



**FY 2025 Title VI/
Nondiscrimination Plan**
March 2025

Contents

Introduction	1
Discrimination under Title VI	2
Authorities	3
Title VI the Law and TxDOT’s Title VI Policy	3
Policy Statement	4
Standard DOT Assurances	4
Organization & Staffing	4
Organization	5
Staffing	5
Interdisciplinary Approach	7
Division Directors and District Engineers	8
Internal Review Processes	8
Program Review Procedures	9
Title VI Considerations for Internal Review	12
Data Collection/Reporting/Analysis	14
Data Collection	14
Reporting	15
Analysis	15
Subrecipient Review Procedures	16
Subrecipient Compliance Assessment Tool	17
Completing the SCAT survey for Title VI Review Cycle	17
SCAT Review	18
Deficiencies	18
Technical Assistance	19
Title VI Training	19
Internal	19
External	20

Complaint Procedures	20
Roles and Responsibilities	22
Processing Complaints.....	22
Investigative Process for Subrecipient Complaints.....	24
Complaint Log	24
Preparing the Report of Investigation	24
Dissemination of Title VI Information	25
Notification to Beneficiaries	25
TxDOT Offices and Statewide Planning Meetings	26
Public Involvement	26
Public Involvement during the Planning Process.....	27
Public Involvement and Consultative Tools	28
Public and Stakeholder Outreach and Visualization Tools.....	28
Public Involvement during the Environmental Process	30
Types of Public Involvement Procedures.....	31
Specialized Public Involvement–Cultural Resources	33
Public Involvement Following Project Approvals	33
Notices and Media Releases	34
Limited English Proficiency (LEP)	35
Review of STA Directives.....	36
Compliance and Enforcement Procedures	36
TxDOT Review of Subrecipients	37
TxDOT Review of Internal Programs	37
FHWA review of TxDOT’s Title VI Program.....	37
Reporting to FHWA.....	38
FY 2025 Title VI/Nondiscrimination Plan Attachments	40
Attachment 1 – Title VI/Nondiscrimination Statement.....	41
Attachment 2 – Title VI Assurances.....	43

Attachment 3 – Title VI/Nondiscrimination Coordinator..... 53
Attachment 4 – TxDOT Organizational Chart 54
Attachment 4a – CIV Organizational Chart 55
Attachment 5 – Nondiscrimination Special Provision 56

Introduction

The Texas Department of Transportation (TxDOT) was first established on April 4, 1917, as the Texas Highway Department. The mission was to build and improve Texas roads with funds administered through the Federal Highway Act. The mission of TxDOT today has evolved to include delivering a safe, reliable, and integrated transportation system that connects people with Texas. The vision of TxDOT is to be a forward-thinking leader delivering mobility, enabling economic opportunity, and enhancing quality of life for all Texans TxDOT works diligently to further that mission in a fair and nondiscriminatory way. As a recipient of federal financial assistance from the Federal Highway Administration (FHWA), TxDOT is required to comply with Title VI of the Civil Rights Act of 1964, which provides:

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

Title VI served as the model for subsequent nondiscrimination laws, including the Federal-Aid Highway Act of 1973 (gender), Section 504 of the Rehabilitation Act of 1973 (disability), and Age Discrimination Act of 1975 (age). TxDOT’s nondiscrimination policy statement includes these protected classes to ensure that no person be subjected to any form of discrimination in our programs or activities ([Attachment 1](#)).

The U.S. Department of Justice (DOJ), as the federal government’s coordinating agency for Title VI, implemented its Title VI program in 28 Code of Federal Regulations (C.F.R.) Part 42 and issued guidance in two main documents: The Title VI Legal Manual and the Complaint Investigation Procedures Handbook.

Title VI authorizes and directs federal agencies to enact “rules, regulations, or orders of general applicability” to achieve the statute’s objectives. The U.S. Department of Transportation (DOT) implemented its Title VI program in 49 C.F.R. Part 21. FHWA’s implementing regulations can be found in 23 C.F.R. Part 200.

Discrimination under Title VI

It is the responsibility of every TxDOT employee to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (i.e., intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination may include, but not be limited to, the following:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; or
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

TxDOT's efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;
- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;

- Investigates complaints;
- Allocates funding; and
- Prioritizes projects.

The nondiscrimination evaluation criterion applies to all offices within TxDOT. In addition, TxDOT as a state agency administering programs that receive federal financial assistance must establish a Title VI compliance program for all subrecipients that obtain federal assistance through it.

Authorities

The authorities applicable to TxDOT's Title VI/Nondiscrimination Program include:

- 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 CFR Part 21 (entitled Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);
- 23 CFR Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 28 CFR Part 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964); and,
- Texas Administrative Code §9.4, Civil Rights – Title VI Compliance

Title VI the Law and TxDOT's Title VI Policy

TxDOT's Title VI Policy seeks to go beyond the strict definition laid out in the Civil Rights Act and extend protections to other vulnerable and typically underrepresented populations. In order to fulfill its stated mission and vision for all Texans, TxDOT prohibits discrimination based on race, color, national origin, gender (Federal-aid Highway Act of 1973), age (The Age Discrimination Act of 1975), and disability (Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990) in all areas of business. Issues concerning and accommodations for all these classes of people are covered individually by various divisions and programs, but by including these classes in its Title VI non-discrimination

policy, TxDOT pledges to instill a culture of non-discrimination and protection for these historically underrepresented groups throughout the agency as a whole.

Policy Statement

“The Texas Department of Transportation, as a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. §2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.”

The nondiscrimination statement signed by TxDOT’s Executive Director, Marc D. Williams, is included as [Attachment 1](#).

Standard DOT Assurances

23 CFR 200.9(a)(1) requires assurances from TxDOT 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 otherwise be subjected to discrimination under any program or activity for which the recipient receives federal assistance from the DOT, including the FHWA.

The Title VI Assurances are submitted to the FHWA annually, or when TxDOT appoints a new executive director during the federal fiscal year. TxDOT’s Title VI Assurances signed by the Executive Director are included as [Attachment 2](#).

Organization & Staffing

TxDOT’s Title VI/Nondiscrimination Program has been established in accordance with federal rules under 23 CFR Part 200 and falls within the scope and responsibilities of the Civil Rights Division (CIV). The purpose of CIV is to promote compliance with federal and state regulations related to equal opportunity and non-discrimination, and oversees the

Disadvantaged Business Enterprise, Small Business Enterprise, and Historically Underutilized Business programs and activities. CIV collaborates department-wide on its initiatives, and partners with various stakeholders across the state to enhance the quality of life for all.

Organization

In accordance with 23 CFR 200.9(b)(1), the CIV Director serves as TxDOT's Title VI/Nondiscrimination Coordinator. With support from TxDOT's administration, the CIV Director is responsible for all aspects of TxDOT's Title VI/Nondiscrimination Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position. The letter signed by TxDOT's Executive Director designating Michael D. Bryant as the Title VI/Nondiscrimination Coordinator is included as [Attachment 3](#).

The TxDOT organizational chart, included as [Attachment 4](#), depicts the access to the Title VI/Nondiscrimination Coordinator has with TxDOT's Executive Director. The CIV Director reports to TxDOT's Deputy Executive Director for Program Delivery and has direct access to TxDOT's Executive Director at any time.

Staffing

CIV is responsible for administering TxDOT's Title VI/Nondiscrimination Program. CIV's organizational chart is included as [Attachment 4a](#).

Title VI/Nondiscrimination Coordinator

The Title VI/Nondiscrimination Coordinator works to ensure there is a demonstrated commitment on the part of administration to enforce Title VI and is responsible for overall Title VI program implementation. Specifically, this person has the authority and responsibility to implement the Title VI program by:

- Recommending, developing, disseminating, monitoring, and pursuing policies and guidelines on the implementation of Title VI;

- Providing leadership, guidance, and technical assistance to program areas having significant impacts on the public and businesses, which are referred to as priority program areas, in carrying out their Title VI responsibilities;
- Reviewing, evaluating, and monitoring the priority program areas activities and programs related to Title VI and effectuating changes to ensure consistency and program effectiveness;
- Ensuring that all complaints of discrimination or complaints alleging non-compliance with Title VI are processed, investigated, and resolved in a fair and timely manner in accordance with Title VI and federal operating regulations; and
- Advising the Executive Director concerning significant developments in the implementation of TxDOT's Title VI/Nondiscrimination Program.

