

TITLE VI PROGRAM

September 2021

THE HOUSTON-GALVESTON METROPOLITAN PLANNING AREA





RESOLUTION

APPROVING THE HOUSTON-GALVESTON AREA COUNCIL TITLE VI PROGRAM.

WHEREAS, pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.* ("the Act") and 49 CFR Part 21, the U.S. Department of Transportation (DOT), the Federal Transit Administration (FTA), and the Federal Highway Administration (FHWA) prohibit discrimination on the basis of race, color or national origin; and

WHEREAS, the Houston-Galveston Area Council intends that no person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of the agency's programs or activities, regardless of funding source; and

WHEREAS, as a recipient of federal funds, the Houston-Galveston Area Council is required to comply with the requirements of the Act and applicable implementing regulations; and

WHEREAS, the Houston-Galveston Area Council is required to update the Title VI Program every three years; and

WHEREAS, H-GAC is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities, and to the delivery of equitable and accessible transportation; and

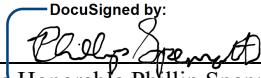
WHEREAS, the Houston-Galveston Area Council Board of Directors has considered and determined to approve the agency's Title VI program and policies, which includes a Language Assistance Plan; and

WHEREAS, the Board of Directors has authority to approve the H-GAC Title VI Program by resolution;

NOW, THEREFORE BE IT RESOLVED BY THE HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS:
That Houston-Galveston Area Council Title VI Program is hereby approved.

PASSED AND APPROVED this 21st day of September, 2021 at a regularly scheduled meeting of the Board of Directors of the Houston-Galveston Area Council.

APPROVED:

DocuSigned by:

The Honorable Phillip Spenrath
County Judge, Wharton County
H-GAC Chair

ATTEST:

DocuSigned by:

The Honorable Kenneth Clark
Commissioner, Galveston County
H-GAC Vice Chair

TITLE VI PROGRAM

Background

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity administered by recipients of Federal financial assistance. Discrimination includes the denial of meaningful access for persons with limited proficiency in the English language. As a condition for receiving Federal financial assistance, the Federal Transit Administration and the Federal Highway Administration require H-GAC to update its Title VI Program every three years. The triennial update to the Title VI Program serves as evidence that the agency is in full compliance with the U.S. Department of Transportation's Title VI nondiscrimination regulations.

Current Situation

H-GAC's Title VI Program includes:

- Non-discrimination policy statement;
- Notice to the public of their rights under the Title VI statute;
- Public Participation Plan;
- Plan to accommodate persons with limited English communication skills;
- Updated demographic profile of the region;
- Description of Environmental Justice provisions;
- Measures to assess regional equity in the impact of transportation; and
- Procedures for the submission and resolution of Title VI complaints.

A public comment process was conducted between July 12, 2021 and August 11, 2021, with two virtual public meetings on July 22, 2021. Public comments and responses are available at the following website. Upon approval by the Board, the Title VI document will be submitted to TxDOT, FHWA, and the FTA. The full document can be found on the H-GAC website at: h-gac.com/title-vi-program.

Funding Source

Federal Funds

Budgeted

Yes

Action Requested

Request approval of the H-GAC's Title VI Program. (Staff Contact: Craig Raborn)

ATTACHMENTS:



AGENDA
HOUSTON-GALVESTON AREA COUNCIL
BOARD OF DIRECTORS MEETING
September 21, 2021 10:00 AM
3555 Timmons Lane, Conference Room 2B
Houston, TX 77027

Zoom: https://us06web.zoom.us/webinar/register/WN_nsOA_JvdRkObevwXMM4NXA

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. SPECIAL PRESENTATIONS
 - a. CONGRESSWOMAN LIZZIE FLETCHER – THE IMPORTANCE OF INFRASTRUCTURE

Congresswoman Lizzie Fletcher, TX-7, will provide an update on the proposed Infrastructure legislation. For information only. No action requested.
 - b. OFFICE OF THE TEXAS ATTORNEY GENERAL – GLOBAL OPIOID SETTLEMENT

For information only. No action requested. (Staff Contact: Chuck Wemple)
4. PUBLIC COMMENT – Members of the public may participate by registering to attend onsite; by sending comments to BoardPublicComments@h-gac.com; by joining online via our website; or by dialing 1-877-853-5247 or 1-888-788-0099 (Meeting ID 834 4587 2100; Participant ID 480569; Passcode 011717)
5. DECLARE CONFLICTS OF INTEREST

ACTION

6. CONSENT AGENDA

Items listed are of a routine nature and may be acted on in a single motion unless requested otherwise by a member of the Board.

- a. H-GAC BOARD MEETING MINUTES – AUGUST 17, 2021

Request approval of the minutes of the August 17, 2021 H-GAC Board Meeting. (Staff Contact: Rick Guerrero)
- b. HGACBUY – ALL HAZARDS PREPAREDNESS, PLANNING, CONSULTING, AND RECOVERY SERVICES

Request authorization to negotiate a contract with each respondent listed in the Contract Award Recommendation Table for all hazards preparedness, planning, consulting, and recovery services. (Staff Contact: Ronnie Barnes)
- c. FISCAL YEAR 2022 – INTERLOCAL COOPERATION AGREEMENT WITH THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE

Request authorization to contract with the Office of the Governor, Public Safety Office in the amount of \$335,140. (Staff Contact: Larry Smith)
- d. REGIONAL AERIAL AND REMOTE SENSING DATA

Request authorization to extend the current aerial imagery contract for an

additional two years with Surdex Corporation to deliver digital aerial imagery data products and services for a total amount of \$951,000. (Staff Contact: Tanya Nguyen)

e. AGENCY CLOUD MIGRATION CONSULTANT

Request authorization to negotiate a contract with the recommended proposers in order ranked for the planning, analysis, and development of H-GAC cloud migration strategy and roadmap in the amount of \$240,000. (Staff Contact: Tanya Nguyen)

f. WORKFORCE SOLUTIONS ENTERPRISE ZOOM MEETING LICENSES

Request approval to purchase 500 meeting and 20 webinar licenses with CDW for a one year prepay of total contract amount of \$93,750. (Staff Contact: Tanya Nguyen)

g. WORKFORCE SYSTEM WEBSITE CONTRACT

Request approval to renew vendor agreement with the Ingenuix Corporation to continue managing the Workforce Solutions website in the amount of \$87,000. (Staff Contact: Mike Temple)

h. WORKFORCE SYSTEM CONTRACT ONLINE APPLICATION

Request approval to contract with Ingenuix Corporation for programming updates to the online financial aid application and participation in the 30-hour monthly website development service; combined total is \$62,750. (Staff Contact: Mike Temple)

i. CARES ACT LOAN FUNDING

Request authorization to execute contract with the Economic Development Administration on behalf of the Gulf Coast Economic Development District; total amount of \$1,121,000. (Staff Contact: Ronnie Barnes)

j. OST/PALM CENTER LIVABLE CENTERS STUDY

Request authorization to contract with firms in order ranked to conduct Livable Centers Study for the Greater Southeast Management District; total amount of \$241,680. (Staff Contact: Jeff Taebel)

k. TITLE VI PROGRAM

Request approval of the H-GAC's Title VI Program. (Staff Contact: Craig Raborn)

l. TOW AND GO PROGRAM – AGREEMENT WITH HARRIS COUNTY

Request authorization to enter into interlocal agreements with Harris County in the amount of \$6,548,000 for the Tow and Go Program. (Staff Contact: Craig Raborn)

m. CLEAN VEHICLES AND HEAVY-DUTY DIESEL REPLACEMENT ASSISTANCE AGREEMENT

Request authorization of agreements for the acquisition of one new truck in the amount of \$178,255. (Staff Contact: Craig Raborn)

7. FINANCE AND BUDGET COMMITTEE

Report on activities and Committee recommendations.

a. MONTHLY FINANCIAL REPORT – AUGUST 2021

Request approval of the monthly financial report ending August 31, 2021. (Staff

Contact: Nancy Haussler)

8. HUMAN SERVICES
 - a. WORKFORCE AGREEMENT – HOUSTON HOUSING AUTHORITY

Request approval to enter into an interlocal agreement with Houston Housing Authority for workforce development services in the amount of \$540,000 for the grant period of 54 months. (Staff Contact: Mike Temple)
 - b. WORKFORCE PAYROLL CONTRACT

Request authorization to renew the contract with ProSource Solutions Inc. through September 30, 2022, for up to \$2,025,000 in funding for work experience services to 700 individuals with disabilities. (Staff Contact: Mike Temple)
9. COMMUNITY AND ENVIRONMENTAL PLANNING
 - a. REGIONAL BROADBAND ACTION PLAN

Request approval to apply for a grant to develop a Regional Broadband Market Analysis & Feasibility Study for an amount of \$550,000. (Staff Contact: Jeff Taebel)
 - b. CONTRACT WITH TEXAS GENERAL LAND OFFICE

Request authorization to negotiate a contract with the Texas General Land Office to develop the Method of Distribution for a total amount of \$105,400. (Staff Contact: Jeff Taebel)
10. PLANS AND PROJECTS REVIEW COMMITTEE
 - a. SPRINT FORT BEND COUNTY LANDFILL

Request the project be found consistent with comments with plans, policies and H-GAC review criteria. (Staff Contact: Erin Livingston)
 - b. DIESEL EMISSION REDUCTION GRANTS PORT HOUSTON CLEAN DIESEL GRANT APPLICATION

Request that the project proposed by Port Houston for \$8,400,000 be found consistent with plans, policies, and H-GAC review criteria. (Staff Contact: Craig Raborn)
11. WATER RESOURCES COMMITTEE
 - a. WATER RESOURCES COMMITTEE UPDATE

Request approval of Water Resources Committee to H-GAC Priority Flood Mitigation Projects List. (Staff Contact: Jeff Taebel)
12. H-GAC ADVISORY COMMITTEE APPOINTMENTS
 - a. H-GAC 2021 ADVISORY COMMITTEE APPOINTMENTS

Request approval of appointments to H-GAC advisory committees. (Staff Contact: Rick Guerrero)
- INFORMATION**
 13. SPECIAL COMMITTEE ON H-GAC BOARD COMPOSITION
 - a. SELECT COMMITTEE REPORT – H-GAC BOARD COMPOSITION

Report from Special Committee on H-GAC Board Composition. No action requested. For information only. (Contact: Chair, Commissioner Adrian Garcia)

14. EXECUTIVE DIRECTOR'S REPORT

a. H-GAC SPOTLIGHT – IMPROVING RADIO COMMUNICATIONS IN THE REGION

No action requested. For information only. (Staff Contact: Justin Riley)

b. CURRENT AND UPCOMING H-GAC ACTIVITIES

Report on current and upcoming H-GAC activities. (Staff Contact: Chuck Wemple)

15. ADJOURNMENT

In compliance with the Americans with Disabilities Act, H-GAC will provide for reasonable accommodations for persons attending H-GAC functions. Requests should be received by H-GAC 24 hours prior to the function.

HOUSTON-GALVESTON AREA COUNCIL

TITLE VI PROGRAM

Adopted September 21, 2021

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HOUSTON-GALVESTON AREA COUNCIL

PO Box 22777 • 3555 Timmons Ln. • Houston, Texas 77227-2777• 713/627-3200

Title VI Policy Statement

The Houston-Galveston Area Council (H-GAC) as a recipient of federal financial assistance assures that, in keeping with Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, no person shall, on the grounds of their race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any agency-sponsored program or activity, regardless of whether those programs and activities are federally funded or not.

In the event that H-GAC distributes federal financial aid funds to a subrecipient, H-GAC will include Title VI nondiscrimination language in all written agreements and will monitor those subrecipients for compliance as and when required.

A handwritten signature in black ink, appearing to read "John" or "J.W.", is placed over a horizontal line.

09/22/2021

H-GAC Executive Director

Date

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CHAPTER I

BACKGROUND AND PURPOSE

1.1 INTRODUCTION

The Houston-Galveston Area Council (H-GAC) is a voluntary association of local governments located in the upper Texas Gulf Coast region. The Council of Governments functions as the Regional Planning Commission for a thirteen-county service area that is home to a rapidly growing and culturally diverse community of just over 7 million residents.¹ H-GAC also serves as the Metropolitan Planning Organization (MPO) for a core of 8 of those counties: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller County. The overarching mission of the agency is to foster the efficient and accountable use of local, state, and federal tax dollars for the orderly development of the region and to serve as a forum for addressing the problems and needs of its member governments.

In fulfilling its mandate as MPO, H-GAC works collaboratively with public as well as with private non-governmental partners in a continuing, cooperative, and comprehensive process to improve mobility, promote regional economic growth, protect the environment, and enhance the quality of life and welfare of all its citizens. These goals and objectives are reflected in the multi-modal transportation plans, programs and activities that guide the near and long-term actions of the organization, and shape and impact the regional community.

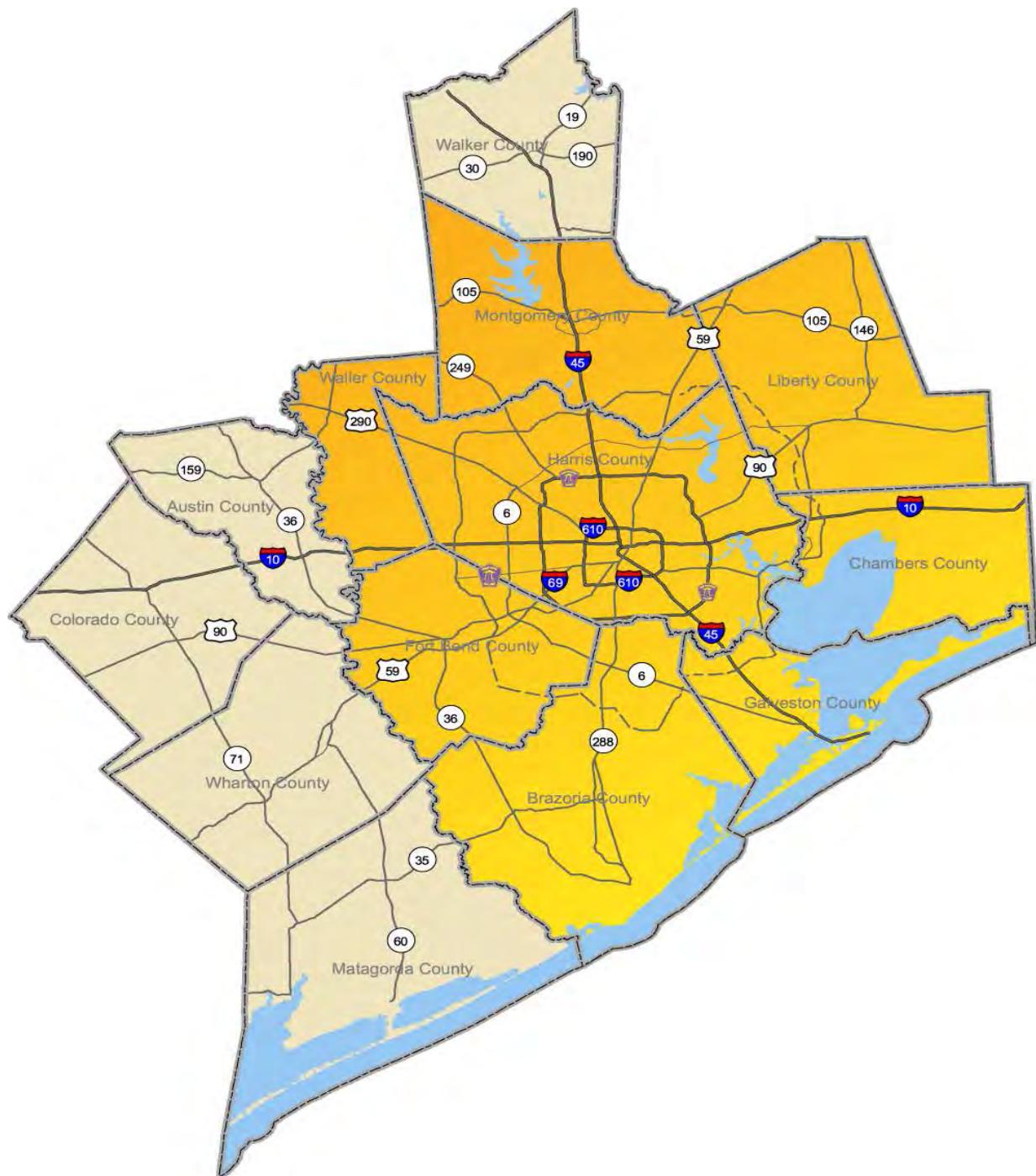
1.2 BACKGROUND

The Civil Rights Act of 1964

The Civil Rights Act of 1964 (42 U.S.C § 2000d *et seq.*) is the foundation for most federal regulations and mandates that govern nondiscrimination in federal activities. Title VI of the Act proscribes discrimination against persons based on their race, color, or national origin. The Act states: "No Person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

¹ According to the U.S. Census Bureau 2015-2019 American Community Survey 5-Year Estimates, the population of the thirteen counties served by the Council of Governments is 7,053,035.

Map 1: The H-GAC Planning Region showing the Eight TMA Counties



The Title VI statute is bolstered by Presidential Executive Order 13166: "Improving Access to Service for Persons with Limited English Proficiency." This Order requires federal agencies and federal-aid funding recipients to implement measures that make their programs and services accessible to persons with limited proficiency in the English language (LEP). The nexus between Executive Order 13166 and Title VI is that being limited in the ability to read, speak, or understand English competently is often directly correlated with one's race, color, or national origin.

The Environmental Justice Order

The principle of Environmental Justice has its legal foundations in the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution which articulates a fundamental right to be free from institutional discrimination. Years after the enactment of Title VI, President Bill Clinton signed Executive Order 12898: "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"² in response to concerns about pervasive discriminatory practices by governmental entities which disproportionately burdened minority and low-income communities, adversely impacting human health, degrading environmental quality and destroying social cohesion within their neighborhoods. The executive order expands the nondiscrimination focus of Title VI by requiring federal agencies to make achieving environmental justice a part of their core mission.

