

# Title VI Plan

Related to  
Transportation Planning and Transportation Improvements



**Endorsed and Approved on June 20, 2007, by the:  
CENTRAL YAVAPAI METROPOLITAN PLANNING ORGANIZATION  
EXECUTIVE BOARD**

**Endorsed on June 7, 2007, by the:  
TECHNICAL ADVISORY COMMITTEE**

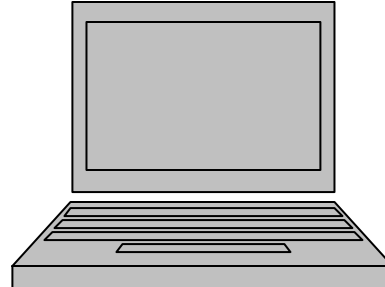
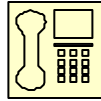
as prepared by the

Central Yavapai Metropolitan Planning Organization  
(CYMPO)  
The designated Metropolitan Planning Organization (MPO)  
for the Prescott, Arizona, Urbanized Area

June 2007

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**En español:**

Para mas informacion, a esta interesado en particpar en el planeamiento del proceso de transporte en su comunidad y necesita asisencia con idioma, por favor comuniquese:

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# Central Yavapai Metropolitan Planning Organization (CYMPO)

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# I. Introduction

## Environmental Justice Activity

Title VI of the Civil Rights Act of 1964 requires outreach to underserved groups.

**"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."**

A further 1994 Presidential directive dictates, **"Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."** *Executive Order 12898*

Groups impacted: low-income and minority populations, which may include sub-groups of elderly and disabled.

CYMPO will consider environmental justice through planning activity according to Federal legislation noted above. Furthermore, in order to involve and assist the underrepresented and underserved, the MPO will adhere to the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), within the transportation planning process. A Public Participation Plan was adopted by the Executive Board on December 7, 2006.

The MPO will make every effort to hold public meetings in facilities that are Americans with Disabilities Act (ADA) compliant; and, arrange for reasonable accessibility and accommodation to persons with disabilities. Further, to provide equally effective communication, CYMPO will make due preparation, when appropriate, for persons requiring assistance, such as the hearing or visually impaired, upon request.

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

## **II. Assurances**

### **General Assurance**

Central Yavapai Metropolitan Planning Organization HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the Arizona Department of Transportation that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, that no person in the United States shall, on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a)(1) of the Regulations, a copy of which is attached.

### **Specific Assurances**

#### **Federal-aid Highway Program Assurance**

More specifically and without limiting the above general assurance, the Central Yavapai Metropolitan Planning Organization hereby gives the following specific assurances with its Federal-aid Highway Program.

1. That agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Central Yavapai Metropolitan Planning Organization shall insert the following notifications in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

The Central Yavapai Metropolitan Planning Organization, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any

contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, gender, age, or disability in consideration for an award.

3. That where the Central Yavapai Metropolitan Planning Organization receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection with it.
4. That where the Central Yavapai Metropolitan Planning Organization receives Federal financial assistance in form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. That this assurance obligates the Central Yavapai Metropolitan Planning Organization 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 Central Yavapai Metropolitan Planning Organization 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 Central Yavapai Metropolitan Planning Organization retains ownership or possession of the property.
6. The Central Yavapai Metropolitan Planning Organization shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
7. The Central Yavapai Metropolitan Planning Organization agrees that the United States has right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

## **Federal Transit Administration Assurance**

The Central Yavapai Metropolitan Planning Organization HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
  
2. The Central Yavapai Metropolitan Planning Organization will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
  
3. The Central Yavapai Metropolitan Planning Organization will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transportation Administration and/or the U.S. Department of Transportation.

### **Certification**

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Central Yavapai Metropolitan Planning Organization by the Department of Transportation under the Federal-aid Highway Program/Federal Transit Grant Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in the interest and other participants in these same Federal-aid programs. The person whose signature appears below is authorized to sign this assurance on behalf of the Central Yavapai Metropolitan Planning Organization.

