see Table 3, for Executive Board Characteristics)

2. 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. (see Table 3, for committee characteristics)
3. Audit Committee.

The YMPO Audit Committee is a three-member committee selected of the Executive Board to oversee Federal audit compliance. (see Table 3, for committee characteristics).

Note: All members of the Executive Board, Technical Advisory Committee, and the Audit Committee are appointed as per the bylaws of the YMPO.

| Table 3. YMPO Executive Board, TAC and Audit Committee Characteristics |
|-----------------------------|-----------------|-------------------|-----------------|------------------|-----------------|-----------------|
|                             | Gender  | Race/Ethnicity  |                  |                  |                  |                  |
|                             | Male    | Female           | White            | African American| Native American  | Asian American   |
| YMPO Executive Board (Maximum ten persons) | 7      | 3                | 3                | 1                | 1                | 0                |
| Count                       | % Total |                  |                  |                  |                  |                  |
| 70%                         | 30%     | 30%              | 10%              | 10%              | 0%               | 50%             |
| YMPO Technical Advisory Committee (maximum ten persons) | 7      | 3                | 5                | 0                | 0                | 0                |
| Count                       | % Total |                  |                  |                  |                  |                  |
| 70%                         | 30%     | 50%              | 0%               | 0%               | 0%               | 50%             |

*Currently YMPO is tracking only the Executive Board and the Technical Advisory Committee.

V. Complaint Process

The YMPO is committed to ensuring that no person is excluded from participating in, or denied the benefits of, its services or programs on the basis of race, color, or national origin as afforded under Title VI of the Civil Rights Act of 1964. The YMPO, as a federal grant recipient, is required to conform to Title VI of the Civil Rights Act of 1964 and related authorities.

The YMPO is committed to enforcing nondiscrimination in its programs and activities and protecting the rights and opportunities of the public within the service area of the YMPO.

This document outlines the Title VI complaint procedures related to providing programs, services, and benefits. It does not, however, deny the complainant the right to file formal complaints with the ADOT, the Secretary of the USDOT, Equal Employment Opportunity Commission (EEOC), FHWA, and/or FTA, or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.

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 related authorities including 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, disability.

FTA Complaint Procedures

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

A. Required Procedures for FTA Title VI/ADA Non-discrimination Complaints filed against YMPO:

1. For FTA funded programs or activities; the complainant may file a discrimination related complaint directly with YMPO, ADOT, or with the Federal Transit Administration by contacting the agencies at:

Paul D. Ward, Yuma Metropolitan Planning Organization
502 South Orange Avenue
Yuma, Arizona 85364
Phone: 928-783-8911; Fax: 928-329-1674
Email: pward@ympo.org

<table>
<thead>
<tr>
<th>ADOT Civil Rights Office</th>
<th>FTA Office of Civil Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>206 South 17th Avenue, Mail Drop 155A</td>
<td>1200 New Jersey Avenue SE</td>
</tr>
<tr>
<td>Phoenix, Arizona 85007</td>
<td>Washington, D.C. 20590</td>
</tr>
<tr>
<td>Phone: 602-712-8946</td>
<td>Phone:</td>
</tr>
<tr>
<td>Fax: 602-239-6257</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:civilrightsoffice@azdot.gov">civilrightsoffice@azdot.gov</a></td>
<td></td>
</tr>
</tbody>
</table>

B. Required Procedures for FTA Title VI/ADA Non-discrimination Complaints filed against YMPO sub-recipients, contractor, or consultant:

1. Any person, specific class of persons, or entity that believes they have been subjected to discrimination on an FTA related activity or program as prohibited by the legal provisions of the Title VI on the basis of race, color, or national origin can file a formal complaint with YMPO. A copy of the Complaint Form may be accessed electronically at: https://ympo.org/studies-reports/title-vi-report/.
2. The complaint must be filed with 180 days of the alleged discrimination and include the date of alleged discrimination became known to the complainant or the last date of the incident.

3. Complaints should be writing and signed; they may be filed by mail, fax, in person, or email; in addition, the complainant may call the YMPO to provide allegations by telephone (928-783-8911). YMPO will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for acknowledgement and signature.

4. A complaint should contain at least the following information:
   • A written explanation of what has happened
   • A way to contact complainant
   • The basis of complaint (e.g., race, color, national origin)
   • The identification of a specific person/people and the respondent (e.g., agency, organization) alleged to have discriminated
   • Sufficient information to understand the facts that led to the complaint
   • Believe that discrimination occurred in a program or activity that receives FTA financial assistance; a consultant, contractor, or sub-recipient of the YMPO.
   • The date(s) of the alleged discriminatory act(s).

5. Upon receipt of a completed complaint, YMPO will determine jurisdiction acceptability or need for additional information. Once the determination has been made to accept the complaint for investigation, ADOT CRO will be notified within 72 hours. Title VI complaints against YMPO sub-recipients, contractors, or consultants in FTA funded programs will be investigated by YMPO.

6. YMPO will maintain a confidential log of all accepted Title VI Complaints for four (4) years; the log will include:
   • Name of complainant(s)
   • Date the complaint was received
   • Date of allegation
   • Description of the alleged discrimination
   • Other relevant information, as needed
   • Report date
   • Recommendations
   • Outcome/disposition

7. Timeframes for investigating Title VI complaints directly by the YMPO must be completed within 60 days of receipt.
8. YMPO will forward a copy of the FTA Title VI complaints and preliminary findings reports to ADOT CRO within 60 days. Once ADOT CRO issues concurrence on preliminary report, YMPO will notify all parties involved.

FHWA Complaint Procedures

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

A. Required procedures for FHWA Title VI Complaints filed against YMPO, YMPO’s sub-recipients, contractors, or consultants:

1. Any person, specific class of persons, or entity that believes they have been subjected to discrimination on an FTA related activity or program as prohibited by the legal provisions of the Title VI on the basis of race, color, or national origin can file a formal complaint with YMPO. A copy of the Complaint Form may be accessed electronically at: https://ympo.org/studies-reports/title-vi-report/.

2. The complaint must be filed within 180 days of the alleged discrimination and include the date the alleged discrimination became known to the complainant or the last date of the incident.

3. Complaints should be in writing, signed, and may be filed by mail, fax, in person, or email; in addition, the complainant may call YMPO and provide the allegations by telephone for transcription. Once transcribed, YMPO will send the written complaint to the complainant for correction and signature.

4. A complaint should contain at least the following information:
   - A written explanation of what has happened
   - A way to contact complainant
   - The basis of complaint (e.g., race, color, national origin)
   - The identification of a specific person/people and the respondent (e.g., agency, organization) alleged to have discriminated
   - Sufficient information to understand the facts that led to the complaint
   - Believe that discrimination occurred in a program or activity that receives FTA financial assistance; a consultant, contractor, or sub-recipient of the YMPO
   - The date(s) of the alleged discriminatory act(s)
4. Upon receipt of a completed complaint, YMPO will forward all FHWA Title VI complaints to ADOT Civil Rights Office (CRO) within 72 hours.

5. ADOT CRO will forward all FHWA Title VI complaints to the FHWA Division Office.

6. All Title VI complaints received by the FHWA Division Office will be forwarded to the FHWA Office of Civil Rights for Processing and potential investigation.

7. If the FHWA Office of Civil Rights determines a Title VI complaint against a sub-recipient can be investigated by ADOT CRO, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to ADOT CRO. ADOT CRO will conduct the investigation and forward the report of Investigation to the FHWA Office of Civil Rights for review and final disposition.

8. The disposition of all Title VI complaints will be undertaken by the FHWA Office of Civil Rights through either (1) informal resolution or (2) Issuance of Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the FHWA Division Office.