The U.S. Department of Transportation (DOT) defines Environmental Justice as "the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level with respect to the development, implementation and enforcement of environmental laws, regulations and policies." Environmental justice is inextricably linked with broader social justice concerns. The directive requires the fair and equitable treatment of the disadvantaged population which includes not imposing a disproportionate amount of the cost of development on the underserved population and providing them with a meaningful opportunity to participate in the planning discourse. The DOT final Environmental Justice Order declared three fundamental principles which concisely articulate procedural and substantive guidelines for achieving environmental justice:

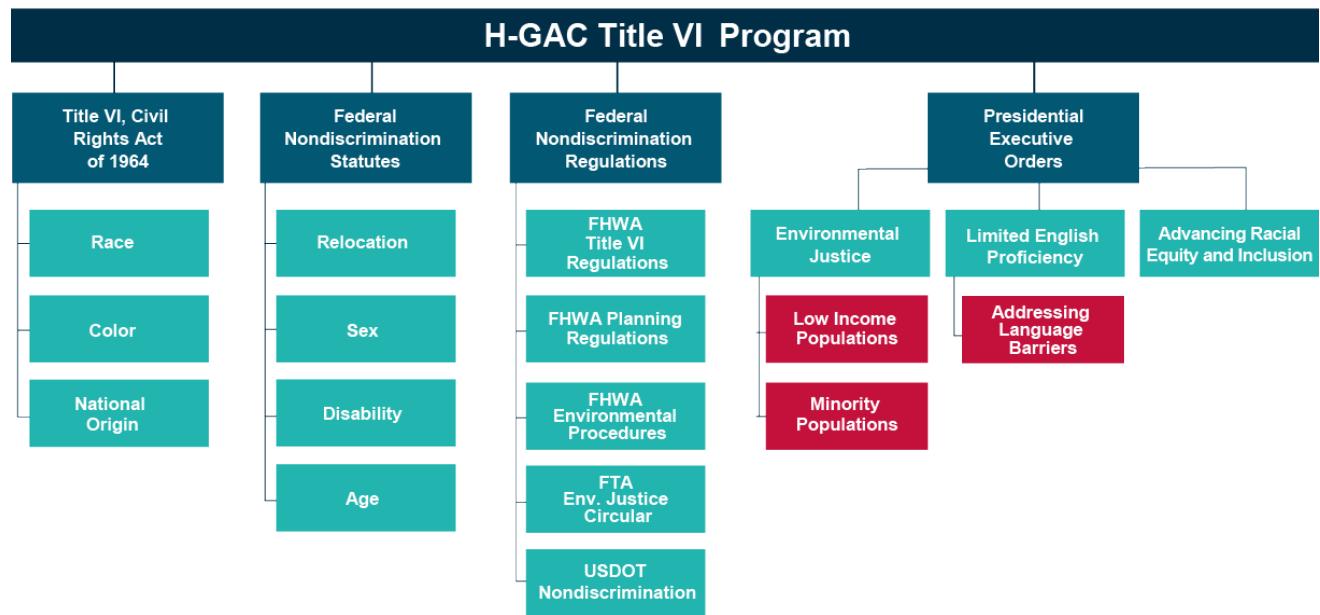
² Presidential Executive Order 12898 was issued on February 11, 1994.

- a. Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- b. Ensure full and fair participation by all potentially affected communities in the transportation decision-making process; and
- c. Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

These three principles are the most often cited expression of the core objectives of environmental justice and describe a succinct pathway to implementing the vision of EO 12898.

Although the non-discrimination principles of Executive Order 12898 overlap with the Title VI statute, they remain two separate mandates with different requirements and reaches. Only environmental justice addresses protection for the low-income population – an unequivocal reference to the importance of social class. However, H-GAC's Title VI *Program* is distinguished from and broader than the Title VI *statute* and encompasses several non-discrimination laws – including Executive Order 12898 and Executive Order 13166. A list of the pertinent legal authorities and regulations are listed below.

Figure 1: Non-Discrimination Authorities in the Title VI Program



FEDERAL ANTI-DISCRIMINATION LAWS AND REGULATIONS

In carrying out the mission and directives of Title VI and Environmental Justice, the DOT, FTA and FHWA have each issued policy statements and guidance for their agencies and subrecipients. Several federal statutes and implementing regulations are interlaced to define the umbrella of the Title VI Program. Some of the prominent nondiscrimination authorities include:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. § 2000d *et seq.*)

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin and forbids the unequal treatment of protected persons in opportunities to participate or receive benefits through activities and programs that receive Federal financial assistance.

- **Uniform Relocation Act of 1970** (42 U.S.C. § 4601)

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) applies when actions undertaken by federal agencies or entities that receive federal financial assistance cause the temporary or permanent displacement of persons from their property. The Uniform Act requires that all groups of people should be treated uniformly and fairly in any residential relocations resulting from the exercise of eminent domain pursuant to a federal-aid program or project.

- **Federal-Aid Highway Act of 1973** (23 U.S.C. § 324 *et seq.*)

The Federal-Aid Highway Act of 1973 prohibits discrimination on the basis of sex in programs receiving Federal financial assistance.

- **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. § 794 *et seq.*)

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in programs conducted by federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors.

- **Age Discrimination Act of 1975** (42 U.S.C. § 6101 *et seq.*)

The Age Discrimination Act of 1975 prohibits discrimination against an individual based on their age in programs and activities that receive federal financial assistance. The Act protects persons of all ages, young and old, from disparate treatment except where age bears a direct and substantial relationship with the normal operations or the

achievement of a program's statutory goals. The law does not apply where it can be shown that any disparate treatment is based on a reasonable factor other than age.

- **Civil Rights Restoration Act of 1987** (PL 100 – 209)

The Civil Rights Restoration Act of 1987 expands the interpretation of Title VI by establishing that the non-discrimination restrictions pertain to *all* programs and activities of federal aid recipients, subrecipients, and contractors, and not only those programs and activities that directly receive federal financial support. Because of this Act, MPOs and local governments that receive federal funds for any of their projects must comply with Title VI in the performance of programs and activities that are entirely State or locally funded.

- **Titles II and III Americans with Disabilities Act of 1990** (42 U.S.C. §§ 12131 -12189)

The Americans with Disabilities Act of 1990 (ADA) prohibits public entities from discriminating against people with disabilities or implicitly excluding them from participation in the services, programs, or activities provided by the entity. The Act broadens the Rehabilitation Act by extending its application to include entities that do not receive federal funds.

- **Executive Order 12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

Ensures non-discrimination against minority populations and low-income populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on these protected classes.

- **Executive Order 13166:** Improving Access to Services for Persons with Limited English Proficiency

This executive order requires Federal agencies to develop reasonable accommodations through which persons who are limited in their ability to communicate in the English language have meaningful access to agency programs and can participate in opportunities for public involvement.

- **Title IX of the Education Amendments Act of 1972** (20 U.S.C. 1681 *et seq.*)

Title IX prohibits discrimination on the basis of sex in education programs or activities.

- **Executive Order 13985:** Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

Signed by President Biden on January 20, 2021, this order articulates a goal by the Federal government to promote equity for the traditionally underserved populations in the access to economic opportunities and benefits, and to ensure that the programs and activities of Federal agencies are open and inclusive to groups of persons who may be distinguished by their race, color, religion, disability, geographical locations, social class, and lifestyle choices. Among other things, the executive order calls attention to the needs of the rural areas.

- **49 CFR Part 21:** Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964

Expressing the US DOT's program to achieve nondiscrimination pursuant to Title VI of the Civil Rights Act of 1964

- **23 CFR Part 200:** Title VI Program and Related Statutes – Implementation and Review Procedures

FHWA's Title VI/Nondiscrimination Regulation

- **28 CFR Part 50.3:** Guidelines for the Enforcement of Title VI, Civil Rights Act of 1864

U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964 Title VI/Nondiscrimination Regulation

- **Texas Administrative Code §9.4:** Texas Department of Transportation's Civil Rights – Title VI compliance

1.3 PURPOSE

Title VI and the H-GAC Planning Program

This 2021 triennial update to H-GAC's Title VI Program follows the outline of requirements detailed in the FTA Circular 4702.IB and also incorporates the pertinent information needed to support the agency's self-certification of compliance with Title VI to the FHWA – through the Texas Department of Transportation (TXDOT). The report assures of a continuous effort by the agency to conduct a planning program that is inclusive and responsive to the needs of all the residents of the regional community, including the underserved. The 2021 Title VI triennial Houston-Galveston Area Council - Title VI Program

update further serves as one of several guides to facilitate the integration of DOT Title VI regulations (49 CFR part 21) into the agency's programs and activities.

Following are descriptions of how the H-GAC, in its capacity as MPO, is implementing Title VI to ensure that no person or groups of persons are discriminated against on the basis of their race, color, or national origin.

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CHAPTER 2

GENERAL REQUIREMENTS

2.1 TITLE VI CERTIFICATIONS AND ASSURANCES

Federal funding agencies require entities applying for financial assistance to enter into standard agreements or to provide written assurances that the recipient will comply with the funding agency's implementing regulations – including nondiscrimination under Title VI. Applications for federal financial assistance must be accompanied by an executed assurance that the funds would be administered in compliance with Title VI nondiscrimination regulations.

As required by DOT regulations, the Houston-Galveston Area Council executes the Annual FTA Assurances when the agency has an active application for financial assistance through the FTA. The Annual FTA Assurances are filed electronically and by hard copy on the TrAMS grant making system. The agency also executes the DOT Standard Title VI/Non-Discrimination Assurances on a triennial basis. Title VI Certifications and Assurances most recently executed by the agency are included below.

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**FEDERAL FISCAL YEAR 2021 CERTIFICATIONS AND ASSURANCES FOR FTA
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: HOUSTON-GALVESTON AREA COUNCILThe Applicant certifies to the applicable provisions of categories 01–21. X*Or,*

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	_____
02 Public Transportation Agency Safety Plans	_____
03 Tax Liability and Felony Convictions	_____
04 Lobbying	_____
05 Private Sector Protections	_____
06 Transit Asset Management Plan	_____
07 Rolling Stock Buy America Reviews and Bus Testing	_____
08 Urbanized Area Formula Grants Program	_____
09 Formula Grants for Rural Areas	_____
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	_____
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	_____

Certifications and Assurances

Fiscal Year 2021

12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs _____

13 State of Good Repair Grants _____

14 Infrastructure Finance Programs _____

15 Alcohol and Controlled Substances Testing _____

16 Rail Safety Training and Oversight _____

17 Demand Responsive Service _____

18 Interest and Financing Costs _____

19 Construction Hiring Preferences _____

20 Cybersecurity Certification for Rail Rolling Stock and Operations _____

21 Tribal Transit Programs _____

FEDERAL FISCAL YEAR 2021 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE**PAGE**

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2021)

AFFIRMATION OF APPLICANT**HOUSTON-GALVESTON AREA COUNCIL**

Name of the Applicant: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2021, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2021.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to

Certifications and Assurances

Fiscal Year 2021

FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature:

Date: 09/23/2021

Name:

CHUCK WEMPLE, EXECUTIVE DIRECTOR

Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Houston-Galveston Area Council

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA-assisted Award.

Signature:

Date: 9/23/21

Name:

Kathleen Ellison

Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TraMIS, provided the Applicant has on file and uploaded to TraMIS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision. Refer to FTA's accompanying Instructions document for more information.

Text in italics is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, "Audit Requirements", as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
- (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
- (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a sub-recipient from:
- (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget's standard form 424D "Assurances—Construction Programs" and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.324, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.326 "Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant's exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant's principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies that, to the maximum extent possible, and consistent with the Consolidated Appropriations Act, 2021 (Public Law 116–260):

- (a) Funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA's state safety oversight programs, and each State that is required to draft and certify a public transportation agency safety plan on behalf of a small public transportation provider pursuant to 49 CFR § 673.11(d). This certification is required by 49 CFR § 673.13.

This certification does not apply to any applicant that receives financial assistance from FTA exclusively under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs.

If the applicant is an operator, the applicant certifies that it has established a public transportation agency safety plan meeting the requirements of 49 CFR Part 673.

If the applicant is a State, the applicant certifies that:

- (a) It has drafted a public transportation agency safety plan for each small public transportation provider within the State, unless the small public transportation provider provided notification to the State that it was opting-out of the State-drafted plan and drafting its own public transportation agency safety plan; and
- (b) Each small public transportation provider within the state has a public transportation agency safety plan that has been approved by the provider's Accountable Executive

(as that term is defined at 49 CFR § 673.5) and Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. E, title VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or

an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other

use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act ("TIFIA") (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for

Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;
- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least

- 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
- (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
- (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
- (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
- (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
- (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award,
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants) or subsection (b) (competitive grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3) and (b)(6), respectively.

If the applicant, regardless of whether it is in an urbanized or rural area, will apply for an award under subsection (c) (low or no emission vehicle grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(c)(3).

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, this certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4).

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent

transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act ("TIFIA") Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks ("SIB") Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(a).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA's Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA's regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 659.43, 672.31, and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 659, "Rail Fixed Guideway Systems; State Safety Oversight";
- (b) Compliant with the requirements of 49 CFR Part 672, "Public Transportation Safety Certification Training Program"; and
- (c) Compliant with the requirements of 49 CFR Part 674, "State Safety Oversight".

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), "flex funds" from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CONSTRUCTION HIRING PREFERENCES.

If the applicant will ask FTA to approve the use of geographic, economic, or any other hiring preference not otherwise authorized by law on any contract or construction project to be assisted with an award from FTA, it must make the following certification. This certification is required by the Consolidated Appropriations Act, 2021, Pub. L. 116-260, div. L, title I, § 199(b).

The applicant certifies the following:

- (a) That except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;
- (b) That the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and
- (c) That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

CATEGORY 20. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 21. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).

Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing.

Tribal Transit Program applicants may certify to this Category and Category I (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 200, for Awards made on or after December 26, 2014,
 - (2) It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
 - (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
 - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

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The United States Department of Transportation (USDOT)
Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The Houston-Galveston Area Council (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the United States Department of Transportation through the Federal Highway Administration and the Texas Department of Transportation, it is subject to, and will comply with the following:

Statutory and Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (78 stat. 252; 42 U.S.C. § 2000d *et seq.*), (Prohibits discrimination on the basis of race, color, national origin);
- 49 CFR Part 21 (Entitled Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964); and
- 28 CFR. section 50.3 (United States Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites are hereinafter referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the United States Department of Transportation, through the Federal Highway Administration and the Texas Department of Transportation.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

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

1. The Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of 49 CFR § 21 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 Acts and the Regulations.
2. The Recipient shall insert the following notification in all Solicitations for Bids and Requests for Proposals for work or material subject to the Acts and the Regulations and made in connection with Department of Transportation programs administered by the Recipient; and in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Houston-Galveston Area Council, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient shall include the clauses of Appendix A of these Assurances in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient shall insert the clauses of Appendix B of these Assurances, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, 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 Recipient shall insert the clauses set forth in Appendix C of this Assurance as a covenant running with the land in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under programs administered the Recipient, and
 - b. for the construction or use of, or access to space on, over, or under real property acquired or improved under programs administered the Recipient.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property, or an interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom they delegate specific authority to give reasonable guarantee that it, other recipients, subrecipients, subgrantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for obtaining any Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date hereof to the Recipient by the United States Department of Transportation, through the Federal Highway Administration and the Texas Department of Transportation, under all Programs administered by the Recipient. This ASSURANCE is binding on the Recipient, other recipients, subrecipients, subgrantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in Recipient's Programs. The person whose signature appears below is authorized to sign this ASSURANCE on behalf of the Recipient.



Chuck Wemple, Executive Director
Houston-Galveston Area Council

09/22/2021

Date

APPENDIX A

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

1. **Compliance with Regulations:** The contractor shall comply with the Acts and the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation and Federal Highway Administration as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, 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 directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Acts, the Regulations, and 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 Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor shall so certify to the Recipient or Texas Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the Texas Department of Transportation may determine to be appropriate, including, but not limited to:
 - (a). withholding payments to the contractor under the contract until the contractor complies; and/or
 - (b). cancelling, terminating, or suspending the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor shall take action with respect to any subcontract or procurement as the Recipient or Texas

Department of Transportation may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may also request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses shall be inserted in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States:

[GRANTING CLAUSE]

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

[HABENDUM CLAUSE]

TO HAVE AND TO HOLD said lands and interests therein unto 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 will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed, and
- (2) that Recipient shall use the lands and interests in lands so conveyed in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and
- (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction.

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for themselves, their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land" that:
 - (1). In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the Recipient shall have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the Recipient shall have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities shall thereupon revert to, vest in, and become the absolute property of the Recipient and its assigns.

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

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) themselves, their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that
 - (1) no person on the ground of race, color, or national origin 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.]

- B. 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.]

- C. 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.

2.2 ADMINISTRATION OF THE TITLE VI PROGRAM

H-GAC's Title VI Program is implemented under the oversight of the Title VI Coordinator and assisted by several H-GAC staff liaisons. This section describes the framework of the Title VI Program and outlines the roles played by staff who help to implement the nondiscrimination mandates of the Title VI Statute and its related Orders and Regulations.

(a) Coordination and Administration

The Assistant Director of the Metropolitan Planning Organization (Transportation Department) is designated Title VI Coordinator and the official respondent for all legal process related to Title VI. Under the supervision of the Houston-Galveston Area Council Executive Director, the Title VI Coordinator provides oversight to the administration and development of the Title VI Program. The Title VI Coordinator works to ensure there is a demonstrated commitment on the part of administration to enforce Title VI and is responsible for the overall Title VI program implementation. The Coordinator has the authority and responsibility to implement the Title VI program by:

- Ascertaining that agency operations comply with Title VI requirements;
- Receiving service of process for Title VI lawsuits filed against the agency;
- Addressing Title VI complaints received by the agency in accordance with defined procedures and ensuring that the complaints are processed, investigated, and resolved in a fair and timely manner;
- Discussing significant Title VI implementation issues and challenges with the Executive Director and staff liaisons, as necessary;
- Periodically reviewing the Title VI progress and making recommendations on how the agency can better serve the communities of concern; and
- Integrating best practices and constructive feedback from staff liaisons into the Title VI program.

Figure 2 shows the relative position of the Assistant Director of the Metropolitan Planning Organization (Transportation Department) in the organizational structure of the agency.