Title VI Program Manager

Within CIV, the Title VI Program Manager reports directly to the Title VI Coordinator. As a specialist for Title VI, the Title VI Program Manager assists and supports TxDOT's Title VI/Nondiscrimination Program by:

- Providing technical assistance and guidance to TxDOT personnel;
- Providing technical assistance and guidance to subrecipients;
- Evaluating TxDOT projects and programs for compliance with Title VI and other nondiscrimination statutes;
- Working in partnership with TxDOT District personnel to address and review Title VI concerns at a project development level;
- Conducting Title VI compliance reviews of internal program areas, local governments (LGs) and other subrecipients;
- Developing Title VI training materials, conducting training and workshops, and providing resource information on the TxDOT website;
- Developing Title VI information for dissemination to the public and, where appropriate, in languages other than English; and
- Processing Title VI external complaints of discrimination in accordance with the FHWA External Complaint Processing Procedures and internal TxDOT procedures.

Title VI Compliance Specialists

CIV currently employs three Title VI Compliance Specialists that report to the Program Manager. Compliance specialists assist and support TxDOT's Title VI/Nondiscrimination Program by:

- Assisting subrecipients in ensuring compliance with Title VI
- Providing technical assistance and guidance to TxDOT personnel
- Evaluating TxDOT projects and programs for compliance with Title VI and other nondiscrimination statutes;
- Working in partnership with TxDOT District personnel to address and review Title VI concerns at a project development level;
- Conducting Title VI compliance reviews of internal program areas, local governments (LGs) and other subrecipients.

Interdisciplinary Approach

FHWA policy guidance prescribes an interdisciplinary approach to maintaining compliance with Title VI. CIV works with DDs in ensuring compliance with Title VI/Nondiscrimination requirements. CIV's partnership with the DDs helps ensure nondiscrimination in the delivery of TxDOT's programs and activities. Additionally, personnel from TxDOT's 25 districts and 34 divisions serve as Title VI liaisons and are responsible for:

- Attending quarterly meetings with CIV;
- Participating in Title VI training including one-on-one Title discussions for new DD liaisons;
- Assisting CIV in Title VI program review surveys and activities;
- Promoting awareness of TxDOT's Title VI Program;
- Monitoring and implementing any corrective actions necessary for Title VI compliance;
- Assisting CIV in quarterly Limited English Proficiency (LEP) data collection;
- Referring Title VI complaints and allegations to CIV;
- Serving as designated contact for Title VI; and

- Disseminating Title VI information to the public, and where appropriate, in languages other than English.

It is essential that a collaborative relationship be maintained between the Title VI liaison and the Title VI Program Manager. DD liaisons provide organizational knowledge of their respective office disciplines and the Program Manager provides a practical application of Title VI.

Division Directors and District Engineers

TxDOT is comprised of 34 Divisions and 25 Districts across a wide range of disciplines that play an integral role in the agency's transportation mission. Division Directors and District Engineers are responsible for familiarizing themselves with the requirements detailed in the Title VI/Nondiscrimination Plan and complying with The Title VI program at TxDOT. The Division Directors and District Engineers assists CIV with Title VI compliance by:

- Ensuring CIV is notified of any Title VI allegations or complaints;
- Providing the necessary resources to CIV to investigate and resolve a Title VI complaint;
- Providing support necessary to implement the Title VI requirements related to their Divisions or Districts; and
- Ensuring specific activities related to Title VI are surveyed and reported to CIV for the annual reporting process.

Internal Review Processes

As part of the Title VI internal monitoring program, CIV works with priority program areas to perform reviews on specific departmental policies and processes that involve the public.

These program areas have been deemed priority because they have more interaction with the public, have more potential to permanently impact people's daily lives, and guide how we choose who does business with TxDOT. Priority programs include:

- Environmental Affairs (ENV)

- Right-of-Way (ROW) and
- Transportation Planning and Programming (TPP)

Program Review Procedures

Reviews will be done by two methods: 1) written survey or questionnaire and 2) in-person interview. The level of participation and frequency with which Divisions will be reviewed will vary depending on the nature of that division’s function. Divisions with more contact with the public or that have a bigger role in project decision points will be reviewed more stringently and more frequently than divisions that do not. Districts are reviewed on a rotating 5-year schedule and will all be reviewed to the same level of detail unless the district has recently received a Title VI complaint or has been threatened with a complaint. If a district or division has received a complaint or has been threatened with a complaint, then it may be reviewed out of cycle and to a higher level of detail.

The following table provides details on the frequency of Division reviews and an overview of review topics for Title VI implications.

Reviewed Annually

Division	Review Topics
Environmental Affairs Division (ENV)	Number of EISs and EAs in past calendar year and number of projects with potential Title VI issues.
Transportation Planning and Programming (TPP)	Project planning and programming criteria, distribution of funds, statewide public involvement policies, long-range planning, and public involvement events.
Right Of Way Division (ROW)	Language services provided to displaced persons, SOP for informing people that property will be acquired

Reviewed Every 3 Years

Division	Review Topics
Communications Division (CMD)	Determining language needs for Media Relations and Public Information efforts.
Maintenance Division (MNT)	Methodology for setting budget and schedule for maintaining TxDOT property.
Transportation Programs Division (TPD)	Process for contracting with and reviewing local government subrecipients.
Traffic Safety Division (TRF)	Methodology for placement and maintenance of traffic control resources; review methodology for translation of safety campaign materials.
Travel Information Division (TRV)	Methodology for determining when to translate materials and tracking language services at Travel Information Centers.

Reviewed Every 5 Years

Division	Review Topics
Contract Services Division (CSD)	Review contract templates to ensure inclusion of Title VI language.
Financial Management Division (FIN)	Methodology for programming project finances.

The following table shows the grouping of Districts for Title VI reviews. CIV reviews one group every year resulting in each district being reviewed every 5-years.

Cycle 1	Cycle 2	Cycle 3	Cycle 4	Cycle 5
Austin (AUS)	San Antonio (SAT)	El Paso (ELP)	Amarillo (AMA)	Atlanta (ATL)
Beaumont (BMT)	Laredo (LRD)	Odessa (ODA)	Brownwood (BWD)	Dallas (DAL)
Bryan (BRY)	Pharr (PHR)	San Angelo (SJT)	Childress (CHS)	Paris (PAR)
Houston (HOU)	Corpus Christi (CRP)	Lubbock (LBB)	Fort Worth (FTW)	Tyler (TYL)
Lufkin (LFK)	Yoakum (YKM)	Abilene (ABL)	Wichita Falls (WFS)	Waco (WAC)

At the start of the review period, the Title VI liaison from each district or division will receive a written survey from CIV and will be given a minimum of three weeks to complete it. The questions on each division’s survey are tailored to address the potential Title VI issues unique to their specific processes and functions. Surveys will most often require narrative answers as well as links to requested documents. This could include links to manuals, guidance, handbooks, forms, or written standard operating procedure documents. Some divisions, including but not limited to TPP and ENV, will be asked to provide quantitative information. For example, TPP may be asked how many public involvement events were held to gather input on long-range planning documents and whether materials were provided in languages other than English; ENV will be asked how many Environmental Impact Statements or controversial projects were reviewed in the last year.

After written surveys and interviews are complete, CIV will review the results. Follow up emails may be sent or in person interviews may be conducted to clarify answers or gather additional information. Any surveys that resulted in the need for corrective actions will be notified within one month of survey submission. Dependent on the issue or deficiency, CIV

may establish a monitoring and/or training program for a district or division. If failure to submit information still exists the CIV Division Director will escalate the noncompliance to the Agency Deputy Director.

