

# TITLE VI NON-DISCRIMINATION PLAN



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Pearland, Texas 77581  
281.652.1600**

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## **INTRODUCTION**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Several other federal legal authorities supplement Title VI by extending protections based on age, sex, and disability. In addition, the Civil Rights Restoration Act of 1987 clarified Title VI enforcement by mandating that Title VI requirements apply to all programs and activities of federal-aid recipients regardless of whether any particular program or activity involves federal funds. Taken together, these laws require recipients and subrecipients of federal funds to ensure all programs and services are delivered to the public without discrimination.

CITY OF PEARLAND, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); 49 C.F.R. Part 21; and related statutes and regulations. CITY OF PEARLAND acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This Plan explains how CITY OF PEARLAND incorporates the requirements of Title VI and related legal authorities into its operations. The Plan will be used as a reference for CITY OF PEARLAND and an informational resource for the public. The Plan will be administratively updated no less than every three (3) years to reflect changes in Title VI compliance operations. Major, material changes to the Plan/Policy may require governing body adoption.

The Title VI “Four-Factor Analysis” conducted for the purpose of determining the need for a Language Accessibility Plan (LAP) did not result in a finding that the City is required to translate critical documents into multiple languages at the time of this Plan and Policy. However, the City of Pearland will take reasonable steps to ensure meaningful language accessibility, if and when feasible.

## **DISCRIMINATION UNDER TITLE VI**

It is the responsibility of every CITY OF PEARLAND 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, as a result of discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds;
- 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, in addition to differing standards or participation; or
- Methods of administration or contractual relationships, that directly or indirectly, would defeat or impair the accomplishment of effective nondiscrimination.

CITY OF PEARLAND efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- impacts the public;
- provides accessibility and equal access to benefits;
- encourages participation;
- provides services equitably;
- initiates contracting and training opportunities;
- investigates complaints; and
- allocates funding and prioritizes projects.

## **AUTHORITIES**

The authorities applicable to CITY OF PEARLAND 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**

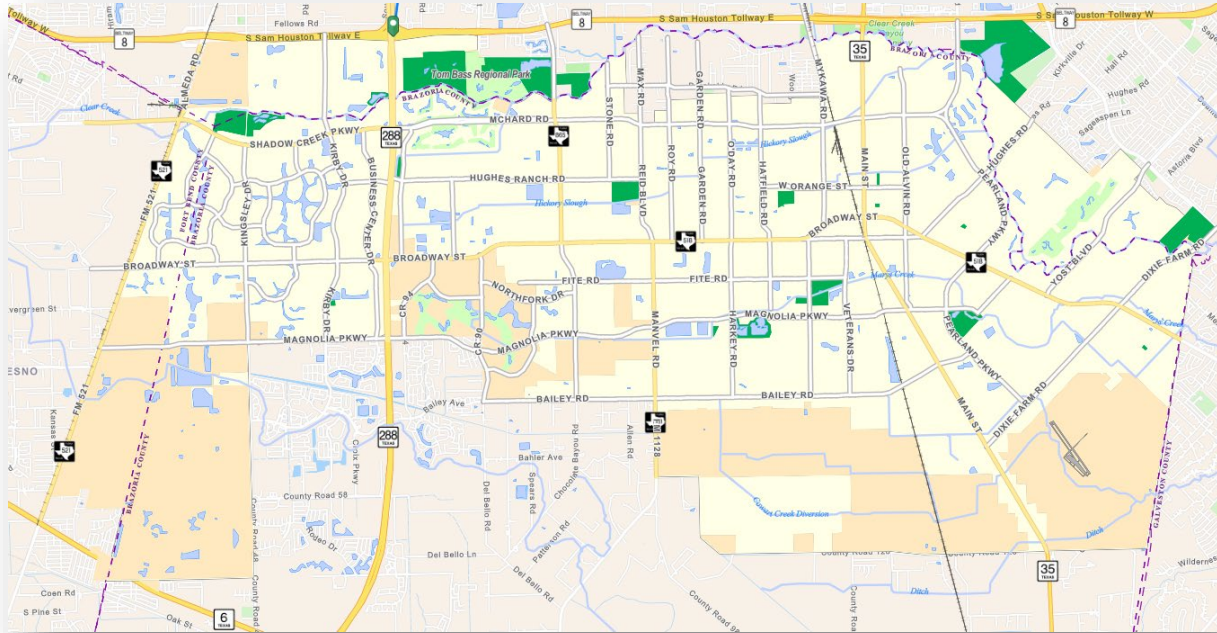
## **Plan Update**

This Plan Update is a revision of the City’s 1<sup>st</sup> (original) Title VI Nondiscrimination Policy & Plan (effective 2014). The update addresses a number of changes, including but not limited to:

- elimination of Annual Work Plan, as no longer required;
- rescission of Executive Orders 12898 and 13166;
- updated Limited English Proficiency (LEP) data for Pearland;
- rescission of Environmental Justice requirements; and
- elimination of previous National Environmental Protection Act (NEPA) standards.

## ABOUT THE ORGANIZATION AND COMMUNITY

**Pearland, Texas** is located approximately 10 miles south of downtown Houston, Texas. Incorporated in 1959, the City has grown from its humble beginnings as a rice-farming community with a residential townsite population of less than 1,600 people, to its current estimated population of 133,100. Combined with an extraterritorial jurisdiction made up of 27,300, the City's service area residency totals over 160,000 people.



Roadway improvements make up the largest ongoing investments in infrastructure improvements, with water production and wastewater treatment gaining ground as a part of the City's continuous advancements. Federal assistance has provided matching funds for a number of major transportation projects throughout the community, which includes expansions, extensions, and connections of existing routes.

Other federal programs have provided support for Pearland's growth and development; including but not limited to:

- Community Development Block Grant (CDBG) Program: U.S. Department of Housing & Urban Development (HUD);
- E. Byrne Memorial Justice Assistance Grant (JAG): U.S. Department of Justice;
- Energy Efficiency & Conservation Block Grant (EECBG) Program: U.S. Department of Energy;
- Clean/Drinking Water – State Revolving Loan Fund: U.S. Environmental Protection Agency; and
- Federal Emergency Management Agency (FEMA): Various Programs.

Altogether, the City's combined federal assistance resources call for an ongoing level of compliance with non-discrimination and accessibility standards throughout the organization. This Plan provides the parameters for Title VI compliance among staff, contractors, subcontractors, and other official stakeholders involved in the development of local infrastructure maintenance and/or improvements.

