

ARIZONA  
DEPARTMENT OF TRANSPORTATION  
CIVIL RIGHTS OFFICE

TITLE VI NONDISCRIMINATION PROGRAM

2024 IMPLEMENTATION PLAN



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If information is needed in another language, please contact ADOT's Civil Rights Office at (602) 712-8946. Si se necesita información en Español, por favor comuníquese con la Oficina de Derechos Civiles de ADOT al (602) 712-8946.

March 2024

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

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

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

The Title VI Nondiscrimination Program Plan is designed to aid the Civil Rights Office to ensure Title VI compliance throughout ADOT. This document will be reviewed annually to reflect changes in law, administrators, regulations, and/or policy. This document is intended to provide guidance to Department personnel and other interested entities and is not intended to, does not and may not be relied upon to create any right or benefit, enforceable by law by a party against the Department.

A translation of this plan into alternate languages will be made available upon request. For individuals with disabilities, this document will be made available in alternate formats upon request. To obtain a copy in one of these alternate formats or for questions or concerns, please call or write:

Para obtener una copia de este documento en formatos alternativos o si tiene preguntas por favor llame o escriba a:

**Arizona Department of Transportation**  
**Civil Rights Office**  
**206 S. 17th Ave., MD155A**  
**Phoenix, AZ 85007**  
**(602) 712-8946**  
Email: [civilrightsofice@azdot.gov](mailto:civilrightsofice@azdot.gov)

**Danielle Valentine**  
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## ABOUT THE ARIZONA DEPARTMENT OF TRANSPORTATION

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

ADOT is funded by the people who drive or own private and commercial vehicles, purchase fuel, or use transportation services. Individuals and businesses invest money through fuel taxes, motor carrier fees, vehicle title, registration, and license fees to build and operate the state's transportation systems. In addition, ADOT is also annually awarded federal funds by the United States Department of Transportation (USDOT) including the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), National Highway Traffic Safety Administration (NHTSA), Federal Aviation Administration (FAA), and Federal Motor Carrier Safety Administration (FMCSA) to help support ADOT's agencies and programs, and their continued growth.

ADOT, with the support of USDOT, is proud to have created a transportation system that creates job opportunities through the planning, building, and maintenance of its projects and other innovative ideas. These projects, in turn, generate economic development and attract a varied workforce to join our community. ADOT consistently strives to successfully deliver a range of transportation projects through the efficient use of funds and the annual proposed budgets.

As a recipient of federal funds through USDOT, ADOT is held to a standard of nondiscrimination as further described in this document. These guidelines, identified as Title VI Nondiscrimination Implementation Program Plan (Title VI Plan), were developed in accordance with federal compliance guidelines. Furthermore, this Title VI Plan has been reviewed by department directors and various agency administrators who are committed to the implementation of these policies.

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

# 1. INTRODUCTION

## POLICY OVERVIEW AND OBJECTIVES

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

### **Civil Rights Office**

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

**206 S. 17th Ave., Phoenix, AZ 85007**

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

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

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

Title VI Nondiscrimination Program objectives:

- To be transparent with the public on ADOT's standard operating procedures and to ensure nondiscrimination in all ADOT programs and activities.
- To assign and clarify roles, responsibilities, and procedures for ensuring compliance with Title VI and all related nondiscrimination statutes.
- To ensure that all participants and beneficiaries affected by ADOT's programs, projects, and activities receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, creed, age, sex, disability, income status, or limited English proficiency.
- To bring awareness to all ADOT employees, including consultants and contractors performing work on behalf of ADOT of their roles and responsibilities to ensure nondiscrimination in all ADOT programs, services, and activities, regardless of funding source.
- To establish procedures for identifying and eliminating discrimination when found to exist.
- To establish ADOT processes for conducting Title VI internal program area reviews and subrecipient reviews to determine the effectiveness of the area's compliance activities at all levels.

- To establish ADOT's Title VI compliance and enforcement procedures to address deficiencies or when noncompliance is determined for internal program areas and subrecipients.
- To describe the procedures for processing complaints by persons who believe they have been subjected to discrimination under Title VI in any ADOT service, program, or activity, to include programs administered by ADOT subrecipients.

## 2. POLICY STATEMENT

### TITLE VI/ADA NONDISCRIMINATION POLICY STATEMENT

The Arizona Department of Transportation (ADOT), as policy, assures nondiscrimination compliance on the grounds of race, color, national origin, age, sex, disability, limited English proficiency (LEP) and low-income status as provided by Title VI of the Civil Rights Act of 1964, the Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990 (ADA), Executive Order 12898 (Environmental Justice), Executive Order 13166 (limited English proficiency), Code of Federal Regulations 49 Part 21, Code of Federal Regulations 23 part 200, Code of Federal Regulations 49 part 303 and related nondiscrimination authorities.

As a condition of receiving federal financial aid from the Federal Motor Carrier Safety Administration (FMCSA) and, in accordance with USDOT 1050.2A, the Director of ADOT will sign FMCSA Title VI Assurances in 2024 further pledging the agency's commitment to nondiscrimination.

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

The ADOT Civil Rights Office and program areas will work closely to implement their mutual Title VI nondiscrimination program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all of ADOT programs and activities.

The Director delegates full authority to the Civil Rights Office and staff to assist in the effective implementation of the program as appropriate, to oversee and implement Title VI and related nondiscrimination authorities.

  
\_\_\_\_\_  
Arizona Department of Transportation - Director

03/14/2024  
\_\_\_\_\_  
Date



### 3. ASSURANCES

As required, ADOT’S Director has signed FMCSA Title VI/Nondiscrimination Assurances pledging ADOT’s commitment to nondiscrimination. These FMCSA Assurances were signed by the Director in March 2024.

**The United States Department of Transportation**  
**Standard Title VI/Non-Discrimination Assurances**  
**DOT Order No. 1050.2A**

The **Arizona Department of Transportation** (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which

compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that Title VI issues can raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice:

[http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 on limited English proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### **General Assurances**

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

*“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”*

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

### **Specific Assurances**

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with

the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The Arizona Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of

Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

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

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

Arizona Department of Transportation  
*(Name of Recipient)*

Jennifer Toth  
*(Name of Authorized Official)*

by   
*(Signature of Authorized Official)*

DATED 03/14/2024

## ASSURANCE APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or canceling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## ASSURANCE APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the Arizona Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 49, Code of Federal Regulations, US Department of Transportation Part 303(FMCSA's Title VI/Nondiscrimination Regulation), the Regulations for the Federal Motor Carrier Safety Administration (FMCSA) Program, and the policies and procedures prescribed by the **FMCSA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Arizona Department of Transportation** all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto **The Arizona Department of Transportation** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **Arizona Department of Transportation**, its successors and assigns.

The **Arizona Department of Transportation**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the **Arizona Department of Transportation** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

*(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)*

## ASSURANCE APPENDIX C

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

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Arizona Department of Transportation** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **Arizona Department of Transportation** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **Arizona Department of Transportation** and its assigns.\*

*(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)*

## ASSURANCE APPENDIX D

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **Arizona Department of Transportation** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **Arizona Department of Transportation** will there upon revert to and vest in and become the absolute property of **Arizona Department of Transportation** and its assignments.\*

*(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)*



## ASSURANCE APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), as implemented by [49 C.F.R. § 21.1 et seq.](#) and 49 C.F.R. § 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, ([102 Stat. 28.](#)), (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with limited English proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*), as implemented by 49 C.F.R. § 25.1 *et seq.*

## 4. DELEGATION OF AUTHORITY

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

**SUMMARY:** Through this notice, the Director delegates all compliance authority for the Arizona Department of Transportation Title VI Nondiscrimination program and the External Americans with Disabilities Act program to the Civil Rights Office and the ADA/Title VI Nondiscrimination Program Coordinators. The ADA/Title VI Nondiscrimination Program Coordinators report to the Deputy Civil Rights Director who reports to the Civil Rights Director.