(b) Communication Services and Public Outreach

The Communications Manager leads the effort to provide timely and culturally competent information to the general public, including those persons protected under Title VI. Measures taken to comply with Title VI requirements through communication services include:

- Maintaining a Public Participation Plan (PPP) and a Language Assistance Plan (LAP) that meet Title VI requirements and are appropriate for the MPO region;
- Ensuring that a Title VI Notice to the Public is posted in all appropriate public spaces within the agency and on the agency website;
- Maintaining a mailing list of Title VI stakeholders, including non-profit agencies, community organizations, faith-based groups, and advocates;
- Disseminating timely and culturally competent notices of public outreach events and public meetings to the Title VI stakeholders to keep them informed of opportunities for involvement in the planning process;
- Notifying affected protected groups of the availability of translation and interpreter services in public meetings and outreach events;
- Maintaining a list of staff members and external sources who can provide translation and interpreter services;
- Connecting bi-lingual staff with members of the public who need language assistance;
- Assessing and improving the strategies and resources available to assist people with limited English proficiency (LEP); and
- Facilitating meaningful access by the LEP population by translating vital documents and informational materials into other languages widely spoken by area residents.

(c) Demographic Data Collection and Mapping Analysis

Demographic data collection and mapping analysis related to Title VI is performed by H-GAC transportation planning staff. The Title VI demographic data and mapping liaisons facilitate Title VI compliance by:

- Collecting and analyzing demographic data for the planning region, including demographic trends data related to the communities of concern;
- Developing and updating demographic maps of the region, indicating the locations of the communities of concern;
- Obtaining data related to transportation projects and proposed investments as defined by the Long-Range Transportation Plan and the Transportation Improvement Plan;
- Collaborating with other transportation planners and outreach staff to collect and analyze information related to the transportation needs of the underserved population;
- Assessing potential impacts of transportation investments on the protected population, including transportation equity evaluations; and

- Facilitating the reporting of the agency's Title VI compliance.

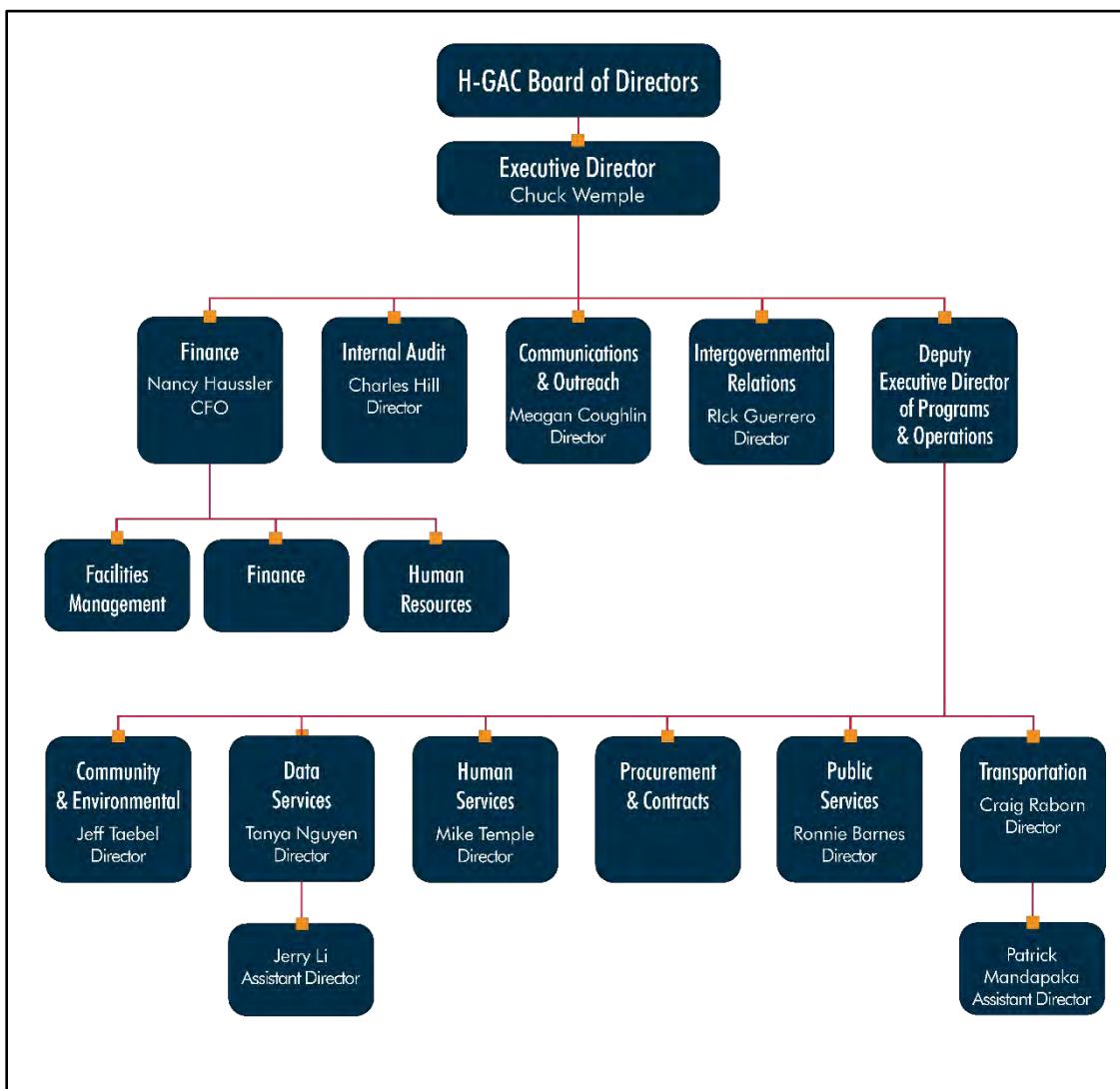
(d) Procurement Control and Contract Administration

The MPO's procurement and financial staff ensure that RFP respondents, subrecipients, and contractors ("Third Party Participants") are informed that they must agree to comply with federal non-discrimination laws as a condition to contracting with H-GAC. Contract administration performed by H-GAC project managers includes compliance monitoring. Title VI compliance through procurement control and contract administration involves:

- Including Title VI language in public postings of RFP and RFQ notices, as required;
- Including Title VI language in contracts and procurement documents;
- Obtaining executed Title VI certifications and assurances from subrecipients and contractors;
- Complying with the Disadvantaged Business Enterprise requirements specified in the agreement with the Texas Department of Transportation (TxDOT), including the submission of periodic DBE reports on all active contracts;
- Maintaining information on Title VI requirements for contractors and subrecipients on the agency website; and
- Periodic on-site visits to subrecipients as needed, or after the filing of a Title VI complaint.

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Figure 2: Organizational Chart of the H-GAC Administration
(See Addendum with Updated Organizational Chart at Page 213)



2.3 TITLE VI NOTICE TO THE PUBLIC

H-GAC is required to post a notice that informs the public about the agency's obligations under DOT Title VI regulations. The notice must describe the protections against discrimination afforded the public by Title VI and demonstrate that the agency complies with the federal non-discrimination regulations. H-GAC's Title VI notice is posted for public information in the following places:

- At the entrance to the H-GAC office building at 3555 Timmons Lane, Houston TX 77027;
- On all publicly accessible notice boards within the H-GAC office building;
- On the H-GAC website at <https://www.h-gac.com/title-vi-program>

The Title VI notice to the public is provided in English and additionally in the three languages other than English that are most widely spoken by the area residents - Spanish, Mandarin Chinese, and Vietnamese. A copy of the multi-lingual notice is provided in this document as Attachment 1. The English text of the Title VI notice is provided in Figure 3 below.

Figure 3: H-GAC Title VI Notice to the Public in English

TITLE VI - KNOW YOUR RIGHTS

Notifying the Public of Rights Under Title VI Houston-Galveston Area Council

- The Houston-Galveston Area Council (H-GAC) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with H-GAC.
- For more information on H-GAC's civil rights program and the procedures to file a complaint, contact (713) 627- 3200; email title.vi.coordinator@h-gac.com; or visit our administrative office at 3555 Timmons Lane, Houston, TX 77027. For more information, visit www.h-gac.com.
- A complainant may file a complaint with:

**Federal Transit Administration Office of Civil Rights
Attention: Title VI Civil Rights Officer
819 Taylor Street, Rm 8A36
Fort Worth, TX 76102**

- If information is needed in another language, contact (713) 627-3200.

2.4 FILING A TITLE VI COMPLAINT

H-GAC has a formal process through which aggrieved parties may file a complaint alleging they have suffered from discrimination because of their race, color, or national origin in any H-GAC sponsored program or activity. Any person or groups of persons who believe H-GAC or an individual or entity that is engaged in a contractual relationship with H-GAC has subjected them to unlawful discrimination may file a complaint to the H-GAC Title VI Coordinator. Pursuing a Title VI complaint through H-GAC does not deprive a complainant of the right to file a formal complaint with other state or federal agencies, or to seek redress through the legal process. H-GAC's Title VI complaint process is detailed below in Attachment 2. A copy of the agency's Title VI complaint form is provided below and is also available on the H-GAC website at: <https://www.h-gac.com/title-vi-program>.

2.5 TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

The Houston-Galveston Area Council has not received any Title VI complaints, neither have there been any investigations or lawsuits filed against the agency alleging discrimination based on the complainant's race, color, or national origin since the 2018 triennial report was submitted.





HOUSTON-GALVESTON AREA COUNCIL

COMPLAINT NO. _____

Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The Environmental Justice component of Title VI guarantees fair treatment for all people and provides for H-GAC to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations, such as undertaking reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to the programs, services, and information H-GAC provides.

H-GAC works to ensure nondiscriminatory transportation in support of our mission to be the Gulf Coast Region leader in providing effective, coordinated and integrated multimodal transportation solutions to enhance the social and economic quality of life for all Gulf Coast Region citizens. H-GAC's Contract Compliance Program Office is responsible for Civil Rights Compliance and Monitoring to ensure non-discriminatory provision of transit services and programs.

NAME:	HOME NO.:
EMAIL ADDRESS:	WORK NO.:
MAILING ADDRESS:	CITY:
	STATE: ZIP:

Please indicate the basis of your complaint:

Race _____ Age _____ National Origin _____
 Color _____ Gender _____ Disability _____

Date and place of alleged discriminatory action(s). _____

(Please include the earliest date of discrimination and the most recent date of discrimination.)

Name(s)/Position title(s) of the person(s) who allegedly subjected you to Title VI discrimination:

How were you discriminated against? Please describe the nature of the action, decision, or conditions of the alleged discrimination. Be as clear as possible in your description of what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (You can attach additional pages, if necessary.)

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

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

<u>Name</u>	<u>Address</u>	<u>Telephone</u>

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

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

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

What remedy or action are you seeking for the alleged discrimination?

Please provide any additional information, documents, photographs, etc., if applicable, that you believe will assist in an investigation.

Sign and date the complaint below. *We are unable to consider unsigned complaints.*

Complainant's Signature _____	Date _____
FOR OFFICE USE ONLY	
Date complaint received: _____	Case #: _____
Processed by: _____	Date Referred: _____
Referred to: <input type="checkbox"/> USDOT <input type="checkbox"/> FHWA <input type="checkbox"/> FTA <input type="checkbox"/> OFCCP <input type="checkbox"/> Other: _____	

Continuation Sheet:

2.6 THE NEED FOR PUBLIC INVOLVEMENT

"Public Involvement" is an integral part of the transportation planning process and is considered the panacea for achieving the non-discrimination mandates of Title VI and Executive Order 12898. This term of art has dual connotations: first, it includes activities purposed for public participation and secondly, it incorporates the efforts taken towards public outreach. The DOT requirement for a continuous public involvement program is calculated to bring the range of community needs and interests to the table prior to, and during the period that important planning decisions are made. An effective public engagement process provides for the open exchange of information and ideas between the public and the transportation decision makers. It is H-GAC's policy to proactively engage the general public, especially members of the disadvantaged and traditionally underserved communities, through its public involvement activities.

2.7 THE PUBLIC PARTICIPATION PLAN

Federal law requires MPO's to document their public engagement process in a written public participation plan. Federal law also requires MPO's to conduct periodic evaluations of the effectiveness of their public participation process, to see that it provides "full and open" access to all parties. The FTA requires Title VI programs to have a defined outreach strategy to engage minority and limited English proficient (LEP) populations. Best practice standards suggest that an effective public participation strategy would include:

- A clearly defined purpose and objective for initiating the dialogue with the public;
- A method to accurately identify the affected public and interested stakeholder groups;
- A variety of notification methods that can reach different target groups effectively;
- Outreach to organizations and advocates that represent the underserved populations;
- Practical strategies to overcome participation barriers for minority and low-income populations;
- A practical technique for engaging the minority and low-income population in the public participation process;
- Communication methods that help the public understand transportation issues and enables them to identify practical solutions and potential opportunities for their community;
- Multiple ways to receive public comments and other input;
- A process to document, acknowledge, and consider matters raised by the public and thereby demonstrate that the decision makers have seriously considered the public input; and

- Periodic review of the effectiveness of outreach strategies to the underserved population.

Informing and engaging residents in the transportation planning process is a never-ending effort. H-GAC developed a Public Participation Plan in 2007. This Plan was updated in 2012, 2017, and more recently in 2021 when strategies for conducting virtual meetings were added as an option for public engagement events in response to the Covid-19 public health emergency.

The Public Participation Plan recognizes ongoing changes in the demographic characteristics of the H-GAC planning region, including the size and attributes of the minority and non-English speaking population. The Public Participation Plan furthermore adjusts to the innovations in communication technology, particularly in the way people obtain news and share information. The continuous efforts to update the plan demonstrate the MPO's desire to ensure broad-based participation and underscores a commitment to keep the citizens well informed about key transportation decisions. A copy of the Public Participation Plan is included in this document as Attachment 3. The plan can also be accessed on the H-GAC website at <https://www.h-gac.com/transportation-public-outreach>.

2.8 COMMUNICATION CHANNELS AND STRATEGIES

H-GAC utilizes several communication channels and strategies in its public outreach program with the goal of reaching as large a group of area residents and concerned stakeholders as possible. The MPO focuses on disseminating information about Board\Committee meetings, public outreach events, transportation planning studies, the development or amendment of the vital documents like the Long-Range Transportation Plan, Transportation Improvement Plan, and Uniform Planning Work Program, business and grant opportunities, including opportunities for disadvantaged enterprises (DBE), training workshops, and other issues for which public notice is required or public comment is sought. Some of H-GAC's communication channels are highlighted below.

H-GAC Website

The agency website is the primary channel through which H-GAC distributes information. The website is a broad and flexible resource that contains information on the programs, activities, and policies of every department - tailored to the needs of the region's residents, business interests, and local government entities. This encompasses a wide range of interests such as: hurricane evacuation routes, disaster recovery resources, air and water quality concerns, cooperative purchasing opportunities, commuter and regional transit solutions, transportation

safety, regional housing coordination, procurement requests, senior assistance services, and workforce solutions. H-GAC's website further contains information on the agency's governing boards along with their meeting agendas and minutes. The website also provides public access to an extensive library of web-based interactive mapping applications, demographic and other socio-economic data, publications, and technical reports, which researchers and other interested parties may access and retrieve. Contents of the website may be translated to different languages based on perceived user needs.

The H-GAC website is also a medium through which the agency can obtain public comments and contributions regarding ongoing projects. Members of the public and stakeholders are always invited to submit comments to the MPO electronically and to sign up for the MPO newsletters and email notices.

Facebook and Twitter

H-GAC takes advantage of the speed, connectivity, and cost effectiveness of social media and uses these channels as one of its primary methods of disseminating news and sharing information. Social media is an effective way to reach a large audience instantaneously. It is particularly useful for advertising upcoming events such as meetings, seminars, workshops, and outreach events. H-GAC's social media presence includes accounts on Facebook and Twitter.

Email Lists

H-GAC maintains several email lists through which it distributes newsletters and notifies interested parties about upcoming meetings and public events they could participate in. The agency's email lists contain over 5,000 contacts and serve several different interest groups and affiliations, some of which target Title VI stakeholders such as non-profit agencies, community organizations, faith-based groups, and advocates, and interested individuals. Citizens are continually invited to sign up to receive project specific updates or general information through these email messaging. Disparate lists may be merged for one message broadcast when there is a confluence of interests for members on the different lists. A drawback of the email channel is the cost of maintaining the lists and keeping them updated with the changing circumstances of the email account owners.

U.S. Post Office Mailouts

The H-GAC outreach program uses the U.S. Postal Service as a communication channel particularly when formal and individualized communication is needed, or when proof of delivery of the mailed item is desired. Bulk mailouts are made to transportation management organizations, business entities, and targeted individuals, particularly to distribute promotional items and\or invitations to MPO programs, activities, and special events.

Broadcast Media

For a region as large and diverse as the Houston metropolitan area, public service announcements on community radio and television stations are a particularly effective way of reaching the underserved\minority population, especially residents with limited English communication skills. H-GAC routinely makes English and Spanish language broadcasts on the community radio and television stations to provide the target audience with status reports about on-going road projects, or to inform them about upcoming meetings and public outreach events that may be important to the community.

Newspapers

H-GAC places legal notices in newspapers that are widely circulated within the metropolitan region, some of which cater to specific ethnic communities. The legal notices are generally placed in English but may also be placed in Spanish, Vietnamese, Mandarin Chinese, or Korean print services, depending on the market community of the publication.

Community Partnerships

Community partnerships have been found to be a particularly successful strategy for boosting participation from among the minority and LEP communities. H-GAC partners with elected officials, community centers, the faith community, chambers of commerce, management districts, transportation management organizations\agencies, local law enforcement, advocacy organizations, neighborhood groups, municipal leaders, and other recognized community representatives who can use their influence, access, and knowledge of the target community to spread information about public meetings and other opportunities for their constituents to be informed about MPO activities that could impact their lives and the future of their communities.

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2.9 SUMMARY OF OUTREACH EFFORTS

The Covid-19 public health emergency influenced the organization and implementation of public involvement activities planned by the agency. This section provides a summary of two public outreach efforts that were accomplished within the shadow of the Covid-19 period of concern, but are different in their size, context, and approach to reaching out to the public.

THE 2021 – 2024 TRANSPORTATION IMPROVEMENT PROGRAM

Status: Complete

The Transportation Improvement Program (TIP) is a four-year compilation of surface transportation projects for which federal funds or approval is required, along with the list of regionally significant projects that will be implemented with non-federal funds. The TIP is updated every two years and must be consistent with the Regional Transportation Plan. Federal regulations require that the TIP development process be accompanied with an opportunity for public involvement.