9. The complainant may also file a discrimination related complaint on an FHWA program or activity directly with ADOT or with the FHWA by contacting the agencies below:

<table>
<thead>
<tr>
<th>ADOT Civil Rights Office</th>
<th>Federal Highway Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>206 S. 17th Ave, Mail Drop 155A</td>
<td>USDOT, Office of Civil Rights</td>
</tr>
<tr>
<td>Phoenix, Arizona 85007</td>
<td>1200 New Jersey Avenue, SE</td>
</tr>
<tr>
<td>Phone: 602-712-8946</td>
<td>8th Floor E81-105</td>
</tr>
<tr>
<td>Fax: 602-239-6257</td>
<td>Washington, D.C. 20590</td>
</tr>
<tr>
<td>Email: <a href="mailto:civilrightsoffice@azdot.gov">civilrightsoffice@azdot.gov</a></td>
<td>Phone: 202-366-0693; Fax: 202-366-1599</td>
</tr>
<tr>
<td></td>
<td>Email: <a href="mailto:civilrights.fhwa@dot.gov">civilrights.fhwa@dot.gov</a></td>
</tr>
</tbody>
</table>

The complaint may be filed in writing with YMPO as follows:

Paul D. Ward, Executive Director
Yuma Metropolitan Planning Organization
Attention: Title VI Liaison
502 South Orange Avenue
Yuma, Arizona 85364

Or

ADOT Civil Rights Office
Attention: ADA/Title VI Program Manager
What happens to my complaint after it has been submitted to YMPO?

All complaints alleging discrimination based on race, color or national origin, Limited English Proficiency, and disability in a transportation related service or benefit provided
by YMPO will be recorded on a Complaint Log in the Title VI Database and electronically assigned an ID number by the Title VI Liaison.

The YMPO Title VI Liaison reviews all customer feedback and researches complaints alleging discrimination based on race, color or national origin, Limited English Proficiency, and disability in a transportation related activity or benefit. Upon request, the YMPO Title VI Liaison will provide appropriate assistance to complainants, including people with disabilities, or who are limited in the ability to communicate in English in accordance with YMPO’s Limited English Proficiency Plan.

In instances where additional information is needed for assessment or investigation of the complaint, the YMPO Title VI Liaison will contact the complainant in writing within 15 working days. Failure to provide the requested information by a certain date may result in the administrative closure of the complaint.

YMPO Title VI Liaison will investigate the complaint and prepare a draft written response subject to review by the YMPO Executive Director and YMPO Legal Counsel.

How will I be notified of the outcome of my complaint?

YMPO will send a final written response to the complainant and advise the complainant of his or her right to file a complaint externally. YMPO will use its best efforts to respond to Title VI complaints within 60 working days of its receipt of such complaints.

VI. Limited English Proficiency (LEP) Plan

YMPO Limited English Proficiency Plan

The YMPO is responsible for conducting a continuous, cooperative, and comprehensive transportation planning process in Yuma County. This planning process guides the use of federal and state dollars spent on existing and future transportation projects or programs, and the Limited English Proficiency (LEP) Plan plays an integral role in the process. This document will detail the LEP Plan, developed in conjunction with best practice standards for public involvement.

Introduction

On August 11, 2000, President Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. Its purpose was to ensure accessibility to programs and services to eligible persons who are not proficient in the English language.

This executive order stated that the individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language
assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. It reads in part:

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.

Not only do all federal agencies have to develop LEP Plans, as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided.

Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations. Title CI covers a recipient’s entire program or activity. This means all components of a recipient’s operations are covered. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order. The USDOT published Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient Person in the December 14, 2005 Federal Register. The guidance explicitly identifies MPO’s as organizations that must follow this guidance:

The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation – not just the particular highway program or project – are covered by the DOT guidance.

The intent of this Limited English Proficiency Plan is to ensure access to the planning process and information published by the MPO where it is determined that a substantial number of residents in Yuma County do not speak or read English proficiently. The production of multilingual publications and documents and/or interpretation at meetings or events will be provided to the degree that funding permits, based on current laws and regulations.

Link to http://ympo.org/limited-english-proficiency-plan/

**Laws and Policies Guiding Limited English Proficiency Plans**
As part of the Metropolitan Planning Organization certification by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), the LEP Plan will be assessed and evaluated. The following matrix illustrates these laws, policies, and considerations:

<table>
<thead>
<tr>
<th>Title VI of the Civil Rights Act of 1964</th>
<th>Limited English Proficiency Executive Order 13166</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Law</td>
<td>Federal Policy</td>
</tr>
<tr>
<td>Enacted in 1964</td>
<td>Enacted in August 2000</td>
</tr>
<tr>
<td>Considers all persons</td>
<td>Considers eligible population</td>
</tr>
<tr>
<td>Contains monitoring and oversight compliance review requirements</td>
<td>Contains monitoring and oversight compliance review requirements</td>
</tr>
<tr>
<td>Factor criteria is required, no numerical or percentage thresholds</td>
<td>Factor criteria is required, no numerical or percentage thresholds</td>
</tr>
<tr>
<td>Provides protection on the basis of race, color, national origin, income, or limited English proficiency</td>
<td>Provides protection on the basis of national origin</td>
</tr>
<tr>
<td>Focuses on eliminating discrimination in federally funded programs</td>
<td>Focuses on providing LEP persons with meaningful access to services using four factor criteria</td>
</tr>
<tr>
<td>Annual Accomplishment and Upcoming Goals Report to FHWA</td>
<td>Annual Accomplishment and Upcoming Goals Report to FHWA</td>
</tr>
</tbody>
</table>

Who is an LEP individual?
As defined in the 2000 United States Census, it is any individual who speaks a language at home other than English as their primary language, and who speaks or understands English “not well” or “not at all”.

Determining the Need
As a recipient of federal funding, the YMPO must take reasonable steps to ensure meaningful access to the information and services it provides. As noticed in the Federal Register/Volume 70, Number 239/Wednesday, December 14, 2005/Notice, there are four factors to consider in determining “reasonable steps”:

- **Factor 1:** The number and proportion of LEP persons in the eligible service area;
- **Factor 2:** The frequency with which LEP persons encounter YMPO programs;
- **Factor 3:** The importance of the service provided by YMPO programs;
- **Factor 4:** The resources available and overall cost to the YMPO.
The DOT Policy Guidelines gives recipients of federal funds substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above. The following is an assessment of need in Yuma County in relation to the four factors and the transportation planning process.

**LEP Assessment for YMPO**

**Factor 1:** The Number and Proportion of LEP persons in the YMPO Service Area.
The first step towards understanding the profile of individuals that could participate in the transportation planning process is a review of the 2010 Census Data. For planning purposes, YMPO is considering individuals that speak English "not well" or "not at all" and only, the top three language groups are included in the analysis.

Table 1 is derived from the 2010 US Census and shows the percentage of persons that speak English, Spanish, or other language at home. The City of San Luis has the greatest concentration of LEP persons – over 94%. The second highest is the City of Somerton with 93.5%. (other language can be American Sign Language, Cocopah Indian Tribe, Quechan Indian Tribe)

Table 1: Limited English Proficiency Persons in the YMPO Planning Area and Local entities

**Factor 2:** The Frequency in which LEP Persons Encounter YMPO Programs
The growing size of the LEP population in this region will likely increase the probability of future contact with the YMPO. There have been several requests in the past to provide publications in Spanish as well as an interpreter for public meetings.

**Factor 3:** The Importance of Services Provided by YMPO Programs
The YMPO programs utilize federal funds to plan for future transportation project and therefore do not include any direct service or program that requires vital, immediate, or emergency assistance such as medical treatment or services for basic needs (e.g., housing or food).

However, the YMPO must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in the transportation planning process to be consistent with the goal of the Federal Environmental Justice program and policy.

<table>
<thead>
<tr>
<th>Languages Spoken at Home</th>
<th>English</th>
<th>Spanish</th>
<th>Other Languages</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Luis</td>
<td>3.7%</td>
<td>94.2%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Location</td>
<td>Percentage</td>
<td>Percentage</td>
<td>Percentage</td>
</tr>
<tr>
<td>--------------</td>
<td>------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>Somerton</td>
<td>5.6%</td>
<td>93.5%</td>
<td>.9%</td>
</tr>
<tr>
<td>Wellton</td>
<td>55.3%</td>
<td>38.3%</td>
<td>6.4%</td>
</tr>
<tr>
<td>Gadsden</td>
<td>48.4%</td>
<td>49.3%</td>
<td>2.3%</td>
</tr>
<tr>
<td>Dateland</td>
<td>31%</td>
<td>69%</td>
<td>--</td>
</tr>
<tr>
<td>Tacna</td>
<td>46.6%</td>
<td>49.5%</td>
<td>4.1%</td>
</tr>
<tr>
<td>Yuma City</td>
<td>64.7%</td>
<td>27.4%</td>
<td>7.9%</td>
</tr>
<tr>
<td>Yuma County</td>
<td>39.2%</td>
<td>55.7%</td>
<td>2.3%</td>
</tr>
</tbody>
</table>

The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in three (3) major areas for the YMPO:

- The annual Unified Work Program and Budget
- The four-year Transportation Improvement Program
- The Regional Transportation Plan, covering 23 years

Inclusive public participation is a priority consideration in other MPO plans, studies, and programs as well. The impacts of transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process. The YMPO is concerned with input from all stakeholders and every effort is taken to make the planning process as inclusive as possible.

