

Lake Havasu MPO

METROPOLITAN PLANNING ORGANIZATION

Executive Board (EB) Meeting

Tuesday, June 18, 2024



900 N. London Bridge Rd., Bldg. B
Lake Havasu, AZ 86404
(928)-453-2824

Disclaimer: This is not a legal document. Although much care was taken to ensure the accuracy of the information presented in this document, The Lake Havasu Metropolitan Planning Organization does not guarantee the accuracy of this information.

Cal Sheehy, Chairman

Buster Johnson, Vice Chairman

Nancy Campbell, Secretary/Treasurer

Jeni Coke, Board Member

Sam Elters, Board Member



www.LHMPO.org

Lake Havasu Municipal Courthouse

92 Acoma Blvd. S.

Lake Havasu City, AZ 86403

Lake Havasu Metropolitan Planning Organization (LHMPO)

Executive Board Meeting Agenda

Tuesday, June 18, 2024, 10:00 A.M.

All Action items highlighted in gray

The Lake Havasu MPO Executive Board may vote to hold an Executive Session for the purpose of obtaining legal advice from an attorney for the Board on any matter listed on the agenda under A.R.S. § 38-431.03 (A)(3)

1. Call to Order- (Cal Sheehy)

2. Pledge of Allegiance- (Cal Sheehy)

3. Roll Call-(Sarah Lojewski)

4. Call to the Public

This item is to provide an opportunity for citizens wishing to address the Executive Board on issues within the jurisdiction of the LHMPO planning area that are not on the Agenda. Comments SHALL be limited to five (5) minutes or less.

5. Meeting Minutes: April 9, 2024 & June 7, 2024

Cal Sheehy, Executive Board Chairman

6. Title VI Training

Sarah Lojewski, LHMPO Administrative Specialist II

7. Title VI Plan & Annual Goal Report

Cal Sheehy, Executive Board Chairman

8. Transportation Alternative Program(TAP) Contract Agreement

Cal Sheehy, Executive Board Chairman

9. LHMPO Report (Informational Only)

Sarah Lojewski, LHMPO Administrative Specialist II

10. Rural Transportation Advocacy Council (RTAC) Report (Information Only)

Kevin Adam, RTAC Executive Director

11. ADOT District Report (Information Only)

Todd Steinberger, ADOT NW District Engineer

12. Arizona Transportation Board Report (Information Only)

Sam Elters, District Representative

13. Call For Future Agenda Items

14. Upcoming Meeting Schedule:

LHMPO TAC Meeting: **July 23, 2024, 10:00 AM**

LHMPO Executive Board Meeting: **August 13, 2024, 10:00 AM**

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15. Adjourn

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El siguiente enlace proporciona acceso a una encuesta voluntaria pero muy importante; al completar esta encuesta, la MPO del lago Havasu podrá determinar quién asiste a nuestras reuniones públicas y cómo podemos mejorar la participación:

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Item #5

Meeting Minutes

Cal Sheehy, Chairman



Lake Havasu Metropolitan Planning Organization (LHMPO)
Executive Board Meeting Agenda
Tuesday, April 9, 2024, 10:00 A.M.

All Action items highlighted in gray

The Lake Havasu MPO Executive Board may vote to hold an Executive Session for the purpose of obtaining legal advice from an attorney for the Board on any matter listed on the agenda under A.R.S. § 38-431.03 (A)(3)

1. Call to Order- (Cal Sheehy)

Chairman Sheehy called the meeting to order at 10:03 a.m.

2. Pledge of Allegiance- (Cal Sheehy)

Chairman Sheehy led in the Pledge of Allegiance.

3. Roll Call-(Sarah Lojewski)

Sarah Lojewski performed the Roll Call

Present: Chairman; Cal Sheehy, Vice Chairman; Buster Johnson, Secretary/Treasurer; Nancy Campbell, and Board members Jeni Coke and Board Member Gary Knight

4. Call to the Public

There was no request to address the Board.

5. Meeting Minutes: December 12, 2023 and March 28, 2024

Secretary/Treasurer Nancy Campbell motioned to approve the December 12, 2023, & March 28, 2024 Meeting Minutes. Gary Knight seconded the motion.

6. Carbon Reduction Program (CRP)-Project Approval

Justin Hembree shared with the group the project identified by the City. The project will have upgrades that include improvements such as crack seal, chip seal, fog/top coat, and or any other upgrades to improve the longevity of the asphalt surface of the pathway. The identified project is the LHM-C25-101 "State Route 95 - Multi-Use Path Upgrade".

Jeni Coke motioned to approve the Carbon Reduction Program (CRP)-Project Approval. Secretary/Treasurer Nancy Campbell seconded the motion.

7. HSIP Call for Projects-Project List Approval

Justin Hembree described that the MPO has been working with Greenlight Traffic Engineering to analyze the traffic accident/crash data to identify potential safety projects eligible for competitive HSIP grant funding for fiscal years 2027 & 2028. The potential safety projects are:

Lake Havasu City:

- McCulloch Blvd: a fatal pedestrian crash occurred near Birch Square crosswalk – consider traffic calming measures between Mulberry and Acoma (raised crosswalk(s), HAWK, streetscaping, etc.)
- North Palo Verde Blvd/Lake Havasu Ave: fatal left-turn/pedestrian crash – consider traffic signal or HAWK

Mohave County:

- London Bridge Rd, approximately 200 feet north of North View Drive: fatal run-off-road motorcycle crash, southbound, negotiating a curve – consider high friction surface treatment from North View to just north of Fathom Dr.

ADOT:

- SR 95 MP 178 to 180.4: 4 fatal rear-end crashes – consider dynamic dilemma zone/queue warning system

8. FY2024 TIP Amendments

Justin Hembree, LHMPD Director advised the TAC of the formal and administrative amendment updates to the FY2024 TIP. The updates are as followed:

❖ Projects added to the 5310 section of the TIP are:

1. LHM-M23-101 - New Horizons Center Inc. - Preventative Maintenance
2. LHM-M23-102 - New Horizons Center Inc. - 4x4 SUV
3. LHM-M23-103 - New Horizons Center Inc. - Maxivan w/ lift (11 passenger)
4. LHM-M23-104 - New Horizons Center Inc. - Minivan – No Ramp
5. LHM-M23-105 - WACOG - Regional Mobility Management

❖ Projects removed/added or funding changed to the 5307 FTA section of the TIP are:

Projects Removed

1. LHT22-301D; Transit Hub with ADA Restrooms Design FY2022 5307 funding in the amount of \$125,000 remove this funding and line item.
2. LHT22-301D; Transit Hub with ADA Restrooms Design FY2020 STBG funding in the amount of \$38,896 remove this funding and line item.
3. LHT-25-302; Electric Charging Station, ADOT ID #103326 Remove project
4. LHT-27-303; FTA Vehicle, ADOT ID #103831 Remove project

Projects Added

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5. LHT-24-308 - Maintenance for Vehicle/Building Maintenance \$60,000 with a \$12,000 match
6. LHT-26-305 - Maintenance for Vehicle/Building Maintenance \$60,000 with a \$12,000 match
7. LHT-26-306 – Operating Expenses \$300,000 with a local match of \$150,000
8. LHT-28-301 - Operating Expenses \$500,000 with a local match of \$250,000
9. LHT-28-302- Maintenance for Vehicle/Building Maintenance \$60,000 with a \$12,000 match

Project Funding Decrease / Increase

10. LHT-23-303 ADOT ID 103321 Vehicle Wireless Camera Technology change funding from \$77,792 with a Local match of \$2,351 to \$38,896.00 with a local match of \$2,351.00 Federal funding year changed to FFY2020
11. LHT-24-303 ADOT ID #103322 changed funding to \$180,000 with a local match of \$31,765
12. LHT-24-304 ADOT ID #103323 Federal Funding changed to \$200,000 with a local match of \$35,294 project moved from FY2024 to FY2025 Fed Aid Funding Year changed to FFY2021
13. LHT25-301 ADOT ID #103325 changed funding to \$458,000 with a local match of \$229,000
14. LHT-25-303 ADOT ID #103327 changed funding to \$200,000 with a match of \$35,294
15. LHT-26-301 ADOT ID #103328 changed funding to \$440,000 local match to \$220,000.
16. LHT-27-301 ADOT ID #103829 changed funding amount to \$500,000 and local match to \$250,000
17. LHT-27-302 ADOT ID #103830 changed funding amount to \$200,000 with a local match of \$35,294
18. LHT-27-304 ADOT ID #103832 changed funding amount to \$60,000 with a local match of \$12,000

Project Schedule Change

19. LHT-23-302 ADOT ID 102344 moving from FY2023 to FY2025 funding amount changed to \$200,000 with a local Match of \$35,294
20. LHT-24-307 ADOT ID #103828 Federal Funding year changed from FFY2019 to FFY2020
21. LHT-26-302 Electric Charging Station move to FY2028 project year

Other / Misc:

22. LHT-21-305 ADOT ID 102325 Change project name to Shade Cover for Vehicles
23. LHT-22-301C ADOT ID 102320 changed project name from Transit Hub with ADA Restrooms to Transit Facility Yard local funding is incorrect on LHT22-301C should only be \$100,000 was at \$180,000 this project needs to be moved to FFY2027 from FFY2023 and Funding Year FY2026.

❖ Project schedule/cost changes to the HSIP section of the TIP are:

Project Schedule/Cost Changes

LHM H25-101 – State Route 95 Raised Median Project

- Rescheduled - Construction phase advanced from FY26 to FY25
- Cost adjustment – Total project cost increased from \$3,491,630 to \$4,050,032 (Federal: \$3,819,180; State Match 230,852).

LHM H25-103 – Horizon 6 Gold Springs Rd and Blue Canyon Rd.

- Revised the Name of the project to remove the description/scope of work performed to road names only.
- Rescheduled – Construction phase pushed back from FY26 to FY27

❖ **Projects added/revised to the TA section of the TIP are:**

Project Added/Revised

1. Lake Havasu MPO Safe Routes to School Scoping Project:

- TIP ID - LHM-TA24-101
- Various School Locations; ½ Radius around School Zones – 8 total sites, 6 Elementary, 1 Middle, 1 High School Total Awarded Funding: \$ 433,370 - \$ 408,668 Federal, \$ 24,702 Local In-Kind Match Scoping/Study: FY24 Sponsor: Lake Havasu MPO

❖ **Projects added to the CRP section of the TIP are:**

New Project Added

LHC-C25-101 - State Route 95 - Multi-Use Path Upgrades

- Total Funding \$ 483,675.50 - Federal \$456,106, Local Match \$27,569.50
Upgrades include improvements such as crack seal, chip seal, fog/top coat, and or any other upgrades to improve the longevity of the asphalt surface of the pathway.

Secretary/Treasurer Nancy Campbell motioned to approve the FY2024 TIP Amendment. Jeni Coke seconded the motion.

9. FY2024 Loan

Justin Hembree, LHMPO Director explained the FY24 Loan out of all lapsing funds (expected \$288,529.22 in STBG; and \$336,703.92 in CRP; all totaling \$625,233.14 – amounts subject to change before June 30, 2024), with REPAYMENT in FY 2025 (OA –STBG/CRP/PL) – Loan will aid in maintaining a fiscally constraint TIP and is necessary to fund the, future Traffic Signal ITS HURF Exchange and CRP Projects.

Jeni Coke motioned to approve the FY2024 Loan. Secretary/Treasurer Nancy Campbell seconded the motion.

10. FY2024 Work Program Budget Amendment

Justin Hembree, LHMPO Director The LHMPO will purchase Radar traffic counters for Lake Havasu City to aid in the data collection efforts for the HPMS/TCDS traffic count program. The new counters/units will improve the efficiency of the traffic counting operation by systematically replacing outdated & damaged equipment and supporting increased counting requirements resulting from the expansion of Functional Classifications (The list of classified roads that require counts was expanded circa 2020). In addition, the new units will support the ongoing traffic counting operations at long-

duration count site locations. The allocated budget for this purchase would be \$40,000 (SPR funds).

Secretary/Treasurer Nancy Campbell motioned to approve the FY2024 Work Program Budget Amendment. Jeni Coke seconded the motion.

11. Project Status Update (Informational Only)

Justin Hembree presented the project status update for the upcoming projects in the region.

- A draft IGA is in progress for the Lake Havasu MPO safe routes to school scoping project.
- Advertisement has been scheduled for the McCulloch Blvd & Jamaica Blvd Traffic Signal.
- Projects were advertised and Stanley Consultants was selected for both the Swanson Ave intersection and the Systemic Speed feedback sign projects.
- IGA was executed for the Gold Springs Road & blue Canyon Road shoulder widening.

12. Rural Transportation Advocacy Council (RTAC) Report (Information Only)

Kevin Adam, RTAC Executive Director provided state and federal legislative updates.

13. ADOT District Report (Information Only)

Todd Steinberger, P.E. Northwest Assistant District Engineer advised the Board on the updates for the pavement preservation projects in the region.

14. Arizona Transportation Board Report (Information Only)

Gary Knight, District Representative provided an update from the State Transportation Board meeting.

15. Future Agenda Items

No future MPO-related agenda items were discussed.

16. Upcoming Meetings Schedule

LHMPO TAC Meeting: **May 28, 2024, 10:00 AM**

LHMPO Executive Board Meeting: **June 11, 2024, 10:00 AM**

17. Adjourn to Executive Session Pursuant to A.R.S. § 38-431.03(A)

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One or more board members may be participating via remote conferencing.

- 1) Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body. (A.R.S. § 38-431(A)(7)); Discussion or consultation for legal advice with an attorney for the City, if necessary (A.R.S. § 38-431(A)(3))

- 1.1) Review of Applications for the Lake Havasu Metropolitan Planning Organization Officer Position and Discuss Interview/Appointment Strategy

The Lake Havasu City Executive Board reviewed the Applications for the LHMPO Officer position and discussed interview/appointment strategies.

18. Reconvene to Regular Meeting

19. Discussion and possible action, if necessary, to comply with Arizona Open Meeting Law following the executive session regarding:

- 1) Review of Applications for the Lake Havasu Metropolitan Planning Organization Officer Position and Discuss Interview/Appointment Strategy

The Lake Havasu City Executive Board reviewed the Applications for the LHMPO Officer position and discussed interview/appointment strategies.

20. Adjourn

Secretary/Treasurer Nancy Campbell motioned to adjourn

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ponerse en contacto con el Director Ejecutivo de la Organización de Planificación Metropolitana de Lake Havasu (LHMPO por sus siglas en inglés) en hembreej@lhcaz.gov. Las solicitudes deben hacerse lo antes posible para asegurar que la Organización de Planificación Metropolitana de Lake Havasu (LHMPO por sus siglas en inglés) tenga la oportunidad de hacer los arreglos necesarios.

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Cal Sheehy, Chairman

Buster Johnson, Vice Chairman

Nancy Campbell, Secretary/Treasurer

Jeni Coke, Board Member

Sam Elters, Board Member



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[Join the meeting now](#)

Meeting ID: 295 224 145 076

Passcode: RysgGj

Lake Havasu Metropolitan Planning Organization (LHMPO)

Executive Board Meeting Minutes

Tuesday, June 07, 2024, 10:30 A.M.

All Action items highlighted in gray

This meeting will be held through technological means.

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1. Call to Order

Chairman Sheehy called the meeting to order at 10:30 am.

2. Roll Call

The Roll Call was performed by Sarah Lojewski

Present: Chairman; Cal Sheehy, Vice Chairman; Buster Johnson, Secretary/Treasurer; Nancy Campbell, and Board member Jeni Coke.

3. Call to the Public

There was no request to address the Board.

4. Discussion and possible action to appoint a new Metropolitan Planning Organization Director and approve the Employment Contract

Cal Sheehy, LHMPO Chairman presented the proposed candidate for the Lake Havasu MPO Director and the Employment Contract for Anne Barrett.

The Lake Havasu MPO Director's responsibilities are prescribed in the LHMPO Joint Project Agreement with Arizona Department of Transportation and the Unified Planning Work Program and Budget (UPWP). The Director also is to adhere to applicable personnel policies of Lake Havasu City, and state and federal laws. MPO Director shall have all powers and authority granted to the MPO Director under the MPO Joint Project Agreement with Arizona Department of Transportation, and applicable federal and state laws and regulations.

Board Member Nancy Campbell presented a motion to appoint the Lake Havasu MPO Director and to approve the Employment Contract for the MPO Director, Anne Barrett. Motion was seconded by Secretary Buster Johnson.

5. Future Agenda Items

There was no request for future agenda items

6. Upcoming Meeting Schedule:

LHMPO Executive Board Meeting: **June 18, 2024, 10:00 AM**

LHMPO TAC Meeting: **July 23, 2024, 10:00 AM**

20. Adjourn

Cal Sheehy motioned to adjourn. Nancy Campbell moved to adjourn.

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Item #6

Title VI Training ***(Information Only)***

Sarah Lojewski, LHMPO Administrative Specialist II



Title VI Nondiscrimination Training



Title VI

- “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.”



Purpose of Training

To ensure all management staff, contractees, and service beneficiaries are aware of the provisions of Title VI of the Civil Rights Act of 1964 and the minimum requirements to be in compliance with its rules, laws, and regulations.

To Comply with Title VI

- Appoint a Title VI Coordinator
- Attend ADOT Title VI Training
- Provide Title VI Training for Staff, Committee and Executive Board members
- Develop a Title VI Policy Statement and post in visible areas (public meetings, social media, website etc.)
- Acquire signed Title VI Assurances
- Monitor ethnicity and gender of contractors and subcontractors
- Include Title VI Assurances in all contracts
- Inform customers about Title VI annually and disseminate information to the public

Ensure your Contractors and Sub-Contractors follow the same guidelines

- Sub-recipients must ensure that all contractors and sub-contractors awarded ADOT funded contracts adhere to Title VI and all other applicable civil rights laws and regulations.

General Requirements for All Title VI Programs

- Summary of public outreach and involvement activities, and description of steps to ensure minority & low-income people had meaningful access to activities
- Limited English Proficiency Plan (LEP)
- Procedures for tracking and investigating Title VI complaints
- List of any Title VI investigations, complaints, or lawsuits
- Title VI notice and instructions on how to file a discrimination complaint

Have a Written Title VI Complaint Process and Complaint Log

To Include:

- How to file a complaint;
- The complaint must be filed within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant;
- The complaint should be in writing and signed;
- Determining the jurisdiction, acceptability, and the need for additional information upon receipt to investigate the merit;
- Complaints filed against the sub-recipient should be forwarded to ADOT for investigation;
- Take final action within 60 days, and
- Provide appeal instructions.

Title VI Complaint Log

Title VI Complaint
Log Year 2 _____

CASE NO.	COMPLAINT	RESPONDENT	AGENCY FILED WITH	DATE FILED	BASIS	DATE OF REPORT	DECISION

Title VI Notice to the Public



LAKE HAVASU METROPOLITAN PLANNING ORGANIZATION'S TITLE VI NOTICE TO THE PUBLIC

The Lake Havasu Metropolitan Planning Organization (LHMPO) 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, national origin, 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 Lake Havasu MPO 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 Lake Havasu MPO, Title VI 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 Lake Havasu MPO Office.

AVISO AL PÚBLICO SOBRE EL TÍTULO VI DE LA ORGANIZACIÓN LAKE HAVASU METROPOLITAN PLANNING ORGANIZATION

La organización de planificación metropolitana "Lake Havasu Metropolitan Planning Organization" (LHMPO), por este medio provee un aviso al público con respecto a que es la norma de la Agencia asegurar el cumplimiento total del Título VI del Decreto de los Derechos Civiles de 1964, el Decreto de la Restauración de los Derechos Civiles de 1987, y regulaciones y estatutos relacionados en todos los programas y las actividades. El Título VI requiere que ninguna persona deberá, debido a raza, color, origen nacional, o discapacidad, ser excluida de su participación en, denegada de los beneficios de, o de otra forma verse sujeta a discriminación bajo cualquier programa de Carreteras con Ayuda Federal o de cualquier otra actividad para la cual Lake Havasu MPO reciba asistencia financiera federal.

Cualquier persona que crea que se ha violado su protección bajo el Título VI, puede registrar una queja. Dicha queja debe hacerse por escrito y registrarse con el Coordinador del Título VI de la organización Lake Havasu MPO dentro de ciento ochenta (180) días de la fecha del presunto evento discriminatorio. Las formas para quejas por discriminación "Title VI Discrimination Complaint Form" se pueden obtener en la oficina de Lake Havasu MPO.

Justin Hembree
Title VI Coordinator / *Coordinador del Título VI*
928-453-2824 • HembreeJ@lhcaz.gov

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Public Outreach

- Early, often and continuous
- Provide opportunities for public to get involved in proposed transportation decisions
- Promote inclusive public participation, including low-income, minority and LEP populations

Public Involvement Tips

- Select accessible meeting times, and locations
- Utilize social media (e.g., Facebook, YouTube) to complement (*not replace*) other involvement techniques
- Use non-traditional methods (e.g., Virtual Town-Halls (Zoom), street fairs, faith based institutions, etc.)

LEP-Related Requirements of Title VI

- Title VI and its implementing regulations require that recipients take *responsible* steps to ensure *meaningful access* to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient.

How are LEP plans typically implemented?

Popular Strategies:

- Publishing materials in languages other than English (e.g. Spanish)
- Multi-language public outreach materials (Newspaper, Website, Social Media, Surveys, etc.)
- Pictograms
- Multi-language announcements at reception areas
- Language identification using “I Speak” cards

General Requirements Summary Points

➤ Title VI program must include:

- Policy Statement
- Signed Title VI Assurances
- Organization and Staffing
- Program Area Review Procedures
- Data Collection
- **Training**
- Complaint Procedures
- Dissemination of Title VI Information
- Limited English Proficiency
- Environmental Justice
- Public Participation Plan

Non-Compliance with Title VI

- Withholding of payments to the recipient under the contract until the recipient complies, and/or
- Cancellation, termination or suspension of the contract, in whole or in part

QUESTIONS?

LHMPO Title VI Coordinator
Justin Hembree, LHMPO Director
Hembreej@lhcaz.gov

Item #7

Title VI Plan & Annual Goal Report (*ACTION ITEM*)

Cal Sheehy, LHMPO Chairman

Agenda Item # 7

**LAKE HAVASU MPO
REQUEST FOR ACTION**

SUBJECT: FY 2024 Title VI Plan

SUBMITTED BY: Sarah Lojewski, LHMPO Administrative Specialist II

AGENDA TYPE: Public Hearing – Discussion / Possible Action

ATTACHMENTS:

FY 2024 Title VI Plan & FY 2024 Title VI Annual Report

SUMMARY/BACKGROUND:

Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and other nondiscrimination laws and authorities, prohibits discrimination on the basis of race, color, national origin, sex, age, or disability. ADOT, FHWA, and FTA require a Title VI-Nondiscrimination Plan from each recipient of federal transportation funding within the state of Arizona. The Lake Havasu MPO Title VI Plan ensures fair treatment and meaningful involvement of all people during the planning, development, evaluation, and implementation of Federal-aid programs and activities. In addition, ADOT also requires an annual report indicating the current year's public involvement, modifications made to the Title VI Plan, and the upcoming year's goals.