Title VI Considerations for Internal Review

Environmental Affairs Division

The Environmental Affairs Division (ENV) will ensure that the environmental effects of a project and the proposed mitigation measures to offset the impacts are developed in accordance with the TxDOT Title VI/Nondiscrimination Plan. The NEPA process, Title VI of the Civil Rights Act and related statutes, are incorporated in the environmental process to ensure nondiscrimination. Furthermore, the environmental process considers all social, economic and environmental effects of a proposed project to preemptively identify any Title VI issues that may exist. Some considerations for internal review will include:

- Methods for identifying Title VI populations and conducting a community impact assessment report that identify any issues related to Title VI;
- The number and types of environmental clearances performed (Categorical Exclusions, Environmental Assessments or Environmental Impact Statement);
- Strategies for engaging LEP populations for reducing any barriers that may exist in the transportation decision-making process; and
- Procedures followed during the environmental process to incorporate formal and informal public comments into the transportation decision-making process.

Planning

The Transportation Planning and Programming Division (TPP) has the primary responsibility for ensuring multi-modal statewide transportation planning initiatives are developed.

Implementing statewide planning requires the consideration of social, economic and environmental effects of a proposed plan or program. When minority and low-income populations are identified within a study area, TPP will place special emphasis on soliciting

and incorporating public input from these populations into the transportation plan. Some considerations for internal review will include:

- Number of public meetings and public hearings held during the planning phase and in what locations around the state;
- Strategies for engaging Title VI populations for reducing any barriers that may exist in the transportation planning process;
- Information on various public involvement activities during the planning process to incorporate formal and informal public comments into TPP's transportation decision-making process.
- Developing training that educates TxDOT employees on effective strategies for engaging the public through the Public Involvement Section of the Transportation Programming and Planning Division. Public Involvement works with the DD offices to provide assistance with advertisements, post meeting notices to the TxDOT website; and develop presentation aids for meetings with the public.

Right of Way

The Right of Way Division (ROW) coordinates the acquisition of land to build, widen or enhance highways. ROW will monitor property acquisition for practices that adhere to the Title VI/Nondiscrimination Plan. ROW will ensure that policies and procedures for property acquisition are applied in a fair, equitable and nondiscriminatory manner in accordance with the Uniform Relocation Act of 1970. Some considerations for internal review will include:

- Demographics of relocatees and other beneficiaries of ROW compensation and/or relocation assistance program;
- Data regarding the appraisal process, including just compensation offers and supporting documentation;
- Information on accommodations provided to LEP persons and frequency of interpretation services provided.

Data Collection/Reporting/Analysis

Statistical data on race and language of participants in and beneficiaries of TxDOT's programs should be gathered and analyzed for projects and programs to determine the transportation investment benefits and burdens to the public generally and vulnerable populations specifically. Collecting, analyzing, and maintaining statistical data are crucial elements of the Title VI Program because they constitute an effective mechanism by which to numerically verify the distribution and impact of program funding.

Each priority program area is responsible for collecting Title VI/Nondiscrimination-related data and analyzing the data to identify and address any trends or patterns of discrimination. Data collection is key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of "all persons" without discrimination (i.e., disproportionately benefiting or harming one group over another is a violation of Title VI.) Based on Title VI implementing regulations, to the extent possible, each priority program area is required to:

1. Provide for the collection of data and information to demonstrate effective enforcement of Title VI;
2. Collect data about beneficiaries;
3. Analyze the data and information collected;
4. Identify potential discrimination and work with CIV to eliminate if found; and
5. Take affirmative measures to ensure nondiscrimination.

Data Collection

Priority program areas are responsible for collecting data on race language, and disability as it pertains to their potential interaction with the public. Additional data can include income status, age, gender, internet access, zero car household, education, and single head of household. CIV will work individually with each program area to develop a collected data set which will support the Title VI questionnaire for reporting to FHWA. Potential sources of data and analysis tools include:

- Census Data
- American Community Survey
- School Districts
- Forms or Surveys from the public
- MPO Committees (e.g., Citizen Advisory Committees)
- Field Observations

Reporting

Internal Title VI reviews are performed annually as a Title VI questionnaire. TxDOT's priority program area Divisions and select District Offices submit an annual Title VI questionnaire for review by CIV. Title VI liaisons work directly with the Title VI Program Manager to complete the questionnaire and provide any additional requested information. TxDOT's priority program area liaisons will be notified by the Title VI Program Manager when the Title VI questionnaire is due to CIV. If necessary, notification can also occur through a memorandum sent from the CIV Director to the Division Director of that priority program area or the District Engineer of that select District to submit the Title VI questionnaire. CIV will work with the priority program areas to identify which data needs to be analyzed from the questionnaire responses.

Analysis

Once the Title VI data is collected, the data must be analyzed for identifying patterns of discrimination or the potential for discrimination. A pattern of discrimination may result from a specific process, or as the result of a process or procedure being implemented in a discriminatory manner.

When determining compliance with Title VI, each program area may consider the following:

- The way services are or will be provided and the related data necessary for determining whether any persons are, or will be denied such services on the basis of their protected class as defined by Title VI authorities;

- The population eligible to be served by race, color and national origin;
- The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has, or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination;
- The present or proposed membership by race, color and national origin, in any planning or advisory body which is an integral part of the program; and
- Where determination of location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color and national origin.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Impact of investments on race, color, and national origin groups;
- Impacts of the location of existing or proposed facilities connected with a project;
- Alternatives to modes, locations, and types of facilities;
- Language assistance needs assessment;
- Transportation needs of all persons within boundaries of plans or projects;
- Persons included in the decision-making process;
- Strategies to address impacts and develop mitigation;
- Priorities for investments;
- Sources for financing investments, and
- Strategies to disseminate information.

Subrecipient Review Procedures

In addition to the internal monitoring program, TxDOT is responsible for developing and implementing an effective external monitoring program of its subrecipients. Subrecipients refer to any organization other than TxDOT with administrative or functional responsibilities which are affiliated with a governmental body that indirectly receives federal funds. In

accordance with 23 CFR, 200.9(b)(7), CIV conducts reviews of cities, counties, planning agencies, and other recipients of federal-aid highway funds.

Subrecipient Compliance Assessment Tool

The subrecipient compliance assessment tool (SCAT) was developed as a resource to assist subrecipients in understanding and complying with the requirements of Title VI and related nondiscrimination laws and regulations. The SCAT identifies subrecipients in need of technical assistance and outlines the basic requirements of Title VI. Guidance on the SCAT process is available on TxDOT's website at: <https://www.txdot.gov/business/grants-and-funding/subrecipients-resources.html>.

The SCAT survey focuses on, but is not limited to, compliance with the following major Title VI components:

1. Title VI/Nondiscrimination Policy Statement
2. Title VI/Nondiscrimination Assurances
3. Title VI/Nondiscrimination Coordinator
4. Title VI/Nondiscrimination Plan
5. Procedures for processing external discrimination complaints
6. Title VI contract provisions
7. Accommodations for LEP persons
8. Inclusive public participation procedures
9. Collecting and analyzing demographic information on minority and LEP populations
10. Advising the public of Title VI policies and procedures

Completing the SCAT survey for Title VI Review Cycle

Subrecipients will receive email notification to complete SCAT survey. Notifications will also include a list of available Title VI trainings and a website with guidance and instructions for using the SCAT.

Once the subrecipient has completed the SCAT survey, CIV evaluates and verifies submitted information to:

1. Ensure compliance with Title VI;
2. Identify subrecipients requiring immediate Title VI Program technical assistance; and
3. Monitor Title VI Program compliance which is evaluated every three years.