As a result of the Transportation Improvement Program and Regional Transportation Plan, selected projects receive approval for federal funding and progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These local and state organizations have their own policies to ensure LEP individuals can participate in the process that shapes where, how, and when a specific transportation project is implemented.

Factor 4: The Resources Available and Overall YMPO Cost
Due to current financial constraints, translation of the large plan documents and maps are considered not warranted at this time. However, because of continued growth of the YMPO area and its LEP population, YMPO will create an inventory of language assistance measures that are currently provided and determine what additional services are needed to provide meaningful access to the LEP population. The YMPO will continue its efforts to collaborate with state and local agencies to provide language translation and interpretation services when practical and in consideration of available funding.
Meeting the Requirements
Engaging the diverse population within the YMPO service area is important. The YMPO is committed to providing quality services to all entities and citizens, including those with limited English proficiency. Spanish is the most dominant language spoken by LEP individuals in the YMPO service area. All language access activities detailed below will be coordinated in collaboration with the YMPO Executive Board and staff.

Safe Harbor Stipulation
Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with a greater certainty. A “safe harbor” means that as long as YMPO has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI. However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four-factor analysis.

Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

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

Providing Notice to LEP Persons
US DOT guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify LEP persons of services available free of charge in a language the LEP persons would understand. Methods for notification may include:

1. Signage that indicates when free language assistance is available with advance notice;
2. Stating in outreach documents that language services are available;
3. Working with community-based organizations and other stakeholders to inform LEP individuals of YMPO services and the availability of language assistance;
4. Using automated telephone voicemail or menu to provide information about available language assistance services;
5. Including notices in local newspapers in languages other than English;
6. Providing notices on non-English-language radio and television about YMPO services and the availability of language assistance; and
7. Providing presentation and/or notices at schools and community-based organizations.

The YMPO will provide Spanish interpreter services, free of charge, at YMPO Executive Board meetings, workshops, public meeting, or events which will be noticed on the YMPO website, if notified seven (7) days prior to needed services. The YMPO defines an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and transfers the meaning of written test from one language into another.

The YMPO can advertise public meeting notices in the Bajo Del Sol newspaper that serves the Hispanic community throughout Yuma County.

Language Assistance

A goal of the YMPO Public Participation Plan is to provide user-friendly materials that will be appealing and easy to understand.

VII. Training

YMPO’s Executive Director/Liaison/Coordinator and Senior Planning Manager receives Title VI Training by ADOT. The Title VI Liaison/Coordinator will provide training to the YMPO staff to ensure they understand the requirements of Title VI and related authorities including the complaint process and the LEP Plan, so staff can assist LEP individuals in person and/or by telephone. YMPO Executive Board members will receive a copy of the LEP Plan and the Public Participation Plan and have access to training to assure that they are fully aware of Title VI requirements, the LEP Plan, and the importance of public outreach.

New members of staff, Executive Board and Technical Advisory Committee (TAC) members are given an initial, formal, briefing on Title VI issues during their first few days; and after the initial session, further training is included as an integral part of a continuous, implementation phase. This allows our staff, Executive Board and TAC members, and members of the public, to be informed of any changes in policy and/or emphasis that might be forthcoming from time to time from Federal Authorities and ADOT. The implementation phase also includes opportunities to remind members, at the beginning of any Board or TAC meetings or at the kick-off meetings for any new studies or plans that YMPO might commence, of the need for continual awareness of the importance of non-discrimination.
VII. 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 through 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.
3. Functional Classification.
4. Special Project Planning.
5. Regional Planning.
6. Public Participation Plan (PPP).
7. Public Transportation Planning.
8. Environmental Overview.

The YMPO Executive Director/Title VI Chief Officer and the Title VI Liaison will provide review of the transportation related program areas to help ensure Title VI compliance in their programs and activities. Review will be an ongoing effort that will encourage the YMPO to view which program might need extra efforts to reach out the public.
IX. Dissemination to the Public

A. YMPO’s Public Participation Plan Link: https://ympo.org/plans/ympo-public-participation-plan/
Through its Public Participation Plan, YMPO makes every effort to reach the public to include them in the planning process. A copy of the Public Participation Plan is included in this document.

B. Public Notice – A copy of the Public Notice is included as an Attachment. YMPO’s Notice to the Public is posted in its offices and on its website. Individuals needing additional information on YMPO’s Title VI Nondiscrimination Program or ways to file a complaint or obtain additional information may contact:

Yuma Metropolitan Planning Organization
Attn: Title VI Liaison
502 South Orange Avenue
Yuma, ARIZONA 85364
pward@ympo.org
928-783-8911

The MPO’s axiom is “Local Governments and Citizens Working Together”. The public input process used by the YMPO has many components. First, 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 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 separate locations. YMPO conducts these public meetings in this manner to provide citizens ample opportunity to provide input. Moreover, YMPO staff will place in The Yuma Sun (a local newspaper) an advertisement in both English and Spanish prior to the final public meeting on the Regional Transportation Plan showing principal 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. The process is described in further detail in the Public Participation Plan.

X. Environmental Justice (Executive Order 12898)

YMPO is committed to achieving Environmental Justice in its programs and activities. In accordance with the provisions of EO 12898, YMPO will consider minority and low-income populations in its planning process to minimize and mitigate any adverse health, safety, or economic effects on those populations.

The fundamental principles of Environmental Justice in DOT can be found at www fhwa dot gov/environmental_justice/ facts/ejfaq cfm

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 through 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 Long Range Transportation Plan (aka the YMPO Regional Transportation Plan), a 5-year Transportation Improvement Program (TIP), and the Air Quality Conformity Report.

B. Other Activities/Programs
2. Administration.
4. Functional Classification.
5. Special Project Planning.
6. Regional Planning.
7. Public Participation Plan (PPP).

The YMPO Title VI Chief Officer and the Title VI Liaison will provide review of the transportation related program areas to help ensure Title VI compliance in their programs and activities. Review will be an ongoing effort that will encourage the YMPO to view which program might need extra efforts to reach out the public.
XI. Contracts and Solicitations

YMPO contracts for some planning activities and professional services. The YMPO obtains consultant support by using a Request for Proposal (RFP) or Request for Qualifications (RFQ) procedure. Prior to advertising the RFP or RFQ, the YMPO will submit project information to ADOT who will determine a Disadvantage Business Enterprise (DBE) and/or race neutral goal(s). The requests are advertised with the DBE goal(s), and a compact 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 Executive Board must approve a contract before the Executive Director is authorized to sign it. Purchases less than $2,500 may be done at the discretion of the Executive Director. Three verbal quotes are required for purchases more than $2,500 and less than $50,000. For purchases between $50,000 and $100,000, three written quotes are required. The Executive Board must authorize purchases greater than $100,000 and must use sealed bids.

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
   1. 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.
   2. 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:
      a. 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;
      b. 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;
      c. Direct experience;
      d. Project understanding and approach; and
      e. the YMPO 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. The Title VI Coordinator will review all documents for any and all CONSULTANT contracts, Memorandums of Understanding (MOUs), and Intergovernmental Agreements (IGAs) to assure that the Title VI language and appendices A-E are contained in the document.

XII. Compliance and Review Procedures

Sub-recipient Review Procedures.
The YMPO will review sub-recipient contracts, data collection, and analysis efforts and will interview staff to help ensure compliance with Title VI and subsequent authorities. YMPO does not have any sub recipients at this time.

XIII. 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.

XIV Lawsuits Alleging Discrimination

YMPO has had no lawsuits, investigations, or complaints during the past three years. 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. A complaint log, a copy of which is attached, will be maintained should any of these occur.