## Organization and Staffing

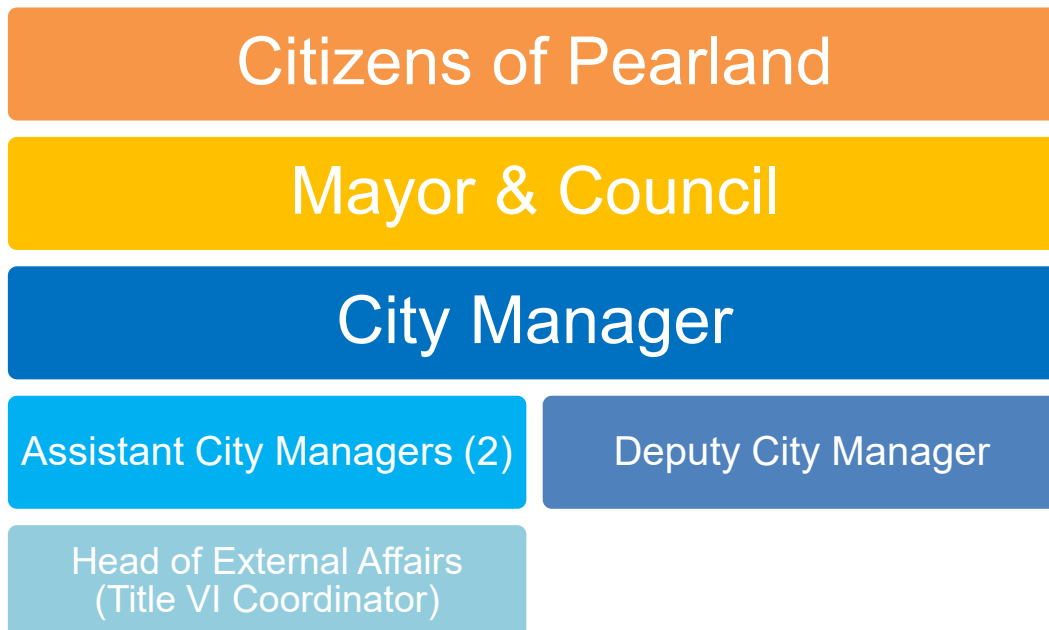
The City of Pearland Charter promulgates the organization as a Council-Manager form of government.

The City Manager is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

CITY OF PEARLAND has assigned Mr. Joel Hardy, Head of the Office of External Affairs (OEA), to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The Head of External Affairs position is located within City Administration, also known as the City Manager's Office.

The Title VI Coordinator is responsible for:

- maintaining and updating the Title VI Plan on the agency's behalf;
- ensuring relevant agency staff receive necessary Title VI training;
- ensuring prompt processing of Title VI complaints and referral to Texas Department of Transportation;
- developing procedures for the collection and analysis of statistical data;
- developing a program to conduct Title VI reviews of program areas; and
- developing Title VI information for dissemination internally and externally.



**TITLE VI and DOT STANDARD POLICY STATEMENTS and ASSURANCES**

*The City of Pearland, Texas (herein referred to as the "Recipient"), 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, color, national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any City of Pearland, Texas programs or activities.*

*The City of Pearland, Texas, HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the applicable Statutory/Regulatory Authorities, General Assurances, and Specific Assurances, as outlined in the attached **TITLE VI and DOT STANDARD POLICY STATEMENTS and ASSURANCES (Exhibit A).***

  
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**Trent Epperson, City Manager**

## PRIMARY PROGRAM AREAS, REVIEW PROCEDURES, DATA COLLECTION & ANALYSIS

### PLANNING



#### Program Areas and General Description

- Short-term and long-term planning of transportation projects.

#### Title VI Non-Discrimination Concerns & Responsibilities

- Ensuring comprehensive public participation to ensure all stakeholders have a chance to voice their opinions.
- Collecting demographic data from public engagement activities regarding demographics of public participants. Providing language access as needed.

#### Review Procedures for Ensuring Non-Discrimination

- Review planning decisions to ensure nondiscrimination.
- Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.
- Documenting language access requests.

#### Type of Data Collected and Collection Process: **Local Demographic Data**

- Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community.

#### Purpose for Collecting the Data

- Ensuring project impacts do not disproportionately impact any individuals or groups based on a protected class status.

## PUBLIC ENGAGEMENT



### Program Areas and General Description

- Coordinates public engagement activities for planning and project development, as well as relationship-building engagement activities.

### Title VI Non-Discrimination Concerns & Responsibilities

- Comprehensive public participation to ensure all stakeholders have an opportunity to voice their opinions.
- Collecting demographic data from public engagement activities
- regarding demographics of public participants.
- Providing language access as needed.
- Disseminating Title VI information to the public to ensure they are aware of their rights to be free from discrimination.

### Review Procedures for Ensuring Non-Discrimination

- Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.
- Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.
- Documenting language access requests.

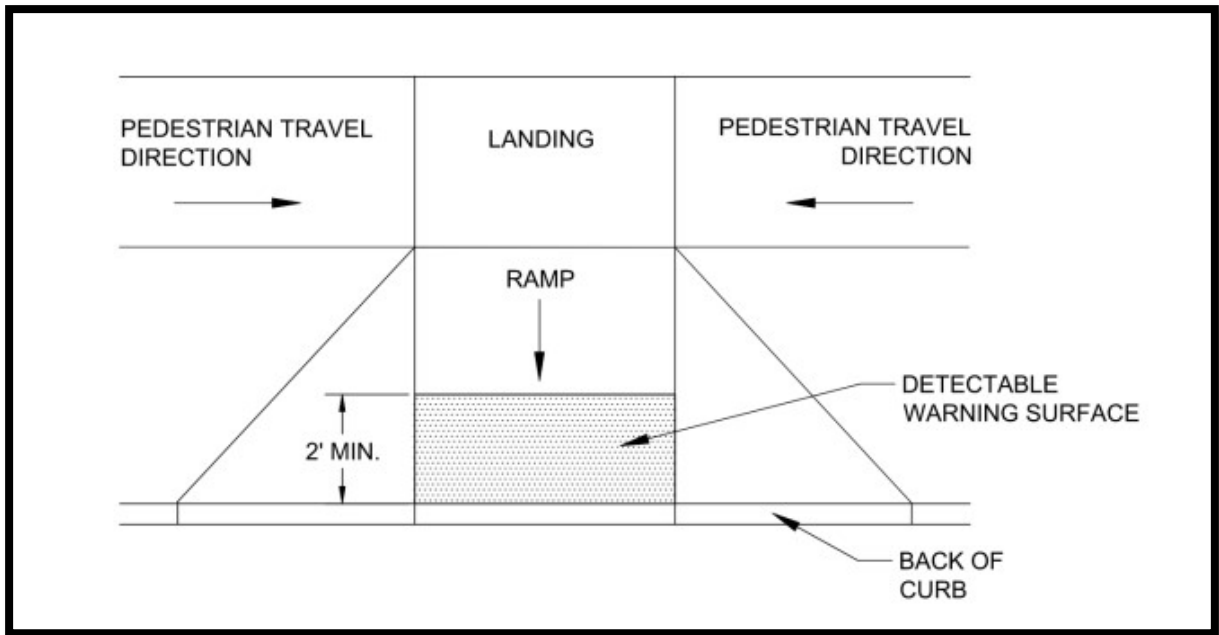
### Type of Data Collected and Collection Process: **Local Demographic Data**

- Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community.
- Providing demographic questionnaires to public engagement participants and including demographic questions in public surveys.

### Purpose for Collecting the Data

- Ensuring communications and interactions with the public sufficiently reach all local demographics.

## RIGHT OF WAY



### Program Areas and General Description

- Issues public right of way permits for construction, transportation, business, and other activities.
- Coordinates relocation of citizens whose property has been acquired for a right of way.

### Title VI Non-Discrimination Concerns & Responsibilities

- Public right of way permits and relocations should not create unfair burdens.
- Collecting demographic data from property owners who may be subject to right of way activities.
- Ensuring property owners impacted by right of way activities are made aware of their right to be free from discrimination on the basis of race, color, or national origin under Title IV of the Civil Rights Act of 1964.

### Review Procedures for Ensuring Non-Discrimination

- Reviewing permits and relocations to ensure nondiscrimination.
- Ensure demographic data is part of necessary right of way templates or forms.
- Ensure Title IV notice is consistently provided to property owners impacted by right of way activities.

### Type of Data Collected and Collection Process: **Demographics of Impacted Property Owners**

- Collecting demographic data from property owners who may be subject to right of way activities by including demographic data on the field title report form.

### Purpose for Collecting the Data

- Ensuring right of way activities do not disproportionately affect individuals or groups based on a protected class status.

## MAINTENANCE



### Program Areas and General Description

- Services roadways and right of ways, including, but not limited to, providing:
  - Repair Signage Drainage
  - Snow and ice removal

### Title VI Non-Discrimination Concerns & Responsibilities

- Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.

### Review Procedures for Ensuring Non-Discrimination

- Reviewing resources provided to the community and determining whether any protected class communities have disproportionately benefited or been harmed by the delivery of maintenance services.

### Type of Data Collected and Collection Process: **Demography of Impacted Communities**

- Reviewing maintenance activities by geography and demographic makeup of communities receiving the maintenance services

### Purpose for Collecting the Data

- Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.

## CONTRACTING



### Program Areas and General Description

- Develops and manages contracts and contracting opportunities, including specifications, bidding process, and contract execution.

### Title VI Non-Discrimination Concerns & Responsibilities

- Maintaining an open and fair bidding process for all contracts.
- Ensure Title VI Assurances appendices are included in contracts as specified within the assurances document.

### Review Procedures for Ensuring Non-Discrimination

- Reviewing contracts for necessary Title VI language.
- Reviewing any available data on contract recipients to ensure nondiscrimination in contracting.
- Reviewing bidding procedures to ensure nondiscrimination and equal opportunity.

### Type of Data Collected and Collection Process: **Disadvantaged Business Information**

- Identifying Disadvantaged Business Enterprise (DBE) Historically Underutilized Business (HUB)
- Small Business Enterprise (SBE)

### Purpose for Collecting the Data

- Ensuring equal opportunity in contracting to all individuals and groups.

Potential sources of data and analysis tools include:

- Census Data;
- American Community Survey;
- School Districts;
- Forms or Surveys from the public, as well as Field Observations; and/or
- Planning Organizations and/or Committees (e.g., Citizen Advisory Committees).

## **TITLE VI COMPLIANCE PROCEDURES**

### **Scope of Title VI Complaints**

No person or groups of persons shall, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by CITY OF PEARLAND, and its contractors on the grounds of race, color, or national origin. The scope of Title VI covers all internal and external activities of CITY OF PEARLAND.

The following types of actions are prohibited under Title VI protections (See [49 C.F.R. 21.5](#)):

- Excluding individuals or groups from participation in programs or activities.
- Denying program services or benefits to individuals or groups.
- Providing a different service or benefit or providing them in a manner different from what is provided to others.
- Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program.
- Retaliation for making a complaint or otherwise participating in any manner in an investigation or proceeding related to Title VI of the Civil Rights Act of 1964.

### **How to File a Formal Title VI Complaint**

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes stated above by CITY OF PEARLAND or its contractors may file a Title VI complaint. Discrimination complaints **must be received no more than 180 days after the alleged incident** unless the time for filing is extended by the processing agency.

Complaints should be made in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;

- The basis of the complaint (e.g., race, color, national origin, etc.);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is ongoing.

Complaints can be filed by completing and submitting CITY OF PEARLAND's Title VI Complaint Form available at [WWW.PEARLANDTX.GOV](http://WWW.PEARLANDTX.GOV) or by sending an email or letter with the necessary information to:

CITY OF PEARLAND  
 Attn: Title VI Coordinator  
 VIA: City Secretary's Office  
 3519 Liberty Drive  
 Pearland, TX 77581

Email: [CITYSECRETARY@PEARLANDTX.GOV](mailto:CITYSECRETARY@PEARLANDTX.GOV)  
 Phone: 281-652-1600

The City of Pearland Title VI Complaint Form can be found at <https://pearlandtx.gov>.

If necessary, the complainant may call the phone number above and provide the allegations by telephone. The Title VI Coordinator will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. Complaints can also be filed directly with the following agencies:

Federal Highway Administration  
 U.S. Department of Transportation Office of Civil Rights HCR-20, Room E81-320  
 1200 New Jersey Avenue, SE Washington, DC 20590  
 Email: [CivilRights.FHWA@dot.gov](mailto:CivilRights.FHWA@dot.gov)

Texas Department of Transportation Civil Rights Division  
 Attn: Title VI Program Manager  
 125 E. 11th Street Austin, Texas 78701

After submitting a complaint, the complainant will receive correspondence informing them of the status of the complaint within ten (10) business days from CITY OF PEARLAND or other agency receiving the complaint. Complaints received by CITY OF PEARLAND's Title VI Coordinator are forwarded to the TxDOT Office of Civil Rights (OCR). TxDOT OCR will forward the complaint to the FHWA Texas Division Office, along with a preliminary processing recommendation.