Project Development Workshop

As part of the TIP development process, H-GAC hosted a workshop for local project sponsors. The event was held at the central offices of the agency but was also livestreamed to accommodate participants who found it more convenient to join the meeting virtually. The workshop was entitled “Project Development Guidance for Federally Funded Transportation Projects” and provided an overview of the transportation project development and delivery process from the viewpoint of the Texas Department of Transportation.

The purpose of the workshop was to educate transportation agencies and other local project sponsor on the project development process. Experts from the Texas Department of Transportation (TxDOT) provided a detailed overview of the federal project development process. Topics included Local Government Contracting, Preliminary Engineering for Federal or State Funded Projects, Utilities, Transportation Set-Asides, Environmental Clearance, Right of Way Acquisition, and Construction.

Public Involvement

A 30-day public comment period on the draft report of the 2021-2024 Transportation Improvement Program (TIP) commenced on February 28, 2020 and was scheduled to end on March 29, 2020. The deadline to submit a comment on the draft TIP was however extended to April 15, 2020 because of the distractions and disruption to community events caused by the Houston-Galveston Area Council - Title VI Program

onset of the Covid-19 public health emergency. This gave more time for interested persons to share their comments and contributions on the TIP development.

Two in-person public meetings were held at the Houston-Galveston Area Council on March 5, 2020 – at 1:30 pm and at 6:00 pm. During these meetings, HGAC staff described the contents of the TIP and answered questions raised by meeting participants. The 2021-2024 TIP public meetings were also broadcast on a live video stream to enable online viewing and facilitate virtual participation by members of the public.

Communication Strategies

In addition to the public meetings, legal notices, email contacts, social media outreach efforts, flyers, freeway dynamic message signs, and the H-GAC TIP website were used to communicate with the public and provide updated information on the 2021-2024 TIP development process.

The H-GAC TIP website was the primary source for information on the TIP development process and was used to provide announcements and report updates. The TIP website also contains record of the ongoing development and administration of the 2021-2024 TIP program, including amendments and updates. The H-GAC TIP website may be viewed at:

<https://www.h-gac.com/transportation-improvement-program>.

THE SOUTHEAST HARRIS COUNTY SUBREGIONAL STUDY

Status: Ongoing

The purpose of the Southeast Harris County Subregional study is to identify the multimodal transportation needs of the region and to identify solutions to the local problems of congestion and traffic safety. The study aims to integrate landuse, transportation, and regional revitalization with a goal of improving mobility and safety, while enhancing economic opportunity. An important objective of the study is to facilitate the flow of truck traffic associated with the several industrial complexes located within the study area while providing mobility solutions for the local residents. The study will be focused on freeways, arterials, and major/minor collectors but not on small local streets.

Project Location

The South Harris County Subregional Study area is located in the south-eastern quarter of Harris County and is bounded by IH 610/IH 45 to the west, Buffalo Bayou/Houston Ship Channel to the north, SH 146 to the east, and Genoa-Red Bluff to the south. Municipalities within the study

area include the Cities of Houston, South Houston, Pasadena, Deer Park, and La Porte (Figure 4). The Sam Houston Tollway bisects the region from north to south, while SH 225 cuts through the study area, separating the industrial north from the primarily residential southern half. SH 225 serves as a primary access route to Port Houston's Barbours Cut Container Terminal and carries a high level of truck traffic.

Project Organization

The 18-month study is divided into two phases. Phase 1 consists of inventorying the transportation and land use and developing strategies for public outreach and stakeholder coordination. This outreach and coordination will solicit and document concerns and opportunities in the study area. Phase 2 activities will utilize the input from Phase 1 to develop and evaluate specific mobility and safety alternatives that complement land use strategies, address concerns, and realize opportunities identified in Phase 1.

While overall project administration will be provided by H-GAC staff, the Southeast Harris County Study will be consultant driven. A steering committee consists of persons representing each of the five cities in the study area, Port Houston, TXDOT, Harris County, and the Gulf Coast Rail District. The steering committee is tasked with defining the study vision and goals, identifying critical concerns affecting mobility in the region, and analyzing input by members of the public. They steering committee is also tasked with developing and prioritizing physical or policy improvement options at the culmination of the study.

A group of stakeholders was also convened representing businesses, school districts, civic groups, industry, and transportation providers. The study team will coordinate with the ongoing TXDOT SH 225 and IH-45 Planning and Environmental Linkage Studies.

Public Involvement

Because of Covid-19 concerns, the first public meeting was held virtually on April 15, 2021. After introductions of the project objectives and members of the study team, meeting participants were shown a video that explained how to navigate around the project website and how to use the interactive public engagement mapping tool to input comments. This represented one of the first opportunities to use the agency's new public engagement tool acquired for outreach purposes. A 30-day public comment period closed on May 14, 2021.

A second public meeting is planned for the fall of 2021.

Figure 4: Southeast Harris County Subregional Study Area



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2.10 SERVING THE LIMITED ENGLISH PROFICIENCY POPULATION

The Houston-Galveston Area Council is committed to incorporating Title VI and environmental justice considerations into the public participation process for all the programs and activities of the agency, and to ensure that all communities including individuals who are limited-English proficient have meaningful access to information regarding the agency's programs, activities, benefits and services. Title VI of the Civil Rights Act of 1964 states that "No Person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Amplifying Title VI, Presidential Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency" requires federal agencies and federal-aid funding recipients to implement measures that make their programs and services accessible to persons with limited proficiency in the English language (LEP).

The Language Assistance Plan (LAP) is designed to protect the rights of persons who are unable to communicate effectively in the English language and is meant to ensure that linguistic isolation is not a barrier to their access to agency services and other benefits that are available to residents of the region.

THE FOUR FACTOR ANALYSIS

Language assistance services to the LEP population is generally provided in two ways: (1) oral interpretation (which may be in person or by telephonic or video conferencing), and (2) the translation of written documents and other program material. Guidance from the U.S. DOT recommends that Federal funding recipients use the "four-factor analysis" for evaluating and determining the level of language services that may be needed to effectively engage the LEP residents of their communities.³ The four factors to evaluate are:

³ Department of Transportation (DOT): "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons." Federal Register Volume 70, Number 239, December 14, 2005.

- **Demography:** The size of the LEP population served or that will likely be encountered in the course of business;
- **Frequency:** The frequency with which LEP individuals are involved in the agency's overall programs, activities, and services;
- **Importance:** The nature and importance of agency's programs, activities, or services in the region residents' lives;
- **Resources:** The resources available to the agency and the relative cost of providing specialized services to the LEP population.

The four-factor analysis for the Upper Texas Gulf-Coast region is as follows:

Factor 1: Demography:

Demographic data for the eight-county that make up the H-GAC metropolitan planning region was obtained from the 2015-2019 American Community Survey (ACS) published by the U.S. Census Bureau. Out of a regional population of about 6,351,951 persons who are five years and over, approximately 1,002,038 (or about 15.8% of this group) are identified as persons who speak the English language less than "very well." (Table 1). These residents constitute the LEP population for the H-GAC metropolitan planning region.

TABLE 1: Growth of LEP Population in the Houston Metropolitan Planning Region

	Total MPO Population	Pop. 5 Years and Older	LEP Persons	% LEP in Population
2000 CENSUS	4,669,571	4,297,107	665,310	15.5%
2006 - 2010 ACS	5,665,671	5,197,325	906,790	17.4%
20011 - 2015 ACS	6,317,767	5,839,411	993,243	17.0%
2015 - 2019 ACS	6,854,374	6,351,951	1,002,038	15.8%
% CHANGE 2000 – 2019	+31.8%	+32.3%	+33.6%	

Source: US Census Bureau 2000 Decennial Census; American Community Survey 5 Year Estimates: Summary for the years 2006 – 2010, 2011 – 2015, and 2015 – 2019. (Beginning 2010, questions about language were no longer asked on the decennial census).

Between the years 2000 and 2019, the total population of the MPO region grew by about 31.8%. Within the same time period however, the number of persons aged five years and older grew by about 32.3%, while the LEP population grew by about 33.6%.

The size and proportion of the LEP population in the H-GAC planning region varies by county. Table 2 lists the population of residents aged five years and over for each county in the planning region, as well as the size and proportions of the residents who speak English less than very well. The regional average for the LEP population in the planning region is 15.8%. Harris County, (which includes most of the City of Houston), has the largest population of residents five years and over, and also has the largest proportion of LEP residents. Almost 19% of the 4,294,160 people in Harris County who are aged 5 years and over are classified as LEP – well above the regional average.

TABLE 2: LEP Population for the Eight-County Houston Metropolitan Region

Metropolitan Planning Region County	Population 5 Years and Over	Total LEP Population	% LEP of Total Pop. Over 5 Years
Brazoria County	335,654	26,639	7.9%
Chambers County	38,519	2,185	5.7%
Fort Bend County	712,576	92,774	13.0%
Galveston County	311,612	19,408	6.2%
Harris County	4,294,160	810,580	18.9%
Liberty County	77,733	6,190	8.0%
Montgomery County	533,248	39,791	7.5%
Waller County	48,449	4,471	9.2%
MPO Region Total	6,351,951	1,002,038	15.8%

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimate

Fort Bend County is second in the size of the population aged five years and over. The proportion of the county's 712,576 residents aged five years and over who are classified LEP is also comparatively high at 13%. While Waller County has only 48,449 residents that are five years and over, close to one in ten persons of this population would potentially need some form of language assistance. This contrasts with Montgomery County which although has a much

higher population than Waller County aged five years and over, (533,248), has only 7.5% of this population classified as LEP.

Table 3 lists the home Languages spoken by the LEP population within the H-GAC metropolitan planning region. By a wide margin, Spanish is the predominant home language of the LEP population in every county of the Houston-Galveston metropolitan area. Almost 85% of the LEP population in the entire eight-county region have Spanish as their primary language. The proportion is even higher in individual counties such as Harris, Chambers, Liberty, and Montgomery Counties. This attests to how dispersed the persons of Hispanic\Latino heritage are within the region.

Asian and Pacific Island languages are the second largest group of foreign languages spoken in the region and are the home language of about 51,206 or 7.8% of the LEP population. Asian and Pacific Island languages include Mandarin Chinese, Hindi, Malay, Indonesian, Thai, Burmese, Filipino, Japanese, and Vietnamese. Approximately 51,206 Individuals speak Indo-European languages, accounting for 5.1% of the LEP population.

Most of the immigrant Hispanic\Latino population originally come from Mexico. However, Mexico is not the national origin of every native Spanish speaker. While the regional linguistic variations within the spoken Spanish language may not warrant individualized LEP services in this particular circumstance, public participation and outreach programs are cognizant of the fact that certain differences do exist within the population groups with Hispanic heritage.

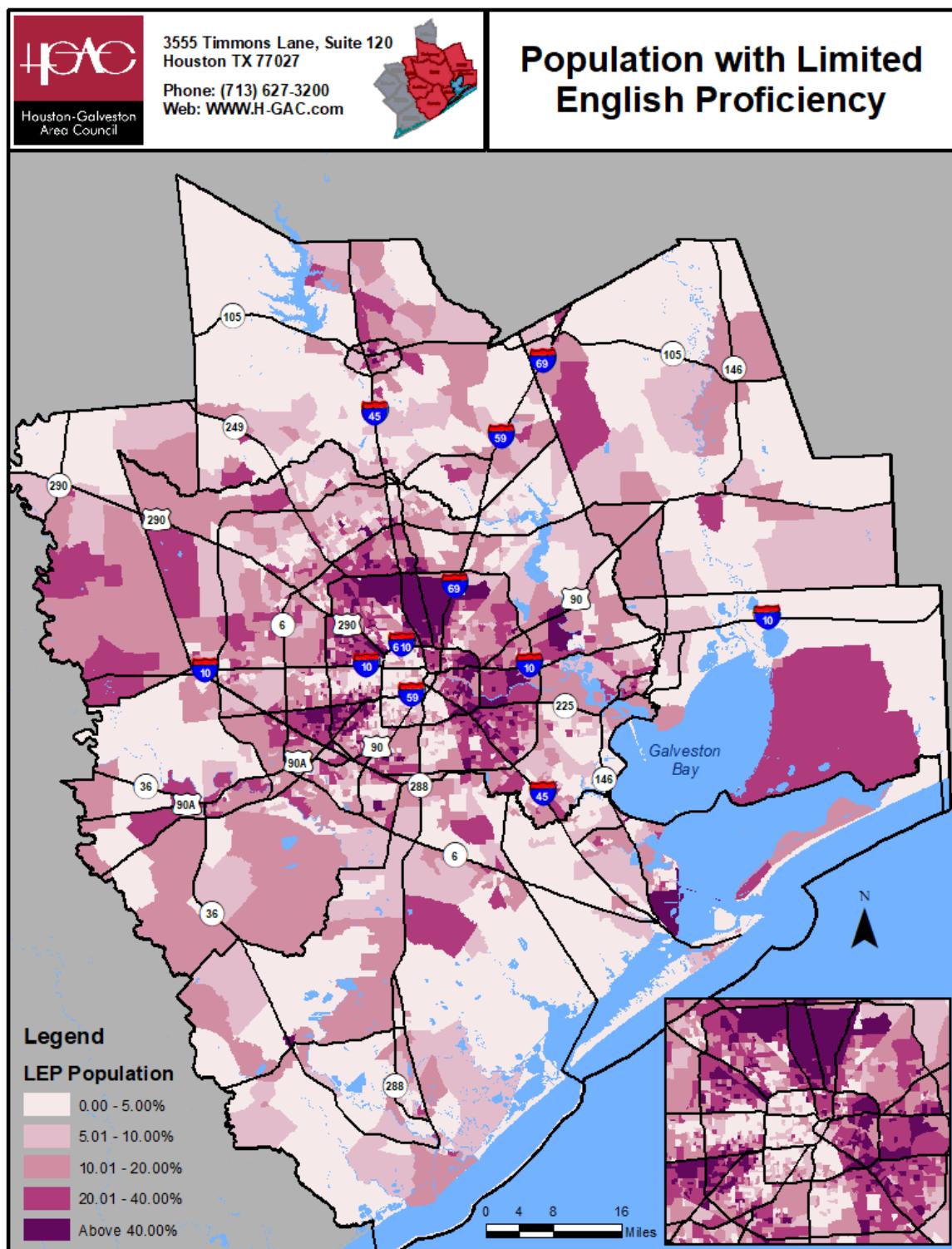
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TABLE 3. Home Languages Spoken by LEP Residents in the 8 County Houston Metropolitan Region

Home Language of Population – Five Years and Over						
	Spanish	Indo-European	Asian & Pacific Is.	Other	Total	% of MPO by County
Brazoria County	18,703	1,131	6,370	435	26,639	2.7%
<i>% of County LEP</i>	70.2%	4.2%	23.5%	1.6%		
Chambers County	1,874	128	154	29	2,185	0.2%
<i>% of County LEP</i>	85.8%	5.9%	7.0%	1.3%		
Fort Bend County	42,276	15,058	30,936	4,504	92,774	9.3%
<i>% of County LEP</i>	45.6%	16.2%	33.3%	4.9%		
Galveston County	16,154	404	2,505	345	19,408	1.9%
<i>% of County LEP</i>	83.2%	2.1%	12.9%	1.8%		
Harris County	722,591	32,807	35,082	20,100	810,580	80.9%
<i>% of County LEP</i>	89.1%	4.0%	4.3%	2.5%		
Liberty County	5,911	75	204	0	6,190	0.6%
<i>% of County LEP</i>	95.5%	1.2%	3.3%	0.0%		
Montgomery County	35,353	1,580	2443	415	39,791	4.0%
<i>% of County LEP</i>	88.8%	4.0%	6.1%	1.0%		
Waller County	3,493	23	273	682	4,471	0.4%
<i>% of County LEP</i>	78.1%	0.5%	6.1%	15.3%		
MPO Total	846,355	51,206	77,967	26,510	1,002,038	
% of MPO LEP by Language	84.5%	5.1%	7.8%	2.6%	100%	

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimate

Map 2: Population with Limited English Proficiency – By Census Block-Group



Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Factor 2 – Frequency of Contact:

H-GAC interacts continuously with members of the public, including those who are LEP, in the development and administration of its programs, services, and activities. The public is invited to participate at all open meetings of the H-GAC policy council and board, where an opportunity is given to members of the public to comment on any relevant subject of interest. Some of these encounters involve persons who need language assistance services.

Federal regulations require the MPOs to conduct public engagement events throughout the transportation planning process. The effort to obtain diverse perspectives on the MPO's projects, policies, and plans invariably involves encounters with residents who have limited English Language communication skills. Facilitating meaningful participation by these people requires providing the accommodation of appropriate language assistance services. Public comments are received in the comment maker's preferred language of communication.

More specifically, several MPO programs and initiatives involve direct contact with individuals who are limited in their English language communication skills. These include programs to reduce the number of polluting trucks on area roadways through diesel truck replacement grants; traffic counts and travel surveys that inform travel models and support planning decisions; roadway emergency response services such as the "Tow and Go" program; safety information and evacuation services related to hurricane season and other weather related emergencies; community safety programs that target families from underserved populations; services that assist public transportation\transit passengers; the administration of services to disadvantaged business enterprises; and programs directed towards providing public transportation services in the underserved areas. Multi-modal travel and roadway use occur daily. With over one million LEP residents in the H-GAC planning region, the frequency of actual and potential encounters with the LEP population can be reasonably described as substantial.

Factor 3: Importance of the Interaction:

DOT guidance specifies that "[t]he more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed."⁴ The ability to travel safely and efficiently is indispensable to the

⁴ Department of Transportation (DOT): "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons." Federal Register Volume 70, Number 239, December 14, 2005.

lives of all area residents and essential for the economic growth and development of the region. The transportation planning functions of the MPO facilitate this regional travel and provide area residents, including the LEP, with modal choices for their daily access to employment, housing, social services, healthcare, education, and recreation. In addition to safety, the several programs of the agency alluded to in the “frequency of contact” discussion above add to the overall quality of life of all the residents of the planning region – including the LEP population.