SCAT Review

CIV will review the SCAT results and supporting documentation and assign one of three category codes to each subrecipient Title VI program:

- Red (unsatisfactory status) - Indicates that the SCAT is incomplete or one or more of the primary questions (#2 through #6) are answered negatively. An agency demonstrative unsatisfactory status has 18 months to correct its deficiencies.
- Yellow (unsatisfactory status) – Indicates that while the primary questions have been appropriately answered with supporting documentation, other questions (#7 through #11) in the SCAT were answered negatively. An agency demonstrative unsatisfactory status has 18 months to correct its deficiencies.
- Green (satisfactory status) - Indicates that all the SCAT questions have been completed and supporting documentation has been provided and verified. An agency demonstrating satisfactory status does not have to take the SCAT survey again for three years.

Deficiencies

CIV will document unsatisfactory status and subrecipients will be provided with recommended corrective actions. Deficiencies must be corrected by the subrecipient within 90 business days and they will be encouraged to utilize the resources and guidance available on [TxDOT's website](#). Subrecipients will need to retake the SCAT survey once the deficiencies are corrected. After the SCAT questions are completed and verified, the subrecipient will be assigned and notified of satisfactory status.

Technical Assistance

If a subrecipient receives an unsatisfactory status (Red or Yellow), a representative of the subrecipient must attend CIV Technical Assistance Training. CIV will provide a link to the training, which is taken virtually. As part of the training, CIV will provide assistance in the form of templates and guidance documentation. Additional one-on-one technical assistance will be provided at the request of the subrecipient.

Title VI Training

TxDOT's Title VI/Nondiscrimination Training Program consists of an internal and external component. A summary of training conducted will be reported in the Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report.

Internal

CIV provides training, presentations, and resources Department-wide that provide comprehensive information on the Title VI requirements, its application to specific program operations, identification of Title VI issues, and the resolution of potential or formal complaints.

Additionally, CIV staff and the Title VI liaisons meet quarterly throughout the year to discuss practical solutions to Title VI/Nondiscrimination requirements, create implementation plans, and monitor milestones met.

CIV is developing training for all TxDOT employees to have a basic understanding of the requirements of Title VI and the TxDOT Title VI/Nondiscrimination Plan. CIV will continue to work with Enterprise Learning Management System to build a training module for internal use.

External

As part of the TxDOT Title VI SCAT program, the Title VI Program Manager and staff provides technical assistance to subrecipients to ensure they understand their roles and responsibilities in meeting the Title VI/Nondiscrimination requirements. CIV developed the Title VI Subrecipient Compliance Assessment Tool Technical Assistance Guide to assist subrecipients in understanding and implementing their Title VI requirements. The SCAT program addresses the following objectives:

- Provides an improved platform for TxDOT to reach more indirect recipients of federal financial assistance;
- Allows a better understanding of the Title VI/Nondiscrimination requirements; and
- Provides technical assistance necessary to build a Title VI/Nondiscrimination program.

This guide is available on TxDOT's Website. Additionally, Title VI requirements are discussed during TxDOT's Local Government Project Procedures (LGPP) Qualification Program course, which is a mandatory course for local public agencies that wish to obtain federal funding through TxDOT to administer local projects. To potentially expand the target subrecipient audience and make the information overall more accessible, CIV has developed Title VI Program templates that are available on the [TxDOT website](#). The templates accompany the compliance assessment tool questions and assist the agency in achieving compliance with Title VI requirements. CIV has conducted live trainings to assist LPAs with understanding the federal requirements of compliance with Title VI. The trainings were recorded and are now available on the Subrecipients Monitoring and Compliance Program page. The Title VI Program Manager and staff are also available upon request to provide technical assistance in understanding the TxDOT guidance on Title VI requirements.

Complaint Procedures

The following procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color or national origin may file a written complaint individually or through a representative. A

complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA.

Complaints related to the Federal-aid highway program may be filed with TxDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the USDOJ. TxDOT will ensure that all complaints are sent to the appropriate authority for disposition.

Complaints alleging violations of Title VI by TxDOT may be filed in writing directly with the following FHWA agencies:

Federal Highway Administration – Texas Division
300 E. 8th St., Austin, TX 78701

Federal Highway Administration Office of Civil Rights

HCR-20, Room E81-320
1200 New Jersey Avenue, SE, Washington, DC 20590

Complaints alleging violations of Title VI filed against a subrecipient to TxDOT (e.g. city, county, college or university, contractor, consultant, etc.) may be filed in writing with TxDOT at: CivilRights@txdot.gov or

Texas Department of Transportation Civil Rights Division

Attn: Title VI Program Manager
125 E. 11th Street, Austin, Texas 78701

Additionally, complaints filed against subrecipients to TxDOT may be filed with FHWA or the U.S. Department of Justice at:

Federal Coordination and Compliance Section - NWB Civil Rights Division

U.S. Department of Justice, 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530

NOTE: Additional information regarding the Title VI complaint process can be found on the [Title VI/Nondiscrimination Program page](#) of TxDOT's public-facing website.

Complaint and investigation files are confidential. The contents of such files will only be disclosed to appropriate TxDOT personnel and federal authorities in accordance with Federal and State laws. TxDOT will retain files in accordance with records retention schedules and all Federal guidelines.

Roles and Responsibilities

CIV is charged with the primary responsibility of processing Title VI external discrimination complaints received by TxDOT. All discrimination complaints received by DDs must be referred to CIV for review and action. CIV processes complaints consistent with FHWA's Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964 guidance. CIV will inform the FHWA Division Office, which will forward the complaint to the FHWA Headquarters Office of Civil Rights (HCR) for review and further investigation if accepted.

Processing Complaints

Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the alleged discrimination. If a person makes a verbal complaint to a TxDOT employee, that person shall be interviewed by CIV. If necessary, CIV will assist the person in documenting the complaint in writing and submitting the written version to the person for signature.

Within 10 days of receipt of the complaint, CIV will acknowledge receipt, inform the complainant of action proposed or taken, and forward the complaint to the appropriate regulatory agency. Complaints forwarded to the FHWA will include the following information, if available:

- Name, address, and phone number of the complainant;
- Name(s) and address(es) of alleged discriminating official(s);
- Basis of complaint (i.e., race, color, national origin, disability);
- Date of alleged discriminatory act(s);
- Date of complaint received by TxDOT;

- A statement of the complaint;
- Other agencies (state, local or federal) where the complaint has been filed; and
- An explanation of the actions TxDOT has taken or proposed to resolve the issue raised in the complaint.

FHWA has the authority to make all final decisions, including dismissing complaints and issuing letters of findings for complaints concerning the Federal Highway Program. The following are four potential outcomes once a complaint is submitted to FHWA:

- **Accept:** if a complaint is filed timely, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then FHWA will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then FHWA may (1) dismiss it, or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not filed timely, is not in writing and signed, or features other procedural/practical defects, then FHWA will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
- **Referral\Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter, or (2) lacks jurisdiction over the respondent entity, then FHWA will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

Investigative Process for Subrecipient Complaints

FHWA may delegate a Title VI complaint filed on a subrecipient to TxDOT for investigation. Within 60 days of receipt of the complaint, CIV will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to FHWA. FHWA will issue final decisions in all cases, including those complaints investigated by CIV. The complaint will be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Complaint Log

CIV maintains a complaint log to document all activity related to the complaint. Information captured includes:

- Complainant's name, and if provided, race, color, and national origin;
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.

Preparing the Report of Investigation

A Report of Investigation (ROI) will be prepared setting forth all the relevant facts obtained during the investigation. The ROI will include a finding for each issue and recommendations, where necessary. Documentation regarding any attempts and outcomes that were made to resolve the complaint prior to the initial receipt of the written complaint will be summarized

in the ROI. The ROI and recommended decision will be forwarded to the FHWA for a final decision.

Dissemination of Title VI Information

In accordance with 23 CFR 200.9(a)(12), TxDOT is required to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Notice of TxDOT's Title VI policies and procedures is listed in many places such as the Civil Rights Division's materials (detailed below), the Environmental Affairs Division's Community Impacts Handbook, and materials distributed at public involvement events.

