



Title VI & Environmental Justice Plan

Related to Federally-funded

Transportation Planning and Transportation Improvements

Adoption by the MetroPlan

Executive Board

September 2, 2020

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TITLE VI NONDISCRIMINATION POLICY STATEMENT

The Flagstaff Metropolitan Planning Organization (FMPO) ensures nondiscrimination compliance on the grounds of race, color, national origin, age, sex, disability, limited English proficiency, or low-income status as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited English Proficiency), Code of Federal Regulations 49 part 21, Code of Federal Regulations 23 part 200, and Code of Federal Regulations 49 part 303.

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

The City of Flagstaff and FMPO program areas will work together to implement their mutual Title VI nondiscrimination responsibilities in all programs. Therefore, each FMPO program area will take responsibility for preventing discrimination and ensuring nondiscrimination compliance in FMPO programs and activities.

The City of Flagstaff City or host agency signs assurances and delegates full authority to the Title VI coordinator to oversee and implement Title VI regulations.



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July 29, 2020

Date

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I. Introduction

Flagstaff Metropolitan Planning Organization (dba MetroPlan) receives federal funding to conduct regional transportation planning and fund regional transportation improvements. As a result, MetroPlan is required to operate in a non-discriminatory manner per Title VI of the Civil Rights Act of 1964 and related Environmental Justice requirements. This updated Title VI Plan describes how MetroPlan will operate in compliance with these federal mandates.

Title VI of the Civil Rights Act of 1964 and Environmental Justice Explained

Section 601 of the Civil Rights Act of 1964 prohibits discrimination “on the basis of race, color, or national origin” in any “program or activity receiving federal financial assistance.” Subsequent legislation has extended the protections under Title VI of the Civil Rights Act to prohibit discrimination based on gender, disability, age, income status and limited English proficiency. The Civil Rights Restoration Act of 1987 established that Title VI applies to all programs and activities of Federal-aid recipients, sub-recipients and contractors whether those programs and activities are federally funded or not.

In 1994, President Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This Executive Order focused attention on Title VI by requiring that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." This may include subgroups of elderly and disabled persons. MetroPlan will make every effort to consider the health, environment and economic impact its activities may have on the communities and individuals within its regional area.

Statistical Data of Communities

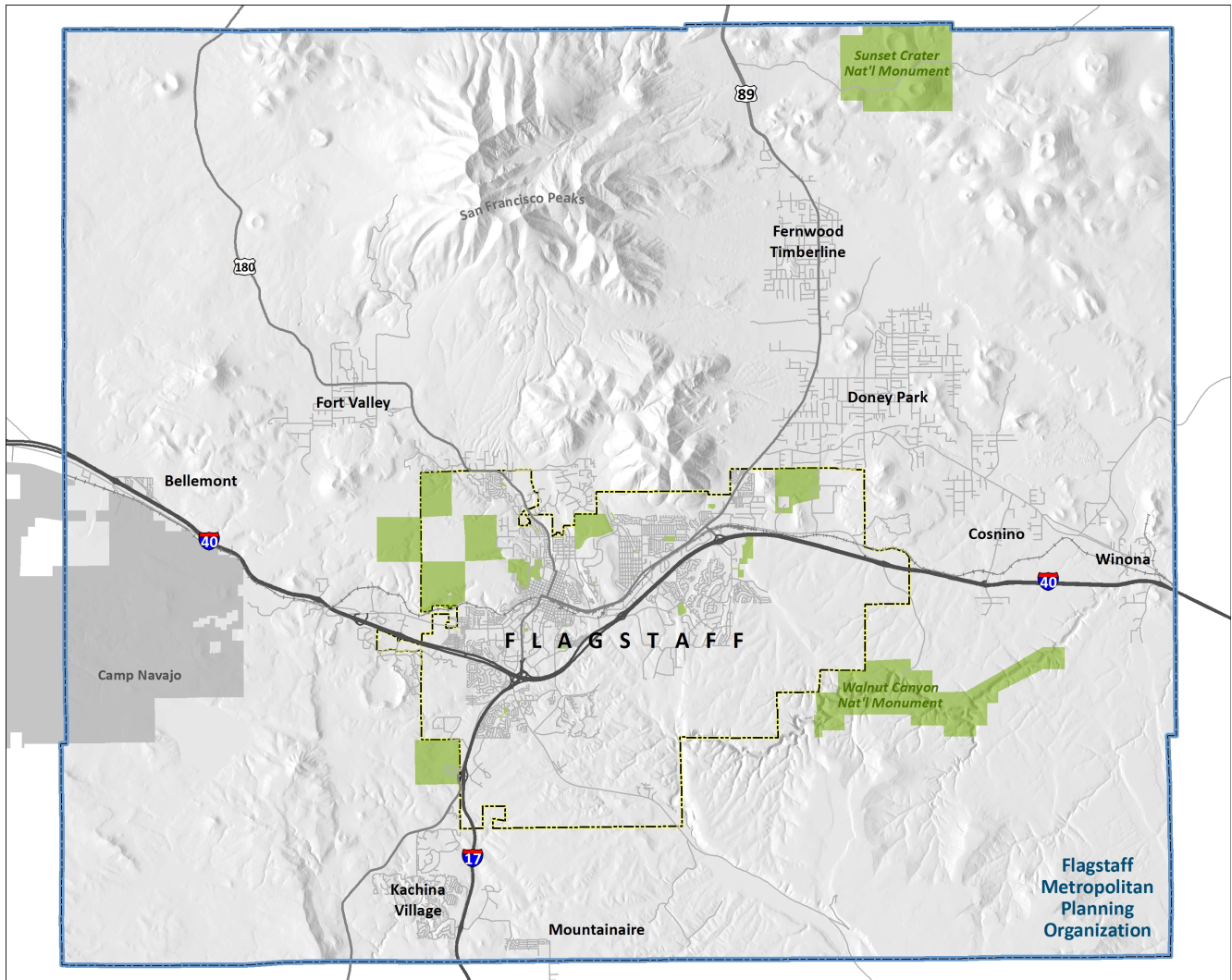
A statistical description of these populations together with maps illustrating their distribution throughout the MetroPlan region may be found in Appendix A. Demographic data has been obtained from the American Community Survey database and is regularly used in the MetroPlan planning process.

II. MetroPlan Organization & Program Administration

General Organization

MetroPlan was established in 1996 as the Flagstaff Metropolitan Planning Organization with responsibility for transportation planning within the regional area generally described as the City of Flagstaff and the unincorporated communities of Bellemont, Winona, Doney Park, Kachina and Mountaineer and the state highway system within its boundaries. Federal regulations require that an MPO be designated to carry out a comprehensive, continuing, and coordinated transportation planning process for urbanized areas with a population of 50,000 or more. The region covered by MetroPlan is over 525 square miles and is shown on the following map.

MetroPlan Area Planning Boundary



MetroPlan Membership

MetroPlan is comprised of the City of Flagstaff, Coconino County, the Arizona Department of Transportation and the regional transit provider, Mountain Line (Figure 2). MetroPlan works cooperatively with Northern Arizona University which has representation on the Technical Advisory Committee.

The Title VI Coordinator for FY 2021 is Rosie Wear, MetroPlan Business Manager. She acts on behalf of MetroPlan's Title VI program as an interface to the State and Federal agencies regarding Title VI complaints and is the direct contact person for public complaint interaction.

FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION (dba MetroPlan)

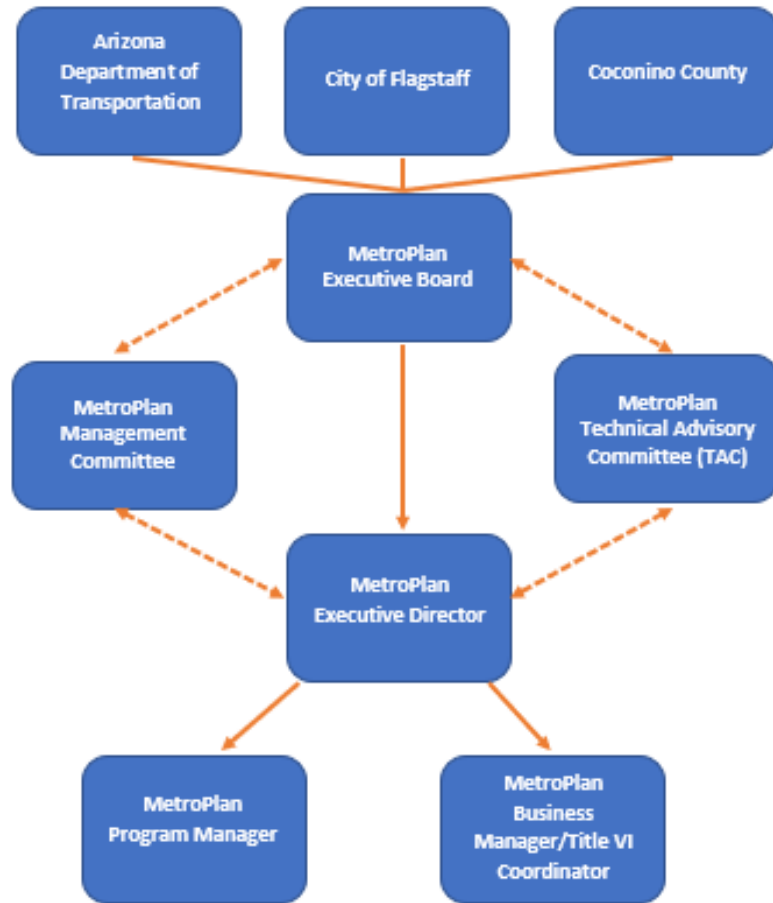


Figure 2. MetroPlan Organizational Chart and Staffing

The MetroPlan Executive Director is responsible for Title VI compliance. The Title VI Coordinator is responsible for overall oversight of the Title VI Plan. Oversight includes the day- to-day implementation of the Title VI Nondiscrimination Program. Other duties will include providing guidance and technical assistance on all Title VI compliance matters. The Title VI Coordinator is responsible for ensuring the required Title VI plans and reports are prepared.

MetroPlan Membership

Minority Participation

The MetroPlan is governed by the Executive Board and advised by the Technical Advisory Committee (TAC).

Most board members on the Executive Board are elected officials appointed to serve by their respective governing bodies, and MetroPlan has little control over the election of the members. However, elections in the City and the County are non-discriminatory against minority groups. The County includes a Native American elections Outreach Program designed to engage minority voters in elections.

The TAC is comprised of non-elected members who obtain membership based on their professional positions within their respective agencies. All agencies represented in the TAC are equal-opportunity employers.

