



Sun Corridor Metropolitan Planning Organization
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www.scmpo.org

PUBLIC PARTICIPATION PLAN

May 2016 Public Participation Plan Endorsed and Approved By:
Sun Corridor Metropolitan Planning Organization
Executive Board
On: July 12, 2016

May 2016 Public Participation Plan Endorsed and Approved By:
Sun Corridor Metropolitan Planning Organization
Technical Advisory Committee
On: June 30, 2016

A large, 3D ribbon graphic that curves across the bottom of the page. The ribbon is light blue and grey, with a white border. The year "2017" is printed in large, bold, black font on the right side of the ribbon.

2017

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PUBLIC PARTICIPATION PLAN

1. Introduction:

Over the past few years, governmental agencies have come to recognize the increasing importance of involving the public as they plan, organize, and implement transportation projects. Involving interested parties generally results in a more effective project overall. Taking time at the beginning to communicate with potentially affected parties, carefully explaining the proposal, and gathering input, can enhance the project and potentially reduce the time and effort for implementation.

a. Goals

The goals of public involvement are to ensure that:

- Residents are given the opportunity (through their respective community representative) to participate in the transportation planning process.
- The issues and concerns of residents are given consideration in the selection of transportation investments.
- Transportation investments do not disproportionately burden any population with adverse impacts.

This plan outlines the importance of, and specific guidelines for, involving community members, organizations, governments, transportation professionals and others in ongoing and future regional projects, plans, and programs. Included is information about the value of public participation, how it will be accomplished, and what will be done with the results.

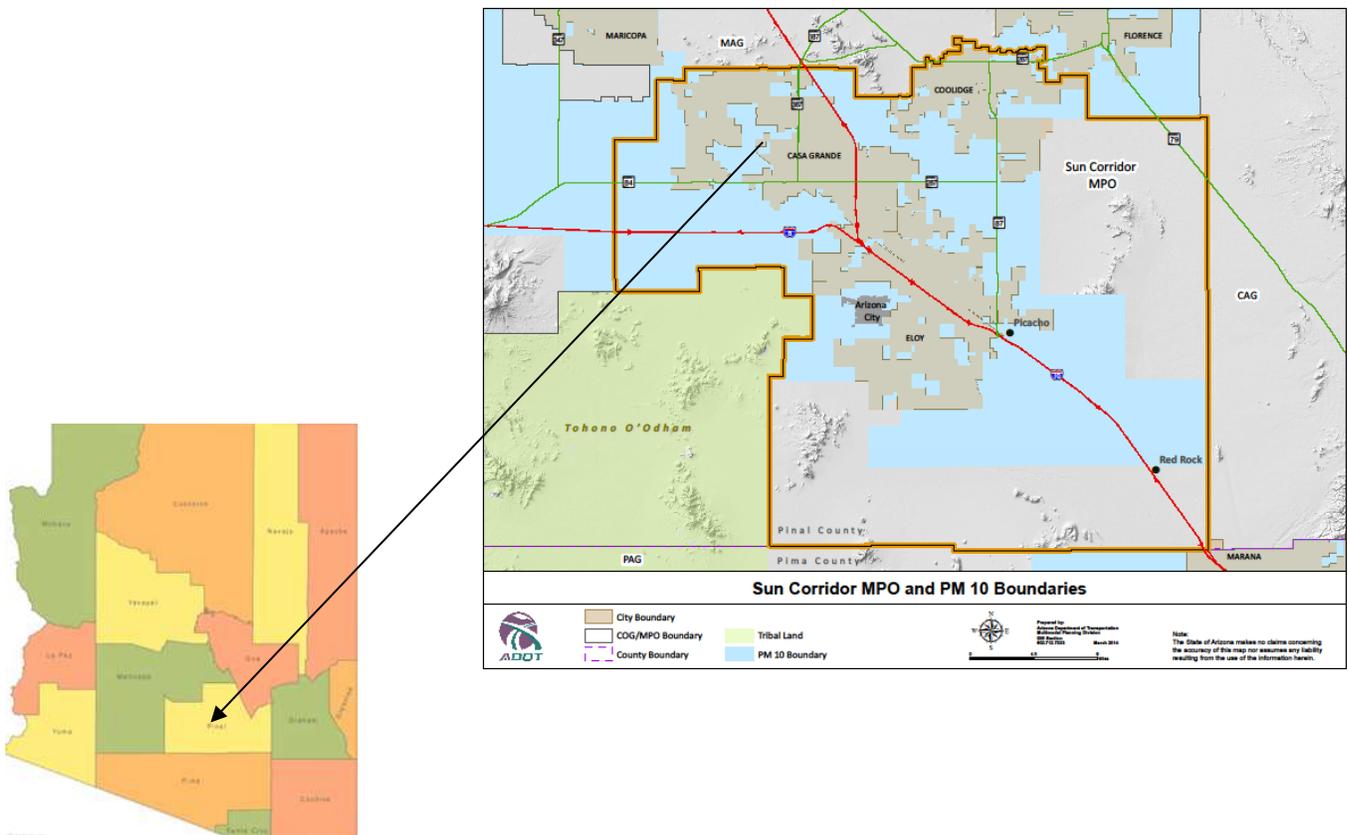
It is important to note that a Public Participation Plan (PPP), or also known as the Public Involvement Plan (PIP) needs to incorporate a broad array of interested parties. These include agencies responsible for land use management, natural resources, environmental protection, conservation and historical preservation. Involving all the potentially affected interests, including the traditionally underserved populations, can significantly increase a plan or project's efficiency and effectiveness. By following the process outlined in this plan, the Sun Corridor MPO will be able to better ensure inclusive and meaningful public involvement.