Notification to Beneficiaries

TxDOT's website is continuously updated to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on TxDOT's Web site includes:

- TxDOT's Title VI/Nondiscrimination Plan
- Title VI Nondiscrimination Agreement
- Title VI and Related Statutes Nondiscrimination Statement (English and Spanish)
- Title VI Nondiscrimination Assurances
- TxDOT's External Discrimination Complaint Form (English and Spanish)
- Title VI Poster
- Title VI Requirements for Subrecipients
- TxDOT's Title VI/Nondiscrimination Technical Assistance Guide for Subrecipients
- TxDOT's Language Assistance Plan

The above information is located on [TxDOT's website](#). The DD offices have Title VI Posters on display and Title VI Brochures available upon request.

TxDOT Offices and Statewide Planning Meetings

Working through Title VI liaisons, CIV instructs DD offices to display Title VI Posters in areas of high visibility or places where TxDOT has the most interaction with the public. In most circumstances, it is the main lobby of the Division, District, Area or Maintenance Offices. Title VI brochures are also provided to the various offices and provided to the public upon request.

To further the mission of the Department, TxDOT conducts long-range planning meetings to identify the needs of the traveling public into the future. The meetings include public outreach around the state to better consider public and stakeholder input. Title VI boards are displayed for the public at these meetings. The objective is to convey to the public that Title VI is carefully considered in all the phases of TxDOT's project development.

Public Involvement

TxDOT's public involvement policy states that the Agency is committed to purposefully involving the public in planning and project implementation by providing for early, continuous, transparent and effective access to information and decision-making processes. TxDOT's Public Involvement Section, currently overseen by TPP, provides guidance and resources to assist DDs in effectively engaging the public. The Public Involvement Section regularly updates guidance to reflect evolving best management practices and incorporate strategies found to be effective in encouraging broad participation reflective of the needs of the state's population.

Traditionally underserved communities can find it more difficult to engage with the department. When that happens, the agency cannot get a sense of the true impacts and any meaningful mitigation. Therefore, it's critical to provide districts and divisions with the guidance and resources to better do this work – genuine public involvement at all levels – not just conveying public information as proof of due diligence. [TxDOT's Strategic Public Engagement Guidance](#) document addresses this in part by sharing the common barriers traditionally difficult-to-reach populations encounter and how to best address them.

Public Involvement is an integral part of TxDOT's business. TxDOT may begin seeking public input even before the official planning process begins and strives to continue public engagement through the construction of its projects; however, there are two points during the project development process in which public input is most critical: planning and environmental.

Public Involvement during the Planning Process

TxDOT informs all stakeholders about proposed plans and projects during the statewide transportation planning process. During this process, TxDOT also seeks input from all stakeholders on specific projects and issues. Notification of any actions taken on the Statewide Transportation Improvement Program (STIP) or the long-range statewide transportation plan, including how and where to obtain a copy of the subject document, the time and date of the public hearing, instructions to those interested in providing comments, and a copy of the applicable Texas Register public notice, is sent to the following:

- MPO directors
- State and federal environmental agencies
- Texas Bicycle Coalition
- Tribal governments
- Bureau of Indian Affairs
- Central Federal Lands Highway Division
- National Park Service/Intermountain Region office

All other interested parties are provided notice of the comment period and public hearings via the Texas Register public notice and on TxDOT's Web site. Interested parties are able to access planning documents at TPP, District offices, and on TxDOT's Web site. Written comments can be provided to District Office personnel or can be mailed directly to TPP at, P.O. Box 149217, Austin, Texas 78714-9217. Copies of all documents are available for review at the location of the public hearing.

TxDOT's statewide public involvement process allows for at least 45 calendar days from the date the public hearing notice appears in the Texas Register for the public to review and comment (in writing or in person at the hearing) on a planning document before it is adopted.

Public Involvement and Consultative Tools

TxDOT utilizes the following methods to communicate information regarding department activities and opportunities for public and stakeholder participation in the statewide planning process:

- Newsletter/Mailings
- Email blasts
- Online engagement platforms
- Media Releases
- Notices Published in the Texas Register
- Visualization Presentations/Techniques
- Local Community Public Meetings
- Statewide Public Hearings
- TxDOT's website
- MPO Internet Sites
- Facebook, Twitter, and NextDoor

Public and Stakeholder Outreach and Visualization Tools

To ensure that all stakeholders are included in the long-range planning process, TxDOT provides opportunities for stakeholders and the public to participate during public meetings and stakeholder working sessions. TxDOT also provides the public with access to all planning documents on TxDOT's website:

- Hearings and Meetings Schedule: <http://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html>

- Transportation Planning Publications:
<https://www.txdot.gov/projects/planning/publications.html>
- Media Center for up-to-minute transportation information: [http://www.txdot.gov/inside-
txdot/media-center.html](http://www.txdot.gov/inside-txdot/media-center.html)

Available Geographic Information System (GIS) Data

TxDOT makes available to the public several sources of Geographic Information (GIS) data used in the planning process. TxDOT's Open Data Portal page lists most all publicly available data and allows people to search for various maps, data sets, and even training. Some of the applications available on the Open Data Portal include:

- Load Restricted Bridges Map application,
- Roadway Recycled Materials Summaries,
- Right of Way Maps application, and
- Project Tracker.

Statewide Long Range Transportation Plan/Stakeholder and Public Participation Plan

Connecting Texas 2050, TxDOT's recently adopted and current long-range planning document, featured a multifaceted public and stakeholder engagement process which focused on maximizing participation and input from all Texans. As such, TxDOT's latest update to the statewide long-range transportation plan (SLRTP) reflects the needs and priorities of the various communities the agency serves. Engagement allowed for a more inclusive and transparent decision-making process, fostering trust, accountability, and collaboration throughout the planning process. The multilingual outreach allowed for the unique populations in different parts of the state to be represented. Public feedback informed the technical work, with input shaping the plan's goals, objectives, and strategies.

Public and stakeholder engagement for the SLRTP started in the summer of 2022, which included coordination within TxDOT and the launch of our virtual engagement platform.

TxDOT then leveraged a statistically valid statewide survey that captured over 4,800 respondents and 5,100 comments – including 110 completed through the dedicated Spanish phone-line.

Public interest and feedback were fostered through:

- Virtual and in-person meetings at all 25 TxDOT Districts, providing the public the opportunity to learn about the plan, share their vision, provide input on multimodal goals, needs and strategies, and to tell their personal stories regarding how transportation impacts their daily life.
- Two public meeting series in 2023. Each public meeting series focused on specific aspects of the plan so that public input could inform decision making.
 - In the spring, TxDOT focused on gathering input from the public and stakeholders to understand transportation needs and challenges in different regions.
 - In the fall, TxDOT shifted its focus to gathering feedback from the public and stakeholders to prioritize strategies to fulfill the identified needs.

In the spring of 2024, TxDOT developed and published the Connecting Texas 2050 Draft Plan for public review. Then, following the requirements of Title 43, Section 16.54 of the Texas Administrative Code, a statewide virtual public hearing was held with live webcast and an operator-moderated verbal comment session.

The Connecting Texas 2050 document and review past meeting materials in our public involvement library can be found on [TPP's State Long-Range Transportation Plan page](#).

Public Involvement during the Environmental Process

Public involvement occurs as a part of the social and economic impact analysis. Public involvement efforts must also reflect an understanding of language trends in the project area and accommodate any LEP populations. The public assists TxDOT in providing important information for socio-economic analysis by:

- Helping to develop a project's purpose and need;

- Profiling the community’s demographics;
- Identifying alternatives and impacts;
- Identifying community values and community landmarks; and
- Developing strategies and solutions for avoiding, mitigating, minimizing, or enhancing impacted resources.

Public involvement is an ongoing aspect of the project planning process that encourages and solicits public input and provides the opportunity for the public to become fully informed about project development. Public involvement considerations include: Types of Public Involvement Procedures, Specialized Public Involvement – Cultural Resources, Public Involvement Following Project Approvals, and Notices and Media Releases for continued engagement.