**DATE:** Effective upon signature

**FOR FURTHER INFORMATION CONTACT:** Danielle Valentine, Title VI Nondiscrimination Program Coordinator and Krystal Smith, ADA Nondiscrimination Program Coordinator, Address: 206 S. 17<sup>th</sup> Ave. MD 155A Phoenix, AZ 85007, Phone: (602) 712-8646, Email: [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov)

#### Section A. Authority Delegated

1. The Civil Rights Director is hereby delegated authority and assigned responsibility for directing and managing all aspects of the Title VI and ADA Nondiscrimination programs including providing direction and oversight for Civil Rights administrative services, setting departmental administrative policy, and effectively managing program staff.
2. In addition to what is described above, the Civil Rights Director is hereby delegated authority to carry out the following responsibilities:
  - a. Provide guidance to leadership and management regarding all Title VI and ADA responsibilities. This includes identifying facility-related priorities, developing plans, and providing directives for improving nondiscrimination conditions for ADOT employees, customers, and stakeholders.
  - b. Provide ADOT departments and field office staff with Title VI and ADA program responsibilities. This includes Title VI liaison responsibilities for employees designated or identified by ADOT Leadership. Liaisons will be used for the delivery and oversight of Title VI and ADA Program duties.
  - c. The Civil Rights Director has full authority to review policies and/or programs developed, administered and/or managed by ADOT to detect possible conflicts with the Title VI and ADA program federal requirements. The Civil Rights Director will perform any such additional duties as may be assigned to by the Civil Rights Director by applicable law(s) or regulation(s).
  - d. The Civil Rights Director will meet with the Director or designee on a quarterly basis, or as needed, to provide guidance on the strengths and weaknesses of the agency's efforts to meet Federal and State compliance requirements.

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

1. The Civil Rights Director may re-delegate any of the authority delegated under Section A above.


### Section C. Authority Excepted

1. The authority delegated in this document does not include the authority to sue or be sued or issue a waiver of Federal law or regulations.

### Section D. Statutory/ Regulation Authorities

During the performance of duties, the ADA/Title VI Nondiscrimination Program Coordinators will comply with the following nondiscrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 et seq.), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 49 C.F.R. part 27 (entitled Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance);
- 49 C.F.R. part 28 (entitled Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation);
- 49 C.F.R. part 37 (entitled Transportation Services For Individuals With Disabilities (ADA));
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled Discrimination On The Basis Of Disability In State And Local Government Services);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);



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

03/14/2024

**Date**

## STAFFING

### **ADOT Director**

The Director is responsible for ensuring the administration of the overall activities of the department, its divisions and employees. As such, the Director signs all necessary nondiscrimination assurances to aid in ensuring all civil rights nondiscrimination requirements are met. Duties or powers are delegated to carry out the efficient operation of the department.

### **Civil Rights Director**

The Civil Rights Director reports to the ADOT Director through the Deputy Director, MVD and Compliance Division. The Director's program oversight includes the following: Title VI/Nondiscrimination; Employee Nondiscrimination (Title VII); Affirmative Action; Contractor Compliance; and the Americans with Disabilities Act (ADA) Programs. To comply with Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI roles and responsibilities are delegated to the Deputy Civil Rights Director.

### **Deputy Civil Rights Director**

The Deputy Civil Rights Director reports to the Civil Rights Director. The Deputy oversees program oversight of the following: Title VI/Nondiscrimination; Employee Nondiscrimination (Title VII); Affirmative Action; Contractor Compliance; and the Americans with Disabilities Act (ADA) Programs. To comply with Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI roles and responsibilities are delegated to the ADA/Title VI Nondiscrimination Program Coordinators.

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

The ADA/Title VI Nondiscrimination Program Coordinators report to the Deputy Civil Rights Director. The ADA/Title VI Nondiscrimination Program Coordinator's oversight includes both the day-to-day implementation of the Title VI Nondiscrimination Program as well as the External ADA Program implementation. The ADA/Title VI Nondiscrimination Program Coordinator is the department expert whose responsibilities include:

1. Delegated authority to have a direct line of communication to the ADOT Director.
2. Providing guidance and technical assistance on Title VI matters with overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and:
  - a. Promptly resolving deficiencies and documenting remedial action within a reasonable period of time not to exceed 90 days;
  - b. Collecting statistical data (race, color, sex, national origin and low-income status) of participants in and beneficiaries of ADOT programs;
  - c. Identifying and eliminating discrimination when found to exist.
3. Ensuring the Title VI Assurances are signed by the current ADOT Director.
4. Complying with ADOT's procedures to investigate Title VI complaints filed with ADOT against its subrecipients; investigate and address complaints filed against ADOT under non-FHWA funded programs.

5. Forwarding all FHWA-related discrimination Title VI complaints filed with ADOT against ADOT or its subrecipients to the FHWA Arizona Division Office.
6. Conducting Title VI reviews of program areas: Planning and Programming, Procurement and Contract Services, Communications and Government Relations, Environmental Planning, Right-of-Way, Transportation System Management and Operations (TSMO), Engineering Consultant and Construction Contract Administration, Research, Local Public Agencies Section (LPA), Aviation Development and Planning, Business Engagement and Compliance, Project Management Group, Facilities and Motor Vehicle and Enforcement and Compliance Divisions.
7. Regularly reviewing ADOT program directives in coordination with State Program officials, and where applicable, including Title VI and related requirements. ADOT's ADA/Title VI Nondiscrimination Program Coordinator will meet this requirement through review of quarterly Liaison reports, which require reporting any proposed program directives. When it is determined that directives have Title VI implications, the ADA/Title VI Program Nondiscrimination Coordinator will work with the program area liaison and program area management to develop recommendations to ensure compliance is achieved.
8. Conducting and coordinating ADA/Title VI training for ADOT staff and subrecipients.
9. Preparing and submitting an annual Title VI Implementation Plan and Title VI report of accomplishments for the past year and goals for next year to FHWA.
10. Updating the Title VI program plans as necessary and submitting to Department of Transportation authorities such as FHWA, FAA, FTA, FMCSA, and NHTSA.
11. Developing Title VI information for distribution to the general public in other languages, as needed.
12. Monitoring public participation and awareness of Title VI policies and procedures for effectiveness in reaching the public.
13. Developing and overseeing implementation of ADOT's LEP Plan.
14. Monitoring the review of National Environmental Policy Act (NEPA) documents to ensure compliance with Environmental Justice Executive Order 12898, LEP Executive Order 13166 and Title VI.

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

The Title VI Nondiscrimination Program Manager reports to the Title VI Nondiscrimination Coordinator. The Title VI Nondiscrimination Program Manager works to assist the Title VI Nondiscrimination Coordinator in their review and responsibilities over all aspects of the Title VI program. In particular, the Title VI Nondiscrimination Program Manager has the delegated task to focus on internal and external Title VI responsibilities and oversee the Civil Rights Specialists to ensure the day to day compliance with ADOT's Implementation Plan. The Title VI Nondiscrimination Program Manager's duties include, but will not be limited to:

1. Providing guidance on Title VI matters for subrecipients and overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and:
  - a. Promptly resolving deficiencies and documenting remedial action within 90 days;

- b. Ensuring subrecipients develop procedures for the collection of statistical data (race, color, national origin and low-income status) of participants in and beneficiaries of federal aid programs;
  - c. Implementing and overseeing subrecipient Title VI plans and programs to ensure compliance;
  - d. Identifying and eliminating discrimination when found to exist.
2. Ensuring the Title VI Assurances are signed by all subrecipients.
3. Complying with ADOT's procedures to investigate and address non-FHWA funded program Title VI complaints filed with ADOT against its subrecipients.
4. Assist in the updates to the Title VI program plans as necessary for USDOT authorities such as; FHWA, FAA, FTA, FMCSA, and NHTSA.
5. Assist in conducting Title VI reviews and training of program areas: Planning and Programming, Procurement and Contract Services, Communications and Government Relations, Environmental Planning, Right-of-Way, Transportation System Management and Operations (TSMO), Engineering Consultant and Construction Contract Administration, Research, Local Public Agencies Section (LPA), Aviation Development and Planning, Business Engagement and Compliance, Project Management Group, Facilities and Motor Vehicle and Enforcement and Compliance Divisions.
6. Assist in conducting subrecipient annual reviews based on a high risk/low risk assessment.
7. Assist in conducting Title VI training and technical assistance for subrecipients.
8. Complying with federal standards to ensure proper implementation of subrecipients' LEP plans.
9. Providing technical assistance, resources and best practices for aiding subrecipient compliance including providing data collection resources, training, and workgroups.
10. Comply with ADOT's responsibilities under Environmental Justice and other CRO nondiscrimination compliance programs.
11. Compliance and oversight of Title VI, EJ and LEP requirements under ADOT's FHWA National Environmental Policy Act (NEPA) Category Exclusions Assignment (23 U.S.C. 326) and (23 U.S.C. 327) Assignment which includes all Environmental Impact Statements (EIS), Environmental Assessments (EA) and Categorical Exclusions (CE).
12. Compliance and oversight of Title VI, EJ and LEP requirements for all NEPA projects under all other DOT authorities such as FAA, FTA, FMCSA, and NHTSA.
13. EJ, Title VI and LEP compliance oversight for all project-related public involvement activities and materials.
14. Participates in project meetings as a member of ADOT project teams.
15. Attends ADOT public meetings or hearings to ensure EJ, Title VI and LEP compliance.
16. Creates and conducts EJ training to internal program areas and provides technical assistance on a case by case basis.
17. Collects demographic information and conducts EJ, Title VI and LEP analysis on all ADOT projects and activities in order to review proposed impacts on low-income and or minority communities, potential Title VI disparate impacts and assesses national origin (LEP) engagement and services provided.
18. Provides guidance on integrating EJ principles into all ADOT programs, as needed.

