

CITY OF ROCKWALL

TITLE VI/NONDISCRIMINATION PLAN



Title VI/ Nondiscrimination Contact Information:

City of Rockwall

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President Lyndon B Johnson signing the Civil Rights Act of 1964

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.

The City of Rockwall, 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. The City of Rockwall acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan explains how City of Rockwall incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for the City of Rockwall and an informational resource for the public. The plan will be updated every three (3) years to reflect changes in Title VI compliance operations.

Discrimination under Title VI

It is the responsibility of every City of Rockwall 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.

City of Rockwall 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.

Authorities

The authorities applicable to City of Rockwall 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 Policy Statement

It is the policy of City of Rockwall that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of City of Rockwall as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of City of Rockwall, including its contractors and anyone who acts on behalf of City of Rockwall. This policy also applies to the operations of any department or agency to which the City of Rockwall extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

The nondiscrimination statement signed by the Director of Human Resources is included as **Attachment 1**.

Standard DOT Assurances

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language, City of Rockwall, is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. City of Rockwall is committed to ensuring the necessary language is used as prescribed in the assurance's agreement.

In accordance with this requirement, City of Rockwall has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is attached as **Attachment 2**.

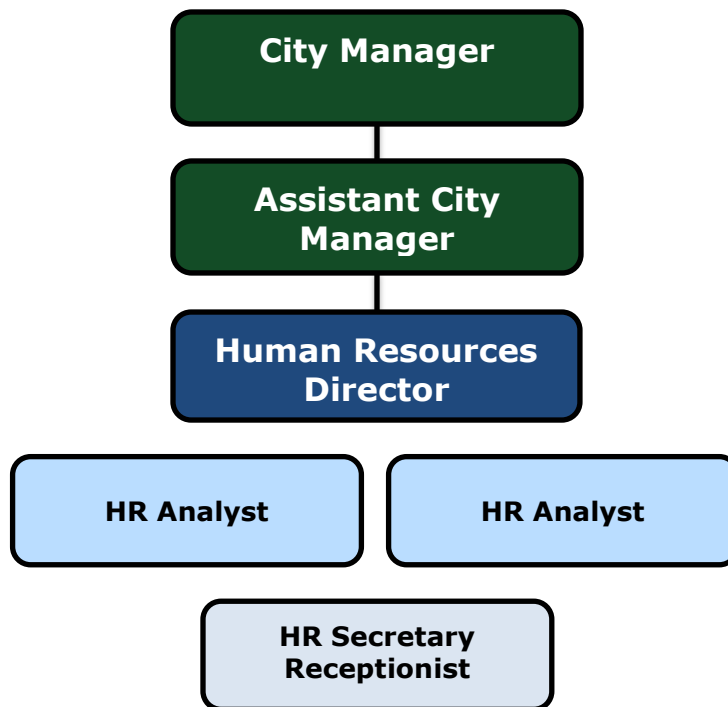
Organization and Staffing

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.

The City Manager has assigned Shawn Yerks, Director of Human Resources, to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position of Director of Human Resources is located within the Human Resources Department.

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;



Primary Program Area Descriptions & Review

Procedures

Contracting

The contracting program area is responsible for developing and managing contracts and contracting opportunities. This includes preparing specifications, conducting the bidding process, and executing contracts in compliance with applicable regulations.

Title VI/Non-Discrimination Responsibilities

- Maintain an open, fair, and competitive bidding process.
- Ensure that Title VI Assurances and the required appendices are included in all contracts as specified in the Title VI Assurances document.
- Provide equal opportunity for all potential contractors, regardless of race, color, national origin.

Review Procedures for Ensuring Non-Discrimination

- Review all contracts to verify that required Title VI language and appendices are properly included.
- Review procurement and bidding procedures to confirm nondiscriminatory practices and equal access to contracting opportunities.
- Analyze any available demographic data of contract recipients, if available, to monitor for equitable distribution of contracting opportunities.

Type of Data Collected & Process for Collecting

- Identifying contractors who are a: Disadvantaged Business Enterprise (DBE) Historically Underutilized Business (HUB) Small Business Enterprise (SBE).

Purpose for Collecting Data

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

Planning

The Planning program area focuses on the short-term and long-term planning of transportation projects. This includes identifying needs, setting priorities, and developing plans that guide infrastructure development and improvements.

