



TITLE VI NON-DISCRIMINATION PLAN

CITY OF PEARLAND

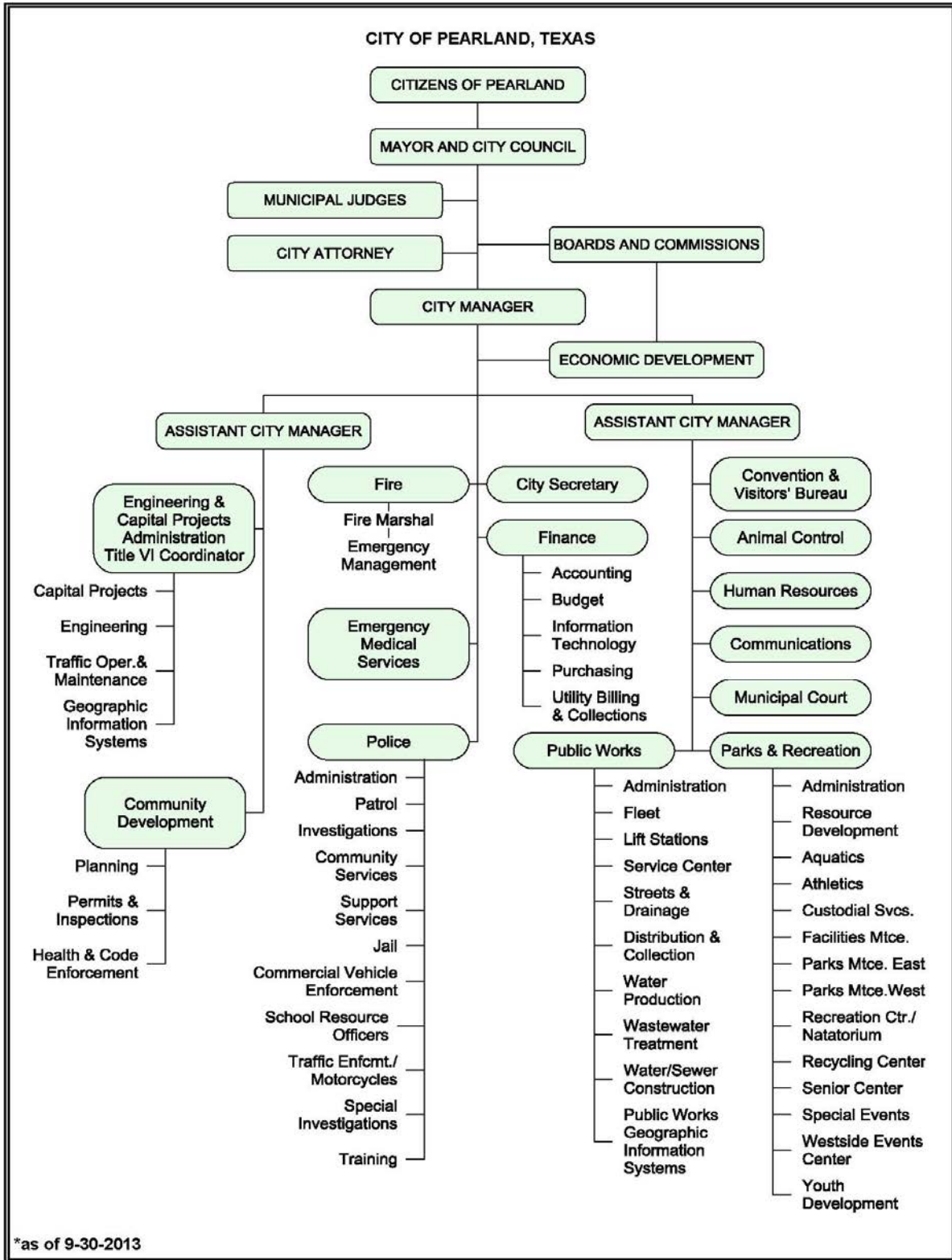
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City of Pearland Organizational Chart



INTRODUCTION

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives Federal assistance. Specifically, Title VI assures 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 benefit of, or be o t h e r w i s e subjected to discrimination under any program or activity receiving Federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed in February of 1994, requires Federal agencies to achieve environmental justice as part of their mission by identifying disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations. Environmental justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice.

Also, Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP), provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. As a recipient of Federal financial assistance in its transportation and other improvement projects, the City of Pearland (hereinafter “the City”) must provide access to individuals with limited ability to speak, write, or understand the English language.

The City must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of City of Pearland's Title VI Non-Discrimination Plan are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in City programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, and all affected Title VI populations;
5. To establish procedures to annually review Title VI compliance of specific program areas within the City of Pearland;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a City-provided service, project, program or activity.

As the sub-recipient of Federal transportation funds, the City of Pearland must comply with Federal and State laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs without regard to race, color, national origin, sex, age, socio-economic status, or disability. Every effort will be made to prevent discrimination in any City-sponsored program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Pearland Title VI Plan also ensures that the City's sub-recipients adhere to Federal and State laws and include in all written agreements or contracts assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Pearland, as a sub-recipient receiving Federal transportation funds, shall monitor its sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any such deficiencies.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the encompassing functions of planning, project development and delivery, right-of-way acquisition, construction, and research.

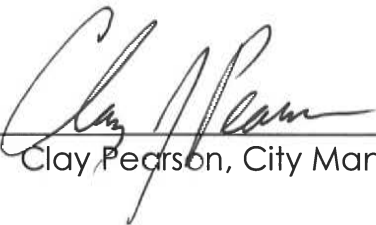
The City has developed this Title VI Plan to assure that services, programs, and activities are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of Federally funded programs, services, or activities (see the City's Policy Statement)

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**City of Pearland
Title VI Policy Statement**

It is the policy of the City of Pearland, as a sub-recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, that no person shall, on the grounds of race, color, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the City.



Clay Pearson, City Manager



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Title VI

Nondiscrimination Assurances

The City of Pearland (hereinafter referred to as the "Sub-Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d- 4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, 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 Sub-Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Sub-Recipient hereby gives the following specific assurances with respect to the programs administered by the Sub-Recipient.

1. That the Sub-Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Sub-Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all programs administered by the Sub-Recipient and, in adapted form in all proposals for negotiated agreements:


The Sub-Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of

Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full 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. That the Sub-Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Sub-Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Sub-Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Sub-Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Sub-Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sub-Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the programs administered by the Sub-Recipient; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the programs administered by the Sub-Recipient.
8. That this assurance obligates the Sub-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 Sub-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 Sub-Recipient retains ownership or possession of the property.
9. The Sub-Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other Sub-Recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Sub-Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Sub-Recipient by the Department of Transportation under the programs administered by the Sub-Recipient and is binding on it, other Sub-Recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the programs administered by the Sub-Recipient. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sub-Recipient.

DATED May 20, 2014

BY 
Clay Pearson, City Manager
City of Pearland

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h):

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances.

EO12250: Department of Justice Leadership and Coordination of Non-Discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death,
- Air, noise and water pollution and soil contamination,
- Destruction or disruption of man-made or natural resources,
- Destruction or diminution of aesthetic values,
- Destruction or disruption of community cohesion or community's economic vitality,
- Destruction or disruption of the availability of public and private facilities and services,
- Adverse employment effects,
- Displacement of person's businesses, farms or non-profit organizations,
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community,
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities.

1. **Significant Adverse Effects In Minority and Low Income Populations** – An adverse effect that:

- is predominantly borne by a minority population and/or a low-income population, or
- will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

2. **Determine or Distinguish Significant/Non-Significant Effects**

a. **“Significant Effect”** requires considerations of both context and intensity:

- *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity: Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

b. **“Non-Significant Effect”** means no substantial change to an environmental component and has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect. If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the City Manager.

Federal Assistance – Includes grants and loans of Federal funds; the grant or donation of Federal property and interests in property; the detail of Federal personnel, Federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any Federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (<http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands;
or
- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – When a recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin,” “Hispanic”, “Asian or Pacific Islander,” “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road, park or other infrastructure improvement project including planning or any activity for the provision of services, financial aid or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Sub-Recipient – Any agency such as a council or government, regional planning agency, education institution, for example, that received Federal Highway Administration (FHWA) funds through the State Department of Transportation and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The Title VI Coordinator shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances for the City of Pearland.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or handicap, he/she may exercise his/her right to file a complaint with the City's Title VI Coordinator. Every effort will be made to resolve complaints informally and at the lowest level first.