## **Civil Rights Specialists**

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

1. Assist in and prepare Title VI Implementation Plans.
2. Coordinate activities related to the effective and efficient implementation of ADOT's Title VI Program.
3. Assist in the development of procedures and processes for preventing discrimination.
4. Addressing and resolving complaints of discrimination promptly under non-FHWA funded programs.
5. Provide Title VI technical assistance, guidance, and training to ADOT staff, subrecipients, state officials, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal funds.
6. Develop procedures for collecting statistical data on race, color, and national origin for participants and beneficiaries of federal funds.
7. Develop and publish Title VI information for dissemination to the general public and where appropriate ensure that the information is available in languages other than English.
8. Conduct Title VI annual reviews of all appropriate internal program areas, subrecipients, consultants, contractors, and other recipients of ADOT funds.
9. Develop and oversee processes for obtaining public input, particularly in minority and traditionally underserved areas.
10. Participate in the identification of Title VI impacts and mitigation measures of proposed projects.
11. Attend ADOT public meetings or hearings.
12. Assist in the review of National Environmental Policy Act (NEPA) documents to identify and address social, economic and environmental effects and impacts.
13. Review contractual procedures for consultants and contractors to ensure equity, consistency and that required Title VI contract provisions are included.
14. Provide Title VI, LEP and EJ technical assistance on ADOT multidisciplinary project teams.

## **Title VI Liaison Program**

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

The Title VI Liaison Program consists of one or more liaisons from the ADOT MVD and ECD. The liaisons will work with the Title VI Nondiscrimination Program Manager to ensure their respective areas, programs, and subrecipients comply with Title VI regulations and assurances, collect and analyze demographic data of participants/beneficiaries of programs, meet the objectives of the Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for staff.

The Title VI Liaison Program representatives will meet on a quarterly basis to assist in developing ADOT's federal reporting requirements.

## 5. FEDERAL AID PROGRAMS

All recipients of federal funding must comply with the statutes of Title VI and subsequent acts and provisions. ADOT's Enforcement and Compliance Division (ECD) and Motor Vehicle Division (MVD) have applied for or are currently a recipient of FMCSA federal financial assistance for the programs described below.

### **New Entrant Safety Assurance Program**

FMCSA provides federal financial assistance for ADOT's New Entrant Safety Assurance Program. This program was established in 2010 in response to the Motor Carrier Safety Improvement Act of 1999 to reduce safety incidents involving new motor carriers and drivers through increased training and oversight. The New Entrant Assurance Unit provides extensive training and monitoring through the thorough and effective regulatory enforcement action necessary to facilitate the safe operation of heavy trucks and buses traversing Arizona highways. This unit also conducts approximately 200 enroute commercial vehicle and driver inspections to increase assurances that commercial drivers and vehicles are both safe and qualified to remain on the road.

The primary public benefit of the New Entrant Safety Assurance Program continues to be the reduction of commercial vehicle related crashes which reduces extensive private property damage, public highway infrastructure damage and major commuter delays in Arizona. Although the ADOT New Entrant Safety Assurance program is specific to Arizona-based motor carriers, these benefits also extend to residents of all other states in which Arizona New Entrant motor carriers operate. A secondary benefit to Arizona recipients includes an increase in employment opportunities, tax revenue and general goods and services purchases associated with a successful Arizona-based motor carrier business entity.

<https://azdot.gov/motor-vehicles/enforcement/new-entrant-program>

### **High Priority – Innovative Technology Deployment Program**

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

The primary objective of the HP-ITD program is to implement information systems that support safety information exchange, credentials administration, and electronic screening. HP-ITD is not a new information system, but rather the integration of information systems at the national, state, and local levels. The HP-ITD Program allows trucks to bypass weigh stations by electronically verifying a truck's legal weight, safety rating, and credentials as the truck continues down the road at freeway speeds. These information systems use license plate reader cameras, USDOT number reader cameras, and transponder antennas to identify the carrier and vehicle information. Data about the vehicle is obtained from national and state databases and used in making the sorting decision. Vehicles are instructed to



pull into the port of entry or weigh station by dynamic message signs on the roadway, or via an active transponder or Electronic Logging Device in the truck.

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

Both programs are specific to motor carriers and enable ECD to carry out its safety enforcement and licensing requirements more efficiently. Motor Carrier operators also benefit from less time waiting for individual weighing, review of registrations and safety inspections.

### **Commercial Driver License Program Implementation Grant**

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

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

In addition, should ADOT MVD be awarded the grant, funds will be utilized for expenses required for refurbishing paved areas to which off-road CDL skills tests are conducted at our rural MVD office located in Holbrook, Arizona. All of which would follow the State's standard contract award process for completing the project.

### **High Priority - Commercial Motor Vehicle Grant**

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

FMCSA provides federal financial assistance to states:

1. To carry out activities and projects that augment motor carrier safety;
2. To advance the technological capability and promote the deployment of intelligent transportation system applications for CMV operations, including CMV, commercial driver, and

carrier-specific information systems/networks; and to support and maintain CMV information systems and networks.

In addition to the grants above, the ADOT MVD plans to apply for additional FMCSA federal financial assistance in the near future.

## 6. DISSEMINATION OF TITLE VI PROGRAM INFORMATION

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

<https://azdot.gov/planning/transportation-planning/public-involvement-plan>

ADOT completed a comprehensive update to the PIP in 2023 and it was approved by FHWA on May 18, 2023. The PIP will be reviewed and updated annually as needed, based on new requirements and best practices. To ensure accuracy, please be sure to refer to the most-recent version.

In addition to the FHWA Public Involvement Plan, ADOT has established the following ADOT Public Involvement Plan Annex for FMCSA to comply with FMCSA public involvement requirements. The below link makes this document available to the public:

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



## **Arizona Department of Transportation Public Involvement Annex to comply with Federal Motor Carrier Safety Administration requirements**

### **ADOT Public Involvement Philosophy**

As ADOT strives to create and maintain a transportation system for Arizona that improves the quality of life and bolsters the state's economy, we will include a diversity of voices and viewpoints from across the state that provides valuable insight to help inform the decision-making process. This extends to highway planning, design, construction and operations; long-range planning, ADOT MVD services and commercial vehicle enforcement duties.

### **Public Involvement Requirements**

Federal regulations do not specifically define how to perform public involvement. Project teams develop and implement public involvement plans that are relative to the needs of the specific project and public. This flexibility allows adoption of the following guidance, which seeks to ensure public participation by a comprehensive range of stakeholders. As an agency, project team members will be familiar with the guidance, practices and documentation required as stated in this document and especially with the federal requirements for Title VI, Environmental Justice, Americans with Disabilities Act and LEP outreach and for NEPA, if applicable. All project team members will be familiar with ADOT's PIP and use the tactics required for federal compliance for public participation. The designated ADOT Communications and Public Involvement liaison(s) to the ADOT CRO will provide training for any or all team members when public involvement is required. Whether for a new highway or the scheduled closure of a MVD office, ADOT's public involvement philosophy and processes remain equitable.