The FHWA Texas Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR). FHWA HCR is responsible for all determinations regarding whether to

accept, dismiss, or transfer Title VI complaints. There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Texas 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 HCR 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 timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Texas 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 HCR 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.

Complaints are not investigated by CITY OF PEARLAND. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to TxDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). Once delegated to an investigator:

1. TxDOT OCR will have sixty (60) business days from the date the investigation is delegated to prepare the ROI and send it to HCR.
2. HCR will review the ROI and compose a Letter of Finding based on the ROI.

For further information about the FHWA investigation process and potential complaint outcomes, please visit the [Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964](#). The actual hyperlink to this FAQ information is:

<https://highways.dot.gov/civil-rights/title-vi-civil-rights-act-1964-and-additional-nondiscrimination-requirements>

## Complaint Log

CITY OF PEARLAND 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/bases 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.

### **Notice of Rights**

In accordance with 23 CFR 200.9(a)(12), CITY OF PEARLAND is required to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Notice of CITY OF PEARLAND Title VI policies and procedures are listed in many places such as:

- City Hall (Receptionist – Lobby):  
3519 LIBERTY DRIVE, PEARLAND TX 77581
- Engineering & Public Works (Receptionist – Lobby):  
2016 OLD ALVIN ROAD, PEARLAND TX 77581
- City of Pearland Website:  
[www.pearlandtx.gov](http://www.pearlandtx.gov)

### **Notification to Beneficiaries**

CITY OF PEARLAND 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 CITY OF PEARLAND Web site includes:

- CITY OF PEARLAND Title VI/Nondiscrimination Plan
- CITY OF PEARLAND Language Assistance Plan
- 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

## Public Involvement

It is the goal of CITY OF PEARLAND to provide continuous, effective and transparent access to all stakeholders. CITY OF PEARLAND strives to inform all stakeholders about proposed plans and projects and seeks input when appropriate. CITY OF PEARLAND utilizes various methods to communicate information regarding upcoming activities and opportunities for public and stakeholder participation in the planning process; including but not limited to:

- MAILINGS TO IMPACTED RESIDENTS;
- MEDIA RELEASES;
- NOTICES PUBLISHED IN THE CITY'S NEWSPAPER OF OFFICIAL RECORD;
- VISUALIZATION PRESENTATIONS/TECHNIQUES;
- LOCAL COMMUNITY PUBLIC MEETINGS;
- PUBLIC COMMENTS IN RESPONSE TO SPECIFIC PROJECTS;
- CITIZEN COMMENTS IN ALL PUBLIC MEETINGS;
- CITY OF PEARLAND WEB SITE; and/or
- FACEBOOK.

Traditionally underserved communities can find it more difficult to engage with decision making entities due to scheduling conflicts, lack of transportation to public involvement events, language barriers, lack of childcare, etc. Genuine public involvement takes place at all levels and so CITY OF PEARLAND aims to identify communities that may be affected by a project in order to plan appropriately and effectively for the potentially impacted groups. Sources of data used were listed above in the Data Gathering section.

CITY OF PEARLAND specifically uses U.S. Census data to identify minority and other populations with limited English proficiency. U.S. Census American Community Survey Table B16001 and Decennial Census Table P9 in Attachment A provide the information used to gauge community conditions at the time of this update.

CITY OF PEARLAND will use the following techniques to ensure that all members of the community have the opportunity to participate in the decision-making process, such as holding meetings:

- at alternative times, such as evenings and on weekends;
- at alternative locations, such as schools or parks facilities; and/or
- virtually.

The City can also translate vital documents and critical project information into languages other than English.

## Language Assistance and Limited English Proficiency

Individuals with Limited English Proficiency (LEP) 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. A demographic analysis of the City's population is key information for assessing the need for language assistance in the community, as Pearland has a diverse population of people that speak English less than "very well," according to U.S. Census data.

Per USDOT LEP guidance, as outlined on FHWA's Civil Rights website, recipients of federal funds are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The City will utilize the federal **LEP Four-Factor Analysis** standard to ensure meaningful access for individuals with Limited English-Speaking Proficiency (LEP). The analysis will be conducted annually and if/when there are specific instances involving considerable targeted assistance, such as those that may warrant the creation of a Language Access Plan (LAP). While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors.

- 1) **Number or proportion of LEP persons eligible to be served or likely to be encountered by the program:** The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. For the assessment to be accurate it must also include all communities that are eligible for services or are likely directly affected by the district's programs or activities, not only those that live next to a project. The first step in determining the appropriate components of a Language Assistance Plan is understanding the proportion of LEP persons who may encounter the City's services, their literacy skills in English and their native language, the location of their communities and neighborhoods, and if any are underserved as a result of a language barrier. Vital documents can be translated into the applicable language upon request.

The Title VI SAFE HARBOR provision requires that translation of vital documents must occur if and when the population of individuals within a specific LEP language category do not speak English "very well" is the lessor of 5% of the total population, or 1,000 people. The City's analysis of 2024 U.S. Census data indicates no LEP language categories meet this criterion, so no SAFE HARBOR provisions are applicable to the City.

- 2) **Frequency with which LEP individuals come in contact with the program:** The City has considered how frequently encounters with LEP individuals may occur, based on actual requests for supportive accommodations and bilingual service requests. Additionally, the City will consider events or work projects in the next year, which may increase the frequency with which LEP encounters may occur. Summarily, based on the existing data, the City has encountered less than 0.0042% of the population in LEP interactions. Current and future encounters are tracked based on actual requests for special assistance/accommodations related to meetings and other government-sponsored activities, as well as those made when residents seek support if/when accessing services (utility billing, permits, inspections, etc.).

- 3) **Nature and importance of the program, activity, or service provided by the program to people's lives:** The City gives consideration to TxDOT policies, programs, events and projects planned for the next year, but also considers the nature and importance of LEP encounters on a project-by-project basis.
- 4) **Resources available to the grantee/recipient or agency, and costs:** The City has both internal and external resources available to assist with translation and interpretation services.

The above-referenced four-factor analysis has been utilized to help anticipate and prepare for what may be needed; however, a meaningful four-factor analysis can only occur on a project-by-project basis. When preparing to publish a document, launch a campaign, hold a public meeting, a focused four-factor analysis can be conducted to determine what type of language assistance is needed.