MetroPlan Executive Board

The MetroPlan Executive Board is the forum for cooperative decision-making on transportation-related matters. This seven-member board is comprised of elected officials from local government and one representative each from the Arizona State Transportation Board and Mountain Line (aka NAIPTA) Board of Directors. Board membership is based on resolutions passed by the City and County at the formation of the MPO and recently amended with the addition of Mountain Line to the Board.

The Executive Board provides policy guidance and direction for the metropolitan transportation planning process. The Executive Board will review and approve MetroPlan's Title VI Program Plan on September 2, 2020. Minutes from the September 2, 2020 meeting indicating plan approval will be attached to the final version of this plan.

Board Member	Position	Race	Sex	Elected (Yes or No)
Coral Evans (<i>Chair</i>)	Mayor, Flagstaff City Council	African American	Female	Yes
Charlie Odegaard (<i>Vice-Chair</i>)	Mayor, Flagstaff City Council	Caucasian	Male	Yes
Jesse Thompson	Arizona State Transportation Board Member	Native American	Male	No
Matt Ryan	Coconino County Board of Supervisors	Caucasian	Male	Yes
Jim McCarthy	Flagstaff City Council	Caucasian	Male	Yes
Art Babbott	Coconino County Board of Supervisors	Caucasian	Male	Yes
Steve Peru	NAIPTA Board of Directors	Hispanic	Male	No

MetroPlan Technical Advisory Committee

The Technical Advisory Committee (TAC) is an advisory committee to the Executive Board. The nine-member committee is comprised of the County Engineer and Community Development Director from Coconino County; the City Engineer, Planning Director and Transportation Services Manager from the City of Flagstaff; the District Engineer and Senior Transportation Planner for Arizona Department of Transportation, the Mountain Line Deputy General Manager and an appointee from

NAU Facilities Department. Designees for these positions may attend and vote if appointed per the approved operating procedures.

Committee Member	Position	Race	Sex	Elected (Yes or No)
Nate Reisner (Chair)	ADOT North Central District Development Engineer	Caucasian	Male	No
Nick Hall	Deputy Coconino County Engineer	Caucasian	Male	No
John Wennes	ADOT Transportation Planner	Caucasian	Male	No
Anne Dunno	NAIPTA Capital Program Manager	Caucasian	Female	No
Rick Barrett	City of Flagstaff Engineer	Caucasian	Male	No
Jay Christelman	Coconino County Development Services Engineer	Caucasian	Male	No
Dan Folke	City of Flagstaff Development Services Director	Caucasian	Male	No
Greg Mace	NAU Facilities	Caucasian	Male	No
Jeff Bauman	City of Flagstaff Transportation Manager	Caucasian	Male	No

MetroPlan/City of Flagstaff Staff

Staff Member	Position	Race	Sex	Elected (Yes or No)
Jeff Meilbeck	MetroPlan Executive Director	Caucasian	Male	No
David Wessel	MetroPlan Planning Manager	Caucasian	Male	No
Rosie Wear	MetroPlan Business Manager (new Title VI Coordinator)	Caucasian	Female	No

MetroPlan Federal Activity

MetroPlan is primarily funded with federal transportation taxes passed through the Arizona Department of Transportation. As such, MetroPlan is responsible for assuring non-discrimination per Title VI of the Civil Rights Act of 1964 and related authorities in its activities including:

- Establishing an annual work program for regional transportation planning tasks;
- Performing strategic analyses and technical modeling of the transportation system;
- Establishing a fair and impartial setting for regional decision making that includes federal, state, and local agencies dealing with transportation issues;
- Prioritizing transportation projects and developing a Metropolitan Transportation Improvement Program;
- Allocating state and federal funds for both capital and operating needs;

- Preparing financial analysis and project programming;
- Ensuring compliance with state and federal standards; and
- Providing opportunities for public involvement.

III. MetroPlan Title VI Goals & Strategies

MetroPlan is committed to preventing discrimination and to fostering a just and equitable society, and MetroPlan recognizes the key role that transportation services provide to the community. MetroPlan establishes the following basic principles to serve as overall objectives in implementing this Title VI program:

- Make transportation decisions that strive to meet the needs of all people.
- Enhance the public-involvement process to reach all segments of the population and ensure that all groups have a voice in the transportation planning process regardless of race, color, national origin, gender, age, disability, and income status.
- Provide the community with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts of transportation plans and programs on Title VI protected populations.
- Avoid disproportionately high and adverse impacts on Title VI protected populations.
- Comply with the requirements of Title VI and accompanying rules and orders.

MetroPlan Title VI Goals

MetroPlan will consider environmental justice through planning activity according to Federal legislation noted above. Furthermore, in order to involve and assist minority and low-income populations, MetroPlan will adhere to the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and Fixing America's Surface Transportation (FAST) Act, within the transportation planning process. A Public Participation Plan was adopted by the Executive Board on May 28, 2008.

MetroPlan will hold public meetings in facilities that are Americans with Disabilities Act (ADA) compliant and, ensure reasonable accessibility and accommodation to persons with disabilities. Further, to provide equally effective communication, upon request, MetroPlan will accommodate persons requiring assistance, such as the hearing or visually impaired.

MetroPlan will assist persons with limited English proficiency (LEP) to participate in the transportation planning process. Staff will make every effort to provide interpreters and document translation, where feasible, upon request. Elderly persons or non-vehicle households who are unable to attend meetings may request information from the MetroPlan office and have the requested materials delivered to their residence. MetroPlan staff are willing to go directly to groups to speak about transportation planning issues groups in an effort to eliminate participation barriers and involve citizens in the transportation process.

MetroPlan Title VI Strategies & Program Review

MetroPlan is responsible for conducting technical modeling of the transportation system; facilitating the interaction of federal, state, and local agencies dealing with transportation issues; leading the

preparation of financial analysis and project programming; and providing opportunities for public involvement.

All persons living, working, conducting business in or visiting the region are beneficiaries of the planning, coordination, and construction activities of the MetroPlan. MetroPlan does not construct projects; albeit, this activity is accorded to member agencies. The safe movement of goods and people is supported by providing and maintaining transportation networks and facilities.

As a result, MetroPlan is involved in three different phases of a program: (1) public involvement, (2) program development & planning, and (3) reporting and compliance. These three areas, together with general administration, are applicable to Title VI regulations, and are referred to as the Title VI Program Areas.

Review schedule: The program areas are reviewed on a regular basis by the Title VI Program Manager to ensure their understanding of and compliance with Title VI and related authorities.

- February – review the draft Unified Planning Work Program for Title VI compliance
 - Review proposed tasks and activities and recommend corrections to strengthen Title VI compliance and goal achievement
- April – work with MetroPlan technical staff to assess impact of draft TIP projects on Title VI communities
 - Comparison of projects against most recent regional transportation plan that plan’s Title VI analysis
 - Assessment of individual projects for opportunities to avoid or mitigate impacts
- May – review current year activities for Title VI compliance
 - Planning and procurement contracts for Title VI language and FHWA assurances
 - Draft Title VI plan update and accomplishments report meet checklist expectations. Outreach to MetroPlan member legal offices regarding complaints.
 - Public involvement advertising and record keeping
- June – Title VI Plan Adoption and MetroPlan Title VI training
 - Present Title VI training materials at the regular meetings of the Technical Advisory Committee and Executive Board where the Title VI Plan is respectively recommended and adopted

MetroPlan will review conduct an internal program area review of Title VI Strategy Compliance during the months of October and November each year prior to developing a draft work program.

General Program Administration

The following are general Title VI responsibilities of the MetroPlan.

Legal/Operational Guidelines

- MetroPlan Procedures Manual
- Mountain Line (NAIPTA) Employee Handbook as adhered to by MetroPlan

Elements of MetroPlan General Program Administration

Data Collection Procedures

Data collection is an important aspect of the MetroPlan Title VI and Environmental Justice plan. Collection of demographic information can assist in transportation planning to determine impacts and benefits of potential projects.

Checking for environmental justice requires an examination of the distribution of benefits and burdens over time, space, and across various population groups. Demographic information can assist in identifying communities of concern. In addition, data collection can be used to develop outreach strategies and to monitor the effectiveness of outreach processes. Finally, data collection can be used to assess the demographic characteristics of those involved in the planning and decision-making process, including agency staff and policy and advisory committees.

In an effort to better integrate environmental justice into its work program, MetroPlan has developed a baseline demographic profile (see Appendix A), which presents key demographic data describing the MetroPlan and identified population groups and communities to be considered for subsequent environmental justice analyses and activities. Demographic data about key populations is obtained through the U.S. Census and the American Community Survey database. This information is updated dependent upon the availability of the most recent census or survey data.

The MetroPlan collects data in the following program areas:

1. MetroPlan will continue to update the summary of staffing composition of those involved in MPO activities and plans. The report shall include job classification, race and gender.
2. MetroPlan will establish a reporting mechanism that includes demographics for non-elected members of its policy and advisory committees, including the Executive Board and Technical Advisory Committee. The report shall include race and gender.
3. MetroPlan will shall strive to collect demographic information on public participants. This shall be accomplished by summarizing results from comment/feedback forms which request demographic information from participants at public meetings and workshops and public opinion polls. The submittal of demographic information will be voluntary.
4. MetroPlan will continue to maintain a demographic profile of the MPO planning area using the most current and appropriate statistical information available on race, income, and other pertinent data. As new information becomes available, staff shall update the Demographic Profile of the MetroPlan planning area in order to provide an up-to-date baseline report documenting populations of concern for environmental justice analysis. The decennial census will be the primary basis of data.
5. Staff will routinely evaluate public participation in order to determine whether the outreach plan has been successful in recruiting participation among Title VI protected populations.
6. MetroPlan staff will collect data from contractors and vendors relevant to achieving DBE goals. Information pertaining to the race and sex of the awardee relative to all bidders will be gathered through the AZ-UTRACS system and compiled on an annual basis.
7. MetroPlan will collect data on attendance of MetroPlan staff and relevant host-agency staff at Title VI training opportunities.

Title VI data is reported annually in the Title VI Report and the updated Title VI Plan. Title VI data is also incorporated, where appropriate, into MetroPlan's ongoing projects.

The proximity of Title VI populations to MetroPlan projects is analyzed on a continuous basis. In FY2020 MetroPlan plans to develop a new metric of analysis to investigate the proximity of Title VI populations to the Flagstaff Urban Trail System. It is hoped that this analysis will show how accessible bicycle and pedestrian transit routes are to minority, low-income and other protected populations.