Furthermore, inclusive community engagement is a requirement for recipients of federal financial assistance and a critical priority in the development of MPO plans, subregional studies, and programs, to ultimately ensure that the transportation planning is responsive to the needs of all residents. Denying access to these services, programs, and opportunities for public engagement would have severe consequences on the life and wellbeing of the LEP population

Factor 4: Resources:

According to DOT guidance, in deciding what level of language support services to provide, an MPO should balance their financial resources against the cost of providing the language services. Being a relatively large organization, H-GAC has access to personnel and budgetary resources that are beyond the means of other much smaller MPOs and public entities. These resources are however not infinite and must be applied judiciously towards the most cost-effective means of delivering competent, accurate, and timely language assistance services.

Best practices of cost saving\cost effective strategies for providing LEP services include training bilingual staff to act as interpreters and translators; the use of telephonic and video conferencing interpretation services; posting translated documents on the web to reduce the need for printing; the formal use of qualified community volunteers; and sharing information and services among industry groups. H-GAC applies a mix of these strategies as the projects and the target communities dictate, in order to optimize the resources devoted to providing language assistance to the region’s residents.

THE SAFE HARBOR ANALYSIS

The four-factor test discussed above signals a need for a robust language assistance program in order to effectively serve the Houston-Galveston metropolitan area’s LEP population. Agencies that receive federal funds are however not required to provide language assistance services to every language group that may exist within their jurisdiction as this could be prohibitively expensive and constitute an undue burden to the organization. The size of the available budget

and the relative cost of providing language assistance interventions ultimately determine the scale and appropriate "mix" of the language assistance measures expected from an agency.

The "Safe Harbor" analysis was propounded by the U.S. Department of Justice (DOJ) to establish an objective standard to guide recipients of federal financial assistance in developing a policy for translating vital documents appropriate for their organization. The safe harbor doctrine stipulates that it is strong evidence of compliance with document translation obligations if vital written materials are translated for each language group that constitutes five percent (5%) of the total population of persons eligible to be served, or else 1,000 persons – whichever is less. However, for a region as heavily populated as the Houston-Galveston metropolitan area, and one whose immigrant population is dominated by one ethnic minority\language group, the non-English languages spoken by 5% or more of the LEP population arguably represents a more practical safe harbor basis for defining a policy to translate vital MPO documents than the absolute measure of 1,000 persons. The 1,000-person threshold is conversely more suitable for engaging the LEP at the local level rather than region-wide. H-GAC is nevertheless open to accommodating reasonable requests for written translations or oral interpretation services when such requests are timely received.

Table 4 is derived from the U.S. Census Bureau's 2011-2015 American Community Survey (ACS) Five Year Estimates. The table, though dated, represents the best available information on the languages spoken in the Houston region and is informative for the purpose of a safe harbor analysis. While over twenty (20) language groups in the region have over 1,000 native speakers who are LEP, only Spanish and Vietnamese language speakers meet the 5% of the population threshold. For practical purposes, H-GAC generally translates vital documents into Spanish, and depending on the project, in Vietnamese and Mandarin Chinese. These languages together make up almost 90% of the LEP population in the planning region

TABLE 4. Population of Non-English Languages Speakers in the H-GAC Planning Region

Dominant Home Language of LEP Residents Five Years and Above	Region Aggregate	Percent of LEP Population
Spanish: Speak English less than "very well"	799,676	80.51%
Vietnamese: Speak English less than "very well"	56,668	5.71%
Chinese: Speak English less than "very well"	35,308	3.55%
Urdu: Speak English less than "very well"	10,588	1.07%
Other Asian Languages: Speak English less than "very well"	10,534	1.06%
Arabic: Speak English less than "very well"	9,527	0.96%
African Languages: Speak English less than "very well"	9,367	0.94%
Tagalog: Speak English less than "very well"	7,686	0.77%
Other Indic Languages: Speak English less than "very well"	6,690	0.67%
Hindi: Speak English less than "very well"	6,197	0.62%
Korean: Speak English less than "very well"	5,400	0.54%
Gujarati: Speak English less than "very well"	4,797	0.48%
French (Patois, Cajun): Speak English less than "very well"	4,299	0.43%
Persian: Speak English less than "very well"	4,126	0.42%
Russian: Speak English less than "very well"	2,685	0.27%
Mon-Khmer, Cambodia: Speak English less than "very well"	2,271	0.23%
Portuguese: Speak English less than "very well"	2,052	0.21%
Japanese: Speak English less than "very well"	2,022	0.20%
Other Pacific Island Languages: Speak English less than "very well"	1,686	0.17%
Thai: Speak English less than "very well"	1,532	0.15%
German: Speak English less than "very well"	1,450	0.15%
Other Indo-European Languages: Speak English less than "very well"	1,250	0.13%
Italian: Speak English less than "very well"	1,147	0.12%
French Creole: Speak English less than "very well"	1,017	0.10%

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimate

PROVIDING LANGUAGE ASSISTANCE TO THE LEP

It is the policy of the Houston-Galveston Area Council to protect the rights of persons who are unable to communicate effectively in the English language by ensuring that linguistic isolation is not a barrier to their access to agency programs, activities, and services that are available to residents of the region. As MPO, H-GAC's plans, programs, and activities unavoidably impact and are indispensable to the lives of every community group – including the residents with limited English language communication skills.

To effectively serve LEP residents within its planning region, H-GAC recognizes the need to be able to communicate with them in the primary language in which they are proficient. Accommodations to the non-English speaking community provided by the agency include:

- Translation of event notices and flyers into non-English languages depending on the needs of the program;
- Translation of important documents, reports, marketing and outreach material, and targeted web pages into languages other than English;
- Provision of American Sign Language translators at all public meeting events;
- Provision of real-time language interpreters at public meetings – with 48 hours prior notice;
- Identification and assignment of bilingual staff who can perform document translations and provide real-time oral translations when needed;
- Periodically update census database and mapping records of the location of the LEP to effectively support outreach efforts and the distribution of vital program information;
- Employ best practices to reach and engage ethnic communities and overcome the language barrier to access to services and meaningful participation; and
- Periodically evaluate the effectiveness of the public participation plan to assess whether it has been successful in creating opportunities for meaningful involvement for the LEP population.

The H-GAC Language Assistance Plan may be found within the Public Participation Plan document which is included in this document as Attachment 3.

2.11 MINORITY REPRESENTATION ON PLANNING ADVISORY BODIES

The Houston-Galveston Area Council acknowledges the intent of Title 49 CFR 21.5(b)(1)(vii) which states that a recipient of federal financial aid may not, on the grounds of race, color, or national origin, deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program. FTA guidance on the issue indicates that recipients of federal funds that have non-elected planning boards, advisory councils or committees, or similar decision-making bodies, the membership of which is *selected* by the recipient, must provide a table depicting the racial breakdown of the membership of those bodies and a description of efforts made to encourage the participation of minorities on such decision-making bodies. H-GAC does not have any planning or advisory bodies for which the MPO selects the membership.

There are two primary decision-making bodies that provide guidance and approve the policies and programs of the MPO. They are: (1) The Houston-Galveston Area Council Board of Directors ("Board"); and (2) The Transportation Policy Council ("TPC"). These bodies have bylaws with operative guidelines that govern who can serve as a member. A common requirement is that the primary representative must be an elected official of a member local government or a high-ranking official of a participating public agency. The bylaws for these governing bodies are included in this document as Attachment 4. The section that follows summarizes the responsibilities of these bodies and the requirements or basic qualifications for their membership.

Board of Directors

The H-GAC Board of Directors (Board) is a 36-member governing body for the thirteen-county Houston-Galveston Area Council of Governments and is responsible for overseeing the general policies and programs of the agency, and for the control of its funds. Membership on the Board is limited to elected officials of the county commissioner's courts, elected city council members, and members of the board of trustees of the independent school districts that are under the umbrella of the council of governments.⁵ The Board meets monthly to deliberate on issues that concern the welfare and development of its member local government entities.

⁵ H-GAC Board of Directors By-Laws.

Transportation Policy Council

The Transportation Policy Council (TPC) is the policy board for the eight-county H-GAC metropolitan planning organization. The TPC provides policy guidance and overall coordination for the multimodal transportation planning efforts of the Houston-Galveston transportation management area conducted by TxDOT, H-GAC, the local city and county governments, the Metropolitan Transit Authority of Harris County (METRO), special purpose governmental entities, and regional planning agencies. The TPC is the forum for public discussion relating to transportation planning in the Houston-Galveston transportation management area. In addition, the council approves the region-wide transportation plans and promotes the adoption and implementation of these plans by the local governments. The H-GAC Board serves as the contracting agent for the TPC.

The TPC consists of 28 voting members who must be local elected officials, ranking officials of public agencies that manage or operate a major transportation service in the transportation management area, or ranking officials of TxDOT.⁶ For the cities and counties who can be represented by only one council member, the member must be the chief elected official, the chief administrative officer, or other such designated ranking official. For the cities or counties that can present more than one member, the additional voting members designated must be ranking officials of the administration.

Each of the 28 primary members of the TPC must have an alternate who is counted as a voting member when they appear in the absence of the primary representative. The alternate must be appointed in the same manner as the primary member and must be an elected public official of a local government, a ranking official of a public agency that manages or operates a major transportation service in the Houston-Galveston transportation management area, or a ranking official of TxDOT.

H-GAC Sub-Committees

All H-GAC sub-committees serve in an advisory role and assist the decision-making bodies in fulfilling their responsibilities. The ad-hoc sub-committees provide guidance and submit recommendations on technical issues and planning decisions to the parent body as delegated. Representation on the appointed sub-committees is determined by the member communities and agencies. H-GAC joins other voices in urging member organizations to consider candidates that would add to the diversity of the sub-committee when making their nominations.

⁶ H-GAC Transportation Policy Council By-Laws

2.12 EFFORTS TO ENCOURAGE MINORITY PARTICIPATION

Participation by representatives of the underserved communities on planning and advisory bodies is one of the practical ways to ensure that their needs are effectively represented and that policy decisions reflect the interests of the entire population. To assure fair and equitable opportunities exist for all residents to present their comments before the decision-making bodies, the H-GAC board of directors and the TPC encourage public comments on all matters relevant to regional transportation planning at every public meeting of these bodies. Guidelines related to citizen comments at open meetings are available in the public participation plan.



2.13 SUBRECIPIENTS COMPLIANCE PROCEDURES

H-GAC works proactively to ascertain that its subrecipients and consultants ("Third Party Participants") who are engaged to provide any products or services to the agency are informed about federal non-discrimination regulations and are also made aware that they are required to remain in compliance with Title VI throughout the period of their engagement. Compliance by a subrecipient is fostered by direct consultation and facilitated through the actions described below:

- Title VI non-discrimination language is included in Contracts, Request for Proposals (RFP), and Requests for Qualifications (RFQ) for all participants.
- All RFP respondents and selected consultants are informed of H-GAC's DBE goal concerning small and minority owned businesses, and women owned business enterprises.

- Subsequent to the execution of a contract agreement, subrecipients must submit a certification and assurance statement indicating that they would conduct fair and open third-party contracting practices that include DBE enterprises.
- Subrecipients and consultants are required to execute a certificate indicating that they are following all the requirements imposed under 49 CFR, Part 21.
- Information regarding subrecipient performance is collected through monthly invoicing and progress reports, and as appropriate, through desk audits or site visits by the project manager and financial audits.
- Any complaints or lawsuits based on an alleged violation of Title VI by a subrecipient are referred to the Title VI Coordinator who will investigate and adjudicate the matter.
- Subrecipients or consultants found to be out of compliance with Title VI are advised on how to correct the deficiency. H-GAC's Intervention may include providing information, technical assistance, or practical guidance. If, however, the subrecipient or consultant fails to correct the deficiency within a reasonable time, the Title VI Coordinator may implement appropriate remedies provided in the executed agreements.
- Outreach activities to provide small, disadvantaged, minority, women, and disabled veteran owned businesses with information about opportunities to compete for consulting contracts.

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CHAPTER 3

REQUIREMENTS SPECIFIC TO THE MPO

Federal regulations require MPOs to present a demographic profile of their metropolitan area that shows where members of minority groups are located; a description of how the mobility needs of these vulnerable residents are identified and considered in the planning process; a discussion of the analytical process by which the MPO identifies and responds to disparate benefits and burdens of transportation investments on the different socio-economic groups; and the strategies employed to integrate Title VI and Environmental Justice in the programs, Plans, and activities of the planning agency.

3.1 DEMOGRAPHIC PROFILE OF THE HOUSTON-GALVESTON REGION

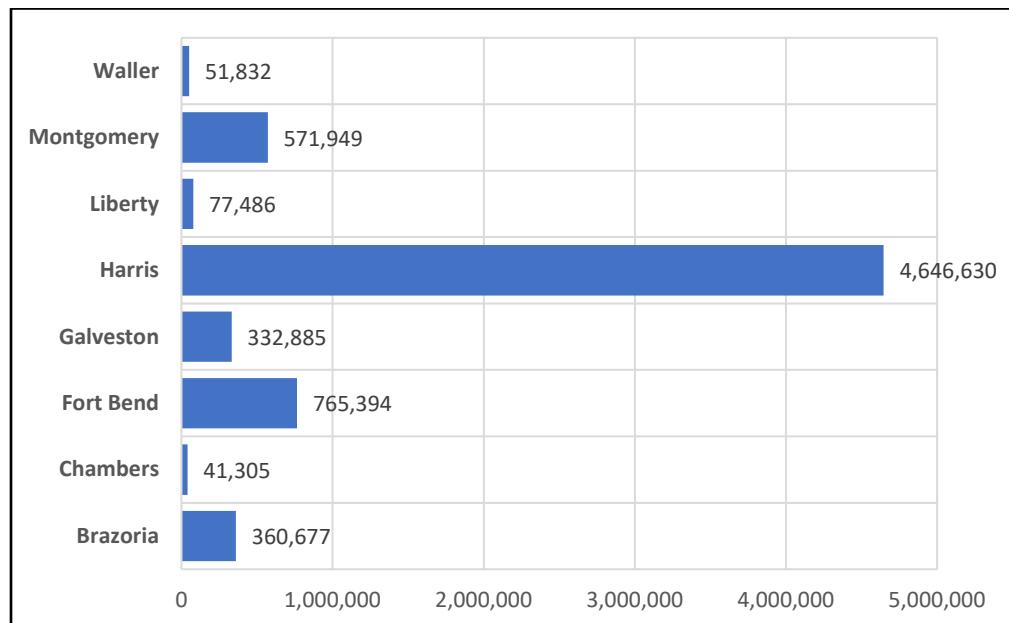
The H-GAC Metropolitan Planning Area is an eight-county region comprised of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller counties. This region consistently ranks as one of the fastest growing regions in the nation, fueled by a positive net migration and a relatively high rate of natural increase. The region's population grew from about 3.1 million residents in 1980 to just over 6.8 million residents in 2019 – well over a 100% increase. This population change averages out to the addition of more than one million new residents per decade. The strong population growth trend in the Houston-Galveston metropolitan region is expected to continue well into the future. H-GAC demographic forecasts suggest that the region will have up to 13.7 million residents by the year 2050.⁷

POPULATION PROFILE

Harris County is the most populous county in the State of Texas and the third most populous county in the United States. Its county seat is the City of Houston – the largest city in Texas and the fourth largest city in the nation. With a total of about 4,646,530 (based on the U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimate), Harris County contains almost 68% of the entire population of the H-GAC metropolitan planning region (Figure 5). The Harris County population is over six (6) times that of the second most populous county, Fort Bend County, (which has 765,394 residents), but is over a hundred (100) times the size of the population of Chambers County, which with only 41,305 residents, is the least populated county in the region.

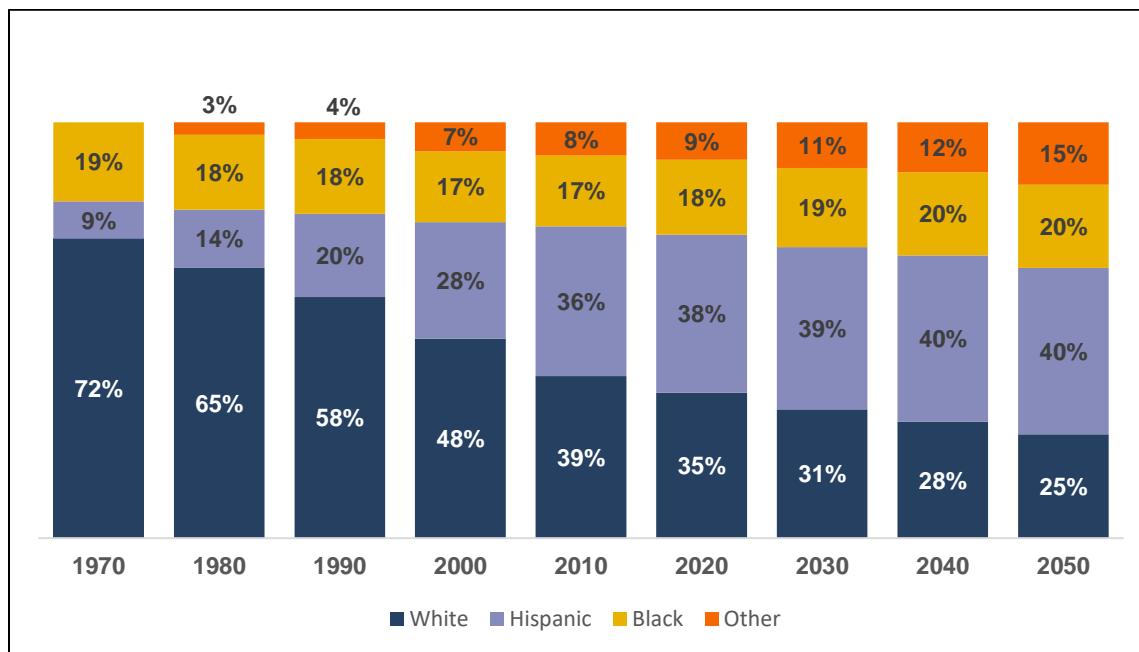
⁷ Houston-Galveston Area Council Regional Growth Forecast, 2020.