### **Linkage to ADOT PIP**

As stipulated by FMCSA in its guidance documents, ADOT's [PIP](#), as approved by FHWA, will remain the standard for how ADOT and MVD conduct outreach and gather public perspective on planned service modifications. The more stringent guidelines for NEPA project outreach will support the decision process for MVD with outreach to communities and key stakeholders.

Additionally, MVD commits to documenting all community input and completing an analysis to identify primary concerns, and providing that input to decision makers. Following implementation of the change, public sentiment/comment will be tracked for no less than six months for reaction or unforeseen consequences. If necessary, adjustments may be considered following the track-and-assess process.

### **Motor Vehicle Division (MVD)-Specific Overview**

As a dynamic customer service-oriented operation, the ADOT MVD is consistently monitoring and reviewing its performance, and operational needs and capacity in future years. Part of this process will occasionally require a review of the effectiveness and need for physical MVD offices in various localities. Population shifts, technological advances, the age of office infrastructure, and office availability are some of the factors considered when office locations are modified, including full closure.

When the decision has been made to make major service reductions or to eliminate service at a particular MVD office, MVD – in consultation with ADOT Communications and Public Involvement – prepares a comprehensive plan of public outreach aligned with the agency [PIP](#), approved in 2023 by the Federal Highway Administration.

## **Stakeholder Assessments**

Public involvement activities must be accessible to anyone who has an interest in the initiative, regardless of race, color, national origin, age, sex, disability, LEP and low-income status. Making sure that all interested members of the public are provided the opportunity to have input helps ADOT and MVD comply with federal nondiscrimination regulations, including Title VI, Americans with Disabilities Act, Environmental Justice and LEP. In addition to legal requirements for public involvement, the more that is known about the area population, the more effective the outreach will be.

- Race
- Age
- Sex
- Income Levels
- Home Occupancy
- Disability
- Language spoken at home
- Vehicles available/use of transit
- Employment Status
- Number of licensed drivers at home

In preparing a stakeholders' list, ADOT will identify affected customers (those who benefit and those burdened by the proposed action), and any advocacy groups, faith-based congregations, community-based organizations/nonprofits, other advisory bodies, etc. Stakeholders' lists will include demographic information for affected customers regarding race, color, national origin (including limited English proficient individuals), sex, age, disability, and income-level. Thus, stakeholders' lists will be inclusive; ensuring that news of the proposed action is communicated to the greatest number of customers and done so in a way that provides accessibility for the unique makeup of the customer base. Because ADOT staff and consultants, when used for outreach, may not be experts in the expectations, sensitivities or interests of a particular community, the Department will develop an outreach plan and stakeholder assessment based on input from local and regional governments and others in formal or informal leadership positions in the community in the affected service area. As a large and diverse state, this is a critical process step and respects the norm established by the Department, and the expectation of local, regional and statewide leaders.

## **Process for Outreach**

Typically, the initial and earliest effort will be to contact government representatives in the potentially affected area. This includes – but is not limited to – state legislators, county supervisors, mayors and city council members and local tribal community leaders, as well as professionals such as city/town managers, legislative staff, etc. This is intended to outline the reasons for the upcoming change and to obtain feedback from these stakeholders. ADOT Communications and Public Involvement - will assess, using tools outlined in the agency's PIP, which community groups may have an interest in upcoming MVD action; efforts will be made to communicate with those groups in writing and, if necessary, in

person. Following completion of the Four-Factor Analysis and review of United States Census records, accommodations will be made for those members of the community with limited English proficiency (based on the Safe Harbor Threshold of 5% of the affected population or 1,000 people, whichever is less) by printing materials in the appropriate languages and having translators available at any public meetings. Language services and other accommodations will also be provided upon request.

Notification to the general public within the affected service area is made using various mass media available. This may include newspapers and local media websites, social media and notices posted at the office location, community centers, religious organizations and other locations where community members frequent. Accommodation languages, as required by Title VI of the Civil Rights Act and ADOT's PIP, are included. Additional notification can be made through the use of direct mailers to affected customers, and mass emails from MVD and ADOT Communications and Public Involvement to interested members of the public. ADOT Communications and Public Involvement has the capability to deliver such emails on a broad geographic basis as well as to news media and MVD customers. Distribution of information will vary based on community expectations and the tools available in each community, including direct mail to impacted residents in some circumstances.

For proposed closures that may have a statewide, as opposed to limited local or regional implication, MVD would initiate public meetings to explain the upcoming change and to obtain customer feedback. When appropriate based on community sensitivities or communication preferences, MVD has, on occasion, held meetings to discuss planned service changes for local and regional operations that did not have statewide impact. Consideration is given to ensuring the meeting location is accessible to all stakeholders (close to transit if possible, ADA compliance, etc.) and at an appropriate time of day based on community assessments. Public meetings are planned and implemented in compliance with the ADOT PIP.

### **Outreach Options**

Scope and significance will be critical in determining the scale of required outreach for service alterations or facility closures. In accordance with provisions outlined through FHWA guidelines for the implementation of NEPA and from guidance from the FMCSA, MVD will assess the service radius for each impacted facility to aid in identification of the target population. That data, connected to the severity of the service impact, will guide decisions on the need for formal public meetings, written/published advisories, less formal public notification, or no advance notice at all. As part of the service-area assessment and possible community impact, MVD will evaluate the role of Authorized Third Party (ATP) offices to provide services as needed to the public or if other technological-based options (such as kiosks in public facilities) will meet the identified community needs. Whether the change has local, regional or statewide impact will further inform decisions on how to engage customers to assess the full scale of impacts and provide data to decision makers. While more than 30 services currently can be completed online, and with a combination of ADOT- and privately operated motor vehicle services offices throughout the state, a range of service delivery options are available; yet, ADOT realizes that each population is unique in their needs, expectations, access to technology, and need for specific support to fully participate as an ADOT customer.

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

- Distributing information about a proposed action or upcoming opportunities for public involvement at transportation hubs, transfer stations or heavily used transit stops.
- Setting up a booth at community fairs or events to increase exposure for a proposed action and distribute fliers or other information, in appropriate languages.
- Sharing posters or information at shopping centers, where the outreach team can reach a large number of people from diverse backgrounds, and at community centers or other common community gathering places (the latter can be highly effective when reaching Native American communities, e.g., coordinating with chapter houses and other locations where other community information is regularly shared).
- Hosting community meetings.
- Meeting with trusted members of a community to seek their assistance with distributing information and/or collecting feedback.

## **Assessment of Input**

While there is not a public vote on implementing or rejecting a proposed change to MVD services, input from members of the community – respecting the diversity of the community – shall inform the decision of Department or Division leaders. In accordance with the ADOT PIP, all comments shall be documented either individually or thematically and analyzed into an executive summary to aid decision makers. The summary and underlying analysis shall be sufficient to represent the input of the community and review any changes to the proposed action that are made based on this input. This critical step – documenting how the decision was influenced, if at all – is key in building and maintaining community support for the proposed change and for ADOT and MVD. Once a proposed action is implemented, efforts to gather public opinion will continue to assess any needed mitigation or countermeasures to smooth the transition; adjustments can be made following the Arizona Management System processes.

## **MVD Office Closures**

The Buckeye MVD Office located at 100 North Apache Road, Suite B, Buckeye, Arizona was permanently closed effective May 31, 2023. This office had been temporarily closed since 2020 due to staffing issues associated with the COVID-19 pandemic/emergency. The City of Buckeye owns the facility that was leased by ADOT MVD, and ADOT was informed by the city that the lease was not going to be extended. The City of Buckeye advised ADOT MVD on April 27, 2023, of the 10 business days' notice of the termination of the lease agreement.



ADOT contacted government representatives in the potentially affected area. These contacts included legislators for the area, and local officials in Buckeye. These representatives were advised of the pending change to service availability for customers in the region and no concerns were expressed. However, one comment has been received since, dated March 1, 2024. The customer’s feedback is as follows: “The City of Buckeye has consistently been ranked as one of the fastest growing communities in the United States. There are many large housing developments being built and there are many warehouses and factories that are coming in. All of these new residents and businesses will require the support of MVD for their licensing, inspection, and registration needs. Buckeye also provides significant support to the Town of Tonopah to our west.”