Sun Corridor MPO Information Sheet

As a result of the 2010 Census, the Sun Corridor MPO was formed in 2013. It encompasses 1,155 square miles, and provides transportation planning services to the cities of Casa Grande, Coolidge, Eloy, and the small urban and rural portions of Pinal County. The population of the Sun Corridor MPO is approximately 118,503.

Nestled between two Transportation Management Areas (MAG and PAG), and three Native American Tribes, the Sun Corridor MPO is in a unique position of developing relationships that will enhance the corridor’s ability to provide goods, services, economic development strategies, improve local regionally significant roads and transit systems, as well as transportation improvements along I-8, I-10, (the future I-11), and working with our rail roads.

All freight import/export from Mexico (Nogales and Douglas) travels through the Sun Corridor MPO region on I-8 and I-10, providing excellent opportunities for collaboration on future projects.



2. Public Involvement Process

Public participation implies an open process. This means that anyone who is potentially affected, or is just interested in the process, is welcome to participate. Some of the reasons for encouraging this openness are:

- Project leaders may gain new information;
- Participants, who want a project to be completed, can provide additional resources in the form of assistance, goods, or services;
- Public participation can be a forum for dispute resolution;
- Progress can be made and implementation occur because;
- The project itself will be better designed with public input;
- The community better understands what the project is about;
- Input can be a warning mechanism for potential problems.

Participant comments help the project leaders understand areas where additional people may have concerns or misunderstandings. This can be used to provide better information to others who are not participating.

a. Environmental Justice and Title VI of the 1964 Civil Rights Act

The Sun Corridor MPO maintains a Title VI Plan to ensure that no person in the region shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Sun Corridor MPO receives federal financial assistance. The Sun Corridor MPO submits annual reports to the Arizona Department of Transportation to ensure all federal regulations are being met.

b. Underserved Populations

Just opening the process to the public is not enough. There are numerous populations that are not likely to get involved unless a special effort is made to reach out to them. In this Plan, groups that need a more focused effort to get involved are referred to as “underserved populations”. These include, but are not limited to:

- Minority (Hispanic and/or non-white) community members;
- Low-Income community members;
- Physically and mentally challenged community members;
- People who rely on alternative transportation;

- People with limited English proficiency;
- Aging populations.

By making a reasonable extra effort to include these populations, the Sun Corridor MPO hopes to ensure that the interests and input of all residents are given equal consideration.

c. Guidelines

Welcoming Attitude

Public participation is welcomed and encouraged by the Sun Corridor MPO. All questions and statements are valuable and will be treated as such. Participants will be treated with respect. Meetings will be conducted with basic ground rules that enforce civil discussion. Anyone who feels that these rules have not been followed should contact the Sun Corridor MPO staff at (520) 705-5143.

i. Techniques

There are numerous and varied techniques/activities to provide the opportunity for public involvement. Any combination and number of these may be used depending on the scope of the specific plan, program, or project. These techniques/activities are defined in detail in Table 1. As funding permits, the Sun Corridor MPO will select from the various activities to provide the most effective public participation in each particular situation.