Figure 5: Population Distribution in the MPO Region – By County



Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimate

Figure 6: Projected Changes in the Race\Ethnic Composition of the 8-County MPO Region



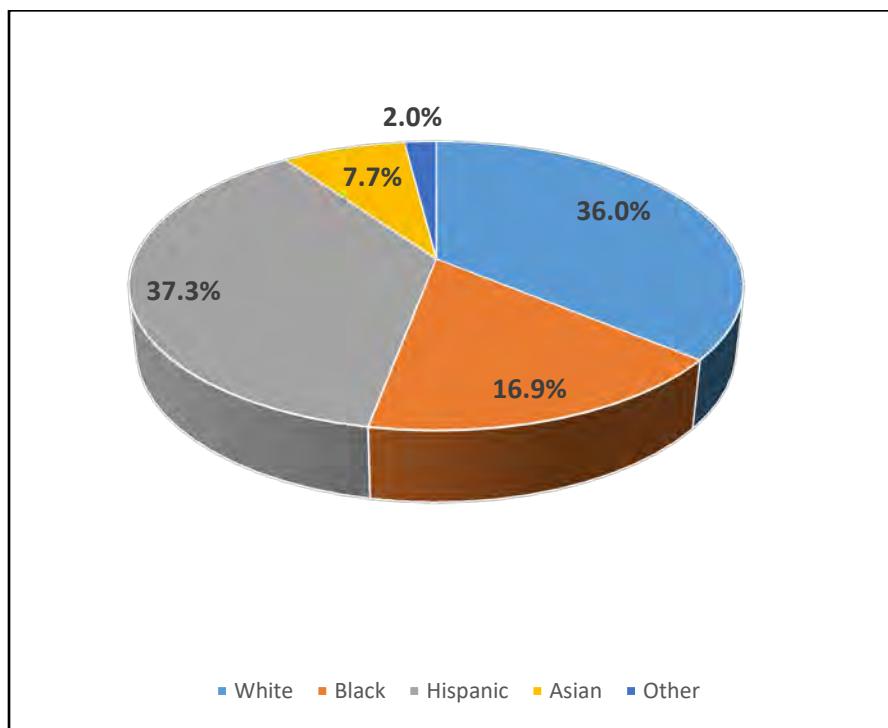
Source: U.S. Census Bureau and H-GAC Regional Growth Forecast, 2020.

Race and Ethnic Diversity

The Houston metropolitan region has gradually become more diverse. While White residents have historically been in the majority, their proportion within the region has gradually declined over time (Figure 6). The proportion of Black residents has remained relatively steady while the proportion of the Hispanic\Latino residents has expanded considerably. The urban counties, particularly Harris County, have the highest minority population (Table 6). However, White residents remain the majority racial group in the small metro areas and in the region's rural counties.

Broken down by race\ethnicity, in aggregate, the population in the H-GAC MPO is approximately 36.0% White, 37.3% Hispanic, 16.9% Black or African American, 7.7% Asian, and 2% Other (Figure 7). Table 7 reveals the race and ethnic population breakdown at a more granular level.

Figure 7: Race\Ethnic Composition of the 8-County MPO Region



Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimate

Table 6: Racial\Ethnic Composition of the 8 Counties in the MPO Region

Population by Race\Ethnicity	Brazoria County		Chambers County		Fort Bend County		Galveston County	
	Population	% of County	Population	% of County	Population	% of County	Population	% of County
White Alone	170,272	47.2%	27,661	67.0%	253,263	33.1%	190,948	57.4%
Black\African American Alone	49,226	13.6%	2,997	7.3%	153,972	20.1%	41,105	12.3%
Indian or Alaska Native Alone	1,288	0.4%	63	0.1%	1,713	0.2%	785	0.2%
Asian Alone	23,803	6.6%	465	1.1%	153,245	20.0%	10,840	3.3%
Hawaiian\Pacific Islander Alone	21	0.0%	0	0.0%	396	0.1%	110	0.0%
Others	542	0.2%	0	0.0%	1,559	0.2%	282	0.1%
Two or More Races	5,062	1.4%	852	2.1%	13,746	1.8%	6,812	2.1%
Hispanic	110,463	30.6%	9,267	22.4%	187,500	24.5 %	82,003	24.6%
Total Population:	360,677	100%	41,305	100%	765,394	100%	332,885	100%

Population by Race\Ethnicity	Harris County		Liberty County		Montgomery County		Waller County	
	Population	% of County	Population	% of County	Population	% of County	Population	% of County
White Alone	1,374,905	29.6%	52,983	63.3%	377,623	66.0%	22,222	42.9%
Black\African American Alone	863,044	18.6%	8,239	9.8%	27,435	4.8%	12,831	24.8%
Indian or Alaska Native Alone	8,105	0.2%	411	0.5%	1,085	0.2%	97	0.2%
Asian Alone	321,392	6.9%	439	0.5%	16,677	2.9%	486	0.9%
Hawaiian\Pacific Islander Alone	2,441	0.1%	8	0.0%	207	0.0%	25	0.0%
Others	11,171	0.2%	37	0.0%	664	0.1%	64	0.1%
Two or More Races	70,457	1.5%	797	1.0%	10,177	1.8%	526	1.0%
Hispanic	1,995,115	42.9%	20,788	24.8%	138,081	24.1 %	15,581	30.0%
Total Population:	4,646,630	100%	77,486	100%	571,949	100%	51,832	100%

Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates.

Table 7: Race\Ethnic Profile of the MPO Region

Population by Race\Ethnicity	H-GAC MPO	
	Population	% of MPO
White Alone	2,469,877	36.0%
Hispanic	2,558,798	37.3%
Black\African American Alone	1,158,849	16.9%
Indian or Alaska Native Alone	13,547	0.2%
Asian Alone	527,347	7.7%
Hawaiian\Pacific Islander Alone	3,208	0.0%
Others	14,319	0.2%
Two or More Races	108,429	1.6%
Total Population:	6,854,374	100%

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

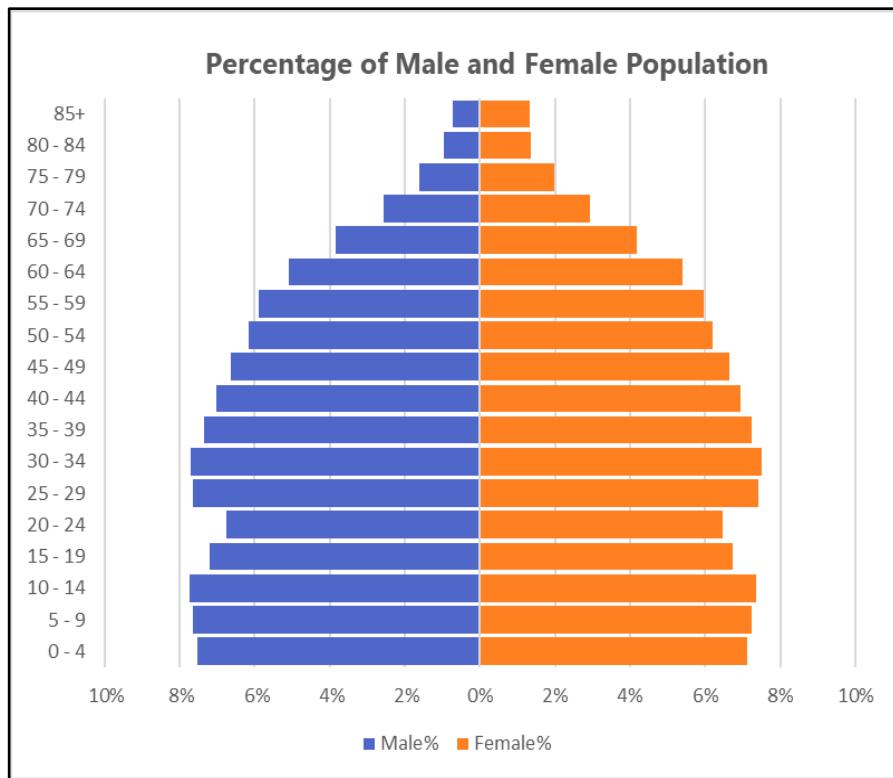
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Age and Sex Composition

An examination of the population pyramid for the upper Texas Gulf Coast region shows an expansive population (Figure 8). There is a marked contraction in the population of both sexes for the age groups 15-19 and 20-24. The cause of this contraction is not directly evident but may be related to migration. Overall, the population of female residents in the region slightly exceeds that of the male population in the proportion 50.4% to 49.6% respectively.

The proportion of the sexes also varies within the different age\cohort groups. The male population exceeds the female population in the very young age groups as well as in the early economically active years. However, an inflection occurs at the age group 45 – 50, after which the female population exceeds that of the male. The contrast is most pronounced in the later age groups – highlighting a difference in life expectancy between the sexes.

Figure 8: Sex and Age Composition of the MPO Region



Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

SPATIAL DISTRIBUTION OF POPULATION IN THE METROPOLITAN AREA

H-GAC prepared demographic maps based on U.S. Census Bureau 2015-2019 American Community Survey 5-Year Estimates. The demographic maps show where members of the main minority population groups as well as the White residents live in significant concentrations within the Houston-Galveston metropolitan planning area. Many of the population centers within the City of Houston can be identified by the historical names of the community; which today are officially referred to as "super neighborhoods."

An important observation from the population distribution maps is that some of the communities are blended in such a way that it is difficult to assign a specific characteristic to their composite racial\ethnic structure. This is especially true with the growth and spread of the Hispanic\Latino population in the region. The section that follows gives a high-level description of the population distribution of the region. The description for each population group is non-exclusive.

Black Communities:

Map 3 shows the spatial distribution of the Black\African American population within the eight counties of the Houston-Galveston metropolitan planning region. This includes a suburban tract that stretches from Beltway 8\Sam Houston Tollway to the Grand Parkway corridor; and wraps concentrically around the central city. Black\African American residents are also found in several concentrated clusters within Fort Bend County, northern Brazoria, and Galveston Counties, as well as around the Cities of Prairie View, Hempstead, and Pinehurst in Waller County.

Within the City of Houston, inner-city super-neighborhoods with a high Black\African American concentration include the Greater Third Ward – Macgregor – South Park – Sunnyside zone to the south; the Westchase – Westwood – Sharpstown – Alief zone to the southwest; and the Independence Heights – Acres Home – Greater Fifth Ward – Kashmere Gardens – Denver Harbor – Settegast zone to the north.

Hispanic\Latino Communities:

Map 4 shows the spatial distribution of the Hispanic\Latino population within the eight counties of the Houston-Galveston metropolitan planning region. Like the black\African American community, there is a marked concentration of persons of Hispanic\Latino descent in the suburban region that stretches from Beltway 8\Sam Houston Tollway to the Grand Parkway corridor and runs concentrically around the central city. The Hispanic\Latino population is however more dispersed than any other minority population group. They are found in

concentrated clusters across Montgomery, Waller, and Fort Bend Counties, and also reside in significant concentrations in parts of the other counties that fringe upon Harris County.

Within the City of Houston, residents of Hispanic\Latino origin are the exclusive majority in inner-city neighborhoods of the "East End," such as Greater Eastwood, Lawndale, Wayside; Manchester, Northside Village, and Gulfton. They nevertheless blend in high concentrations with the Black\African American and Asian populations in the Sharpstown, Alief, and Westchase super neighborhoods.

Asian Communities:

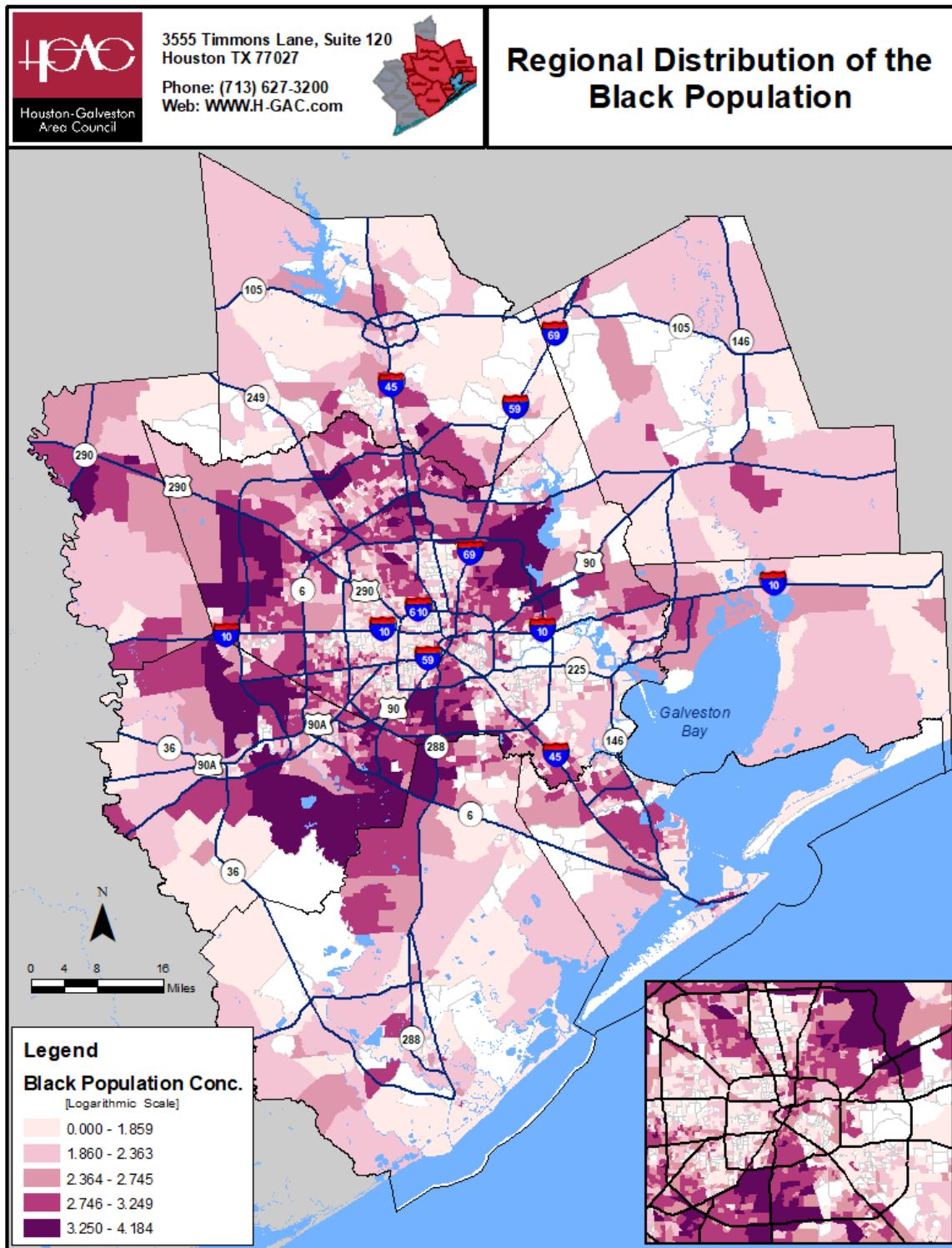
Map 5 shows the spatial distribution of the Asian population within the eight counties of the Houston-Galveston metropolitan planning region. The Asian population is more distinctly segregated than other racial\ethnic groups and make their residence mainly in the west side of the Houston metropolitan region: roughly west of the line made by IH-45 (I-69) N highway down through SH 288. Like the Black\African American and Hispanic\Latino population, there is a concentration of Asian residents in the suburban belt that stretches from Beltway 8\Sam Houston Tollway to the Grand Parkway corridor and runs concentrically around the central city.

The Asian community has a significant presence in southwest Houston, in the suburban cities of Sugarland, Katy, and particularly in the Alief – Sharpstown – Westchase super neighborhoods, a locale popularly known as "Chinatown." The Asian community includes a mix of individuals of Indian, Chinese, Vietnamese, and Korean origin.

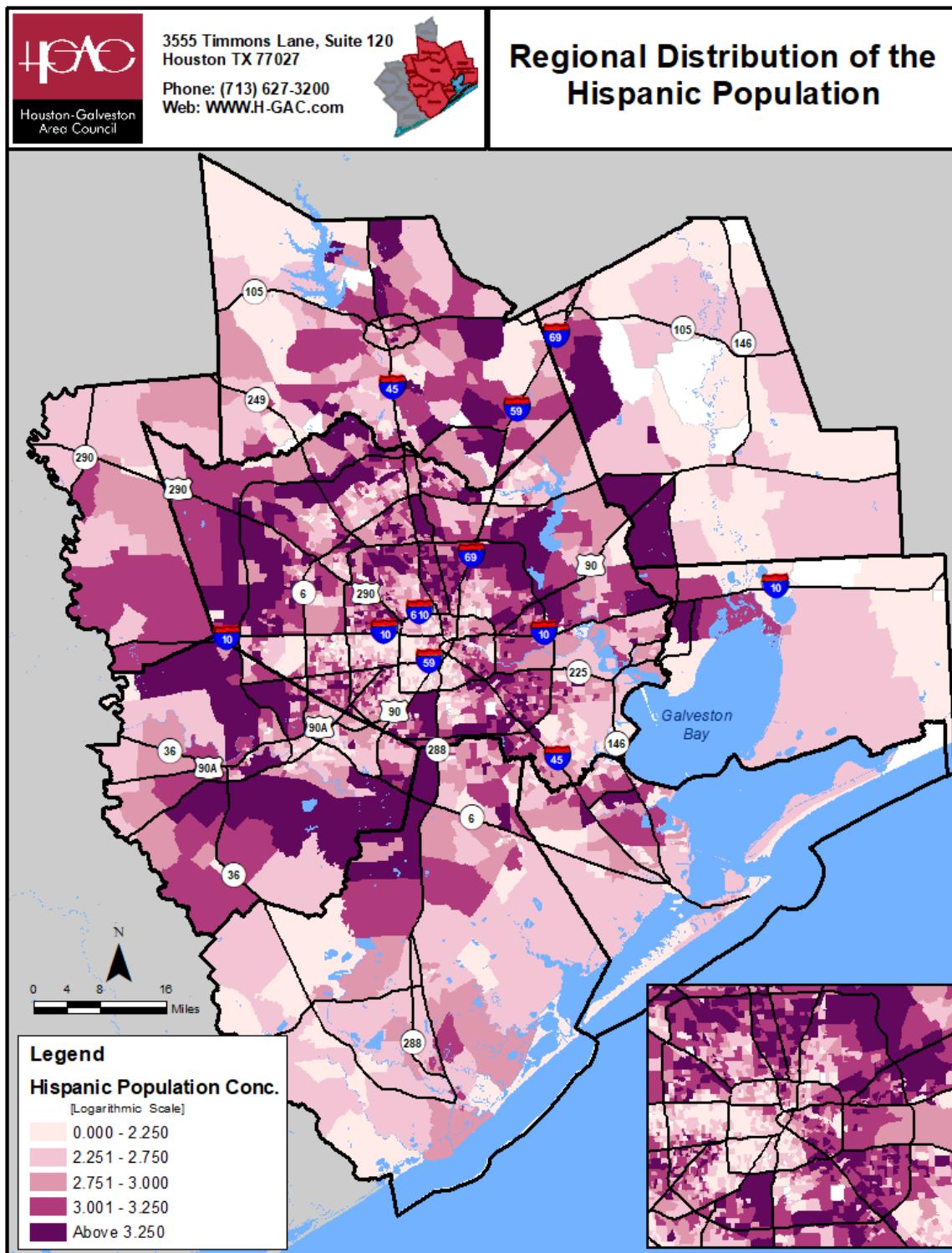
White Communities:

Map 6 shows the spatial distribution of the White population within the eight counties of the Houston-Galveston metropolitan planning region. White residents are perceptibly concentrated in suburban communities along the Grand Parkway and within the suburban and rural counties that surround Harris County. Concentrations of the White population also exist within the wedge that extends westward from the Houston downtown\midtown, River Oaks, West Loop, and the Bellaire\Meyerland communities, through Greater Memorial and out to the City of Katy.