MVD does not have plans for any other office closures for the near future. Should MVD pursue consolidation or office closures, a PIP will be developed and shared with FMCSA.

### **Title VI Notice to the Public/ Posters and Brochures**

The ADOT CRO provides printed Title VI materials, including posters, brochures, and self-ID survey cards or electronic equivalents, at every public hearing and meeting. These program posters and brochures are available in languages other than English, as needed. Furthermore, current copies of ADOT’s Nondiscrimination Notice to the Public are available and accessible at ADOT buildings statewide.

ADOT’s Nondiscrimination Notice to the Public is also posted at Division locations and at ATP locations. These entities post this notice in a visible location for customers’ and employees’ knowledge and reference. ADOT MVD Third Party Compliance Program conducts on-site reviews of ATP’s to ensure MVD, ADA and Title VI compliance poster requirements. A copy of ADOT’s Nondiscrimination Notice to the Public is included in this document as **Attachment A**.

## **7. COMPLIANCE AND MONITORING**

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

Currently, ADOT does not sub-award FMCSA funds to another recipient. If ADOT were to sub-award FMCSA funds, the following subrecipient compliance and oversight processes would occur:

## **Subrecipient Compliance Review Process**

All recipients of federal funds are required to comply with various nondiscrimination laws and regulations including Title VI. The ADOT CRO requires subrecipients to provide an annual report describing Title VI data collection process from agency and subcontractors, outreach methods, Title VI implementation changes and upcoming Title VI program goals. Yearly reports will be analyzed and categorized based on a high/low risk assessment. After the annual high/low risk assessment is conducted, the CRO will conduct compliance reviews of local public agencies, transit grantees, MPOs and COGs, universities, colleges, and other subrecipients of federal financial assistance to determine level of compliance with Title VI requirements.

ADOT's Title VI Nondiscrimination Program staff will conduct subrecipient compliance reviews annually to:

1. Ensure compliance with Title VI.
2. Provide technical assistance in the implementation of the Title VI program.
3. Respond to complaints received by the agency.
4. Correct deficiencies when found to exist.

### **Notification**

1. Subrecipients will be notified within 30 days of the upcoming Title VI review via DocuSign.
2. A week prior to the on-site review, a reminder will be sent to discuss agenda, logistics, expectations of the on-site visit, and to request policies, procedures and sample documents for a desk audit.

### **On-site Review**

1. During the on-site review, Title VI staff will review:
  - a. Subrecipient data collection methods;
  - b. Subrecipient methods for analyzing Title VI data;
  - c. Environmental Justice efforts;
  - d. LEP efforts,
  - e. Leadership changes; and
  - f. Training efforts and number of complaints received.
2. During the on-site review, Title VI staff will conduct staff interviews and discuss reporting and data collection practices, public notification practices, examine public participation practices, examine efficiency of Title VI complaint procedures and make verbal and written recommendations toward best practices.

### **Deficiencies**

If deficiencies are found:

1. Within 30 days of the on-site review, deficiencies will be documented in a report provided to the subrecipient's director and the ADOT Civil Rights Director.



2. By expectation, the subrecipient should correct all deficiencies within a reasonable time period, not to exceed 90 days of receipt of the report.
3. Within 30 days of report mailing, a meeting will be scheduled to discuss possible technical assistance and action plan toward full compliance.
4. Outstanding high priority vital items such as signed Title VI assurances will be submitted within 30 days of report mailing.
5. The subrecipient will be asked to submit a formal action plan within 45 days of report mailing.
6. Within 90 days, the subrecipient MUST be fully compliant on outstanding deficiencies.
7. If not compliant, ADOT will make a formal funding recommendation to the appropriate oversight division and/or federal authority.

### **No Deficiencies**

If no deficiencies are found:

1. A formal letter of full compliance will be provided within 30 days of on-site review along with a report of findings. The report may still provide recommendations for strengthening the subrecipient's Title VI Program.

### **Follow-up Monitoring**

Title VI staff members will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

## **8. TITLE VI TRAINING**

The CRO provides Title VI/Nondiscrimination Program Specific Training to MVD and ECD. Training is conducted by a trained Civil Rights Specialist specifically assigned to provide MVD and ECD training. A copy of the sample training log that is utilized to measure progress is included as **Attachment B**.

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

**Director and Division** – This training occurs annually and functions as part training and debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges.

**Title VI/Nondiscrimination Liaisons level** – This training is conducted quarterly and is intended to provide liaisons with an opportunity to discuss issues, ask questions regarding reviews conducted or scheduled to be conducted, review specific scenarios and share experiences. It is also an opportunity to provide individualized training related to Title VI/Nondiscrimination requirements and ways to apply the requirements to the specific Program Area.



**Staff Training** – This training is provided by the CRO every two years in person or virtual to ECD staff and yearly to MVD staff. The training defines discrimination, discusses examples of discrimination and incorporates strategies to recognize and avoid potential issues when working with the public. Special emphasis is placed on identifying practices that may be interpreted as discriminatory in nature due to an individual’s protected class and identifies established processes designed to overcome barriers relative to a person’s limited English proficiency. The training also covers ADOT’s Title VI Complaint process and includes a question/answer session and is followed by a written test.

**All staff/new staff computer based training** – All ADOT employees, contractors, and consultants who provide services on behalf of ADOT complete a computer based training course that introduces federal requirements under ADOT’s Title VI program. The course titled, ADOT’s Title VI Nondiscrimination Program is required annually. The CRO is provided a monthly report tracking employees who have completed the training in order to ensure program area compliance. At the conclusion of the training employees take a comprehension exam, acknowledge understanding of ADOT’s Title VI Nondiscrimination program and accept responsibility for complying with Title VI requirements by signing “ADOT’s Employee Non Discrimination Anti Retaliation Agreement.”

The CRO provides a second computer based training titled “Introduction to the Civil Rights Office,” which is conducted during the onboarding process for new employees and during the CRO’s annual ECD Title VI/Nondiscrimination training.

As there are no current ADOT subrecipients of FMCSA funding, the CRO does not conduct Nondiscrimination training to external agencies.

## 9. COMMERCIAL MOTOR VEHICLE INSPECTIONS POLICY

ADOT ECD continues to implement the Commercial Motor Vehicle Inspections Policy, Operational Order Number 8.1.52 to ensure inspections are conducted in an equitable, fair, and consistent manner that complies with Title VI requirements. Although ECD implemented the policy on December 22, 2020, ECD proactively reviewed it on April 27, 2022 to assure effectiveness, validity and alignment with best practices. This policy is on a two-year review cycle and will be reviewed in April 2024.

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



The section below is the Commercial Motor Vehicle Inspection policy.

### **Purpose**

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

### **Policy**

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

### **Definitions**

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

### **Procedures**

- A. General
  - 1. ECD complies with Arizona statutes that grant authority to conduct inspections, as well as all applicable ADOA, ADOT, and ECD rules of conduct, enforcement activity

restrictions, and published policies and procedures regulating commercial vehicle enforcement.