XV. Federal Assistance Programs

The YMPO presently receives yearly grants of Federal Transit Administration Planning Section 5303, grant funds in addition to and MAP21 Surface Transportation Block Grant Program (STBG), SPR, and PL funds. Eligible entities within the YMPO planning area receive Section 5310, 5311, 5316, and 5317 which the 5310, 5316, and 5317 have been combined into one source of funds in competing for the grant statewide.

XVI. Compliance and Enforcement Procedures

YMPO is committed to nondiscrimination in its programs and activities, and YMPO will enforce Title VI and related authorities and make every effort to identify and eliminate discrimination when it is found to occur. In the event that a complaint is made, the Title VI Coordinator will determine which program area is identified FTA or FHWA as the complaint. The Coordinator will then proceed to contact the necessary Federal and State agency depending on the program area of complaint. The Title VI Coordinator will for FTA program area components will Upon receipt of a completed complaint, YMPO will determine jurisdiction acceptability or need for additional information. Once the determination has been made to accept the complaint for investigation, ADOT CRO will be notified within 72 hours. Title VI complaints against YMPO sub-recipients, contractors, or consultants in FTA funded programs will be investigated by YMPO.

If during the investigation additional training is recommended to any YMPO Staff, sub-recipient, contractor, or consultant, the YMPO will administer training to correct the possible complaint. In the event, the YMPO Coordinator/Liaison determines that ADOT CRO needs to intervene for higher level training then ADOT CRO will be notified as to the next phase of mentioned training as recommended.

XVII. Program Statement

Title VI of the Civil Rights Act of 1964 and Related Authorities
The YMPO is committed to ensuring that no person is excluded from participating in, or denied the benefits of, its services or programs on the basis of race, color or national origin as afforded under Title VI of the Civil Rights Act of 1964. YMPO, as a federal grant recipient, is required by the Federal Transit Administration (FTA) to conform to Title VI of the Civil Rights Act of 1964 and its amendments. Title VI of the Civil Rights Act of 1964 requires that no person in the United States, on the grounds of race, color, or national origin, be excluded from, be denied the benefits of, or be subjected to discrimination, under any program or activity receiving federal financial assistance. YMPO is further
committed to those related nondiscrimination authorities which provide protections on the basis of age, gender, disability, income status and limited English proficiency.

If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with YMPO, Attention: Title VI Coordinator, 502 South Orange Avenue, Yuma, Arizona 85364, call 928-783-8911, fax to 928-329-1674 or email to pward@ympo.org, place in the subject line: Title VI Complaint.

Título VI de la Ley de Derechos Civiles de 1964
La Organización de Planificación Metropolitana de Yuma (YMPO) se ha comprometido a garantizar que ninguna persona sea excluida de participar en, o negado los beneficios de, sus servicios o programas sobre la base de raza, color u origen nacional garantizada en virtud del Título VI de los Derechos Civiles Acta de 1964. la Organización de Planificación Metropolitana de Yuma (YMPO) como beneficiario de subvención federal es requerido por la Administración Federal de tránsito (FTA) para cumplir con el Título VI de la Ley de Derechos Civiles de 1964 y sus modificaciones. Título VI de la Ley de Derechos Civiles de 1964 requiere que ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, ser excluida de, ser negado los beneficios de, o ser objeto de discriminación, bajo cualquier programa o actividad que reciba asistencia financiera federal. YMPO es aún más comprometida con dichas autoridades no discriminación relacionados que proporcionan protecciones sobre la base de la edad, sexo, discapacidad, estado de ingresos y un dominio limitado del inglés.

Si usted cree que ha sido objeto de discriminación bajo el Título VI, puede presentar una queja por escrito con YMPO, A la atención de: Coordinador del Título VI, 502 South Orange Avenue, Yuma, Arizona 85364, llame al 928-783-8911, fax al 928-329 -1674 o envíe un correo electrónico a pward@ympo.org, coloque en la línea de asunto: Queja Título VI.
XVIII. Public Participation Plan

A. Purpose
The purpose of a public participation plan is to ensure a proactive public involvement process that assures the opportunity for the public to be involved in all phases of the planning process by providing complete information, timely public notice, opportunities for making comments, full access to key decisions, and early and continuing involvement in developing transportation plans and programs.

Within these programs, the following components are defined for the purpose of establishing the proper participation protocols:

1. Transportation Improvement Program (TIP): The TIP represents the project selection document for federally funded projects. Project priorities are indicated by the year the project is programmed. For federally funded projects, the year programmed as indicated in the TIP refers to the Federal fiscal year ending September 30. Under federal guidelines, the TIP is a sequential, multi-year (3-5 years) program of transportation projects which is consistent with and implements the goals and objectives as described in the approved Regional Transportation Plan.

2. Long Range Transportation Plan (RTP): This long-range plan (covering a span of 23 years) developed under Federal Transportation Planning Guidelines is designed to provide the continual development of a complete, dependable, efficient, safe, aesthetic, and economical regional transportation system.

3. Air Quality Conformity Analysis (AQCA): The YMPO has the responsibility to ensure that the transportation plans and programs within the YMPO planning boundaries conform to the state and national air quality plans and standards. Specifically, the emissions generated from proposed projects in the YMPO’s five-year Transportation Improvement Program and the twenty-three-year Regional Transportation Plan must be consistent with and conform to air quality standards.

The YMPO is required to undertake an air quality conformity analysis for two specific reasons:

- to ensure that transportation investments (projects), strategies and programs, taken as a whole, have air quality impacts consistent with and conforming to state and national air quality plans and standards; and
- to ensure that neither the transportation system as a whole nor individual transportation projects cause new air quality
violations or worsen existing conditions.

4. Environmental Documents (ED): Those documents developed by the YMPO that relate directly to environmental policy.

5. Regional Transportation Coordination Plan (RCP): The plan is meant to establish goals, criteria, and strategies for delivering efficient, coordinated services to elderly, underemployed, or otherwise financially disadvantaged persons and persons with disabilities.

B. Public Participation.
To participate is to express one’s self at the proper time and in the proper forum. Public participation means participation in planning by people (public) outside the YMPO and its member entities, by planning and engineering professionals and by those who are not professional planners or government officials. It is a process of taking part in the transportation planning and decision-making that affect the community.

The YMPO efforts to secure participation will be targeted to stakeholders, who are individuals or entities that could be significantly affected by the transportation plan recommendations or could significantly influence implementation. Stakeholders include but are not limited to: the general public; low income, minority and disabled communities; neighborhood representatives; chambers of commerce; special transportation interests such as freight shippers, transit users and bicycle organizations; local officials; military installations; and federal and state transportation agencies.

1. Why the YMPO needs the public involved in Transportation Planning:
   a. The public has the right to have a strong voice in all matters of public policy, including planning.
   b. Only the public can provide the information needed to develop, maintain, and carry out an effective transportation plan. Planning staff, consultants and local officials need comments from those who know the community best: the people who live and work there.
   c. Involvement informs and educates the public about transportation planning and creates an informed community, which in turn leads to better planning.
   d. Participation gives the public a sense of ownership of the plan. It fosters cooperation among the public and between them and the YMPO.

2. The public participation plan contains the following elements:
   a. Involvement Opportunities.
C. Public Participation Process.

To have a proactive public involvement process, the YMPO will provide a public comment period of 30 days on the proposed public participation procedure to be used in transportation planning process. The procedures will inform the public about how, when, and where they may participate. Public notification will be as provided in Section IV.

D. Public Notice.

1. Official notification of meetings, hearings, or other significant events will be provided in the following manner:
   a. Publication will be at least thirty (30) days prior for public hearings and an adequate period for public meetings. An explanation of the content, along with the date, time and the place of the meeting will be published in both English and Spanish at least once in a newspaper of general circulation in the Yuma area.
   b. The official notice will be published as a display advertisement in the non-legal section of the newspaper.

2. The YMPO will also utilize the following techniques to disseminate the information to a larger audience:
   a. Information regarding meetings and events will be placed on the YMPO web site: www.ympo.org.
b. Public Service Announcements and interviews on radio, government cable, and television to explain subject matter and promote participation.

c. Articles and Press Releases for the newspaper or other widely circulated publications.

d. Mass mailings through utility bills or other documents that are periodically issued to the community at large.

e. Use of advisory committees for community involvement.

f. Informal presentations at regional sites, open houses, round tables, or other community forums.

g. Formal presentations to various service clubs, civic, and professional groups.

h. Mailings to select individuals, groups, or interests that have expressed interest or made comments at meetings.

