

City of Tucson

DEPARTMENT OF TRANSPORTATION



Title VI Non-Discrimination Plan

Annual Update

August 1, 2017

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I. NON-DISCRIMINATION POLICY STATEMENT



**DEPARTMENT OF TRANSPORTATION
POLICY BULLETIN**

SUBJECT: Title VI Non Discrimination Policy Statement			NUMBER	PAGE	
			1.50	1 of 1	
			EFFECTIVE DATE: 03/27/2015		
<input checked="" type="checkbox"/>	All Divisions	<input type="checkbox"/>	Streets & Traffic Maint	Transportation Director Approval: 	Approval Date: <i>3/27/2015</i>
<input type="checkbox"/>	Director's Office	<input type="checkbox"/>	Transit Services		
<input type="checkbox"/>	Administrative Services	<input type="checkbox"/>	Park Tucson		
<input type="checkbox"/>	Engineering	<input type="checkbox"/>	Planning &		
<input type="checkbox"/>	Traffic Engineering	<input type="checkbox"/>	Programming		

NON-DISCRIMINATION POLICY STATEMENT

The City of Tucson, Department of Transportation “TDOT” assures that no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any sponsored program or activity. There is no distinction between the sources of funding.

The City of Tucson, Department of Transportation also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. If problems are found, those problems will be corrected as quickly as possible but will not take longer than 90 days. Additionally, the department will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

When The City of Tucson, Department of Transportation distributes Federal-aid funds to another entity, all sub-recipients will be monitored to ensure compliance the non-discrimination plan.

SIGNED BY DARYL W. COLE, DIRECTOR

II. DEFINITIONS

ADA – Americans with Disabilities Act

ADOT-Arizona Department of Transportation

Assurances- a written statement of contractual agreement signed by an authorized official in which the recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Compliance- that satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

COT – City of Tucson

Discrimination- to make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based solely on race, color, or sex, or national origin.

FHWA-Federal Highway Administration

FTA-Federal Transit Administration

Interpretation- Oral language services. The act of listening to something in one language and orally translating it into a different language.

LEP- Limited English Proficiency. Persons who are not proficient in English.

NHTSA- National Highway Traffic Safety Administration

OEOP- Office of Equal Opportunity Programs, City of Tucson

PAG - Pima Association of Governments

TDOT- Tucson Department of Transportation

Translation- Written language services. The replacement of written text from one language into an equivalent written text in another language.

TTY- A special device that lets people who are deaf, hard of hearing, or speech-impaired use the telephone to communicate, by allowing them to type text messages. A TTY is required at both ends of the conversation in order to communicate.

III. INTRODUCTION

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City of Tucson must provide access to individuals with limited ability to speak, write, or understand the English language. The City will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City of Tucson’s Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964, and related regulations and directives;
2. To ensure that people affected by the City’s programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of Tucson’s programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may

create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;

5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City's services, programs or activities.

As the sub-recipient of federal highway funds, the City of Tucson must comply with federal and state laws and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

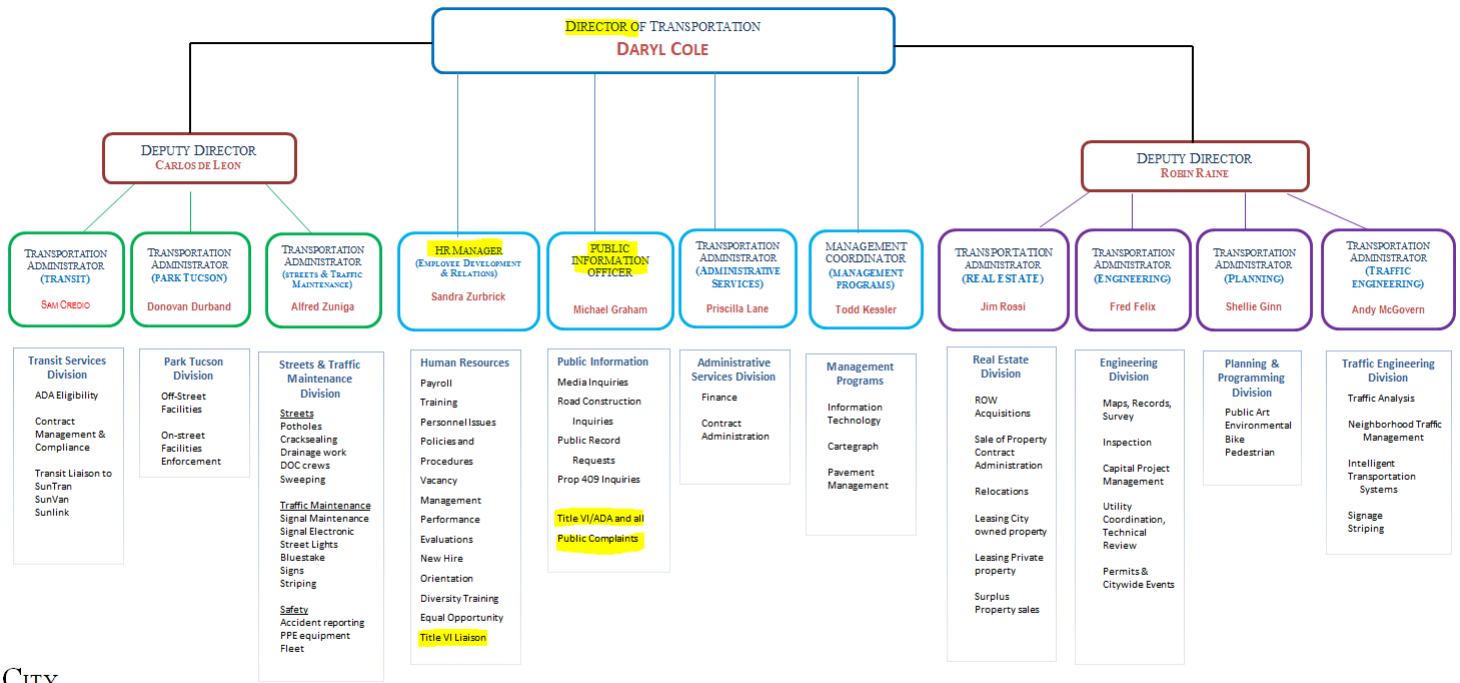
The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of Tucson's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Tucson has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

IV. ORGANIZATION CHART

The City of Tucson, Department of Transportation Organization Chart shows that the Title VI Coordinator is strategically placed in the Director's office and reports to the Human Resource Manager. The Human Resource Manager oversees training for all department personnel as well investigations of discrimination. The Human Resource Division of TDOT works closely with the Office of Equal Opportunity Programs (OEO) of the City of Tucson and the Human Resource Department to ensure equity and compliance.



V. 2017 TITLE VI STANDARD ASSURANCES

The **City of Tucson** (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *Federal Highway Administration and Arizona Department of Transportation*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation--Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 23 C.F.R. Part 200 Subchapter C-Civil Rights (Title VI program implementation and related statutes)

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

General Assurances

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

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

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

Specific Assurances

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

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

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

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to a construct a facility or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

City of Tucson
(Name of Recipient)

by 
Daryl W. Cole
Director, Transportation Department

DATED 7/24/17

VI. AUTHORITIES

The two main authorities enabling Title VI implementation, compliance and enforcement are the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. However, other statutes, laws, regulations, executive orders and the United States Constitution provide guidance for the effective execution of the objectives of Title VI.

These include:

- Federal-Aid Highway Act of 1973
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Age Discrimination Act of 1975
- Uniform Relocation Act of 1970
- Executive orders 12898 and 13166
- 28 CFR 50.3 Guidelines for Enforcement of Title VI, Civil Rights Act of 1964
- 49 CFR Part 21- Nondiscrimination in Federally-assisted Programs of the Department of Transportation

What is Title VI?

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals and groups from discrimination on the basis of their race, color and national origin in programs and activities that receive federal financial assistance. However, the Federal Highway Administration's (FHWA) reference to Title VI includes other civil rights provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.

Programs Covered

Federally assisted programs include any highway, project, program or activity for the provision of services and for other benefits. Such programs include education or training, work opportunities, health, welfare, rehabilitation, housing or other services, whether provided directly by TDOT or indirectly through contracts or other arrangements with other agents.

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What type of discrimination is prohibited under TDOT's Title VI program?

Discrimination under our Title VI program is an action or inaction, intentional or not, through which any intended beneficiary, solely because of race, color, national origin, sex, age, disability or retaliation has been otherwise subjected to unequal treatment or impact, under any TDOT program or activity. Discrimination based on the grounds referenced above limit the opportunity for individuals and groups to gain equal access to services and programs. In administering federally assisted programs and activities, TDOT cannot discriminate either directly or through contractual or other means by:

- Denying program services, financial aids or other benefits;
- Providing different program services, financial aids or other benefits, or providing them in a manner different from that provided to others;
- Segregating or separately treating individuals or groups in any manner related to the receipt of any program service or benefit;
- Restricting in any way the enjoyment of any advantage or privilege enjoyed by others receiving any program service or other benefits;
- Denying persons the opportunity to participate as a member of a planning, advisory or similar body;
- Denying persons the opportunity to participate in the program through the provision of services, or affording the opportunity to do so differently from those afforded others.

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VII. ADMINISTRATION OF TITLE VI PROGRAM

The City of Tucson designates Diane Sotelo (hereinafter referred to as the “Title VI Coordinator”) as the point of contact for Title VI programmatic implementation. Diane Sotelo shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Arizona Department of Transportation, Civil Rights.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the ADOT Civil Rights Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the City’s Title VI Plan on the main page of the City of Tucson’s internet website, making brochures easily accessible and hanging posters in public areas.

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are

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found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

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VIII. PUBLIC PARTICIPATION PLAN

Tucson Department of Transportation's public involvement plan provides for full and fair participation for all potentially affected communities. Identifying these communities requires close coordination between the development and implementation of the public involvement effort and the data collection and analysis phases of the planning process, all of which are subject to Title VI and Environmental Justice provisions.

The data collection phase provides information on the protected populations, which are often synonymous with the underserved/under-represented populations and, therefore, may need particular attention in the public involvement effort. The analysis phase provides information on the potential level of impact to the various populations that will need to be integrated into those public involvement efforts seeking input on alternative development, alternative preferences, and/or mitigation. TDOT addresses Title VI requirements both quantitatively and qualitatively with thorough public involvement and data analysis techniques.

To foster public participation, staff in each project ensures that information is readily accessible and ensures that the people likely to be affected by and/or interested in a program or project are identified and made aware of opportunities to participate. The following sections address each of these practices in more detail.

Access to TDOT Information

TDOT's documents, data and information, with few exceptions, are a matter of public record. As such, any request from a member of the public for a TDOT document is responded to in a timely manner. At a minimum, a written response is provided within one week of the receipt of a public information request.

Stakeholder Analysis

TDOT staff analyzes who will be affected and/or interested in the planning issue or policy being developed. This involves identifying both internal and external stakeholders.

Internal stakeholders typically include TDOT staff involved in related activities and other governmental agencies with jurisdiction or interest in the activity. External stakeholders typically include those non-governmental parties who may be affected by the activities and/or have an interest in them. This includes Title VI and Environmental Justice populations.

Many of TDOT's projects have lists compiled of project-specific external stakeholders. For each new activity, or over the course of longer activities, these lists are reviewed to ensure they are up to date and reflect the broadest range of stakeholders reasonably possible. One common method for identifying additional stakeholders is to interview existing stakeholders to determine who else needs to be involved.