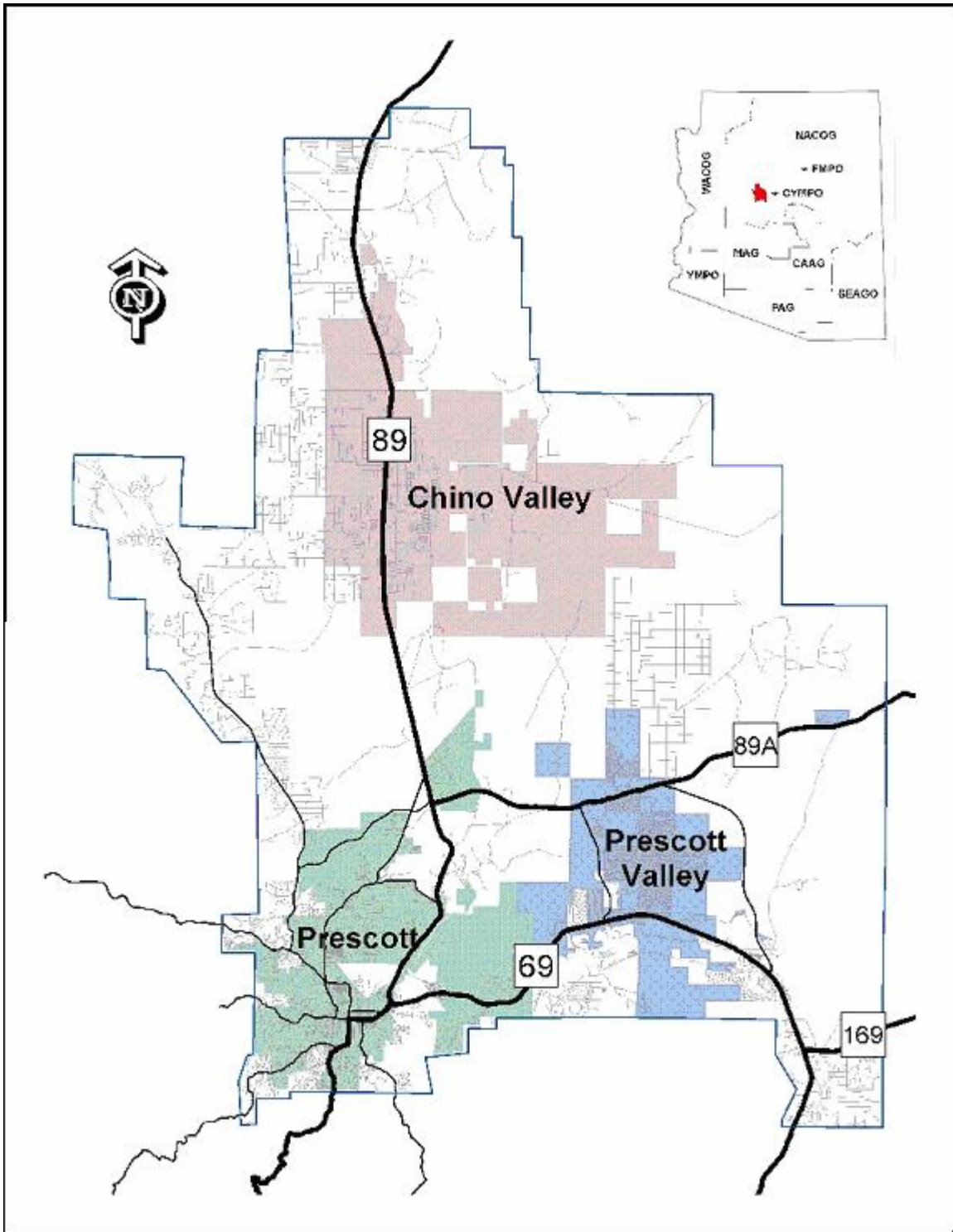
DATED \_\_\_\_\_

Central Yavapai Metropolitan Planning Organization

By \_\_\_\_\_

Jodi Rooney  
CYMPO Administrator

# CYMPO Planning Boundary



### **III. MPO Organizational & Program Administration**

#### **a. General Organization**

CYMPO was established in 2003 with responsibility for transportation planning within the regional area generally encompassing Chino Valley, Prescott, Prescott Valley, central Yavapai County, a portion of Dewey-Humboldt, and the state highway system within its boundaries. Federal regulations require that an MPO be designated to carry out a comprehensive, continuing, and coordinated transportation planning process for urbanized areas with a population of 50,000 or more. The City of Prescott is the fiscal and administrative agent for CYMPO. The region covered by CYMPO is over 400 square miles and is shown on the preceding map.

#### **b. CYMPO Title VI Coordination and Administration**

Compliance is ongoing and falls under duties for the MPO Administrator, which includes, but is not limited to activity such as reporting and data collection.

### **IV. MPO Membership**

#### **a. List of member communities**

The CYMPO Executive Board is the forum for cooperative decision-making on transportation related matters. This five-member board is comprised of principal elected officials from local government and a representative from the Arizona State Transportation Board.

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#### **CYMPO Executive Board Representation**

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1. Town of Chino Valley
  2. City of Prescott
  3. Yavapai County
  4. Town of Prescott Valley
  5. Arizona State Transportation Board
- 

The Executive Board provides policy guidance and direction for the metropolitan transportation planning process.



The Technical Advisory Committee (TAC) is an advisory committee to the Executive Board. The seven-member committee is comprised of the Public Works Directors from the four member agencies, as well as representatives from the Arizona Department of Transportation's Prescott District Engineering Office and Transportation Planning Division, and the U.S.D.A. Forest Service. In addition, there are ex-officio non-voting members from the Yavapai-Prescott Indian Tribe and the Town of Dewey- Humboldt.

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**CYMPO Technical Advisory Committee Representation**

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1. City of Prescott
  2. Arizona Department of Transportation
  3. Town of Prescott Valley
  4. U.S. Forest Service
  5. Town of Chino Valley
  6. Arizona Department of Transportation
  7. Yavapai County
- 

**b. Statistical Data of Communities**

Please see appendix for community data.