### Public Notification Methods

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E. Access to Information.
The YMPO will provide the public with reasonable and timely access to technical and policy information relating to the data or content used in the development of transportation plans, programs, and projects. Standard documents will be available on the YMPO web site www.ympo.org and at the YMPO office 502 S Orange Ave. during normal working hours. Copies of draft plans will also be placed at the main branch location of the Yuma County Library District.

F. Public Meetings. Public information meetings will be held at various Yuma area locations to inform the public of the planning process and to solicit ideas, input, and feedback. Public hearings and public information meetings will be held at locations accessible to and at times convenient to minority and disabled residents. The intent of holding public informational meetings at diversified locations is to solicit broad public comments. General locations of meetings will be in the City of Yuma, Yuma County Foothills, the Cities of San Luis and Somerton, and in the Town of Wellton.

Notice of public hearings and public informational meetings will be given in accordance with and as listed in Section IV. A reasonable attempt will be made to notify organizations representing minority and disabled people and a request made that they provide their members with meeting notice and information.

Special arrangements will be made to accommodate persons with disabilities, low income, and people who do not speak English. For those without transportation and the disabled, the YMPO may provide free transportation via public transit to the meetings. Interpreters will be provided to accommodate Spanish-speaking individuals.

G. Visualization
In order to ensure that the public is able to visualize the potential impact of any transportation or planning project, the YMPO will provide visual aids at public meetings and/or at the YMPO office. The visual aids may include but are not limited to the following types:

1. Power Point Presentations
2. Story Boards
3. Project Renderings
4. Regional and Project Level Maps
5. Satellite Photos
6. Project Site Photos
7. Charts and Graphs, and
8. “Before and After” Depictions
H. Opportunities for Participation

The YMPO will take a proactive approach to providing the opportunity for the public to be involved early and with a continuing involvement in all phases of the planning process. Extensive public notice will be undertaken of public information meetings and hearings as listed in Section IV and access to information as listed in Section V.

Prior to the beginning of the public participation process, a list of names and addresses of citizens and organizations will be developed that will be contacted on a continued basis to serve as a base of interested citizens for input and comment. This list will be expanded as additional citizens attend the informational public meetings and make comments.

I. Consultation with Regional Partners.

YMPO will coordinate meetings with local, state, regional, and tribal entities that are affected by its planning projects. For example, the YMPO may host a meeting(s) to review and receive comment concerning transportation-related projects in addition to mass mailings and all other official comment periods. Below is a general list of the regional partners that should be invited to participate, and the list should be updated to reflect changes in federal and state transportation planning regulations.

1. ADOT, Office of Environmental Services
2. Cocopah Indian Tribe
3. Quechan Indian Tribe
4. Bureau of Indian Affairs
5. Arizona Department of Environmental Quality
6. Arizona Game and Fish Department
7. Arizona State Historic Preservation Office
8. Marine Corps Air Station Yuma
9. U.S. Army Yuma Proving Grounds
10. U.S. Fish and Wildlife Service
11. U.S. Environmental Protection Agency
12. U.S. Army Corps of Engineers
13. U.S. Department of the Interior (Bureaus of Reclamation and Land Management)
14. Federal Highway Administration
15. Arizona Department of Transportation
16. U.S. Forest Service
17. National Park Service
18. Arizona Department of Water Resources
19. Arizona State Land Department
This list assumes that the local government agencies that comprise the YMPO TAC and Executive Board membership are automatically included in a Regional Partners list.

J. Response to Public Input.
Responses to questions and comments from the public concerning the public participation process, draft transportation plans, programs, or public agency consultation process will be made directly to the individual by letter or telephone call or by way of a periodic newsletter. A summary analysis and report on disposition of comments will be made a part of the final plan. Rationale for policy decisions will be available to the public in writing if requested.

K. Advisory Committees.
Advisory committees will be formed to advise the YMPO Executive Board and staff in the preparation and review of public participation plans, transportation plans, programs, and other related matters. There are two types of committees:

1. The Technical Advisory Committee (TAC) is a permanent committee that is composed of technical, planning, and or managerial staff representatives from each of the participating agencies of the YMPO. The membership of ten is as designated by the member agencies and number of members is fixed. In addition, there are ex-officio non-voting members from the Marine Corps Air Station, Bureau of Indian Affairs, Yuma County Intergovernmental Public Transportation Authority, and the Yuma Airport Authority. The TAC has an area representation makeup. Subcommittees of the TAC will be utilized to study issue areas not requiring the full TAC participation.

2. Specific citizen advisory committees will be formed on an ad hoc basis; members will be selected for their expertise, interest, or as an affected stakeholder. Examples are representatives of interest groups, transportation agencies, minorities, disabled, or representatives of geographical areas, such as neighborhood associations. The number of committee members will vary with the purpose for which the committee is formed. All committee members will have an equal voice in deliberations.

Examples of ad hoc advisory committees include: Transit Committee; Yuma County Transportation Consortium; Port Authority Formation Committee; Yuma County Pedestrian Safety Task Force, and Regional Transportation Plan Committee.
L. Title VI.
As part of the transportation planning process to meet the requirements of Title VI and to better serve the community the YMPO will reach out to the disadvantaged to ensure participation. Members of the Executive Board of the YMPO will continue to hold localized meetings in their respective areas where transportation issues are discussed. Advertising for major public meetings will be in both English and Spanish. Citizens that express interest or make comments at a public meeting will be put on a mailing list to be notified of other meetings and any proposed actions. For those without transportation and the disabled, the YMPO will provide free transportation via public transit to the meetings. A reasonable attempt will be made to notify organizations representing minority and disabled people and a request made that they provide their members with meeting notice and information. Attempts to have minority and disabled citizen representation on advisory committees will be made. Native American representation in the planning process is assured because the Cocopah Tribe is a full member of the YMPO and has direct involvement in all decisions.

M. Amendments.
Substantial changes or amendments to a transportation plan will be done only after the public has been notified of an intent to modify the plan, and only after the public has had 30 days to review and comment on the proposed substantial changes. Notice, access to information and all public meetings will be in accordance with and as listed in Sections IV, V, and VI, respectively.

N. Executive Board Action. The Executive Board of the YMPO will hold the final public hearing on the transportation plans. Notice of the time and place of the Public Hearing will be provided in accordance with the notification requirements listed in Sections IV, V, and VI. Following the Public Hearing, the adoption of transportation and related plans will be by Resolution of the Executive Board.

O. Follow Up.
This is the initial effort of the YMPO to formalize the public participation process for transportation and related plans. This document establishes the basic techniques for disseminating the information to the public and engaging the citizens in interactive discussions about the transportation planning process. The YMPO will continue to identify and pursue other ways to increase public knowledge and participation. A review of the effectiveness of the public involvement process will be made on a tri-annual basis.
YUMA METROPOLITAN PLANNING ORGANIZATION
TITLE VI COMPLAINT FORM

Name of Complainant:

___________________________________________________________

Home Address

_________________________________________________________________

City, State, zip _______________________________

Telephone: Home_________________________ Home ___________________________ Work

Email address _________________________________________________

Race/Ethnic Group ___________________________ Gender M F

Person discriminated against (if other than Complainant)

_______________________________________________

Home address

_________________________________________________________________

City, State, Zip _______________________________

Telephone __________________________ Home ___________________________

Work

1. SPECIFIC BASIS OF DISCRIMINATION (Check appropriate boxes)):

[ ] Race [ ] Color [ ] National Origin

2. Date of alleged discriminatory act(s): ________________________________

3. RESPONDENT (individual that complaint is filed against):

Name ___________________________________________________________

Position __________________________________________________________

Work Location ______________________________________________________

4. Describe how you were discriminated against. What happened? Who was responsible? For additional space, attach additional sheets of paper

_______________________________________________________________

_______________________________________________________________

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5. Did you file this complaint with another federal, state, or local agency? Did you file this complaint with a federal or state court? Yes No

If answer is yes, circle the agency in which the complaint was filed.