TDOT's staff and project teams maintain large databases of stakeholders and members of the general public identified through a variety of public involvement initiatives over the years. These

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databases include civic and community organizations serving Title VI and Environmental Justice populations, neighborhood and homeowner associations, environmental and business groups, elected officials, and other public groups.

Public Notification of TDOT Activities and Services

Promotion of inclusive and accessible public involvement includes regular efforts within each TDOT program or project to notify a wide range of stakeholders and the general public regarding the information, data, funding, policy and issues being addressed.

Public information is presented in formats that are accessible to the intended audiences. TDOT staff determines what information is appropriate to publicize and in what form.

For reaching the general public, the City of Tucson website and media outreach (e.g., news releases) are encouraged. For reaching stakeholder groups, distribution of public information documents such as reports and newsletters via direct mail also may be an effective communication method. The use of other methods is considered to promote equal access to information for targeted audiences. In particular, efforts to overcome barriers to accessing information among underserved populations, youth, and other individuals who may not have Internet access or read newspapers are undertaken.

Public service radio announcements on Latino radio outlets are one method for reaching Hispanic populations, particularly non-English speaking residents. Additionally, underserved populations are no different than other populations in that they are more likely to read information distributed through trusted and familiar communications channels. Email is used to distribute notices to school and community-based newsletters for publication. Placement of English/Spanish information in libraries, community centers, or other public places is also used.

Spanish Translations

As indicated in TDOT's Limited English Proficiency (LEP) Plan, Spanish is the predominant primary language spoken by those in the TDOT Service area who speak English "less than very well".

Public information documents written in English, including meeting notices, include a tagline affirming that TDOT will make reasonable accommodation to translate any materials in Spanish. As a rule, Spanish-speaking project personnel are on hand at public meetings intended for gathering input.

Spanish translations are used for activities targeted to the general public where Spanish language materials have been identified as beneficial, even without a request. Examples of materials to be translated include meeting notifications (e.g., flier or web posting). Additional information that is translated upon request includes any public meeting handouts, such as fact sheets, newsletters, and executive summaries of planning documents under review.

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Task Force Composition

Efforts are made to assess the composition of TDOT's task forces and advisory committees to ensure that invited members represent a cross-section of key stakeholder groups.

Geographic Analysis of Underserved Populations

Staff within each TDOT project periodically performs a basic assessment to identify the location of protected Title VI and Environmental Justice populations in relationship to the provision of information and planning products and services. Pima Association of Governments' online regional data provide project staff with maps showing the location of protected Title VI and Environmental Justice populations for any specific geographic areas. ZIP Code maps are used to show locations of people in databases. The maps of protected populations and mailing list ZIP Codes are compiled as one way to demonstrate that protected populations are being notified and/or involved. This documentation is important for demonstrating compliance with Title VI and Environmental Justice provisions.

Meeting Scheduling, Location and Access

Public meetings are scheduled to increase the opportunity for attendance by stakeholders and the general public. This may require scheduling meetings during non-traditional business hours, holding more than one meeting at different times of the day or on different days, and checking other community activities to avoid conflicts.

When a public meeting or public hearing is focused on a planning study or project related to a specific geographic area within the TDOT region, the meeting or hearing is held within that geographic area. Appropriate elected officials as identified in the stakeholder analysis are consulted and/or informed of relevant outreach activities within their jurisdictions.

Public meetings are held in locations accessible to people with disabilities and are located near a transit route when possible.

Title VI information on the TDOT Website

TDOT maintains a Title VI section on the TDOT website where the public can learn about TDOT's Title VI commitments, Non-Discrimination Policy and Limited English Proficiency Plan, as well as download the Title VI complaint process and complaint form. These materials are posted in both English and Spanish. A "Google Translate" button is also included in the Title VI webpage to allow users to translate the entire TDOT website into over 50 languages. The public can access the English and Spanish versions of the Title VI web pages from TDOT's homepage.

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IX. LIMITED ENGLISH PROFICIENCY PLAN

Purpose/Legal Authority

The City of Tucson Department of Transportation (TDOT) is committed to providing meaningful access to consumers of TDOT program, services and/or activities. Individuals who do not speak English as their primary language and have a limited ability to read, write, speak or understand English are considered Limited English Proficient (LEP). This language issue may prevent individuals from accessing services and benefits. It may also be a barrier that prevents meaningful access to public participation and input on public projects. It is important that TDOT be innovative and proactive in engaging individuals including oral and written language services to LEP individuals as detailed under “Language Assistance Measures” of this document.

This plan is consistent Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency which is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. In some circumstances, failure to ensure that LEP persons can effectively participate in federally assisted programs may constitute discrimination based on national origin under Title VI. In order to comply with Title VI, agencies are required to take reasonable actions for competent language assistance. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English. Executive Order 13166 clarifies requirements for LEP persons under Title VI. This Executive Order requires the agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services.

Four Factor Analysis

There are four factors TDOT considered when assessing language needs and determining what steps they should take to ensure access for LEP persons: 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of TDOT; 2) The frequency with which LEP individuals come in contact with the program; 3) The nature and importance of the program, activity or service provided by the TDOT to people’s lives; and 4) The resources available to the recipient and costs. A brief description of the self-assessment undertaken in each of these areas follows.

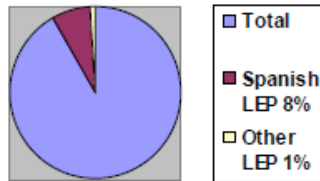
1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service.

Spanish speakers are the primary LEP persons likely to be encountered by the Tucson Department of Transportation (TDOT). For Pima County, the Census 2000 information shows that the total population is 843,700. Spanish is spoken by 179,600 people, or 23% of the population. Of those who speak Spanish, 65,100 people (36%) reported speaking English less than “very well.” These Spanish-speaking LEP persons comprise 8% of the total population of Pima County. Other languages spoken were a much smaller proportion of the total population of Pima County (3.5%), and those who identified themselves as LEP persons in these other languages comprise only 1.2% of the total

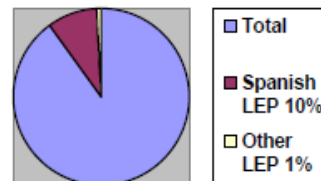
TITLE VI NON-DISCRIMINATION PLAN

population of Pima County. The 2005 American Community Survey (ACS) for Tucson (conducted by the US Census Bureau) also indicates that Spanish speaking LEP persons are most likely to be encountered, comprising 86% of LEP persons in the City of Tucson, and 10% of the total population. The following charts illustrate the percentage of Spanish-speaking LEP persons in both Pima County and the City of Tucson.

Pima County Population (2000 Census)



City of Tucson Population (2005 ACS)



2. The frequency with which LEP individuals come in contact with the program.

TDOT assesses the frequency at which staff has or could possibly have contact with LEP persons. This includes examining census data, phone inquiries, requests for translated documents, and staff feedback. As discussed above, census data indicate that there is a fairly large percentage (10%) of the general population of Tucson who are Spanish speaking LEP persons. As a transportation agency, it is necessary for TDOT to recognize this segment of the general population. Phone inquiries and staff feedback also indicate that Spanish-speaking LEP persons have regular contact with the TDOT services.

3. The nature and importance of the program, activity or service provided by the recipient to people's lives.

TDOT keeps Tucson moving smoothly and safely. TDOT's nearly 300 employees oversee the maintenance, new construction, and reconstruction of nearly 4,400 lane miles of streets, and are responsible for stormwater and flood control services as well as, public art pieces, street lights and signs, and traffic signs and signals in Tucson. TDOT also operates the city's transit services, Sun Tran and Van Tran.

4. The resources available to the recipient and costs.

TDOT continually assesses its available resources that may be used to provide language assistance. As internal guidance, Administrative Directive 2.05-9 ensures that there is a Language communication skill compensation for employees and Administrative Directive 2.01-1D establishes language services for LEP customers. See appendix.

Resources include identifying bilingual staff, reviewing the existing City contracts for professional translation-services providers, determining which documents should be translated, and deciding on the level of staff training needed.

TITLE VI NON-DISCRIMINATION PLAN

Components of the TDOT LEP Plan

In accordance with the four factors above, TDOT developed the following Plan for providing language assistance to LEP persons.

There are five areas that comprise the TDOT LEP Plan:

1. Identifying LEP individuals who need language assistance
2. Language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the LEP Plan

1. Identifying LEP individuals who need language assistance

Primarily, TDOT has used Census 2000 and American Community Survey data to determine the language needs of the community. This data indicate that Spanish-speaking LEP persons are the primary group requiring language assistance. This information can also be used to identify concentrations of LEP persons within the service area. There are nine zip code areas with a higher percentage of LEP persons than average for the overall Tucson population. They are as follows: 85701, 85705, 85706, 85711, 85713, 85714, 85736, 85745 and 85746.

In general, there are higher populations of LEP persons on the south and west sides of the City of Tucson and specifically in the area located between I-10 and I-19. Identifying concentrations of LEP persons helps to ensure that they receive the necessary language assistance measures. In addition to using Census data, and input from customer service representatives, TDOT also uses these tools to measure and identify individual persons who may need language assistance:

- At open houses, public meetings, and other events, TDOT staff will collect data from received Language Identification Flashcards (see appendix for sample flashcards).
- TDOT will post notice of available language assistance in all customer service areas to encourage LEP persons to self-identify.
- TDOT will use the Self-Identification Survey cards at public meetings and encourage LEP persons to self-identify.
- Ongoing strategies as needed to ensure meaningful access to all public events.

2. Language assistance measures

In order to provide meaningful access and exemplary customer service, there are several language assistance measures available at TDOT. Whether in person, by telephone, or in writing, TDOT includes both oral and written language services. There are also various ways in which TDOT staff responds to LEP persons. See LEP Flowchart and Administrative Directive 2.05-9 “Services for Language Access Policy for Limited English Proficiency” in the Appendix.

TITLE VI NON-DISCRIMINATION PLAN

Some of the measures used by TDOT to provide Language Assistance:

- Use of Language Identification Flashcards to determine needs and arrange for interpreter and/or translator (see appendix)
- Spanish-speaking personnel are on hand at public meetings or open houses intended for providing information and gathering public input.
- Automated phone system that transfers Spanish-speaking callers to a bilingual Customer Service Representative.
- Bilingual Customer Service Representatives are also available to respond to any email/written correspondence in Spanish.
- TDOT provides Second Language Pay/Stipend for employees whose classification has been determined to have a significant interaction with the public. See appendix for Administrative Directive 2.05-9. See appendix for a list of TDOT employees receiving stipend.
- TDOT website allows for user to select a language and automatically translates the website and online forms. See appendix for example of Street Maintenance Request form in Spanish.
- Written language services are available. Documents that are determined to be vital - documents without which a person would be unable to access services - are translated into Spanish. Some examples may include, but are not limited to: Open House Invitations, Meeting Announcements, Prevent Stormwater Pollution, Right of Way Permits, ADA Paratransit Eligibility Application, Reduced Fare Programs for Sun Tran.
- City of Tucson contracts with translation and interpretation services not limited to written and oral translation and interpretation of Spanish and exotic languages, signing for the hearing impaired, and Braille, large print and audio cassette conversion for the visually impaired (see appendix for procurement memo).