**Demographic Overview**

Local population statistics used for the purpose of assessing Title VI LEP conditions are subject to local growth since the last decennial census, and the “Margin of Error” denoted for each statistic. Based on that acknowledgement, the information used in the City’s assessment may not concur with current population surveys. That being the case, the City will review and update demographic information as continued Census surveys and updates occur (American Community Surveys, etc.).

The 2024 American Community Survey of 2020 decennial data estimates that the City’s total population of those 5 years of age and older is 122,412 at the time of this update (±4,800). Of that number, 36,165 (30%) report “speaking a language other than English at home.” English-speaking proficiency being the key LEP factor, 26,020 of those that speak another language other than English at home, also report speaking English “very well.” Thus, the key target population for language assistance in Pearland is the 10,145 that report speaking English “less than very well.”

The table below provides a basic overview of the U.S. Census Bureau dataset on Limited English Proficiency in Pearland. Additional details can be found in Exhibit C (Pearland LEP Demography):

**Allocation of Ability to Speak English for the Population 5 Years and Over**



	Pearland city, Texas
Label	Estimate
Total:	122,412
Speak only English	86,247
Speak other languages:	36,165

## **Nondiscrimination Plan Summary**

The City of Pearland will take reasonable steps towards ensuring meaningful language accessibility in the following matters:

- Annually assess community-wide LEP characteristics based on the Four-Factor Analysis.
- Assess appropriate capital improvements for the need to provide enhanced LEP and/or LAP initiatives.
- Provide oral language assistance, to the extent feasible, if/when residents in need of translation require assistance at local government facilities.
- Provide basic translation of documents if/when reasonable and cost-effective, in compliance with the law.
- Advise residents accordingly in situations where language assistance is not feasible, due to specific Four-Factor Analysis outcomes (nature/importance of programs/projects and/or the cost of language services, etc.).

Unfortunately, the City of Pearland must assert that its U.S. Census data contains exorbitant margin of error for each of the two highest LEP population statistics (Spanish -  $\pm 72\%$ ; and Vietnamese  $\pm 99.52\%$ ), greatly challenging the integrity of available data to make a valid determination of compliance thresholds. In addition, no LEP data is available at the individual level, only the household level. Therefore, the City will annually assess community conditions via Four-Factor Analysis.

## **Training**

CITY OF PEARLAND will ensure that its staff understand Title VI of the Civil Rights Act of 1964 and how it may apply to their work. The following options are available for providing information and training towards compliance with the Plan and Policy:

- Regular review of the CITY OF PEARLAND Title VI Plan.
- Attendance at any available Title VI training provided by the Texas Department of Transportation, U.S. Department of Transportation or its applicable operating administrations, or the U.S. Department of Justice.
- Viewing the video [Title VI at TxDOT](#) produced by TxDOT. This training provides a general Title VI overview as well as TxDOT specific information.
- Viewing the video [Understanding and Abiding by Title VI of the Civil Rights Act of 1964](#) produced by the U.S. Department of Justice

The aforementioned references to video training can be found using simple internet searches of the same titles mentioned in each bullet point. CITY OF PEARLAND will maintain records indicating that staff have received sufficient training on a periodic basis.

## ATTACHMENTS

### **I. TITLE VI and DOT STANDARD POLICY STATEMENTS and ASSURANCES**

- ATTACHMENT A: **Governing Body Resolution**
- ATTACHMENT B: **Executed Policy Statement**

### **II. LEP DATA AND COMPLAINT FORMS**

- ATTACHMENT C: **Pearland LEP Demography**
- ATTACHMENT D: **TITLE VI COMPLAINT FORMS**

## APPENDICES

- APPENDIX A – Required General Contract Clauses
- APPENDIX B – Clauses for Deeds Transferring U.S. Property
- APPENDIX C – Clauses for Transfer or Real Property Acquired or Improved under the Activity, Facility, or Program
- APPENDIX D – Clauses for Construction/Use/Access to Real Property Acquired under the Activity, Facility, or Program
- APPENDIX E – Pertinent Non-Discrimination Authorities
- APPENDIX F – ADA TRANSITION PLAN (PENDING - TITLE II PUBLIC FACILITIES ACCESSIBILITY SECTION)

**RESOLUTION NO. R2026-74**

**A Resolution of the City Council of the City of Pearland, Texas, adopting a Title VI Non-Discrimination Plan.**

**WHEREAS**, the City, as a recipient or subrecipient of Federal financial assistance, is required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (the Act); and

**WHEREAS**, to comply with those applicable laws, the City must develop a Title VI Non-Discrimination Plan that documents how the City is effectively implementing its Title VI Non-Discrimination Program; and

**WHEREAS**, prior Title VI Non-Discrimination Plans have been developed by City staff and approved administratively; and

**WHEREAS**, City staff has reviewed the prior Title VI Non-Discrimination Plan and applicable laws and is proposing amendments; and

**WHEREAS**, City staff has determined the Title VI Non-Discrimination Plan should be reviewed and approved by City Council; and

**WHEREAS**, City staff have developed a Title VI Non-Discrimination Plan for the City Council's review and consideration; and

**WHEREAS**, City Council has reviewed the Title VI Non-Discrimination Plan, attached as Exhibit A; and

**WHEREAS**, the City Council finds that adopting the Title VI Non-Discrimination Plan, attached as Exhibit A, will be in the best interest of the public.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section 1.** The findings and recitations set out in the preamble to this Resolution are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

**Section 2.** The Title VI Non-Discrimination Plan, attached hereto as Exhibit A, is hereby adopted.

**Section 3.** All prior Title VI Non-Discrimination Plans are hereby repealed.

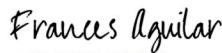
**RESOLUTION NO. R2026-74**

**Section 4.** The City Manager or his designee is hereby authorized to execute all documents necessary to implement the City's Title VI Non-Discrimination Plan.


PASSED, APPROVED and ADOPTED this the 26<sup>th</sup> day of April, A.D., 2026.