Federal agency  Federal Court  State Agency
State court
Local agency  Date filed: __________________________

6. Provide contact information for the filing agency or court:

Name _______________________________________________________________
Address __________________________________________________________________
City, State, Zip
________________________________________________________________________
Telephone __________________________________________________________________
________________________________________________________________________

_____________________________ __________________________ 
Signature  Date 

The complaint may be filed in writing with YMPO as follows:

Yuma Metropolitan Planning Organization 
Attention: Title VI Liaison
502 South Orange Avenue 
Yuma, Arizona 85364

Complainants may also use the following to initiate the filing of a complaint:

By e-mail to: pward@ympo.org Title VI Complaint in the subject line.
By telephone: YMPO Title VI Liaison - 928-783-8911, TTY/TDD users should use 711
By fax to: Attn: YMPO Title VI Liaison - 928-329-1674

(Attach any supporting documents)
TITLE VI FORMULARIO DE QUEJA

Nombre de la persona que presenta la queja
________________________________________

Domicilio del participante
_______________________________________________________

Ciudad, Estado, Codigo Postal
____________________________________________________

Telefono de la casa_______________________ Telefono de trabajo
___________________________

Direccion de correo electronico
_______________________________________________________

Raza/grupo etnico ___________________________ Genero F □ M □

Persona discriminada (si no es la misma que presenta la queja)
______________________________________________________________________

Domicilio particular
___________________________________________________________

Ciudad, Estado, Codigo Postal
____________________________________________________

Telefono de casa _________________________ Telefono de trabajo
___________________

1. FUNDAMENTO ESPECIFICO DE LA DISCRIMINACION (Marque los casilleros que Correspondan):

Raza □ Color □ Origen Nacional □

2. Fecha del presumo acto o actos de discriminacion:
_______________________________

3. DEMANDADO (persona contra la cual se presenta la queja):
________________________________________
Nombre

Puesto de trabajo

Lugar de trabajo

Raza/grupo etnico

4. Describa de que manera fue discriminado. Que sucedio y quienes fueron los responsables? Si necesita mas espacio adjunte hojas adicionales,

5. Presento esa demanda ante otra agencia local, estatal, o federal, o ante un tribunal estatal o federal?
   Si ☐ No ☐

6. Si la respuesta es si, marque los casilleros ante los cuales presento la demanda:
   Agencia Federal ☐ Tribunal Federal ☐ Agencia Estatal ☐
   Tribunal Estatal ☐ Agencia Local ☐

   Fecha de presentacion: _________________________________

7. Proporcione informacion de contacto de un representante del organismo adicional (agencia o tribunal)ante el cual presento la demanda:

   Nombre_______________________________________________________________
   Domicilio
   Ciudad, Estado, Codigo Postal
Telefono ______________________________________

Firme esta demanda en el espacio que figura a continuacion.

_________________________  _____________________
Firma                             Fecha

La queja pueded ser presentada por escrito a YMPO al domicilio:

Yuma Metropolitan Planning Organization
Attn: Title VI Liaison
502 South Orange Avenue
Yuma, ARIZONA 85364

La queja pueded ser presentada por escrito con YMPO como sigue:

Por correo electronica: pward@ympo.org con titulo Title VI Queja en La Linea sujeta.
Por telefono: YMPO Title VI Liaison - 928-783-8911, TTY/TDD Los usuarios deven USAR 711
Por fax: Attn: YMPO Title VI Liaison - 928-329-1674

(Adjunte todos documentos de respaldo)
Logs of Investigations, Complaints, and Lawsuits

### 2019 FHWA Title VI Log Sheet

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YMPO Executive Board Minutes will be provided once approved through the ADOT Civil Rights Office

Title VI Program Statement Displayed:

YMPO's Nondiscrimination Notice to the Public

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

YMPO's Title VI and ADA Programs require that no person shall, on the grounds of race, color, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

Any person who believes his/her Title VI or ADA rights have been violated, may file a complaint. Any such complaint must be in writing and filed with the YMPO's Civil Rights Office within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For additional information about YMPO's Civil Rights programs and the procedures to file a complaint contact YMPO Civil Rights Office via the information listed below:

AVISO PÚBLICO DE LA LEY DE NO-DISCRIMINACIÓN DE YMPO

La Organización de Planificación Metropolitan de Yuma (YMPO) informa al público que esta agencia tiene como regla asegurar el cumplimiento total del Título VI de la Ley de los Derechos Civiles de 1964, del Título II de la Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA) y otras normas relacionadas con todos sus programas y actividades.

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

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

PAUL D. WARD
ADA/TITLE VI NONDISCRIMINATION
PROGRAM COORDINATOR

YMPO Civil Rights
502 South Orange Avenue
Yuma, Arizona 85364
928-783-8911
928-329-1674 (FAX)
YMPO Title VI Website
https://ympo.org/studies-reports/title-vi-report
1. **Call to Order and the Pledge of Allegiance.**
The Yuma Metropolitan Planning Organization (YMPO) Chairman, J. Deal Begay, Jr, called the July 25, 2019, meeting of the YMPO Executive Board (the Board) to order at 1:30 p.m. He called on the Town of Wellton Mayor, Cecilia McCollough, to lead the Pledge of Allegiance.

2. **Roll Call Attendance.**
The YMPO Executive Assistant/Accountant II, Crystal Figueroa, called the roll as follows:

**YMPO Executive Board Members Present:**
- **Chairman**
  - J. Deal Begay, Jr, Vice-Chairman, Cocopah Indian Tribe
- **Secretary/Treasurer**
  - Maria Ramos, Vice-Mayor, City of San Luis
- **Member**
  - Cecilia McCollough, Mayor, Town of Wellton
- **Member**
  - Gary Knight, Deputy Mayor, City of Yuma
- **Member**
  - Paul Patane, ADOT SW District Engineer
- **Member**
  - Martin Porchas, Board of Supervisors, Yuma County
- **Member**
  - Edward Thomas, Councilmember, City of Yuma

**YMPO Executive Board Members Absent:**
- **Vice-Chair**
  - Miguel Villalpando, Councilmember, City of Somerton
- **Member**
  - Lynne Pancrazi, Board of Supervisors, Yuma County
- **Member**
  - Jacob Miller, Councilmember, City of Yuma

As members from six, out of seven, constituent member agencies were present, the quorum requirement was met.

**YMPO Staff Present:**
- **Executive Director**
  - Paul Ward
- **Senior Planning/Mobility Manager**
  - Charles A. Gutierrez
- **Administrative Assistant/Accountant**
  - Crystal Figueroa
- **Associate Planner**
  - De'Laurien McKenzie
- **Assistant Planner**
  - Melissa Ramos
Additional Attendees:
Shelly Kreger       Transit Director, YCIPTA
Susan Thorpe        County Administrator, Yuma County
Larry Killman       Town Manager, Town of Wellton
Gene Dalbey         Yuma Regional Bicycle Coalition
Nazzer O. Mendez    Executive Director, 4Fronted

Declaration of Votes.
Deputy Mayor Gary Knight, City of Yuma, submitted to Paul Ward, YMPO Executive Director, a proxy letter from City of Yuma Councilmember Jacob Miller and declared one proxy vote, for a total of three votes for the City of Yuma. Councilmember Edward Thomas declared himself as having the remaining two votes for the City of Yuma. Mr. Ward confirmed that there was a standing proxy vote for Supervisor Lynne Pancrazi on record, giving Supervisor Porchas a total of two votes.

3. Title VI Declaration and Call to the Public.
De'Laurien McKenzie, YMPO Associate Planner, read out loud the YMPO Title VI obligations.

No members of the public addressed the Board.

4. Consent Agenda
A. Approval of the June 27, 2019, Board Meeting Minutes.
B. Approval of the YMPO Income and Expenditure Report for June 2019.

MOTION: Deputy Mayor Knight moved to approve the June 27, 2019, Board Meeting Minutes, as presented. Vice-Mayor Ramos seconded, and the consent agenda item 4A was unanimously approved.

MOTION: Deputy Mayor Knight moved to approve the YMPO Income and Expenditure Report for June 2019 Board as, presented. Vice-Mayor Ramos seconded, and the consent agenda item 4B was unanimously approved.