ii. Meeting Schedules and Locations

Meetings and hearings, which are open for public participation, will be scheduled to allow the best opportunity for attendance by the general public and other entities whenever possible. The meeting locations will be convenient and ADA accessible. In addition to general meetings, events and activities, reasonable efforts will be made to reach those who are particularly affected, the underserved or others who request the Sun Corridor MPO come to them. These options are open to any group or individual and it is the policy of the Sun Corridor MPO to go where people are whenever possible. Locations and meeting times for these activities will be designed according to the specific needs. Transportation meeting dates, times and locations are available on line at www.scmpo.org .

iii. Notification

Notices will follow the general Open Meeting Law of the State of Arizona. Information about meetings, events and other opportunities for participation will be made in a timely manner. This is especially important for the physically and mentally challenged as extra time may be needed to arrange for accommodations to meet their needs. This notification will be easy to understand and provide adequate information or explain where the information can be obtained.

iv. Presentation of Information

In order to help citizens better understand Transportation Planning and the Sun Corridor MPO programs, efforts will be made to show how presented information specifically relates to the public in both the near future as well as long-term. Visualization enhancements such as color, animation, physical props, pictures, 3-D models, etc., will be incorporated as appropriate and as budgets allow.

v. Written and Personal Communications from the Sun Corridor MPO

Technical and policy information from the Sun Corridor MPO will be written so that it is clear and understandable to the public. All relevant information will be open for public consideration. Knowledgeable people will be available to answer questions at meetings and respond to phone questions in a timely manner.

vi. Ongoing Communications

The Sun Corridor MPO will use mailings, media, and electronic technology such as e-mail and websites to have ongoing communication with the public and other entities. Members of the staff are also available via the phone for questions, concerns, and suggestions.

vii. Interagency Coordination

The needs and interests of other public and governmental entities will be solicited as appropriate. Coordination, cooperation, and teamwork among all the agencies are vital to the success of any plan, program, or project.

The Sun Corridor MPO will consult with the Maricopa Association of Governments (MAG) on all air quality conformity activities to ensure continued coordination of public involvement activities within the Sun Corridor MPO planning boundary.

viii. Transportation Interests

The Sun Corridor MPO will solicit input from transportation-related groups such as freight interests, private providers of transportation, chambers of commerce, and others.

ix. Opportunities for Input

Opportunities for input will vary depending on the project, program, or plan. For larger projects, such as a regional transportation plan, there could be several rounds of public participation. There will be the opportunity for initial comments on what projects citizens would like their transportation system to include, prior to the start of any work. Comments on the first draft would be collected and incorporated as appropriate in the final draft. Finally, if there were significant changes to the final draft, there could be another call for input. In each of these stages a variety of techniques would be used to involve all the stakeholders. This will be determined by the extent and nature of the project and available funds to do so.

x. Use of Public Comments

A complete record of public comments will be retained for public review. In specific cases, identified by federal regulations, the public comments could be a part of the final document. Additionally, individual questions will receive a response in a timely manner.

xi. Decision Making

All final transportation decisions (other than those requiring a vote of the people) are made by one or more groups of elected or appointed officials. Public meetings allow comments to be collected and may identify a consensus. The final decision, however, will be up to the elected and/or appointed officials based on a consideration of all related information. Prior to each key decision point, ample opportunity will be offered for input and that input will be shared with the decision-makers.

d. Evaluating Public Involvement Activities

A continuing focus on evaluation and enhancement of the public participation process should help to improve the outcome of each new Sun Corridor MPO plan, project, or program. Evaluating public participation is a multi-dimensional task.

- First, there is the quantitative aspect which uses measurements such as the number of activities held, the number of notices sent, and/or the number of

people who participated. While valid and important, these factors may not show the complete picture.

- Second, it is important to evaluate the qualitative aspects relating to perceptions, attitudes, and effectiveness. Did the people who participated feel they were heard? Were all the potentially affected interests (including the underserved) actually represented? Were the materials provided easy to understand? Were announcements received in a timely manner?
- Third, is the question of how the public input was used. This information needs to be recorded and made available. It also needs to be considered in the decision-making process.
- Fourth, is the need to evaluate the reason something happened. Understanding why there was good (or poor) participation is important to assessing effectiveness.

The ultimate point to consider in an evaluation is the existence of respect and trust. It is not possible to please everyone, but it should be possible to proceed forward with an atmosphere of respect and trust, and Sun Corridor MPO intends to earn this by being fair and open with everyone at all times.