To ensure that bilingual staff service providers are competent, they must demonstrate proficiency and the ability to communicate information accurately in both English and Spanish. Proficiency is determined by the City of Tucson Human Resources Department. Contracted professional services are used to translate more complex and lengthy information, and for immediate LEP customer interactions, including sign-language interpretation with falls under both LEP and ADA.

All Customer Service Representatives are also responsible for recording general service complaints and forwarding them to the appropriate divisions as necessary. TDOT oral language services include bilingual staff in customer service centers, field services, and public information functionality – a bilingual staff member is available most of the time.

3. Training Staff

It is important that staff members, especially those having contact with the public, know their obligation to provide meaningful access to information and services for LEP persons. Even staff members who do not interact regularly with LEP persons should be aware of and understand the LEP Plan. Training staff is a key element in the effective plan implementation.

TITLE VI NON-DISCRIMINATION PLAN

The primary TDOT staff groups critical to the LEP Plan are front-line staff whom have a reasonable opportunity to come in contact with an LEP individual. These positions include but are not limited to: Customer Service Representatives (CSRs), Secretaries, Public Info Specialists & Supervisors. These staff positions typically have the most frequent contact with LEP persons through daily interaction with TDOT customers, either in-person or by telephone. These groups are most likely to encounter LEP persons and thus to provide language assistance. LEP training for these groups occurs during their initial departmental training.

TDOT Administrators and Supervisors of areas that have public contact are crucial in implementing LEP policy. Copies of the LEP Plan are distributed to all Department Administrators/Division Heads, and it is their responsibility to disseminate LEP Plan information to appropriate staff. A summary of the LEP Plan should be addressed during TDOT new employee orientation program. Topics to be addressed during training for new employees and revisited for continuing TDOT employees include, but are not limited to:

- Understanding the Title VI LEP responsibilities
- Overview of language assistance services offered by TDOT
- Specific procedures to be followed when encountering an LEP person
- How to use the “I Speak” multi-language identification flashcards
- How to contact translation services if needed

Public Information staff members are also a key element in the implementation of the LEP Plan. They produce nearly all written forms of communication to the customer base and community, and are diligent in ensuring that the LEP Plan is followed in serving LEP customers. The TDOT Public Information Officer works closely with the Title VI Coordinator to ensure compliance in all public matters.

4. Providing notice to LEP persons

There are several ways that TDOT provides notice to LEP persons that language assistance measures are available, through both oral and written communications. This includes but is not limited to:

- Posters in English and Spanish in public waiting areas and meetings
- Brochures in English and Spanish in public waiting areas and meetings
- “I Speak” multi-language identification cards
- Multi-lingual phone lines
- Multi-lingual website using “Google Translate”

5. Monitoring and updating the LEP Plan

The LEP Plan is designed to be flexible, and should be viewed as a work in progress. As such, it is important to consider whether new documents and services need to be made accessible for LEP persons, and also to monitor changes in demographics and types of services, and to update the LEP Plan when appropriate.

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National Origin Discrimination Complaints

National origin discrimination complaints from LEP persons should be forwarded to the City of Tucson's Equal Opportunity Program Division (OEOP) according to City policy. TDOT follows the City's OEOP process for filing a complaint. Complaint forms for both external and internal complaints can be found online at:

<http://www.ci.tucson.az.us/eoo/Complaints/complaints.html>

The City of Tucson's Administrative Directive #2.05-9 "Services for Language Access Policy for Limited English Proficiency (LEP) can be found on the City's website.

<http://www.tucsonaz.gov/hr/administrative-directives>

Dissemination of the LEP Plan

Along with all City of Tucson Departments, the TDOT LEP Plan is posted on the OEOP's Intranet website. Copies of the LEP Plan are provided to any person or agency requesting a copy. LEP persons may obtain copies/translations of the LEP Plan upon request.

<http://www.tucsonaz.gov/oeop/limited-english-proficiency-lep>

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X. ENVIRONMENTAL JUSTICE (EJ)

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal highway funds. This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project’s impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minority and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

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STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

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XI. DATA COLLECTION METHODS AND ANALYSIS

The City of Tucson Department of Transportation (TDOT) addresses Title VI requirements both quantitatively and qualitatively with data gathering and analysis sources and techniques, plus rigorous public involvement, outreach and input.

TDOT utilizes Pima Association of Governments' (PAG) data, developed to show the concentration distribution of "protected" classes (as defined by federal regulation) within the region. This data, along with official population statistics where available from the U.S. Census, American Community Surveys, and other household data within the City of Tucson assist in defining and analyzing the potential disparate impacts of the City's transportation projects.

TDOT public involvement methods and techniques for assessing and gathering information on affected and project area populations include:

- Interviewing existing stakeholders to determine community characteristics and who else needs to be involved.
- Engaging schools districts and individual schools to access pertinent information regarding the populations they serve.
- Walking the project area engaging community members and observing the community composition.
- Obtaining demographic information from public sources including Pima County Assessor's records, U.S. Postal Service, mailing list brokers and a variety of secondary research sources.
- Engaging members of the public attending various functions and meetings to assist in identifying and describing their community and neighborhood.

TDOT public involvement methods and techniques for assessing and gathering information on levels of participation by affected and project area populations include:

- Utilizing the Title VI survey card to capture the information of those participating in public hearings, public meetings, neighborhood meetings and advisory committee meetings.

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- Observing and recording information related to those participating.
- Recording and tracking those commenting on both the specific project or issue and comments evaluating the public process itself.
- Comparing data gathering defining affected populations and those participating.

TDOT's and PAG's public involvement efforts have generated large databases of stakeholders and members of the general public identified through a variety of public involvement efforts over the years. Those records are utilized and include civic and community organizations serving Title VI populations, neighborhood and homeowner associations, environmental and business groups and other public groups.

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XII. FILING A TITLE VI COMPLAINT

A. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities, and services as required by statute. <https://www.tucsonaz.gov/tdot/title-vi-civil-rights>

B. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

C. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

1. Gathers and reports statistical data and other information as required by ADOT;
2. Reviews third party contracts and purchase requisitions for compliance with this program;
3. Works with department staff to fulfill the obligations of the Title VI Program Plan;
4. Ensures that solicitations and contracts contain the required assurances;
5. Ensures that statements of commitment are disseminated and posted in all public areas;
6. Collects and retains demographical information of customers served
7. Coordinates the complaint resolution process with the Equal Opportunity Department or alternative complaint investigation service provider;
8. Advises the Transportation Department on matters and achievements;
9. Participates with legal counsel and project teams to determine compliance;
10. Generate ad hoc and periodic reports for submittal to ADOT and Staff
11. Plans and participates in Title VI training seminars;
12. Ensures the Public Participation Plan and Limited English Proficiency Plan are incorporated fully in all aspect of the departments' business processes.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

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D. Filing a Complaint

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a complaint at no charge. A formal complaint must be filed in person or via U.S. Mail within **180 calendar days** of the alleged act of discrimination or of the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct. This timeframe is prescribed by 49 CFR 21.11(b). For your convenience, visit TDOT's main office at the Public Works Building, 201 N. Stone Ave., 6th Floor, Tucson, AZ 85701. TDOT does not accept confidential information, such as this complaint, via e-mail. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

To file a complaint or with assistance filing a complaint contact:
Karen Rahn, Transportation Program Coordinator
TDOT Public Information & Involvement
201 North Stone Avenue
Tucson, Arizona 85701
(520) 791-4371

In order for TDOT to investigate, a Complaint of Title VI Discrimination Form must be completed. TDOT's Title VI Coordinator, Diane Sotelo, will assist the complainant with documenting the issues if necessary. In order to ensure an accurate and expeditious process, the following guidelines must be met:

1. Complaint shall be in writing and signed by the complainant(s) and must include complainant(s)' name, address and phone number.
2. Provide date of the alleged act of discrimination; date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct.
3. Present a detailed description of the issues including names and job titles of those individuals perceived as parties in the complained-of-incident.
4. Allegations received by fax or email will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to submit a signed, original copy of the

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- fax or email transmittal in person or via U.S. mail.
5. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A Complaint of Title VI Discrimination Form will be forwarded to the complainant to complete, sign and return to TDOT for processing.
 6. Once the Complaint of Title VI Discrimination Form is received, the TDOT Title VI Coordinator will log the complaint and review the complaint for completeness of information.
 7. If the Title VI Discrimination complaint is found to be outside of TDOT's jurisdiction, the Title VI Coordinator will forward the complaint to the appropriate agency and work with the agency to ensure that the complaint is filed correctly.
 8. If the Title VI discrimination complaint is within TDOT jurisdiction, TDOT will submit the complaint to Arizona Department of Transportation's (ADOT) Civil Rights Office (CRO). Within 45 calendar days of the acceptance of the complaint, the ADOT investigator will prepare a draft investigative report for the review of the ADOT CRO Deputy Administrator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
 9. ADOT's final investigative report with the preliminary findings and a copy of the complaint will be forwarded by certified mail to either FHWA (Arizona Division Office Civil Rights Specialist), FTA or FAA, or NHTSA within 60 calendar days of the acceptance of the complaint, per 23 CFR 200.9(b)(3).
 10. The complainant will receive a copy of the preliminary finding and a response will be mailed. Please note the review process may take several weeks.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

E. Investigation

Jurisdiction

After the complaint has been reviewed for completeness by the Title VI coordinator, Diane Sotelo, the appropriate jurisdiction will be determined. Any complaints not within the City of Tucson, Department of Transportation jurisdiction will be forwarded to the appropriate agency within 30 days of review for completeness. The Title VI Coordinator, Diane Sotelo, will provide the complainant with the updated contact information for the agency of jurisdiction and work with the agency to ensure that the complaint is filed correctly.

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Conducting the Investigation:

If the City of Tucson, Department of Transportation retains the authority to investigate, then the appropriate measures will be taken to ensure that:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on an ADOT related contract against the City of Tucson, ADOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Tucson, the complaint and any pertinent information should immediately be forwarded to the ADOT Civil Rights Unit within 30 days.
- The investigation is conducted within a reasonable timeframe not to 60 days.

Investigation Reporting Process:

- Within 60 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the City of Tucson's Equal Opportunity Program Division
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

Communication with Complainant

After the appropriate City of Tucson and Arizona Department of Transportation have reviewed the investigation, made a determination and prepared a decision letter, the Title VI Coordinator will mail the decision to the complainant. The letter will be in the primary language of the complainant.

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Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

Karen Rahn, Transportation Program Coordinator
TDOT Public Information & Involvement
201 North Stone Avenue
Tucson, Arizona 85701
(520) 791-4371
Email: Karen.rah@Tucsonaz.gov

F. Reporting Requirements to an External Agency

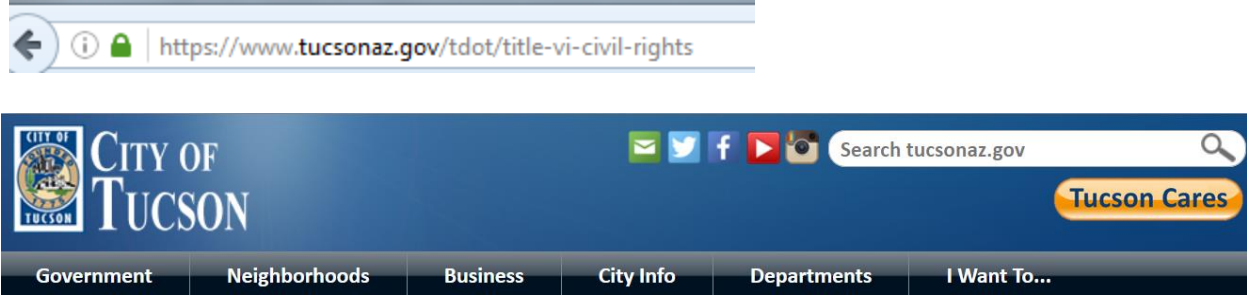
A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the ADOT Civil Rights Unit within 60 days of the date the complaint was received.

G. Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years. The complaint log will be maintained by the Title VI coordinator in a binder. All other documentation will be filed by complaint year and number.

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APPENDIX A - TITLE VI ONLINE RESOURCES/COMPLAINT FORM



Submitting a Title VI Complaint

Any person who believes that he or she, either individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a complaint at no charge. A formal complaint must be filed in person or via U.S. Mail within **180 calendar days** of the alleged act of discrimination or of the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct. This timeframe is prescribed by 49 CFR 21.11(b). For your convenience, visit TDOT's main office at the Public Works Building, 201 N. Stone Ave., 6th Floor, Tucson, AZ 85701. TDOT does not accept confidential information, such as this complaint, via e-mail.

- [Submit a Title VI Complaint \(PDF form\)](#)

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TUCSON DEPARTMENT OF TRANSPORTATION COMPLAINT OF TITLE VI DISCRIMINATION

Tucson Department of Transportation (TDOT), as a recipient of federal financial assistance, is required to ensure that its services and related benefits are distributed in a manner consistent with Title VI of the Civil Rights Acts of 1964, as amended. Any person who believes that he or she, individually or as a member of any specific class of persons, has been subjected to discrimination under Title VI, on the basis of race, color, or national origin, may file a written complaint with TDOT.

We are asking for the following information to assist us in processing your complaint. If you need help in completing this form, please let us know.

Submit your signed complaint and any attachments to:

KAREN RAHN
TDOT PROGRAM COORDINATOR
201 N. Stone Ave., 6th Floor, Tucson, AZ 85701
520-837-6585 (PHONE), 520-791-4608 (FAX)
Karen.Rahn@tucsonaz.gov

Departamento de Transporte de Tucson (TDOT), como recipiente de ayuda financiera federal, es requerida a asegurar que sus servicios y servicios relacionados son distribuidos de una manera consistente con el Titulo VI de la ley de los Derechos Civiles de 1964, con sus enmendadas. Si usted cree que, individualmente o como parte de una clase especifica de personas, ha sido discriminado bajo el Titulo VI, basado en su raza, color, o nacionalidad, puede presentar una queja escrita con TDOT. Le pedimos la siguiente informacion para poder procesar su queja.

Si necesita ayuda para llenar este formulario, por favor, ponganse en contacto con TDOT.

Entregue el formulario con su firma y paginas adicionales a:

KAREN RAHN
TDOT PROGRAM COORDINATOR
201 N. Stone Ave., 6th Floor, Tucson, AZ 85701
520-837-6585 (PHONE), 520-791-4608 (FAX)
Karen.Rahn@tucsonaz.gov

1. COMPLAINANT INFORMATION / RECLAMANTE INFORMACION

Name/Nombre
Street Address/Direccion
City/Ciudad State/Estado Zip/Codigo Postal
Telephone/Numero de Telefono
Email Address/Direccion de Correo Electronico

2. PERSON DISCRIMINATED AGAINST / PERSONA QUE FUE DISCRIMINADA
(if someone other than the complainant / si no es la misma que el reclamante)

Name/Nombre
Street Address/Direccion
City/Ciudad State/Estado Zip/Codigo Postal
Telephone/Numero de Telefono
Email Address/Direccion de Correo Electronico

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**3. WHICH OF THE FOLLOWING BEST DESCRIBES THE REASON YOU BELIEVE THE DISCRIMINATION TOOK PLACE?:
EN SU OPINIÓN, ¿EN QUE SE BASARON ESAS ACCIONES DISCRIMINATORIAS?:** (Specify / Especifique)

- | | |
|---|---|
| <input type="checkbox"/> Race / Raza (Specify / Especifique) _____ | <input type="checkbox"/> National Origin / Nacionalidad _____ |
| <input type="checkbox"/> Disability / Incapacidad - Impedimento _____ | <input type="checkbox"/> Sex / Sexo _____ |
| <input type="checkbox"/> Color / Color _____ | <input type="checkbox"/> Age / Edad _____ |

4. DATE OF THE ALLEGED DISCRIMINATION / FECHA DE LA SUPUESTA DISCRIMINACIÓN: _____

5. IN THE SPACE BELOW, PLEASE DESCRIBE THE ALLEGED DISCRIMINATION

(Explain what happened and who you believe was responsible. Include names and contact information of persons who may have knowledge of the alleged discrimination. If additional space is needed, add a piece of paper.)

5. EN EL ESPACIO ABAJO, DESCRIBA EL SUPUESTO ACTO DE DISCRIMINACIÓN.

(Explique lo más claro posible lo que pasó y quien usted piensa es el responsable por el supuesto acto. Incluye los nombres de las personas que puedan tener conocimiento del supuesto acto y cómo contactarlas. Si necesita espacio adicional, agregue una hoja de papel.)

6. HAVE YOU FILED A COMPLAINT OF THE ALLEGED DISCRIMINATION WITH A FEDERAL, STATE, OR LOCAL AGENCY, OR WITH A STATE OR FEDERAL COURT? / ¿HA PRESENTADO USTED (O LA PERSONA QUE FUE DISCRIMINADA) LA QUEJA ANTE UNA AGENCIA DEL GOBIERNO FEDERAL, ESTATAL, O LOCAL? ¿O ANTE LA CORTE ESTATAL O FEDERAL?

- Yes / Sí No / No

If yes, check all that apply / por favor marque las respuestas que la corresponden:

- | | |
|--|---|
| <input type="checkbox"/> Federal / Federal (Specify / Especifique) _____ | <input type="checkbox"/> Federal Court / La Corte Federal (Specify / Especifique) _____ |
| <input type="checkbox"/> State / Estatal (Specify / Especifique) _____ | <input type="checkbox"/> State Court / La Corte Estatal (Specify / Especifique) _____ |
| <input type="checkbox"/> Local / Local (Specify / Especifique) _____ | |

PLEASE PROVIDE THE NAME OF THE AGENCY WHERE YOU FILED YOUR COMPLAINT / ¿ANTE QUÉ AGENCIA USTED PRESENTÓ LA QUEJA?

Agency / Agencia: _____ Agency Contact / Nombre del investigador o representante: _____

7. WHAT WOULD YOU CONSIDER AN APPROPRIATE RESPONSE TO YOUR COMPLAINT? / ¿CUÁL CONSIDERARÍA USTED UNA RESPUESTA ADECUADA A SU QUEJA?:

8. PLEASE SIGN BELOW. YOU MAY ATTACH ANY ADDITIONAL INFORMATION YOU THINK IS RELEVANT. / POR FAVOR, FIRME EL FORMULARIO. ADJUNTE CUALQUIER INFORMACIÓN ADICIONAL QUE USTED CREE ES PERTINENTE CON SU QUEJA.

Signature of Complainant / Firma del reclamante

Date / Fecha

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APPENDIX B - TITLE VI COMPLAINT LOG

Tucson Department of Transportation

Title VI Compliant Log

January 2016 — December 2016

#	Incident Date	Ethnicity	Primary Personnel Category	Subcategory	Resolution

Tucson Department of Transportation

Title VI Compliant Log

January 2017 — December 2017

#	Incident Date	Ethnicity	Primary Personnel Category	Subcategory	Resolution

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APPENDIX C – CITY OF TUCSON ADMINISTRATIVE DIRECTIVE 2.01-1D



ADMINISTRATIVE DIRECTIVE

SUBJECT SECOND LANGUAGE PAY	NUMBER 2.01-1D	PAGE 1 of 4
	PAGE ISSUE DATE July 1, 2007	

I. PURPOSE

To implement the Language Communication Skill Compensation Program established by the Mayor and Council (Tucson City Code [TCC] Section 10-33).

II. POLICY

Employees shall receive additional compensation per pay period in accordance with the Language Communication Skill Compensation Program established by the Mayor and Council (TCC Section 10-33).

III. EMPLOYEES ELIGIBLE TO RECEIVE SECOND LANGUAGE PAY

A. Employees meeting the following language communication skills may be eligible to receive second language pay:

1. Full-time probationary or permanent employees who use a language other than English for a minimum of five percent (5%) of their work week (two [2] hours per forty [40] hour work week) while interacting with the public in the performance of their duties if approved by the department director; or
2. Full-time probationary or permanent employees who use a language other than English less than the five percent (5%) minimum and occupy a position specifically designated for language skills compensation by a department director and formally approved by the Human Resources Director; or
3. Part-time probationary or permanent employees who use a language other than English and occupy a position specifically designated for language skills compensation by a department director and approved by the Human Resources Director.

B. The following considerations must be addressed by department directors when justifying a position as a language skill compensation position:

1. The need for number of positions designated. (Two [2] or more positions within the same classification at the same location will not generally be considered essential to effective and efficient interactions with the public).
2. The reasons the operational needs of the department for communication with the public in languages other than English cannot be effectively met by employees who use and are compensated for using a language other than English more than five percent (5%) of their work week.
3. Whether any interactions with the public in performance of the duties of the positions are significant to assigned duties, or only ancillary thereto.

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4. Whether the use of another language is essential to the effective and efficient provision of services to the public.
- C. Designation for Second Language Pay, a position may be designated for language skills compensation only when:
1. The position is within a classification which has significant interaction with the public; and
 2. The use of a second language other than English is not less than five percent (5%); and
 3. The position has been justified, documented and designated by a department director as a position where the use of a second language is essential to interactions with the public permitting effective and efficient provision of services to the public; and,
 4. The position has been approved by the Human Resources Director for designation as a language skills compensation position.

IV. **ADMINISTRATION OF SECOND LANGUAGE PAY PROGRAM**

Administration of this program is the responsibility of the Human Resources Department, and involves the following:

- A. Confirmation of the conversational proficiency related to the services provided by the employee's department/division upon entry into the program, with all program participants being re-tested between November 1, 2007 and November 1, 2009.
- B. Processing of a written request form (hard copy or electronic) necessary to add or delete participants from the program, as required, based on changes in work assignments that cause employees to meet or not to meet the criteria of five percent (5%) usage of a second language.
- C. Subject to annual confirmation of all second-language positions by departments to Human Resources, once an employee has been approved for the additional compensation, the employee will continue to receive the additional compensation until such time as it is determined that the second language use has diminished to less than five percent (5%) of the work week or the employee is transferred to another position.
- D. Employees who transfer, promote or demote to different work assignments will not continue to receive the additional compensation unless the department director designates that the new position/assignment is eligible because the second language is used in the new position/assignment for a minimum of five percent (5%) of the work

TITLE VI NON-DISCRIMINATION PLAN



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week or the position has been designated by a department director and approved by the Human Resources Director as a language skill compensation position.

If the new position/assignment is eligible for second language pay and the employee has been certified as conversationally proficient for purposes of this directive, the employee will not have to be re-tested, unless the conversation competency test for the new position is different than the test for the employee's previous position.