Data Collection: Statistical data on race, color, national origin, English language proficiency and sex of participants in and beneficiaries of City programs, e.g. impacted citizens and affected communities, will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and issues. The reviews will be conducted by the Office of the Coordinator to assure effectiveness in their compliance with Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure equal participation in all programs and activities at all levels. The City will conduct reviews annually by the end of the calendar year.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Office of the Coordinator. Priority for conducting reviews will be given to those sub-recipients of Federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the sub-recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update to TxDOT.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the Annual Work Plan and Accomplishment Report to the Texas Department of Transportation, Office of Civil Rights via

TxDOT's Title VI/ Nondiscrimination Annual Work Plan & Accomplishments Report Development Guide, as presented in TxDOT's Title VI/ Nondiscrimination Technical Assistance Guide for Sub-Recipients.

Title VI Plan Updates If updated, a copy of the Title VI Plan will be submitted by October 5th to the Texas Department of Transportation. The City will automatically update and renew its Title VI Assurances every three years or as necessary on the occasion of a change of City Manager.

Public Dissemination: The City will disseminate Title VI Plan information to City employees and to the general public. Title VI Plan information will be distributed to sub-recipients, contractors and beneficiaries. Public dissemination will include Title VI language in contracts and publishing the Title VI Plan on the City's internet website, pearlandtx.gov, and its intranet website, pearnet.co.

Remedial Action: The City, through the Office of the Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

AMERICANS WITH DISABILITIES ACT

The Governor's Committee evaluates compliance with and facilitates implementation of the Americans with Disabilities Act and Texas Accessibility Standards and other State and Federal disability rights laws. The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. The current text of the ADA includes changes made by the ADA Amendments Act of 2008 (P.L. 110-325), which became effective on January 1, 2009.

Title III prohibits discrimination on the basis of disability in the activities of or places of public accommodations (businesses that are generally open to the public and that fall into one of 12 categories listed in the ADA, such as restaurants, movie theaters, schools, day care facilities, recreation facilities, and doctors' offices) and requires newly constructed or altered places of public accommodation, as well as commercial facilities (privately owned, nonresidential facilities such as factories, warehouses, or office buildings), to comply with the ADA Standards:

§36.201 General.

(a) *Prohibition of discrimination.* No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases (or leases to), or operates a place of public accommodation.

The City of Pearland provides ADA accommodation in ALL of its projects, whether Federally funded or not. The City issues a Standard Detail sheet with notes (see Appendix D). The plans are submitted to an accredited TDLR/ADA Registered Accessibility Specialist for comment and/or approval prior to final approval and bid. During or after construction, ADA inspection of the entire facility is conducted by a Registered Accessibility Specialist. The inspection process results in a report identifying any issues or violations of the current rules and regulations as of the time of the plan approval. If violations are found and determined to warrant removal and replacement, the contractor is instructed to perform this work and to bring the entire facility into complete conformance. This procedure is more fully described in

the City's Project Delivery Model which serves as the repository for all project planning and delivery procedures.

Limited English Proficiency Plan

City of Pearland: May, 2014

TITLE VI COORDINATOR

Trent Epperson, Director of Engineering and Capital Projects

City of Pearland

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Introduction

Background

On August 11, 2000, President William J. Clinton signed Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency (LEP), to clarify Title VI of the Civil Rights Act of 1964. The purpose of the act was to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

The City of Pearland receives funds from the U.S. Department of Transportation (USDOT) via the Federal Highway Administration through the Texas Department of Transportation (TxDOT), thus requiring the City to, at a minimum, apply the four factor analysis to the available data. Any LEP program requirement suggested by this analysis would extend to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one program of the recipient receives the Federal assistance.

The City of Pearland's primary LEP language group is Spanish; however, this group constitutes only 11.89% of the City's population.

This Limited English Proficiency Plan has been prepared to address the City of Pearland's responsibilities, as a sub-recipient of Federal financial assistance, as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all State and local agencies which receive Federal funds, including all City of Pearland departments receiving Federal grant funds.

Plan Summary

The City of Pearland has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this Plan, the City of Pearland used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the City or its programs,
2. The frequency with which LEP persons come in contact with the City of Pearland's services,

3. The nature and importance of services provided by the City of Pearland to the LEP population,
4. The interpretation services available to the City of Pearland and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is shown in the following section:

Meaningful Access: Four-Factor Analysis

Table 1: Limited English Proficiency Summary

Subject	Total	People who speak only English at home	Distribution of people who speak a language other than English at home	
			Spanish	Other
Total population	96,294	74,509	11,470	10,315
5 to 17 years	19,644	15,185	2,338	2,102
18 to 64 years	60,473	46,745	7,196	6,471
65 years and over	7,415	5,731	882	793

Source: 2012 American Community Survey

Table 2: Spanish Speakers who Speak English “less than very well.”

Subject	Total	Percentage
Total population 5 years and over (all languages)	87,531	90.9%
Total Spanish speakers	10,416	11.89%
Speak English “less than very well”	3,333	3.8%

Table 2 shows % of the people who report that they speak Spanish at home, or who report that they speak English “less than very well”. This 3.8 % of the Hispanic/Latino population is our target audience as they are the designated LEP Population. These calculations were derived from a combination of data from various segments of information collected by the U.S. Census Bureau; including but not limited to: American Community Survey, 2010 decennial census, and 2012 decennial census.

Table 3: “Spanish and Other Language Speakers who Speak English “less than very well.”

Subject	Total	Percentage
Spanish	10,416	11.89%
<i>Speak English less than “very well”</i>	3,333	3.8%
Other Indo-European languages	9,366	10.7%
<i>Speak English less than “very well”</i>	2,809	3.2%
Asian and Pacific Islander languages	7,040	8%
<i>Speak English less than “very well”</i>	2,112	2.4%
Other languages	1,705	1.9%
<i>Speak English less than “very well”</i>	513	<u>0.58%</u>

Table 3 shows other LEP groups, for example, 3.2% of the reported people who speak Indo-European languages at home are LEP, 2.4% of the Asian and Pacific Islanders are LEP, and less than 1% of the “Other” languages are LEP. These calculations were derived from a combination of data from various segments of information collected by the U.S. Census Bureau; including but not limited to: American Community Survey, 2010 decennial census, and 2012 decennial census.

1. The number or proportion of LEP persons in the service area who may be or are likely to require City services.

The City of Pearland staff reviewed the 2012 and U.S. Census Report and the 2010 American Community Survey and determined that 28,527 persons over the age of five (or 32.59% of the population) speak a language other than English. Of those, 8,767 have limited English proficiency; that is, they speak English “not well” or “not at all”. This is only 10.02% of the overall population in the service area. Within the City’s service area, of those persons with limited English proficiency, 3,333 speak Spanish, 2,809 speak Indo-European languages, and 2,112 speak Asian or other Pacific Islander languages and 513 speak other languages.

2. The frequency with which LEP persons come in contact with City of Pearland’s services.

City staff reviewed the frequency with which the Council and office staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the City has received no requests for interpreters and no requests for translations of City program documents.

Despite the absence of requests, the City's webpage provides a multi-lingual instantaneous language translation "button" that provides translations into the three identified foreign (non-English) languages. The Council, City Secretary's Office and office staff have had no requests for translation services or contact with LEP persons.

3. The nature and importance of services provided by the City to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for the City of Pearland. The overwhelming majority of the population, 73.9%, speak English only. As a result, there are few social, service, professional and leadership organizations within the City service area that focus on outreach to LEP individuals. The City Council and office staff are most likely to encounter LEP individuals through office visits or phone conversations, and attendance at Council meetings.

4. The resources available to the City and overall cost to provide LEP assistance.

The City reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and have contacted members of staff who would be willing to provide Spanish translation if needed within a reasonable time period. Other language translation if needed would be provided through a telephone interpreter line for which the City would pay a fee.

Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the City's services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How City staff may identify an LEP person who needs language assistance:

- Post notice of the LEP Plan and the availability of interpretation or translation services in languages LEP persons would understand.
- All City staff will be provided with "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- All City staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the City sponsors an informational meeting or event, an advance public notice of the event will be published including asking for any special needs related to needing a translator (LEP) or ASL interpreter (hearing impaired individuals). Additionally, a staff person may greet participants as they arrive and, by informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be available at the event it will help identify the need at future events.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in the City, those persons who speak English "not well" or "not at all", the City will strive to offer the following measures:

1. City staff will take reasonable steps to provide LEP clients who have difficulty communicating in English the opportunity for meaningful access.
2. The following resources will be available to accommodate LEP persons:
 - Interpreters for the Spanish language will be made available and provided within a reasonable time period, An internal survey indicates that a certain number of City staff consider themselves bilingual and may be able to interpret or translate.

- Language interpretation will be accessed for all other languages through a telephone interpretation service.

Staff Training

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the "I Speak" cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for the City of Pearland will be required to follow the Title VI LEP guidelines.

Translation of Documents

The City of Pearland weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated. The City Secretary's Office, the primary repository of City documents, contracts, policies, Council actions and ordinances, has not, to date, received a request for translation services or interpretation services from the public or from internal staff.