2. Title 28, Chapter 14 of the Arizona Revised Statutes (ARS) sets forth Motor Carrier Safety regulations. A.R.S. § 28-5204 allows for the Arizona Department of Public Safety (DPS) or any political subdivision to enforce any rules adopted pursuant to this chapter. This same statute requires that anyone acting for a political subdivision in enforcing this chapter must be certified by DPS as qualified for the enforcement activities. CVSA certification requirements for ECD personnel are detailed in ECD Operational Orders 8.1.50, CVSA Level 1 Certification and 8.1.51, CVSA Additional Certifications.
  3. A.R.S. § 28-5231 provides the authority for ECD personnel to inspect CMV documents and equipment. It notes that employees of the Arizona DOT or the Arizona Department of Public Safety (DPS) may inspect the books, records or other data of a manufacturer, shipper, or motor carrier during business hours or at any time if the cause is to protect the public safety. It also notes that a DPS officer or any police officer, including an ECD officer, may during usual business hours, or at any time if there is a public safety issue, examine records, books or other data required to be maintained and equipment and facilities pertinent to the operation in order to verify the truth and accuracy of a statement, report or return and to determine compliance with safety rules imposed under Title 28, Chapter 14.
  4. Although such administrative actions, including commercial vehicle inspections, do not require probable cause or reasonable suspicion, it is ECD's practice to identify vehicles for inspection based on factors articulated in this policy.
  5. ARS § 28-369 provides the authority for ECD officers to require CMVs to stop at a Port of Entry (POE) for the purpose of enforcing a motor vehicle law and makes it a misdemeanor to fail to stop (port runners).
- B. Criteria for Selection of CMV's for Inspections at Ports of Entry and During Mobile Operations
1. Priority for inspections will be given to those situations where there is an observed violation of law or regulations. This could be a violation related to the driver or the vehicle, including equipment or size violations, or weight and load violation.
  2. When available, POEs will consistently use standardized electronic vehicle screening systems that utilize ISS carrier safety rating information. Those carriers that are either poorly rated or have insufficient data will take priority in the inspection selection.
  3. On those occasions when CMV traffic patterns are minimal, CMVs with no valid CVSA decal may be selected for inspection.
  4. Vehicles displaying a valid CVSA decal will generally not be subject to re-inspection unless an equipment violation is observed or a driver violation is suspected.
  5. ECD personnel shall not interrupt or otherwise disturb any driver of a CMV in an off duty or sleeper berth status when the CMV is legally parked for the sole purpose of conducting a random inspection.
- C. Documentation
1. All inspections will be documented through the ASPEN inspection program.

- a. Inspections shall be uploaded as soon as possible, but no later than the end of the inspecting employee's shift.
  - b. Inspections containing out-of-service violations shall be uploaded immediately.
  - c. In unusual scenarios where the ASPEN program is not available, CVSA inspections are to be documented on a hand written Driver-Vehicle Examination Report (DPS form 802-09013).
  - d. A Spillman Incident Report number shall be obtained and a report prepared, which will include the demographic information of the driver and document any citations issued.
- D. The Division is committed to the unbiased and equitable treatment of all persons in enforcing the law and providing services. Employees conducting motor vehicle enforcement, including CMV inspections, will adhere to ECD Operational Order 4.1.100, which prohibits biased based policing of any type and notes the following:
- 1. It is the policy of the ADOT to uphold and ensure full compliance with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and related nondiscrimination authorities as identified in the FMCSA Title VI Program Assurance signed by the ADOT Director.
    - a. These authorities require that no person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any ADOT program or activity on the basis of race, color, national origin, sex, age, disability, income level, or limited English proficiency.
    - b. ADOT has adopted a Public Notice of Compliance with Title VI Program Rights that informs the public of the department's Title VI program assurances and responsibilities. This public notice is posted for public access at this link: <https://azdot.gov/sites/default/files/2023-05/nondiscrimination-notice-to-the-public-poster-fmcsa.pdf>
  - 2. ADOT must ensure that all of its programs and activities are operated in a nondiscriminatory manner. In order to monitor ADOT's Title VI compliance, the ADOT CRO reviews and analyzes quarterly reports and Title VI meeting summaries. The review looks for potential disparities based on race, color, national origin, sex, age, disability, income level, or limited English proficiency. Each program area also submits data through quarterly reports and Title VI meeting summaries on outreach methods, compliance effort with ADOT's PIP, ADOT's FMCSA Title VI Plan, Title VI dissemination, DOT LEP Four-Factor Analysis results on a project by project basis and data sources, policy updates, Title VI training attended and public complaints reported. Using a high/low risk assessment CRO staff conduct a comprehensive compliance reviews annually to:
  - 3. Ensure compliance with Title VI.
  - 4. Provide technical assistance in the program areas implementation of Title VI.
  - 5. Correct deficiencies, when found to exist.

- E. As part of ADOT's Title VI internal monitoring programs, CMV enforcement, including commercial vehicle inspections, will be reviewed annually to ensure compliance with Title VI, provide any needed technical assistance in the implementation of Title VI, and correct any deficiencies found to exist.

## 10. ACCESS TO RECORDS/PROGRAM REVIEWS

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

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

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



## PROGRAM AREA COMPLIANCE REVIEWS

All FMCSA-funded programs will be subjected to comprehensive Title VI reviews by the CRO on a periodic basis to:

1. Ensure compliance with Title VI.
2. Provide technical assistance in the implementation of the Title VI requirements.
3. Respond to complaints received by the agency.
4. Correct deficiencies when found to exist.

### **Notification**

1. Program Areas will be notified within 30 days of the upcoming Title VI review by DocuSign.
2. A week prior to the on-site review, a reminder will be sent to discuss agenda, logistics, expectations of the on-site visit, and to request policies, procedures and sample documents for a desk audit.

### **On-site Review**

1. A Title VI staff member will:
  - a. review internal policies, procedures and demographic data reported through quarterly reports and other methods;
  - b. review environmental justice efforts;
  - c. LEP efforts; and
  - d. Leadership changes.
2. Training efforts and number of complaints received.
3. During the on-site review, the Title VI staff member will conduct staff interviews and discuss reporting and demographic data collection practices, public notification practices, examine public participation practices, examine efficiency of Title VI complaint procedures and make verbal and written recommendations toward best practices.

### **Deficiencies**

If deficiencies are found:

1. Within 30 days of the on-site review, deficiencies will be documented in a report provided to the program area's director, Title VI Liaison, and the ADOT Civil Rights Director.
2. By expectation, the program area should correct all deficiencies within a reasonable time period, not to exceed 90 days of receipt of the report.
3. Within 30 days of report mailing, a meeting must be scheduled to discuss possible technical assistance and action plan toward full compliance.
4. Outstanding high priority vital items will be submitted within 30 days of report mailing.
5. CRO and the program area will work together to create a Compliance Action Plan (CAP) within 45 days of report mailing, the CAP will include, at a minimum, resources, training, and best practices to achieve compliance.



6. Within 90 days, the program area MUST be fully compliant on outstanding deficiencies.
7. If not compliant, the ADOT CRO will make a formal recommendation and findings will be issued to the ADOT Director.

### **No Deficiencies**

If no deficiencies are found:

1. A formal letter of full compliance will be provided within 30 days of the on-site review along with a report of findings. The report may provide recommendations for strengthening the program area's Title VI compliance.

## **DATA COLLECTION AND ANALYSIS**

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

### **Motor Vehicle Division (MVD)**

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

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





compliance through either a triennial desk review or a self-certification review whereby the ATP attests continued compliance with all ADA and Title VI policies and practices as outlined in the contract agreement with ADOT.

### **Enforcement and Compliance Division (ECD)**

The mission of the Enforcement and Compliance Division is to ensure the safe and efficient movement of people, goods and services throughout Arizona while promoting compliance with all applicable state and federal laws and regulations.

- **The Enforcement Services Bureau (ESB)** utilizes officers in the enforcement of transportation related laws and regulations. Through the fixed port of entry system and mobile enforcement, commercial vehicles are checked for compliance with size, weight, and safety laws, including laws relating to the transportation of hazardous materials. In addition, ESB inspects vehicles for authorized ownership, monitors and recovers stolen vehicles and vehicle components, and completes administrative and criminal investigations.
- **Ports of Entry (POE)** monitor all commercial traffic entering Arizona for registration, taxes, size and weight restrictions, commercial driver license requirements, insurance requirements and equipment safety requirements and issue permits, as required.
- **New Entrant (NE) Program** is designed to assure that new motor carriers understand the complex federal and state safety regulations that are required and provides a mechanism with which to remove unsafe commercial transportation operations. ECD conducts all New Entrant inspections and Safety Audits on Arizona-based interstate motor carriers.

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

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

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

## 11. COMPLAINT PROCEDURES

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

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

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, age, sex, disability, income status or LEP may file a formal complaint with the ADOT's CRO. A copy of the Complaint Form **Attachment D** may be accessed electronically at:

<https://azdot.gov/sites/default/files/2023-12/FMCSA-ADA-Title-VI-Discrimination-Complaint-Form.pdf>

2. The complaint must be filed within 180 days of the alleged discrimination, the date the alleged discrimination became known to the complainant or the last date of the incident.
3. The complaint must be written and signed by the complainant and shall include:
  - a. The complainant(s) name, address and phone number.
  - b. A detailed description of the alleged incident that led the complainant to believe discrimination occurred.
  - c. The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date the conduct was discontinued.
  - d. The names and job titles of those parties involved in the complaint.
  - e. The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (race, color, national origin, sex, age, disability, income status or LEP).
  - f. Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations.
  - g. The corrective action being sought by the complainant.
4. Complaints may be filed by one of the following methods:
  - a. By completing and signing the Complaint Form and delivering it in person or by mail.
  - b. By emailing or faxing the Complaint Form and sending the signed original to the CRO.
  - c. By calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature and return.
  - d. By electronically submitting and digitally signing the Complaint Form.
5. Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action.