- E.** Employees on leave without pay for greater than 10 (ten) working days, including employees on Family Medical Leave (FML) or Military Leave, will not receive language skill compensation pay. Language skill compensation pay may be reinstated upon return to work, with compensation to resume during the first full pay period after the employee has returned to work, provided that all other program requirements are met.
- F.** To ensure equitable financial benefit to all full-time employees with the requisite language skills who use a second language for less than five percent (5%) of the work week, department directors shall, where possible, rotate employees through all language-designated positions.

V. SECOND LANGUAGE PAY RATES:

Employee Group	<u>Amount per Pay Period</u>
Employees not eligible for representation	\$30.00
American Federation of State, County and Municipal Employees (AFSCME) – eligible (employees labor and trades)	\$25.00
Communication Workers of America/Tucson Association of City Employees (CWA/TACE) – eligible employees (white collar)	\$30.00
Tucson Fire Fighters Association (TFFA) – eligible	\$25.00
Tucson Police Officers Association (TPOA) – eligible	\$30.00

Forms (Attached to AD 2.01-1) None

References Tucson City Code Chapter 10

TITLE VI NON-DISCRIMINATION PLAN



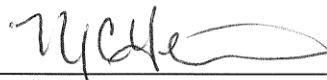
ADMINISTRATIVE DIRECTIVE

SUBJECT SECOND LANGUAGE PAY	NUMBER 2.01-1D	PAGE 4 of 4
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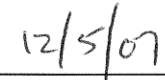
Review Responsibility and Frequency

The Human Resources Director will review this directive annually, based on date of publication

Authorized



City Manager



Date

TITLE VI NON-DISCRIMINATION PLAN

APPENDIX D – CITY OF TUCSON ADMINISTRATIVE DIRECTIVE 2.05-9



ADMINISTRATIVE DIRECTIVE

SUBJECT SERVICES FOR LANGUAGE ACCESS POLICY FOR LIMITED ENGLISH PROFICIENCY (LEP)	NUMBER 2.05-9	PAGE 1 of 3
	PAGE ISSUE DATE July 14, 2008	

I. **PURPOSE**

To set forth procedures for providing meaningful language access to limited English proficient customers to all City of Tucson programs, services and/or activities.

II. **POLICY**

It is the policy of the City of Tucson to ensure that all departments are in compliance with Title VI of the Civil Rights Act of 1964. Title VI prohibits exclusion from participation in, denial of benefits of, and discrimination under any federally assisted program or activity on the grounds of race, color, or national origin, 42 U.S.C. § 2000d. The term program or activity means “all of the operations of a department, agency, special purpose district, or other instrumentality of a state or of a local government.” 42 U.S.C. § 2004d-4a. When a city department receives federal financial assistance for a particular purpose, all operations of the department are covered by Title VI, not just the part of the department that uses federal assistance.

To ensure compliance with this Administrative Directive, in July of every year, each department shall appoint an Limited English Proficiency (LEP) Liaison and notify the Office of Equal Opportunity Programs (OEOP) of the appointment and/or any subsequent change in assignment.

III. **DEFINITIONS**

- A. **Limited English Proficiency** – refers to persons who do not speak English as their native/primary language and who have a limited ability to read, speak, write and/or understand English.
- B. **Meaningful Access** – meaningful access to programs and services is the standard of access required of federally funded entities to comply with Title VI language access requirements. LEP customers must be able to reasonably access available resources, services, and activities at no additional cost.

IV. **LIAISON ROLES AND RESPONSIBILITIES**

- A. Ensure that departmental staff and the general public know how to contact the department’s LEP Liaison. Contact information should be included on the departmental Web site, and in any departmental directory.
- B. Complaints should be directed to OEOP for response.
- C. Attend and schedule other appropriate staff for attendance at LEP Liaison meetings and training sessions
- D. Serve as a departmental resource for LEP information.

TITLE VI NON-DISCRIMINATION PLAN



ADMINISTRATIVE DIRECTIVE

SUBJECT SERVICES FOR LANGUAGE ACCESS POLICY FOR LIMITED ENGLISH PROFICIENCY (LEP)	NUMBER 2.05-9	PAGE 2 of 3
	PAGE ISSUE DATE July 14, 2008	

- E. Assess and identify the need for LEP compliance and awareness training within the department and coordinate the necessary training for departmental personnel with OEOP.

V. DEPARTMENT DIRECTOR ROLES AND RESPONSIBILITIES

Each department director is responsible to ensure that the following areas of LEP compliance are assigned to the department's LEP Liaison or other appropriate departmental staff.

- A. Coordinates language interpreter services to ensure meaningful access to the department's programs, services, and activities (see Attachment A).
- B. Determine departmental vital documents, and provide them in languages based on the LEP population to be served by the department.
- C. Ensures that all meeting notices that provide information on city services, programs and activities that are open to the public conducted by the department contain the following statement:

"If you require a foreign language interpreter or materials in a language other than English, please call _____ (this should include the name and telephone number of the responsible departmental person) at least five business days in advance."
- D. Ensures that the department maintains copies of the "I Speak" cards at appropriate customer service areas (see Attachment B).
- E. Develop and maintain a Standard Operating Procedure (SOP), based on the programs, services and activities offered by the department to ensure that meaningful access is afforded to its LEP customers in compliance with this policy. On an annual basis, each department shall forward departmental SOPs to OEOP.
- F. Each departmental SOP shall include, but not be limited to, the Four Factor Analysis to assist with identifying LEP persons who may require assistance to each department's programs, services and activities.

The Four Factor Analysis shall include:

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

VI. OEOP ROLE AND RESPONSIBILITIES

TITLE VI NON-DISCRIMINATION PLAN



ADMINISTRATIVE DIRECTIVE

SUBJECT SERVICES FOR LANGUAGE ACCESS POLICY FOR LIMITED ENGLISH PROFICIENCY (LEP)	NUMBER 2.05-9	PAGE 3 of 3
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VI. OEOP ROLE AND RESPONSIBILITIES

- A. OEOP shall provide guidance and assistance to all city departments, their administration, their LEP Liaisons and other appropriate staff regarding the requirements of Title VI, state law and city ordinance as well as other issues related to meaningful access for LEP customers.
- B. OEOP shall report to the City Manager any action, or lack of action, on the part of city departments that affects the city's compliance with Title VI.

Appendices

A – Translation and Interpretation Services
B – “I Speak” Flash Card

References

None.

Review Responsibility and Frequency

The Deputy City Manager or Office of Equal Opportunity Programs Director will review this directive annually, based on date of publication.

Authorized



City Manager

7/14/08

Date



MEMORANDUM

Date: August 15, 2005

To: All Departments and Divisions

From: Wayne A. Casper, C.P.M.
Director of Procurement

Subject: Translation and Interpretation Services
Contract No. 041090

The design and intent of the Translation/Interpretation contract is to provide for translation and interpretations services for City departments. Services include, but are not limited to: written and oral translation and interpretation of Spanish and exotic languages, signing for the hearing impaired, and Braille, large print and audio cassette conversion for the visually impaired.

There are two Contractors supplying services under this contract: Asturias Language Interpreters who provides language and vision-related services, and Catholic Community Service of Southern Arizona dba Community Outreach Program for the Deaf COPD who provides hearing-related services.

It is the responsibility of each using department to determine who within the department has authorization to request and make arrangements for these services. To request translation/interpretation services, contact:

LANGUAGES/VISUAL

Asturias Language Interpreters
Fernando Herran
545 E. University Boulevard
(520) 624-9941
CityWide PO# 21219

HEARING

CCS
Interpreting Department
268 W. Adams Street
(520) 792-1906
CityWide PO# 21220

SAMPLE RATES:

Written to/from Spanish/English	\$.10/word
Written to/from English/Exotic	\$.12/word
Oral Spanish	\$30.00/hour
Oral Exotic	\$35.00/hour
Braille conversion	\$35.00/page
Large print conversion	\$35.00/page
Audio cassette conversion	\$ 3.00/minute

SAMPLE RATES:

Sign language interpreter
\$40.00 per hour per interpreter
Two hour minimum

The referenced purchase order numbers are effective through the life of the contracts. The current contract term is September 1, 2005 through August 31, 2006. Should you have any questions regarding translation and interpretation services, please contact Christina Schipansky at 791-4400 x 131.

c: Marcheta Gillespie, Contract Administrator
Christina Schipansky, Senior Contract Officer
Procurement Liaisons



Language Identification Flashcard ✓

<input type="checkbox"/>	Arabic	أنا أتحدث اللغة العربية
<input type="checkbox"/>	Armenian	Ես խոսում եմ հայերեն
<input type="checkbox"/>	Bengali	আমী বাংলা কথা বোলতে পারী।
<input type="checkbox"/>	Cambodian	ខ្ញុំនិយាយភាសាខ្មែរ
<input type="checkbox"/>	Chamorro	Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro
<input type="checkbox"/>	Dinka	Rinp êkënë yic tē yijam nē thunjäy ye tök, ku kor raan Bī yī geer thok.
<input type="checkbox"/>	Simplified Chinese	如果你能读中文或讲中文，请选择此框。
<input type="checkbox"/>	Traditional Chinese	如果你能讀中文或講中文，請選擇此框。
<input type="checkbox"/>	Croatian	Govorim hrvatski
<input type="checkbox"/>	Czech	Mluvím česky
<input type="checkbox"/>	Dutch	Ik spreek het Nederlands
<input type="checkbox"/>	English	I speak English

TITLE VI NON-DISCRIMINATION PLAN

Language Identification Flashcard ✓

Attachment B
AD 2.05-9

<input type="checkbox"/> Farsi	من فارسی صحبت می کنم
<input type="checkbox"/> French	Je parle français
<input type="checkbox"/> German	Ich spreche Deutsch
<input type="checkbox"/> Greek	Μιλώ τα ελληνικά
<input type="checkbox"/> Haitian Creole	M pale kreyòl ayisyen
<input type="checkbox"/> Hindi	मैं हिंदी बोलता हूँ ।
<input type="checkbox"/> Hmong	Kuv has lug Moob
<input type="checkbox"/> Hungarian	Beszélek magyarul
<input type="checkbox"/> Ilocano	Agsaonak ti Ilokano
<input type="checkbox"/> Italian	Parlo italiano
<input type="checkbox"/> Japanese	私は日本語を話す
<input type="checkbox"/> Korean	한국어 합니다

TITLE VI NON-DISCRIMINATION PLAN

Attachment B
AD 2.05-9


Language Identification Flashcard ✓

<input type="checkbox"/> Laotian	ຂ້ອຍປາກພາສາລາວ
<input type="checkbox"/> Polish	Mówię po polsku
<input type="checkbox"/> Portuguese	Eu falo português do Brasil <i>(for Brazil)</i>
<input type="checkbox"/> Portuguese	Eu falo português de Portugal <i>(for Portugal)</i>
<input type="checkbox"/> Romanian	Vorbesc românește
<input type="checkbox"/> Russian	Я говорю по-русски
<input type="checkbox"/> Serbian	Ja govorim српски
<input type="checkbox"/> Slovak	Hovorím po slovensky
<input type="checkbox"/> Spanish	Yo hablo español
<input type="checkbox"/> Somali	Waxaan ku hadlaa af-Soomaali
<input type="checkbox"/> Tagalog	Marunong akong mag-Tagalog
<input type="checkbox"/> Thai	พูดภาษาไทย

TITLE VI NON-DISCRIMINATION PLAN

Attachment B
AD 2.05-9

Language Identification Flashcard ✓

<input type="checkbox"/> Tongan	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga
<input type="checkbox"/> Ukrainian	Я розмовляю українською мовою
<input type="checkbox"/> Urdu	میں اردو بولتا ہوں
<input type="checkbox"/> Vietnamese	Tôi nói tiếng Việt
<input type="checkbox"/> Yiddish	איך רעד יידיש
<input type="checkbox"/> American Sign Language	

TITLE VI NON-DISCRIMINATION PLAN

APPENDIX E – SELF-IDENTIFICATION SURVEY CARDS

Front of Card
(Printed on Card Stock)

Back of Card

SELF-IDENTIFICATION SURVEY
Thank you for attending this public meeting.
Please take a few minutes to help us provide you with more meaningful services.