Due to the very small local LEP population, the City of Pearland does not have a formal outreach procedure in place, as of 2010. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, the City of Pearland will consider the following options:

- When staff prepares a document or schedules a meeting for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

Monitoring

Monitoring and Updating the LEP Plan

The City of Pearland will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available, when the City Secretary's Office experiences and begins logging requests for interpretive or translation services, or when it is otherwise clear that higher concentrations of LEP individuals are present in the City of Pearland service area. Updates will include the following:

- The documented number of LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- The current LEP population in the service area.
- Has the need for translation services changed?
- Have local language assistance programs been effective and sufficient to meet the need?
- Are the City's financial resources sufficient to fund language assistance resources needed?
- Does the City fully comply with the goals of this LEP Plan?
- Documented complaints received concerning the City's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

Dissemination of Pearland's LEP Plan

- Post signs in English and Spanish at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language

services. Post the LEP Plan itself on the City website in English and Spanish.

- State on agendas and public notices, in the language that LEP persons would understand, that documents are available in that language upon request from the City Secretary's Office.
- Continue to monitor and log any requests for translated documents or interpretive services.
- Continue to make the City's external webpage translatable into various languages with the existing "Select Language" menu.

For more information regarding the City's policies on LEP, a copy of the LEP Plan can be found on our website at <http://pearlandtx.gov>. A copy of the Plan document may be requested from:

City of Pearland
Attn: Mr. Trent Epperson,
Director of Engineering and Capital Projects
3519 Liberty Drive. Pearland, Texas 77581
Tel: 281 652 1756
Fax: 281 652 1706
Email: tepperson@pearlandtx.gov

ENVIRONMENTAL JUSTICE

City of Pearland: 2014

TITLE VI COORDINATOR

Trent Epperson, Director of Engineering and Capital Projects

City of Pearland

3519 Liberty Drive

Pearland, Texas 77581

281 652 1756

Introduction

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving Federal funds.

The City of Pearland plans and executes its roadway improvement projects in accordance with the rules, regulations and procedures established by the Texas Department of Transportation’s (TxDOT) Environmental Manual and the National Environmental Policy Act (NEPA) process. The Environmental Manual provides procedures and practices related to environmental analysis and decision-making with TxDOT project development work. The Manual provides a guide to clearing transportation projects through the NEPA process. The process is updated and maintained by TxDOT’s Environmental Division (ENV).

The Environmental Manual includes the process involved in obtaining environmental clearance from TxDOT and the Federal Highway Administration (FHWA) for a roadway construction project. The NEPA process, Title VI of the Civil Rights Act and related statutes, and Executive Order 12898 on Environmental Justice are incorporated in the processes to ensure nondiscrimination and identify and address any disproportionately high health and environmental impacts to minority populations and low- income populations. The following components lead to environmental

clearance: preliminary survey, environmental documentation, public involvement, interagency coordination, permits, and environmental commitments

Plan/Process

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, signed in February of 1994, requires a Federal agency to achieve Environmental Justice as a part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. FHWA requires TxDOT to carry out Environmental Justice responsibilities as part of its nondiscrimination program. In turn, the City executes the TxDOT environmental process through the procedures and practices identified below.

Identification of Minority and Low-Income Populations

The City utilizes data from the U.S. Census Bureau, public outreach (scoping meetings, public meetings, and public hearings), information on poverty guidelines from the Department of Health and Human Services, and local agency coordination (including, but not limited to MPOs, local elected officials, county government, etc.) to establish demographic characteristics and trends. The data is used to identify and engage traditionally underserved populations, including those covered under existing Environmental Justice (EJ) policies, as well as populations with Limited English Proficiency (LEP).

Manuals and Guidance

TxDOT's Environmental Affairs Division's Environmental Manual provides a collection of laws, regulations, guidelines, practices, and procedures that must be addressed as part of the project planning and development process and provides information relative to Title VI, EJ and LEP issues. The City utilizes this manual and its guidelines, practices and procedures in the production of the EIS required by TxDOT for each project receiving Federal or State funding assistance.

In addition to the Environmental Manual, TxDOT has produced several relevant stand-alone guidance documents including the Interim Guidance for Project Level Environmental Justice Analysis, Guidance on Environmental Justice for Toll Roads and the Socioeconomic Resources Standards of Uniformity (Added Capacity and No Added Capacity) for Projects without FHWA Involvement. TxDOT's Office of Civil

Rights (OCR) also has produced a brochure entitled, “An Overview of Transportation and Environmental Justice.” The City’s design and environmental consultants refer to these documents in the preparation of the project EIS.

Environmental Manual

The Environmental Manual provides procedures and practices related to environmental analysis and decision-making with TxDOT project development work. The manual provides a guide to clearing transportation projects through the National Environmental Policy Act (NEPA) process. The manual is updated and maintained by TxDOT’s Environmental Division (ENV).

The Environmental Manual includes the process involved in obtaining environmental clearance for a TxDOT construction project. The NEPA process, Title VI of the Civil Rights Act and related statutes, and Executive Order 12898 on environmental justice are incorporated in the processes to ensure nondiscrimination and identify and address any disproportionately high health and environmental impacts to minority populations and low-income populations. The following components lead to environmental clearance: preliminary survey, environmental documentation, public participation, interagency coordination, permits, and environmental commitments.

Preliminary Survey

A preliminary survey consists of fieldwork and gathering data from a variety of sources, including previous surveys, geographic information systems, and online information sources. Identifying all issues in the project development process early on allows time to address and, if need be, mitigate for environmental issues.

NEPA requires that projects be evaluated for impacts to the human environment. The Manual provides the tools and methods to effectively identify and evaluate social and economic impacts. Public Participation occurs as a part of social and economic impact analysis. The public assists TxDOT by serving as an important resource in providing information for socio-economic analysis by:

- Helping to develop a project’s purpose and need;
- Profiling the community’s demographics;
- Identifying alternatives and impacts;
- Identifying community values and community landmarks; and

- Developing strategies and solutions for avoiding, mitigating, minimizing, or enhancing impacted resources.

Environmental Documentation

Environmental documents provide a brief summary of the results of the environmental analysis and coordination, as well as information about the social, economic, and environmental impacts of a project and what decision should be made on a project's construction, location, and design. In addition, the document will describe early interagency coordination and preliminary Public Participation.

There are three types of environmental documentation – Categorical Exclusions (CEs), Environmental Assessments (EAs), and Environmental Impact Statements (EISs). Which one is used depends on the degree to which the project will impact the environment. The Manual includes information that assists in selecting the type of environmental document needed, suitable public participation, and any necessary interagency coordination and/or environmental permits.

EISs require a specific process with public participation components. Three EIS checklists have been developed as a tool to assist in following the EIS process and to ensure that all necessary topics are covered in the EIS as well as in the Record of Decision (ROD). The EIS checklists and their steps include:

EIS Process Checklist (includes SAFETEA-LU Section 6002 Requirements)

- Project Initiation Letter
- Notice of Intent (NOI) (may serve as Project Initiation Notice if it contains all the information required in Section 6002 of SAFETEA-LU)
- Invitation for Participating Agency Involvement
- Initial agency briefing and Kick-Off Meeting
- First Public Scoping Meeting
- Revision of Need and Purpose (this may be done as part of the Coordination Plan)
- Coordination Plan
- Second Public Scoping Meeting
- Second resource agency/FHWA/sponsor meeting

- Draft Environmental Impact Statement (DEIS) preparation
- DEIS submitted to FHWA for preliminary review?
- Notice of Approval (NOA) of DEIS
- DEIS circulation
- Public Hearing Notice
- Supplemental Environmental Impact Statement (SEIS) (if required)
- Checklist of topics covered in an EIS
- Need and purpose for action
- Alternatives
- Affected environment
- Environmental consequences (for each reasonable alternative are the following included?)
- Mitigation
- Indirect and cumulative impacts
- Comments and coordination
- Checklist of topics covered in a Record of Decision (ROD) and Submittal Process
- Record of Decision
- ROD submittal process

Public Participation Procedures

The City's efforts to ensure the participation of the identified minority and low-income populations are included in the City's **Public Participation Plan**.

Interagency Coordination

Early coordination with appropriate resource agencies, local governmental entities, and the public plays a vital role in project planning and environmental development of proposed projects. Both the TxDOT Districts and Divisions are responsible for interagency coordination during project planning and development. Coordination is initiated at the regional and statewide level.

Districts should initiate early coordination with the appropriate resource agencies as agreed upon in the CI Team Environmental Coordination agreements signed between the District Engineer and ENV Division Director. ENV will coordinate when necessary or requested by the District.

Permits

Permitting usually begins with the surveys and may end with environmental clearance or after right of way acquisition. The manual includes the different types of permits and procedures to obtain public input and publishing notice.