Contracts and Intergovernmental Agreements

MetroPlan facilitates the execution of intergovernmental agreements between MPO partners and the Arizona Department of Transportation in association with the distribution of Federal Surface Transportation Program-Urban (STP-U) funds for specific projects or activities. The standard language incorporated into these intergovernmental agreements requires that the partners comply with all applicable federal, state, and local laws, rules, ordinance, and regulations at all times and in the performance of the work. This provision includes the nondiscrimination and environmental justice stipulations contained in Title VI of the Civil Rights Act and related authorities.

MetroPlan utilizes the ADOT Disadvantaged Business Enterprise program through the City of Flagstaff (http://www.azdot.gov/inside_adot/CRO/DBEP.asp). MetroPlan is committed to working toward DBE contracting goals established by ADOT.

Training Program

The MetroPlan Title VI Program Coordinator will continue to provide training for MetroPlan employees and sub-contractors on Title VI and other Civil Rights statutes, either by developing and implementing its own training, or participating in trainings provided by the City of Flagstaff, USDOT Agencies or FHWA. MetroPlan will continue to utilize ADOT (USDOT) opportunities to provide Title VI and Civil Rights training for its employees.

Training will be provided annually to the Executive Board, Technical Advisory Committee, and MetroPlan staff. Training will include an overview of Title VI, a review of the MetroPlan Title VI plan with a special focus on Title VI community engagement, program area data collection and complaint procedures.

Dissemination of Title VI Materials

The MetroPlan Executive Director and Title VI Coordinator are responsible for the implementation and oversight of the Title VI Plan. This includes disseminating Title VI program information to MPO employees, subrecipients, and beneficiaries. MetroPlan will display the updated Notice to the Public which is posted on the MetroPlan and City websites. The Notice to the Public and other materials are posted at the entrance to every public meeting and in the MetroPlan workplace.

Title VI Plan/Annual Reports

ADOT requires MetroPlan to submit a new Title VI Plan every year in addition to an Accomplishments and Goals Report. The annual report will incorporate the data that MetroPlan has collected supporting the Title VI Plan, as well as accomplishments for the past year and plans for the current fiscal year. The MetroPlan Planning Manager is responsible for monitoring and compiling the accomplishment data for ADOT and USDOT to review as well as ensuring the timely submittal of the Accomplishments and Goals Report and the Title VI Plan.

Subrecipient Review

MetroPlan does not have any current or foreseeable subrecipients.

Public Participation Plan

MetroPlan is committed to proactive, ongoing public participation in transportation planning. In seeking public comment and review, MetroPlan makes a concerted effort to reach all segments of the population including Title VI protected populations.

Various methods to ensure public participation include:

Legal/Operational Guidelines

- 23 CFR 450, Section 316 and The Fixing America's Surface Transportation Act (F.A.S.T. Act) require that the metropolitan transportation planning process provide for proactive public involvement that includes providing complete information, timely public notice, full public access to key decisions, and early and continuing involvement of the public in developing plans.
- The MetroPlan Public Participation Plan describes how MetroPlan will advertise opportunities for the public to become involved with regional transportation planning.

Elements of MetroPlan Communications & Public Involvement

Website and Social Media – MetroPlan maintains a website, www.metroplanflg.org, which is updated regularly. The site includes information on the MetroPlan's responsibilities, programs, key products, meeting calendars, agendas and minutes; contact information for staff, the Title VI Plan, complaint procedures, and complaint forms, and a sign-up form for e-mail notifications.

Publications – Each year, MetroPlan issues publications, reports, and maps as part of the agency's work program and responds to and processes a data requests. The information can be accessed by the public through the MetroPlan website.

Press Releases – Press releases are routinely sent to various local media outlets – daily and weekly newspapers (including the local Spanish language newspaper), TV stations, and radio stations.

Open Meeting Law – MetroPlan board and committee meetings are open to the public. Meetings are organized in ways to encourage opportunities for the public to participate. Time for citizen comments is reserved at the start of all meetings. Meeting dates and times are posted well in advance on the agency's website and on the public meeting board in City Hall. The meeting location is always near transit service and is wheelchair accessible (WCA). Interpretation services can be provided when requested or a need is anticipated.

Opportunities for Public Comment – MetroPlan provides opportunities for comment on adoption of amendments to transportation plans or programs. Comments are accepted by phone, fax, e-mail, US mail, through brochures with comment forms placed around the region, and in person at any of the meetings. Public comment periods are advertised through e-mail notices, web and newspaper advertisements.

Staff are Accessible – Contact information for all staff is provided on the agency's website, on project fact sheets and brochures, and in meeting agendas. Staff attend public meetings and are available to answer questions and take comments.

Mailings – MetroPlan routinely uses e-mail to keep the public informed of the agency's programs, public comment periods, meetings, and publications. MetroPlan maintains an e-mail list, including many points of contact with community and faith-based organizations, senior, youth, minority, low-income and other groups. MetroPlan may also publish updates in the City of Flagstaff *Cityscape*, a mailing to 30,000 addresses in the region that goes out three to four times per year.

Events – Events such as workshops, open houses, and forums are held throughout the year as needed.

Strategies for Engaging Title VI Protected Groups

MetroPlan is committed to actively engaging traditionally underrepresented populations, and the organization uses a variety of techniques to design and evaluate public involvement tools, including:

1. MetroPlan will continue to maintain distribution lists that contain community organizations, leaders, and religious organizations that are engaged in issues affecting Title VI protected populations. Community organizations and their leaders are invaluable in building communication between agencies and underrepresented groups. Community groups also provide access to individuals and can serve as forums for participation. Oftentimes these organizations reflect community-wide concerns and can advise an agency on useful strategies for interaction.
2. MetroPlan will send news releases to, and place advertisements in, minority newspapers and news outlets, as needed, as well as in free publications and other media outlets that may be accessed by Title VI protected populations.
3. MetroPlan will evaluate its meeting times and locations to assure opportunities for a broad audience to attend. This would include, but not be limited to, assuring that the locations of public meetings are close to transit lines, are accessible to the disabled, and are held at a variety of times to provide the widest opportunity for involvement.
4. MetroPlan will annually evaluate the effectiveness of all communications and public involvement efforts and make appropriate adjustments to its public involvement strategy. As part of this effort, MetroPlan will make efforts to contact different community groups to determine whether any revisions are advisable.
5. MetroPlan will provide key technical information in a manner that facilitates easy review by populations who may be traditionally underrepresented or underserved by existing transportation systems. This may include provision of information to sight-impaired persons, non-English speakers, or to persons without extensive formal schooling.

Limited English Proficiency Plan

Strategies for Engaging Individuals with Limited English Proficiency

The MetroPlan has evaluated the language proficiency of residents within MetroPlan boundaries to determine whether language operates as an artificial barrier to full and meaningful participation in the transportation planning process. MetroPlan has used information from the 2010 Census to determine the extent of the need for translation services of its materials. The results of the analysis showed that approximately 5.5% of the population speaks English less than “very well”.

The MetroPlan policy for LEP is contained herein as follows:

FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION

LIMITED ENGLISH PROFICIENCY PLAN

Updated August 2019

- I. **PURPOSE:** The purpose of this General Order is to outline effective guidelines, consistent with Title VI of the Civil Rights Act of 1964, for department personnel to follow when providing services to, or interacting with, individuals who have limited English proficiency (LEP). The Flagstaff Metropolitan Planning Organization (dba MetroPlan) recognizes the importance of effective and accurate communication between its personnel and the community that they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with LEP from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP professionals and community members can present the MetroPlan with technical and ethical challenges. Ensuring maximum communication between public planning professionals and all segments of the region serves the interests of both parties.
- II. **POLICY:** MetroPlan's policy is to take reasonable steps to provide timely, meaningful access to LEP persons to the services and benefits MetroPlan provides in all MetroPlan-conducted programs or activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP individual requests language assistance services. Personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that MetroPlan personnel will provide these services to them.

The steps taken will consider Department of Transportation guidance including:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in to contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives.
4. The resources available to the recipient and costs.

See analysis at the end of the LEP Plan.

III. **DEFINITIONS:**

- A. Executive Order 13166: a presidential Executive Order that states that people who have limited English proficiency (defined below) should be able to meaningfully access federally constructed and federally funded programs and activities.
- B. Limited English Proficiency: designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
- C. Primary Language: an individual's native tongue or the language in which an individual most effectively communicates. Personnel should avoid assumptions about an individual's primary language. For example, not all individuals from Central America

speak Spanish fluently. Instead, some Central Americans may claim an indigenous language as their native tongue. Personnel should make every effort to ascertain an individual's primary language to ensure effective communication.

- D. Limited English Proficiency: designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
- E. Interpretation: the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
- F. Translation: the replacement of written text from one language (source language) into an equivalent written text in another language (target language).
- G. Bilingual: the ability to use two languages proficiently.
- H. MetroPlan Authorized Interpreter: (MetroPlan AI) is a bilingual MetroPlan employee or contact who has been authorized to interpret for others in certain situations.
- I. MetroPlan AI List: is an accounting of MetroPlan personnel or contacts who are bilingual and are authorized to act as volunteer interpreters. The MetroPlan Business Manager maintains the list.
- J. Four Factor Analysis: a method used by MetroPlan to ensure that meaningful access is provided to LEP individuals including services for oral interpretation and written translation of vital documents.
- K. Safe Harbor Threshold: LEP language group that constitutes 5% of the population, or 1,000 individuals, whichever is less, of an area's populations are eligible to be served or likely to be affected and encountered.

IV. PROCEDURES FOR ACCESSING INTERPRETATION SERVICES:

A. MetroPlan Personnel Requesting Interpretation Services:

Responding MetroPlan Personnel Responsibilities: MetroPlan personnel in the field should take necessary steps to anticipate the need of interpretation services (such as attempting to identify the potential for encountering LEP individuals and identifying their primary language) and contact the Administrative Specialist for assistance in requesting a MetroPlan AI.

Given an informal and non-controversial nature of a given outreach effort, MetroPlan personnel should first look to use family, friends or bystanders for interpreting assistance. Barring exigent circumstances, MetroPlan personnel should not use minor children to provide interpreter services.

Given a controversial or more personal matter, MetroPlan staff should be aware that using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. In such cases, MetroPlan personnel are expected to follow the general procedures outlined in this Directive, however; exigent circumstances may require some deviations. In such situations, personnel are to use the most reliable, temporary interpreter available, such as bilingual MetroPlan personnel or citizens, including family, friends and bystanders.

If no MetroPlan AI is available, MetroPlan personnel should utilize such services available to obtain the LEP individual's contact information, general point of concern and follow up when more appropriate services are available.

B. Contracted In-Person Interpretation Services:

Contracted in-person interpretation services shall be available to all MetroPlan personnel when interacting with LEP individuals. The Administrative Specialist will be the central conduit for connecting personnel in the field to an appropriate interpreter.