Completing this survey is voluntary. If you choose to respond, please mark all that apply.

ETHNICITY/RACE:

African American/Black
 American Indian/Alaskan Native
 Native Hawaiian/Other Pacific Islander
 Asian
 Hispanic/Latino
 White

AGE: **SEX:**

Under 20 Female
 21-39 Male
 40-64
 65+

The Tucson Department of Transportation's (TDOT) goal is to ensure that every effort will be made to prevent discrimination through the impact of its programs, policies, and activities.

TDOT will take reasonable steps to provide accommodations based on language or disability. Requests should be made as early as possible to ensure TDOT has an opportunity to address the accommodation.

By completing this voluntary survey, TDOT will be able to determine who attends its public meetings and how the department can improve participation. The survey will also help TDOT fulfill federal reporting requirements.

TITLE VI – KNOW YOUR RIGHTS
Title VI of the 1964 Civil Rights Act, as amended, 42 USC 2000d, and U.S. Department of Transportation regulations provide that "no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title VI authorities:

- Federal-Aid Highway Act of 1973
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Executive Orders 12898 & 13166

Thank you! Your input is appreciated.

tucsonaz.gov
May 2017

ENCUESTA PARA IDENTIFICARSE
Gracias por participar en esta reunión pública.
Por favor tómese unos minutos para ayudarnos a darle lo mas mejor servicios posible.

El completar esta encuesta es voluntaria. Si usted decide responder, por favor marque todas las respuestas que le corresponden.

ETNICIDAD/RAZA:

Afroamericano/Negro
 Amerindio/Nativo de Alaska
 Nativo de Hawái/Otra Isla del Pacífico
 Asiático
 Hispano/Latino
 Caucásico/Blanco

EDAD: **SEXO:**

Menos de 20 Femenino
 21-39 Masculino
 40-64
 65+

El objetivo del Departamento de Transporte de Tucson (TDOT) es asegurar que cada esfuerzo se lleve a cabo para prevenir discriminación en el desarrollo de sus programas, políticas y actividades.

TDOT también tomará todas las medidas razonables para ofrecer el acceso a servicios y actividades para personas con limitaciones ya sea por el idioma o por discapacidad. Las solicitudes deben hacerse lo más pronto posible para asegurar que el equipo encargado del proyecto tenga la oportunidad de hacer los arreglos necesarios.

Con su participación en esta encuesta voluntaria, TDOT podrá determinar quien participa en las reuniones públicas y como podrá mejorar la participación de miembros de minorías. La encuesta también le ayudará a TDOT a cumplir con requisitos federales.

TÍTULO VI – SEPA SUS DERECHOS
El Título VI del Acto de Derechos Civiles, la ley 42 USC 2000d y otros reglamentos del Departamento de Transporte de los Estados Unidos, aseguran que "ninguna persona en los Estados Unidos será negada los beneficios de o será discriminado de cualquier programa o actividad que recibe asistencia de fondos federales por su raza, color de su piel u origen nacional".

Otras autoridades relacionadas con la No-Discriminación de Título VI:

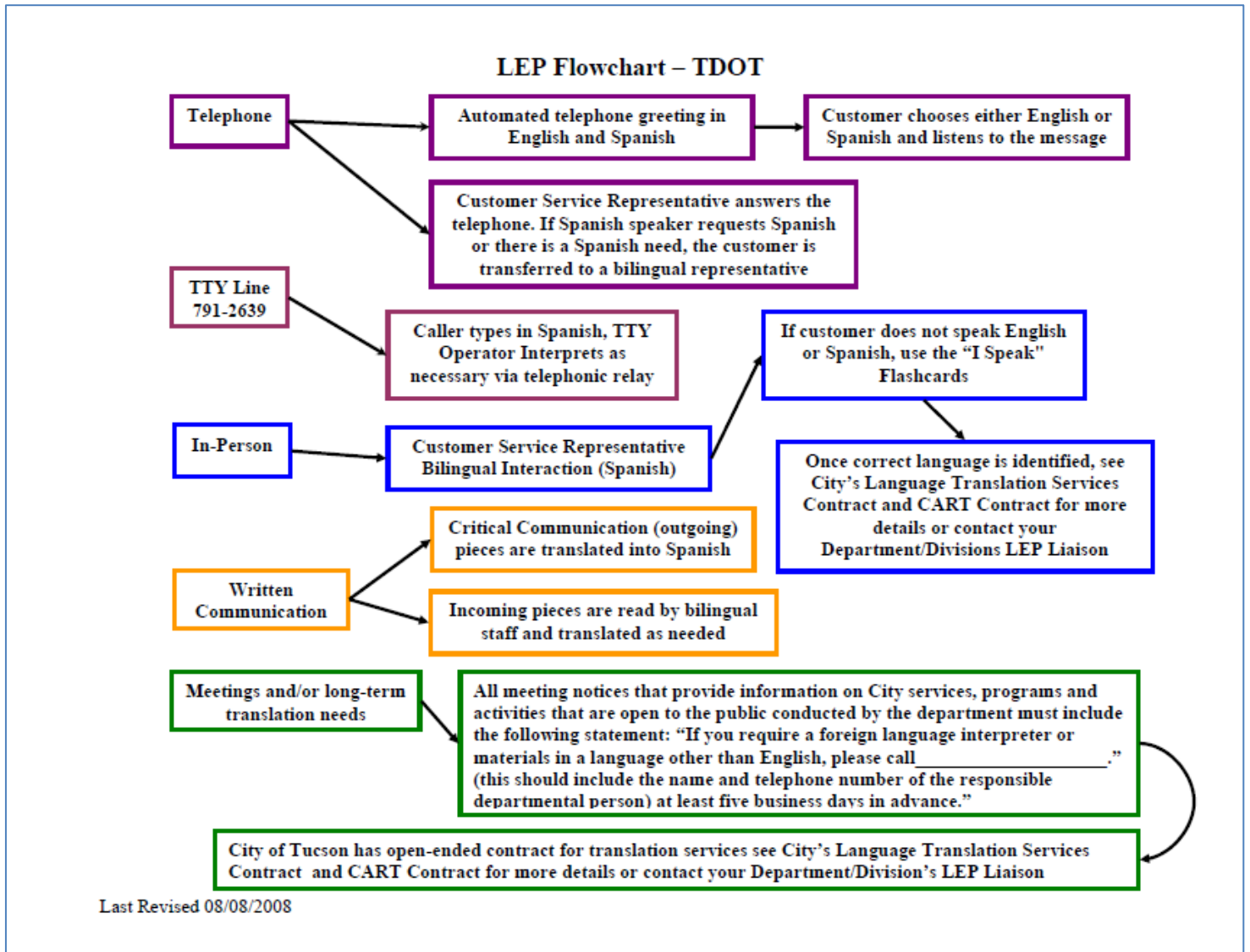
- La Ley Federal de Asistencia Vial de 1973 (Federal-Aid Highway Act of 1973)
- Sección 504 de la Ley de Rehabilitación de 1973 (Section 504 of the Rehabilitation Act of 1973)
- Ley de ciudadanos Americanos con Discapacidades de 1990 (Americans with Disabilities Act of 1990)
- Ordenes Ejecutivas 12898 y 13166 (Executive Orders 12898 and 13166)

¡Gracias! Apreciamos sus datos.

tucsonaz.gov
May 2017

TITLE VI NON-DISCRIMINATION PLAN

APPENDIX F – LEP FLOWCHART



TITLE VI NON-DISCRIMINATION PLAN

APPENDIX G – DEPARTMENT OF TRANSPORTATION EMPLOYEES RECEIVING SECOND LANGUAGE PAY

**City of Tucson
Pay Register by Pay Period**

Appt ID	Employee Name	Civil Service	Category	Event
	MORALES, DANIEL E	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	VALENZUELA, BLANCA ESTELLA	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	RUNYAN, CHRISTINA A	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	CAHILL, JOHN ANDREW	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	CARRANZA, CLARISSA K	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	ORTEGA, MANUEL M	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	LEYVA, FRANCISCO ARGEO	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	CRUZ, MARIA E	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	KEENA, JOZETT ALEXANDRIA	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	SHENK, FABIAN BROOK	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	RAMIREZ, MARYLOU R	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	INZUNZA, MARIA LUCINA	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	MEDINA, ISABEL D	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE
	FLORES, ANGEL PABLO	PERM-PERM FT	2LANG-2ND LANGUAGE	2LANG-2ND LANGUAGE

APPENDIX H – SAMPLE BROCHURES

Providing Services to All People Regardless of Race, Color, or National Origin

Limited English Proficiency

What Federal Agencies and Federally Assisted Programs Should Know about Providing Services to LEP Individuals

For information on LEP and detailed agency-specific guidance, go to www.LEP.gov

For more information go to www.usdoj.gov/crt/cor

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section - NYA
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Title VI Hotline:
1-888-TITLE-06 (1-888-848-5306) (Voice/TDD)

The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to develop creative solutions to address the needs of this ever-growing population of individuals whose primary language is not English.

Limited English Proficiency—LEP

Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or “LEP.” These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply and Who Can be Found in Violation?

All programs and operations of entities that receive assistance from the federal government (i.e. recipients), including:

- State agencies
- Local agencies
- Private and nonprofit entities
- Subrecipients (entities that receive federal funding from one of the recipients listed above) also must comply.

All programs and operations of the federal government also must comply.

LEGAL AUTHORITY

Recipients

Title VI of the 1964 Civil Rights Act

“No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

—42 U.S.C. § 2000d

The United States Supreme Court in *Lau v. Nichols* (1974) stated that one type of national origin discrimination is discrimination based on a person’s inability to speak, read, write, or understand English.

Recipients and Federal Government

Executive Order 13166

In August 2000, this Order “Improving Access to Services for Persons with Limited English Proficiency” was issued and directed federal agencies to:

- Publish guidance on how their recipients can provide access to LEP persons
- Improve the language accessibility of their own programs.
- Break down language barriers by implementing consistent standards of language assistance across federal agencies and amongst all recipients of federal financial assistance.

The Order covers all federal and federally assisted programs and activities.

OBLIGATIONS

Four-Factor Analysis

Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important benefits, programs, information, and services. (The federal government has the same obligations as a result of Executive Order 13166.) The starting point is an individualized assessment that balances the following four factors:

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

Elements of an Effective LEP Policy

Elements that may be helpful in designing an LEP policy or plan:

- Identifying LEP persons who need language assistance
- Identifying ways in which language assistance will be provided
- Training staff
- Providing notice to LEP persons
- Monitoring and updating LEP policy

Language Assistance Services

- Oral interpretation services
- Bilingual staff
- Telephone interpreter lines
- Written language services
- Community volunteers



KNOW YOUR RIGHTS

Federal Interagency Working Group on Limited English Proficiency

Do you have trouble with English? Are you unable to speak, read, write, or understand English well? If so, you are Limited English Proficient (LEP).