Environmental Commitments

Environmental commitments begin at the earliest phase of project development, although completion of commitments may not occur until the operation and maintenance phase of a project. Because there is a substantial time gap between the beginning and end of a commitment, TxDOT ensures that commitments are communicated from environmental clearance through detailed design, pre-bid conference, project letting, maintenance, and operation.

Geographic Information System (GIS) Data

Information regarding mapping of the EJ populations using GIS software or equivalent/improved systems is included in the ***Public Participation Plan***.

Language Access Plan (for LEP)

Executive Order 13166: Improving Access to Services by Persons with Limited English Proficiency (LEP), requires Federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities.

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

The U.S. Department of Justice LEP Guidance advises each Federal department or agency to "take reasonable steps to ensure 'meaningful' access to LEP individuals to the information and services they provide." It further explains that the identification of "reasonable steps to ensure meaningful access" will be contingent on a number of factors. Among the four factors to be considered are:

1. The number or proportion of LEP persons in the eligible service population,
2. The frequency with which LEP individuals come in contact with the program,
3. The importance of the service provided by the program,
4. The resources available to the agency.

TxDOT's Language Access Plan (LAP) has been developed to assist Districts, Divisions and Offices in their efforts to ensure information and services are accessible to LEP individuals by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to TxDOT programs. In addition to this agency-wide LAP, each District, Division and Office must develop a plan to improve access for LEP individuals to its programs and services. The LAP discusses how Districts, Divisions and Offices can apply the four-factor framework, which is consistent with the USDOT LEP Guidance, and how to develop an LEP plan.

The City has developed a plan to accommodate and provide for LEP assistance for individuals requiring translation or interpretation services in an effort to prevent a language barrier from becoming a discriminating factor in provision of City services to its citizens. This program is more fully defined in the City's ***Limited English Proficiency Plan***.

External Communication (Notification to Beneficiaries)

TxDOT provides information to the public detailing its Title VI/Nondiscrimination obligations and notifies members of the public of the protections against discrimination afforded to them by Title VI and other nondiscrimination requirements.

Dissemination of Information

The following TxDOT informational brochures have been distributed to the Districts, Divisions and Offices who also make them available at public meetings:

- *“Title VI and You”*
- *“Complying with Limited English Proficiency Requirements in the Federal-Aid Highway Program”*
- *“An Overview of Transportation and Environmental Justice”*

The above brochures are available in English and in Spanish and are also accessible on TxDOT’s website at

<http://www.txdot.gov/inside-txdot/forms-publications/publications/civil-rights.html>.

Contents of Notification

The brochures provide the public with information regarding Title VI and related statutes and their rights under the law. The brochures include TxDOT’s Nondiscrimination Policy, which assures the public that TxDOT operates without regard to race, color, national origin, sex, age, or disability in all of its programs and activities and informs the public that additional information on nondiscrimination obligations can be obtained by the OCR. Additionally, the *“Title VI and You”* brochure contains information on how to file a discrimination complaint with TxDOT.

TxDOT has also produced a poster with information on its nondiscrimination policy and procedures for filing a complaint. The brochures and poster are periodically reviewed and revisions are made as needed.

NEPA Process and Public Involvement

On January 1, 1970 the National Environmental Policy Act of 1969 (NEPA) was signed into law. NEPA established a national environmental policy intentionally focused on Federal activities and the desire for a sustainable environment balanced with other essential needs of present and future generations of Americans.

NEPA requires FHWA to examine and determine avoidance of potential impacts to the social and natural environment when considering approval of proposed transportation projects. In addition to evaluating the potential environmental effects, sponsors must also take into account the transportation needs of the public in reaching a decision that is in the best overall public interest. The FHWA NEPA project development process is an approach to balanced transportation decision-making that takes into account the potential impacts on both human

(social, economic and cultural) and the natural environment and the public's need for safe and efficient transportation.

23 CFR § 771.105

To the fullest extent possible, all environmental investigations, reviews, and consultations are coordinated as a single process, and the project's compliance with all applicable environmental requirements are identified and discussed in the environmental document, resulting in either a full Environmental Assessment or a Categorical Exclusion, as required by this regulation.

Alternative courses of action are evaluated, including multiple alternative alignments, and all decisions are made in the best overall public interest based upon a balanced consideration of the need for safe and efficient transportation; of social, economic and cultural impacts; local and regional natural environmental impacts of the proposed transportation improvement; and in keeping with national, state, and local environmental protection goals, such as air quality conformity.

Public involvement in the review of alternative alignments and the eventual selection of a proposed alignment is an essential part of the project development process. As early as practicable, the City sets up and invites stakeholders (i.e. TxDOT, local elected and public officials, the Drainage District, affected property owners and the public) to a Public Meeting. The City, through its design consultant, utilizes the standard TxDOT invitation process which is supervised by the TxDOT District Environmental Division. The time, date, location and project information is published in local and regional newspapers in both English and Spanish.

NEPA requires that projects be evaluated for impacts to the human environment. The TxDOT Environmental Manual provides the tools and methods to effectively identify and evaluate social and economic impacts. Public involvement occurs as a part of social and economic impact analysis. In this way the public assists the City and TxDOT by serving as an important resource in providing information for socio-economic analysis by:

- Identifying alternatives and impacts;
- Identifying community values and community landmarks; and

- Developing strategies and solutions for avoiding, mitigating, minimizing, or enhancing impacted resources.

This obligation will be met by the City of Pearland in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.
- The Title VI Coordinator, through its position as Director of Engineering and Capital Projects, oversees this process and reviews the final resulting project documents to ensure compliance with Federal regulations.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City uses U.S. Census data to identify low income and minority populations and their location with respect to the proposed project and its impacts.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.;
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts, and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the Environmental Report will document how that conclusion

was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of a project on minority and/or low income population groups:

STEP ONE: Determine if a minority of low income population is present within the project area. If a conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts defined in the City's Non-Discrimination Plan definitions, "Adverse Effects." If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

- Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?
- Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

- Question 3: Considering the overall public interest, is there a substantial need for the project?
- Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

Public Participation Plan

City of Pearland

TITLE VI COORDINATOR

Trent Epperson, Director of Engineering and Capital Projects

City of Pearland

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Pearland, Texas 77581

281 652 1756

Introduction

This section details how the City and State Transportation Department notify the public regarding the development of transportation plans and improvement programs, solicits their comments, and addresses those comments in the final documents. Additionally, this section details how the City manages the Public Participation process.

Public Participation Plan

The Public Participation Plan (PPP) demonstrates how the City, working with TxDOT, provides opportunities for public review and comment at key decision points during the citywide transportation improvement planning process as dictated by the City's Project Delivery Model (PDM) and TxDOT's Environmental Processes for federally funded projects. The process consists of open discussion of planning documents in local government forums, public meetings, informational exhibits, published advertisements and, if required, a Public Hearing.

All City projects follow the procedures specified in the City's Project Delivery Model (PDM) Communication Plan which require a Public Meeting to provide the public with information on the project and its likely impact on the project area. Then all projects pass through the Office of the Coordinator for review to ensure that the

Public Participation requirements are incorporated into the project plan and being followed.

Public Participation and Consultative Tools

Besides the Public Meeting process, the City uses a number of methods to communicate information regarding projects and opportunities for public and stakeholder participation in the planning process:

- Newsletters and direct mailings
- Media releases
- Notices published in the local and regional newspapers
- Visualization presentations
- Exhibits and planametrics
- Local community public meetings
- TxDOT's interactive internet site
- Social media such as Facebook and Twitter

Geographic Information System (GIS) Data

The City makes available to the public several sources of GIS data in the form of maps used in the planning process to enhance public understanding of the project.

Long-Range Planning Documents:

- The City's Major Thoroughfare Plan
- The Unified Development Code
- City Right of Way Maps and County Property Identification

TxDOT Notification Process

TxDOT informs all stakeholders about proposed plans and projects during the statewide transportation planning process. During this process, TxDOT also seeks input from all stakeholders on specific projects and issues.

Notification of any actions taken on the Statewide Transportation Improvement Program or the long-range statewide transportation plan, to include how and where to obtain a copy of the subject document, the time and date of the public

hearing, instructions to those interested in providing comments, and a copy of the applicable Texas Register public notice, is sent to the following:

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

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

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

At least once every five years (after the adoption date of the plan), TxDOT will review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process outlined in the plan, and any proposed changes. A specific request for comments will be directed to the State association of counties, State municipal league, regional planning agencies, or directly to non-metropolitan local officials.