Accessing Contracted In-Person Interpreters: MetroPlan personnel who believe they need this service will consult with the highest-ranking supervisor available. If the supervisor concurs, the MetroPlan personnel will contact the contracted in-person interpreter service, relay all information, and provide for appropriate scope of services and compensation.

NOTE: It is MetroPlan personnel's responsibility to develop and ask any questions. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

V. PROCEDURES FOR ACCESSING DOCUMENT TRANSLATION SERVICES:

Translation services for documents such as key public involvement products and outreach materials for translation shall be coordinated through the Business Manager or the MetroPlan Planning Manager in the case of a consultant contract.

VI. TRAINING CONCERNING LANGUAGE ASSISTANCE POLICY AND INTERPRETER SKILLS:

LEP Policies: The MetroPlan will provide periodic training to personnel about MetroPlan's LEP policies, including how to access authorized, telephonic and in-person interpreters. MetroPlan shall conduct such training for all employees at least every two years.

VII. MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS:

A. Community Review: MetroPlan shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations during the annual update of the Title VI report in order to determine if there are additional languages into which vital documents should be translated upon request.

B. Tracking and Analysis of LEP Data: MetroPlan shall be responsible for assessing demographic data, reviewing contracted language access services utilization data, and consulting with community-based organizations to ensure that the MetroPlan is

providing for LEP persons meaningful access to the services and benefits the MetroPlan provides in all MetroPlan-conducted programs or activities.

MetroPlan has utilized the principles of four-factor analysis to come to the following conclusions:

1. **The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.** There are 96,365 people in the MetroPlan Planning Region. The limited English proficient population consists of 3,324 individuals or 3.6% of the total population, with Spanish being the predominant language spoken by LEP individuals. This data was obtained from the 2018 population estimate provided by the American Community Survey. This data will be updated whenever possible.
2. **The frequency with which LEP individuals come in to contact with the program.** Transportation planning touch the lives of all persons in the MetroPlan member area. MetroPlan will make every effort to provide those who speak English “less than very well” the opportunity to participate in the planning process. Public Meeting Notices provide information on obtaining interpreter services.
3. **The importance of the service provided by the program to people’s lives.** MetroPlan activities are related to identifying and planning funding for future projects which will then be implemented by its member agencies. These activities are vital and affect all persons living in communities under the jurisdiction of MetroPlan.
4. **The resources available and the overall cost to MetroPlan.** MetroPlan has limited staff and financial resources. We have determined that the translation of large plan documents and maps are not warranted at this time, as the *Safe Harbor Law* triggers are barely attained. However, MetroPlan does provide translation services upon request with advance notice.

Program Development and Review

MetroPlan is involved in developing long- and short-range transportation plans to provide efficient transportation services to the Flagstaff urbanized area. In this role, MetroPlan is responsible for preparation of the regional transportation plan. As part of this work, MetroPlan performs a number of different planning functions, including:

- Establishing an annual work program for regional transportation planning tasks to be completed;
- Performing strategic analyses and technical modeling of the transportation system;
- Establishing a fair and impartial setting for regional decision making that includes federal, state, and local agencies dealing with transportation issues;
- Prioritizing transportation projects and developing a Metropolitan Transportation Improvement Program;
- Allocating state and federal funds for both capital and operating needs; and
- Preparing financial analysis and project programming.

It is imperative that MetroPlan consider the impacts of its transportation planning efforts on minority groups within the community, and MetroPlan strives to ensure these impacts are minimized.

Legal/Operational Guidelines

Primary legal and operational guidance is provided by:

- The Metropolitan Planning Organization (MPO) Regulations 23 CFR 450.
- The Fixing America’s Surface Transportation Act (F.A.S.T. Act)

Nature of Planning Activities

The following describes some of the key planning and programming activities undertaken by the MetroPlan:

Unified Planning Work Program

The Unified Planning Work Program (UPWP) is MetroPlan's annual transportation planning work program. The UPWP identifies the planning budget and the scope of planning activities that may be undertaken during the program year. MetroPlan develops the UPWP in cooperation with federal, state, and local jurisdictions and transportation providers. This document includes a description of planning tasks and an estimated budget for each task to be undertaken by the agencies participating in the MetroPlan metropolitan planning process.

The UPWP also serves as a budgeting reference for planning tasks funded by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to meet F.A.S.T. Act requirements.

Metropolitan Transportation Improvement Program

The Metropolitan Transportation Improvement Program (MTIP) is a staged, short-range program of transportation improvements to be implemented during a four-year period. The MTIP is required by the U.S. Department of Transportation as a prerequisite for federal funding for street, transit, bicycle and pedestrian projects. In addition to satisfying federal requirements, the MTIP serves as a comprehensive source for information on all regionally significant transportation projects planned by local jurisdictions and reflected by MetroPlan.

Regional Transportation Plan

MetroPlan is required to develop and regularly update a long-range transportation plan for the MetroPlan region. This plan must:

- Include a financial plan that demonstrates how the adopted plan can be implemented
- Have at least a twenty-year planning horizon
- Be updated every five years

Statewide Transportation Improvement Program (STIP)

The Statewide Transportation Improvement Program, known as the STIP, is ADOT's five-year transportation capital improvement program. This document identifies the funding for, and scheduling of, transportation projects and programs throughout the State. It includes projects on the federal, state, city, and county transportation systems, multimodal projects (highway, passenger rail, freight, public transit, bicycle and pedestrian), and projects in the National Parks, National Forests, and Indian tribal lands. The MTIP is included in the STIP.

Strategies for Addressing Environmental Justice (EJ) in Planning Efforts

MetroPlan is committed to ensuring that these programs and plans meet the needs of all people in the region and avoid disproportionately high or adverse human health or environmental effects, including social and economic effects, on Title VI protected populations. Although it is recognized that much of the evaluation of environmental justice issues will occur at the project planning level (which is the responsibility of the project proponent) rather than the overall transportation planning phase, MetroPlan can use a variety of techniques to identify the risk of discrimination so that

positive corrective action can be taken to serve as a building block in subsequent decision making and analysis. These measures include:

1. MetroPlan will document information used in identifying potential environmental justice issues as part of the Regional Transportation Plan effort or similar documents. The analysis will include an evaluation and discussion of the following:
 - Identification of those areas within the MetroPlan region that contain higher than average concentrations low-income, minority or other protected populations as stipulated by the Executive Order on Environmental Justice (EJ) and Title VI provisions. To aid in this effort, MetroPlan has prepared a demographic profile of the metropolitan planning area using census data to identify demographic features of different neighborhoods throughout the planning area (see Appendix B).
 - Analysis of any disproportionately high and adverse impacts to different socio-economic groups will be conducted by comparing the plan impacts on the minority, low-income, senior, disabled and other populations with respect to the impacts on the overall population within the MetroPlan region. GIS mapping can be used to overlay the locations of the transportation projects upon the EJ neighborhood map so that comparisons can be made between the distributions of projects across the two community types (EJ vs. non-EJ).
 - Evaluation of mitigation measures that could potentially address adverse impacts, including avoidance, minimization, and opportunities to enhance communities and neighborhoods.
 - Overview of the public participation process and efforts made to ensure that all groups within the MetroPlan are involved in the decision-making or project information process through an effective and thorough public participation effort.
2. MetroPlan will solicit and consider input from all groups and citizens concerned with, interested in, and/or affected by its transportation plans or programs. Special attention will be paid to the needs of those that may be underserved by existing transportation systems. The Public Participation Plan above describes in detail the steps that will be taken to solicit input.
3. MetroPlan shall document in the annual report what changes have occurred as a result of public involvement with special emphasis on the involvement of Title VI protected populations.
4. MetroPlan will include evaluation criteria that address issues of environmental justice when awarding funds to local agencies for projects to include in the Metropolitan Transportation Improvement Program (MTIP) and Regional Transportation Plan. Potential criteria could include: impact on accessibility and/or travel times to jobs or other activities, transit service provision, and the distribution of transportation funding and activities.
5. In support of this effort, MetroPlan will work to enhance its analytical capabilities to evaluate the long-range transportation plan and the transportation improvement program impact on Title VI protected populations. Projects could include:
 - Using modeling capabilities to evaluate accessibility by travel mode for various trip purposes.
 - Evaluating the distribution of transportation projects or funds.
6. MetroPlan will function in its role as a regional coordinator to work with other agencies, if requested, in addressing environmental justice issues that may occur as part of MetroPlan funded project development activities.

Review Procedures

MetroPlan contracts for some planning activities and obtains consultant support by using a Request for Proposal or Request for Qualifications procedure. The requests are advertised, and a short list of

qualified applicants is determined from the proposals submitted. A selection committee is formed, interviews with the short-listed consultants are held, and a consultant is chosen.

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

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.

IV. Program Compliance and Review

MetroPlan assures that it will comply with all federal mandates related to non-discrimination and environmental justice associated with the receipt of federal assistance. The program will be administered through the offices and procedures laid out in this section.

The Executive Director, Jeff Meilbeck, and MetroPlan Legal Counsel annually review the Title VI assurances. The Executive Director acknowledges through his/her signature that all assurances for MetroPlan will be met in the coming fiscal year. The respective signed assurances endorsed on July 31, 2020 as follows:

MetroPlan Greater Flagstaff Title VI Assurances

The Flagstaff Metropolitan Planning Organization, dba MetroPlan (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 (DOT), through Federal Highway Administration and Arizona Department of Transportation, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 5 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. 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 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 23 C.F.R. Part 200 Subchapter C-Civil Rights (Title VI program implementation and related statues)

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 Federal Highway Administration.

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 55 21.23 (b) and 21.23 (e) of 49 C.F.R. 5 21 will be (with regard to an "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:

" MetroPlan Greater Flagstaff, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 US.C. 55 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 Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

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, MetroPlan also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing Federal Highway Administration or Arizona Department of Transportation 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 Federal Highway Administration or Arizona Department of Transportation. You must keep records, reports, and submit the material for review upon request to Federal Highway Administration, Arizona Department of Transportation, 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.

MetroPlan 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 U.S. Department of Transportation under the Federal Highway Administration and Arizona Department of Transportation. This ASSURANCE is binding on Arizona, other recipients, sub-recipients, subgrantees, 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.

MetroPlan

by  _____
Jeff Meilbeck, Executive Director

DATED _____

Assurances - 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 U.S. Department of Transportation, Federal Highway Administration or the Arizona Department of Transportation, 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 Federal Highway Administration or Arizona Department of Transportation 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 Federal Highway Administration, or Arizona Department of Transportation, 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 Federal Highway Administration or Arizona Department of Transportation, 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 Federal Highway Administration, or Arizona Department of Transportation 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 interests the United States.