- a. Complaints against ADOT or its subrecipients in FHWA funded programs will be referred to FHWA for processing.
  - b. Complaints against ADOT under all other USDOT federally-funded programs fall under ADOT's authority and jurisdiction for investigation and/or resolution.
6. For acceptance, a complaint must be:
  - a. Timely filed.
  - b. Involve a covered basis (race, color, national origin, sex, age, disability, income status or LEP).
  - c. Within ADOT's authority.
7. Complaints may be dismissed if the complainant:
  - a. Requests the withdrawal of the complaint.
  - b. Fails to respond to repeated requests for additional information.
  - c. Fails to cooperate in the investigation.
  - d. Cannot be located after reasonable attempts to reach the complainant have been made.
8. ADOT CRO will maintain a confidential log of accepted and/or forwarded Title VI Complaints which will include:
  - a. Name of complainant(s).
  - b. Date the complaint was received.
  - c. Date of the allegation.
  - d. Description of the alleged discrimination.
  - e. Other relevant information, as needed.
  - f. Report date.
  - g. Recommendations.
  - h. Outcome/Disposition.

A copy of the Complaint Log is included in this plan as **Attachment E**.

9. Upon accepting a complaint, the CRO investigator will:
  - a. Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 calendar days from the CRO's written notification to furnish a written response.
  - b. Determine if more information is needed to resolve a complaint and may contact the complainant who will then have 10 calendar days to provide additional information.
10. Within 45 days of accepting a complaint, an ADOT Investigator will:
  - a. Gather all relevant information in a fair and impartial manner.
  - b. Conduct interviews of all concerned parties.
  - c. Prepare a final investigative report with a recommended disposition.
11. Upon final determination, one of two letters will be issued to the complainant:
  - a. A closure letter summarizing the allegations stating that there was no Title VI violation and that the complaint will be closed.



- b. A Letter of Finding summarizing the allegations and the interviews regarding the alleged incident and explaining whether any additional action, additional training of the staff or other action will occur.
12. All allegations of discrimination will be taken seriously and every effort will be made to provide fair and unbiased determinations. In instances where there is dissatisfaction with ADOT's determination, the complainant may file a complaint directly with the appropriate USDOT modality:

U.S. Department of Transportation, Federal Highway Administration, Arizona Division  
4000 North Central Avenue, Suite 1500, Phoenix, AZ 85012

U.S. Department of Transportation, Federal Aviation Administration  
800 Independence Ave. SW, Washington, DC 20591

U.S. Department of Transportation, Federal Motor Carrier Safety Administration  
1200 New Jersey Ave. SE, Washington, DC 20590

U.S. Department of Transportation, Federal Transit Administration  
FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590

U.S. Department of Transportation, National Highway Traffic Safety Administration  
1200 New Jersey Ave. SE, Washington, DC 20590

## 12. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

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

### Authorities

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

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible persons
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight compliance review requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin; focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons’ meaningful access to services using factor criteria under federally-funded programs
Annual Accomplishments and Upcoming Goals Report to Federal Highways Administration (FHWA)	Annual Accomplishment and Upcoming Goals Report to Federal Highways Administration (FHWA)

### Roles and Responsibilities

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

Each program area will be responsible for conducting a Four-Factor Analysis and ensuring compliance with LEP requirements on a project-by-project basis. Quarterly, ADOT Program Area Title VI Liaisons will provide the CRO with documentation of Four-Factor Analysis conducted on a project-by-project basis.



The CRO will conduct a secondary examination to ensure accuracy and consistency of the application of the Four-Factor Analysis, and provide feedback when necessary or as required. On a quarterly basis, the CRO will also analyze Four-Factor results to identify potential disparate impacts to be addressed with the program area. Lastly, the CRO will review all Civil Rights Title VI meeting summaries required to be submitted within two weeks by program areas who have convened a public meeting to ensure compliance with ADOT’s LEP Plan.

Activity	Responsibility ADOT Division / Program	Title VI Program
1. Assessing and addressing the needs of eligible persons (Conduct a Four-Factor Analysis).	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

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

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

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

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

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

**AGENCY LEP FOUR-FACTOR ANALYSIS**

**(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA’S RESPONSIBILITY TO CONDUCT THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)**

In developing this plan; ADOT undertook U.S. Department of Transportation’s (USDOT) Four-Factor LEP analysis which considers the following:

1. The number or proportion of LEP persons eligible in Arizona who may be served or likely to encounter ADOT programs, activities, or services.



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

<b>State of Arizona Limited English Proficient Populations that meet the *Safe Harbor Threshold by Counties</b>				
County	Language	Percent	Speak English less than "very well"	Total Population
Apache	Other and unspecified languages	14.40%	8,963	62,250
Cochise	Spanish or Spanish Creole	6.77%	8,068	118,133
Coconino	Spanish or Spanish Creole	1.54%	2,076	137,541
Gila	Spanish or Spanish Creole	1.68%	860	50,491
Graham	Spanish or Spanish Creole	2.73%	972	35,543
Greenlee	N/A	N/A	N/A	8,838
La Paz	Spanish or Spanish Creole	4.29%	863	16,091
Maricopa	Spanish or Spanish Creole	6.33%	262,136	4,101,545
Maricopa	Chinese (inc. Mandarin, Cantonese)	0.29%	12,300	4,101,545
Maricopa	Vietnamese	0.23%	9,540	4,101,545
Maricopa	Arabic	0.15%	6,255	4,101,545
Maricopa	Tagalog	0.09%	4,116	4,101,545
Maricopa	Korean	0.06%	2,551	4,101,545
Maricopa	Other Indo-European languages	0.37%	15,288	4,101,545
Maricopa	French, Haitian, or Cajun	0.04%	1,816	4,101,545
Maricopa	Other and unspecified languages	0.24%	10,084	4,101,545
Maricopa	Russian, Polish, or other Slavic languages	0.12%	5,196	4,101,545
Maricopa	German, or other West Germanic languages	0.02%	949	4,101,545
Maricopa	Other Asian and Pacific Island languages	0.23%	9,645	4,101,545
Mohave	Spanish or Spanish Creole	2.66%	5,368	202,273

<b>Navajo</b>	Spanish or Spanish Creole	1.17%	1,201	99,597
<b>Navajo</b>	Other and unspecified languages	5.35%	5,507	99,597
<b>Pima</b>	Spanish or Spanish Creole	6.26%	61,472	979,353
<b>Pima</b>	Russian, Polish, or other Slavic languages	0.11%	1,080	979,353
<b>Pima</b>	Other Indo-European languages	0.14%	1,388	979,353
<b>Pima</b>	Chinese	0.28%	2,753	979,353
<b>Pima</b>	Vietnamese	0.14%	1,423	979,353
<b>Pima</b>	Other Asian and Pacific Island languages	0.12%	1,262	979,353
<b>Pima</b>	Arabic	0.11%	1,086	979,353
<b>Pima</b>	Other and unspecified languages	0.23%	2,279	979,353
<b>Pinal</b>	Spanish or Spanish Creole	4.76%	20,106	397,456
<b>Santa Cruz</b>	Spanish or Spanish Creole	34.39%	14,952	44,277
<b>Yavapai</b>	Spanish or Spanish Creole	2.96%	6,606	224,547
<b>Yuma</b>	Spanish or Spanish Creole	18.62%	36,687	188,662

Source: U.S. Census Bureau (2021). Language Spoken at Home by Ability to Speak English for the population 5 years and over, 2018-2021 American Community Survey 5-Year estimates. Retrieved August 3, 2023 from [https://data.census.gov/table?q=c16001&g=040XX00US04\\$0500000&tid=ACSDT5Y2021.C16001](https://data.census.gov/table?q=c16001&g=040XX00US04$0500000&tid=ACSDT5Y2021.C16001)