Public and Stakeholder Outreach and Visualization Tools

Proactive public participation and stakeholder outreach is an important part of developing TxDOT's plan and programs. To ensure that all stakeholders are included in the long-range planning process and during the development of the PPP and other plans and programs referenced in it, TxDOT provides opportunities for

stakeholders and the public to participate during public meetings and stakeholder working sessions as well as providing the public with access to all planning documents on TxDOT's Web site:

Hearings and Meetings schedule is available at:

<http://www.txdot.gov/inside-tdot/get-involved/about/hearings-meetings.html>

Planning documents are available at:

<http://www.txdot.gov/inside-tdot/forms-publications/publications/transportation-planning.html>

Up-to-minute transportation information is available at:

<http://www.txdot.gov/inside-tdot/media-room.html>

Texas Transportation Plan/Stakeholder and Public Participation Plan

Over the next year, TxDOT will be engaged in the development of the Texas Transportation Plan (TTP) 2040. The TTP will address the statewide planning requirements under MAP-21 and Texas Administrative Code Title 43, Chapter 16. The Stakeholder and Public Participation Plan (SPPP) is project-specific to the Texas Transportation Plan 2040, which is produced once every four years. The SPPP objectives include:

- Establish early and continuous public participation opportunities that provide timely information about transportation issues and decision-making processes to all interested parties;
- Provide reasonable public access to educational, technical, and policy information to enhance the public's knowledge and ability to participate in the development of the TTP;
- Provide adequate public notice of participation opportunities during the development of the TTP, and time for public review and comment at key decision points in the planning process;
- Ensure that public participation opportunities are held at convenient and accessible locations (in compliance with the Americans with Disabilities Act of 1990) and times;

- Make information comprehensible using visualization techniques, and available in appropriate electronically-accessible formats and means via the TxDOT website, technology-enabled media, and video-teleconferencing;
- Include measures for seeking input from and considering the needs of those traditionally underserved by existing transportation systems as defined by the Title VI of the Civil Rights Act of 1964, such as low-income, minority, and non-English speaking households who may face challenges accessing employment and other services; and
- Provide for the periodic review of the public participation process to ensure the effectiveness of TxDOT's Public Participation efforts and revise the process as appropriate.

Public Participation Considerations

Public participation is an ongoing aspect of the project planning process that encourages and solicits public input and provides the opportunity for the public to become fully informed about project development. Public Participation considerations include:

- Types of Public Participation Procedures
- Specialized Public Participation – Cultural Resources
- Public Participation Following Project Approvals
- Notices and Media Releases

Types of Public Participation Procedures

Early in the planning process, projects are included in the Statewide Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP). Meetings to discuss the recommended projects included in the STIP/TIP are advertised allowing any interested citizen to provide input in the project planning and programming process. In some instances these meetings can be considered adequate public participation for minor projects constructed in existing right of way and/or general maintenance projects. However, depending on the type and complexity of the project, public concerns, associated social, economic, and environmental factors, additional public participation may be required. Types of additional public participation efforts may include:

- Meetings with Affected Property Owners (MAPO) – MAPOs are held with property owners affected by minor or temporary projects. MAPOs may occur at any stage of the project development process. Due to the informal nature of MAPOs, the format and conduct will be tailored to the individual project, allowing for ample time for public questions and comment.
- Public Meetings – Public meetings are held to inform the public and provide a forum for a free exchange of project views and concerns. Public meetings occur as early as TxDOT determines it feasible to assure public input in project planning, location, and design alternatives. Public meetings include meetings with interested citizens, the general public, or local, neighborhood, or special interest groups. A public meeting will be held during the drafting of a DEIS to present the draft coordination plan.
- Opportunities for Public Hearing – An opportunity for public hearing is advertised to determine if any interested citizens desire TxDOT to hold a public hearing for a proposed project. This is a minimum requirement for projects requiring acquisition of significant amounts of new Right of Way, those requiring a substantial change in layout or function of the roadway or connecting roadways, or requiring measurable adverse impact on abutting real property. The decision to afford an opportunity for a public hearing is generally decided upon by a District in consultation with ENV and FHWA (for federally funded projects). If no requests for public hearing are received by the deadline, the district will submit a certification to that effect signed by the District Engineer or his/her designee.
- Public Hearings – Public hearings are held to present project alternatives. They also serve to encourage and solicit public comment on the location, design, and environmental analyses of a project. The manual includes sections that describe various aspects of public hearings, including the format and procedures for conducting a public hearing.

Specialized Public Participation – Cultural Resources

Section 106 of the National Historic Preservation Act requires that special care be taken when potential historic and/or archaeological resources are involved in a transportation project. For projects involving historical resources and archeological

sites, Districts will identify and coordinate with interested parties early in the project planning process. The manual includes procedures related to:

- Letter Content
- Certified Letter Transmittal
- Responding to Interested Parties
- Informing the Public

Public Participation Following Project Approvals

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

- Substantial change occurs in the project (major design changes, changes in right of way requirements, etc.);
- Substantial unanticipated development occurs in the project area;
- New significant social, economic, and environmental effects are identified as project related; and
- An unusually long time passes before major steps are taken to advance the project. Major steps include authority to acquire Right of Way and issuance of construction Letter of Authority.

Notices and Media Releases

The Environmental Manual describes the requirements and formats for publishing notices and media releases, which include:

- Publishing Notices – Official notices are published in local general circulation newspapers, regional newspapers (if there is no local newspaper) and special interest newspapers, such as neighborhood, ethnic, foreign language. If the predominant language of an area is not English, notices will be published in the predominant language.
- Publication Requirements – The opportunities for public hearing notice is published approximately 30 days prior to the deadline for submission of written requests for holding a public hearing and at a minimum, a public hearing notice will be published at least 30 days before the day of a public

hearing. The Environmental Manual outlines the information and procedures that should be included in all notices.

- Other Forms of Publicity – Other forms of publicity include temporary signs, leaflets posted in public locations, media releases, notices mailed to residents, etc.
- Notices of Availability - Environmental Assessment (EA) and Final Environmental Impact Statement (FEIS) inform the public of the approval of an EA and required following approval of a FEIS; notice of availability is published in local newspapers.
- Media Releases – Media releases can be used any time to publicize meetings or other information about projects. Once the public participation process is complete, project planning and development decisions are to be publicized through press releases to inform the public about the project. Any changes to a transportation project may require additional public participation.
- Notice of Construction – The District will send a notice of impending project construction to landowners abutting the roadway within the project limits, local governments, and public officials. Projects that involve the addition of at least one travel lane or construction on a new location require notices of construction. The notice is sent at least 90 days prior to the proposed letting date. Notice of Construction format is outlined in the manual.

COMPLAINT PROCESS

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City's programs, activities and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion, assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make him/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of Federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI by completing the Title VI Discrimination Complaint Form (see City's Complaint Form) and submitting it to the City's Title VI Coordinator.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. The policy assumes that if a complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, the period is extended 60 days beyond the date the complainant became aware to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complainant must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

- An anonymous complaint that is too vague to obtain required information,
- Inquiries seeking advice or information,
- Courtesy copies of court pleadings,

- Newspaper articles,
- Courtesy copies of internal grievances.

V. Investigation

Investigation Plan: The Title VI Coordinator shall assign a trained investigator to the complaints and shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s),
- Basis for complaint: Issues, events or circumstances that caused the person to believe that he/she has been discriminated against,
- Information needed to address the issue,
- Criteria, sources necessary to obtain the information,
- Identification of key people,
- Estimated investigation time line,
- Remedy sought by the complainant(s).

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a TxDOT related contract against the City of Pearland, TxDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Pearland, the complaint and any pertinent

information will immediately be forwarded to the TxDOT Office of Civil Rights Program Unit.

Investigation Reporting Process:

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Office of the City Manager for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

City of Pearland
Attn: Mr. Trent Epperson
Director of Engineering and Capital Projects
3519 Liberty Drive, Pearland, Texas 77581
Tel: 281 652 1756
Fax: 281 652 1706
Email: tepperson@pearlandtx.gov

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the Texas Department of Transportation, Office of Civil Rights within 30 days of the date the investigation is completed.

Records

All records and investigation working files are maintained in a confidential area. Records are kept for a minimum of three years.

ANNUAL WORK PLAN AND ACCOMPLISHMENT REPORT PROCESS

1. The City of Pearland Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City of Pearland's Title VI Plan and Policy Statement will be published on the City's website. The Policy Statement will also be posted in conspicuous locations.
3. Appendix A of the Assurances will be included in all City contracts as outlined in the Title VI Plan.
4. The procedure for responding to individuals with Limited English Proficiency will be implemented.
5. All City employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
6. A review of City of Pearland facilities will be conducted in reference to compliance with the Americans with Disabilities Act.
7. The following data will be collected and reviewed in the annual report produced by the Title VI Coordinator and transmitted in the annual report submitted to TxDOT:
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of Public Meetings or Open Houses directly related to planned projects; how meeting dates and times are communicated to the general public and to individuals directly affected by the meetings.
 - c. **Construction Projects:** The number of construction projects; number of minority contractors bidding and the number selected; verification that Title VI language was included in bids and

contracts for each project.