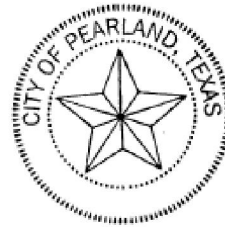
DocuSigned by:  
  
2F80B858BC2A475  
\_\_\_\_\_  
J. KEVIN COLE  
MAYOR

ATTEST:

DocuSigned by:  
  
80FC22531FFF415  
\_\_\_\_\_  
FRANCES AGUILAR, TRMC, MMC  
CITY SECRETARY

APPROVED AS TO FORM:

Signed by:  
  
E3325D906F2F4C1  
\_\_\_\_\_  
LAWRENCE G. PROVINS  
CITY ATTORNEY



Attachment B  
**Executed Policy Statement**

**TITLE VI and DOT STANDARD POLICY STATEMENTS and ASSURANCES**

*The City of Pearland, Texas (herein referred to as the "Recipient"), 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, color, national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any City of Pearland, Texas programs or activities.*

*The City of Pearland, Texas, HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), 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 C.P.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);*
- *28 C.P.R. section 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 citations 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 U.S. 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 non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.*

**Specific Assurances**

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

1. The Recipient agrees that each "activity", "facility", or "program", as defined in § 21.23(b) and 21.23(e) or 49 C.P.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Act 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 Department of Transportation programs, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Recipient, 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 Appendix 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. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties;
  - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods.

- a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. The period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the programs 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, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this Assurance, the Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the U.S. DOT 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 U.S. DOT. You must keep records, reports, and submit the material for review upon request to U.S. DOT, 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 the U.S. DOT under all Department of Transportation Programs. This assurance is binding on Texas, other recipients, subrecipients, sub-grantees, 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/are authorized to sign this assurance on behalf of the Recipient.

  
\_\_\_\_\_  
Trent Epperson, City Manager  
City of Pearland, Texas


4/28/2026  
Date of Signature

Attachment C  
 Pearland LEP Demography

2024 Table ID: Table 9

<b>HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE</b>	
<b>Pearland city, Texas</b>	
Total:	125,828
Hispanic or Latino	31,125
Not Hispanic or Latino:	94,703
Population of one race:	90,143
White alone	46,138
Black or African American alone	24,482
American Indian and Alaska Native alone	246
Asian alone	18,669
Native Hawaiian and Other Pacific Islander alone	64
Some Other Race alone	544

2024 Table ID: B16006

<b>Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over (Hispanic or Latino)</b>	
Total:	29,404
Speak only English	10,812
Speak Spanish:	18,534
Speak English "very well"	12,897
Speak English "well"	2,896
Speak English "not well"	1,849
Speak English "not at all"	892
Speak other language	58

2024: Table B16002

Detailed Household Language by Household Limited English-Speaking Status	United States <sup>®</sup> <b>Census</b> Bureau	
	Pearland city, Texas	
Label	Estimate	Margin of Error
<b>Total:</b>	<b>46,043</b>	<b>±2,740</b>
<b>English only</b>	<b>30,638</b>	<b>±2,628</b>
<b>Spanish:</b>	<b>7,683</b>	<b>±1,397</b>
Limited English-speaking household	854	±610
Not a limited English-speaking household	6,829	±1,338
<b>Korean:</b>	<b>363</b>	<b>±316</b>
Limited English-speaking household	0	±242
Not a limited English-speaking household	363	±316
<b>Chinese (incl. Mandarin, Cantonese):</b>	<b>1,253</b>	<b>±572</b>
Limited English-speaking household	143	±111
Not a limited English-speaking household	1,110	±565
<b>Vietnamese:</b>	<b>1,938</b>	<b>±736</b>
Limited English-speaking household	210	±209
Not a limited English-speaking household	1,728	±750

Attachment D

**TITLE VI COMPLAINT FORMS**

**English  
Spanish  
Vietnamese\***

\*Complaint forms are being provided in Vietnamese as part of the City of Pearland's efforts to take reasonable steps to ensure meaningful language accessibility. Based on the Four-Factor Analysis conducted by the City, as well as a review of demographic information available for the purpose of determining the need to comply with Title VI "Safe Harbor" requirements, the City is not required to provide translated critical documents.

Attachment D

**TITLE VI COMPLAINT FORMS**

**English  
Spanish  
Vietnamese\***

\*Complaint forms are being provided in Vietnamese as part of the City of Pearland's efforts to take reasonable steps to ensure meaningful language accessibility. Based on the Four-Factor Analysis conducted by the City, as well as a review of demographic information available for the purpose of determining the need to comply with Title VI "Safe Harbor" requirements, the City is not required to provide translated critical documents in languages other than Spanish.



# Title VI and ADA Complaint Form

**Last Name:** \_\_\_\_\_ **First Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_  
**Phone Number:** \_\_\_\_\_ **Alternative Phone Number:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**Please indicate the basis of your complaint:**

- Race \_\_\_\_\_
- National Origin \_\_\_\_\_
- Color \_\_\_\_\_
- Disability \_\_\_\_\_

Date and place of alleged discriminatory actions. Please include the earliest date of discrimination and the most recent date of discrimination.

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages, if necessary)

The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of individuals responsible for the discriminatory action(s):



# Title VI and ADA Complaint Form

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attach additional pages, if necessary).

	Name	Email:	Telephone
1.			
2.			
3.			
4.			

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- U.S. Department of Transportation \_\_\_\_\_
- Federal Highway Administration \_\_\_\_\_
- Federal Transit Administration \_\_\_\_\_
- Office of Federal Contract Compliance Programs \_\_\_\_\_
- U.S. Equal Employment Opportunity Commission \_\_\_\_\_
- U.S. Department of Justice \_\_\_\_\_
- Other \_\_\_\_\_

Have you discussed the complaint with any TxDOT representative? If yes, provide the name, position, and date of discussion.

Briefly explain what remedy, or action, you are seeking for the alleged discrimination.



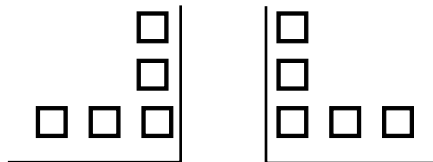
# Title VI and ADA Complaint Form

Please provide any additional information and/or photographs, if applicable, that you believe will assist with an investigation.

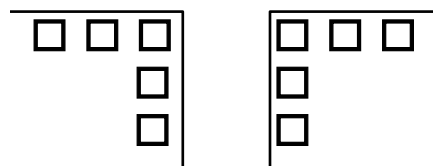
**For ADA Complaints only, please provide the following information:**

If applicable, please provide a description and the exact location of the non-accessible feature.

Street Name: \_\_\_\_\_



Street Name: \_\_\_\_\_



Please provide comments, suggestions, or other information that may assist us in providing a better service to you.