- 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.

Assurances - 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 U.S. Department of Transportation as authorized by law and upon the condition that Flagstaff Metropolitan Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code the Regulations for the Administration of Federal Aid for Highways, and the policies and procedures prescribed by the Arizona Department of Transportation *Federal Highway Administration and the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252;42 42 U.S.C. 5 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Flagstaff Metropolitan Planning Organization all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto MetroPlan 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 MetroPlan, its successors and assigns. The MetroPlan, 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, 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 [.1 (2) that the MetroPlan will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become

the absolute property of the US. Department of Transportation and its assigns as such interest existed prior to this instruction]. *

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

Assurances - 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 MetroPlan to the provisions of Assurance 7(a):

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

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, 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 Nondiscrimination covenants, MetroPlan 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 Nondiscrimination covenants, MetroPlan 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 MetroPlan and its assigns*.

D. *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.

Assurances - 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 MetroPlan 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 Nondiscrimination covenants, MetroPlan 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, MetroPlan will there upon revert to and vest in and become the absolute property of MetroPlan 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.

Assurances - 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 nondiscrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 5 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin): and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 5 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 5 324 et seq.), (prohibits discrimination on the basis of sex);

- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 5 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 5 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC 5 471, 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 U.S.C. 55 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 U.S.C. 5 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 U.S.C. 1687 et seq).

VI. MetroPlan Title VI Coordination and Administration

Compliance is ongoing and falls under duties for the MetroPlan Executive Director. The MetroPlan Executive Director will be supported by the MetroPlan Business Manager who also serves as Title VI Coordinator. Specific duties will fall to relevant MetroPlan staff and service providers, such as Legal Counsel.

MetroPlan Flagstaff

6 E Aspen Ave, Suite 200

Flagstaff, AZ 86001

928.266.1293

Notice to the Public

MetroPlan has developed a bilingual notice to the public indicating the rights protected by Title VI, and this notice is displayed at the entrance to all public meetings (wherever they are held), in the MetroPlan workplace, and on MetroPlan's website. The notice contains the contact information for MetroPlan's Title VI Program Coordinator.

The notice may be viewed in Appendix D.

Compliance and Enforcement

MetroPlan will monitor shortcomings in the implementation of the MetroPlan Title VI and Environmental Justice Plan in two primary ways. First, the annual Title VI report will provide insight into the daily operations and work program elements regarding how well and effectively strategies are being applied. Second, MetroPlan will have an annual audit. An annual audit is performed to evaluate compliance with all applicable local, state and federal regulations controlling expenditures. Results of these audits will be incorporated into the annual report and its Title VI goals for the forthcoming year.

MetroPlan will ensure that any subrecipients implement policies and procedures to comply with Title VI and related nondiscrimination authorities through subrecipient monitoring through desk reviews and on-site visits. Since this is a planning organization, MetroPlan has no subrecipients at this time.

Complaint Process

MetroPlan annually reviews the complaint log. So far no complaints have been filed to the knowledge of MetroPlan, but if a complaint did arise the organization would work in a timely manner to address the complaint as thoroughly as possible. Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 or related authorities may file a complaint. The basis of the complaint must be (a) unequal treatment because of race, color, national origin, disability, and/or Limited English Proficiency, or (b) noncompliance with Title VI rules or guidelines adopted thereunder.

- Complaints based on *race, color or national origin* and related to a **FHWA** funded program area will be reported to the ADOT Civil Rights Office within 72 hours and handled by ADOT.
- Complaints pertaining to *all other protected classes* or related to a **FTA** funded program area will be reported to the ADOT Civil Rights Office with 72 hours and handled by the MetroPlan's local agency complaint procedures.

All complaint processes will follow the ADOT procedures. The ADOT Complaint Process can be found at <https://azdot.gov/business/civil-rights/title-vi-nondiscrimination-program/filing-complaint>. Complaints must be in writing with the ADOT Civil Rights Office, 206 S. 17th Ave., Phoenix, AZ 85007. The telephone number is 602.712.8946.

Complaints received by MetroPlan will be forwarded to the ADOT Civil Rights Office. All complaints will be promptly investigated by the ADOT Civil Rights Office.

Refer to the Arizona Department of Transportation for more information on the filing and investigation of discrimination complaints. See Appendix C for respective complaint forms and complaint log. Complaints may also be filed with the agencies.

The complainant may file a discrimination related complaint on an FHWA program or activity directly with MetroPlan or ADOT or with the Federal Highway Administration by contacting the agencies at:

MetroPlan
6 E. Aspen Avenue, Suite 200
Flagstaff, AZ 86001
Email: rosie.wear@metroplanflg.org
928-266-1293

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

Federal Highway Administration
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Email: CivilRights.FHWA@dot.gov
202-366-0693
202-366-1599 FAX

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

MetroPlan
6 E. Aspen Avenue, Suite 200
Flagstaff, AZ 86001
Email: rosie.wear@metroplanFLG.org
928-266-1293

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

FTA Office of Civil Rights
1200 New Jersey Avenue SE
Washington, DC 20590.

There have been no investigations, complaints or lawsuits against MetroPlan FY 2020.

Appendix A: Demographic Statistics of Flagstaff Metropolitan Area

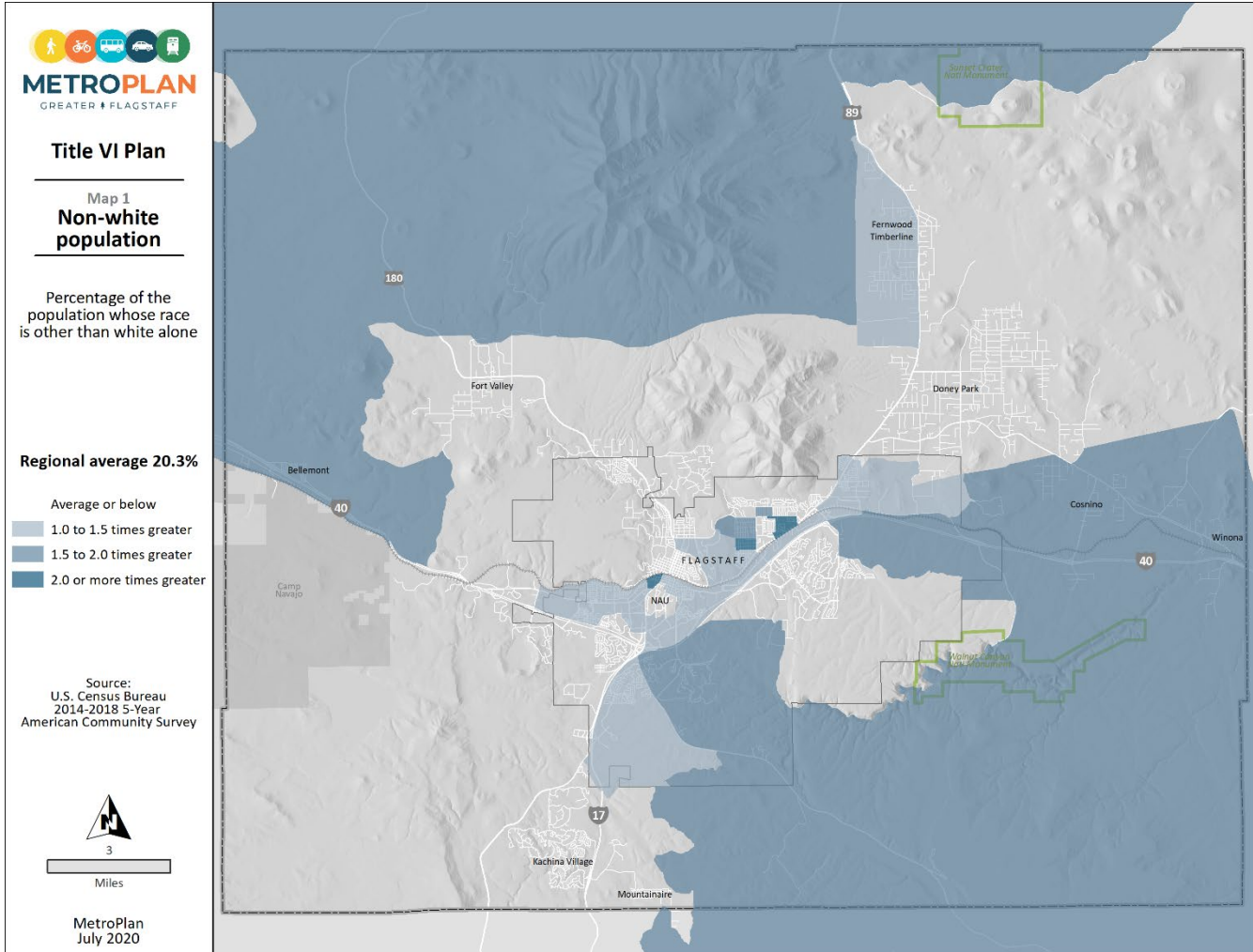
MetroPlan (FMPO) Environmental Justice Statistics										
ACS 5-year data 2014-2018										
	Flagstaff		Region (1)		Coconino County		Arizona		United States	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Population	71,202		96,365		140,217		6,946,685		322,903,030	
Households	24,569		33,665		47,275		2,614,298		119,730,128	
Age 65 and over	5,934	8.3%	10,787	11.2%	16,259	11.6%	1,158,320	16.7%	49,238,581	15.2%
White	55,507	78.0%	77,407	80.3%	89,502	63.8%	5,364,141	77.2%	234,904,818	72.7%
Non white	15,695	22.0%	18,958	19.7%	50,715	36.2%	1,582,544	22.8%	87,998,212	27.3%
Hispanic	13,509	19.0%	16,674	17.3%	19,666	14.0%	2,163,312	31.1%	57,517,935	17.8%
Below Poverty	11,629	19.7	13,610	16.2	24,168	18.9	1,092,192	16.1	44,257,979	14.1
With a Disability	7,529	10.3	9,444	9.9	17,850	12.6	937,404	13.3	40,637,764	12.6
No car households	959	4.1	1,093	3.2	2,368	5	160,011	6.3	10,424,934	8.7