- d. **LEP Needs:** Number of requests for language assistance or number of instances in which language assistance was required, and the outcome of these requests; if possible, analyze the number of times the website translator program has been utilized and what languages it translated information into.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - .
 - f. **Timeliness of Services:** Number of requests for services; amount of time from request to delivery of service; number of requests denied.
 - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individuals affected.
 - h. **Program Participants:** Racial data statistics and analysis of program participants where possible.
 - i. **Reviews:** Status of special emphasis program reviews and reviews on the City's Sub-Recipients.
8. The City's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report will be submitted to TxDOT annually by October 31. The Report will provide an updated status on an annual basis of the City's implementation and monitoring of the Title VI/Nondiscrimination Plan.

APPENDIX A

Title VI Nondiscrimination Assurances

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 shall comply with the Regulations relative to nondiscrimination in Federally-Assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Recipient, or the Federal

Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance. Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

Title VI Nondiscrimination Assurance

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon, in accordance with all applicable Department of Transportation authorities, the Regulations for the Administration of the programs administered by the Recipient, and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally- Assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 Recipient all the right, title, and interest of the 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 the Recipient 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 shall be binding on the Recipient, its successors and assigns.

The Recipient, 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 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (and)* (2) that the Recipient shall 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act.

APPENDIX C

Title VI Nondiscrimination Assurance

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally- assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds.]*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Recipient pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 shall 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

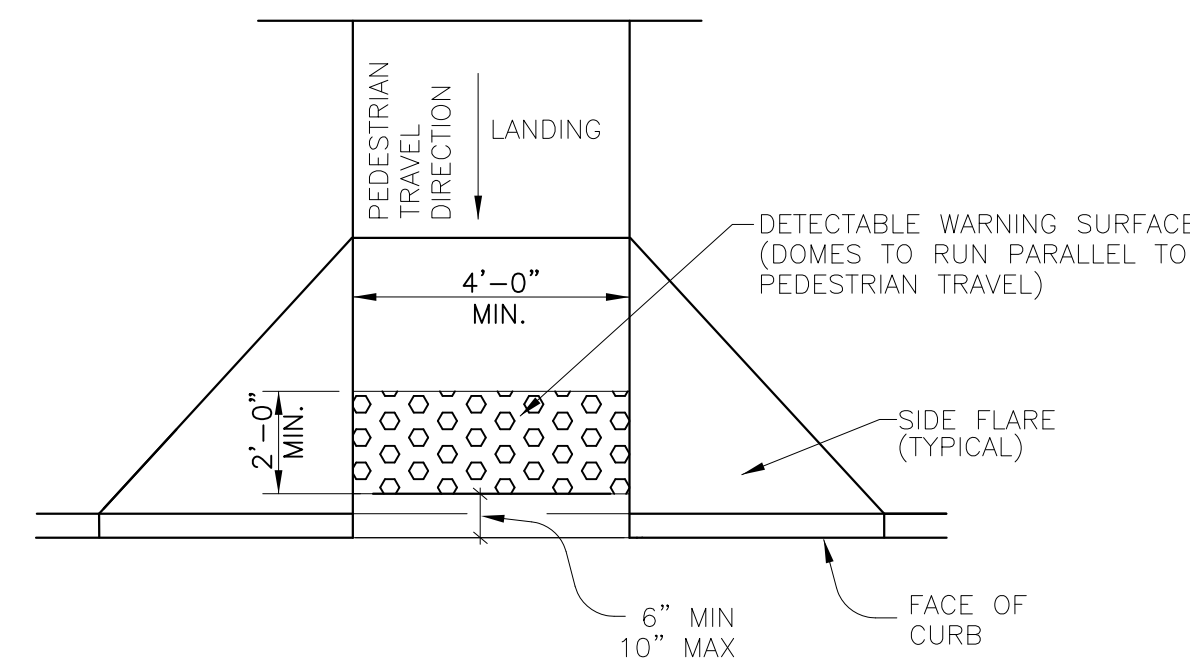
[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds.]*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

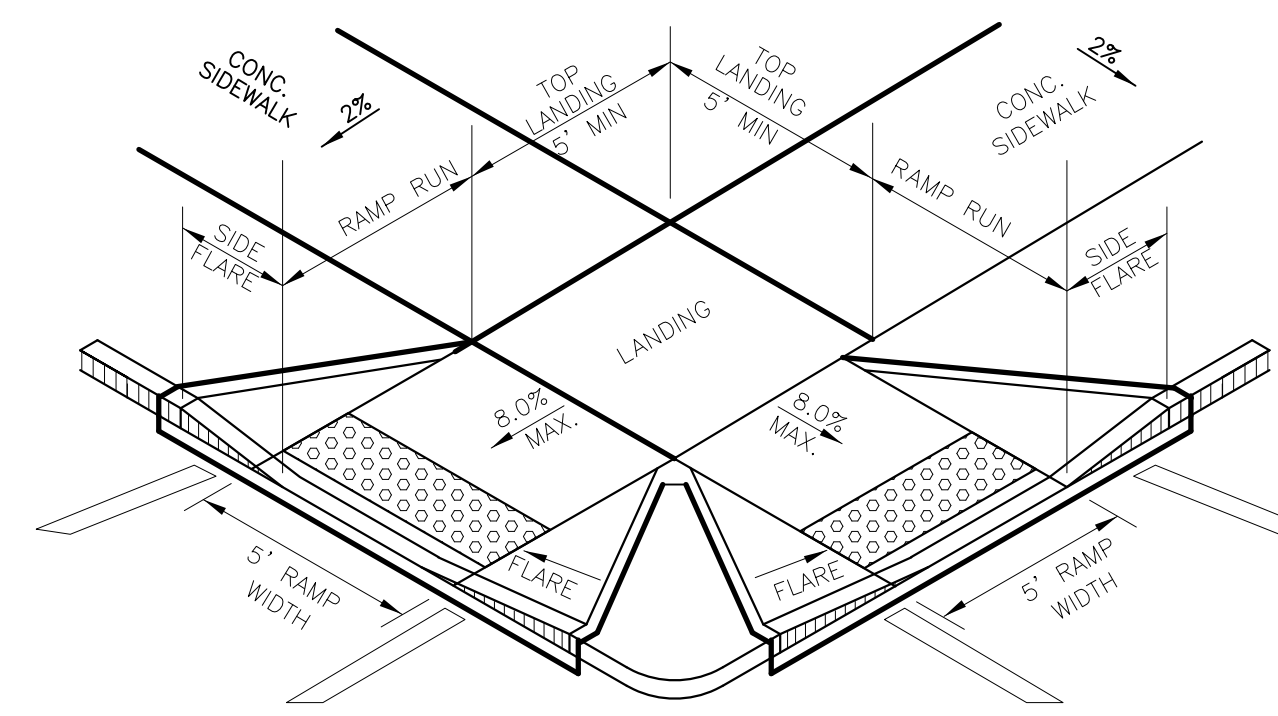
*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.



TYPICAL PLACEMENT OF DETECTABLE WARNING SURFACE ON SLOPING RAMP RUN.

NOTES:

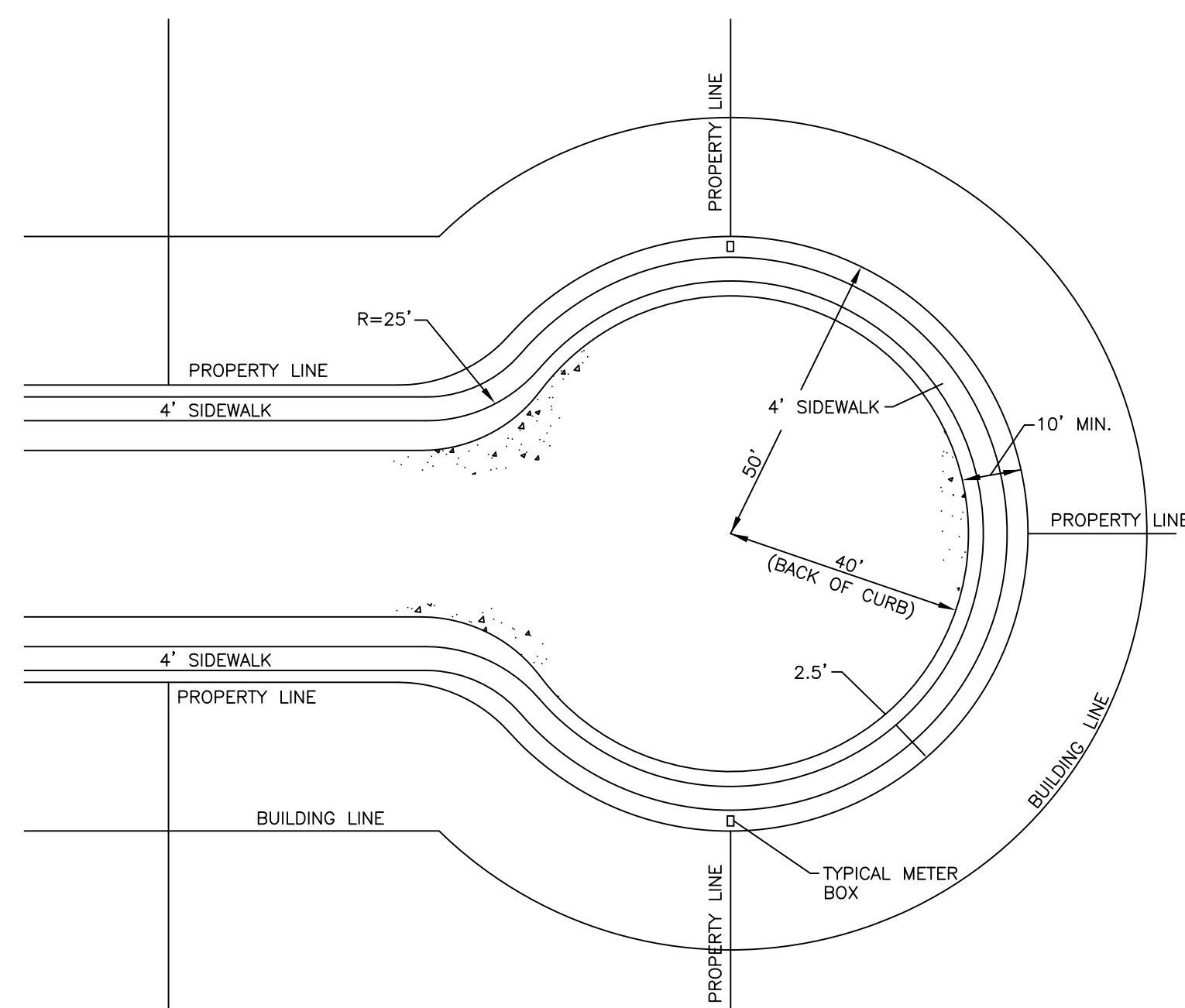
1. CURB RAMPS MUST CONTAIN A DETECTABLE WARNING SURFACE THAT CONSISTS OF RAISED TRUNCATED DOMES COMPLYING WITH SECTION 4.29 OF THE TEXAS ACCESSIBILITY STANDARDS (TAS). THE SURFACE MUST CONTRAST VISUALLY WITH ADJOINING SURFACES, INCLUDING SIDE FLARES. FURNISH DARK RED DETECTABLE WARNING SURFACE ADJACENT TO UNCOLORED CONCRETE, INCLUDING SIDE FLARES.
2. DETECTABLE WARNING SURFACES MUST BE SLIP RESISTANT AND NOT ALLOW WATER TO ACCUMULATE.
3. ALIGN TRUNCATED DOMES IN THE DIRECTION OF PEDESTRIAN TRAVEL WHEN ENTERING THE STREET.
4. DETECTABLE WARNING SURFACES SHALL BE A MINIMUM OF 24" IN DEPTH IN THE DIRECTION OF PEDESTRIAN TRAVEL, AND EXTEND THE FULL WIDTH OF THE CURB RAMP OR OTHER HAZARDOUS VEHICULAR AREA.
5. THE ACCEPTABLE LIST OF QUALIFIED DETECTABLE WARNING MATERIALS FOR THE CITY OF PEARLAND INCLUDES ARMOR-TILE CAST IN PLACE TILE, CAST-IN-PLACE COMPOSITE TILES BY ADA SOLUTIONS, INC AND ANY OTHER PRODUCT THAT IS DEEMED TO BE EQUAL TO OR BETTER THAN THE ABOVE REFERENCED PRODUCTS BY THE CITY ENGINEER. (DETECTABLE WARNING PAVERS ARE NOT PERMITTED.)
6. DETECTABLE WARNING SURFACES SHALL BE LOCATED SO THAT THE EDGE NEAREST THE CURB LINE IS A MINIMUM OF 6" AND A MAXIMUM OF 10" FROM THE EXTENSION OF THE FACE OF CURB.
7. CURB RAMPS SHALL MEET THE CURRENT ADA AND TEXAS ACCESSIBILITY STANDARDS FOR SLOPE AND DETECTABLE SURFACES.



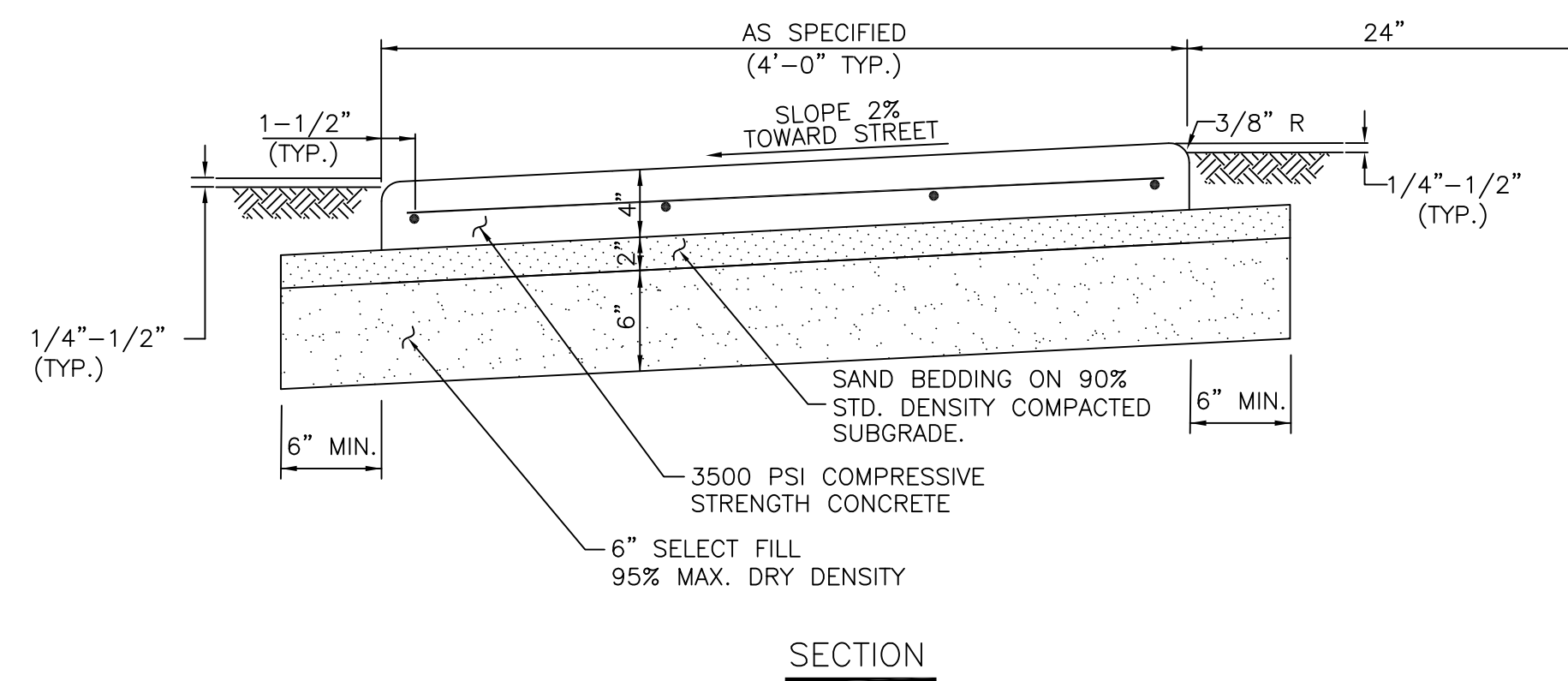
NOTES:

1. ALL SLOPES ARE MAXIMUM ALLOWABLE. THE LEAST POSSIBLE SLOPE THAT WILL STILL DRAIN PROPERLY SHOULD BE USED. ADJUST CURB RAMP LENGTH OR GRADE OF APPROACH SIDEWALKS AS DIRECTED.
2. LANDINGS SHALL BE 5' X 5' MINIMUM WITH A MAXIMUM 2% SLOPE IN ANY DIRECTION.
3. ADDITIONAL INFORMATION ON CURB RAMP LOCATION, DESIGN, LIGHT REFLECTIVE VALUE AND TEXTURE MAY BE FOUND IN THE CURRENT EDITION OF THE TEXAS ACCESSIBILITY STANDARDS (TAS) AND 16 TAC 96B.102.
4. SEPARATE CURB RAMP AND LANDINGS FROM ADJACENT SIDEWALK AND ANY OTHER ELEMENTS WITH AN EXPANSION JOINT UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
5. PROVIDE A SMOOTH TRANSITION WHERE THE CURB RAMPS CONNECT TO THE STREET.
6. CURB RAMPS SHALL MEET THE CURRENT ADA AND TEXAS ACCESSIBILITY STANDARDS FOR SLOPE AND DETECTABLE SURFACES.