The following is a brief description of Title VI activities during the fiscal year 2024:

1. Lake Havasu MPO did not receive any Title VI complaints during FY 2024
2. The annual Title VI Plan has been updated, FY 2024 updates are located in Exhibit E at the back of the Plan
3. The FY 2024 Annual Title VI Report is complete and attached to this memorandum.
4. The LHMPO will submit the FY24 Title VI plan and annual report to ADOT by the August 1, 2024 deadline.

The FY 2024 Title VI Plan has been updated as requested by ADOT Civil Rights Office and requires approval by the LHMPO Executive Board

Agenda Item # 7

ACTION OPTION:

Motion to approve the FY 2024 Title VI Plan

OR

Motion to approve the FY 2024 Title VI Plan, with the noted changes

RECOMMENDATION:

Motion to approve the FY 2024 Title VI Plan

The logo for Lake Havasu MPO is located in the top left corner. It consists of a dark blue oval containing the text "Lake Havasu MPO" in a white serif font. Below the oval, the words "METROPOLITAN PLANNING ORGANIZATION" are written in a smaller, dark blue, sans-serif font.

Lake Havasu MPO

METROPOLITAN PLANNING ORGANIZATION

2024 TITLE VI PLAN

Approved by Lake Havasu MPO Executive Board

June 11, 2024

Approved by Lake Havasu MPO
Technical Advisory Committee (TAC)

May 28, 2024

As Prepared by Lake Havasu MPO

Contact:

Sarah Lojewski– Title VI Coordinator
Lake Havasu MPO
900 London Bridge Road, Bldg. B
Lake Havasu City, AZ 86404
Phone: (928) 453-2823
Email: LojewskiS@lhcaz.gov

En Español:

Para más información, o si está interesado en participar en el planeamiento del proceso de transporte en su comunidad y necesita asistencia con el idioma, por favor comuníquese:

Sarah Lojewski
Teléfono: (928) 453-2823
LojewskiS@lhcaz.gov

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I. Introduction

The **Lake Havasu Metropolitan Planning Organization (LHMPO)** hereby agrees that as a condition to receiving any Federal financial assistance provided by the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, as amended, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), the Civil Rights Restoration Act of 1987 (Public Law 100.259) 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 U.S. Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, 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 the U.S. Department of Transportation, including the Federal Transit Administration (FTA), Federal Highway Administration (FHWA) 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. The SUBRECIPIENT shall also incorporate and comply with the terms and conditions established in Appendix A & E.

2. Title VI and Americans with Disabilities (ADA) Nondiscrimination Policy Statement

The Lake Havasu MPO is committed to ensuring that no person is discriminated against on the grounds of race, color, national origin, or disability as provided by Title VI of the Civil Rights Act of 1964, The Civil Rights Restoration Act of 1987, Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (ADA), Executive Order 12898 (Environmental Justice), Executive Order 13166 (Limited Proficiency), Code of Federal Regulations 49 Part 21, Code of Federal Regulations 23 part 200, and Code of Federal Regulations Part 303. The Lake Havasu MPO strives to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. As a subrecipient of federal funding, the Lake Havasu MPO is responsible for initiating and monitoring Title VI activities, preparing required reports, technical assistance and training. The Lake Havasu MPO's contractors/consultants must also comply with this policy.

By:_____

Date:_____

Sarah Lojewski, Title VI Coordinator
Lake Havasu MPO

3. Title VI Assurances

The **Lake Havasu Metropolitan Planning Organization** (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:

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 **Lake Havasu 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 to 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 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, **Lake Havasu Metropolitan Planning Organization** 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.

Lake Havasu Metropolitan Planning Organization 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: _____
Sarah Lojewski - Title VI Coordinator
Lake Havasu Metropolitan Planning Organization

Date: _____

Federal Transit Administration Assurances

The ***Lake Havasu Metropolitan Planning Organization (LHMPO)*** 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 Lake Havasu Metropolitan Planning Organization will compile, maintain and submit in a timely manner Title VI information required by FTA Circular 4702.1B in compliance with the Department of Transportation's Title VI regulation, 46 CFR Part 21.9(b).
3. The Lake Havasu 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.

By: _____

Sarah Lojewski - Title VI Coordinator

Lake Havasu Metropolitan Planning Organization

Date: _____

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Highway Administration or the Arizona Department of Transportation*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performance by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the *Federal Highway Administration or Arizona Department of Transportation* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient, the *Federal Highway Administration, or Arizona Department of Transportation*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration or Arizona Department of Transportation*, may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with request to any subcontract or procurement as the Recipient, the *Federal Highway Administration*, or *Arizona Department of Transportation* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect 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 **Lake Havasu 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 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Lake Havasu 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 **Lake Havasu 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 **Lake Havasu Metropolitan Planning Organization**, its successors and assigns.

The **Lake Havasu 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 **Lake Havasu 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

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **Lake Havasu 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, **Lake Havasu 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, **Lake Havasu 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 **Lake Havasu 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 Lake Havasu 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, Lake Havasu 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, Lake Havasu Metropolitan Planning Organization will there upon revert to and vest in and become the absolute property of Lake Havasu 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

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).

4. Environmental Justice Activity

In 1994, Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, was issued. EO 12898 emphasizes the responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. This is accomplished by involving the public in developing transportation projects that fit within their communities without sacrificing equity, environmental justice, and safety.

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

The LHMPO will consider environmental justice through planning activity according to Federal legislation noted above. The "LHMPO" 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, the "LHMPO" will make due preparation for persons requiring assistance, such as the hearing or visually impaired, upon request.

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

5. Data Collection & Analysis

The Lake Havasu MPO is required by federal regulations to collect statistical data on the race, color, and national origin of participants in its programs. Data is collected from the U.S. Census Bureau, Executive Board and Technical Advisory Committee meetings, public meetings, planning study surveys, and procurement contracts. Data collection efforts specific to each program area are described on an annual basis in the Lake Havasu MPO Title VI Implementation Plan. Annually, the data collection findings from each program area are reported in the Lake Havasu MPO Goals and Accomplishment Report. The data will be maintained for the purpose of planning projects and programs. Demographic Maps can be viewed as an attachment (Exhibit “D”) of this document.

LHMPO will record data reflecting the extent to which members of Title VI Protected classes participate in planning activities and any significant issues raised by those participants. As a regional planning agency, LHMPO’s planning activities benefit all populations equally, including Title VI protected populations. LHMPO will attempt to identify opportunities to gather data reflecting the extent to which members of Title VI protected populations benefit LHMPO’s planning activities.

Executive Board & Technical Advisory Committee Meetings – Self-Identification Surveys in both English and Spanish are made available at each Executive Board and Technical Advisory Committee meeting. The data collected from these surveys allows for the analysis to ensure that all persons have an equal opportunity to benefit from or have access to the activities of the MPO and to avoid any disproportionate impacts from those activities.

Public Meetings - Self-Identification Surveys in both English and Spanish are made available at each public meeting. Public involvement materials including meeting notices, project fact sheets and/or flyers and other documents are made available in both English and Spanish to ensure LEP requirements are being met. The data collected from the surveys allows for the analysis to determine if Title VI neighborhoods are receiving equal benefit and not a disproportionate burden.

Planning Studies – As part of the public outreach process, surveys are made available to the public either on-line and/or in hard copy to collect a variety of data for planning studies. Statistical data such as race, color, and national origin are captured during these surveys. The data collected from these surveys allows for the analysis to determine if Title VI neighborhoods are receiving equal benefit and not a disproportionate burden. The Limited English Proficiency (LEP) Four Factor Analyses is conducted on the planning study area to determine if study documents need to be provided in both English and Spanish.

Procurement – In addition to submitting all planning projects to ADOT MPD & CRO to obtain a DBE Goal Assessment; The Lake Havasu MPO has created a demographics request form to capture Title VI and demographics information on all contractors and or subcontractors that provide professional services on behalf of the Lake Havasu MPO. The newly created form will be inserted into all formal solicitations or request for quote packages. The data collected from this form allows for the analysis of our contractors and subcontractors in regards to Title VI and or Disadvantaged Business Enterprises.

Virtual Meetings – In order to meet compliance, a link to the Title VI public notice and a link to Self-Identification Surveys (English and Spanish) has been added to all meeting agendas and posted in the chat box of the virtual meeting space (e.g. Zoom, Teams, WebEx, etc.).

6. Complaint Process

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 as they related to any Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funded program or activity administered by LHMPO, its sub-recipients, consultants, and contractors may file a complaint. The complaint must be (a) unequal treatment because of race, color, or national origin or (b) noncompliance with Title VI rules or guidelines adopted thereunder. The complaint form in both English and Spanish can be found at the LHMPO website under the Title VI section at www.lhmpo.org or Exhibit B of this document.

Complaints Filed Against LHMPO

- No complaints have been filed to date

The required procedures for FHWA and FTA Title VI / ADA Non-discrimination Complaints filed against LHMPO are listed below:

FHWA Title VI Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 as they relate to any FHWA program or activity administered by the Lake Havasu MPO, its sub recipients, consultants and contractors. In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or take legal action for complaints alleging discrimination.

Required procedures for FHWA Title VI Complaints filed against the Lake Havasu MPO, the Lake Havasu MPO's subrecipients, contractors or consultants:

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FHWA-related activity or program as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, can file a formal complaint with the Lake Havasu MPO. A copy of the Complaint Form may be accessed electronically at: <http://www.lhmpo.org>
2. The complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to the complainant or the last date of the incident.
3. Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the Lake Havasu MPO and provide the allegations by telephone for transcription. Once transcribed the Lake Havasu MPO will send the written complaint to the complainant for correction and signature.
4. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint (e.g., race, color, national origin);
 - d. The identification of a specific person/people and the respondent (e.g., Lake Havasu MPO/organization) alleged to have discriminated;

- e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal Highway Administration financial assistance; and is a consultant, contractor or subrecipient of the Lake Havasu MPO and
 - f. The date(s) of the alleged discriminatory act(s).
5. Upon receipt of a completed complaint, the Lake Havasu MPO will forward all FHWA Title VI complaints to Arizona Department of Transportation (ADOT) Civil Rights Office (CRO) within 72 hours.
 6. ADOT CRO will forward all FHWA Title VI complaints to the FHWA Division Office.
 7. All Title VI complaints received by the FHWA Division Office will be forwarded to the FHWA Office of Civil Rights for processing and potential investigation.
 8. If the FHWA Office of Civil Rights determines a Title VI complaint against a subrecipient can be investigated by ADOT CRO, the FHWA Office of Civil Rights may delegate the task of investigating the complaint to ADOT CRO. ADOT CRO will conduct the investigation and forward the Report of Investigation to the FHWA Office of Civil Rights for review and final disposition.
 9. The disposition of all Title VI complaints will be undertaken by the FHWA Office of Civil Rights, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the FHWA Division Office.
 10. The complainant may also file a discrimination related complaint on an FHWA program or activity directly with ADOT or with the Federal Highway Administration by contacting the agencies at:

Sarah Lojewski, Administrative Specialist II
 Lake Havasu Metropolitan Planning Organization
 900 London Bridge Road
 Lake Havasu City, AZ 86404
 928-453-2823 / 928-854-7702 (Fax)
 Email: LojewskiS@lhcaz.gov

AND OR:

<p>ADOT Civil Rights Office 206 S. 17th Avenue, Mail Drop 155-A Phoenix, AZ 85007 602.712.8946 602.239.6257 FAX Email: CivilRightsOffice@azdot.gov</p>	<p>Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590 Email: CivilRights.FHWA@dot.gov 202-366-0693 202-366-1599 FAX</p>
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FTA Complaint Procedures

Required procedures for FTA Title VI Complaints filed against the Lake Havasu MPO, the Lake Havasu MPO's subrecipients, contractors or consultants:

1. Any person, specific class of persons or entity that believes they have been subjected to discrimination on an FTA-related activity or program as prohibited by the legal provisions of Title VI on the basis of race, color, national origin, can file a formal complaint with the Lake Havasu MPO. A copy of the Complaint Form may be accessed electronically at: <http://www.lhmpo.org>
2. The complaint must be filed within 180 days of the alleged discrimination, and include the date the alleged discrimination became known to the complainant or the last date of the incident.
3. Complaints should be in writing, signed, and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the Lake Havasu MPO and provide the allegations by telephone for transcription. Once transcribed the Lake Havasu MPO will send the written complaint to the complainant for correction and signature.
4. A complaint should contain at least the following information:
 - g. A written explanation of what has happened;
 - h. A way to contact the complainant;
 - i. The basis of the complaint (e.g., race, color, national origin);
 - j. The identification of a specific person/people and the respondent (e.g., Lake Havasu MPO/organization) alleged to have discriminated;
 - k. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal Highway Administration financial assistance; and is a consultant, contractor or subrecipient of the Lake Havasu MPO and
 - l. The date(s) of the alleged discriminatory act(s).
5. Upon receipt of a completed complaint, the Lake Havasu MPO will forward all FTA Title VI complaints to Arizona Department of Transportation (ADOT) Civil Rights Office (CRO) within 72 hours.
6. All FTA-related Title VI complaints received by the Lake Havasu MPO will be reviewed for processing and potential investigation
7. The complainant will receive a letter of finding stating final decision regarding the complaint.

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

<p>Sarah Lojewski, Administrative Specialist II Lake Havasu Metropolitan Planning Organization 900 London Bridge Road Lake Havasu City, AZ 86404 928-453-2823 / 928-854-7702 (Fax) Email: LojewskiS@lhcaz.gov</p>

AND OR:

<p>ADOT Civil Rights Office 206 S. 17th Avenue, Mail Drop 155-A Phoenix, AZ 85007 602.712.8946 602.239.6257 FAX Email: CivilRightsOffice@azdot.gov</p>	<p>FTA Office of Civil Rights 1200 New Jersey Avenue SE. Washington, DC 20590.</p>
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*If information is needed in another language, please contact the Lake Havasu MPO at (928)-453-2823.
Si se necesita información en Español, por favor comuníquese con la Oficina de Lake Havasu MPO al (928) 453-2823.*

7. Limited English Proficiency (LEP) Plan

The LHMPO will be innovative and proactive in engaging individuals from different cultures, backgrounds and businesses throughout its program and activities. A Limited English Proficiency (LEP) individual is an individual who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. LHMPO's LEP / Language Access Plan is designed to comply with Title VI and EO 13166 which prohibit recipients of Federal financial assistance from discrimination based on natural origin.

Authorities:

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

Title VI of the Civil Rights Act of 1964

- Federal law
- Enacted July 2, 1964
- Considers all persons
- Contains monitoring and oversight compliance review requirements
- Factor criteria is required, no numerical or percentage thresholds
- Provides protection on the basis of race, color, and national origin. Focuses on eliminating discrimination in federally-funded programs
- Annual Accomplishments and Upcoming Goals Report to FHWA
- Provides protection on the bases of race, color, and national origin.

Limited English Proficiency Executive Order 13166

- Federal policy
- Signed August 11, 2000
- Considers eligible population
- Contains monitoring and oversight requirements
- Factor criteria is required, no numerical or percentage thresholds
- Provides protection on the basis of national origin; focuses on providing LEP persons' federally-funded programs with meaningful access to services using factor criteria
- Annual Accomplishments and Upcoming Goals Report to FHWA
- Provides protection on the bases of national origin.

Program Responsibility:

Executive Order (EO) 13166 directs recipients of Federal financial assistance to take reasonable steps to provide limited English proficient individuals with meaningful access to their programs, activities and services.

- *Notify LEP customers of the availability of language assistance services*

LEP persons have the right to language assistance at no cost to them in their spoken language. Language identification cards or posting signs in public areas are methods that can be used to provide notice of the service.

- *Translation of vital documents in languages other than English*

It is appropriate to have written materials that have been historically provided in English to applicants, customers and the general public translated into languages that are regularly encountered. The translation of vital documents into languages other than English is particularly important where a significant number or percentage of the customers served and/or eligible to be served have limited English proficiency. Written materials include electronic documents and web-sites. "LHMPO" with

indicate on its web site and newspaper publications that translation can be provided, with appropriate notice.

Vital Documents are documents that convey information that critically affects the ability of the recipient/customer to make decisions about his/or her participation in the program or activity. Classification of a document as “vital,” depends upon the importance of the program, information, encounter, or service involved, and/or the consequence to the LEP community if the information in question is not provided in an accurate or timely manner. Examples of vital documents include, but are not limited to applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, notices advising of the availability of language assistance and outreach and community education materials. The determination of what documents are considered “vital” is left to the discretion of individual components, which are in the best position to evaluate their circumstances, services, and resources.

Translating documents for LEP to a fourth (4th) grade literacy level ensures the targeted audience understands the information. Community based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

Section Five of the US Department of Transportation guidance on LEP requires a four-factor analysis to determine the need for translation services in order to ensure LEP populations are able to receive information about and can participate in the planning process in the language they best understand.

1. **Factor 1 Demography** – The number and proportion of LEP persons served or encountered in the eligible service population:
According to the 2020 U.S. Census, and 2018-2022, American Community Survey five year estimates, 2.3% of the Lake Havasu MPO area population is considered to be Limited English Proficient. This equates to 1,337 individuals or 2.3% of the population five years of age or older who report speaking English less than “very well”. The predominate language spoken by these individuals is Spanish. Under the Department of Justice’s (DOJ) Safe Harbor provision, it is necessary to translate materials when five percent or 1,000 persons, whichever is less, speak English less than “very well”.

2018-2022 Estimates		
Persons with Limited English Proficiency (LEP) <i>U.S. Census Bureau, 2018-2022 American Community Survey (ACS) 5-year estimates</i>	Estimate	% of Persons 5 Yrs. & Over
Total Persons 5 years & Over	58,181	100.0%
English Speaking Only	52,823	90.8%
Speak Other Languages	5,358	9.2%
Speak English “Very Well”	3,964	%
Persons with Limited English Proficiency (LEP)	1,394	%
Speak English “Well”	721	%
Speak English “Not Well”	524	%
Speak English “Not at All”	149	%

Source: U.S. Census Bureau, 2018-2022 American Community Survey (ACS) 5-year estimates

ACS data are based on a sample and are subject to sampling variability

Limited English Proficient (LEP) persons refers to persons age 5 years and over for who English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the Census they speak English less than very well, not well, or not at all.

2. **Factor 2 Frequency** – The frequency in which LEP Persons Encounter LHMPO:
Some government offices provide materials in English and Spanish but, because the general public comes in contact with “LHMPO” on an infrequent basis, only public notices and certain vital materials are available in both English and Spanish.
3. **Factor 3 Importance** – The importance of Services Provided by LHMPO programs:
Transportation planning is an important facet of the community and affects all residents. All residents are encouraged to participate in public meetings.
4. **Factor 4 Resources** – Available resources, including language assistance services varying from limited to wide ranging with varying costs:
Due to limited resources and small staff, interpretation and translation services are not available without advance notice; however, public notices are available in English and Spanish.

Based on the four—factor analysis, Lake Havasu MPO will continue to provide public notices in English and Spanish. Translation and interpretation services will be provided through public online translation sites, bilingual community members and, if not cost prohibit and funds permit, through a language interpretation and translation service. The goal of the “LHMPO” is to engage all community members in the planning process.

PROCEDURES:

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

The Lake Havasu MPO will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or “I speak cards,” available online at www.lep.gov) or posters to determine the language. In addition, when records are kept of past interactions with residents, the language used to communicate with the LEP person will be included as part of the record.

2. OBTAINING A QUALIFIED INTERPRETER

The Title VI Coordinator for the Lake Havasu MPO is responsible for:

- (a) Maintaining an accurate and current list showing the name, language, phone number and hours of availability of bilingual staff (the City of Lake Havasu’s list will be utilized for this purpose);
- (b) Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- (c) Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

The City of Lake Havasu has agreed to provide qualified interpreter service lists. The contact for providing services is; HR Director, 928-854-0763, and the hours of availability are 8:00 AM to 5:00 PM (business hours), Monday through Friday, or upon 24 hour notice.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the Lake Havasu City MPO. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will not be used to interpret, in order to ensure confidentiality of information and accurate communication.

3. PROVIDING WRITTEN TRANSLATIONS

- (a) When translation of vital documents is required the Lake Havasu City MPO will submit documents for translation into frequently-encountered languages to either the City of Lake Havasu, or a professional translator.
- (b) The Lake Havasu City MPO will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

(c) The Lake Havasu City MPO will set benchmarks for the translation of vital documents into additional languages over time.

4. PROVIDING NOTICE TO LEP PERSONS

The Lake Havasu City MPO will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand.

5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the Lake Havasu City MPO will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, The Lake Havasu City MPO will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from member entities and community organizations, etc.

LHMPO understands that language needs will change as the population changes. Further LHMPO will comply with requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such LHMPO will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the LHMPO's commitment to nondiscrimination or to request additional information about LEP services, contact:

Sarah Lojewski, Administrative Specialist II

Lake Havasu Metropolitan Planning Organization
900 London Bridge Road
Lake Havasu City, AZ 86404
928-453-2823 / 928-854-7702 (Fax)
Email: LojewskiS@lhcaz.gov

8. Population and Demographic Profile of Lake Havasu City and Mohave County

2018-2022 Area Estimates Population By Race		
	Lake Havasu City	Mohave County
Population	60,404	214,229
Male	30,174	108,677
Female	30,230	105,552
Hispanic/Latino	9,298	37,218
White	48,547	161,721
African American/Black	240	2,312
Asian	483	2,294
Am. Indian/Alaskan Native	271	3,215
Native Hawaiian other Pacific Islander	71	442
Other Races	76	308
2 or More Races	1,418	6,719

Title VI Data						
Population and Households			Census Tracts			
Category	MPO		Number of tracts >= MPO Percentage	% Tracts	Affected Population	% of Affected Population Captured in Census Tracts
	Total	Percent				
Population Base (Defined Census	60,404	100.0%	47	100%	N/A	N/A
Minority	11,857	19.6%	17	36.2%	8,014	67.6%
Age 65+	21,191	35.1%	24	51.1%	13,581	64.1%
Below Poverty Level	7,162	12%		NaN	4,707	65.7%
Population with a disability	10,581	17.6%	22	46.8%	5,932	56.1%
Limited English Proficient (LEP) Persons ^f	1,394	2.4 %	6	12.8%	776	55.7%

Sources: U.S. Census Bureau, 2017-2021 American Community Survey (ACS) 5-Year estimates and 2020 Decennial Census
ACS data are based on a sample and are subject to sampling variability

Demographic data obtained by LHMPO Staff from the US Census Bureau, LEP.gov, MAG.gov, and collected during public meetings will be analyzed by LHMPO Staff and used to ensure the minority and low income populations are considered in the planning process.