ENV has made available a Public Involvement Toolkit, which provides guidance, procedures, and examples for environmental practitioners to use in preparing for and executing public involvement-related tasks in compliance with federal and state regulations. This includes the Environmental Handbook for Public Involvement, which outlines the public involvement process necessary to comply with state and federal requirements during the environmental phase of project development. The toolkit is available on TxDOT’s website at <https://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/public-involvement.html>

Types of Public Involvement Procedures

Meetings to discuss the recommended projects are advertised allowing any interested citizen to provide input in the project planning and programming process. In some instances, these meetings can be considered adequate public involvement for minor projects constructed in existing right of way and/or general maintenance projects. However, depending on the type and complexity of the project, public concerns, associated social, economic, and environmental factors, several different public involvement methodologies may be required.

It is important to note that TxDOT Executive Director Marc Williams has stated that virtual public meetings should be the new standard. Virtual should be offered first, then in person second so we can always reach a broader public audience. If a district/division must offer an in-person meeting, a virtual option should always be included. In person options include:

- Notice and Opportunity to Comment – A notice and opportunity to comment is mailed or emailed directly to the required recipients. It is not publicly noticed like a public meeting, opportunity for public hearing, or public hearing. The purpose of a notice and opportunity to comment is to inform real property owners and affected local governments and public officials of the project, and allow them an opportunity to submit comments prior to the environmental decision on the project.
- Public Meetings – Public meetings are held to inform the public and provide a forum for a free exchange of project views and concerns. Public meetings occur as early as TxDOT determines is feasible to assure public input in project planning, location, and design alternatives. Public meetings include meetings with interested citizens, the general public, or local, neighborhood, or special interest groups. A public meeting can be held at any stage of project planning and development. While not required, the project team is encouraged to provide a virtual option to public meetings.
- Opportunities for Public Hearing – An opportunity for public hearing is advertised to determine if any interested citizens desire TxDOT to hold a public hearing for a proposed project. This is a minimum requirement for projects requiring acquisition of significant amounts of new right of way, those requiring a substantial change in layout or function of the roadway or connecting roadways, or requiring measurable adverse impact on abutting real property. The decision to afford an opportunity for a public hearing is generally decided upon by a district in consultation with ENV and FHWA (for federally funded projects). If no requests for public hearing are received by the deadline, the district will submit a certification to that effect signed by the district engineer or his/her designee.
- Public Hearings – Public hearings are held to present project alternatives. They also serve to encourage and solicit public comment on the location, design, and environmental analyses of a project. The Public Participation handbook includes sections

that describe various aspects of public hearings, including the format and procedures for conducting a public hearing. While not required, the project team is encouraged to provide a virtual option to public hearings.

- Stakeholder Meetings or Advisory Groups – Specialized public involvement must be considered when traditionally underserved populations have the potential to be adversely impacted. It is the role of project development specialist to undertake proactive efforts to engage the community in meaningful opportunities for public participation. These efforts must reflect the socioeconomic constraints of the targeted population one is trying to elicit input from, as well as the accommodations made for LEP persons.

Specialized Public Involvement–Cultural Resources

Section 106 of the National Historic Preservation Act requires that special care be taken when potential historic and/or archaeological resources are involved in a transportation project. For projects involving historical resources and archaeological sites, districts will identify and coordinate with interested parties early in the project planning process. The Environmental Handbook for Historic Properties includes procedures related to Letter Content, Certified Letter Transmittal, Responding to Interested Parties, and Informing the Public.

Public Involvement Following Project Approvals

Additional public involvement (opportunity, public hearing, public meeting or limited meeting) is scheduled when:

- Substantial change occurs in the project (major design changes, changes in right of way requirements, etc.);
- Substantial unanticipated development occurs in the project area;
- New significant social, economic, and environmental effects are identified as project related; and

- An unusually long time passes before major steps are taken to advance the project. Major steps include the authority to acquire right of way and issuance of construction letter of authority.

Notices and Media Releases

The *Environmental Handbook on Public Involvement* describes the requirements and formats for publishing the following notices and media releases, which also include publishing notifications in English and any other prominent language identified and spoken in the project area:

- Publishing notices – Official notices are published in local general circulation newspapers, regional newspapers (if there is no local newspaper), and special interest newspapers, such as neighborhood, ethnic, or foreign language.
- Publication requirements – The opportunities for public hearing notice is published approximately 30 days prior to the deadline for submission of written requests for holding a public hearing and at a minimum, will be published at least 30 days before the day of a public hearing. Additionally, public hearing notices must include a statement that the hearing will be conducted in English and that any requests for language interpreters or other special communication needs should be made in advance and TxDOT will make every reasonable effort to accommodate these needs.
- Other forms of publicity – Other forms of publicity include temporary signs, leaflets posted in public locations, media releases, notices mailed to residents, etc.
- Notices of availability - Environmental Assessment (EA) and Final Environmental Impact Statement (FEIS) – Informs the public of the approval of an EA and required following approval of a FEIS; notice of availability is published in local newspapers.
- Media releases – Can be used any time to publicize meetings or other information about projects. Once the public involvement process is complete, project planning and development decisions are to be publicized through press releases to inform the public about the project. Any changes to a transportation project may require additional public involvement.

- Notice of construction – The district will send a notice of impending project construction to landowners abutting the roadway within the project limits, local governments, and public officials. Projects that involve the addition of at least one- travel lane or construction on a new location require notices of construction. The notice is sent at least 90 days prior to the proposed letting date.

Limited English Proficiency (LEP)

LEP individuals are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. Under Title VI, these individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The U.S. DOJ’s LEP Guidance advises each federal department or agency to “take reasonable steps to ensure ‘meaningful’ access to LEP individuals to the information and services they provide.” It further explains that the identification of “reasonable steps” to ensure meaningful access will be contingent on a number of factors. Among the four factors to be considered are:

- The number or proportion of LEP persons in the eligible service population;
- The frequency with which LEP individuals come in contact with the program;
- The importance of the service provided by the program;
- The resources available to the agency.

TxDOT’s Statewide Language Assistance Plan (LAP) has been developed to assist DDs in their efforts to ensure information and services are accessible to LEP individuals by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to TxDOT programs. Since the State of Texas boasts such a varied population, each district should develop its own unique LAP to better serve the specific needs of their division. Additionally, each DD will annually re-evaluate the changes in demographics, services and programs, and other factors that should be considered when determining LEP needs. This annual assessment will help guide DDs in determining what

changes, if any, are needed to update its LEP plan. CIV is available to assist each district in this annual assessment.

TxDOT's LAP is available on TxDOT's Web site at <http://www.txdot.gov/inside-txdot/division/civil-rights/title-vi.html>.

Review of STA Directives

Development and issuance of Title VI policy, procedures, directives, and policy interpretations are major functions of CIV. TxDOT incorporates Title VI policy and mission statements into its procedures and manuals. Additionally, by conducting program process reviews, CIV ensures that Title VI requirements are included in program area directives and that procedures used have built-in safeguards to prevent discrimination.

Special Provision 000---002, Nondiscrimination, provides for the inclusion of Appendix A and Appendix E from the U.S. DOT Standard Title VI Assurances into every contract as mandated by Title VI of the Civil Rights Act of 1964. CIV monitors the monthly State Let Construction Federal-aid Contracts to ensure its inclusion. With the implementation of the new 2014 Standard Specifications Book, all provisions were updated. A copy of the Special Provision is included as [Attachment 5](#).

Compliance and Enforcement Procedures

TxDOT will actively pursue the prevention of Title VI deficiencies and will take the necessary steps to ensure compliance with all administrative program requirements. To further enhance the ability to identify and eliminate patterns of discrimination, CIV will ensure that staff, subrecipients, and beneficiaries are educated and informed regarding their Title VI roles and responsibilities. CIV conducts compliance reviews of internal programs and subrecipients to: 1) ensure compliance with Title VI; 2) provide technical assistance in the implementation of TxDOT's Title VI/Nondiscrimination Program; and 3) correct deficiencies, when found to exist.