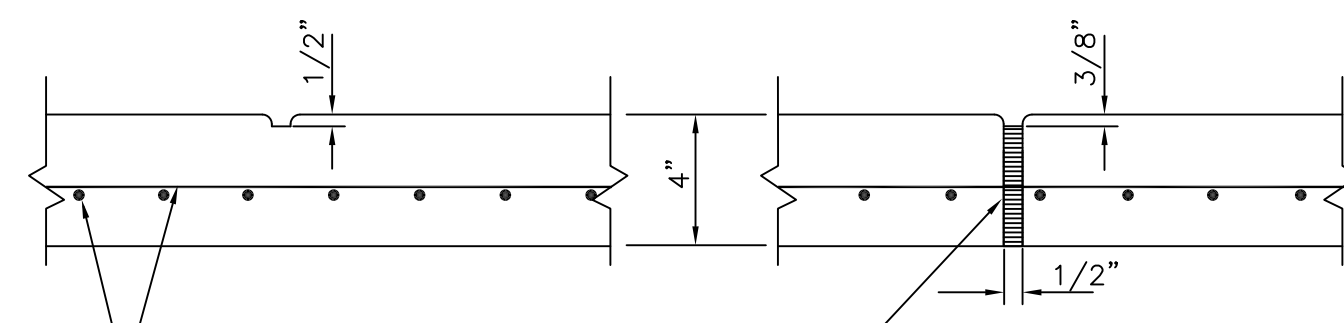
1 CURB RAMP



2 CUL-DE-SAC SIDEWALK

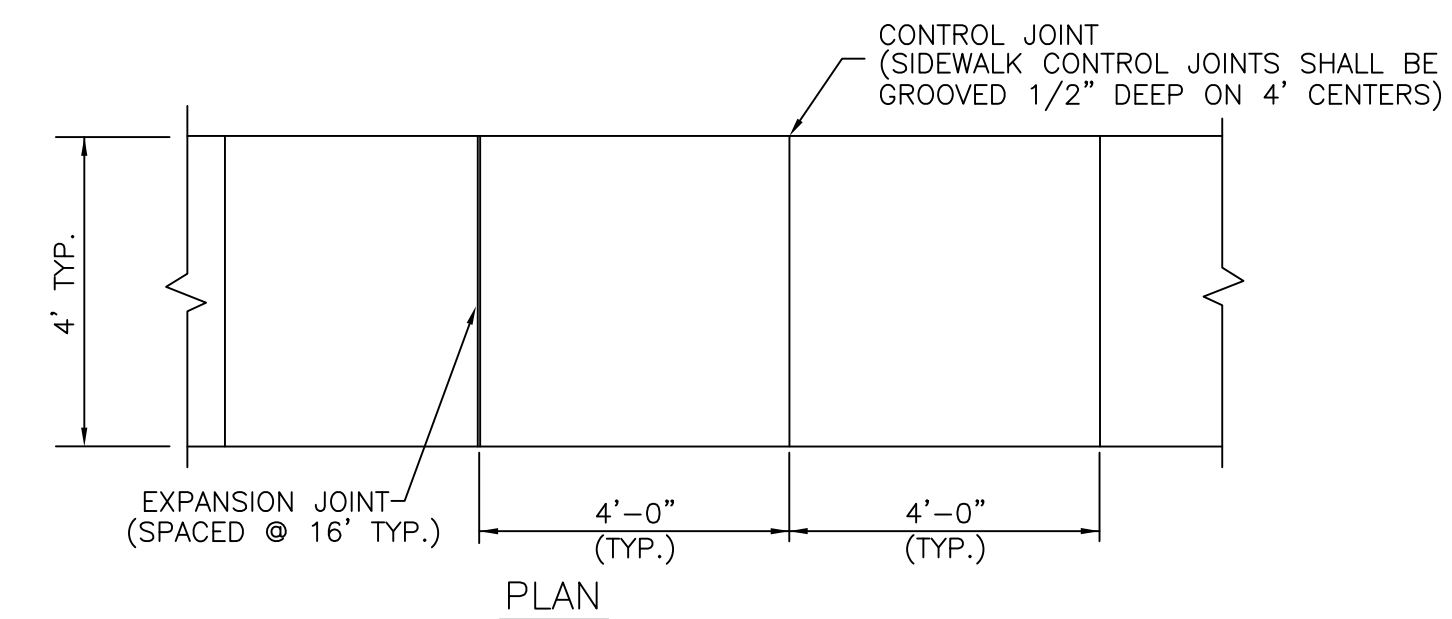


SECTION



CONTROL JOINT

EXPANSION JOINT



PLAN

NOTES:

1. ALL EDGES SHALL BE ROUNDED WITH 3/8" RADIUS.
2. CONTROL JOINTS SHALL BE SPACED AT INTERVALS SAME AS WIDTH OF SIDEWALK.
3. CONTROL JOINTS SHALL BE 1/2" DEEP AND TROWEL EDGE.
4. 1/2" EXPANSION MATERIAL REQUIRED WHERE SIDEWALKS ABUT BUILDINGS, CURBS, DRIVEWAYS, OR EXISTING SIDEWALKS.
5. EXPANSION JOINTS SHALL BE SPACED AT 16 FT. INTERVALS TYPICALLY.
6. WHERE NEW SIDEWALK IS PLACED AGAINST EXISTING SIDEWALK, SAWCUT EXISTING SIDEWALK FULL DEPTH TO AN EVEN STRAIGHT LINE PRIOR TO INSTALLATION OF THE NEW SIDEWALK.
7. ALL NEW SIDEWALK SHALL BE DOWELED INTO ADJACENT CONCRETE STRUCTURES.

NOTE:

1. ALL STREET LIGHTS ARE TO BE INSTALLED WITHIN ONE YEAR AFTER ACCEPTANCE OF SUBDIVISION BY CITY COUNCIL.
2. ALL INTERIOR STREETS WITHIN THE SUBDIVISION MAY HAVE SIDEWALKS INSTALLED BY THE HOMEOWNER. THE SIDEWALKS ON PERIMETER STREETS SHALL BE INSTALLED BY THE DEVELOPER. SIDEWALKS ON COLLECTOR AND THOROUGHFARE STREETS WILL BE A MINIMUM OF 6 FEET IN WIDTH.
3. ALL H.L.& P. UNDERGROUND CABLE WILL BE BURIED IN RIGID CONDUIT NOT LESS THAN ASTM-A-53 TYPE F GRADE A (DOMESTIC) PIPE, GALVANIZING ASTM-A-123. THIS CONDUIT IS TO BE USED WHEN PLACED UNDER ANY STREET OR DRIVEWAY CROSSING, WATER/SEWER EASEMENTS, OR IN ANY STREET RIGHT OF WAYS.

THIS DETAIL SHEET HAS BEEN PREPARED FOR USE ON STANDARD CITY OF PEARLAND PROJECTS. AN ENGINEER WHO INCORPORATES THE DETAILS ON THIS SHEET BECOMES RESPONSIBLE FOR ITS USE IN THE END PRODUCT IN ACCORDANCE WITH RULE 137.33 (b) AND (c) OF THE TEXAS STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS.



City of Pearland, Texas

STANDARD DETAILS

MISCELLANEOUS

Job No.:	Scale:	SHEET
Date: March 2014	HORZ: 1"=NONE	1
Dwn By:	VERT: 1"=NONE	3
Chkd By: A. Broughton	CAD FILE:	
	COP-MIS1	

3 CONCRETE SIDEWALK



Title VI Discrimination Complaint Form

This form may be used to file a complaint with the City of Pearland based on violations of Title VI of the Civil Rights Act of 1964. Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 days, you have 60 days after you became aware to file a complaint. Return the signed form to the City of Pearland, Projects Department, 3519 Liberty Drive, Pearland, Texas 77581 or by email to tepperson@pearlandtx.gov. If you need assistance completing this form, please call 281.652.1756.

Last Name		First Name	
Mailing Address		City	State
Telephone	Alternate Telephone	Email Address	
Please indicate the basis of your complaint: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Gender <input type="checkbox"/> Disability <input type="checkbox"/> Income			
Date(s) and place(s) alleged discriminatory action took place, including earliest date of discrimination and most recent date of discrimination:			
Name(s) of City Departments, Programs, and Individuals responsible for discriminatory action(s):			
Please explain as clearly as possible how you were discriminated against. Describe the nature of the action, decision, or conditions of the alleged discrimination. Include how you were treated differently from others based on your protected status.			
Names of persons (witnesses, others subjected to discrimination, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint:			
<u>Name</u>	<u>Phone</u>	<u>Email</u>	

Complainant's Signature

Date

Date Received _____	Office Use Only	By _____	<input type="checkbox"/> Internal <input type="checkbox"/> External
Notes: _____			