6. FY 2020-2024 YMPO Transportation Improvement Program (TIP) Status
Mr. Gutierrez informed the Board that the Air Quality Conformity Analysis for the PM-10 and Ozone portion of the FY 2020-2024 YMPO TIP process had been released for public comment. He reported that some comments had been received and had already been answered. Charles reported that, by the month of November, the entire TIP including the Air Quality analysis should be finalized.

Mr. Ward added that even though the TIP had been approved, contingent on the successful completion of the Air Quality process, the consultants concerned were having to go through an additional process for the Air Quality analysis. He explained that the
conformity analysis is supposed to ensure that the Regional Transportation Plan (RTP) and the TIP don't make air quality in the region any worse. He mentioned that there might be a problem with the timeline, primarily due to the new finding of the region being in nonattainment for Ozone. When the RTP was originally approved, the region was NOT in nonattainment for Ozone. The Federal register that included the nonattainment designation was published on August 3, 2018, with a one year deadline for carrying out the appropriate analyses. The Ozone AQ analysis was supposed to be completed by August 2019, but the effort will not be completed in time.

Mr. Ward reported that YMPO would go into a lapse situation that could possibly hold up federally-funded construction projects if it’s located within the Ozone nonattainment area. However, Mr. Ward mentioned that, currently, there are no projects within the area concerned that might be adversely affected. He indicated to the Board that he will report accordingly on this matter if a delay to a project is anticipated.

7. FY 2018-2022 YMPO Transportation Improvement Program (TIP) Amendment #7

Mr. Gutierrez reported that YCIPTA Transit Director Shelly Kreger requested several changes to transit projects listed in the current TIP prior to submitting some Grant applications to the Federal Transit Administration. Mr. Gutierrez mentioned that YMPO has worked with YCIPTA to submit changes to the TIP for consideration and possible approval, along with a concurrence letter from the YMPO to ensure that the Grant application matches what is displayed on the current TIP.

Mr. Gutierrez referred to the prior approval of TIP Amendment #6 and pointed out a scrivener's error on the Town of Wellton Coyote Wash Project. The error was caught by ADOT Project Manager and is planned to be corrected with an administrative amendment within Amendment #7. He mentioned that Town of Wellton is anticipating finishing the project within the next year.

MOTION: Deputy Mayor Knight moved to approve the FY 2018-2022 YMPO TIP Amendment #7 for Scrivener’s Error and Transit project changes. Councilmember Thomas seconded, and the item was unanimously approved.

5. Additional Transportation Funding for the YMPO Region

Mr. Ward stated that members already agreed that not enough funding is available to maintain our existing transportation systems, given the current revenue options. He presented on possible options for local/regional funding increases that can provide members more flexibility and increased regional control over transportation funding.

He stated that members understood that any gasoline tax increase would have to happen at the State level and would automatically give the State a lot of discretion as to whether or not to fairly allocate our share of the funds to the Yuma region. He also reported that based on previous presentations, the State had not adequately funded regional
transportation needs, especially when compared to other regions. Mr. Ward suggested that a regionwide sales tax, targeted specifically for transportation purposes, would need future approval by voters but would immediately give the region, NOT the State, 100% control over the funds. He mentioned that State legislation had recently been approved, allowing regions to charge up to a one-cent sales tax.

He suggested that four options could be considered, half-cent, three-quarters of a cent and one-cent sales tax increases were the first three. The last was a zero increase, but he was not advocating for that option, but it was a valid, no-increase, scenario. Councilmember Thomas asked about how electrical vehicles would be affected, Mr. Ward understood why the question was asked, but responded by saying that because he was suggesting a sales tax and not a gasoline tax increase, owners of electrical vehicles would pay their share of any increase.

Mr. Ward mentioned that the region’s Long-Range Transportation Plan (RTP) update process was due to start within the next two to three months and would take between 18 and 20 months to complete. He suggested that the Scope of Work for this very detailed study could be used to help identify what projects member agencies would carry out if additional transportation funding mechanism(s) could be established. The question of additional funds for maintenance, modernizing or widening existing transportation facilities were all possible projects or programs.

The Chairman called on Susan Thorpe, Yuma County Administrator, to speak. She reported that, with permission from the Yuma County Board of Supervisors, she had initiated a discussion in mid on December 11, 2018, and met with the region’s City and Town Managers and Administrators to discuss the concept of a county-wide sales tax that would be shared amongst all jurisdictions. Ms. Thorpe mentioned that they were all favorable if the revenue was ‘fairly and proportionately distributed’ to each jurisdiction. She summarized how much sales tax revenue would be received under the scenarios Mr. Ward had mentioned. She further mentioned that a half-cent county-wide sales tax would generate approximately $13.4 million dollars, at three quarters of a cent sales tax it would generate $20 million and a full cent, approximately $26 million.

Ms. Thorpe also reported that she reached out to other Counties in Arizona to learn if they had passed a transportation sales tax and met again with the Yuma region administrators on April 4 to share what she had learned. She suggested that, to be successful, it takes about one and half to two years for the target election to be fully and completely prepared. This allows time to identify what projects or transportation investments are going to be done, to make sure there is a fair distribution across jurisdictions and to implement an effective public involvement campaign.

The Administrators considered the year 2022 as an appropriate target for an election year, considering the one and a half to two years of prep time needed. She suggested a
dedicated campaign/project manager and reported that she had asked Paul Melcher to start the research on the technical aspects of running such a sales tax campaign. She further urged the formation of an engaged leadership group consisting of commerce, community groups, city and county civic leaderships to validate and create leadership and identify and solve problems. Councilmember Thomas asked about a ‘sunset’ and, Ms. Thorpe questioned why a sunset’ suggested that could be decided in due course.

Ms. Thorpe mentioned forming a fundraising committee to fund collateral pieces for radio spots, advertisements, website, a You-Tube channel, other social media outlets, help with polling and messaging. She mentioned that direct communication is very effective and critical to help build trust within the community at large and establish a face-to-face connection. We should also establish and execute a media plan, such as videos demonstrating the problem, setting up a calendar and executing it is essential. She reminded everyone that cities and counties cannot ask for a vote - the private sector or individuals within the community can advocate, cities, towns and the county can only educate. She reported that Coconino County’s message for Proposition 405 was “Your Roads - Your Decisions” - this message conveys that it is up to the voters to decide. Ms. Susan Thorpe concluded by stating the for the Yuma Region a 2020 election would allow them to lay down the groundwork necessary for an effective election.

Deputy Mayor Knight asked if a proportional distribution has been discussed and she mentioned that the needs are to be identified and discussed with the help of City Engineers and Public Works people. She mentioned that what is also important in the campaign is to identify what specifically will be done with the sales tax transportation revenue. She stated that she had discussed with Mr. Ward about ‘regional’ projects that might be funded but she continued to say that people want to know specifics and it is important to deliver what’s promised. If not, the trust in the community is lost. She mentioned again the importance establishing the groundwork is essential to answer any questions the votes might have.

After much discussion amongst members, it was agreed that sufficient time exists to prepare and educate the community along with an equitable proportional distribution plan of revenue based on the needs identified in the region. It was agreed that a region-wide County sales tax has a better chance of succeeding instead of individual county and city efforts. All members agreed that it’s in the best interest of long-term maintaining roads in the future to not campaign for a sunset but that is a detail to be decided. Supervisor Porchas suggested that a committee of citizens would be a key component of success and Deputy Mayor Knight suggested the division of the funds would be extremely important. Vice Mayor recommended careful education of the voters will be critical. Councilmember Thomas agreed, and suggested a continuing educational effort and regular reports on the progress.

The item is not currently on the agenda for action, just for discussion, at this stage.
8. **Update on BUILD Grant Application for US-95.**
Mr. Ward reported that ADOT submitted the BUILD Grant Application for consideration for up to $25 million in Rural BUILD Grant funds for widening the next segment of the projection of highway US-95. He understood that the application has been received, is being processed, and further information is expected by the end of October, 2019.

9. **The YMPO Title VI Program**
Charles Gutierrez, YMPO Senior Planning/Mobility Manager presented on the 2020 Title VI Nondiscrimination in Federally Assisted Programs for review and approval. He stated that the report identifies the current YMPO Executive Board Chairman as the Chief Title VI Officer and the Executive Director as the Title VI Liaison/Coordinator. The Board had received the initial version of this report earlier in the year and this was the final version.