Federal agencies and organizations that get money from the federal government have to take reasonable steps to help people who have trouble with English.

Sometimes, when a government agency or an organization does not help you because you are LEP, they violate the law. This is called National Origin Discrimination.



If you believe you have experienced National Origin Discrimination, or want more information, please contact:

You can also talk to the supervisor of the person you think discriminated against you. You can also talk to a community group that works on civil rights issues.

Together, we can help people get the benefits and services they need, in ways they can understand.

Sponsored by the United States Department of Agriculture, the United States Department of Health and Human Services, and the United States Department of Justice.

“If you are mistreated because you are LEP, it may be National Origin Discrimination.”

EXAMPLES of Possible Discrimination:

EXAMPLES of Good Practices:



There is a Federal law that protects your civil rights. The law is called Title VI of the Civil Rights Act of 1964.

1 You and many people who live in your area speak Vietnamese and often go to the hospital for emergency care. The hospital does not understand these LEP patients. Most Vietnamese patients do not understand what the hospital tells them about their medical care.

2 You call 911 to report a crime. The operator does not understand you and cannot help you.

3 Your child's school sends important information or a notice to you in English. The school knows you speak only Spanish. The school refuses to provide the information to you in Spanish and suggests instead that your child interpret the information for you.

4 You try to apply for food stamps. The application is in English. You do not understand the application. The Food Stamp office workers tell you to come back with your own interpreter.

1 The hospital knows that many people who cannot understand English and speak Vietnamese live in the area. The hospital has interpreters who are ready and able to help you when you go to the hospital for emergency care.

2 You call 911 to report a crime. The operator connects you quickly to an interpreter who helps you.

3 Your child's school has many Spanish-speaking parents. The school knows you speak only Spanish. You should receive the important information or notice in Spanish.

4 The food stamp office has an interpreter, or contacts a telephone interpreter, to help you. An application in your language is given to you.

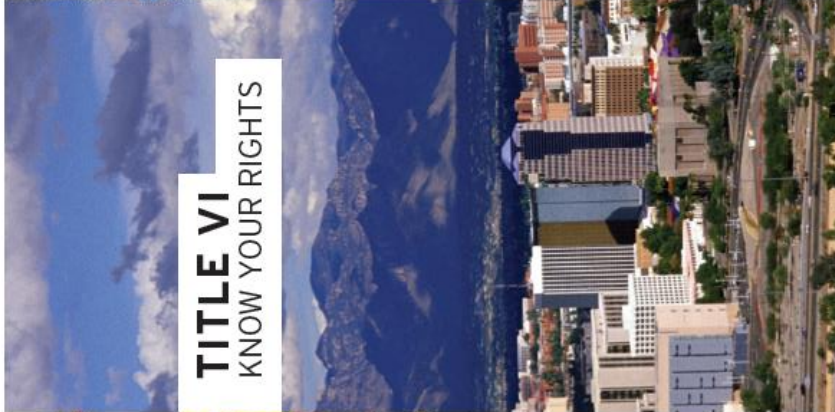


What is Title VI?

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals and groups from discrimination on the basis of their race, color and national origin in programs and activities that receive federal financial assistance. However, the Federal Highway Administration's (FHWA) reference to Title VI includes other civil rights provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.

TDOT's Title VI Policy

Pursuant to Title VI of the Civil Rights Act of 1964 as amended, the Civil Rights Restoration Act of 1987 and other nondiscrimination authorities, it is the policy of the Tucson Department of Transportation (TDOT) that discrimination based on race, color, national origin, sex, age or disability shall not occur in connection with any of its programs or activities. TDOT's efforts to prevent discrimination will address, but not be limited to, a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects and the functions of research, planning, project development, design, right-of-way acquisition and construction.



TITLE VI
KNOW YOUR RIGHTS



For more information

For questions or to file a complaint, contact:

DIANE SOTELO
TDOT TITLE VI COORDINATOR
 Public Works Building
 201 N. Stone Ave, 6th Floor
 Tucson, AZ 85701
 520-791-4371
 FAX 520-791-4608
 Diane.Sotelo@tucsonaz.gov



"At Tucson Department of Transportation, our goal is to ensure that every effort will be made to prevent discrimination through the impact of our programs, policies and procedures."

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Who are the authorities?

The two main authorities enabling Title VI implementation, compliance and enforcement are the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. However, other statutes, laws, regulations, executive orders and the United States Constitution provide guidance for the effective execution of the objectives of Title VI.

THESE INCLUDE:

- Federal-Aid Highway Act of 1973
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Age Discrimination Act of 1975
- Uniform Relocation Act of 1970
- Executive orders 12898 and 13166

Title VI compliance

Title VI compliance is a situation where TDOT has effectively implemented all the Title VI requirements or can demonstrate that every good faith effort has been made toward achieving this end. As a subrecipient of federal highway funds, TDOT is required to prevent discrimination and ensure nondiscrimination in all programs and activities whether they are federally funded or not.





What programs are covered?

Federally assisted programs include any highway, project, program or activity for the provision of services and for other benefits. Such programs include education or training, work opportunities, health, welfare, rehabilitation, housing or other services, whether provided directly by TDOT or indirectly through contracts or other arrangements with other agents.

What type of discrimination is prohibited under TDOT's Title VI program?

Discrimination under our Title VI program is an action or inaction, intentional or not, through which any intended beneficiary, solely because of race, color, national origin, sex, age, disability or retaliation has been otherwise subjected to unequal treatment or impact, under any TDOT program or activity. Discrimination based on the grounds referenced above limit the opportunity for individuals and groups to gain equal access to services and programs. In administering federally assisted programs and activities, TDOT cannot discriminate either directly or through contractual or other means by:

- Denying program services, financial aids or other benefits
- Providing different program services, financial aids or other benefits, or providing them in a manner different from that provided to others
- Segregating or separately treating individuals or groups in any manner related to the receipt of any program service or benefit
- Restricting in any way the employment of any advantage or privilege enjoyed by others receiving any program service or other benefits
- Denying persons the opportunity to participate as a member of a planning, advisory or similar body
- Denying persons the opportunity to participate in the program through the provision of services, or affording the opportunity to do so differently from those afforded others

Who may file a Title VI complaint?

A Title VI complaint may be filed by any individual or individuals who allege they have been subjected to discrimination or adverse impact under any TDOT program or activity based on race, color, national origin, sex, age, disability or retaliation.

What information is included in a Title VI complaint?

A Title VI complaint may be filed by any individual or individuals who allege they have been subjected to discrimination or adverse impact under any TDOT program or activity based on race, color, national origin, sex, age, disability or retaliation.

A signed, written Title VI complaint must be filed within 180 days of the date of the alleged act of discrimination. The complaint must include the following information:

- Your name, address and telephone number, if you are filing on behalf of another person, include their name, address, telephone number and your relation to the complainant (e.g., friend, attorney, parent, etc.)
- The name and address of the agency, program or organization that you believe discriminated against you
- A description of how, why and when you believe you were discriminated against. (Include as much background information as possible about the alleged acts of discrimination.)
- Your signature

What will TDOT do with my complaint?

Upon receipt, the TDOT Civil Rights Office will determine which agency has jurisdiction to handle the complaint. If TDOT does not have jurisdiction to handle the complaint, it will be forwarded to the appropriate agency. The allegations will be investigated and an attempt will be made to resolve any violations if found. If efforts to resolve any violations are unsuccessful, enforcement proceedings may be initiated to bring the recipient into compliance.

Is there speech or hearing impairment assistance for filing a complaint?

Upon request, assistance will be provided if you are limited English proficient or disabled. Any complaint may be filed using an alternate format.



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TITLE VI NON-DISCRIMINATION PLAN

Autoridades

Las dos autoridades principales que hacen posible la implementación, conformidad y cumplimiento del Título VI son la Ley de Derechos Civiles de 1964 y la Ley de Restauración de 1987. Sin embargo, otros estatutos, leyes, reglamentos, ordenes ejecutivas y la Constitución de los EEUU proporcionan orientación para la efectiva orientación de los objetivos del Título VI. Estos incluyen:

- La Ley Federal de Asistencia Vial de 1973
- Sección 504 de la Ley de Rehabilitación de 1973
- Ley de Ciudadanos Americanos con Discapacidades de 1990
- Ley de Discriminación de Edad de 1975
- Ley de Traslado Uniforme de 1970
- Ordenes Ejecutivas 12898 y 13166

Cumplimiento del Título VI

TDOT ha implementado efectivamente todos los requerimientos del Título VI o puede demostrar que ha hecho todos los esfuerzos de buena fe posibles para lograr dar cumplimiento al Título VI. Como subdestinatario de fondos de carreteras federal, TDOT es responsable de prevenir discriminación y de asegurar que no exista discriminación en ningún programa o actividad, sean financiados con fondos federales o no.



Que es el Título VI?

El Título VI de la Ley de Derechos Civiles de 1964 es la ley federal que protege a los individuos y grupos de discriminación basada en raza, color y nación de origen en programas y actividades que reciben asistencia financiera federal. Sin embargo, cuando la Administración Federal de Carreteras de los Estados Unidos (FHWA, por sus siglas en inglés) hace referencia al Título VI, incluye otras provisiones de derechos civiles de estatutos federales y otras autoridades relacionadas de manera que prohíben la discriminación en programas y actividades que reciben asistencia financiera federal.

Las Normas bajo Título VI de TDOT

Conforme al Título VI de la Ley de Derechos Civiles de 1964 enmendado, la Ley de Restauración de 1987 y otras autoridades en contra de la discriminación, es la norma del Departamento de Transportación del Tucson (TDOT, por sus siglas en inglés) que discriminación basada en raza, color, nación de origen, género, edad o discapacidad no ocurrirá en ninguno de sus programas o actividades.

Los esfuerzos de TDOT para prevenir la discriminación se dirigirán a, pero no serán limitados a, el impacto de un programa sobre el acceso, bienes, participación, trato, servicios, oportunidades de contratación, oportunidades de capacitación, investigación de quejas, disposición de fondos, priorización de proyectos y las funciones de planeación, desarrollo de proyectos, diseño, adquisición de derecho de vía, construcción e investigación.

Para más información

Para preguntas o para presentar una queja, comuníquese con:

DIANE SOTELO
TDOT TITLE VI COORDINATOR
Public Works Building
201 N. Stone Ave. 6th Floor
Tucson, AZ 85701
520-791-4371
FAX 520-791-4608
Diane.Sotelo@tucsonaz.gov



tucsonaz.gov



“En el Departamento de Transportación de Tucson, nuestro objetivo es asegurar que cada esfuerzo haga prevenir discriminación a través del impacto de nuestros programas, principios y procedimientos.”



Qué tipo de discriminación está prohibida bajo el programa Título VI de TDOT?

Discriminación bajo nuestro programa de Título VI es una acción o inacción, intencional o no, por medio de cualquier persona que sería beneficiada, haya sido sujeto a trato o impacto desigual bajo cualquier programa o actividad de TDOT únicamente por su raza, color, nación de origen, género, edad, discapacidad o represalias.