Map 3: Black Population Concentrations – By Census Block-Group

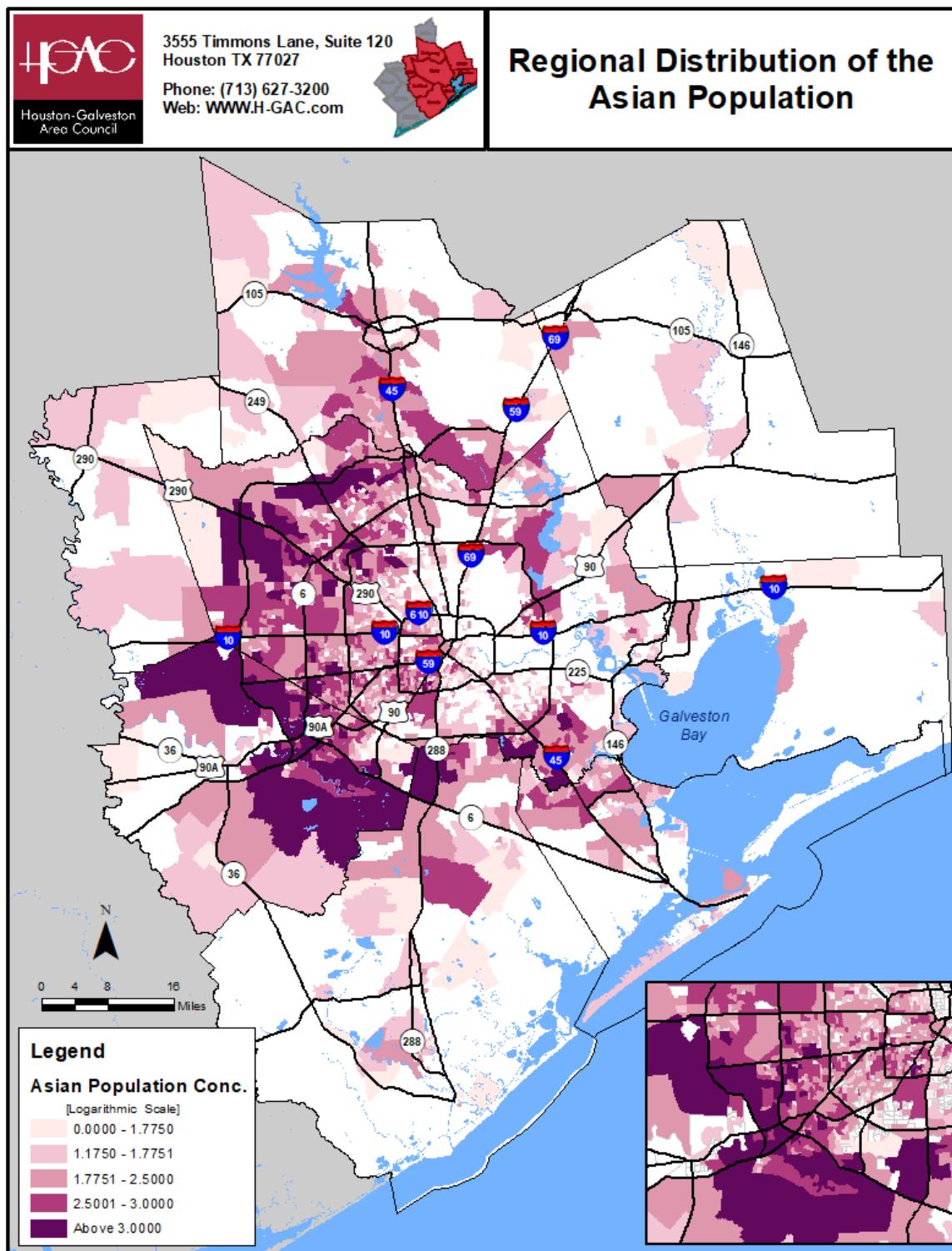


Map 4: Hispanic Population Concentrations – By Census Block-Group



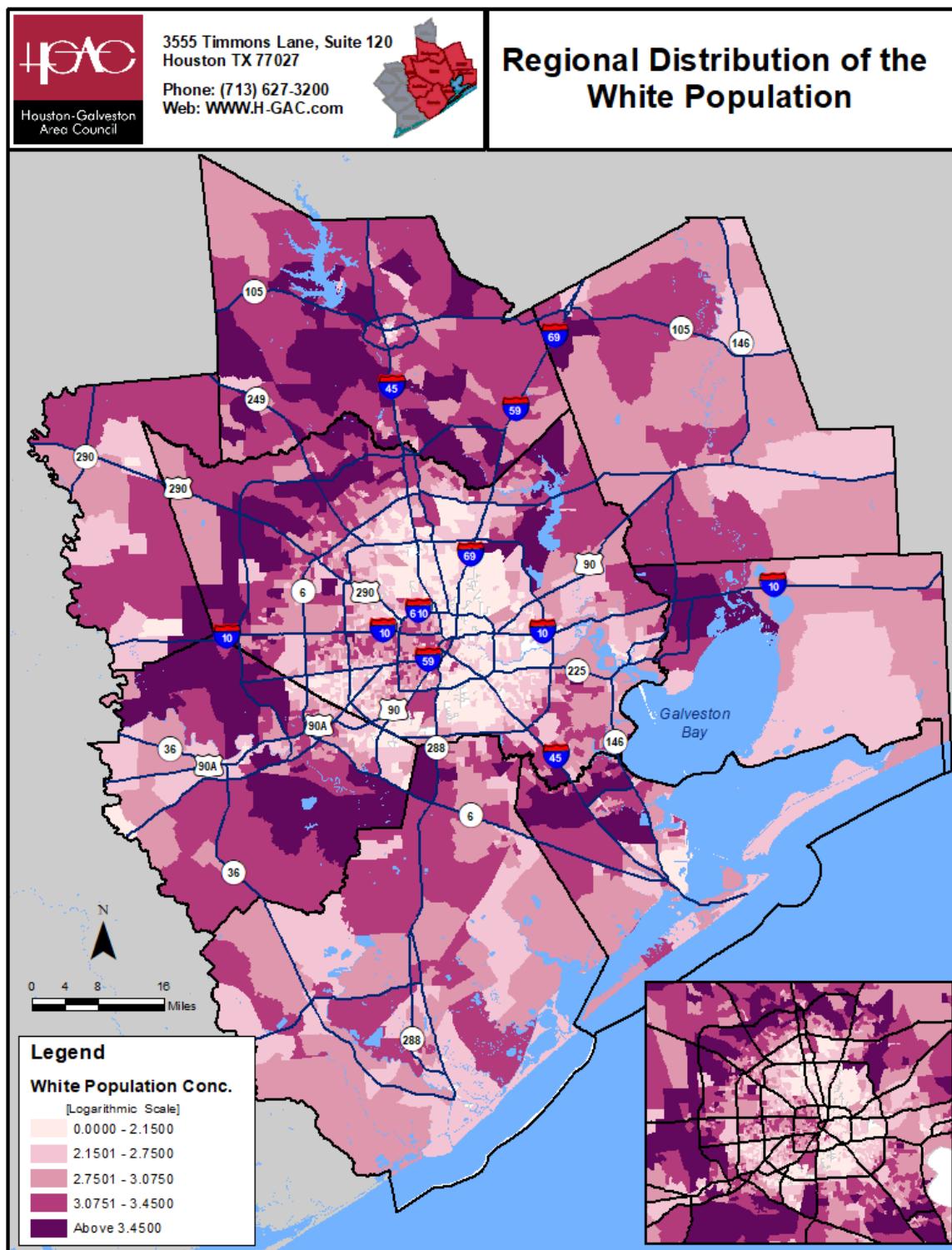
Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Map 5: Asian Population Concentrations – By Census Block-Group



Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Map 6: White Population Concentrations – By Census Block-Group



3.2 ENVIRONMENTAL JUSTICE ANALYSIS

H-GAC has updated its socio-economic maps for Title VI\Environmental Justice analysis based on data from the U.S. Census Bureau 2015-2019 American Community Survey 5-Year Estimates. The environmental justice analysis is directed at gaining a better understanding of the environments and settings that describe the underserved communities. Knowing where the protected communities live is essential to recognizing what kind of impacts they may be exposed to from a project or public action. Furthermore, knowing the distinguishing characteristics of the protected community can guide public outreach efforts and inform the choice of strategies to maximize their involvement in the planning process. Being able to identify the needs and desires of the protected population would permit the strategic allocation of beneficial transportation investments to those underserved communities and facilitate the selection of appropriate actions to avoid, minimize, or mitigate any potentially adverse project impacts that have been identified.

Executive Order 12898: "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" defines the protected population for environmental justice oversight as Minority Populations, Low-Income Populations, and the Native Indian Tribes.

DEFINING THE PROTECTED POPULATION

H-GAC uses the FTA and FHWA definition of Minority Persons:

- (1) Black: persons having origins in any of the black racial groups of Africa;
- (2) Hispanic or Latino: persons having Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- (3) Asian Americans: persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent
- (4) American Indian and Alaskan Native: persons having origins in any of the original people of North America, South America (Including Central America), and who maintain cultural identification through tribal affiliation or community recognition; and
- (5) Native Hawaiian and other Pacific Islanders: persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Low-income status is defined as a household income level that is at or below the prevailing poverty guidelines of the U.S. Department of Health and Human Services (HHS).

Threshold Analysis

Communities sensitive for environmental justice in the H-GAC planning region are identified through a threshold analysis. The concentration threshold value for the Houston metropolitan region is determined as the regional average of the socio-economic indicator, plus one standard deviation. A census block-group that meets or exceeds this threshold value is considered to be sensitive for environmental justice. The one exception is the minority population concentration threshold. Because of the large size of the minority population in the Houston-Galveston metropolitan area, the regional average for this population is naturally high. Consequently, the regional average is applied as the concentration threshold without applying the normalization of a standard deviation value.

The census block-groups considered sensitive for environmental justice account for less than one-quarter of the geographical area of the MPO region (23.3%) but include over half (54.1%) of the region's census block-groups, and just more than half (50.1%) of the regional population (Table 7).

Table 7: Distribution of EJ Census Block-Groups by Income and Minority Status

Minority Block-Groups	Percent of All Block-Groups	Low-Income Block-Groups	Percent of All Block-Groups	EJ Block-Groups*	Percent of All Block-Groups
1,563	52.1%	589	19.6%	1624	54.1%

Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates.

* Combination of minority and low-income census block-groups that are EJ sensitive.

Secondary Environmental Justice Indicators

Executive Order 13166 requires Federal agencies and recipients of Federal funds to provide special accommodations for persons with Limited English Proficiency (LEP) to ensure that linguistic barriers do not prevent their having meaningful access to the benefits and opportunities to participate in Federally assisted programs. Like Executive Order 12898, the LEP executive order is one of the Federal nondiscrimination laws that come under the umbrella of a Title VI program. The LEP disadvantage is commonly associated with one's race or national origin and is therefore directly related to Title VI, but additionally a concurrent concern in individuals protected for environmental justice purposes.

To better serve the needs of the spectrum of the underserved and disadvantaged populations for whom environmental justice oversight may be relevant, H-GAC recognizes additional social

indicators for its environmental justice analyses. These secondary indicators and their relevance for environmental justice purposes are:

Elderly Persons (Seniors) - (*Population 65 years and over*)

Generally, mobility challenges and age are often related. The likelihood of a mobility challenge increases as people age. Furthermore, the elderly are less likely to be able to drive themselves with a personal automobile and consequently must depend on transit services or on other persons to get around. Elderly status could be a clear disadvantage for the minority population, especially when aggravated by poverty.

Limited English Proficiency (LEP) - (*Individuals 5 years and over whose ability to communicate in the English language is less than "very well"*)

The inability to speak and understand English can be a barrier to accessing transportation services and other benefits provided through Federal assistance. To avoid linguistic isolation from being a limitation, special attention must be given to this population in the distribution of information regarding participation opportunities at public events. This assessment is required by Executive Order.

Carless Households - (*Households without an automobile*)

While some people live without a car as a lifestyle choice, there is a population that is truly transit dependent who out of necessity rely on public transit services for their daily travel needs. Automobile ownership is unattainable for them due to income constraints and\or disability.

Female Head of Households - (*Households with a female head*)

A household headed by a female is often directly correlated with poverty. The economic burdens on these households is especially aggravated by the presence of young dependent children.

Limited Educational Attainment (LEA) – (*Persons 25 years and over with no high school diploma*)

Persons with limited education typically have limited career choices and, barring unique enterprise, will usually end up in poverty. A limited educational attainment will sometimes coincide with a limited ability to communicate effectively in the English language

Disability – (*Persons self-reporting as having some disability that impairs their ability to function normally*).

Physical disabilities and other types of impairments may impact a person's ability to hold a job, operate an automobile, or otherwise seek certain benefits that are offered to the region's residents.

Table 8: Environmental Justice Populations in the H-GAC Planning Region

Region	Minority Pop.	Low-Income Pop.	Senior Pop.	Limited Education Attain.	Zero Car HH	Female Headed HH	LEP Pop.	Disabled Pop.
Texas	23.6%	11.3%	11.9%	16.3%	5.3%	29.5%	13.7%	24.3%
Gulf Coast Region	64.0%	12.7%	10.7%	16.3%	5.1%	28.7%	16.8%	20.7%
Brazoria County	52.8%	8.9%	11.6%	12.1%	3.0%	24.0%	7.9%	21.5%
Chambers County	33.0%	11.6%	10.9%	11.5%	3.3%	20.4%	5.6%	25.1%
Fort Bend County	66.9%	7.0%	10.6%	9.4%	2.2%	21.7%	13.0%	17.1%
Galveston County	42.6%	11.8%	13.9%	11.0%	5.1%	28.6%	6.4%	28.0%
Harris County	70.4%	14.3%	10.2%	18.6%	6.0%	30.9%	20.4%	20.2%
Liberty County	36.7%	13.8%	13.0%	22.7%	6.0%	26.4%	7.9%	35.9%
Montgomery County	34.0%	8.7%	12.8%	12.3%	3.2%	23.6%	7.4%	21.6%
Waller County	57.1%	14.9%	11.6%	17.5%	3.5%	23.4%	12.2%	27.8%

Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates.

Table 8 contains a summary of the proportion of the disadvantaged populations in every county of the MPO region, the Gulf Coast region as well as in the State of Texas.

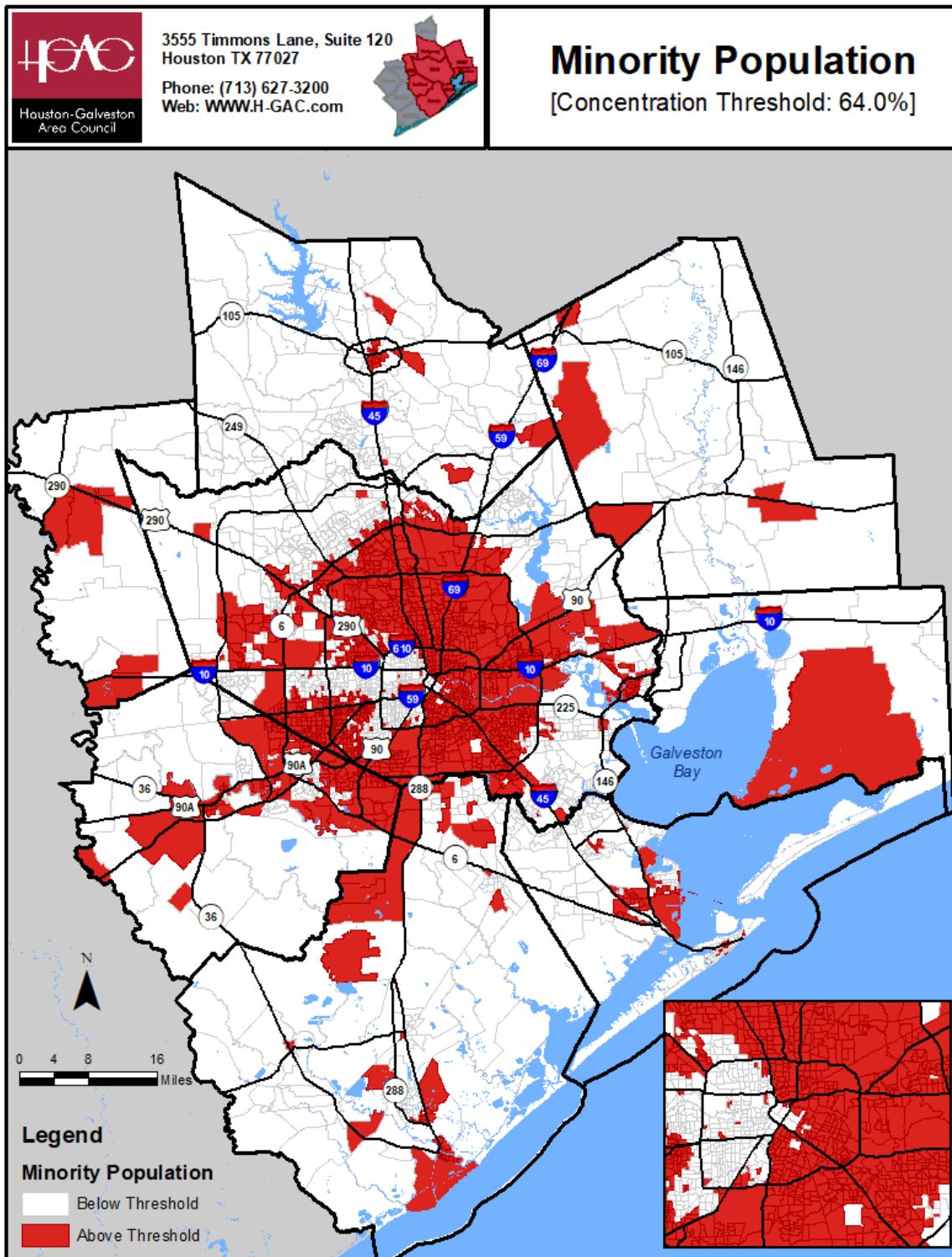
- While the minority population amounts to about 23.6% of the population of the State of Texas, they make up as much as 64% of the population of the MPO planning region.
- Harris County is the county with the highest proportion of its population that are minority residents (70.4%). This is closely followed by Fort Bend County with 66.9%. The County with the lowest proportion of its population who are minority residents is Chambers County, with 33.0%.
- Four out of the eight counties in the MPO region have minority populations over 50% (Brazoria, Fort Bend, Harris, and Waller Counties). All of these four counties except Brazoria have minority populations over 60%.