MOTION: Deputy Mayor Knight moved to approve the YMPO 2020 Title VI Nondiscrimination in Federally Assisted Program Plan. Councilmember Thomas seconded, and the item was unanimously approved.

10. **Status Report on the Current and Future Regional Transportation Studies.**
YMPO staff reported on the Regional Transportation Studies status. Mr. Gutierrez reported on the progress of the Regional Transportation Safety Study and mentioned that the consultant Greenlight Traffic Engineers identified HSIP projects and through the process, nine projects were submitted. He informed the Board that, on August 8, ADOT was going to hold an HSIP Safety meeting to discuss all the projects.

Mr. Gutierrez also updated on the Traffic Counts Study which is mainly an internal program for member agencies. The study will allow the YMPO to have a supporting document program for reference in the future and he reported that the study was 85% complete.

Mr. Gutierrez also gave a status report on the Bike/Ped Study and mentioned that is 65% complete.

Mr. Ward gave a brief update on the Pavement Management System Study and mentioned it had been advertised, but it was suspended because the RFP process was being revised and it would be re-advertised in due course.

YMPO Assistant Planner, Melissa Ramos, reported that the Short-Range Transit Plan RFP is being reviewed and she and Mr. Ward would meet with Transit Director Shelly Kreger to review the RFP later that day. The Plan was estimated to be released/advertised by the end of August 2019.
YMPO Accountant II, Crystal Figueroa, informed the Board that the Rail/Heavy Freight Study RFP was being reviewed by member agencies and is also estimated to be released to consultants by the end of August, 2019.

Vice-Mayor Ramos express the interest of the Rail Study to include a binational component and Mr. Ward agreed that it includes such a component. Town of Wellton Manager Larry Killman, reported that he had spoken with Jenny Torres, the City of San Luis Economic Development Director, and she had been approached by the federal government in Mexico to let her know that they had identified someone that had the ability to have a discussion in regard to the freight corridor going south into Mexico. Mr. Killman emphasized the importance of a binational component within the corridor alignment in order to make the connection south of the border in the future.

Mr. Ward mentioned the Intelligent Transportation System Study is out for review and the release is anticipated for September. He continued and talked about the Long-Range Transportation Plan Update and mentioned that it would take approximately eighteen months to get completed, it’s expected to be released in the October-December time frame. For the POE I Origin-Destination Study, a draft scope of work has been started but the study is not officially in the work program at this time, but it’s expected to be amended into the UPWP in a timely manner to give results for the General Services Agency (GSA) during the run-up to their improvements.

11. Possible YMPO Support for the Ratification of the USMCA
Mr. Ward informed the Board that the North America Free Trade Agreement (NAFTA) has been signed but that it took several years to ratify. Recent efforts have resulted in an agreement to replace NAFTA with the United States Mexico — Canada Agreement (USMCA) which was signed on November 30, 2018 but each country's legislature still must ratify the agreement. He had received a suggestion by the City of San Luis that the region should send a letter to Congress urging ratification of the USMCA. After much discussion, it was concluded that a Resolution in support of the Ratification of the USMCA be approved.

MOTION: Supervisor Porchas moved to approve the adoption of a Resolution supporting the ratification of the USMCA. Councilmember Ramos seconded, and the item was unanimously approved with one abstention, from the ADOT Southwest District Engineer, Paul Patane.

12. Summary of Current Events/Board Member Reports/Executive Director’s Report & Comments by Other Participants.
A. Staff Reports. All YMPO full-time staff members attended a National Transit Institute sponsored training course on the Transportation Planning Process in Sacramento.
B. TAC Minutes.
C. Conference Updates. Melissa Ramos provide a brief update on plans for the Rural Transportation Summit in October 2019.

D. MPO/COG Director/Planner Meetings.

E. Rural Transportation Advocacy Council activities.

F. Projects - Economic Development and Transportation.

13. Possible Future Agenda Items.
The following items will be heard at a future meeting. Members are encouraged to suggest topics for discussion at a future Board meeting.

A. Possible Selection of PMS Consultant.

B. Discussion of planned additional Federal facilities at POE II. Vice-Mayor Ramos reported that GSA wants to add a standalone truck safety inspection in POE II, she mentioned that the City of San Luis is opposed to the idea because they already have various inspections. The Mayor Sanchez of San Luis drafted a letter and Ms. Ramos asked the Board for their support in this opposition effort against an additional inspection facility. After much discussion it was concluded that a letter of support would be drafted by individual Cities and Towns directly.

C. Status of Highway Safety Improvement Projects.

14. Progress Reports.
Members and staff will update the Board on the progress of ongoing projects and other recent events.

A. July 1 – Fiscal Year 2020 begins.

B. July 3 – YMPO Earned Media meeting – Bike/Ped/Safety PP, Paul Ward, Charles Gutierrez, and De'Laurien McKenzie participated.

C. July 8 – ADOT/YMPO Coordination meeting, Paul Ward, Charles Gutierrez, Deputy Mayor Gary Knight attended.

D. July 9 – Interagency Consultation (IAC) Air Quality meeting, Paul Ward and Charles Gutierrez participated.

E. July 9 – Montoya Insurance Group meeting, Paul Ward and Crystal Figueroa attended.

F. July 10 – ADOT YMPO Regional Planner meeting, Charles Gutierrez attended.

G. July 10 – Possible New YMPO Building meeting, Paul Ward and Charles Gutierrez attended.

H. July 11 – Technical Advisory Committee (TAC) meeting, Paul Ward, Charles Gutierrez, De'Laurien McKenzie and Melissa Ramos attended.

I. July 15-17 – NTI Training (Transportation Planning Process, Sacramento), All full-time YMPO staff attended.

J. July 19 – State Transportation Board Meeting, Deputy Mayor Knight attended.

K. July 27 – YMPO Executive Board meeting, All YMPO full-time staff are expected to attend.
15. **Adjournment.**
   There being no further business to discuss, the meeting was adjourned at 3:23 p.m.

**Notice:** In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, YMPO does not discriminate on the basis of disability, in the admission of, or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in YMPO programs, activities, or services, contact Paul Ward at 928-783-8911.

Preparation and Approval of Minutes:

Minutes prepared by:

Crystal Figueroa, Accountant II and Executive Assistant, YMPO

Minutes reviewed to form by:

Paul D. Ward, Executive Director
Yuma Metropolitan Planning Organization

Minutes approved in regular session on October 31, 2019.

Vice-President J. Deal Begay Jr,
Chairman, YMPO Executive Board
APPENDIX A

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

1. **Compliance with Regulations:** The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the USDOT, FHWA or the ADOT, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The Contractor, with regard to the work performance by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the FHWA or ADOT to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient, the FHWA, or ADOT, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a Contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA or ADOT, may determine to be appropriate, including, but not limited to:
   a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with request to any subcontract or procurement as the Recipient, the FHWA, or ADOT may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.
APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the USDOT, as authorized by law and upon the condition that YMPO will accept title to the lands and maintain the project constructed thereon in accordance with Title 23 USC, the Regulations for the Administration of Federal Aid for Highways, and the policies and procedures prescribed by the ADOT, FHWA and the in accordance and in compliance with all requirements imposed by 49 CFR, USDOT, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the USDOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252;42 USC § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the YMPO all the right, title and interest of the USDOT 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 YMPO and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the YMPO, its successors, and assigns.

The YMPO, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

1. no person will, on the grounds of race, color, or national origin, be excluded from participation in, or 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.

2. that the YMPO will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49 CFR, USDOT, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the USDOT, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and

3. that in the event of breach of any of the above-mentioned non-discrimination conditions, the USDOT will have a right to enter or re-enter said lands and
facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the USDOT and its assigns as such interest existed prior to this instruction].*

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

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

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

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

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

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

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

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

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by YMPO pursuant to the provisions of Assurance 7(b):

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

   (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities;

   (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination;

   (3) that the (grantee, licensee, lessee, permittee etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended set forth in this Assurance.

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

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, YMPO will thereupon revert to and vest in and become the absolute property of YMPO and its assigns. *

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

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

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

• Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC 1687 et seq).