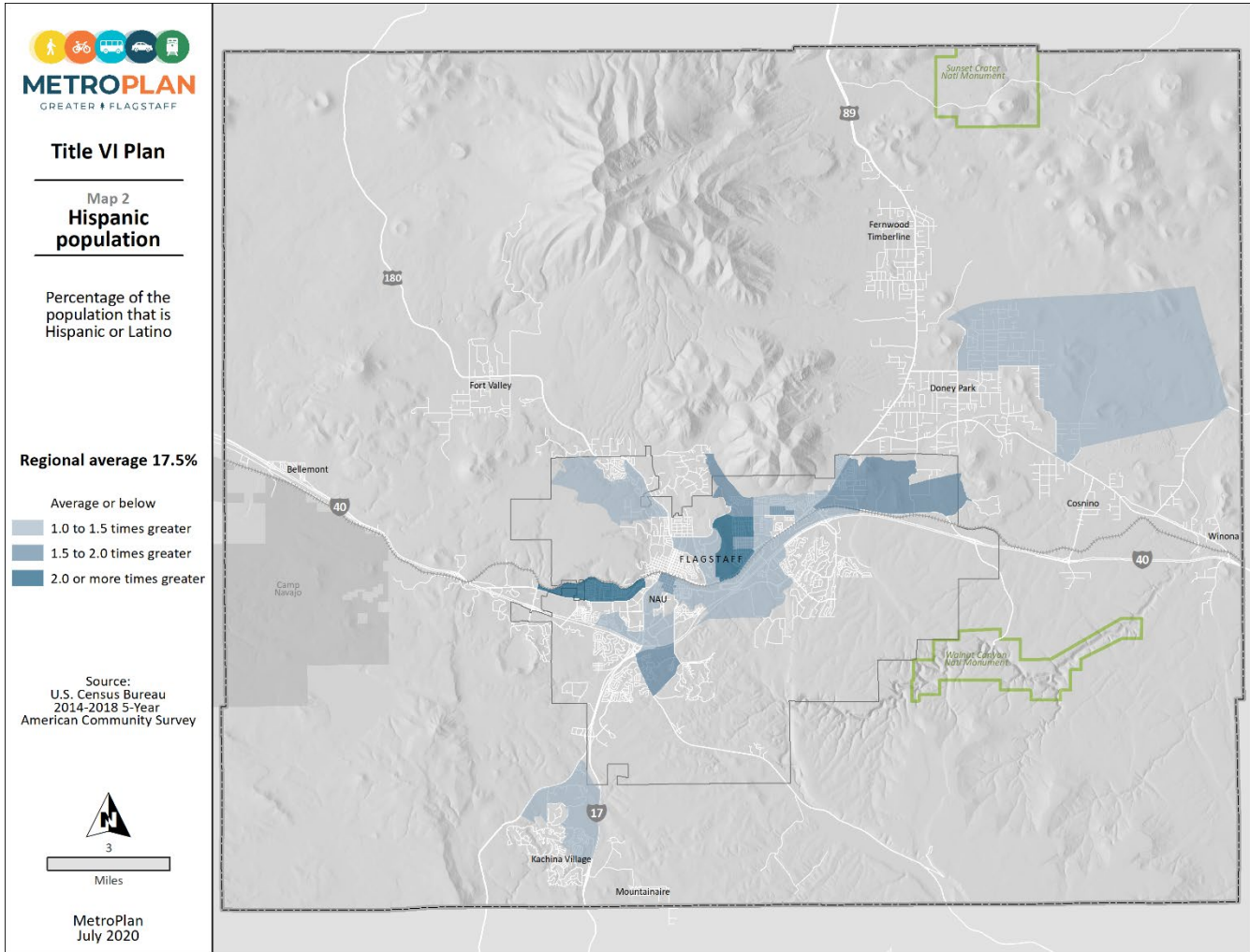
MetroPlan (FMPO) Limited English Proficiency										
ACS 5-year data 2014-2018										
	Flagstaff		Region (1)		Coconino County		Arizona		United States	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total LEP	2,988	4.4	3,324	3.6	9,288	6.9	579,159	8.6	25,627,417	8.3
Spanish LEP	1,828	2.7	2,046	2.2	3,879	2.9	451,680	6.7	16,263,936	5.3
Indo_European LEP	200	0.3	251	0.3	287	0.2	29,605	0.4	3,406,212	1.1
Asian Pacific Islands LEP	562	0.8	562	0.6	750	0.6	51,429	0.8	4,887,949	1.6
Other LEP	398	0.6	465	0.5	4,372	3.2	46,445	0.7	1,069,320	0.3

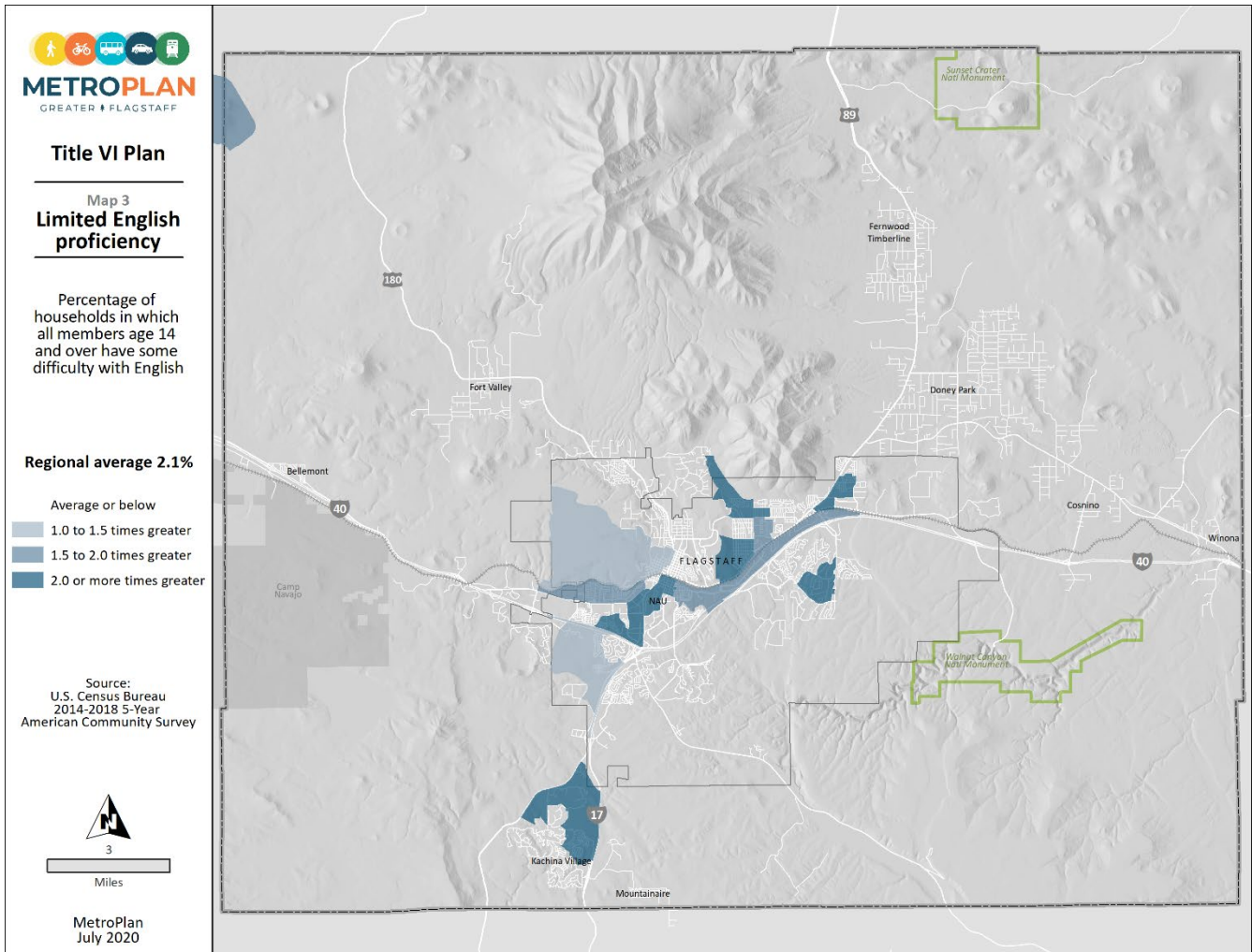
A "limited English speaking household" is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English. By definition, English-only households cannot belong to this group.