*\*Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.*

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

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

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



- Enforcement Services Program
- Civil Rights Office (CRO)
- Human Resources (HR)

## **LAW AND POLICY**

- Executive Hearing Office

## **BUSINESS OPERATIONS**

- Employee and Business Development Office
- Audit and Analysis
- Communications
  - Community Relations
  - Public Information

## **BUSINESS ENTERPRISE**

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

## **FINANCIAL**

- Procurement

## **STATE ENGINEER**

- Infrastructure Delivery and Operations Division (IDO)
  - Engineering Consultant Section (ECS)
  - Construction Group and Materials
  - Contracts and Specifications
  - Local Public Agency (LPA)
  - Joint Project Agreement Section
  - Right-of-Way (ROW)
  - Project Management Group (PMG)
- Environmental Planning
- Multimodal Planning Division (MPD)
  - Aeronautics
  - Transit
  - Major Projects
  - Grant Coordination

- Research
  - Transportation Analysis
  - Planning and Programming
  - Tribal Planning and Coordination
  - Safety
  - Administrative Functions
  - Alternative Delivery/Major Projects
    - Public Private Partnership (P3) Initiatives
  - Transportation Systems Management and Operations (TSMO)
    - Systems Maintenance
    - Emergency Management
    - Traffic Maintenance
    - Geospatial Analysis
3. The nature and importance of the program, activities or services provided by ADOT to LEP persons.

All of ADOT's programs are important; however, ADOT has identified those related to safety, public transit, MVD, Right Of Way (ROW), Environmental Planning, Community Relations and Public Information are among the most important and likely to have the highest LEP interactions.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. ADOT will strive to continue to provide alternative and meaningful language formats to all LEP persons. Moreover, ADOT will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

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

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



ADOT has identified the following resources for LEP:

- List containing direct contact information for ADOT staff who have volunteered to assist as interpreters and/or translators if needed. Lists will be verified and updated annually for each program area by the Title VI Liaison and will be published on the ADOTNet under the “FHWA Title VI Liaison Resources” tab as an internal employee resource.
- Program areas that have contact with the public may use the U.S. Census “I Speak” language cards to identify language needs in order to match them with available services. Language cards will be verified and distributed annually by the program area Title VI Liaison.
- Use of web based translation and telephonic interpretation services under contract with ADOT, when required.
- Each program area will maintain a list of translation and interpretation services for use, when required.
- All ADOT program areas procure interpretation and or translation services through the Arizona Procurement Portal (APP) which lists ADOT “on-contract” interpretation and or translation vendors.

ADOT makes the below Title VI information available in Spanish:

- Title VI and Nondiscrimination Notice to the Public
- Complaint Procedures
- Complaint Form
- Title VI Informational Brochures
- Self-Identification Cards to voluntarily collect demographic data
- Outgoing voice message for the CRO’s main phone line
- Civil Rights contact information on the ADOT website

### **USDOT Safe Harbor Stipulation**

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

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



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

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

### **Conclusion**

ADOT understands that language needs will change as the Arizona population changes. Further, ADOT will comply with the requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, ADOT will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the ADOT’s commitment to nondiscrimination or to request additional information about LEP services, contact Danielle Valentine or Krystal Smith, Title VI/ADA Nondiscrimination Program Coordinators at [civilrightsoffice@azdot.gov](mailto:civilrightsoffice@azdot.gov) or 602-712-8946.

### **LEP Guidance and Resources**

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

- [The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.](#)
- [The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000](#)
- [U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001](#)
- [United States Census 2010 Language Identification Flashcard](#)
- [LEP.gov website](#)

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

Applicants applying for federal funding from FMCSA that have undergone a Civil Rights Title VI Review by FMCSA-CRO or any other Federal Agency must provide a copy of the Compliance Review Report. No federal agency reviews have taken place in the reporting period.

# Attachment A

## ADOT's Nondiscrimination Notice to the Public



### ADOT'S NONDISCRIMINATION NOTICE TO THE PUBLIC FOR FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) FUNDED PROGRAMS ONLY

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

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

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

### AVISO PÚBLICO DE LA LEY DE NO-DISCRIMINACIÓN DE ADOT QUE APLICA SOLO PARA LOS PROGRAMAS FINANCIADOS POR LA ADMINISTRACION FEDERAL DE SEGURIDAD DE AUTOTRANSPORTE (FMCSA)

El Departamento de Transporte del Estado de Arizona (ADOT) informa al público que esta agencia tiene como regla asegurar el cumplimiento total del Título VI de la Ley de los Derechos Civiles de 1964, del Título II de la Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA) y otras normas relacionadas con todos sus programas y actividades.

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

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

**KRYSTAL SMITH**  
ADA/504 Nondiscrimination Program Coordinator  
Ksmith2@azdot.gov

**DANIELLE VALENTINE**  
TITLE VI Nondiscrimination Program Coordinator  
Dvalentine@azdot.gov

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

09-2017 1-181



# Attachment B Sample Training Log



Clear

## INSERT ATP NAME ATP EMPLOYEE TITLE VI/ADA TRAINING LOG

EMPLOYEE NAME	JOB TITLE	DATE TRAINING CONDUCTED	METHOD OF TRAINING (in-person, webinar, or one-on-one)	INSTRUCTOR	NOTES

# Attachment C

## Quarterly Reports

Section 1 of 7

### Motor Vehicle Division Title VI Quarterly Report

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

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

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

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

Long answer text

After section 1 Continue to next section

Section 2 of 7

### Dissemination of Title VI Information

Description (optional)

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

Long answer text

Do you need any Nondiscrimination Notices or brochures? \*

Yes

No

## Section 3 of 7

### Motor Vehicle Division Service Changes

Description (optional)

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

Yes

No

After section 3 Continue to next section

## Section 4 of 7

### Service Area Demographic Data Requirements

Description (optional)

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

Long answer text

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

Long answer text

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

Long answer text



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

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

Long answer text

---

Did all of your public advertisements contain ADA and Title VI Nondiscrimination language? \*  
Provide a copy of an advertisement.

Yes

No

Did not have any public meetings.

\*\*\*

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

Short answer text

---

Section 5 of 7

## Limited English Proficiency (LEP) & Translation Services



Description (optional)


Did you receive any translation services requests from members of the public? \*  
If yes, provide a log that includes the name of the customer, MVD office location, demographic information of the customer and what steps were taken to ensure "meaningful" access to LEP individuals?

- Yes
- No

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

Long answer text

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

 Add file

 View folder

Cost of LEP services provided this quarter? \*

Short answer text

**Section 6 of 7**

**Denial of Services** ⌵ ⋮

Description (optional)

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

Long answer text

Please attach any incident reports submitted.

[View folder](#)

After section 6 [Continue to next section](#) ⌵

**Section 7 of 7**

**Major Accomplishments** ⌵ ⋮

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

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

Long answer text

# Attachment D Complaint Form



## ADA/Title VI Discrimination Complaint Form

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

Clear

### Complainant's Information:

Name:

Address:

City:  State:  Zip:

Email:

Home Phone Number:  Alternate Phone Number:

### Person discriminated against (someone other than complainant):

Name:

Address:

City:  State:  Zip:

Home Phone Number:  Alternate Phone Number:

Which of the following best describes the reason you believe the discrimination took place?

Please be specific.

Race  Color  National Origin

Sex  Age  Disability

Low Income Status

Limited English Proficiency (LEP)

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

Where did the alleged discrimination take place?

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

## ADOT

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

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

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

Federal Agency     Federal Court     State Agency     State Court     Local Agency

Name:

Address:

City:  State:  Zip:

Phone Number:  Alternate Phone Number:

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

\_\_\_\_\_  
Complainant Signature                                            Date                      Number of attachments:

Please email form and any additional information to:

ADOT Civil Rights Office  
[CivilRightsOffice@azdot.gov](mailto:CivilRightsOffice@azdot.gov)  
ATTN: ADA/Title VI Nondiscrimination Program Coordinator  
206 S. 17th Avenue, Maildrop 155A  
Phoenix, AZ 85007  
Phone: 602.712.8946 Fax: 602.239.6257  
[www.azdot.gov](http://www.azdot.gov)