3. Development, Adoption, and Revision of the Public Participation Plan

This Public Participation Plan has gone through several stages during its development:

a. Plan Stages

- Preparation of a preliminary draft plan;
- Evaluation of this plan to ensure compliance with all federal regulations;
- Review of the plan by Sun Corridor MPO Technical Advisory Committee;
- Review of the plan by stakeholders including the general public, governmental entities, and transportation professionals/businesses, for at least 30 days (this is during the 45 day public input process);
- Circulation of the draft plan for at least 45 calendar days. This includes notice to all potentially affected interests that this final draft plan is available for review, including placement at public libraries throughout the region.

b. Plan Revisions

- Revision of the plan based on the above reviews;
- Completion of a final draft plan;
- Review and evaluation of any further recommended changes;
- Adoption of the final plan by the Sun Corridor MPO TAC, and Executive Board;
- Ongoing implementation of the plan by the Sun Corridor MPO;
- Availability of alternative formats i.e. large prints, Braille, audio/video cassettes (as appropriate) upon request for individuals who are blind or individuals with hearing/vision impairments. Due to the time and expense required to develop such materials, this will only be done upon request and a minimum of two weeks' notice must be provided to ensure timely preparation of such materials.

The plan will be officially reviewed at a minimum of every three (3) years. This re-evaluation will involve significant public input and a minimum 45 calendar day review period prior to adopting any changes. All efforts to involve the public and other organizations will follow the steps outlined in the current plan.

Other periodic revisions may occur, as new and better approaches are determined. Each time any significant content revisions are made (other than technical or grammatical revisions) the public will be given a 45-calendar day review and comment period prior to implementing the changes. Sun Corridor MPO will update the plan annually and submit an annual accomplishment report to the Arizona Department of Transportation (ADOT).

4. Sun Corridor MPO's Commitment

This plan contains background material, guidelines, and commitments that the MPO is undertaking to incorporate an effective public process into future plans, projects, and programs. Specifically the Sun Corridor MPO is committed to:

- Inclusive and meaningful public involvement;
- Open and honest communications with all individuals and entities;
- Timely public notice;
- Full public access to information and key decisions;

- Creating a sense of shared responsibility and ownership for regional transportation/congestion problems and a shared sense of pride in the development of solutions to those problems;
- Helping form partnerships between member entities, and the private and public sectors to plan and implement transportation/congestion solutions;
- Establishing policies and prioritizing needs based on valid data and using objective, fair and consistent processes;
- Providing information and gathering input so that decision makers will be able to make informed decisions.

5. Contact Information:

Irene Higgs, Executive Director
Sun Corridor Metropolitan Planning Organization
211 N Florence Street, #103
Casa Grande, AZ 85122
520-705-5143
ihiggs@scmpo.org
www.scmpo.org

6. Statement on Accessing information in Spanish

Because there is a large Hispanic population in many of our communities the Sun Corridor MPO will strive to ensure that public information materials will be provided in both English and Spanish. All materials and information that is provided through the Sun Corridor MPO their consultants and contractors can be provided through an interrupter and/or written materials, within 48 hours of any public meeting, before or after.

7. Table 1 – Public Participation Toolbox

Following are activities that may be used to reach the public:

Activity	Description
Brochure	Written material to distribute generally contains more information than a flyer. It is often folded to create a small piece for distribution.
Charrette	An intensive brainstorming session using visual methods to define alternatives.
Conference	A meeting with two or more people where the participants confer and discuss. (This can also be a series of meetings and/or events focused on a unifying subject.)
Display	Information and materials are displayed in an informal setting where people are free to move about and consider whatever is of interest to them.
E-mail	Using the Internet to contact people with electronic mail addresses.
Social Media	Various; Face Book, Twitter, others
Focus Group	A small carefully selected group of individuals who meet together to give feedback to the organizer on a specific topic.
Forums	A public meeting that is designed to help attendants better understand a subject by hearing different points of view. Usually several people with differing opinions, each make a short presentation and then answer questions. It is not designed for decision making.
Information Booths	Place an information exhibit at fair-type events.
Meetings	These are opportunities for larger groups of people to get together for a multitude of purposes. The general intent is to allow people to interact on a person-to-person basis.
Modeling	Computer and/or physical modeling can be used to help people better visualize or better understand a particular concept or project.
Newspaper Advertisement	Information that a newspaper prints in their paper that is not part of the news. The person/group placing the advertisement has control of the content.
Press Releases	This official release tells the press there is news they might be interested in reporting. It generally follows a specific format and includes who, what, when, where and a contact for more