9. Public Participation Process

The Lake Havasu Metropolitan Planning Organization recognizes the increasing importance of involving the public as they plan, organize and implement transportation projects. Engaging interested parties generally results in a more effective project overall. Taking time at the beginning to communicate with potentially affected interests, carefully explaining the proposal, and gathering input, can enhance the project and theoretically reduce the time and effort for implementation.

The goals of the “LHMPO” public involvement plan are to ensure that:

- Residents are given the opportunity 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.

The Lake Havasu Metropolitan Planning Organization operates under a comprehensive Public Involvement Plan (PIP). The Plan explains the agency goals for public participation, governing structure, and composition of boards, procedures for board meetings, program areas, interagency coordination, and specific procedures for public participation in the planning process, public engagement and notification methods. The full plan is available at www.LHMPO.org

The PIP contains background material, guidelines, and commitments that “LHMPO” is undertaking to incorporate an effective public process into future plans, projects, and programs. Specifically, “LHMPO” 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.

The LHMPO has developed a Limited English Proficiency Plan (LEP) which is incorporated in section 7 of this document.

Greater attention and effort has been given to outreach for minorities and low income populations. Notices for community outreach have been posted at places where these populations may frequent such as the library, adult center, coffee shops, post offices, government buildings, and in the newspaper.

Public Meetings

LHMPO's Executive Board meets the 2nd Tuesday of every other month. Their Technical Advisory Committee meets the 4th Tuesday of every other month. The Annual Meeting Schedules are posted on the LHMPO website: www.LHMPO.org. Agendas for each meeting are posted at LHMPO's office, 900 London Bridge Road, Building B, Lake Havasu City, AZ 86404. LHMPO website a minimum of 48 hours in advance of each meeting. Executive Board Agendas are also posted at the Lake Havasu Police Department 2360 McCulloch Blvd. N. Lake Havasu City, AZ 86403.

The following statement is conveyed on each Meeting Schedule as well as on each agenda, *"Pursuant to Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and other nondiscrimination laws and authorities, LHMPO does not discriminate on the basis of race, color, national origin, sex, age, or disability. Persons that require a reasonable accommodation based on language or disability should contact LHMPO's Title VI Coordinator at LojewskiS@lhcaz.gov; or by phone (928) 453-2823. Requests should be made as early as possible to ensure LHMPO has an opportunity to address the accommodation."* To date, no request has been made.

Public participation is promoted at each meeting and our agendas give opportunity to call upon the public to make comment on any unrelated agenda topic as well as during discussion on an agenda topic.

In the event of a cancellation, notice will be posted on web site a minimum of 48 hours in advance as well as email notification sent to regular meeting participants.

In an effort to keep the Title VI Plan a reasonable size, the section of the PPP specifically relevant to Title VI is included below.

Excerpts from the Public Involvement Plan

The goals of this Public Involvement Plan are to ensure that:

- The public body is given the opportunity 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.

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:

1. Project leaders may gain new information.
2. Participants, who want a project to be completed, can provide additional resources in the form of assistance, goods, or services.
3. Public participation can be a forum for dispute resolution.
4. 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.
5. Input can be a warning mechanism for potential problems.
6. 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.

This plan outlines the importance of, and specific guidelines for, involving community members, organizations, governments, transportation professionals and others in ongoing and future LHMPO 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.

This plan contains background material, guidelines, and commitments that LHMPO is undertaking to incorporate an effective public process into future plans, projects, and programs. Specifically LHMPO 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.

Guidelines

❖ Techniques:

There are numerous and varied techniques/activities to provide the opportunity for public participation. Outreach examples include: Social Media, Local/Regional Newspapers, In-Person Town Halls, Virtual Town Halls, Senior Centers, Libraries, Farmers Markets, Churches, Telephone, Websites (LHMPO, City, & Interested Stakeholders). Any combination and number of these may be used depending on the specific plan, program or project. LHMPO will select from the various activities to provide the most effective public participation in each particular situation. Outreach Techniques/Activities will be chosen based on an analysis of the Demographics, LEP, Disability and other Social and Economic data. LHMPO will utilize multiple approaches to public outreach and participation.

❖ **Welcoming Attitude:**

Public participation is welcomed and encouraged by LHMPO. All questions and statements are valuable and will be treated as such. Participants will be treated with respect. Meetings will abide by basic ground rules that enforce civil discussion. Anyone who feels that these rules have not been followed should contact LHMPO staff at (928) 453-2823.

❖ **Meeting Schedules and Locations:**

Meetings and hearings, which are open for public involvement, will be scheduled to allow the best opportunity for attendance by the general public and other entities. The meeting locations will be convenient and ADA accessible.

In addition to general meetings, events and activities, reasonable special efforts will be made to reach those who are particularly affected, the underserved or others who request LHMPO come to them. These options are open to any group or individual and it is the policy of LHMPO to “go where people are” whenever possible. Locations and meeting times for these activities will be designed according to the specific needs.

Virtual public involvement is a new opportunity for information sharing and public involvement in the transportation planning, programming, and project development process. These new opportunities include, but are not limited to techniques, such as telephone town halls and online meetings, pop-up outreach, social meetings/ meeting-in-a box kits, story maps, quick videos, crowdsourcing, survey tools, real-time polling tools, social media following, and visualization. Virtual public involvement methods will be used along with traditional methods to increase opportunities and access to LHMPO planning activities. All virtual meetings will have a call-in option for those that may have limited or no access to the internet. In lieu of a physical posting of the Title VI notice to the public, and in order to meet compliance, the LHMPO reads allowed the Title VI notice at the beginning of each virtual public meeting/event. In addition, a link to the Title VI public notice and a link to Self-Identification Surveys (English and Spanish) has been added to all meeting agendas and posted in the chat box of the virtual meeting space (e.g. Zoom, Teams, WebEx, etc.).

❖ **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.

❖ **Presentation of Information:**

In order to help citizens better understand Transportation Planning, 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.

❖ **Written and Personal Communications from LHMPO:**

Technical and policy information from LHMPO 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.

❖ **Ongoing Communications:**

LHMPO will use mailings, media and electronic technology such as e-mail and web sites 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.

❖ **Other Entities:**

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.

❖ **Transportation Interests:**

LHMPO will solicit input from transportation-related groups such as freight interests, City transportation provider, private providers of transportation, chambers of commerce, and others.

❖ **Opportunities for Input:**

Opportunities for input will vary depending on the project, program or plan. For larger projects, such as the 25-year Regional Transportation Plans, there could be several rounds of public participation. There would 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.

❖ **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, as is the case with the Regional Transportation Plans and the Transportation Improvement Program. Additionally, individual questions will receive a response in a timely manner.

❖ **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.

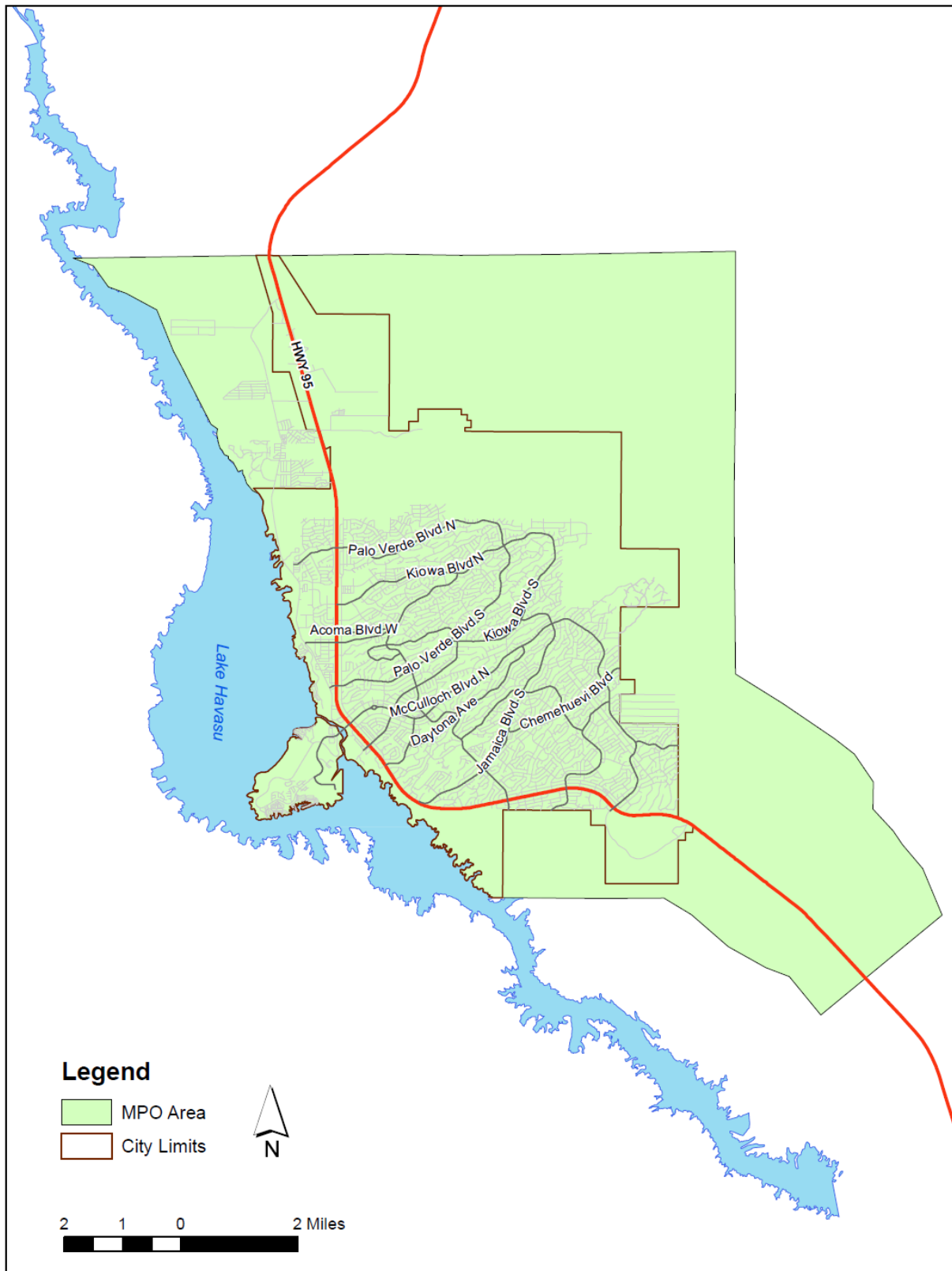
Prior to each key decision point, ample opportunity will be offered for input and that input will be shared with the decision-makers.

To ensure a proactive public involvement process, LHMPO will provide time for public comment at each public meeting. The procedures (**Table 1**) will inform the public (including LEP's) about how, when, and where they may participate.

Table I – Summary of LHMPO Public Participation Procedures

Public Participation Component	Meetings	Public Comment Period	Public Participation Techniques	Additional Comment
Federal Required Documents, Plans, and Programs				
Any Short or Long-Range Plans; e.g. RTP, Bike&PED, Safety and Transit Plans	Initial & Subsequent Public Meetings TAC Executive Board	30 Days	Legal Notice (English & Spanish) Website	Update as Necessary; Public Comments Included in Final Planning Document approved by Executive Board
Transportation Improvement Program (TIP)	Initial & Subsequent Public Meetings TAC Executive Board	30 Days	Legal Notice (English & Spanish) Website	Updated at least Every 2 Years; Public Comments Provided to Executive Board
Public Participation Plan	TAC Executive Board	45 Days	Legal Notice (English & Spanish) Website	Updated As Required Public Comments Provided to Executive Board
Work Program (WP)	TAC Executive Board	N/A	N/A	Annually; Amended as Necessary; Developed in Cooperation with ADOT and Transit Operators
Amendments To Adopted Documents	TAC Executive Board	N/A	Legal Notice (English & Spanish) Website	Non-Exempt Amendments
Amendments Exempt from Public Participation	N/A	N/A	N/A	Emergency Projects and Minor Revisions
Open Public Meetings				
Executive Board Meetings	Second Tuesday of Every Other Month	Public Comment Accepted at Meeting	Public Notice; Master Distribution List; Website	Held typically at 10:00 A.M.; Location varies between Virtual (Zoom) and in-person at 2360 McCulloch Blvd. Lake Havasu City, AZ 86403 (Police Facility Meeting Room)
Technical Advisory Committee (TAC)	Fourth Tuesday of Every Other Month	Public Comment Accepted at Meeting	Public Notice; Master Distribution List; Website	Held at 10:00 AM.; Location varies between Virtual (Zoom) and/ or in-person at 900 London Bridge Road, Bldg. B Lake Havasu City, AZ 86404

10. Lake Havasu MPO Planning Boundary



The Lake Havasu Metropolitan Planning Organization (LHMPO) is responsible for transportation planning within the regional area encompassing Lake Havasu City and a small portion of Mohave County. The region covered by LHMPO is approximately 100 square miles.

11. MPO Organizational & Program Administration

General Organization

The “LHMPO” was established in 2013 with the responsibility for transportation planning within the regional area. The regional area generally encompasses Lake Havasu City, a portion of Mohave County and the state highway system within its boundaries. Federal legislation requires 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. Lake Havasu City is the fiscal and administrative agent for the “LHMPO”.

LHMPO Title VI Coordination and Administration

Compliance is ongoing and falls under duties for the “LHMPO” Director aka Manager, which includes, but is not limited to activities such as reporting and data collection, as well as advising the administrative staff of Title VI changes. The Title VI Nondiscrimination Program Coordinator is also responsible for preparing and submitting Title VI Plans once a year and an annual Title VI Accomplishment and Goals report.

The Title VI Nondiscrimination Program Coordinator will receive training from ADOT and will share the requirements of Title VI and related authorities with staff and committee members. The coordinator will also be responsible for developing the Title VI Plan and related reports and overseeing the implementation of the Plan.

Strategies to include disadvantaged populations (including individuals with Limited English Proficiency) in the transportation planning and grant awards processes are outlined in the LHMPO Public Involvement Plan

“LHMPO” Title VI Nondiscrimination Program Coordinator Contact Information:

<p>Sarah Lojewski, Administrative Specialist II Lake Havasu Metropolitan Planning Organization 900 London Bridge Road Lake Havasu City, AZ 86404 928-453-2823 / 928-854-7702 (Fax) Email: LojewskiS@lhcaz.gov</p>

LHMPO Membership – When and where possible the LHMPO strongly encourages and promotes participation of minorities on its committees. Membership is ultimately controlled and guided by the Lake Havasu MPO Bylaws. These bylaws dictate from where and who the membership can be so while minorities are promoted, it is also limited to those people that are available from which people may be recruited or appointed.

LHMPO Executive Board

The Executive Board is the policy body of the “LHMPO” and consists of elected or appointed officials from the Lake Havasu City, Mohave County, one member from ADOT State Transportation Board (appointed by the Governor of the State of Arizona) and one ex-officio from Federal Highways Administration. As these members are either elected or appointed to serve on their respective County / City Boards / Councils, it is outside the LHMPO’s area of influence to promote minority participation. As the policy body, the function of the Executive Board is to coordinate transportation planning and related implementation activities within the metropolitan area. The Board must approve all agreements and contracts and the Chairman, or designee, signs all appropriate documents related to contracts and agreements. The Executive Board also reviews and approves the Title VI Nondiscrimination Program Plan.

Lake Havasu MPO - Executive Board Representation

Lake Havasu City – Three (3) Members
Mohave County – One (1) Member
Arizona State Transportation Board – One (1) Member
Ex-Officio Federal Highways Administration – One (1) Member

Technical Advisory Committee (TAC)

The TAC is an advisory committee to the Executive Board. The eight-member committee is comprised of: the Lake Havasu City Manager or designee; Lake Havasu City Public Works Director or designee; Lake Havasu City Development Services Director or designee; Mohave County Public Works Director, or designee; Mohave County Development Services Director, or designee; Western Arizona Council of Governments (WACOG) Transportation Program Manager as well as representatives from the Arizona Department of Transportation’s Northwest District Engineering Office and Transportation Planning Division. In addition, there is an ex-officio non-voting member from Federal Highways Administration. Each of these agencies are asked to consider minorities where possible to represent their respective agencies on the TAC. The committee has the authority and primary responsibility to conduct technical reviews and analysis regarding all work activities of the Unified Planning Work Program and to advise the Executive Board on appropriate actions to be taken.

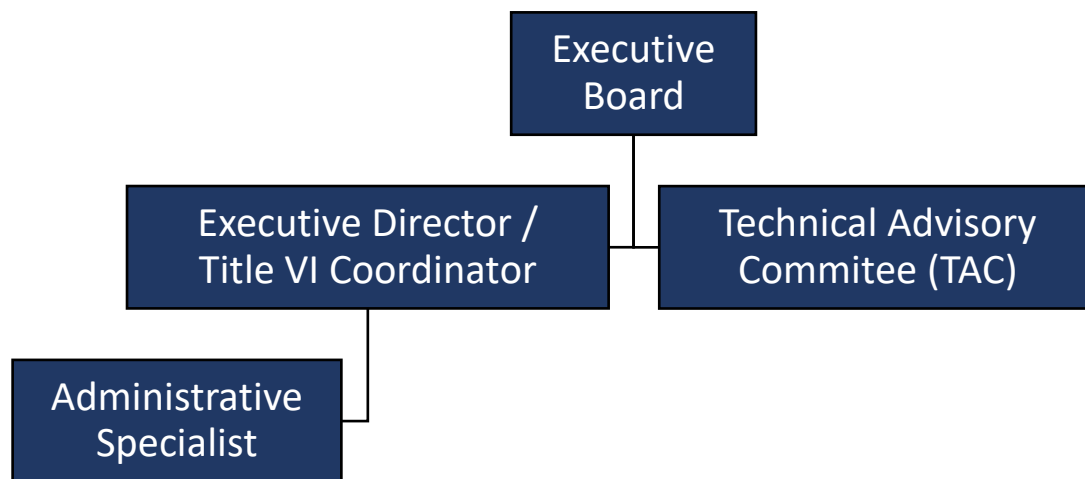
Lake Havasu MPO - Technical Advisory Committee

Lake Havasu City – Three (3) Members
Mohave County – One (1) Member
Western Arizona Council of Governments – One (1) Member
Arizona State Transportation – Two (2) Member
Ex-Officio Federal Highways Administration – One (1) Member

LHMPO Board / Committee Characteristics

LAKE HAVASU MPO Board / Committee	RACE/Ethnicity	GENDER	
		Female	Male
Executive Board	5 Caucasian	2	3
Technical Advisory Committee	8 Caucasian		8
Technical Advisory Committee Alternates	2 Caucasian	0	2

LHMPO Organizational Chart



12. Lawsuits Alleging Discrimination

No investigations, lawsuits or complaints have been filed against the Lake Havasu MPO or its member agencies during the past three years. A copy of the Complaint Log is included as an attachment. Compliance for the Lake Havasu MPO transportation planning program is ongoing and falls under the duties of the Lake Havasu MPO Director & Title VI Nondiscrimination Program Coordinator. Title VI nondiscrimination training will be offered to the Lake Havasu MPO Staff, Executive Board, Technical Advisory Committee, and subrecipients annually.

13. Title VI Training

LHMPO Staff – Annually, ADOT Civil Rights Office to offer Title VI Training / Overview for staff. Staff will also participate in FTA / FHWA Title VI and Environmental Justice Training that is made available throughout the year.

Executive Board – This training will occur annually and functions as part training and debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges and special emphasis areas findings from the Title VI Nondiscrimination Program Plan. LHMPO Staff and or the LHMPO Title VI Coordinator will provide this training.

Technical Advisory Committee (TAC) - This training will occur annually and functions as part training and debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges and special emphasis areas findings from the Title VI Nondiscrimination Program Plan. LHMPO Staff and or the LHMPO Title VI Coordinator will provide this training.

Subrecipients – Contracts will be reviewed to ensure that the assurances are being followed, which will be followed by training. The content of the training is developed specifically to address the issues / challenges facing each subrecipient as communicated through the subrecipient review. At the current time, the LHMPO does not have any subrecipients. LHMPO Staff and or the LHMPO Title VI Coordinator will provide this training.

14. Compliance and Enforcement

The LHMPO is a recipient of federal financial assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI).

The LHMPO and its subrecipients of federal-aid funds must ensure that all of its programs and activities are operated in a nondiscriminatory manner. Subrecipients will provide an annual report describing Title VI data findings from the agency and subcontractors, outreach methods, Title VI implementation changes and upcoming Title VI program goals. Annual reports are analyzed and categorized based on a high / low risk assessment. Compliance reviews of program areas, subrecipients, and consultant contracts of federal financial assistance will be conducted to determine level of compliance with Title VI requirements. The Title VI Nondiscrimination Program Coordinator will conduct compliance reviews annually to:

- Ensure compliance with Title VI;
- Provide technical assistance; and
- Correct deficiencies.

Program Area Review

The Title VI Nondiscrimination Program Coordinator will review program areas for Title VI compliance. This will be done by examining data collection methods, public notification practices, and public participation practices. If deficiencies are found then staff will look at best practices being used by other MPO's and / or ADOT.

Program Areas

- Long Range Transportation Plan, Also known as Regional Transportation Plan (RTP)
- Transportation Improvement Program (TIP)
- Public Involvement Plan (PIP)
- Coordinated Public Transit-Human Services Transportation Plan
- Planning Studies (e.g. Safety, Transit, Bike/PED, etc.)

The Title VI Nondiscrimination Program Coordinator provides oversight to the program areas. This Coordinator will be responsible for overseeing the preparation and execution of all planning study contracts for consultants to ensure Title VI compliance.

FHWA Funded Contracts will be reviewed for the following:

- Include the most recent signed assurances;
- Include subrecipient signed assurances; and
- Ensure the consultant is complying with Title VI assurances.

Subrecipient Review

The Title VI Nondiscrimination Program Coordinator is responsible for reviewing subrecipient contracts and planning agreements for Title VI compliance. This is accomplished through contract review, training, onsite visits, and personal interviews of staff. At the current time, LHMPO does not have any subrecipients.

Consultant Contract Review

The Title VI Nondiscrimination Program Coordinator is responsible for overseeing the preparation and execution of all planning study contracts for consultants to ensure Title VI compliance.

FHWA / FTA Funded Contracts will be reviewed for the following:

- Include the most recently signed assurances;
- Include subrecipient signed assurances; and
- Ensure the consultant is complying with Title VI Assurances.
- Ensure the consultant provides bidders list and proof of registration within the AZ UTRACS system.

The Title VI Coordinator provides oversight to the program areas. Annually, the Title VI Coordinator will report in the Goals and Accomplishment Report the findings from the analysis of the data collected throughout the year and explain the steps for each transportation program area in order to comply with Title VI Program requirements. Data collection and review procedures to be followed are outlined in the matrix table on the following page.

