

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

The Texas Transportation Commission (commission) finds it necessary to propose amendments to §9.4, relating to Civil Rights - Title VI Compliance, to be codified under Title 43, Texas Administrative Code, Part 1.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth verbatim in this minute order, except that they are subject to technical corrections and revisions, approved by the General Counsel, necessary for compliance with state or federal law or for acceptance by the Secretary of State for filing and publication in the *Texas Register*.

IT IS THEREFORE ORDERED by the commission that the amendments to §9.4 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

RW

Director, Office of Civil Rights

Recommended by:

Pat Wh

Executive Director

113284 SEP 27 12

Minute
Number

Date
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes
3 amendments to §9.4, concerning Civil Rights - Title VI
4 Compliance.

5

6 EXPLANATION OF PROPOSED AMENDMENTS

7 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, et.
8 seq., and related statutes provide that no person in the United
9 States, on the grounds of race, color, national origin, sex,
10 age, or disability, shall be excluded from participation in, be
11 denied the benefits of, or otherwise be subjected to
12 discrimination under any program or activity receiving federal
13 financial assistance. Under 23 C.F.R. Part 200, the department,
14 as a recipient and distributor of federal funds, must take
15 certain steps to ensure that discrimination addressed by Title
16 VI does not occur.

17

18 Amendments to §9.4 clarify the department's Title VI
19 responsibilities under 23 C.F.R. §200.9(b)(6), which requires
20 annual reviews of special emphasis program areas to determine
21 the effectiveness of program area activities at all levels, and
22 23 C.F.R. §200.9(b)(7), which requires Title VI reviews of
23 recipients of Federal-aid highway funds, including cities,
24 counties, consultant contractors, suppliers, universities,
25 colleges, and planning agencies. Some of the department's

1 special emphasis programs include planning, project development,
2 right-of way, construction, and research.

3

4 FISCAL NOTE

5 James Bass, Chief Financial Officer, has determined that for
6 each of the first five years in which the amendments as proposed
7 are in effect, there will be no fiscal implications for state or
8 local governments as a result of enforcing or administering the
9 amendments.

10

11 Ron Wilson, Director, Office of Civil Rights, has certified that
12 there will be no significant impact on local economies or
13 overall employment as a result of enforcing or administering the
14 amendments.

15

16 PUBLIC BENEFIT AND COST

17 Mr. Wilson has also determined that for each year of the first
18 five years in which the section is in effect, the public benefit
19 anticipated as a result of enforcing or administering the
20 amendments will be clarification of the department's federal law
21 responsibilities. There are no anticipated economic costs for
22 persons required to comply with the section as proposed. There
23 will be no adverse economic effect on small businesses.

24

1 SUBMITTAL OF COMMENTS

2 Written comments on the proposed amendments to §9.4 may be
3 submitted to Robin Carter, Office of General Counsel, Texas
4 Department of Transportation, 125 East 11th Street, Austin,
5 Texas 78701-2483 or to RuleComments@txdot.gov with the subject
6 line "§9.4." The deadline for receipt of comments is 5:00 p.m.
7 on November 12, 2012. In accordance with Transportation Code,
8 §201.811(a)(5), a person who submits comments must disclose, in
9 writing with the comments, whether the person does business with
10 the department, may benefit monetarily from the proposed
11 amendments, or is an employee of the department.

12

13 STATUTORY AUTHORITY

14 The amendments are proposed under Transportation Code, §201.101,
15 which provides the Texas Transportation Commission with the
16 authority to establish rules for the conduct of the work of the
17 department.

18

19 CROSS REFERENCE TO STATUTE

20 None.

SUBCHAPTER A. GENERAL

1
2 §9.4. Civil Rights-Title VI Compliance. The department will
3 conduct annual Title VI reviews of its special emphasis program
4 areas (planning, project development, right-of-way, construction
5 and research) and Title VI reviews of cities, counties,
6 consultant contractors, suppliers, universities, colleges,
7 planning agencies, and other subrecipients of Federal-aid
8 highway funds to determine the effectiveness of program area
9 activities at all levels in accordance with Title 42, United
10 States Code, Section 2000d, et seq., and with Title 23, Code of
11 Federal Regulations, Part 200. [monitor the operations of
12 recipients and subrecipients of federal funds from the
13 department to ensure compliance with department policy
14 implementing Title VI of the Civil Rights Act of 1964 and its
15 amendments. The department will also monitor the operations of
16 all public and private entities with federally assisted
17 contracts with the department to ensure that each entity has
18 implemented equal employment opportunity requirements.]