# Title VI and ADA Complaint Form

We cannot accept an unsigned complaint. Please sign and date the complaint form below.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

**Submit Form**

You can also fax this form to 512-486-5539 or mail it to:  
Texas Department of Transportation  
Civil Rights Division  
125 E. 11<sup>th</sup> Street  
Austin, TX 78701

### FOR OFFICE USE ONLY

**Date Complaint Received:** \_\_\_\_\_ **Case #:** \_\_\_\_\_

**Processed by:** \_\_\_\_\_ **Date Referred:** \_\_\_\_\_

**Referred to:**  USDOT  FHWA  FTA  OFCCP  Other \_\_\_\_\_



# Formulario de Denuncia de Discriminación Externa

**Apellido:** \_\_\_\_\_ **Nombre:** \_\_\_\_\_  
**Dirección:** \_\_\_\_\_  
**Ciudad:** \_\_\_\_\_ **Estado:** \_\_\_\_\_ **Código Postal:** \_\_\_\_\_  
**Teléfono:** \_\_\_\_\_ **Teléfono Alternativo:** \_\_\_\_\_  
**Correo Electrónico:** \_\_\_\_\_

---

**Indica por favor la(s) base(s) de su queja:**

- Raza \_\_\_\_\_  Edad \_\_\_\_\_  
 Color \_\_\_\_\_  Discapacidad \_\_\_\_\_

Fecha y lugar de la(s) presunta(s) acción(es) discriminatoria(s). Favor de incluir la primera fecha de la presunta discriminación y la fecha más reciente de la presunta discriminación.

¿Cómo se discriminó contra usted? Describa la naturaleza de la acción, decisión o las circunstancias de la presunta discriminación. Explique, de la manera mas clara posible, que sucedió y porqué cree usted que su estatus protegido fue un factor en la discriminación. Incluya como otras personas fueron tratadas de distinta manera que usted. (Adjunte hojas adicionales de ser necesario).

La ley prohíbe intimidación o represalias contra cualquier persona ya sea por tomar acción o por participar en la toma de acción para asegurar los derechos protegidos por estas leyes. Si usted siente que se han tomado represalias en su contra, aparte de la presunta discriminación mencionada anteriormente, favor de explicar las circunstancias a continuación. Explique la acción que usted tomó que cree sea la causa de la presunta represalia.

Nombre de los individuos responsables de la(s) acción(es) discriminatoria(s):



# Formulario de Denuncia de Discriminación Externa

Nombre de personas (testigos, compañeros de trabajo, supervisores u otros) a quienes podamos contactar para obtener información adicional para respaldar o aclarar su queja: (Adjunte hojas adicionales de ser necesario).

	Nombre	Correo Electrónico	Teléfono
1.			
2.			
3.			
4.			

¿Alguna vez ha presentado, o tiene la intención de presentar, una queja con respecto a esta situación con cualquiera de las organizaciones que se mencionan a continuación? De ser así, favor de proporcionar las fechas en que se presentaron. Marque todas las que apliquen.

- Departamento de Transporte de los EE.UU. \_\_\_\_\_
- Administración Federal de Carreteras de los EE.UU. \_\_\_\_\_
- Administración de Transporte Federal de los EE.UU. \_\_\_\_\_
- Oficina de Programas de Cumplimiento de Contratos Federales de los EE.UU. \_\_\_\_\_
- Comisión para la Igualdad de Oportunidades en el Empleo de los EE.UU. \_\_\_\_\_
- Tribunal Federal o Estatal de los EE.UU. \_\_\_\_\_
- Otros \_\_\_\_\_

¿Ha hablado sobre la queja con algún representante de TxDOT? De ser así, favor de proporcionar el nombre y puesto de la persona y la fecha en la que tuvo la conversación.

Explique brevemente que remedio, o acción está usted buscando por la presunta discriminación.



# Formulario de Denuncia de Discriminación Externa

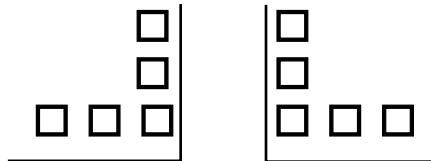
Favor de proporcionar cualquier información adicional y/o fotografías, si son pertinentes, que usted crea ayudaran el la investigación.

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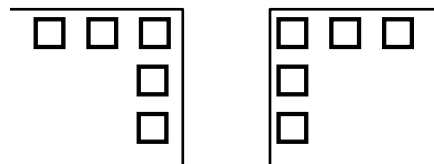
**Por favor incluya la siguiente información solo para las Denuncias de Discriminación:**

Si es pertinente, favor de incluir una descripción y el local exacto donde no se tiene accesibilidad.

Nombre de la calle: \_\_\_\_\_



Nombre de la calle: \_\_\_\_\_



Por favor incluya comentarios, sugerencias y cualquier otra información que nos pueda ayudar en proveerle un mejor servicio..



## Formulario de Denuncia de Discriminación Externa

No podemos aceptar una queja sin firma. Favor de incluir su firma y la fecha a continuación:

\_\_\_\_\_  
Firma del Demandante

\_\_\_\_\_  
Fecha

**Enviar formulario**

También puede enviar este formulario por fax a 512-486-5539 o enviar forma firmada al:  
Departamento de Transporte del Estado de Texas  
Sección de Derechos Civiles  
125 E. 11<sup>th</sup> Street  
Austin, TX 78701

### FOR OFFICE USE ONLY

**Date Complaint Received:** \_\_\_\_\_ **Case #:** \_\_\_\_\_

**Processed by:** \_\_\_\_\_ **Date Referred:** \_\_\_\_\_

**Referred to:**  USDOT  FHWA  FTA  OFCCP  Other \_\_\_\_\_



## Title VI và Mẫu đơn Khiếu nại của ADA

Page 1 of 4

Họ: \_\_\_\_\_ Tên: \_\_\_\_\_  
Địa chỉ Nhận Thư: \_\_\_\_\_  
Thành phố: \_\_\_\_\_ Tiểu bang: \_\_\_\_\_ Số Zip Code: \_\_\_\_\_  
Số điện thoại: \_\_\_\_\_ Số Điện thoại Thay thế: \_\_\_\_\_  
Email: \_\_\_\_\_

---

### Vui lòng cho biết cơ sở khiếu nại của quý vị:

- Chúng tộc \_\_\_\_\_  Quốc gia Xuất xứ \_\_\_\_\_  
 Màu da \_\_\_\_\_  Tình trạng Khuyết tật \_\_\_\_\_

Ngày và địa điểm xảy ra (các) hành động phân biệt đối xử bị cáo buộc. Vui lòng ghi xuống ngày bị phân biệt đối xử sớm nhất và ngày bị phân biệt đối xử gần đây nhất.