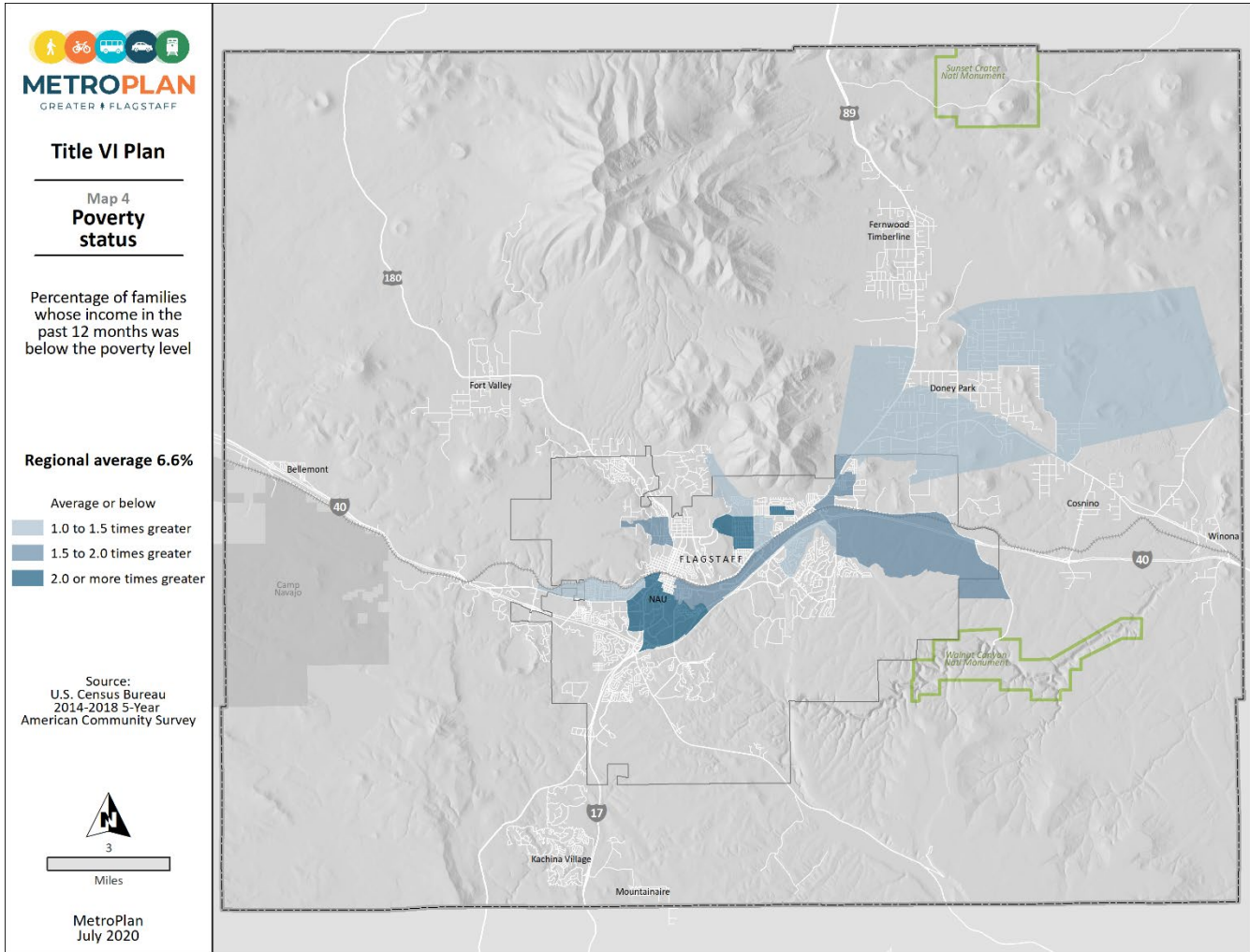
¹ Flagstaff CCD

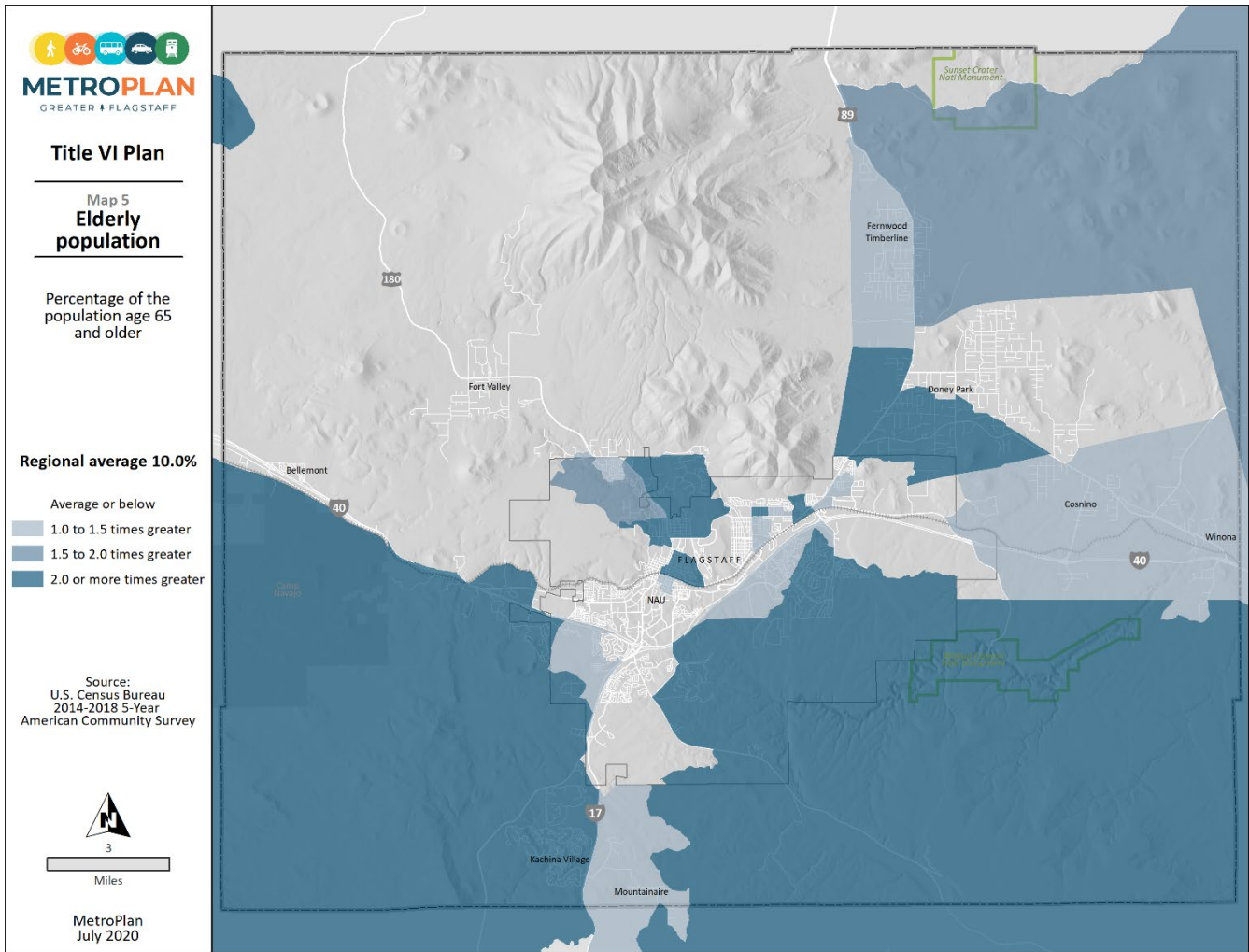
Appendix B: Demographic Maps

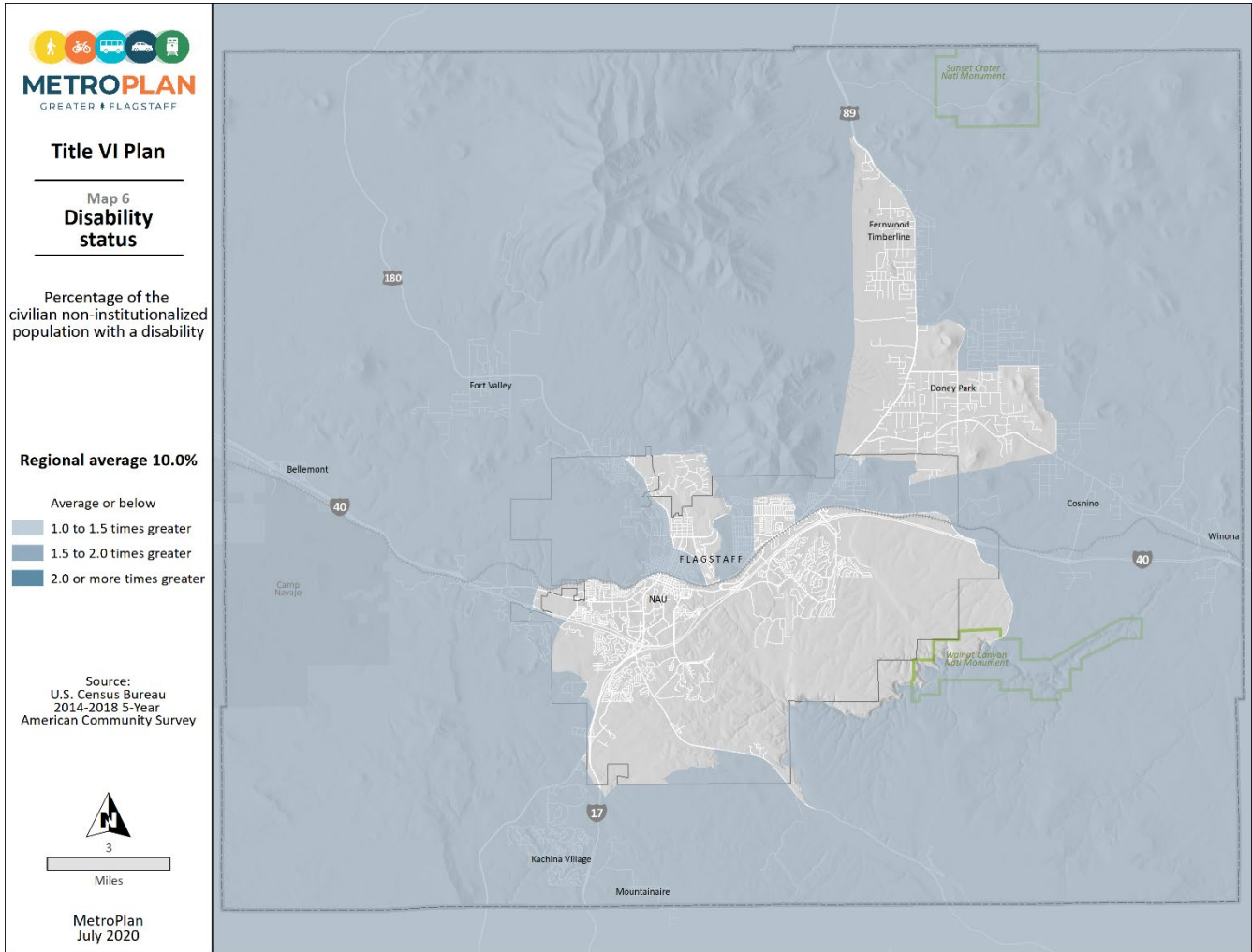


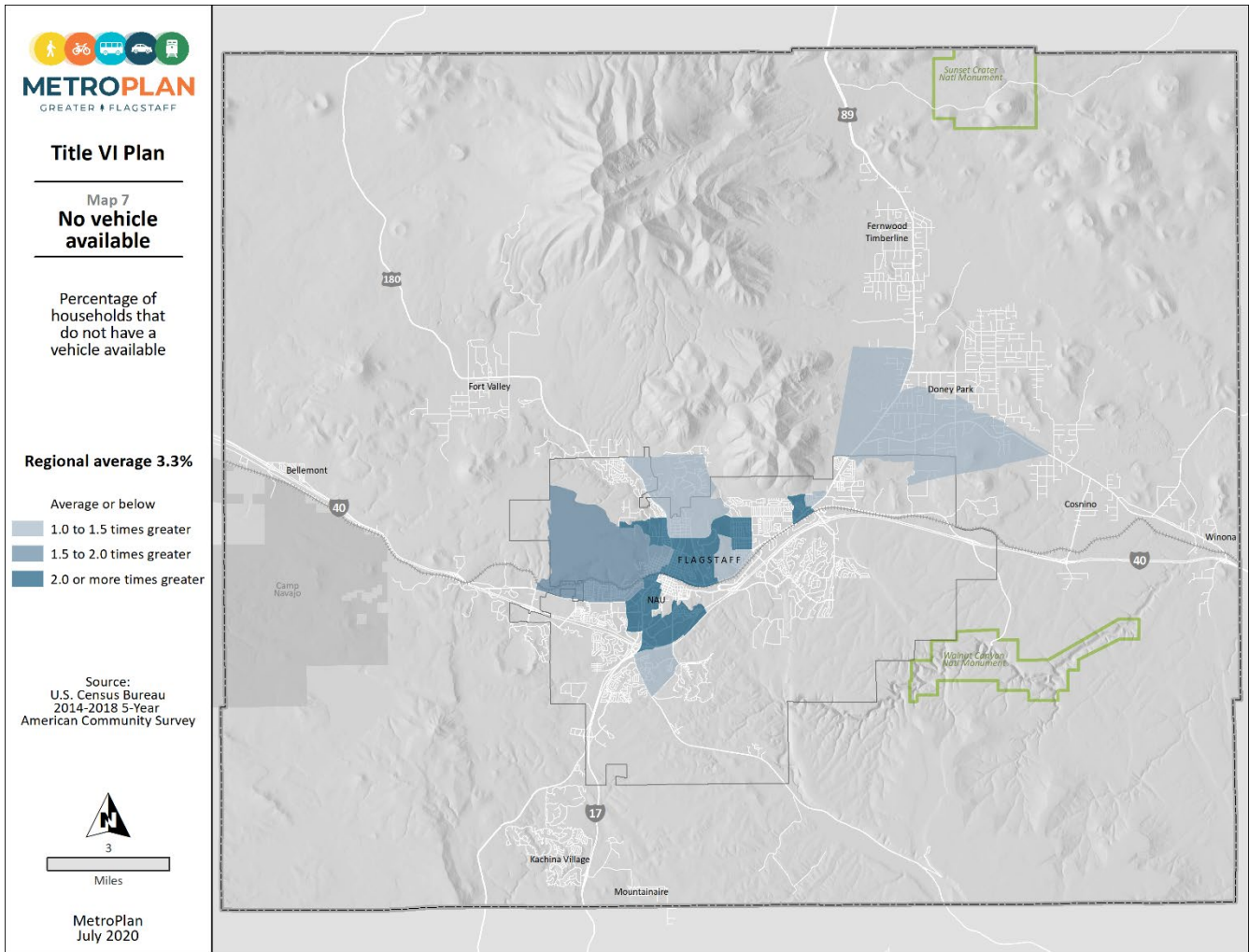












Appendix C: ADA/Title VI Complaint Forms & Log

ADA/Title VI Discrimination Complaint Form

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

Complainant's Information:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alternate Phone Number: _____

Person discriminated against (someone other than complainant):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alternate Phone Number: _____

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

- Race Color National Origin
 ADA/ Disability _____

On what date(s) did the alleged discrimination take place? _____

Where did the alleged discrimination take place? _____

What is the name and title of the person(s) who you believe discriminated against you (if known)?

Describe the alleged discrimination. Explain what happened and who you believe was responsible. (If additional space is needed, add a sheet of paper).

Appendix D: MetroPlan Title VI Nondiscrimination Notice to the Public



METROPLAN TITLE VI NONDISCRIMINATION NOTICE TO THE PUBLIC

MetroPlan (Flagstaff Metropolitan Planning Organization) 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 and other related authorities in all programs and activities.

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

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

AVISO PÚBLICO DE LA LEY DE NO-DISCRIMACIÓN DE MetroPlan (TÍTULO VI)

MetroPlan (Organización de Planificación Metropolitana de Flagstaff) 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, y otras normas relacionadas con todos los programas y actividades.

El programa del Título VI de MetroPlan exige 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 MetroPlan por motivo de raza, color, país de origen, edad, sexo, discapacidad, bajos recursos económicos o dominio limitado del inglés.

Cualquier persona que crea que se han violado sus derechos bajo el Título VI puede presentar una queja. Esta queja debe presentarse por escrito a la Oficina de Derechos Civiles de MetroPlan 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 MetroPlan y los procedimientos para presentar una queja, por favor póngase en contacto con la Oficina de Derechos Civiles de MetroPlan a la dirección que aparece abajo:

Rosie Wear
TITLE VI COORDINATION/
BUSINESS MANAGER

MetroPlan Civil Rights Office
6 E. Aspen Ave, Suite 300
Flagstaff, AZ 86001
928-266-1293 PHONE

MINUTES

Executive Board Meeting

10:00 AM to Noon

September 2, 2020

Join Zoom Meeting: <https://us02web.zoom.us/j/79199115652>
Meeting ID: 791 9911 5652
Dial-in: +1 408 638 0968US

Regular meetings and work sessions are open to the public. Persons with a disability may request a reasonable accommodation by contacting the MetroPlan via email at rosie.wear@metroplanflg.org. The FMPO complies with Title VI of the Civil Rights Act of 1964 to involve and assist underrepresented and underserved populations (age, gender, color, income status, race, national origin and LEP – Limited English Proficiency.) Requests should be made by contacting the FMPO at 928-266-1293 as early as possible to allow time to arrange the accommodation. **A quorum of the TAC may be present.**

Public Questions and Comments must be emailed to rosie.wear@metroplanflg.org prior to the meeting.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the MetroPlan Executive Board and to the general public that, at this regular meeting, the FMPO Executive Board may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the MetroPlan Executive Board's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A).

EXECUTIVE BOARD MEMBERS

- Coral Evans, Mayor, Flagstaff City Council, Chair
- Charlie Odegaard, Flagstaff City Council, Vice-Chair
- Jesse Thompson, Arizona State Transportation Board Member
- Matt Ryan, Coconino County Board of Supervisors - [Excused](#)
- Art Babbott, Coconino County Board of Supervisors - [Excused](#)
- Jim McCarthy, Flagstaff City Council – Joined at 10:16am
- Steve Peru, Mountain Line Board of Directors
- Regina Salas, Flagstaff City Council (alternate)
- Jim Parks, Coconino County Board of Supervisors (alternate)

METROPLAN STAFF

- Jeff Meilbeck, Executive Director
- David Wessel, Manager



METROPLAN

GREATER † FLAGSTAFF

☒ Rosie Wear, Business Manager

Others in attendance: Greg Mace, Heather Dalmolin, John Osgood, Kevin Adam, Ed Stillings (Joined at 10:09am), Greg Clifton (Joined at 10:12pm/left at 10:25am), Anne Dunno (Joined at 10:32am)

I. PRELIMINARY GENERAL BUSINESS

A. CALL TO ORDER

Mayor Evans called the meeting to order at 10:02am

B. ROLL CALL

C. PUBLIC COMMENT