Activity	Description
	information.
List of local Newspapers	Casa Grande Dispatch; Maricopa Monitor; Coolidge Examiner; Eloy Enterprise; Arizona City Independent; Tri Valley Dispatch
Posters	A large written announcement posted in a public place.
Presentation Meetings	These meetings allow the organizer to provide information and answer questions for a large group at once.
Public Hearings	This is a legal meeting that is often required to make sure there is some opportunity for public comment. It is normally done with elected officials sitting at the front and allowing community members very specific conditions to speak under.
Public Notice	These are official notices posted prior to meetings. This can be on the Sun Corridor MPO website, and hard copy posted at select locations.
Public Service Announcements	These are short announcements usually on radio or television, for which there is no charge and announce something important for the public to know. (use all newspapers)
Web Site	A series of "pages" on the Internet that relate to a specific subject. They can be reached by anyone who has access to the Internet by typing a particular address or by doing a search.

Transportation Planning is relevant to all people. Maintaining public interest as decisions are made is critical to gathering effective public input. Therefore:

- With each contact, efforts will be made to present information that is relevant and show how this information relates to the public in both the near future as well as long-term.
- As any of the above tools are used, Sun Corridor MPO will keep in mind the importance of making whatever the subject matter is as interesting as possible. Color, animation, physical props, pictures, visualization, 3-D models, etc. will be incorporated, as budget allows, enhancing the experience for the public.
- Public notices must include reasonable accommodations for individuals with disabilities with special needs, e.g. sign language interpreters. Sun Corridor MPO will include point of contact person, telephone number, e-mail address, and timeframe for response from those with special needs.
- When the scope of a proposed project or plan has the potential to significantly impact individuals with special needs, pertinent materials will be available in alternative formats, i.e. large print, Braille, audio/video.

8. Certifications and Assurances

Sun Corridor Metropolitan Planning Organization Title VI Assurances

The **Sun Corridor Metropolitan Planning Organization (MPO)** (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 statues)

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

General Assurances

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

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

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

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Aid Highway Program* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **Sun Corridor Metropolitan Planning Organization**, 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, **Sun Corridor Metropolitan Planning Organization (MPO)** 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.

Sun Corridor Metropolitan Planning Organization (MPO) 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.

By  _____ Date: March 22, 2016
Irene Higgs, Executive Director – Title VI Coordinator
Sun Corridor Metropolitan Planning Organization

Appendix A – Contractor

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

(1) **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

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

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

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

(5) **Sanctions for Noncompliance**: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, may determine to be appropriate, including, but not limited to:

- a) withholding payments to the contractor under the contract until the contractor complies; and/or
- b) cancelling, terminating, or suspending a contract, in whole or in part.

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

Appendix B – Clauses for Deeds Transferring United States Property

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

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

(HABENDUM CLAUSE)

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

The **Sun Corridor Metropolitan Planning Organization** ,in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [.] [and]* (2) that the **Sun Corridor Metropolitan Planning**

Organization will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

**Appendix C – Clause for Transfer of Real Property Acquired or Improved
Under the Activity, Facility, or Program**

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

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

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

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

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

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

Appendix D – Clauses For Construction/Use/Access to Real Property Acquired Under The Activity, Facility or Program

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

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended set forth in this Assurance.

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

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **Sun Corridor Metropolitan Planning Organization** will there upon revert to and vest in and become the absolute property of **Sun Corridor Metropolitan Planning Organization** and its assigns.*

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

Appendix E – Performance Of Contract

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

Pertinent Non-Discrimination Authorities:

- 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); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities

(42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1687 et seq).

9. Sun Corridor MPO Demographic Table

Geographic Area	Total Pop	White	Black	American Indian	Asian	Hispanic
Casa Grande	48,571	32,687	2,245	2,232	875	18,932
Coolidge	11,825	7,418	928	670	115	4,962
Eloy	16,631	6,856	1,685	571	755	9,648
Arizona City	10,475	7,715	436	364	56	3,583
*Pinal County within the MPO	31,316					
Total	118,818	54,676	5,294	3,837	1,801	37,125

Source: 2010 U.S. Census

*At this time the portion of Pinal County within the Sun Corridor MPO is not separated out by general population, or specific demographics. The total population for Pinal County within the Sun Corridor MPO is an estimate.

If you have any questions, please contact:

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