The following matrix outlines the program areas, general description of each program, and review procedures for data collection:

Program Area	General Description	Program Review Procedures
Regional Transportation Planning: Transportation Improvement Program Other Planning Studies (e.g. transit, safety, etc.)	<p>Transportation Improvement Program (TIP) identifies all federally funded transportation projects to be completed in the LHMPO region over a four- year period.</p> <p>Any other planning study or project sponsored by LHMPO</p>	<p>All Board and committee meetings are open to the public. Public comment is always included as an agenda item for all Executive Board and Technical Advisory Committee meetings.</p> <p>Self-Identification Surveys in both English and Spanish are made available at each Executive Board and Technical Advisory Committee meeting. The data collected from these surveys allows for the analysis to ensure that all persons have an equal opportunity to benefit from or have access to the activities of LHMPO and to avoid any disproportionate impacts from those activities.</p> <p>All planning studies are made available to the public for a minimum of 30-day review & comment period.</p> <p>Public/Legal Notices are made available in both English & Spanish</p> <p>As part of the public outreach process <u>for planning studies</u>, surveys are made available to the public either on-line and/or in hard copy to collect a variety of data. Statistical data such as race, color, and national origin are captured during these public surveys. The data collected from these surveys allows for the analysis to determine if Title VI neighborhoods are receiving equal benefit and not a disproportionate burden. <u>Data will be collected and analyzed for every planning study and each public meeting held during the study. The analysis/report will be provided by the end of study (studies range anywhere from 3 to 18 months) and included in the overall final planning document (as well as the annual Title VI report).</u></p> <p>The Limited English Proficiency (LEP) Four Factor Analyses are conducted in the planning study/project area to determine if study documents need to be provided in both English and Spanish.</p>

Program Area	General Description	Program Review Procedures
Public Involvement Plan	<p>The purpose of a public involvement plan is to ensure a proactive public involvement procedure that allows the public to be involved in all phases of the planning process by providing complete information, timely public notice, opportunities for making comments, full access to key decisions, and early and continuing involvement in developing transportation plans and programs.</p>	<p>The Public Involvement Plan is made available to the public for a 45-day comment/review period.</p> <p>Public/Legal Notices are made available in both English and Spanish.</p> <p>Individuals who are not able to attend meetings may make a request for the information at LHMPO office for delivery of materials to their homes.</p> <p>Public meetings are held in facilities that are compliant with the Americans with Disabilities Act (ADA); and, arrange for reasonable accessibility and accommodation to persons with disabilities. Further, to provide equally effective communication, LHMPO will make due preparation, when appropriate, for persons requiring assistance, such as the hearing or visually impaired, upon request.</p>

EXHIBIT A - Notice to the Public

**LAKE HAVASU METROPOLITAN PLANNING
ORGANIZATION'S
TITLE VI NOTICE TO THE PUBLIC**

The Lake Havasu Metropolitan Planning Organization (LHMPO) 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, national origin, 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 Lake Havasu MPO 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 Lake Havasu MPO, Title VI 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 Lake Havasu MPO Office.

Sarah Lojewski
Title VI Coordinator/ *Coordinador del Título VI*
928-453-2823 • LojewskiS@lhcaz.gov

900 London Bridge Road
Building B
Lake Havasu City, AZ 86404



**AVISO AL PÚBLICO SOBRE EL TÍTULO VI DE
LA
ORGANIZACIÓN LAKE HAVASU METROPOLITAN PLANNING
ORGANIZATION**

La organización de planificación metropolitana “Lake Havasu Metropolitan Planning Organization” (LHMPO), por este medio provee un aviso al público con respecto a que es la norma de la Agencia asegurar el cumplimiento total del Título VI del Decreto de los Derechos Civiles de 1964, el Decreto de la Restauración de los Derechos Civiles de 1987, y regulaciones y estatutos relacionados en todos los programas y las actividades. El Título VI requiere que ninguna persona deberá, debido a raza, color, origen nacional, o discapacidad, ser excluida de su participación en, denegada de los beneficios de, o de otra forma verse sujeta a discriminación bajo cualquier programa de Carreteras con Ayuda Federal o de cualquier otra actividad para la cual Lake Havasu MPO reciba asistencia financiera federal.

Cualquier persona que crea que se ha violado su protección bajo el Título VI, puede registrar una queja. Dicha queja debe hacerse por escrito y registrarse con el Coordinador del Título VI de la organización Lake Havasu MPO dentro de ciento ochenta (180) días de la fecha del presunto evento discriminatorio. Las formas para quejas por discriminación “Title VI Discrimination Complaint Form” se pueden obtener en la oficina de Lake Havasu MPO.

Sarah Lojewski
Title VI Coordinator/ *Coordinador del Título VI*
928-453-2823 • LojewskiS@lhcaz.gov

900 London Bridge Road
Building B
Lake Havasu City, AZ 86404

EXHIBIT B - Complaint Forms in English & Spanish



ADA/Title VI Discrimination Complaint Form

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

Complainant's Information:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alternate Phone Number: _____

Person discriminated against (someone other than complainant):

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone Number: _____ Alternate Phone Number: _____

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

Please be specific.

☐ Race _____ ☐ Color _____ ☐ National Origin _____

☐ Disability _____

☐ Limited English Proficiency (LEP) _____

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

Where did the alleged discrimination take place? _____

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

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



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

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

☐ Federal Agency ☐ Federal Court ☐ State Agency ☐ State Court ☐ Local Agency

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Alternate Phone Number: _____

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

Complainant Signature _____ Date Number of attachments: _____

Lake Havasu MPO

LojewskiS@lhcaz.org

ATTN: Sarah Lojewski, Program Coordinator 900 London Bridge Rd. Bldg. B Lake

Havasu City, AZ 86404

Phone: 928.453.2823 FAX: 928.854.7702 www.LHMPO.org

LHMPO Submission: print form and then email to

Hembreej@lhcaz.org

If information is needed in another language, please contact Lake Havasu MPO at (928-453-2823). Si se necesita información en Español, por favor comuníquese con la Oficina de Lake Havasu MPO al (928) 453-2823.



Forma Para Poner una Queja (De Acuerdo Al ADA Y Título VI)

Nota: La siguiente información se necesita para procesar su queja.

Información de la persona que está poniendo la queja:

Nombre: _____
Dirección: _____
Ciudad/Estado/Código Postal: _____
Teléfono (Casa): _____
Teléfono (Trabajo): _____

Persona A La Que Se Discriminó (alguien que no sea la persona que está poniendo la queja)

Nombre: _____
Dirección: _____
Ciudad/Estado/Código Postal: _____
Teléfono (Casa): _____
Teléfono (Trabajo): _____

¿Cuál de las siguientes razones describe por lo que usted siente que se le discriminó?

Raza (Especifique) _____ Nacionalidad (Especifique) _____

Color (Especifique) _____ Discapacidad (Especifique) _____

¿En qué fecha(s) sucedió la discriminación? _____

¿En dónde sucedió la discriminación? _____

¿Cuál es el nombre y ti de la persona(s) que usted siente que cometió la discriminación contra usted (si lo sabe)? _____

Describa la presunta discriminación. Explique qué sucedió y quién cree usted que fue responsable (si necesita más espacio, agregue otra hoja).

Escriba una lista con los nombres de las personas que puedan tener conocimiento de la presunta discriminación y cómo contactarlas.

Si ha presentado esta queja con otra agencia federal, estatal o local, o con cualquier corte federal o estatal, marque todas las que apliquen.

Agencia Federal _____ Corte Federal _____ Agencia Estatal _____
Corte Estatal _____ Agencia Local _____

Por favor proporcione información de la persona a la que presentó su queja en la agencia/corte.

Nombre: _____
Dirección: _____
Ciudad/Estado/Código Postal: _____
Teléfono (Casa): _____
Teléfono (Trabajo): _____

Por favor firme abajo. Puede incluir cualquier material escrito u otra información que usted crea que es importante para probar su queja.

Firma de la Persona que presenta la queja Fecha

Número de: _____

Someta la forma y cualquier información adicional a:

ADOT Civil Rights Office

CivilRightsOffice@azdot.gov

ATTN: ADA/Title VI Nondiscrimination Program Coordinator

206 S. 17th Avenue, Room 183, MD155

Phoenix, AZ 85007

Phone: 602.712.8946 Fax: 602.239.6257

www.azdot.gov

Lake Havasu MPO

Attn: Sarah Lojewski – Title VI Coordinator

900 London Bridge Road, Building B

Lake Havasu City, AZ 86404

928-854-2823

LojewskiS@lhcaz.org

EXHIBIT C - Complaint Log



Annual Report: Fiscal Year 2024

900 London Bridge Rd., Bldg. E
Lake Havasu City, AZ 86404

Title VI Complaints, Investigations and Lawsuits				
Description/Name	Date Month, Day & Year	Summary (Basis of Complaint)*	Status	Actions / Final Findings
Complaints				
1) None				
2)				
3)				
Investigations				
1) None				
2)				
3)				
Lawsuits				
1) None				
2)				
3)				

*Specific category, i.e. Sex, Race, Disability, etc.

Report to be Submitted Annually to ADOT Title VI Department; a NIL Report is Required

EXHIBIT D - Demographic Maps

Source: United States Census Bureau, American Community Survey 2018-2022 5-year Estimates:

Race and Ethnicity

- Asian
- Black
- Hispanic or Latino
- Native American
- Other Race
- Pacific Islander
- Two or More Races
- White

Select Age Group

- 65 years and over

Ability to Speak English

- Percent Limited English Proficiency (LEP)

Poverty Status in the Past 12 Months

- Percent of Families Below Poverty Level

Person – Poverty

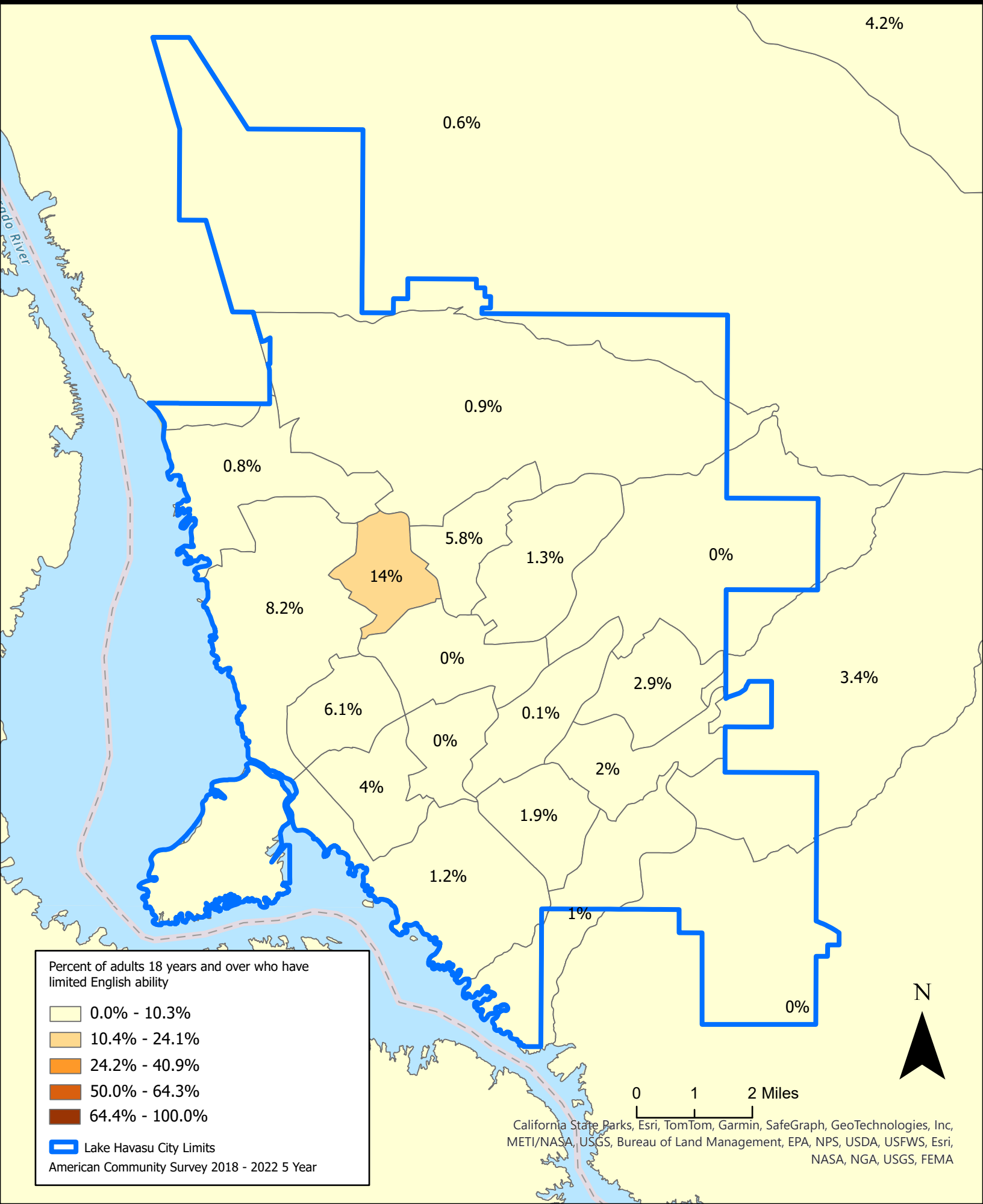
- Persons – Percent Below Poverty Level
- Percent Persons with income below 150% of Poverty Level
- Percent Persons with income below 200% of Poverty Level

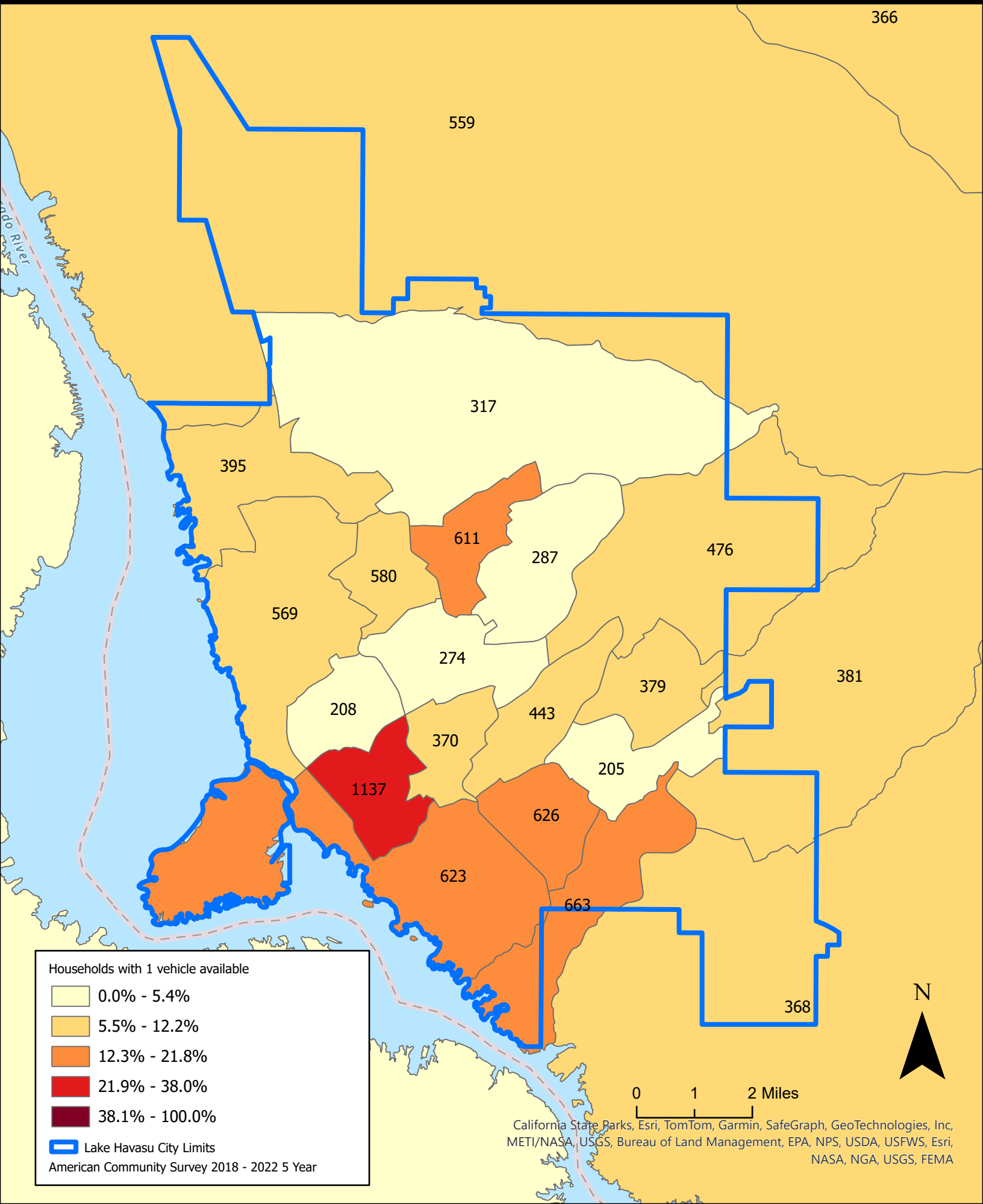
Vehicles Available

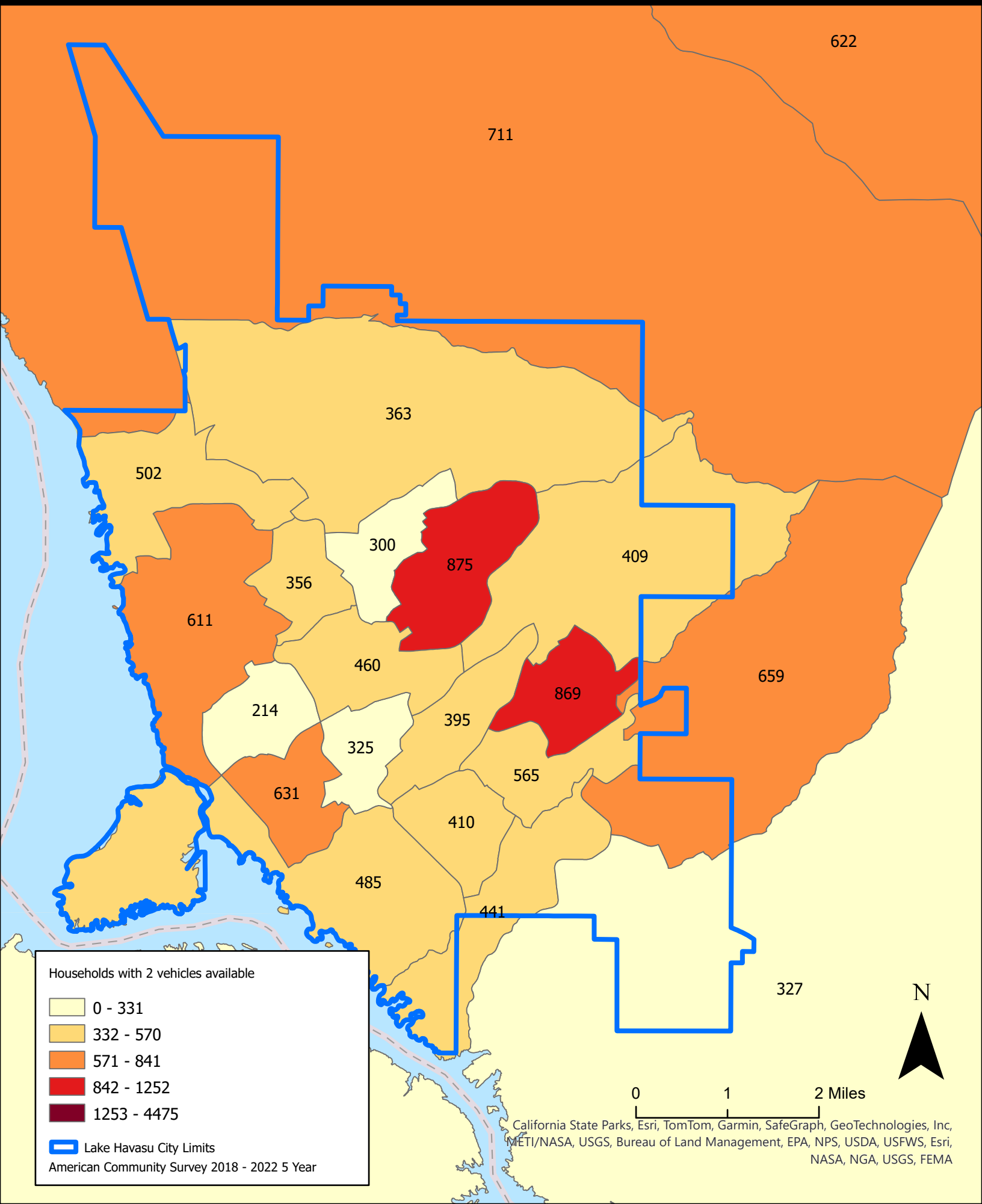
- Percent No Vehicles Available
- Percent One Vehicle Available
- Percent Two Vehicle Available
- Percent Three Vehicle Available

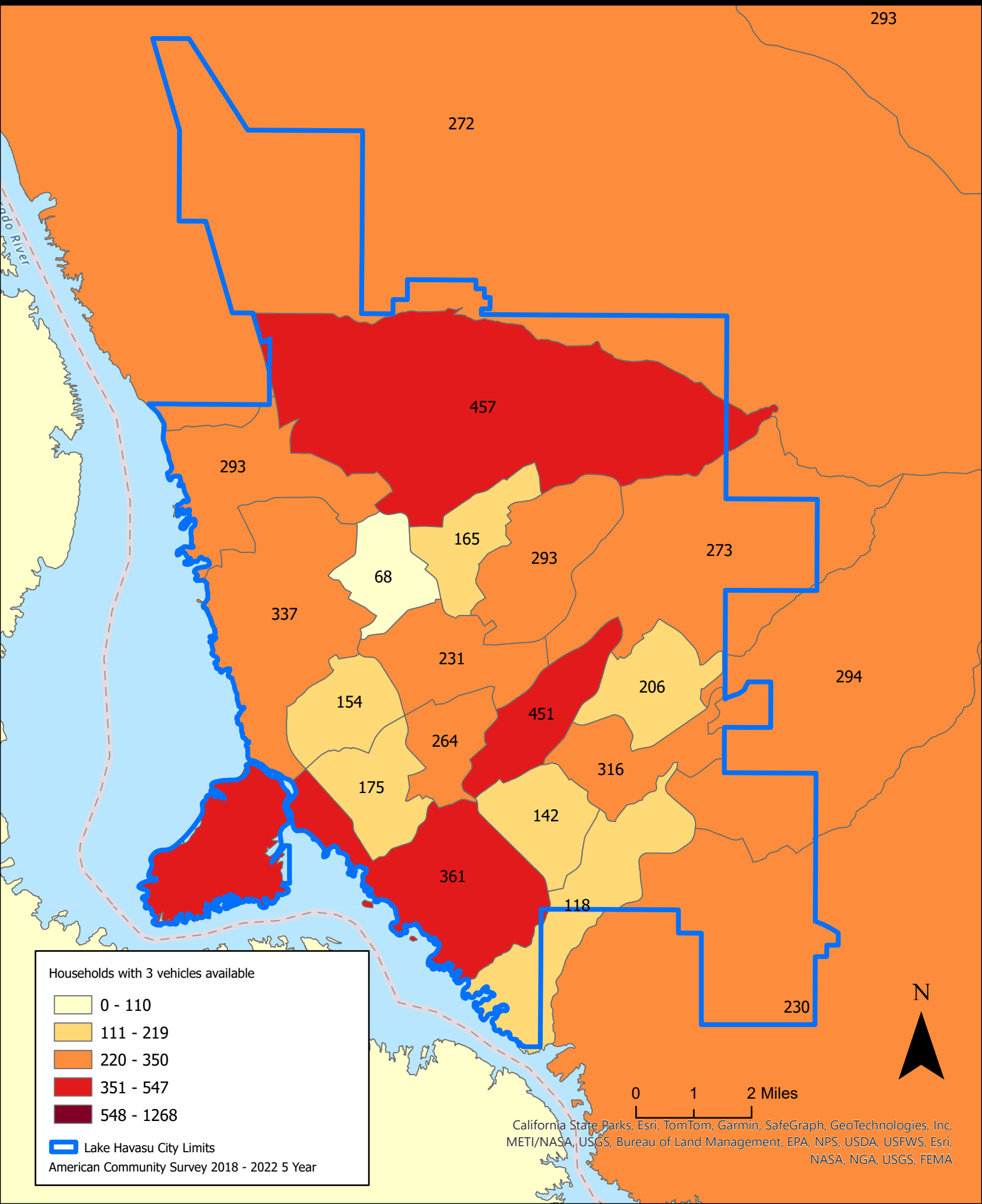
Percent of adults 18 years and over who have limited English ability

Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION



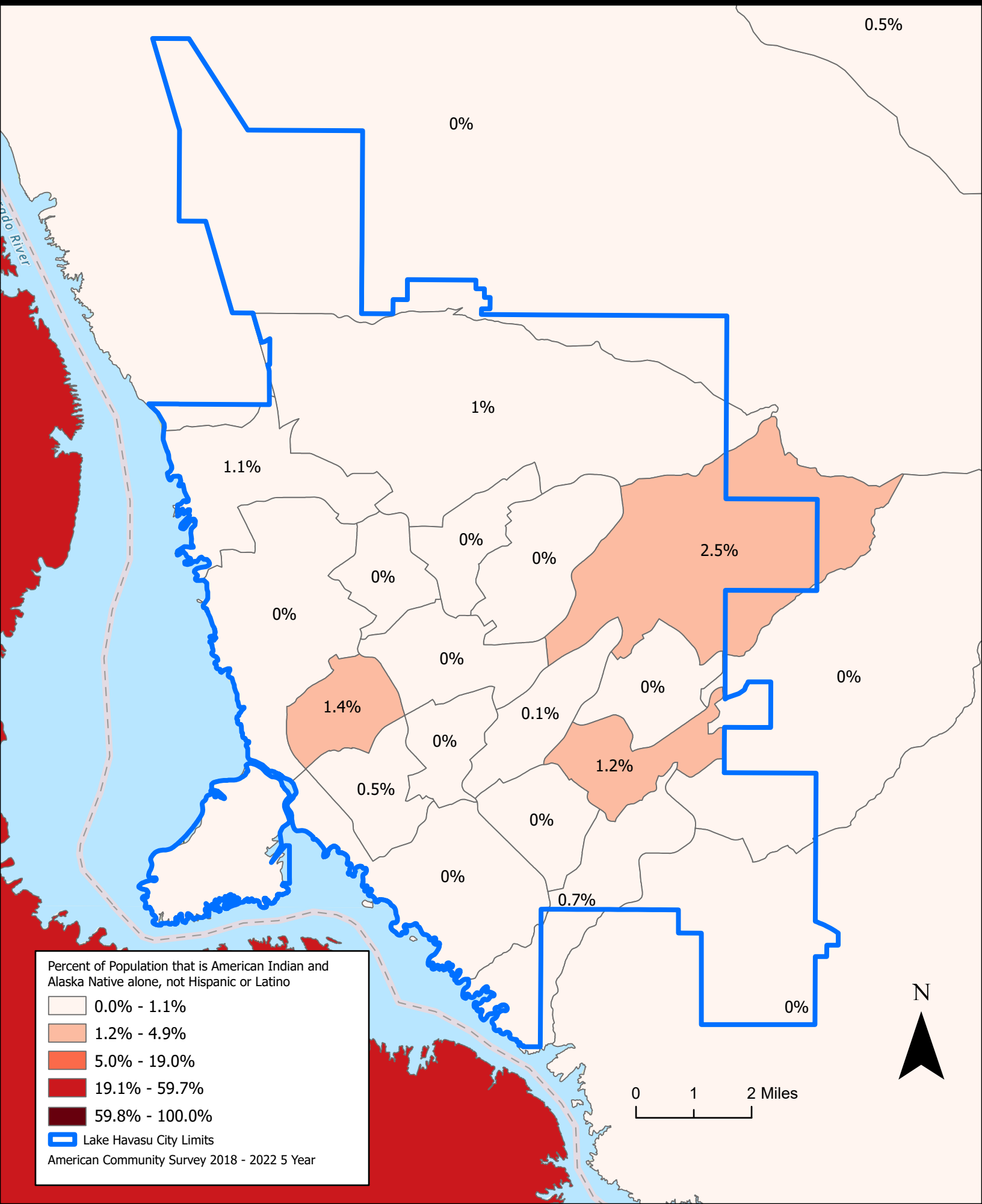


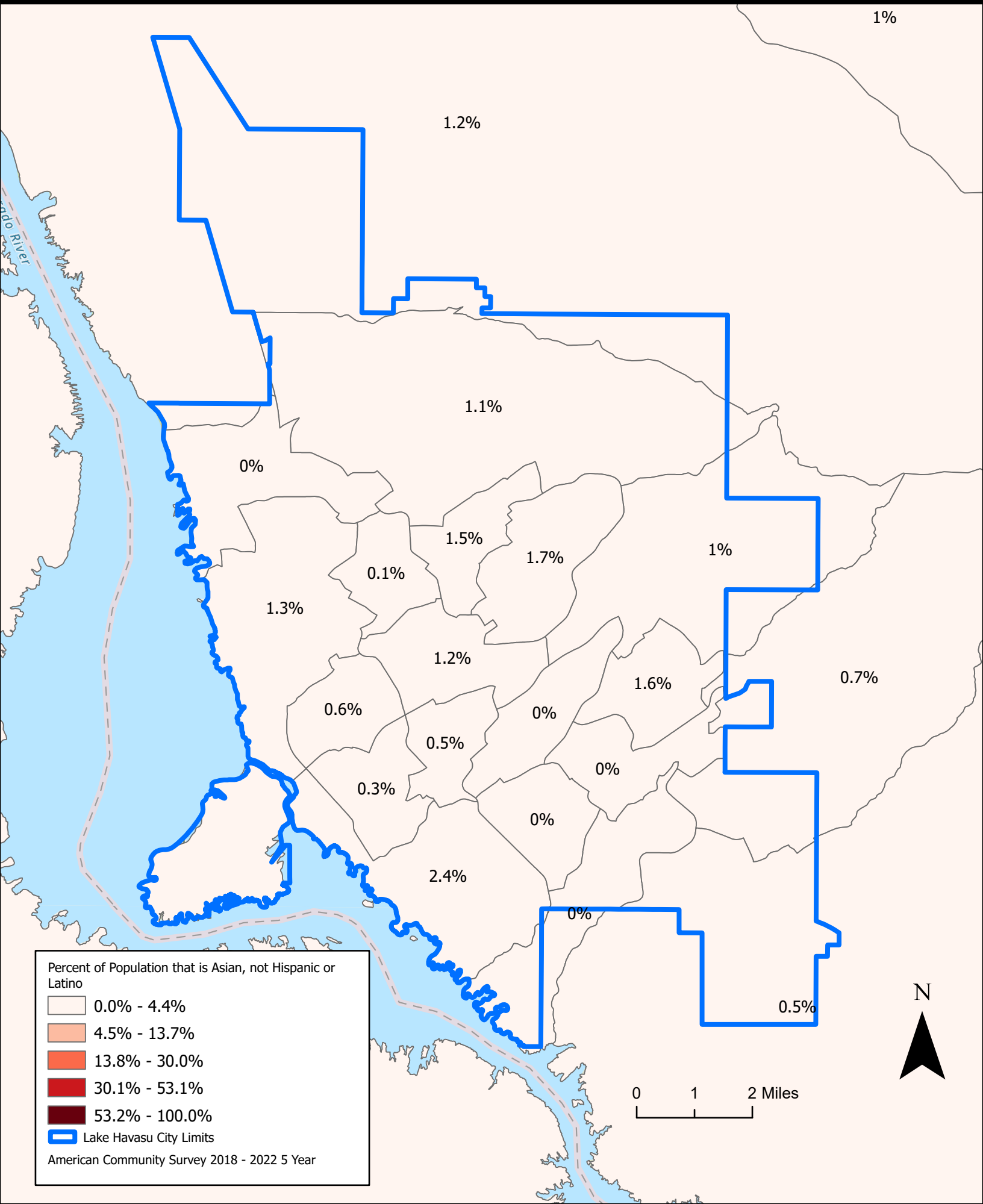




Percent of Population that is American Indian and Alaska Native alone, not Hispanic or Latino

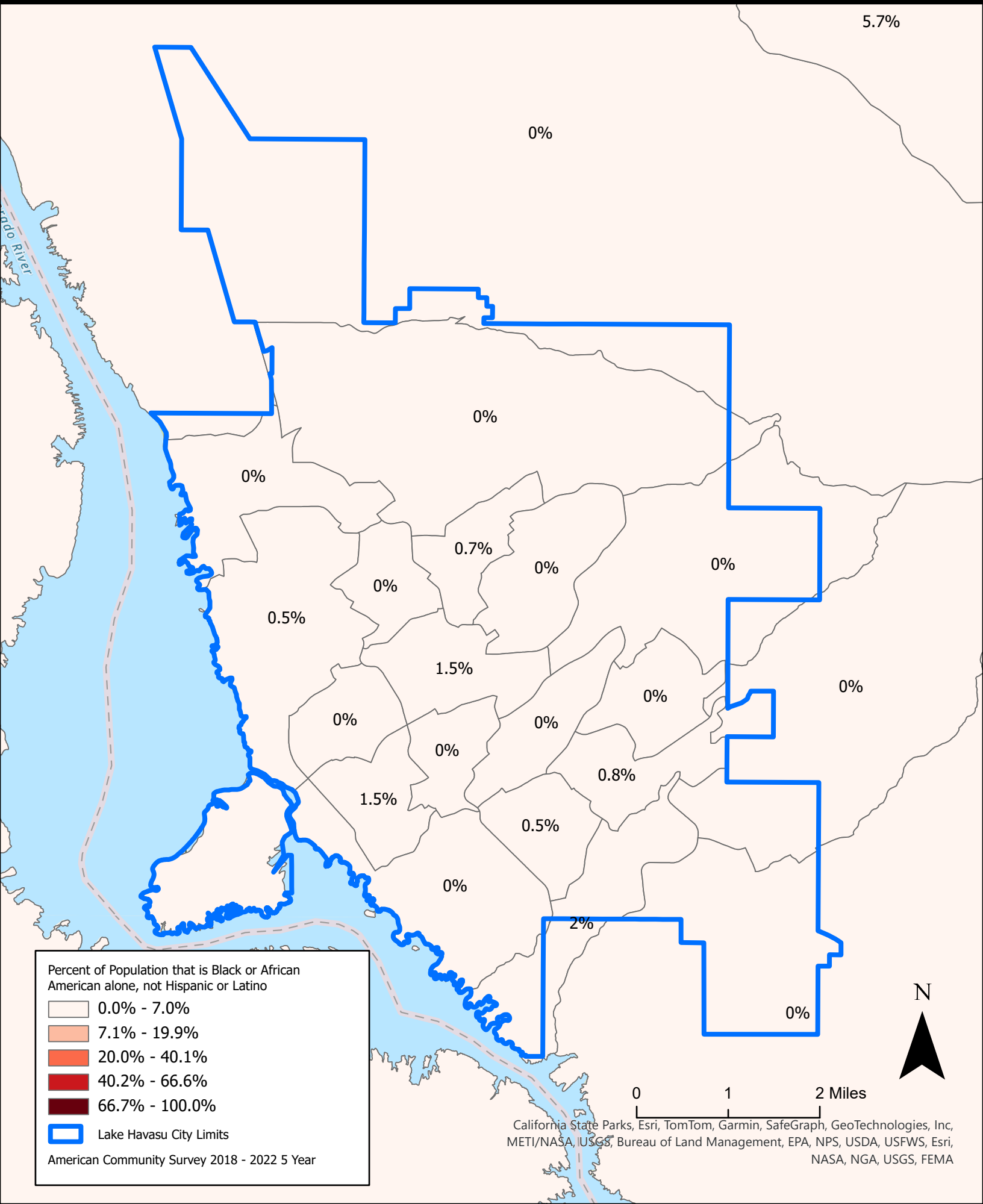
Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION

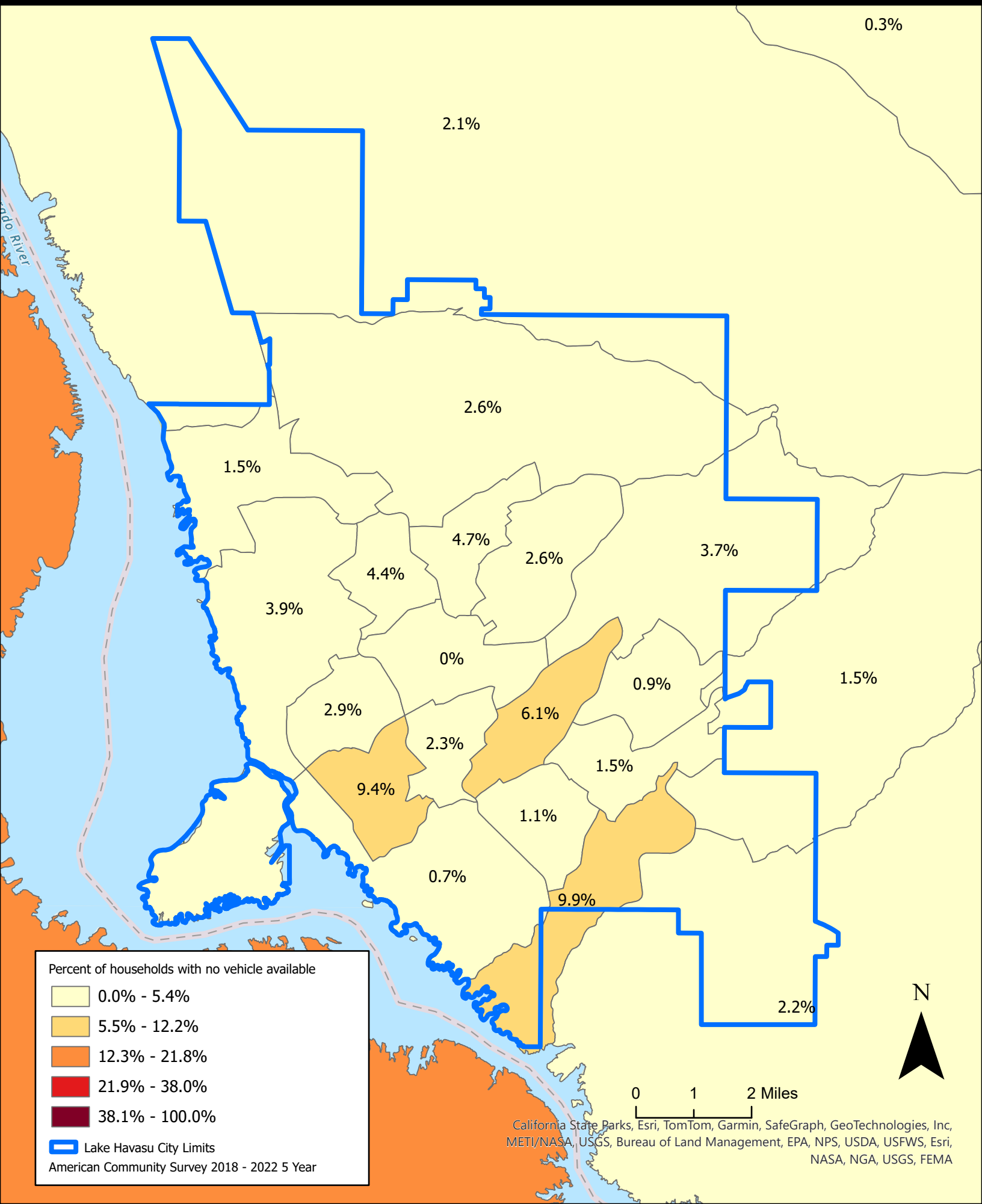




Percent of Population that is Black or African American alone, not Hispanic or Latino

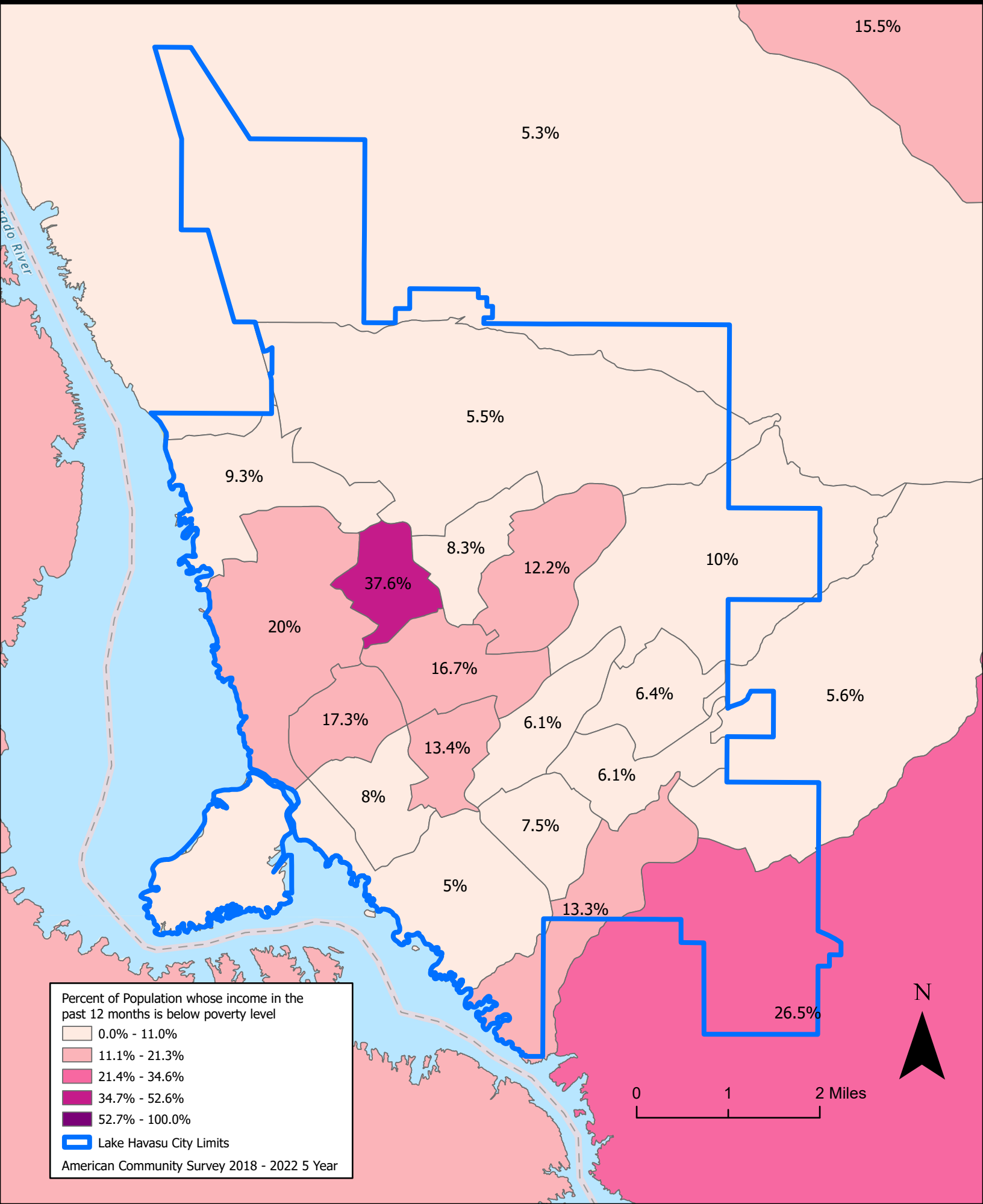
Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION





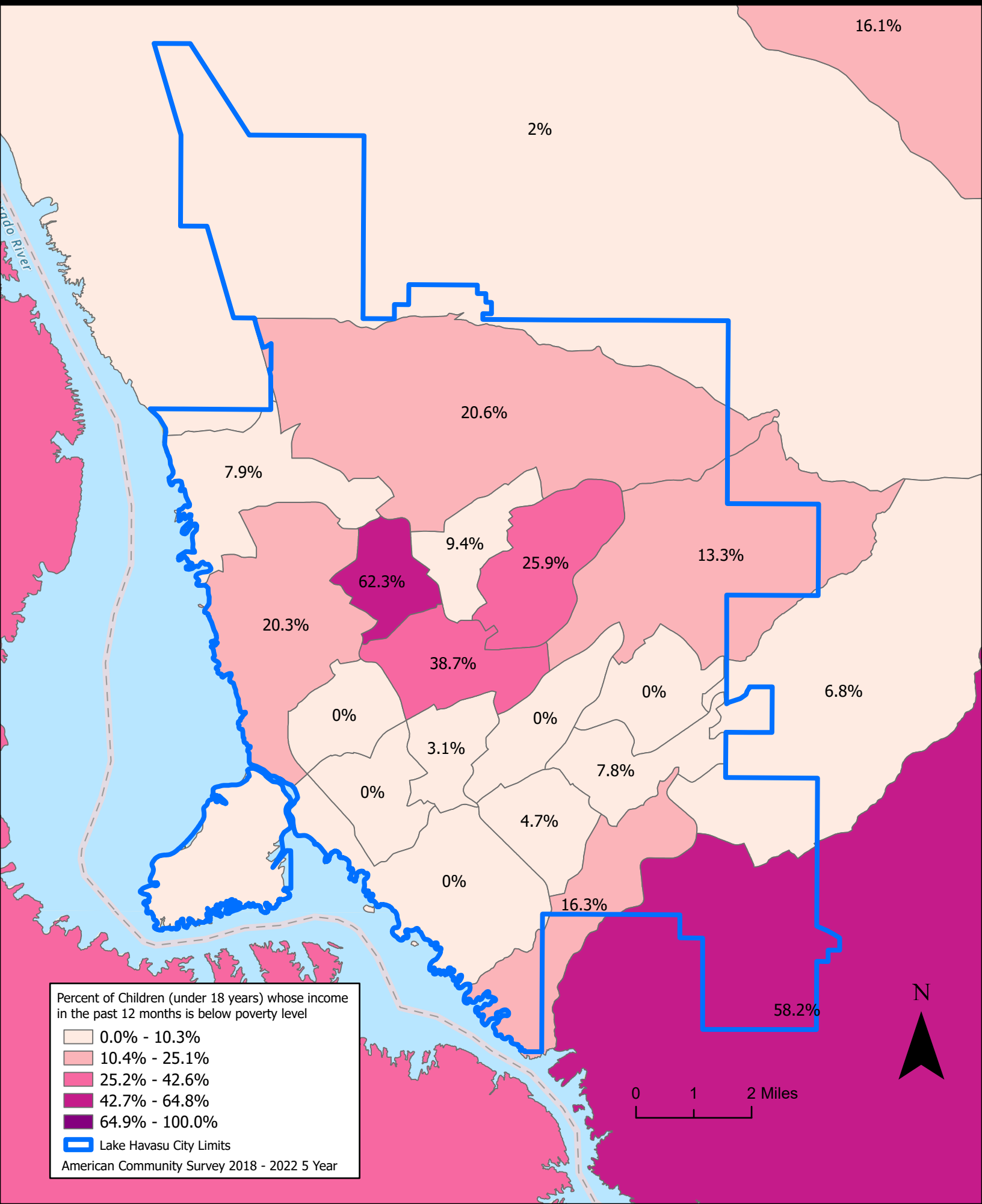
Percent of Population with Income Below Poverty Level - Last 12 Months

Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION

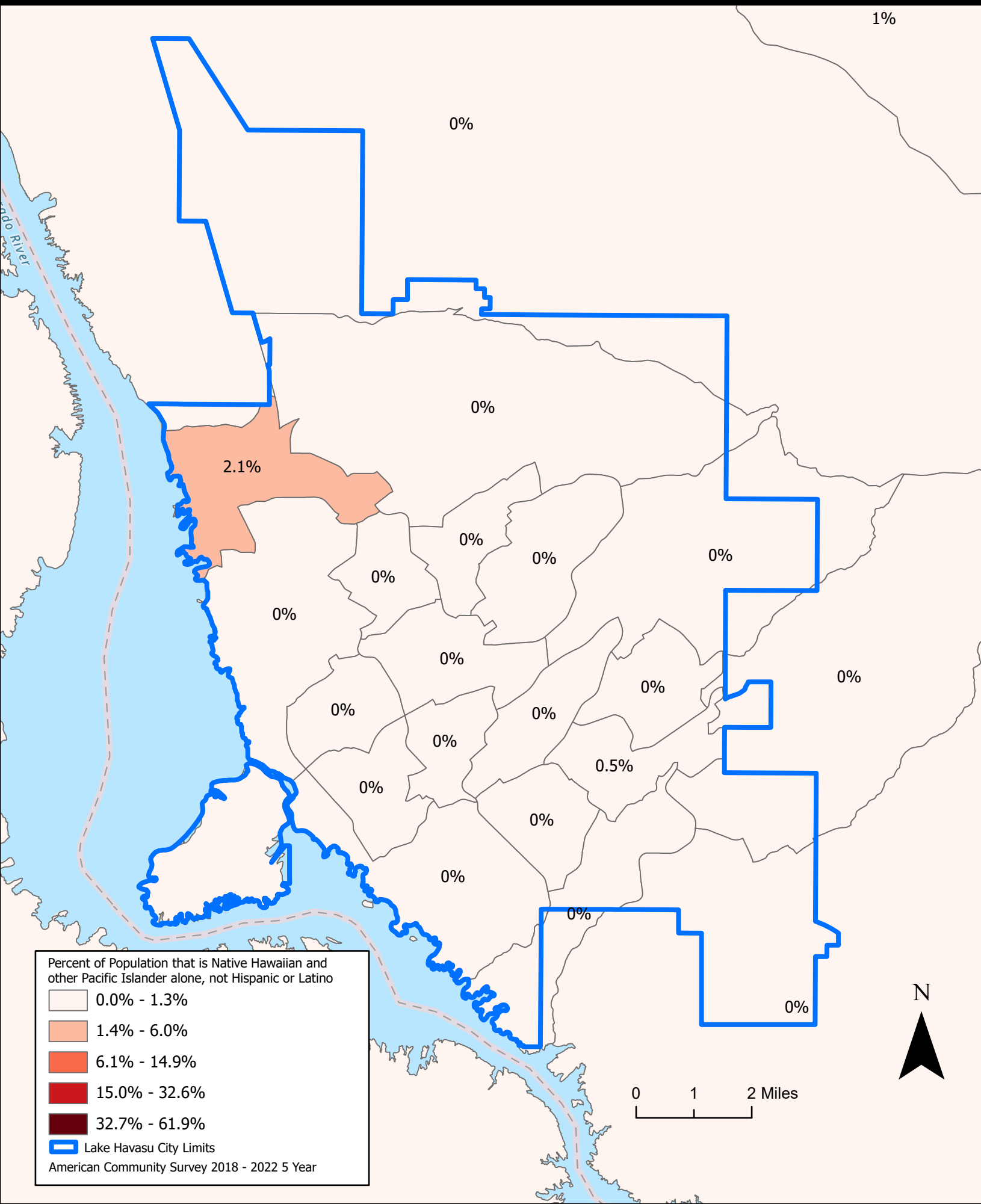


Percent of Children (under 18 years) whose income in the past 12 months is below poverty level

Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION

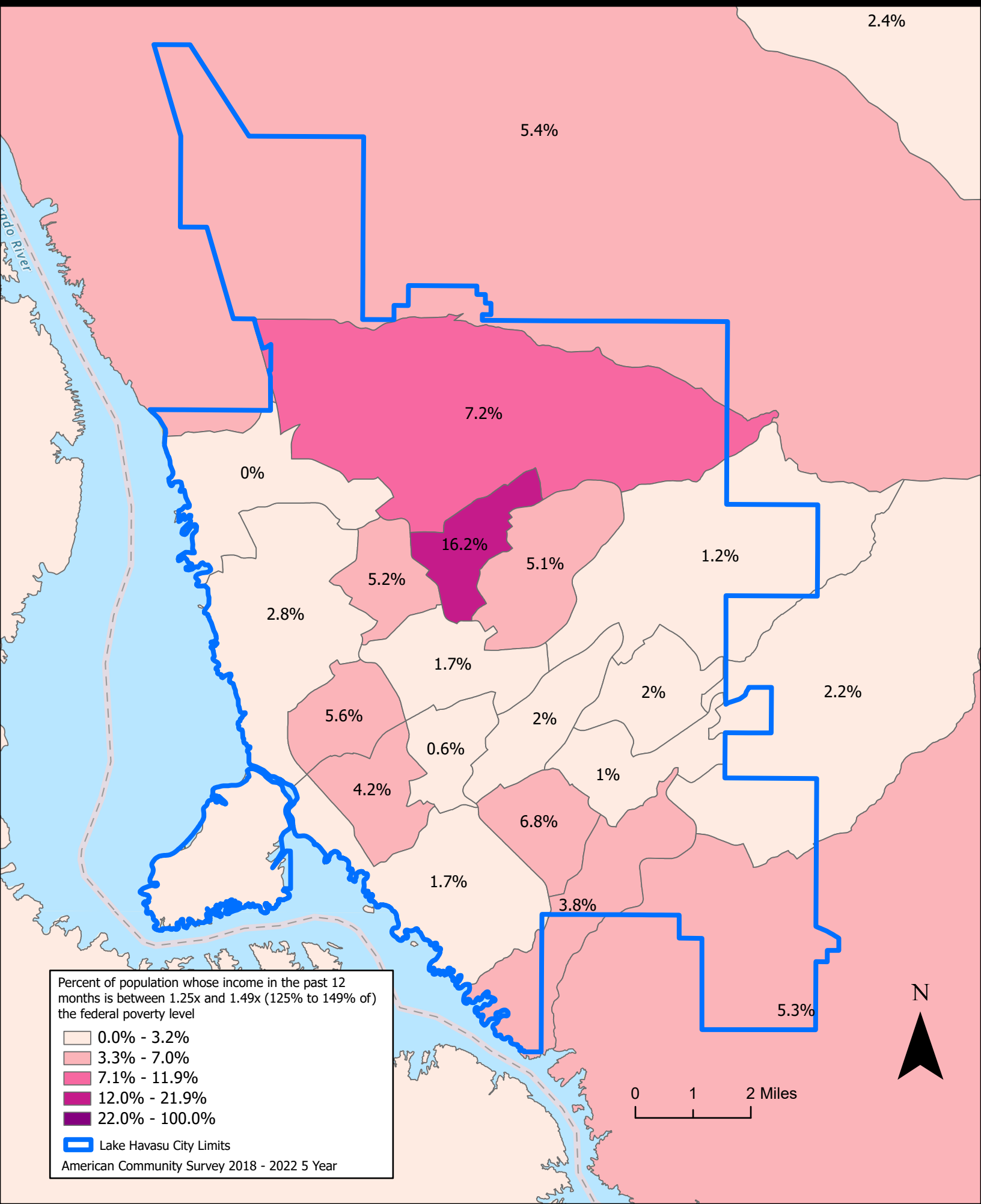


Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION



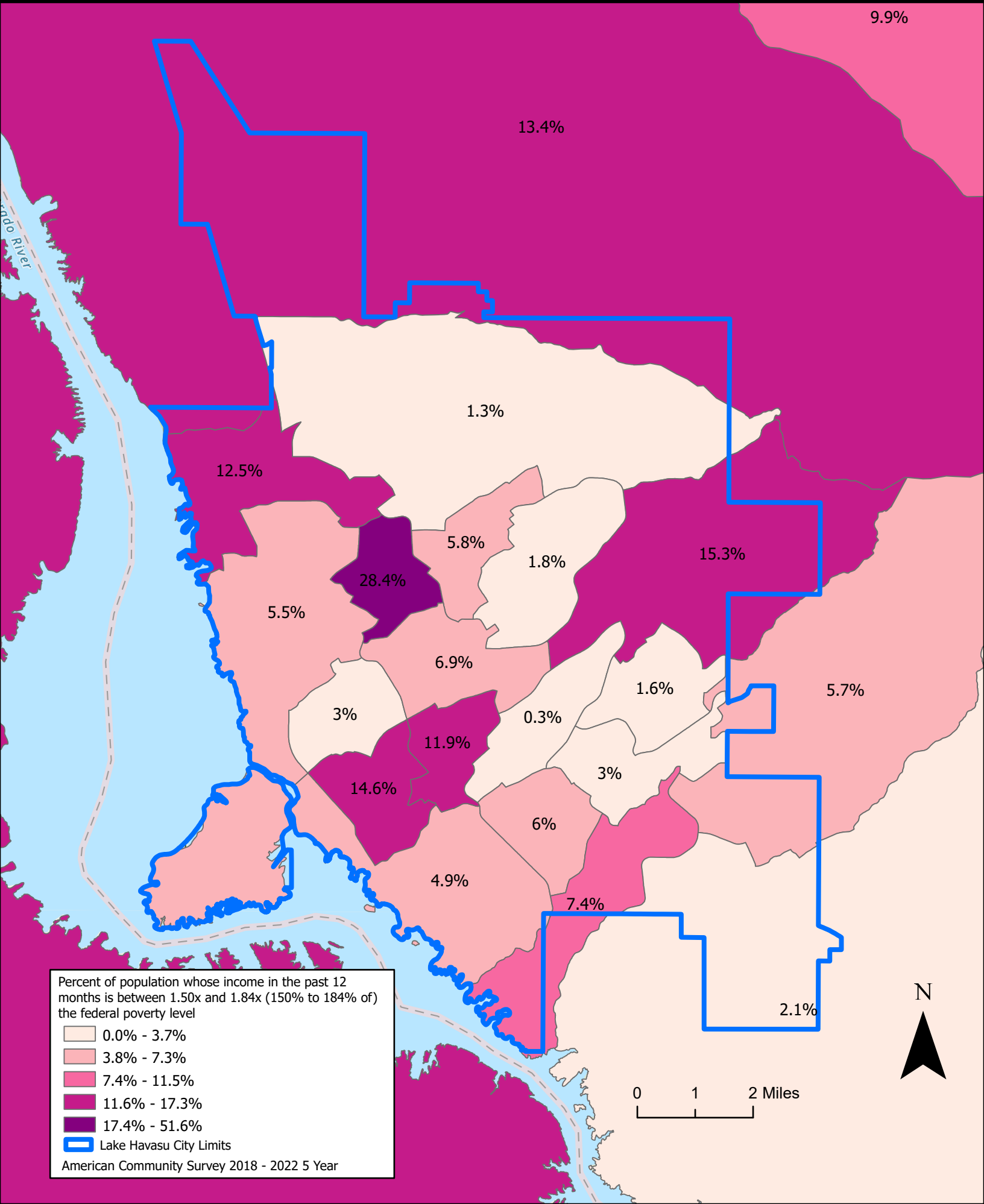
Percent of population whose income in the past 12 months is between 1.25x and 1.49x (125% to 149% of) the federal poverty level

Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION



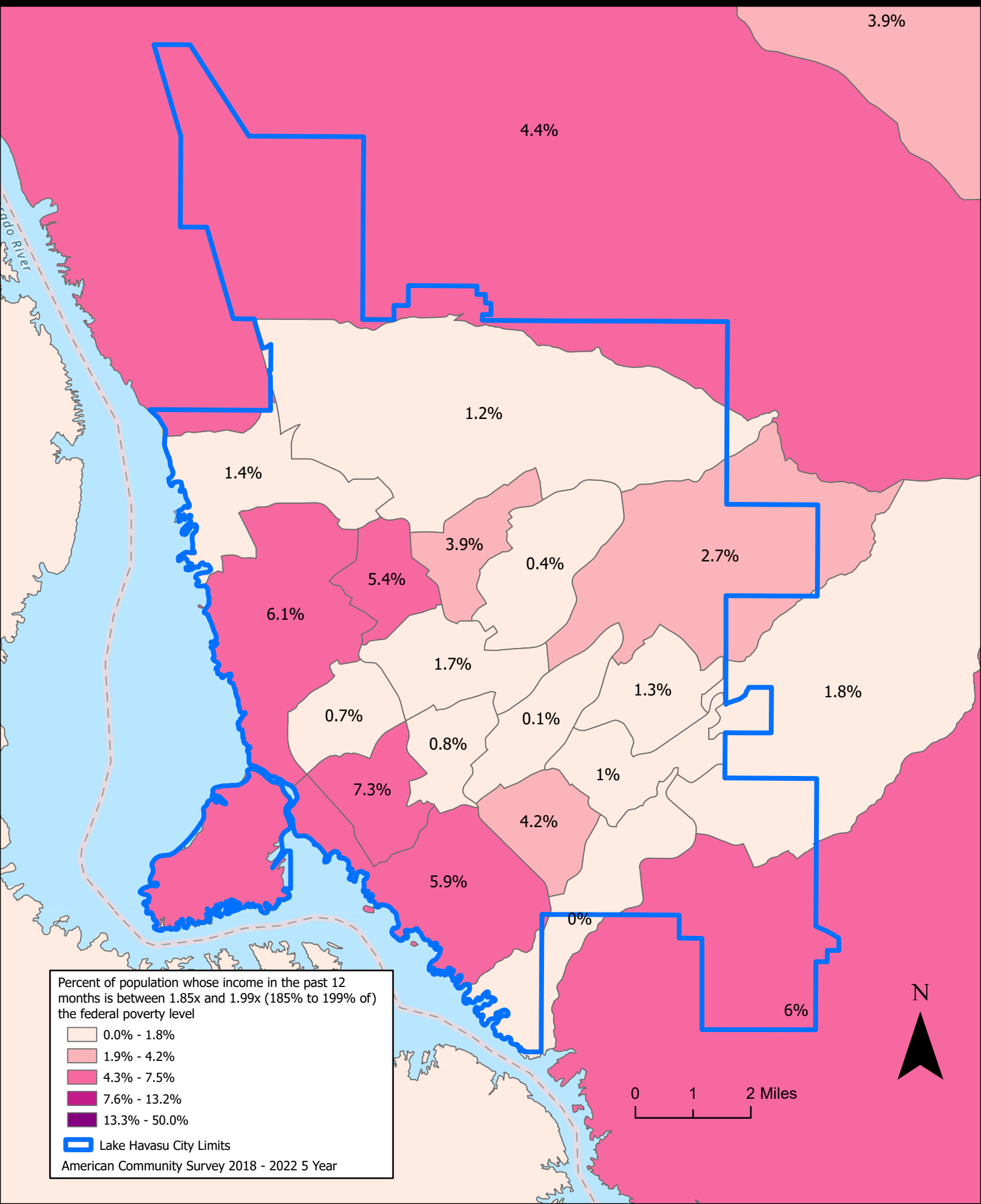
Percent of population whose income in the past 12 months is between 1.50x and 1.84x (150% to 184% of) the federal poverty level

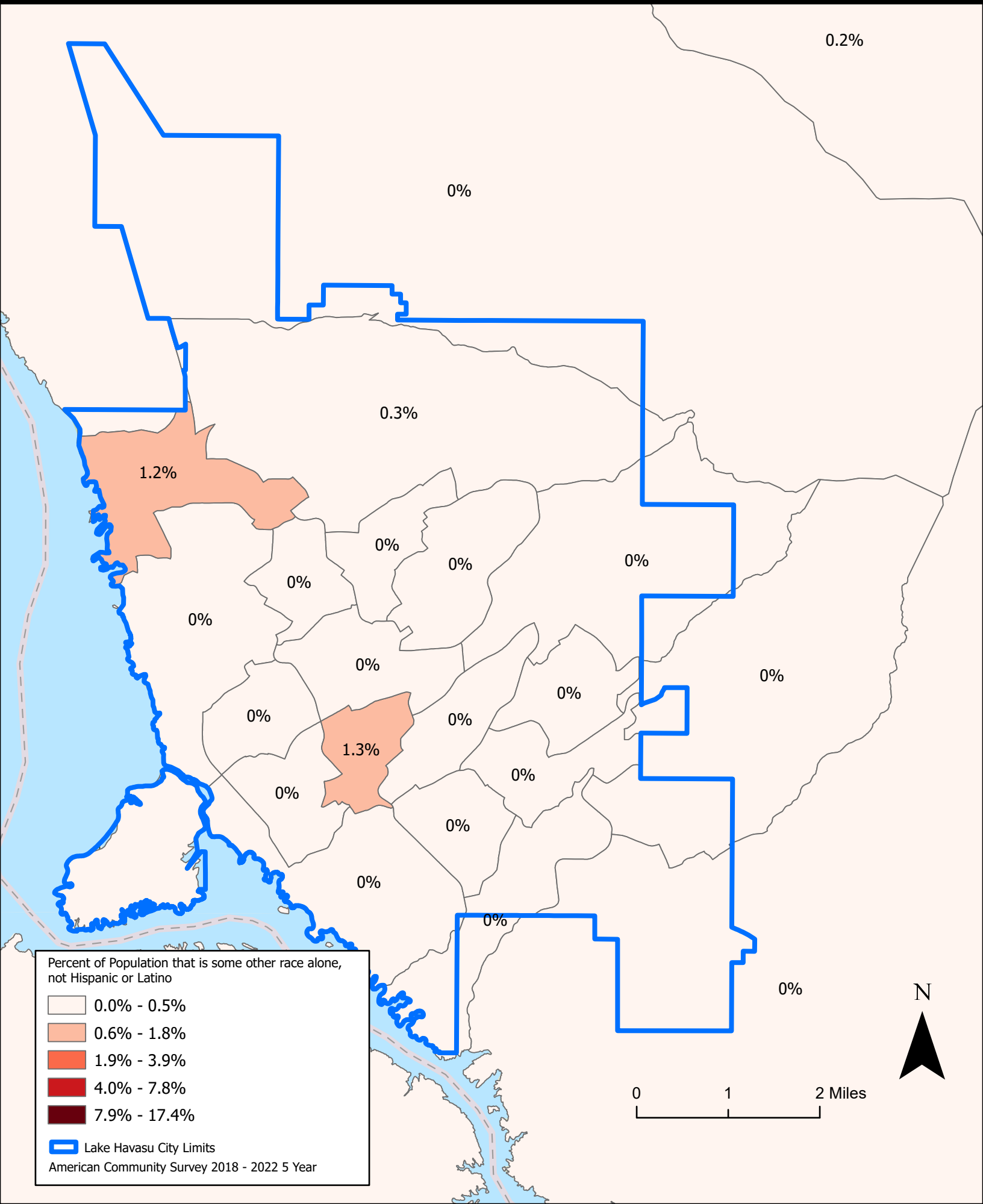
Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION



Percent of population whose income in the past 12 months is between 1.85x and 1.99x (185% to 199% of) the federal poverty level

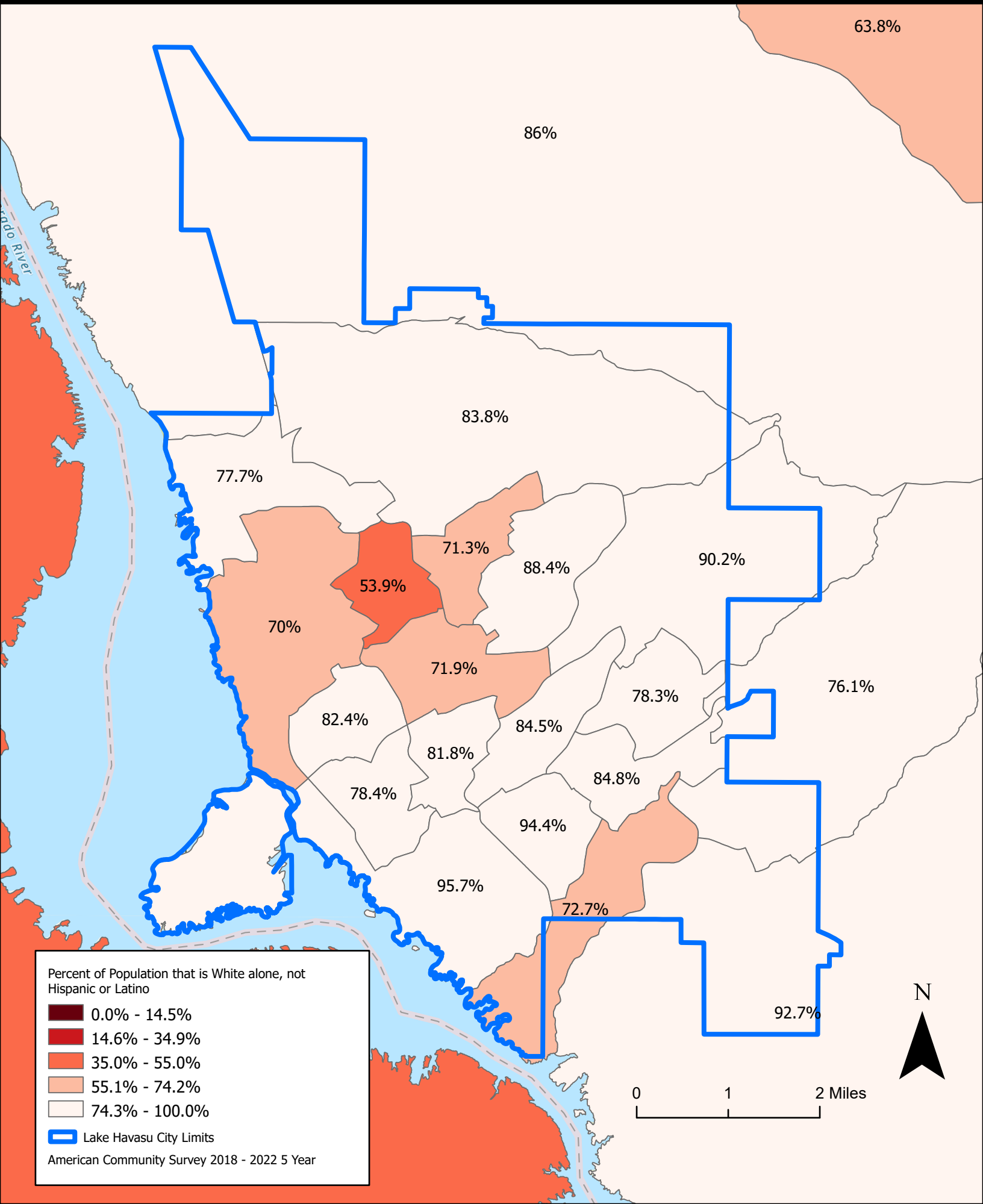
Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION



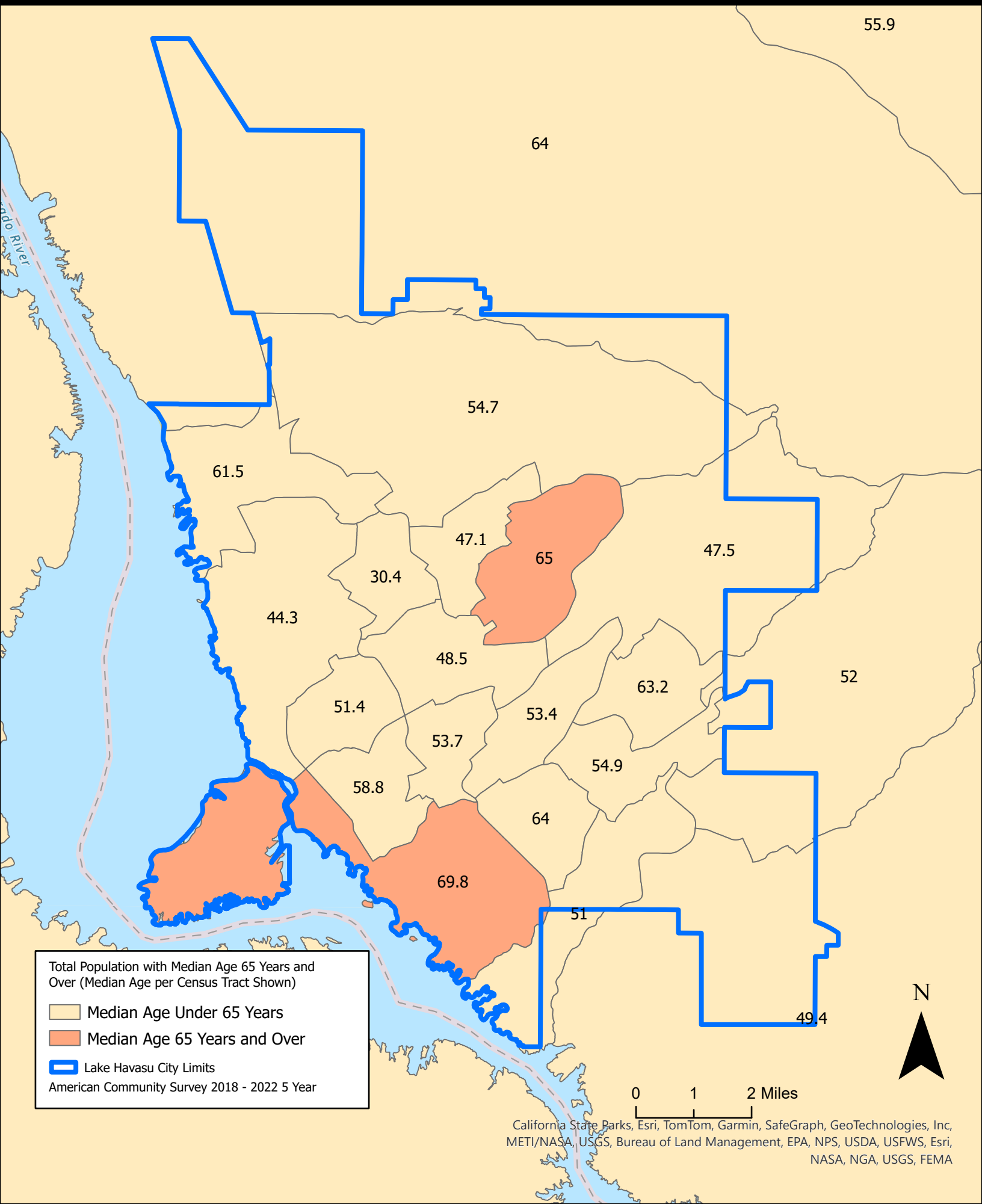


Percent of Population that is White, not Hispanic or Latino

Lake Havasu MPO
METROPOLITAN PLANNING ORGANIZATION



Total Population with Median Age 65 Years and Over



Total Population with Median Age 65 Years and Over (Median Age per Census Tract Shown)

Median Age Under 65 Years

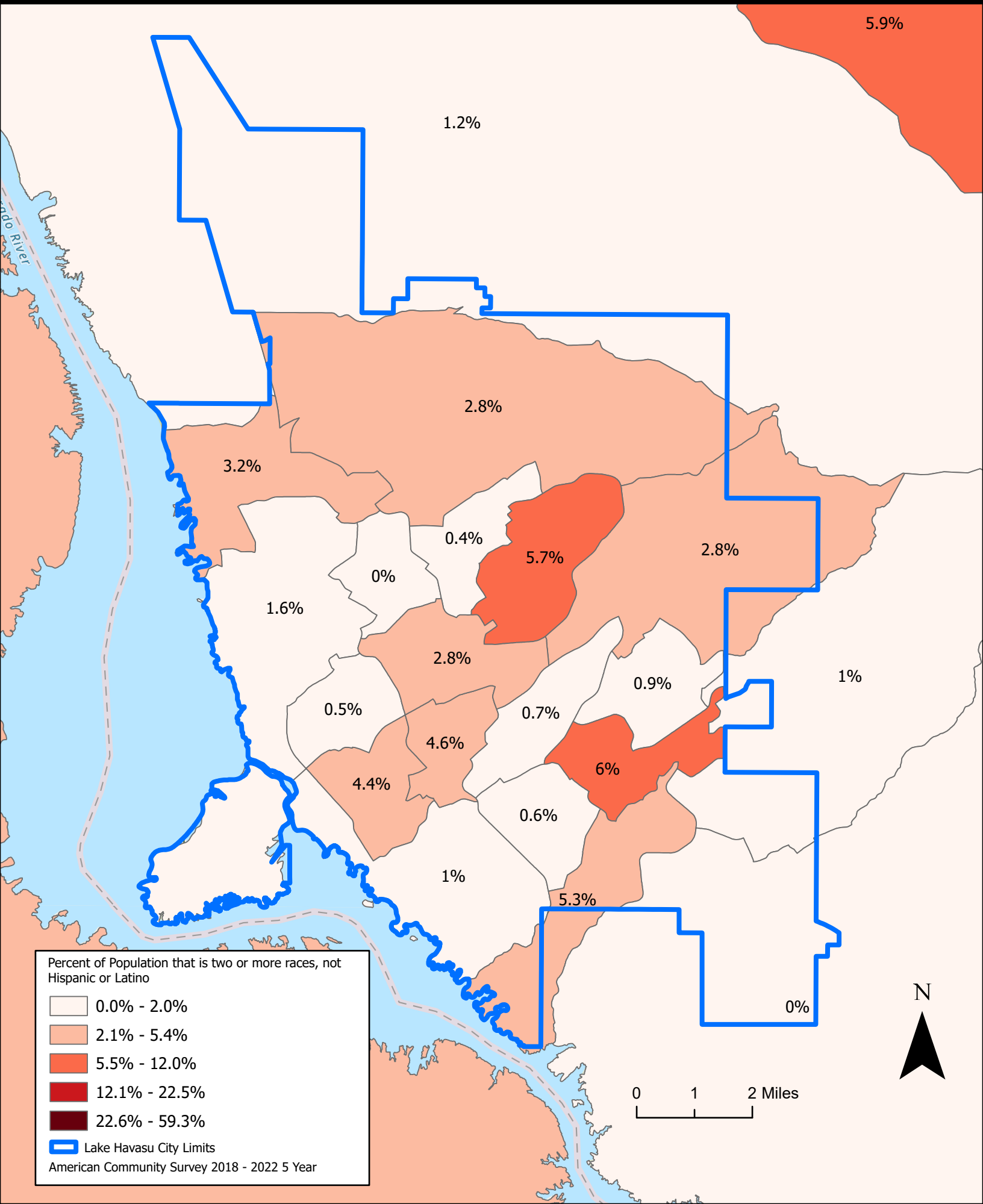
Median Age 65 Years and Over

Lake Havasu City Limits

American Community Survey 2018 - 2022 5 Year

0 1 2 Miles

California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA



Percent of Population that is two or more races, not Hispanic or Latino

- 0.0% - 2.0%
- 2.1% - 5.4%
- 5.5% - 12.0%
- 12.1% - 22.5%
- 22.6% - 59.3%

Lake Havasu City Limits

American Community Survey 2018 - 2022 5 Year

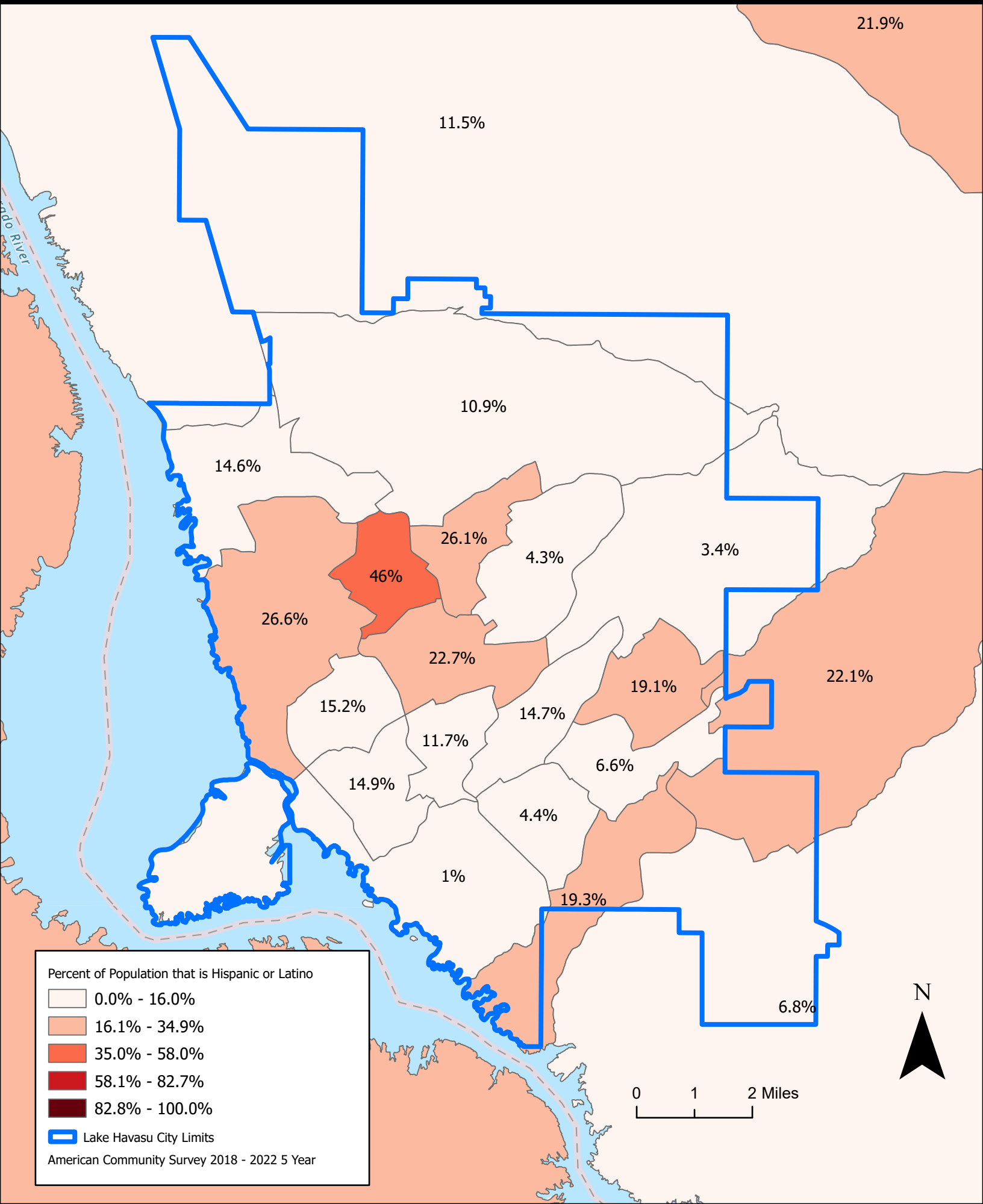


EXHIBIT E - Plan Revisions and Updates

- Fixed spelling errors, formatting errors, and updated the Title VI Coordinator Contact Information – Throughout the entire document.
- Title VI Policy Statement – Title VI Coordinator signature updated to indicate ongoing commitment to adhere to all Title VI requirements – Pg. 5
- General & Specific Assurances - Title VI Coordinator signature updated – Pg. 8-9
- Updated the LEP Table/Data under Factor 1 of the Four Factor Analysis Section – Pg. 26
 - The Title VI Plan now encompasses the Limited English Proficiency (LEP) Plan in its entirety. There was duplication of documents, therefore, the LHMPPO has elected to include the full plan within the “Title VI Plan” and review and update on an annual bases. The website will be updated and the LEP section will link back to the Title VI Plan.
- Updated the Population and Demographic Profile of Lake Havasu City and Mohave County Pg. 29
- Demographics Table updated for TAC and Executive Board Members – Pg. 39
- Updated EXHIBIT C – Added the 2024 Complaint Log – No complaints were received in 2024. Pg. 48
- Updated EXHIBIT D – Demographics Maps have been updated to the most recent United States Census Bureau, American Community Survey 2018-2022 5-year Estimates. Pg. 49



Title VI Annual Report

2024

Prepared By: Lake Havasu MPO

INTRODUCTION

The Lake Havasu Metropolitan Planning Organization (MPO) is committed to ensuring the full participation of all populations in regional planning activities. The Lake Havasu MPO nondiscrimination policy addresses Title VI, Environmental Justice, and federal and state statutes. Extensive public outreach and data analysis are conducted to provide equal benefits to protected populations and to protect those populations from shouldering a disproportionate burden during the planning process. These annual report details progress made, activities undertaken, and goals for involving the public in the transportation planning process.

For more information about this report or other civil rights concerns, please contact the Lake Havasu Title VI Coordinator, at (928) 453-2823.

REVIEW OF PROGRAM AREAS

To ensure compliance, each program and subrecipient is reviewed by the Lake Havasu MPO staff as contracts and planning agreements are developed. This includes a review of Title VI provisions to ensure adherence

PROGRAM AREAS

The Title VI Coordinator provides oversight to the program areas. Annually, the Title VI Coordinator will report data collected throughout the year and outline the steps for each program area to comply with Title VI Program requirements in the Annual Report.

- ❖ Executive Board Meetings
- ❖ Technical Advisory Meetings
- ❖ 2050 Regional Transportation Plan
- ❖ Transportation Improvement Program (TIP)
- ❖ WACOG/LHMPO Transportation Coordination Plan
- ❖ Contracts – Review of Consultant Contracts
- ❖ Subrecipients – Review of Subrecipients
- ❖ Training
- ❖ Investigations, Complaints, and or Lawsuits

FY 2024 ACCOMPLISHMENTS

Listed below is a review of each Program Area, and Data Collection.

LAKE HAVASU MPO EXECUTIVE BOARD MEETINGS

The Executive Board's function is to act as a policy body, coordinating transportation planning and related implementation activities within the Lake Havasu MPO transportation region.

The Board must approve all agreements and contracts, and the Chairman must sign all appropriate documents related to contracts and agreements. The activities include but are not limited to, approving previous meeting minutes, approving various federal required documents, and discussing and planning various transportation-related activities. Additionally, there is an open discussion regarding the Transportation Improvement Program, Carbon Reduction Program projects, HSIP Applications/call for projects, and the Traffic Signal Analysis & Modeling Study.

LHMPO's Executive Board had Five (5) meetings from July 1, 2023-June 30, 2024. (Dates, agendas, and minutes are on LHMPO's website). Agendas are posted a minimum of 5 days prior to the meeting.

At all Executive Board meetings, the Lake Havasu MPO staff post the Title VI Notice to the public, make available as handouts "Your Rights Under Title VI," and the "Self-Identification Survey". Due to COVID-19, meetings are a hybrid between in-person and virtual and/or telephonic, in order to meet compliance, a link to the Title VI public notice and a link to the Self-Identification Surveys (English and Spanish) has been added to all meeting agendas and posted in the chat box of the virtual meeting space (e.g. Zoom, Teams, WebEx, etc.).

Accommodations such as sign language and translation limited English proficiency-LEP services are available at least 48 hours prior to the meetings.

No requests were made for special accommodations from 2023-2024

Lake Havasu MPO Executive Board Meetings

Date	Location
June 13, 2023	Lake Havasu Council Chambers
August 8, 2023	Lake Havasu Council Chambers
October 10, 2023	Lake Havasu Council Chambers
December 12, 2023	Lake Havasu Council Chambers
February 13, 2024	Cancelled
April 9, 2024	Lake Havasu Council Chambers

Lake Havasu MPO Executive Board Demographics Data

Ethnicity / Race		Gender	
American Indian/Alaskan Native		Female	19
Hispanic/Latino		Male	45
White	64		
Asian/Pacific Islander			
African American/Black			
Other			

LAKE HAVASU MPO TECHNICAL ADVISORY COMMITTEE (TAC)

The TAC has the authority, and primary responsibility to conduct technical reviews regarding all work activities of the Unified Planning Work Program; to recommend project awards, and to advise the Executive Board on appropriate actions to be taken for the overall planning direction of the region.

The activities included, but were not limited to, approving previous meeting minutes, approving various federal required documents, and discussing and planning various transportation-related activities. Additionally, there was open discussion regarding the HSIP Applications/call for projects, the Transportation Improvement Program, Carbon Reduction Program projects, and the Traffic Signal Analysis & Modeling Study.

LHMPO's Technical Advisory Committee had Six (6) meetings from July 1, 2023-June 30, 2024. (Dates, agendas, and minutes are on LHMPO's website). Agendas are posted a minimum of 5 days prior to the meeting

At all Technical Advisory Committee meetings, the Lake Havasu MPO staff reads the Title VI statement, posts the Title VI Notice to the public, and makes available as handouts "Your Rights Under Title VI," and the "Self-Identification Survey". Due to COVID-19, all meetings are being held virtual and/or by telephonic, in order to meet compliance, a link to the Title VI public notice and a link to the Self-Identification Surveys (English and Spanish) has been added to all meeting agendas and posted in the chat box of the virtual meeting space (e.g. Zoom, Teams, WebEx, etc.).

Accommodations such as sign language and translation limited English Proficiency-LEP services are available at least 48 hours prior to the meetings.

No requests were made for special accommodations from 2023-2024

Lake Havasu MPO TAC Meetings

Date	Location
July 25, 2023	Virtual
September 26, 2023	Virtual
November 14, 2023	Virtual
January 23, 2024	Virtual
March 26, 2024	Virtual
May 28, 2024	Virtual

Lake Havasu MPO TAC Demographics Data

Ethnicity / Race		Gender	
American Indian/Alaskan Native		Female	8
Hispanic/Latino		Male	37
White	56		
Asian			
Pacific Islander			
African American/Black			
Other	2		

2050 REGIONAL TRANSPORTATION PLAN (RTP)

Every five years, the LHMPO updates the Regional Transportation Plan (RTP). This plan provides a common vision for the region's future transportation needs and guides the investment of public funds in transportation facilities, over the next 25 years. It includes short-, mid-, and long-term transportation strategies and addresses all modes of transportation, including automobile, bicycle, pedestrian, transit, truck, air, and rail movements.

No planned activities. The next 2050 RTP is scheduled to begin in 2025.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The Transportation Improvement Program (TIP) is a federally mandated four-year program of all surface transportation projects that is consistent with and implements the goals and objectives described in the LHMPO's Regional Transportation Plan. The TIP is required to be prepared in complete detail identifying projects, assigning projects in appropriate periods, and identifying costs associated with each project as well as a funding source. All federally funded transportation projects within the Lake Havasu MPO planning boundary must be programmed in the Lake Havasu TIP.

Administrative changes, as well as TIP Amendments, are posted on the Lake Havasu MPO website at www.lhmpo.org. The LHMPO Technical Advisory Committee meetings as well as the LHMPO Executive Board meetings are open to the public, thereby providing the opportunity for the public to comment on any TIP changes done by the Lake Havasu MPO. TIP Amendments go out to the public for a 30-day review.

On April 25, 2023, and May 2, 2023, legal advertisements for the 30-day Public Comment Period for the 2021-2026 Transportation Improvement Program (TIP) were published in the Today's News-Herald, posted on the Lake Havasu MPO website at www.lhmpo.org, and the LHMPO social media webpages in both English and Spanish. Following the 30-day comment period, **no comments were received from the public.**

On April 9, 2024, the Executive Board approved the 2024 Update to the 2021-2026 Transportation Improvement Program (TIP).

WACOG/LHMPO TRANSPORTATION COORDINATION PLAN

WACOG in partnership with the LHMPO provides Mobility Management (MM) in the LHMPO transportation planning region and Mohave County.

The Human Services Transportation Coordination Plan identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes; provides strategies for meeting these needs; and prioritizes transportation services for funding and implementation. Demographic maps and data are reviewed annually to ensure that services are being offered to the minority and low-income populations. WACOG and Lake Havasu MPO are committed to providing outreach to nonprofit agencies providing services to persons with disabilities to discuss regional coordination and collaborative planning opportunities in human services transportation. This includes outreach to stakeholders in Mohave County to ensure agencies from the small urban and rural areas have an opportunity to participate in regional coordination efforts.