(At this time, any member of the public may address the Board on any subject within their jurisdiction that is not scheduled before the Board on that day. Due to Open Meeting Laws, the Board cannot discuss or act on items presented during this portion of the agenda. To address the Board on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.)

D. APPROVAL OF MINUTES

- Minutes of Regular Meeting: June 3, 2020

Motion: Board member Charlie Odegaard made a motion to approve the June 3, 2020 minutes. Board member Steve Peru seconded the motion. The motion passed unanimously.

II. CONSENT AGENDA

(Items on the consent agenda are routine in nature and/or have already been budgeted or discussed by the Executive Board.)

III. GENERAL BUSINESS

A. MetroPlan's Role in Federal Funding

(Pages xx)

MetroPlan Staff: Jeff Meilbeck

Recommendation: This item is for discussion only.



Discussion: None.

B. Advanced Transportation & Congestion Management Technology Deployment (ATCMTD) Grant

MetroPlan Staff: Dave Wessel

Recommendation: No recommendation. Update only.

Discussion: None.

C. Low Interest Loan Recommendation (Lone Tree Railroad Overpass)

MetroPlan Staff: Dave Wessel

Recommendation: Staff recommends the that MetroPlan 1) defer to the City of Flagstaff on whether or not to apply for a federal low interest loan, and 2) the Executive Director communicate this decision to the City Manager in writing.

Discussion: Board member Charlie Odegaard made a motion not to apply for a federal low interest loan. Board member Jesse Thompson seconded the motion. The motion passed unanimously.

D. Unified Planning Work Program (UPWP)

(Pages xx)

MetroPlan Staff: Jeff Meilbeck

Recommendation: Staff recommends the Board consider an amendment to the Unified Planning Work Program (UPWP) to reflect projects and priorities as adopted by the Board in June 2020.

Motion: Board member Steve Peru made a motion to adopt the Unified Planning Work Program Amendment as presented. Board member Charlie Odegaard seconded the motion. The motion passed unanimously.

E. Regional Transportation Plan (RTP) Scope and Process Approval

MetroPlan Staff: Dave Wessel

Recommendation: Staff recommends endorsing the scope of work and releasing the Request for Proposal.



Motion: Board member Charlie Odegaard made a motion to adopt the Regional Transportation Plan scope and process as presented. Board member Jesse Thompson seconded the motion. The motion passed unanimously.

F. Transportation Improvement Program (TIP) Amendment

MetroPlan Staff: Dave Wessel

Recommendation: Staff recommends the Board consider adopting the TIP amendment.

Motion: Board member Jim McCarthy made a motion to adopt the Transportation Improvement Program Amendment as presented. Board member Charlie Odegaard seconded the motion. The motion passed unanimously.

G. Title VI Plan

MetroPlan Staff: Rosie Wear

Recommendation: Staff recommends the Board consider adopting the FY21 Title VI Plan.

Motion: Board member Charlie Odegaard made a motion to adopt the Title VI Plan as presented. Board member Jesse Thompson seconded the motion. The motion passed unanimously.

H. Financial Management Policy

MetroPlan Staff: Rosie Wear

Recommendation: Staff recommends the Board consider adopting a Financial Management Policy.

Motion: Board member Jim McCarthy made a motion to adopt the Title VI Plan as presented. Board member Steve Peru seconded the motion. The motion passed unanimously.

I. \$50,000 MetroPlan Mini Grants

MetroPlan Staff: Jeff Meilbeck



METROPLAN

GREATER † FLAGSTAFF

Recommendation: Staff recommends the Board consider criteria for a competitive MetroPlan mini-grant to member agencies of \$50,000.

Motion: Board member Charlie Odegaard made a motion to adopt the criteria for a competitive mini-grant as presented. Board member Jesse Thompson seconded the motion. The motion passed unanimously.

J. Items from the Executive Director

MetroPlan Staff: Jeff Meilbeck

Future topics: Meilbeck has requested an update from the City on the implementation of Prop 419/420.

V: CLOSING BUSINESS

A. ITEMS FROM THE BOARD

(Board members may make general announcements, raise items of concern or report on current topics of interest to the Board. Items are not on the agenda, so discussion is limited and action not allowed.)

Discussion: Board member Odegaard shared that City of Flagstaff Transportation Commission new chair Julie Leid. She desires a meatier conversation on the Commission as Odegaard desires this Board to be. Board member Thompson, as member of State Transportation Board, noted that the Plan should have adopted at the end of June but it is being moved forward to October. Will be discussing with ADOT their proposal on \$89 million shortfall.

B. ADJOURN

Chair Evans adjourned the meeting at 11:35