Discriminación basada en los términos arriba mencionados les limita a grupos e individuos la oportunidad de obtener acceso equitativo a programas y servicios. En la administración de programas y actividades que reciben asistencia financiera federal, TDOT tampoco no puede discriminar directa o indirectamente, por medio de contratos o cualquier otro medio para:

- Negar servicios del programa, apoyo financiero u otros beneficios
- Proporcionando diferentes servicios, apoyo financiero u otros beneficios, o proporcionándolos de manera diferente a como se les proporcionó a otros
- Segregar o tratar por separado a grupos o individuos de cualquier forma relacionada a la recepción de bienes y servicios
- Restringir de cualquier manera el uso o goce de cualquier ventaja o privilegio de la cual otros que reciben bienes y servicios, usan o gozan
- Negarle a alguien la oportunidad de participar como miembro de un grupo de planeación, de asesoría u otro similar
- Negarle a alguien la oportunidad de participar en el programa mediante la proporción de servicios o dándole la oportunidad de hacerlo de manera diferente de como se les proporcionó a otros

Programas incluidos

Los programas que reciben asistencia financiera federal incluyen: cualquier proyecto vial, programa o actividad para la prestación de bienes y servicios. Tales programas incluyen educación o capacitación, oportunidades de trabajo, salud, asistencia pública, rehabilitación, viviendas y otros servicios, ya sea que hayan sido proporcionados directamente por TDOT o indirectamente a través de contratos u otros arreglos con otros representantes.

¿Quién puede presentar una demanda Título VI?

Cualquier individuo(s) que alegue(n) que ha(n) sido sujeto(s) a discriminación o impactado(s) desfavorablemente bajo cualquier programa o actividad de TDOT basados en raza, color, nación de origen, género, edad, discapacidad o represalias puede presentar una demanda Título VI.

Que información se incluye en una demanda Título VI?

Una queja Título VI por escrito y firmada debe presentarse dentro de los 180 días de la fecha en que se alega que la discriminación ocurrió. La demanda debe incluir la siguiente información:

- Su nombre, dirección y teléfono. Si usted esta presentando la demanda en representación de una tercera persona, incluya su nombre, dirección y teléfono y la relación que tiene usted con la persona agredida (ej. amigo, abogado, padre, etc.)
- El nombre y la dirección de la agencia, programa u organización que usted cree discrimino en su contra
- Una descripción de cómo, porque y cuando usted cree que discriminaron en su contra. Incluya la mayor cantidad de información que pueda sobre de los actos de discriminación que alega
- Su firma

Que hará TDOT con mi demanda?

Al recibir su demanda, la Oficina de Derechos Civiles de TDOT determinará que agencia tiene jurisdicción para manejar la demanda. Si TDOT no tiene jurisdicción para manejar la demanda, se le enviará a la agencia apropiada. Las alegaciones se investigaran y se intentará resolver cualquier, si es que se encuentren. Si los esfuerzos para resolver las violaciones no resultan exitosos, se dará inicio a procedimientos disciplinarios para asegurar el cumplimiento por parte del receptor demandado.

Hay ayuda para presentar la demanda para personas con problemas de oír o de habla?

Se proveerá asistencia a personas con habilidad limitada en inglés o discapacidad si lo solicitan. Una demanda puede ser presentada usando un formato alternativo. Para presentar una demanda Título VI, se puede comunicar a la Oficina de Derechos Civiles al numero que se menciona a continuación.



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APPENDIX I – SAMPLE TDOT WEBSITE

City of Tucson
 Government | Neighborhoods | Business & Economic Development | City Info | Departments | Answers

Department of Transportation
 Modern Street Car
 Transit Services
 Bicycle & Pedestrian Program
 Graffiti Removal Program
 TDOT Resource Center
 Streets & Traffic Maintenance
 > Street Maintenance Improvement Request
 Traffic Engineering
 New Street Construction

Street Maintenance Improvement Request

Help the City identify street, lighting, drainage, signage, and other transportation related improvements such as:

- **maintenance:** filling potholes and cracks, sweeping, trimming vegetation
- **traffic control:** signing, lane striping, crossing signal repair
- **reconstruction:** asphalt paving, utilities, curbs, ramps and sidewalks

Specific Location (street, intersection, direction) *

Select Language: Chinese (Traditional), German, Korean, Russian, Vietnamese, Afrikaans, Croatian, Greek, Latvian, Serbian, Welsh, Albanian, Czech, Haitian Creole, Lithuanian, Slovak, Yiddish, Arabic, Danish, Hebrew, Macedonian, Slovenian, Armenian, Dutch, Hindi, Malay, Spanish, Azerbaijani, Estonian, Hungarian, Maltese, Swahili, Basque, Filipino, Icelandic, Norwegian, Swedish, Belarusian, Finnish, Indonesian, Persian, Thai, Bulgarian, French, Irish, Polish, Turkish, Catalan, Galician, Italian, Portuguese, Ukrainian, Chinese (Simplified), Georgian, Japanese, Romanian, Urdu

Your Name: _____
 Address: _____
 Phone: _____

TDOT website allows user to select a language

City of Tucson
 Gobierno | Barrios | Negocios y Desarrollo Económico | Ciudad Info | Departamentos | Respuestas

Departamento de Transporte
 Modern Street Car
 Servicios de Tránsito
 Bicicletas y Peatones Programa
 Programa de Remoción de Graffiti
 Centro de Recursos TDOT
 Calles y Mantenimiento de Tráfico
 > Solicitud Calle Mantenimiento Mejora
 Ingeniería de tráfico
 Construcción New Street

Solicitud Calle Mantenimiento Mejora

Ayuda a la Ciudad identificar calle, iluminación, drenaje, señalización, y otras mejoras relacionadas con el transporte, tales como:

- **mantenimiento:** llenar baches y grietas, barrer, vegetación recorte
- **control de tráfico:** firma, la creación de bandas carril, cruzando la reparación de señales
- **reconstrucción:** asphalt pavimentación, servicios públicos, bordillos, rampas y aceras

Ubicación específica (calle, intersección, dirección) *

English, Chinese (Traditional), German, Korean, Russian, Vietnamese, Afrikaans, Croatian, Greek, Latvian, Serbian, Welsh, Albanian, Czech, Haitian Creole, Lithuanian, Slovak, Yiddish, Arabic, Danish, Hebrew, Macedonian, Slovenian, Armenian, Dutch, Hindi, Malay, Spanish, Azerbaijani, Estonian, Hungarian, Maltese, Swahili, Basque, Filipino, Icelandic, Norwegian, Swedish, Belarusian, Finnish, Indonesian, Persian, Thai, Bulgarian, French, Irish, Polish, Turkish, Catalan, Galician, Italian, Portuguese, Ukrainian, Chinese (Simplified), Georgian, Japanese, Romanian, Urdu

Dirección: _____
 Teléfono: _____

For example Spanish request for Street Maintenance Improvement

APPENDIX J – CITY OF TUCSON POLICY STATEMENT FOR EQUAL OPPORTUNITY PROGRAMS



CITY OF
TUCSON

OFFICE OF EQUAL OPPORTUNITY PROGRAMS
AND INDEPENDENT POLICE REVIEW

**CITY OF TUCSON
POLICY STATEMENT**

**U.S. Department of Transportation
DBE Diversity Program for Contracts**

The City of Tucson has received federal financial assistance from the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) of the U.S. Department of Transportation (DOT) and has established a Disadvantaged Business Enterprise (DBE) Diversity Program for contracts in accordance with regulations of the U.S. DOT, 49 CFR 26. The Program applies to all City and subrecipient contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance.

It is the policy of the City of Tucson to ensure that DBEs, as defined in 49 CFR 26, have an equal opportunity to receive and participate in DOT-assisted contracts. To achieve this the City will strive:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts on the basis of race, color, sex, or national origin;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

100 N. STONE AVE., SUITE 610 • P.O. BOX 27210 • TUCSON, AZ 85726-7210
(520) 791-4593 • FAX (520) 791-5140 • TTY (520) 791-2639
www.cityoftucson.org



TITLE VI NON-DISCRIMINATION PLAN

Liana Perez, the Director of the Office of Equal Opportunity Programs (OEOP) has been designated as the DBE Liaison Officer. In that capacity, Ms. Perez is responsible for implementing all aspects of the DBE Program. Implementation will include setting overall goals, setting individual contract goals, and gathering and reporting statistical data for the City, Sun Tran and Van Tran DOT-assisted contracts. The OEOP currently implements the City of Tucson's Minority and Women-Owned Business Enterprise (MWBE) Program and certifies disadvantaged as well as minority and women owned businesses for participation in the City MWBE Program.

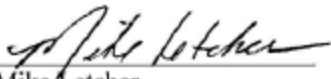
Implementation of the DBE Program is afforded the same priority as compliance with all other legal obligations incurred by the City of Tucson in its financial assistance agreements with the U.S. DOT. All personnel shall adhere to the spirit, as well as the provisions and procedures of this program.

The City of Tucson has disseminated this policy statement to Mayor & Council. All City Department Directors have received a copy and a follow-up e-mail. City subrecipients, Sun Tran and Van Tran, have received a copy with instructions for organizational distribution. This statement has also been distributed to DBE and non-DBE business communities that perform work for the City on DOT-assisted contracts. A copy of this policy statement is posted on the OEOP website at www.tucsonaz.gov/eoo.

The complete DBE Diversity Program and the overall annual goal analysis are available for review at the:

City of Tucson
Office of Equal Opportunity Programs
201 N. Stone, 3rd Floor North
P.O. Box 27210
Tucson, Arizona 85726-7210

If you have any questions or would like further information regarding this Program, please contact Liana Perez, Director, Office of Equal Opportunity Programs and Diversity Program Liaison Officer, at (520) 791-4593, by fax at (520) 791-5140, by e-mail at Liana.Perez@tucsonaz.gov


Mike Letcher,
City Manager

6/09/09
Date

APPENDIX K – TITLE VI “KNOW YOUR RIGHTS” POSTER



**Tucson Department of Transportation
NOTICE TO THE PUBLIC**

The City of Tucson Department of Transportation (TDOT) 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, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, national origin, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal-Aid Highway Program or other activity for which TDOT receives Federal financial assistance.

Any person who believes his/her Title VI protection has been violated may file a complaint. Any such complaint must be in writing and filed with the TDOT Title VI Office Title VI Program Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the TDOT Title VI Office by contacting Diane Sotelo, Title VI Coordinator.

**El Departamento de Transportación de la ciudad de Tucson
AVISO PUBLICO**

El Departamento de Transportación de la ciudad de Tucson (TDOT) da aviso al publico que es la norma de esta agencia asegurar cumplimiento total con el Título VI de la Ley de los Derechos Civiles de 1964, la Ley de Restauración de 1987, y articulos relacionados y regulaciones en todos los programas y actividades. El Título VI require que ninguna persona será discriminada por razón de raza, color, país de origen, sexo, edad o discapacidad; será excluida de participar en, de negar servicios de programas, ayudas o beneficios por ningún programa o actividad financiados por el gobierno federal.

Cualquier persona que crea que se ha violado su protección bajo el Título VI, puede presentar una queja. Esta queja debe ser por escrito con la Oficina de Derechos Civiles de TDOT dentro de los ciento ochenta (180) días de la fecha en que se alega que la discriminación ocurrió. Para recibir formularios de reclamo, por favor póngase en contacto con la TDOT Oficina de Derechos Civiles: Diane Sotelo, Title VI Coordinator.

DIANE SOTELO
TDOT TITLE VI COORDINATOR

Public Works Building
201 N. Stone Ave. 6th Floor
Tucson, AZ 85701
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