Title VI/Non-Discrimination Responsibilities

- Ensure inclusive and meaningful public participation from all communities, especially underserved or minority populations through the City's regularly scheduled City Council meetings.
- Collect demographic data during public engagement activities to evaluate participation across different groups.
- Provide appropriate language assistance services as needed.

Review Procedures for Ensuring Non-Discrimination

- Regularly review planning decisions and documents to ensure nondiscriminatory practices.
- Evaluate public outreach efforts to verify that engagement opportunities were accessible to all affected populations.
- Track and document all language access requests and services provided during public participation processes.

Public Engagement

The Public Engagement program area coordinates outreach and engagement activities related to planning, project development, and relationship-building.

Title VI/Non-Discrimination Responsibilities

- Facilitate comprehensive and inclusive public participation to ensure equitable access to engagement opportunities.
- Provide language assistance services as needed.
- Disseminate information about Title VI rights so the public is aware of their protections against discrimination.

Review Procedures for Ensuring Non-Discrimination

- Periodically review public engagement activities to assess whether outreach effectively reached all communities.
- Track and document all language access requests and the services provided.
- Evaluate demographic data to determine if engagement efforts are inclusive and reflective of the community.

Maintenance

The Maintenance program area is responsible for servicing roadways and rights-of-way. This includes activities such as roadway repair, signage installation and maintenance, drainage management, and snow and ice removal to ensure safe and functional transportation infrastructure.

Title VI/Non-Discrimination Responsibilities

- Ensure that all communities receive equitable maintenance services.
- Avoid disparate impacts where certain communities receive fewer or lower-quality maintenance services based on a protected class.

Review Procedures for Ensuring Non-Discrimination

- Review and analyze the distribution of maintenance resources and services across all communities.
- Identify and evaluate whether any protected class populations have been disproportionately underserved or negatively impacted.

Data Collection and Analysis

Data collection and analysis of statistical data on race, color, national origin, sex, age, disability, and beneficiaries of federally funded programs (*e.g. impacted citizens and affected communities*) will be gathered and maintained by the City on a project-by-project basis and through the City's *Existing Conditions Report*. The City of Rockwall's staff will use census data and maps to perform the following:

- Analyze the population benefitting from a project, including analyzing the benefits to traditionally underserved populations, if any.
- Determine how best to disseminate information to the affected populations.
- Prepare a written report, if necessary.

The gathering procedures and analysis will be reviewed and performed annually from the date of approval of the Title VI Nondiscrimination Plan, to ensure the sufficiency of the data meets the requirements of the Title VI program.

Title VI Complaint 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 Rockwall, 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 Rockwall.

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

The complaint procedure is available online with the City of Rockwall in English and Spanish.

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 Rockwall 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 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 on-going.

Complainants are encouraged to submit complaints directly to the Texas Department of Transportation (TxDOT).

Complaints can also be filed by completing and submitting City of Rockwall's Title VI Complaint Form available at [YOUR WEBSITE](#) or by sending an email or letter with the necessary information to:

CITY OF ROCKWALL

Attention: Shawn Yerks

Mailing Address: 385 S. Goliad St. Rockwall, TX 75087

Email: syerks@rockwall.com

Phone: 972.772.6403

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

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 Rockwall or other agency receiving the complaint.

Complaints received by City of Rockwall'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 Rockwall. 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). TxDOT OCR will have sixty (60) business days from the date the investigation is delegated to prepare the ROI and send it to HCR. 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](#).

Complaint Log

The Title VI/Nondiscrimination Coordinator 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.

Notice of Rights

In accordance with 23 CFR 200.9(a)(12), City of Rockwall 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 Rockwall Title VI policies and procedures are listed on the city's website and are available with the receptionist in the main lobby at City Hall.

Notification to Beneficiaries

City of Rockwall 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 Rockwall Web site includes:

- City of Rockwall Title VI/Nondiscrimination Plan
- Title VI Coordinator Contact Information
- TxDOT's External Discrimination Complaint Form (English and Spanish)

Public Involvement

It is the goal of City of Rockwall to provide continuous, effective and transparent access to all stakeholders. City of Rockwall strives to inform all stakeholders about proposed plans and projects and seeks input when appropriate. City of Rockwall utilizes the following methods to communicate

information regarding upcoming activities and opportunities for public and stakeholder participation in the planning process:

- Media Releases
- Public Meetings
- Facebook, Twitter, and Nextdoor

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 Rockwall 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 Rockwall specifically uses the following sources to identify minority and populations with limited English proficiency.