Quý vị đã bị phân biệt đối xử như thế nào? Hãy mô tả bản chất của hành động, quyết định hoặc các điều kiện dẫn đến hành động phân biệt đối xử bị cáo buộc. Hãy giải thích chi tiết nhất có thể về những điều đã xảy ra và tại sao quý vị tin rằng tình trạng được bảo vệ (cơ bản) của quý vị là một yếu tố dẫn đến sự phân biệt đối xử. Bao gồm cách mà những người khác đã đối xử khác biệt với quý vị. (Đính kèm thêm các trang giấy khác, nếu cần thiết).

Luật pháp nghiêm cấm thực hiện hành vi hoặc tham gia vào hành động đe dọa hoặc trả thù bất kỳ ai, hay nhằm đảm bảo các quyền được bảo vệ bởi điều luật này. Nếu quý vị cảm thấy mình bị trả thù chống lại, ngoài sự phân biệt đối xử bị cáo buộc ở trên, vui lòng giải thích lý do các trường hợp bên dưới. Hãy giải thích hành động nào quý vị đã làm mà quý vị tin rằng đó là nguyên nhân dẫn đến việc bị trả thù được cáo buộc.

Tên các cá nhân chịu trách nhiệm cho những hành động phân biệt đối xử:



## Title VI và Mẫu đơn Khiếu nại của ADA

Tên của những người (nhân chứng, đồng nghiệp, người giám sát hoặc những người khác) mà chúng tôi có thể liên hệ để lấy thông tin bổ sung nhằm hỗ trợ hoặc làm rõ khiếu nại của quý vị: (Đính kèm thêm các trang giấy khác, nếu cần thiết).

	Tên	Email	Điện thoại
1.			
2.			
3.			
4.			

Quý vị đã nộp đơn hoặc có ý định nộp đơn khiếu nại vấn đề đã nêu với bất kỳ cơ quan nào sau đây chưa? Nếu Có, vui lòng cung cấp ngày nộp đơn. Đánh dấu tất cả các lựa chọn phù hợp.

- Sở Giao thông Vận tải của Hoa Kỳ \_\_\_\_\_
- Cơ quan Quản lý Đường cao tốc Liên bang \_\_\_\_\_
- Cơ quan Quản lý Vận tải Liên bang \_\_\_\_\_
- Văn phòng Các Chương trình Tuân thủ Hợp đồng Liên bang \_\_\_\_\_
- Ủy ban Cơ hội Việc làm Bình đẳng Hoa kỳ \_\_\_\_\_
- Bộ Tư pháp Hoa Kỳ \_\_\_\_\_
- Người khác \_\_\_\_\_

Quý vị đã thảo luận khiếu nại với bất kỳ đại diện nào của TxDOT chưa? Nếu có, hãy cung cấp tên, vị trí, và ngày thảo luận.

Giải thích ngắn gọn biện pháp khắc phục hoặc hành động mà quý vị đang tìm kiếm cho hành vi phân biệt đối xử bị cáo buộc.



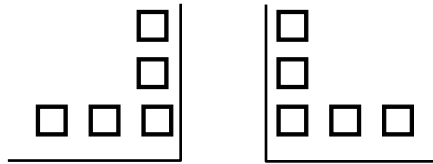
# Title VI và Mẫu đơn Khiếu nại của ADA

Vui lòng cung cấp bất kỳ thông tin bổ sung và/hoặc hình ảnh bổ sung nào, nếu có, mà quý vị tin rằng sẽ hỗ trợ cho cuộc điều tra.

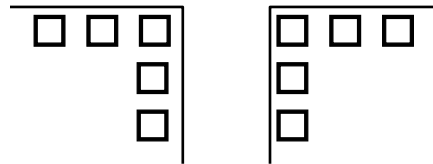
## Chỉ dành cho các Khiếu nại của ADA, vui lòng cung cấp thông tin sau:

Nếu có thể, vui lòng cung cấp mô tả và vị trí chính xác của tính năng không thể truy cập.

Tên Phố: \_\_\_\_\_



Tên Phố: \_\_\_\_\_



Vui lòng cung cấp ý kiến, đề xuất hoặc thông tin khác có thể hỗ trợ chúng tôi cung cấp dịch vụ tốt hơn cho quý vị.



## Title VI và Mẫu đơn Khiếu nại của ADA

Chúng tôi không chấp nhận khiếu nại không có chữ ký. Vui lòng ký tên và ghi ngày vào mẫu đơn khiếu nại bên dưới.

\_\_\_\_\_  
Chữ ký của Người Khiếu nại

\_\_\_\_\_  
Ngày

### Mẫu email

Hay gửi fax tới 512-486-5539 hay gửi mẫu đơn đã ký cho:  
Texas Department of Transportation  
Civil Rights Division  
125 E. 11<sup>th</sup> Street  
Austin, TX 78701

#### FOR OFFICE USE ONLY

**Date Complaint Received:** \_\_\_\_\_ **Case #:** \_\_\_\_\_

**Processed by:** \_\_\_\_\_ **Date Referred:** \_\_\_\_\_

**Referred to:**  USDOT  FHWA  FTA  OFCCP  Other \_\_\_\_\_

## APPENDICES

- APPENDIX A – Required General Contract Clauses
- APPENDIX B – Clauses for Deeds Transferring U.S. Property
- APPENDIX C – Clauses for Transfer or Real Property Acquired or Improved under the Activity, Facility, or Program
- APPENDIX D – Clauses for Construction/Use/Access to Real Property Acquired under the Activity, Facility, or Program
- APPENDIX E – Pertinent Non-Discrimination Authorities
- APPENDIX F – ADA TRANSITION PLAN (TITLE II)

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, 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. **Non-discrimination:** 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.
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.

## Clauses for Deeds Transferring United States Property

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the \_\_\_\_\_ 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 U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto \_\_\_\_\_ the all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto \_\_\_\_\_ and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another

purpose involving the provision of similar services or benefits and will be binding on the \_\_\_\_\_, its successors and assigns.

The \_\_\_\_\_, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the \_\_\_\_\_ will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

## Clauses for Transfer or 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 Non-discrimination covenants, \_\_\_\_\_ 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 Non-discrimination covenants, \_\_\_\_\_ will have the right to enter or re-enter the lands and

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

facilities thereon, and the above-described lands and facilities will there upon revert to  
and vest in and become the absolute property of the \_\_\_\_\_  
and its assigns. \*

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

**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, \_\_\_\_\_ 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 non-discrimination covenants, \_\_\_\_\_ will there upon revert to and vest in and become the absolute property of \_\_\_\_\_ and its assigns. \*

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

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601 ), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- 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).