**c. Table of CYMPO Committees**

CYMPO COMMITTEES	RACE	GENDER	
		female	male
Executive Board	All Caucasian	2	3
Technical Advisory Committee	1 African American 1 Native American All others Caucasian	2	5
Transit Working Group	1 African American 1 Native American All others Caucasian	6	11
Corridor Studies Working Group	2 African American 1 Native American All others Caucasian	4	13

## V. Complaint Process

Refer to the Arizona Department of Transportation to file and investigate.

## VI. Program Areas

Transportation

- Metropolitan Transportation Plan (2030 Plan)
- Metropolitan Transportation Improvement Program (MTIP)
- Public Participation Plan (PPP)
- Regional Transportation Coordination Plan

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

## VII. Lawsuits Alleging Discrimination

- ❖ City of Prescott  
2005 - Donald and Shirley Mapes filed a complaint against the City alleging violations of the American Disabilities Act. They claim that they were discriminated against and that the City did not reasonably accommodate their disabilities because the City of Prescott's Planning and Zoning Commission denied their application for a variance to allow them to construct an exterior elevated walkway along the upper floor of their home; the City contended that the walkway encroached into the sideyard area of the lot in violation of the City's zoning regulations. The action was removed to federal court and the Mapes have alleged other discrimination claims under the Federal Fair Housing Act and the Arizona Fair Housing Act, all based on the same facts.
- ❖ Town of Prescott Valley  
2006 - Dominic Eric Lee, et al. v. Town of Prescott Valley, et al. CV06-449-PCT-JAT. This suit was filed in Arizona Federal District Court on February 10, 2006. It alleged unidentified Section 1983 claims against several Prescott Valley police officers and a Section 1983 claim against the Town for failure to institute proper policy and training. It sought compensatory and punitive damages for injuries allegedly sustained by Mr. and Mrs. Lee when Prescott Valley police officers conducted a wellness-check at their home after receiving a report that Mr. Lee had

communicated to a third-party (via the internet) an intent to commit suicide. An Answer was filed on June 7, 2006, then a Motion to Dismiss Count I (of two Counts) for failure to state a claim was filed on August 15, 2006. The Court has given Plaintiffs an opportunity to amend their Complaint in order to state a more definite claim. A Pretrial Conference was held on September 18, 2006, setting disclosure, discovery and dispositive motion deadlines. Defense of this suit has been accepted by AMRRP and assigned to experienced defense counsel. AMRRP has not issued a reservation of rights letter and it is believed any damage award against the Town would be covered by insurance, with a minimal deductible. It is believed that, based on the evidence, Plaintiffs will not be able to prove liability on the part of the Town or its officers. The Town intends to defend this lawsuit.

- ❖ Town of Chino Valley  
No lawsuits alleging discrimination.
  
- ❖ Yavapai County  
2007 - Keith McFarland, San Mateo, CA, filed a housing discrimination complaint against Yavapai County (Inquiry No. 228887, HUD Case No. 09-07-0871-8) with the U.S. Department of Housing and Urban Development, California State Office. The following is alleged to have occurred in Prescott, AZ, because of race: otherwise deny housing or make housing available; other discriminatory acts; refusing to provide municipal services or property.

Respondents: Yavapai County, AZ  
Jack Judd  
Don Roberts  
Jimmy Higgs  
Inspectors with Yavapai Cty Development Dept.

The complainant alleged that respondents engaged in discriminatory acts and otherwise made housing unavailable by refusing to approve of the construction of his new home because of his race (African American).

This complaint is currently under investigation by the US Department of Housing and Urban Development, San Francisco, CA; and, where appropriate, encourages all sides to reach agreement through reconciliation.

No lawsuits or complaints have been filed regarding CYMPO.
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### **VIII. Pending Applications for CYMPO include:**

- Current financial assistance for CYMPO; the MPO receives annual transportation planning allocations from FTA and FHWA.
- The grantee process was implemented by the MPO (2007) in order to become designated to capture and obligate Section 5307 Urbanized Area Formula grants regarding transit.

## Appendix A

### Statistical Data of Communities

## Regional Statistics Respective to Environmental Justice

Census Year	Total Population	Persons Aged 65 and Over	Study Area Minority Population	Population with Income Below the Poverty Level	Persons Aged 16 - 64 With Disabilities in Study Area	Households Without Access to Vehicle in Study Area
2000	2000	2000	2000	2000	2000	2000
<b>Jurisdiction</b>						
Yavapai County	167,517	36,816	13,584	19,552	35,757	3,348
Study Area (2000 estimate)	110,197	23,725	7,180	13,027	23,033	2,171
Prescott	33,938	9,085	2,400	4,256	6,020	1,011
Prescott Valley	23,535	4,045	2,094	2,552	5,178	355
Chino Valley	7,835	1,273	465	1,235	1,743	144
Dewey-Humboldt**CDP	6,295	1,977	227	565	1,549	105
Yavapai-Prescott Nation	182	13	156	12	74	0

Source: CYMPO Transportation Plan- Existing Conditions

\*\* (CDP) Census-Designated Place