TxDOT Review of Subrecipients

When conducting Title VI compliance reviews, any deficiencies will be communicated in writing with the remedial action agreed upon by CIV within a period not to exceed 90 business days. Efforts to secure voluntary compliance will be undertaken at the outset in every noncompliance situation and will be pursued through each enforcement action. CIV will seek the cooperation of its program areas and subrecipients in correcting deficiencies found during the review. CIV will also provide technical assistance, guidance, and assistance in finding methods, strategies, and processes to ensure effective Title VI implementation and enforcement. When a subrecipient fails or refuses to comply with the requirements within the time frame allotted, CIV will initiate administrative remedies.

TxDOT Review of Internal Programs

If any deficiencies are identified during the annual review the program will be notified within 30 days. The Title VI team will develop a corrective action plan in conjunction with the program liaison and other necessary program or district staff. The program will be reviewed during the following year's review to ensure deficiencies have been corrected. If failure to submit information still exists the CIV Division Director will escalate the noncompliance to the Agency Deputy Director.

FHWA review of TxDOT's Title VI Program

Effective Title VI compliance requires TxDOT to take prompt action to achieve voluntary compliance in all instances in which deficiencies are found by FHWA. TxDOT will correct any deficiencies found within a reasonable time period, not to exceed 90 days in order to implement Title VI compliance in accordance with required guidelines.

Within 30 days from the receipt of a deficiency, CIV will develop a corrective action plan (CAP) to include:

- The identified deficiency;
- Applicable laws, rules, regulations;

- Actions to be taken by CIV to correct the deficiency;
- The timeframe to correct the deficiency;
- The plan for monitoring the progress of the CAP; and
- The timeframe for providing updates to the FHWA.

The CAP will be submitted to FHWA for approval. Upon approval, CIV will implement the CAP and provide periodic updates to FHWA. If necessary, CIV will update its procedures or work with the affected program area to update its procedures to reflect the outcome of the CAP. The CAP, and its results, will be included in the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report*.

Reporting to FHWA

TxDOT will submit the Title VI/Nondiscrimination Plan and the Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report to FHWA annually by October 1. This report updates FHWA on how TxDOT is monitoring the implementation of TxDOT's Title VI/Nondiscrimination Program. This report will include:

Accomplishments

1. A summary of internal reviews conducted, the results, and any actions taken as a result;
2. A list of all Title VI training given by TxDOT, including the topics covered, and the number of attendees;
3. A summary of all Title VI complaints received and the outcomes for those complaints; and
4. A summary of all liaison/I-Team meetings with CIV topics and any issues raised by the Title VI team.

Goals

1. A description of the reviews planned for the next year (both internal and external);
2. Develop Title VI program metrics to be presented in an Accomplishment Report to FHWA;

3. A summary of the external (subrecipient) participation in the compliance assessment tool and onsite technical assistance reviews conducted by TxDOT;
4. A description of any training sessions planned (both internal and external); and
5. Any other Title VI related activities TxDOT intends to participate in for the fiscal year.

FY 2025 Title VI/Nondiscrimination Plan Attachments

Attachment 1 – Title VI/Nondiscrimination Statement

Attachment 2 – Title VI Assurances

Attachment 3 – Title VI/Nondiscrimination Coordinator

Attachment 4 – TxDOT Organizational Chart

Attachment 4a – CIV Organizational Chart

Attachment 5 – Nondiscrimination Special Provision

Attachment 1 – Title VI/Nondiscrimination Statement

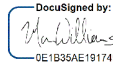
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txdot.gov

TITLE VI AND RELATED STATUTES NONDISCRIMINATION STATEMENT

The Texas Department of Transportation, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. § 2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.

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Marc D. Williams, P.E.
Executive Director
Texas Department of Transportation

10/1/2024

Date

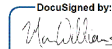
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TITULO VI YE ESTATUTOS RELACIONADOS DECLARACION DE NO DISCRIMINACION

El Departamento de Transporte de Texas, como recipiente de Asistencia Financiera Federal y segun el Acta de Derechos Civiles Titulo VI del 1964 Y estatutos relacionados, asegura que ninguna persona sera excluida a causa de raza, religion (donde el objetivo principal es asistencia financiera para proveer empleo segun 42 U.S.C. § 2000d-3), color, origen nacional, sexo, edad o incapacidad de participacion en, o negados los beneficios de, o de otra manera sea sujeto a discriminacion en cualquiera de los programas o actividades del Departamento.

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10/1/2024

Marc D. Williams, P.E.
Director Ejecutivo
Departamento de Transporte de Texas

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Attachment 2 – Title VI Assurances

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THE UNITED STATES DEPARTMENT OF TRANSPORTATION STANDARD TITLE VI/NONDISCRIMINATION ASSURANCES DOT ORDER NO. 1050.2A

The Texas Department of Transportation (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 (USDOT), through the Federal Highway Administration (FHWA), 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 Code of Federal Regulations (CFR) Part 21 (entitled Nondiscrimination In Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964);
- 28 CFR §50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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 assurance 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 Nondiscrimination 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 nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

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Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted USDOT programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §21.23(b) and §21.23(e) of 49 CFR §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 USDOT programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

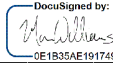
"The Texas Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, 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 of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to 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. 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 to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subrecipients, subgrantees, 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, the Recipient also agrees to comply (and require any subrecipients, subgrantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the USDOT 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 USDOT. You must keep records, reports, and submit the material for review upon request to USDOT, or its designee in a 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.

The Recipient 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 USDOT under all Department of Transportation programs. This ASSURANCE is binding on Texas, other recipients, subrecipients, subgrantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in all Department of Transportation programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

DocuSigned by:

0E1B35AE191749E

Marc D. Williams, P.E.
Executive Director
Texas Department of Transportation

10/1/2024

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 Nondiscrimination in Federally-assisted programs of the USDOT, the FHWA, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed 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 the Regulations relative to Nondiscrimination 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 or FHWA 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 or FHWA, 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 Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or FHWA 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.

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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 respect to any subcontract or procurement as the Recipient or FHWA 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.

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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 USDOT as authorized by law and upon the condition that TxDOT will accept title to the lands and maintain the project constructed thereon in accordance with all applicable federal statutes, the Regulations for the Administration of all DOT programs, and the policies and procedures prescribed by FHWA of the USDOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, USDOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of USDOT 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 TxDOT all the right, title and interest of USDOT 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 TxDOT 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 TxDOT, its successors and assigns.

TxDOT, 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 TxDOT 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, CFR, USDOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the USDOT, 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 nondiscrimination 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 USDOT 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 Recipient 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 Nondiscrimination covenants, the Texas Department of Transportation 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 a deed, in the event of breach of any of the above Nondiscrimination covenants, the Texas Department of Transportation 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 Texas Department of Transportation and its assigns.*

(*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 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 the Recipient 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 Nondiscrimination covenants, the Texas Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to 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 Nondiscrimination covenants, the Texas Department of Transportation will there upon revert to and vest in and become the absolute property of the Texas Department of Transportation and its assigns.*

(*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 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 nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination 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 U.S.C. § 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, subrecipients 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 Nondiscrimination 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 nondiscrimination 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. 1681 et seq).

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Attachment 3 – Title VI/Nondiscrimination Coordinator



125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8588 | WWW.TXDOT.GOV

March 28, 2016

Achille Alonzi
Division Administrator
Federal Highway Administration
300 East 8th Street, Room 826
Austin, Texas 78701

Dear Mr. Alonzi:

In accordance with 23 CFR §200.9(b)(1), I am designating the Office of Civil Rights' Director, Michael D. Bryant as the Texas Department of Transportation's Title VI Coordinator.

With my support, Michael will be directly responsible for all aspects of the Title VI Program. Michael's contact information is below.