- ACS Table C16001 – Language Spoken at home by ability to speak english for the population 5 years and over.

City of Rockwall will use the following techniques to ensure that all members of the community have the opportunity to participate in the decision-making process:

- Holding meetings in the evening at 6:00 PM
- Providing virtual options

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.

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. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors.

Four-Factor Analysis

Factor 1: Number or proportion of LEP persons eligible to be served or likely to be encountered by the City:

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, more importantly, if any are underserved because of a language barrier.

The City evaluated the level of English proficiency and to what degree people in its service area speak a language other than English and which languages are spoken. Data for this review is derived from the United States Census and the American Community Survey.

Overview

The City of Rockwall, Texas encompasses 30.09 square miles and is home to 54,747 people representing various language groups. Of the City population 5 years old and older (48,195), 886 or 1.84% of residents, report speaking English less than very well with Spanish being the prevalent language.

Safe Harbor Provision

The U.S. Department of Transportation (U.S. DOT) has adopted the U.S Department of Justice's Safe Harbor Provision. This provision outlines circumstances that can provide a "safe harbor" for U.S. DOT recipients (and sub-recipients) regarding translation of vital documents. Specifically, if a recipient provides written translation of vital documents for each LEP group that constitutes the lesser of 1,000 persons or five percent (5%) of the total population eligible to be served or likely to be affected or encountered, such action is considered strong evidence of compliance with the recipient's written translation obligations.

The Safe Harbor Provision only applies to the translation of written documents. It does not affect the agency's requirement to provide meaningful access to LEP individuals through oral language services.

A vital document is any document that is critical for ensuring meaningful access to the recipients' major activities and programs by beneficiaries generally and LEP persons specifically. Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

The data above shows that the City of Rockwall does not meet the Safe Harbor threshold. However, the City of Rockwall will translate vital documents upon request.

Factor 2: Frequency with which LEP individuals come in contact with the City:

The City of Rockwall, Texas frequently encounters individuals who speak English less than very well. Positions that deal with LEP individuals frequently, are required to be bilingual. Moving forward, the Title VI Coordinator will survey departments and collect data on their contacts with people who need language assistance. This data will be used to help direct future efforts and planning.

Factor 3: Nature and importance of the City's Programs, Activities, or Services to People's Lives:

While upcoming TxDOT policies, programs, events, and projects should be taken into account when evaluating potential encounters with Limited English Proficiency (LEP) individuals, it is essential to assess each situation on a project-by-project basis. The nature and importance of LEP interactions may vary depending on the scope, location, and community impact of each project. By evaluating the specific characteristics and potential community impact of each initiative, the City of Rockwall, Texas can take appropriate, reasonable steps to ensure that LEP populations receive meaningful access to information and services, in compliance with Title VI requirements.

Factor 4: Resources available to the grantee/recipient or agency, and costs:

The City of Rockwall, Texas reviewed its available resources that could be used for providing LEP assistance. We have staff available who can translate multiple languages, including Spanish. The City of Rockwall has several positions that are required to be bilingual. All employees that can translate are paid language pay in addition to their salary. Also, Google translate is able to be utilized to provide quick introductory services. If there is more technical or detailed information that needs to be communicated, staff will be available to assist.

A general four-factor analysis will help anticipate and prepare for what may be needed; however 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, etc., a focused four-factor analysis should be conducted to determine what type of language assistance is needed.

Training

City of Rockwall 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 training:

Review of the City of Rockwall Title VI Plan

- Attendance at any available Title VI trainings 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 [Understanding and Abiding by Title VI of the Civil Rights Act of 1964](#) produced by the U.S. Department of Justice

City of Rockwall will maintain records indicating that staff have received sufficient training on a periodic basis.

Title VI/Nondiscrimination Policy Statement

(Rev. 04/20)
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The City of Rockwall, 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 Department programs or activities.



Signature of Authorized Official

08/17/2026

Date

DOT Order No. 1050.2A

The _____ (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through 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 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 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 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 _____ 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.

Title of Recipient

Shawn Gerke

Signature of Authorized Official

Date