To ensure equal benefit to protected populations and to protect those populations from shouldering a disproportionate burden during the planning process public participation is welcomed and encouraged by WACOG and the Lake Havasu MPO. There are numerous and varied techniques/activities to provide the opportunity for public and stakeholder involvement. WACOG and the Lake Havasu MPO obtain input in a variety of ways including, but not limited to public hearings, newspaper advertisements, small and large group presentations, committee meetings, website postings, and e-mail correspondences.

WACOG on behalf of LHMPO continues to update the para-transit summary listing services and providers in the LHMPO transportation planning region. WACOG also continues to distribute referral postcards with WACOG contact information. WACOG referral program helps reduce confusion to the public and directs clients/citizens to the appropriate services throughout the LHMPO region.

The Coordination Plan was submitted to ADOT on March 4, 2024.

REVIEW OF SUBRECIPIENTS

At the current time, the Lake Havasu MPO does not have any subrecipients.

REVIEW OF CONSULTANT CONTRACT

The Title VI Coordinator is responsible for overseeing the preparation and execution of all planning study contracts for consultants to ensure Title VI compliance. During the reporting period, the Lake Havasu MPO executed the following planning-related services/activities.

The projects used a combination of federal and/or in-kind matching funds. The Request for Proposal (RFP) for all MPO planning projects included the Title VI Assurances, nondiscrimination statements, and language pertaining to the incorporation of all Title VI provisions in every subcontract. Additionally, as part of the general RFP requirements for contracted planning studies, all federally funded projects are assessed for a DBE goal. The Lake Havasu MPO encourages and supports firms that are verified Disadvantaged Businesses Enterprises (DBE) and/or Minority Business Enterprises (MBE). All RFPs are distributed to an extensive list of contractors, including DBE/MBE firms. All firms must be registered in AZ UTRACS to be eligible to apply.

Additionally, The Lake Havasu MPO has created a demographics request form to capture Title VI and demographics information on all contractors and or subcontractors that provide professional services on behalf of the Lake Havasu MPO. The newly created form will be inserted into all formal solicitations or requests for quote packages. The data collected from this form allows for the analysis of our contractors and subcontractors in regards to Title VI and or Disadvantaged Business Enterprises.

Executed Contracts:

Kimley-Horn, Traffic Signal Analysis & Modeling Study

- ❖ (UTRAC) # MPD23-9147-200.1
- ❖ Long-term Contract during 2024-2025
- ❖ DBE Goal Assessment – 0%.
- ❖ Contract included Appendix A and E of the Assurances, DBE Provisions, Prompt Pay, and Reporting Provisions
- ❖ Consultant reported monthly in the ADOT LPA DBE System to ensure compliance
- ❖ No findings

TITLE VI TRAINING

Lake Havasu MPO Staff, Executive Board members, and Technical Advisory Committee members attended the following training:

- ❖ May 28, 2024, Lake Havasu MPO provided Title VI training to the TAC during a virtual Zoom meeting
- ❖ June 11, 2024, Lake Havasu MPO provided Title VI training to the Executive Board members during a hybrid meeting.
- ❖ On June TBA, 2024, the ADOT CRO Annual FHWA Title VI Training will be attended in person by Director Justin Hembree and Administrative Specialist Sarah Lojewski.

TITLE VI INVESTIGATIONS, COMPLAINTS, OR LAWSUITS

No investigations, lawsuits, or complaints have been filed against the Lake Havasu MPO or its member agencies from 2023-2024.

FY 2025 GOALS

PROGRAM AREAS GOALS & PLANNED ACTIVITIES

In FY 2024, The Lake Havasu MPO has identified the following Program Area Goals to ensure full compliance with Title VI, Environmental Justice, state and federal statutes:

- ❖ Executive Board Meetings
- ❖ Technical Advisory Meetings
- ❖ 2050 Regional Transportation Plan
- ❖ Transportation Improvement Program (TIP)
- ❖ WACOG/LHMPO Transportation Coordination Plan
- ❖ Contracts – Review of Consultant Contracts
- ❖ Subrecipients – Review of Subrecipients
- ❖ Training
- ❖ Investigations, Complaints, and or Lawsuits

LAKE HAVASU MPO EXECUTIVE BOARD MEETINGS

The July 1, 2023 – June 30, 2024, Executive Board meetings are scheduled for the second Tuesday of every other month at 2:00 P.M. and will be held at the Lake Havasu Council Chambers. The public meetings will be held at locations that are easily accessible and ADA compliant. Accommodations such as sign language and translation limited English Proficiency-LEP services are available at least 48 hours prior to the meetings. At all Executive Board meetings, the Lake Havasu MPO will read or post the “Title VI Notice to the Public” and makes available as handouts “Your Rights Under Title VI” and “Self-Identification Survey” in English and Spanish.

The calendar of meetings will be published annually and posted on the Lake Havasu MPO website at www.lhmpo.org. The notice will state the date of the meeting, the time of the meeting, and the location of the meeting. It also states where the agendas for the meeting will be posted. Upon request, citizens may receive, at no cost, an e-mailed meeting agenda.

LAKE HAVASU MPO TECHNICAL ADVISORY COMMITTEE (TAC)

The July 1, 2023 – June 30, 2024, Technical Advisory Committee meetings are scheduled for the fourth Tuesday of every other month at 1:30 P.M. and are currently held on zoom. Accommodations such as sign language and translation limited English Proficiency-LEP services are available at least 48 hours prior to the meetings. At all TAC meetings, the Lake Havasu MPO will read the “Title VI Notice to the Public” and make available as handouts “Your Rights Under Title VI” and “Self-Identification Survey” in English and Spanish.

The calendar of meetings will be published annually and posted on the Lake Havasu MPO website at www.lhmpo.org. The notice will state the date of the meeting, time of the meeting, and location of the meeting. It also states where the agendas for the meeting are posted. Upon request, citizens may receive, at no cost, an e-mailed meeting agenda.

2050 REGIONAL TRANSPORTATION PLAN (RTP)

Every five years, the LHMPO updates the Regional Transportation Plan (RTP). This plan provides a common vision for the region's future transportation needs and guides the investment of public funds in transportation facilities, over a 25-year timeframe.

- ❖ No RTP activities are planned for the upcoming year, LHMPO's next RTP is scheduled to begin in FY25.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Administrative changes, as well as TIP Amendments, will be posted on www.lhmpo.org. The Lake Havasu Technical Advisory Committee meetings and the Lake Havasu MPO Executive Board meetings are open to the public, thereby allowing the public to comment on any TIP changes done by the Lake Havasu MPO. Annually the TIP and all TIP Amendments go out to the public for a 30-day Public Comment Period.

TITLE VI TRAINING

The Title VI Coordinator will seek and offer Title VI training opportunities to MPO staff, committee members, and consultants.

- ❖ **Lake Havasu MPO Staff** - Annually, request ADOT Civil Rights Office to offer Title VI Training/Overview for staff, to include new hires. Staff will partake in FTA/FHWA Title VI and Environmental Justice Training that is made available throughout the year.
- ❖ **Executive Board** - This training will occur annually and functions as part of training and debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges and special emphasis areas findings from the Title VI Implementation Plan and Annual Goals and Accomplishment Report.
- ❖ **Technical Advisory Committee** - This training will occur annually and functions as part of training and debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges and special emphasis areas. Findings from the Title VI Implementation Plan and Annual Goals and Accomplishment Report.
- ❖ **Subrecipients/Consultants** – Subrecipients and Consultant contracts will be reviewed to ensure that the assurances are being followed, which will be followed by training. The content of the training is developed specifically to address the issues/challenges facing each subrecipient as communicated through the subrecipient review.

WACOG/LHMPO TRANSPORTATION COORDINATION PLAN

Lake Havasu MPO will continue to collaborate with WACOG to provide Mobility Management (MM) in the LHMPO transportation planning region and Mohave County.

WACOG and Lake Havasu MPO are committed to providing outreach to nonprofit agencies providing services to persons with disabilities to discuss regional coordination and collaborative planning opportunities in human services transportation. This includes outreach to stakeholders in Mohave County to ensure agencies from the small urban and rural areas have an opportunity to participate in regional coordination efforts.

REVIEW OF SUBRECIPIENTS

At the current time, the Lake Havasu MPO does not have any upcoming projects working with subrecipients.

REVIEW OF CONSULTANT CONTRACT

The Title VI Coordinator is responsible for overseeing the preparation and execution of all planning study contracts for consultants to ensure Title VI compliance. Continue to review all contracts for compliance through contract Review, training, onsite visits, and personal interviews of staff.

INVESTIGATIONS, LAWSUITS, AND COMPLAINTS

The Lake Havasu MPO will strive to have zero complaints for FY2024.

ADDITIONAL TITLE VI COMMITMENTS

- ❖ LHMPO will continue to adhere to its Title VI Plan. In addition,
- ❖ Continue posting or reading out loud Title VI Compliance notification at each meeting held in person or virtually
- ❖ Continue to update the website with any changes to Title VI materials
- ❖ Continue making meetings accessible to persons in need of foreign language assistance
- ❖ Continue making meetings accessible to persons with disabilities
- ❖ Update the current Title VI Plan in accordance with ADOT, FTA, and FHWA regulations
- ❖ LHMPO will incorporate recommendations from ADOT's audit into future activities

Item #8

Transportation Alternative (TA) Contract (*ACTION ITEM***)**

Cal Sheehy, Executive Board Chairman

Agenda Item # 8

**LAKE HAVASU MPO
REQUEST FOR ACTION**

SUBJECT: Transportation Alternative Program (TAP) Contract agreement

SUBMITTED BY: Sarah Lojewski, LHMPO Administrative Specialist II

AGENDA TYPE: Public Hearing – Discussion / Possible Action

ATTACHMENTS:

Transportation Alternative Program (TAP) Contract agreement

SUMMARY/BACKGROUND:

The Lake Havasu MPO submitted a competitive Transportation Alternative Program (TAP) grant application to ADOT for the FY24/25 Call for Projects. As a result, the LHMPO was awarded a Safe Routes to School Scoping grant. The study will examine eight (8) school zones (1/2 mile radius of each school) within the Lake Havasu MPO region. The scoping/study (up to 30% Design) will be administered by ADOT on behalf of the LHMPO.

All phases of this project have been approved and programmed for federal funding in the amount of \$ 408,668 with a local contribution of \$ 24,702, for a total of \$ 433,370.

This contract agreement is an action item and does requires approval by the LHMPO Executive Board.

Agenda Item # 8

ACTION OPTION:

Motion to approve the Transportation Alternative (TA) Contract agreement

OR

Motion to approve the Transportation Alternative (TA) Contract agreement, with the noted changes

RECOMMENDATION:

Motion to approve the Transportation Alternative (TA) Contract

ADOT CAR No.: IGA 24-0009650-I
AG Contract No.: P0012024001095
Project Location/Name: Lake Havasu
MPO Safe Routes to School
Type of Work: Safe Routes to School
Scoping
Federal-aid No.: LHM-0(001)T
ADOT Project No.: T0563_01L_03L
TIP/STIP No.: LHM-TA24-101
CFDA No.: 20.205 - Highway Planning and
Construction
Budget Source Item No.:

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE LAKE HAVASU METROPOLITAN PLANNING ORGANIZATION

THIS AGREEMENT ("Agreement") is entered into this date _____, pursuant to the Arizona Revised Statutes ("A.R.S.") §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the LAKE HAVASU METROPOLITAN PLANNING ORGANIZATION, acting by and through its EXECUTIVE BOARD (the "LHMPO"). The State and the LHMPO are each individually referred to as a "Party" and are collectively referred to as the "Parties."

I. RECITALS

1. The State is empowered by A.R.S. § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The LHMPO is empowered and is authorized to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the LHMPO.
3. The work proposed under this Agreement consists of scoping services, 30 percent design plans, and estimates for recommendations that involve education, enforcement, encouragement, and evaluation to support a new Safe Routes to School program (the "Project" or the "Preliminary Design"). The Project will include data collection and safety assessment on school sites as well as in the public right of way for routes that children walk or bike to at eight (8) schools within the LHMPO Region. The Project will include recommendations for roadway improvements or to school districts for on-site improvements. Preliminary Design also includes the determination of environmental and right of way requirements. The Project cost, shown in Exhibit A, is estimated at \$433,370, which includes federal aid and the LHMPO's match. The State will administer the preliminary design. Final design and construction will be addressed in a separate agreement as applicable.

4. The interest of the State in this Project is the acquisition of federal funds for the use and benefit of the LHMPO and authorization of such federal funds for the Project pursuant to federal law and regulations. The State shall be the designated agent for the LHMPO for the Project, if the Project is approved by the Federal Highway Administration (FHWA) and funds for the Project are available.
5. The foregoing Recitals and Exhibit A shall be incorporated into this Agreement.

In consideration of the mutual terms expressed herein, the Parties agree as follows:

II. SCOPE OF WORK

1. The Parties agree:
 - a. The final Project amount may exceed the initial estimate(s) identified in Exhibit A, and in such case, the LHMPO is responsible for, and agrees to pay, any and all actual costs exceeding the initial estimate. If the final Project amount is less than the initial estimate, the difference between the final Project amount and the initial estimate, the federal aid will be de-obligated or otherwise released from the Project and returned to the State. The LHMPO acknowledges it remains responsible for actual costs and agrees to pay according to the terms of this Agreement.
2. The State will:
 - a. Execute this Agreement, and if the Project is approved by FHWA and funds for the Project are available, be the LHMPO's designated agent for the Project.
 - b. After this Agreement is executed, and prior to performing or authorizing any work, invoice the LHMPO for the LHMPO's share of the initial Project Development Administration (PDA) costs, estimated at \$570 and the LHMPO's share of the Preliminary Design costs, estimated at \$24,132. If PDA costs exceed the estimate during the development of Preliminary Design, notify the LHMPO, obtain concurrence prior to continuing with the development of Preliminary Design, and invoice as determined by ADOT and the LHMPO for additional costs to complete PDA for the Project. If Preliminary Design costs exceed the estimate prior to completion of the Project, invoice the LHMPO for Project costs exceeding Preliminary Design. After the Project costs are finalized, invoice or reimburse the LHMPO for the difference between actual costs and the amount the LHMPO has paid for PDA and Preliminary Design.
 - c. After receipt of the PDA costs and the LHMPO's estimated share of the Project costs, submit all required documentation pertaining to the Project to FHWA with the recommendation that the maximum federal funds programmed for this Project be approved for Preliminary Design. After receipt of FHWA authorization, proceed to advertise for and enter into contract(s) with the consultant(s) for the Project. Should costs exceed the maximum federal funds available it is understood and agreed that the LHMPO will be responsible for any overage.

- d. On behalf of the LHMPO, prepare and provide all documents pertaining to the Project, incorporating comments from the LHMPO, as appropriate. Review and approve documents required by FHWA to qualify the Project for and to receive federal funds.
3. The LHMPO will:
- a. Designate the State as the LHMPO's authorized agent for the Project.
 - b. Within 30 days of receipt of an invoice from the State, pay the LHMPO's share of the initial PDA costs, estimated at \$570 and the LHMPO's share of Preliminary Design costs, estimated at \$24,132. Agree to be responsible for actual PDA costs, if during the development of Preliminary Design, PDA costs exceed the initial estimate. Be responsible and pay for the difference between the estimated and actual PDA and Preliminary Design costs of the Project within 30 days of receipt of an invoice.
 - c. Review Project plans, cost estimates, and other such documents required for the Project; provide comments to the State as appropriate.
 - d. Be responsible for all costs incurred in performing and accomplishing the work as set forth under this Agreement, that are not covered by federal funding. Should costs be deemed ineligible or exceed the maximum federal funds available, it is understood and agreed that the LHMPO is responsible for these costs; payment for these costs shall be made within 30 days of receipt of an invoice from the State.
 - e. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase Project costs. Be responsible for the cost of any LHMPO requested changes to the scope of work of the Project, such changes will require State and FHWA approval.

III. MISCELLANEOUS PROVISIONS

1. Effective Date. This Agreement shall become effective upon signing and dating of all Parties.
2. Amendments. Any change or modification to the Project will only occur with the mutual written consent of both Parties.
3. Duration. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Project and all related deposits and/or reimbursements are made.
4. Cancellation. This Agreement may be cancelled at any time up to 30 days before the award of the Project contract, so long as the cancelling Party provides at least 30 days' prior written notice to the other Party. It is understood and agreed that, in the event the LHMPO terminates this Agreement, the LHMPO shall be responsible for all costs incurred by the State up to the time of termination. It is further understood and agreed that in the event the LHMPO terminates this Agreement, the State shall in no way be obligated to complete or maintain the Project.
5. Indemnification. The LHMPO shall indemnify, defend, and hold harmless the State, any of its departments, agencies, boards, commissions, officers or employees (collectively referred to

in this paragraph as the “State”) from any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including reasonable attorneys' fees and/or litigation expenses (collectively referred to in this paragraph as the “Claims”), which may be brought or made against or incurred by the State on account of loss of or damage to any property or for injuries to or death of any person, to the extent caused by, arising out of, or contributed to, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of the LHMPO, its employees, officers, directors, agents, representatives, or contractors, their employees, agents, or representatives in connection with or incident to the performance of this Agreement. The LHMPO's obligations under this paragraph shall not extend to any Claims to the extent caused by the negligence of the State, except the obligation does apply to any negligence of the LHMPO which may be legally imputed to the State by virtue of the State's ownership or possession of land. The LHMPO's obligations under this paragraph shall survive the termination of this Agreement.

6. Programmed Federal Funds. The cost of scoping, design, construction and construction engineering work under this Agreement is to be covered by the federal funds programmed for this Project, up to the maximum available. The LHMPO acknowledges that actual Project costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by FHWA as eligible for federal funds. Therefore, the LHMPO agrees to pay the difference between actual costs of the Project and the federal funds received.
7. Termination of Federal Funding. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.
8. Indirect Costs. The cost of the Project under this Agreement includes indirect costs approved by FHWA, as applicable.
9. Federal Funding Accountability and Transparency Act. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the “Act”). Additionally, in a timely manner, the LHMPO will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.
10. Governing Law. This Agreement shall be governed by and construed in accordance with Arizona laws.
11. Conflicts of Interest. This Agreement may be cancelled in accordance with A.R.S. § 38-511.
12. Inspection and Audit. The LHMPO shall retain all books, accounts, reports, files and other records relating to this Agreement which shall be subject at all reasonable times to inspection and audit by the State for five years after completion of the Project. Such records shall be produced by the LHMPO, electronically or at the State office as set forth in this Agreement, at the request of ADOT.
13. Title VI. The LHMPO acknowledges and will comply with Title VI of the Civil Rights Act Of 1964.

14. **Non-Discrimination.** This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 2009-09, as amended by Executive Order 2023-01, issued by the Governor of the State of Arizona and incorporated in this Agreement by reference regarding “Non-Discrimination.”
15. **Non-Availability of Funds.** Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.
16. **Arbitration.** In the event of any controversy, which may arise out of this Agreement, the Parties agree to abide by arbitration as is set forth for public works contracts if required by A.R.S. § 12-1518.
17. **E-Verify.** The Parties shall comply with the applicable requirements of A.R.S. § 41-4401.
18. **Contractor Certifications.** The Parties shall certify that all contractors comply with the applicable requirements of A.R.S. §§ 35-393.01 and 35-394.
19. **Other Applicable Laws.** The Parties shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.
20. **Notices.** All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered electronically, in person, or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
Joint Project Agreement Group
205 S. 17th Avenue, Mail Drop 637E
Phoenix, AZ 85007
JPABranch@azdot.gov

Lake Havasu MPO
Attn: MPO Director
900 London Bridge Road, Bldg. B
Lake Havasu City, AZ 86404
928.453.2823

For Project Administration:

Arizona Department of Transportation
Project Management Group
205 S. 17th Avenue, Mail Drop 614E
Phoenix, AZ 85007
PMG@azdot.gov

Lake Havasu MPO
Attn: MPO Director
900 London Bridge Road, Bldg. B
Lake Havasu City, AZ 86404
928.453.2823

For Financial Administration:

Arizona Department of Transportation
Project Management Group
205 S. 17th Avenue, Mail Drop 614E
Phoenix, AZ 85007
PMG@azdot.gov

Lake Havasu MPO
Attn: MPO Director
900 London Bridge Road, Bldg. B
Lake Havasu City, AZ 86404
928.453.2823

21. Revisions to Contacts. Any revisions to the names and addresses above may be updated administratively by either Party and shall be in writing.
22. Legal Counsel Approval. In accordance with A.R.S. § 11-952 (D), the written determination of each Party's legal counsel providing that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form is set forth below.
23. Electronic Signatures. This Agreement may be signed in an electronic format using DocuSign.

Remainder of this page is intentionally left blank

(Signatures begin on the next page)

IN WITNESS WHEREOF, the Parties have executed this Agreement to be effective upon the full completion of signing and dating by all Parties to this Agreement.

LAKE HAVASU METROPOLITAN PLANNING ORGANIZATION

By _____ Date _____
CAL SHEEHY
Chairman

ATTEST:

By _____ Date _____
KELLY WILLIAMS
Clerk

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its Department of Transportation, and the Lake Havasu Metropolitan Planning Organization, an agreement among public agencies which, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 48-572 and declare this Agreement to be in proper form and within the powers and authority granted to the Lake Havasu Metropolitan Planning Organization under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.
Approved as to Form:

By _____ Date _____
Attorney for LHMPO

ARIZONA DEPARTMENT OF TRANSPORTATION

By _____ Date _____
STEVE BOSCHEN, PE
Infrastructure Delivery and Operations Division
Division Director

A.G. Contract No. P0012024001095 (ADOT IGA 24-0009650-I), an Agreement between public agencies, the State of Arizona and the Lake Havasu Metropolitan Planning Organization, has been reviewed pursuant to A.R.S. §§ 11-951 through 11-954 and A.R.S. § 28-401, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona. No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

By _____ Date _____
Assistant Attorney General

EXHIBIT A**Cost Estimate****T0563 01L/03L**

The Project costs are estimated as follows:

ADOT Project Development Administration (PDA) Cost:

Federal-aid funds @ 94.3%	\$ 9,430
LHMPO's match @ 5.7%	570
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Subtotal - PDA	\$ 10,000

Scoping/Preliminary Design:

Federal-aid funds @ 94.3%	\$ 399,238
LHMPO's match @ 5.7%	24,132
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Subtotal - Scoping/Preliminary Design	\$ 423,370

Estimated TOTAL Project Cost	\$ 433,370
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Total Estimated LHMPO Funds	\$ 24,702
Total Federal Funds	\$ 408,668

Item #9

LHMPO Report ***(Information Only)***

Sarah Lojewski, LHMPO Administrative Specialist II

Item #10

Rural Transportation Advocacy Council (RTAC) Report *(Information Only)*

Kevin Adam, RTAC Executive Director

Item #11

ADOT District Report ***(Information Only)***

Todd Steinberger, ADOT NW District Engineer

Item #12

AZ Transportation Board Report

Sam Elters, Chairman of AZ State Board