Michael D. Bryant
Texas Department of Transportation
Office of Civil Rights
125 East 11th Street
Austin, Texas 78701

Office - (512) 416-4700
E-mail - Michael.D.Bryant@txdot.gov

Sincerely,

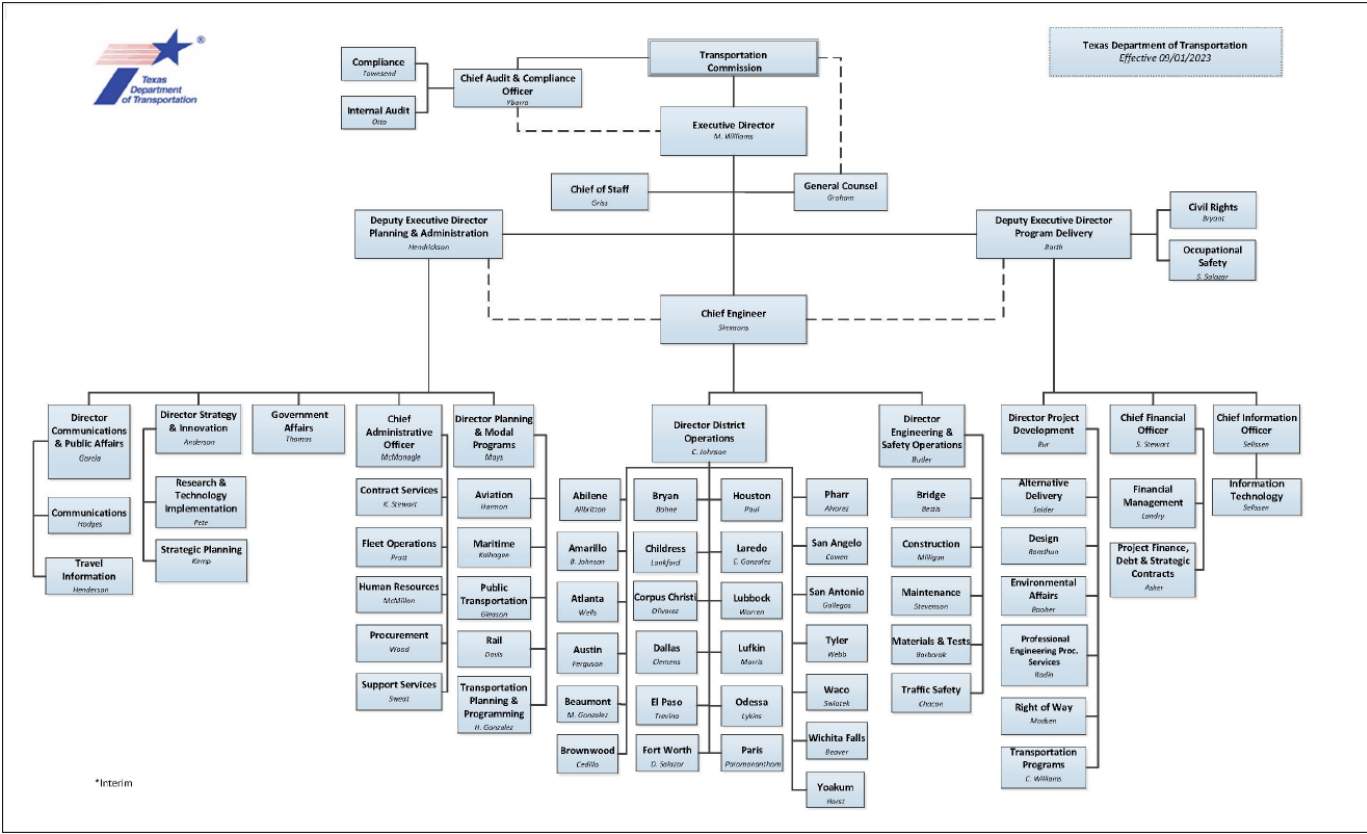

James M. Bass
Executive Director

cc: Mark Arrington, Federal Highway Administration Civil Rights Specialist

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Attachment 4 – TxDOT Organizational Chart



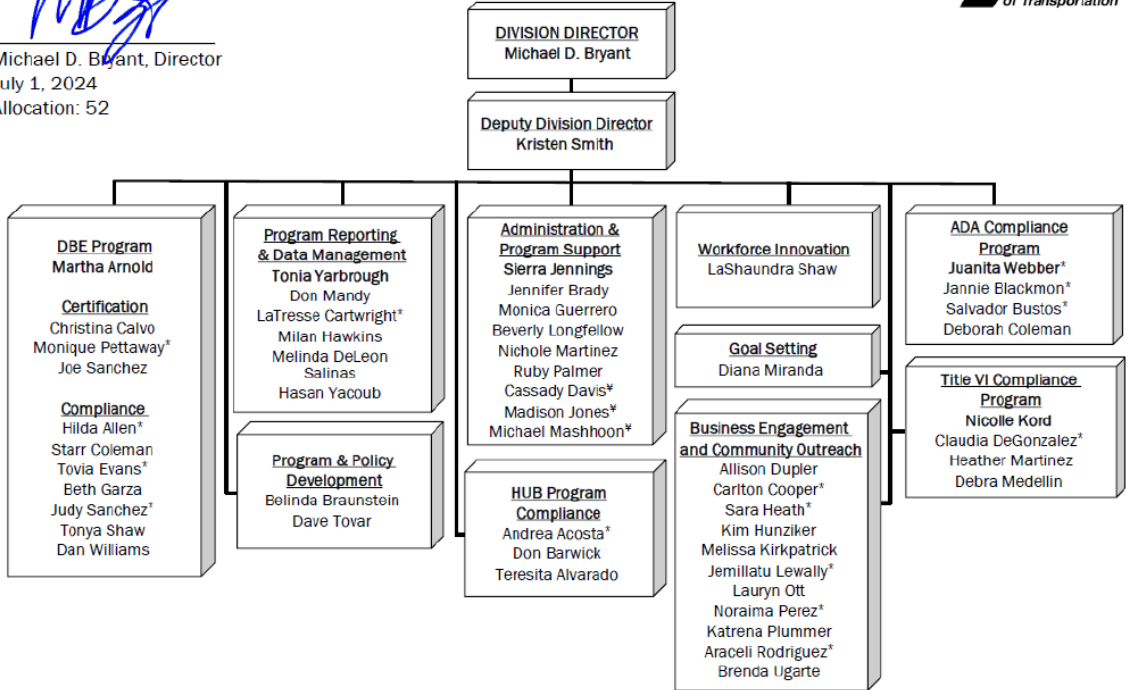
Attachment 4a – CIV Organizational Chart

Civil Rights Division

Organizational Chart



Michael D. Bryant, Director
 July 1, 2024
 Allocation: 52



*Staff located outside of the Austin District area. Districts include Atlanta, Brownwood, Bryan, Dallas, El Paso, Houston, Laredo, Paris, Pharr, and San Antonio.
 *Year-round Intern

Attachment 5 – Nondiscrimination Special Provision

2024 Specifications

000-002

Special Provision to Item 000 Certification of Nondiscrimination in Employment



1. GENERAL

By signing this proposal, the Bidder certifies that it has participated in a previous Contract or subcontract subject to the equal opportunity clause, as required by Executive Order (EO) 10925, 11114, or 11246, or if it has not participated in a previous Contract of this type, or if it has had previous Contracts or subcontracts and has not filed, it will file with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity (EEO), all reports due under the applicable filing requirements.

Note—The above certification is required by the EEO Regulations of the Secretary of Labor [41 CFR 60-1.7(b)(1)], and must be submitted by Bidders and proposed subcontractors only in connection with Contracts and subcontracts that are subject to the equal opportunity clause. Contracts and subcontracts that are exempt from the equal opportunity clause are set forth in 41 CFR 60-1.5. (Generally only Contracts or subcontracts of \$10,000 or less are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the EOs or their implementing regulations.

Proposed prime Contractors and subcontractors that have participated in a previous Contract or subcontract subject to the EO and have not filed the required reports should note that 41 CFR 60-1.7(b)(1) prevents the award of Contracts and subcontracts unless such Contractor submits a report covering the delinquent period or such other period specified by FHWA or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.