- Based on household poverty statistics, about 12.7% of the MPO region's population live below the poverty level. This is higher than the Texas average of 11.3%. The highest concentration of poverty is found in Waller County (14.9%), followed by Harris County (14.3%), and Liberty County (13.8%). The lowest concentration of poverty is found in Fort Bend County (7.0%). The county with the second lowest percentage of households in poverty is Montgomery County (8.7%).
- The size of the LEP population across the MPO region ranges from 5.6% of the population 5 years and over in Chambers County to as much as 20.4% of the population 5 years and over, in Harris County. About one in five residents of Harris County would need some form of language assistance because of their limited ability to communicate in the English language.
- Counties with a significant proportion of persons with limited education attainment are Liberty County (23.8%), Waller County (21.9%), and Harris County (20.4%).
- Harris County surpasses the entire Gulf Coast Region and the State of Texas in the proportion of its residents represented in every category of disadvantage except the population of the elderly (8.8%).
- The LEP population within the MPO region (17.0%) is higher than the average for the entire state of Texas (14.2%).

The methodology used in calculating the concentration threshold value for the environmental justice indicators of disadvantage may be found in Attachment 5. The maps that follow below show the census block-groups that are identified as environmental justice sensitive because the proportion of residents within each zone meet or exceed the threshold concentration for environmental justice concern.

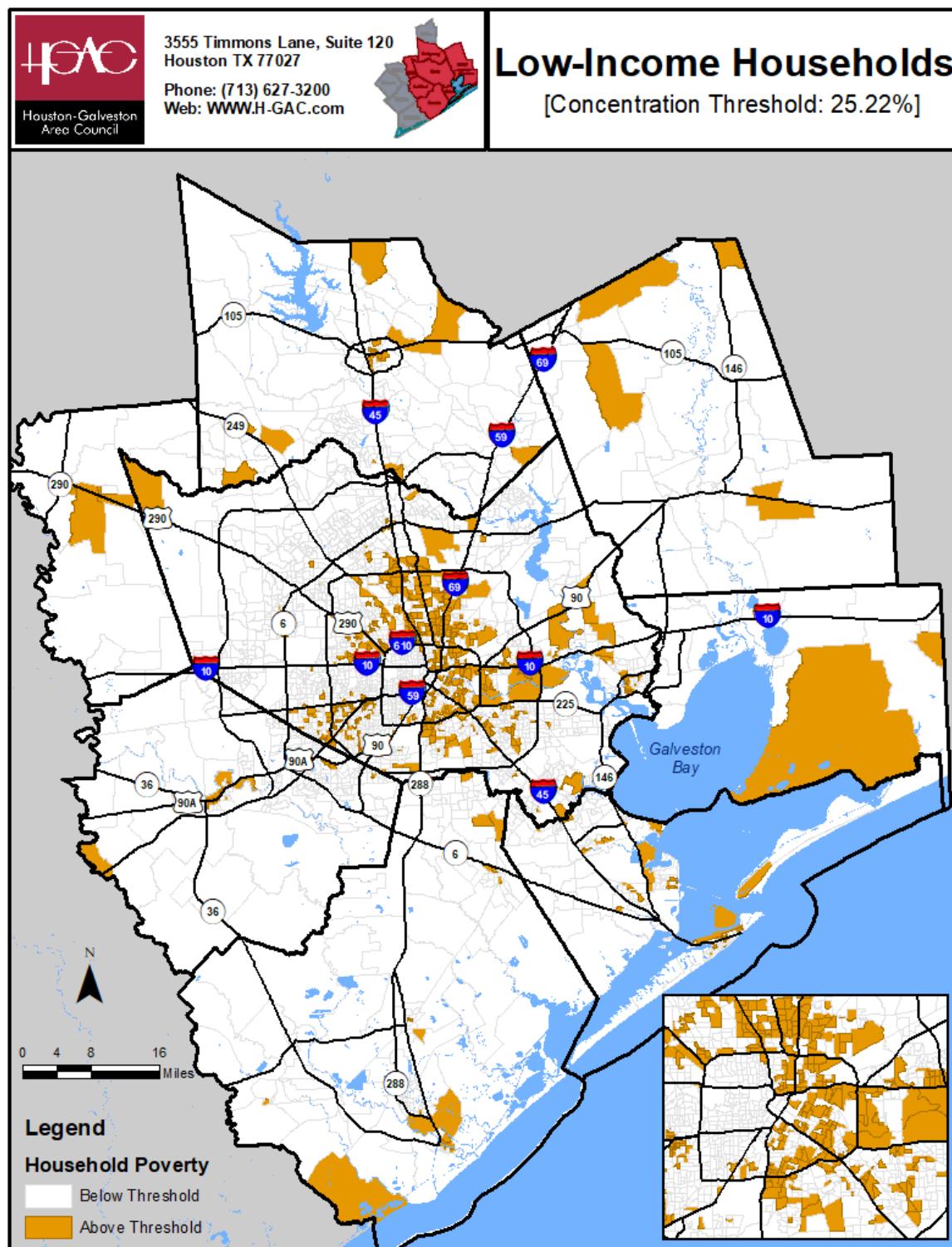
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Map 7: Census Block-Groups with a High Minority Population Concentration



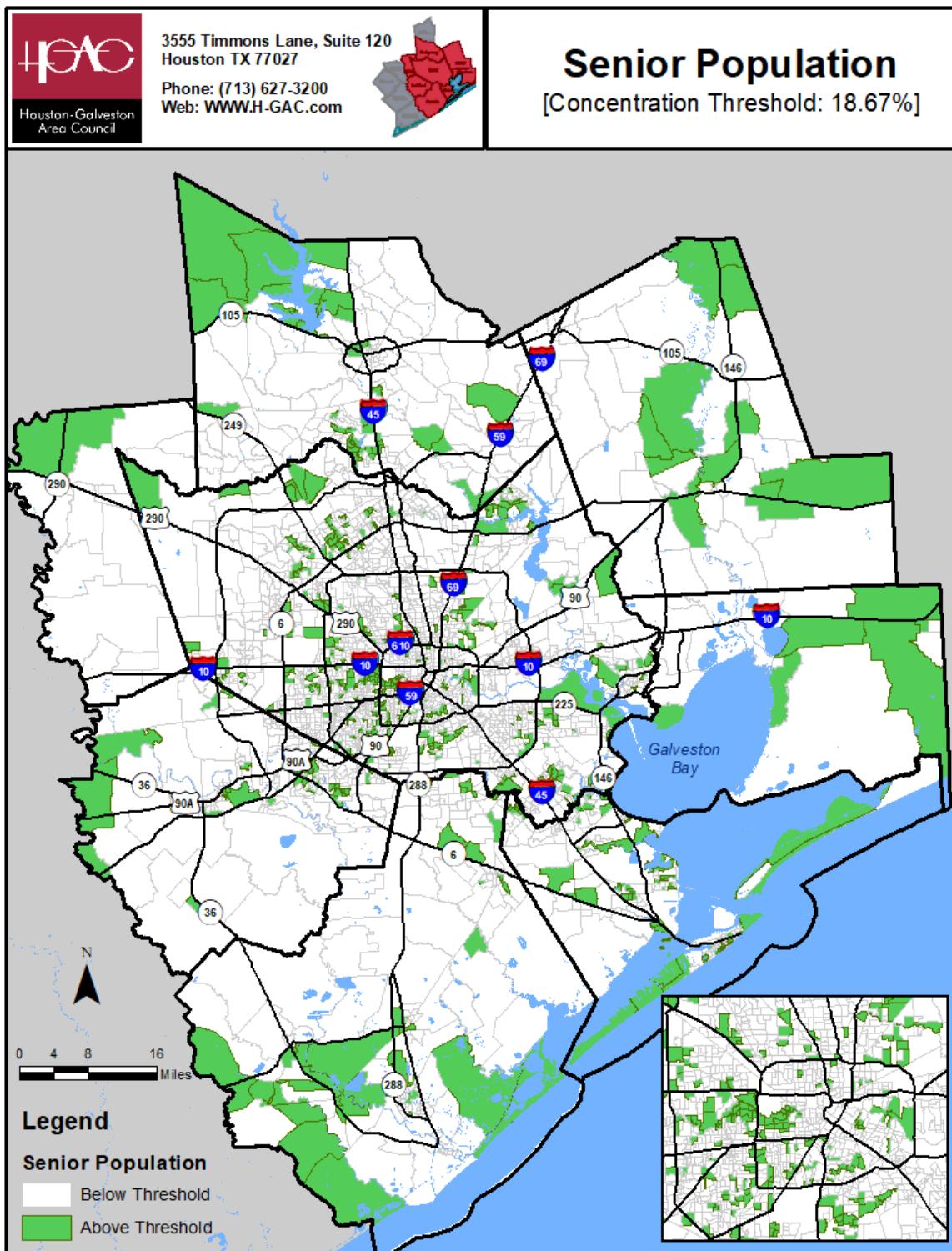
Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Map 8: Census Block-Groups with a High Concentration of Low-Income Households

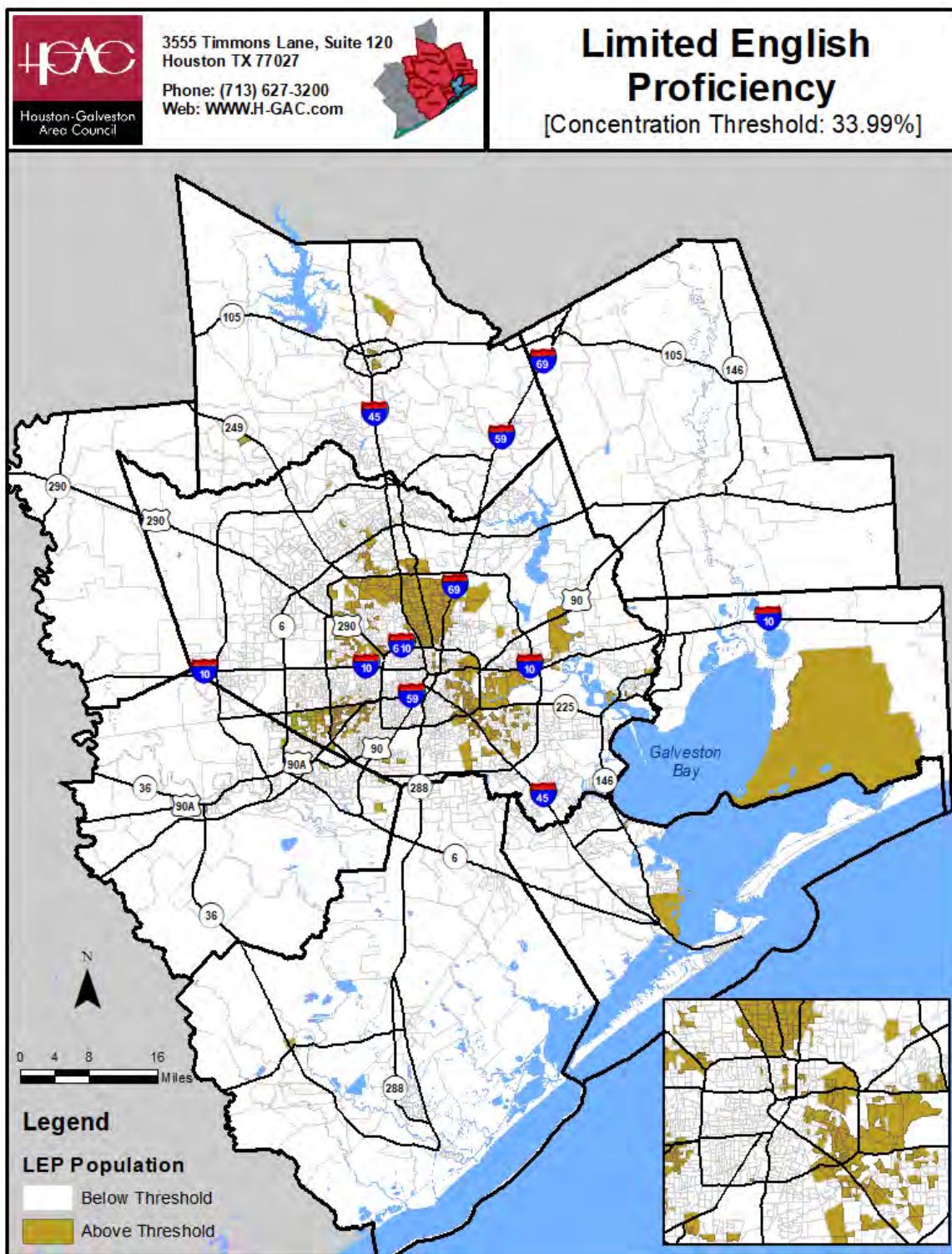


Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

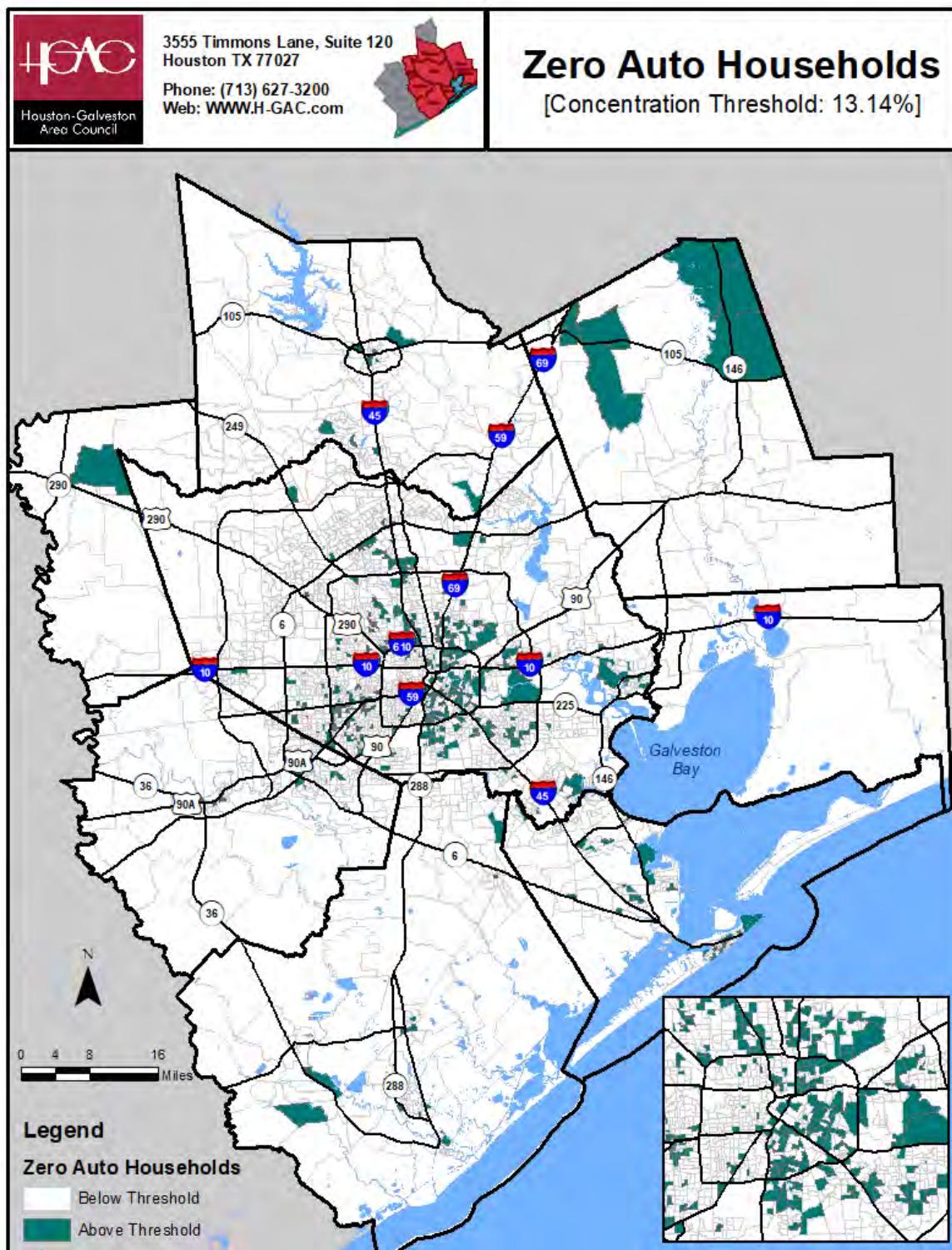
Map 9: Census Block-Groups with a High Senior Population Concentration



Map 10: Census Block-Groups with a High LEP Population Concentration

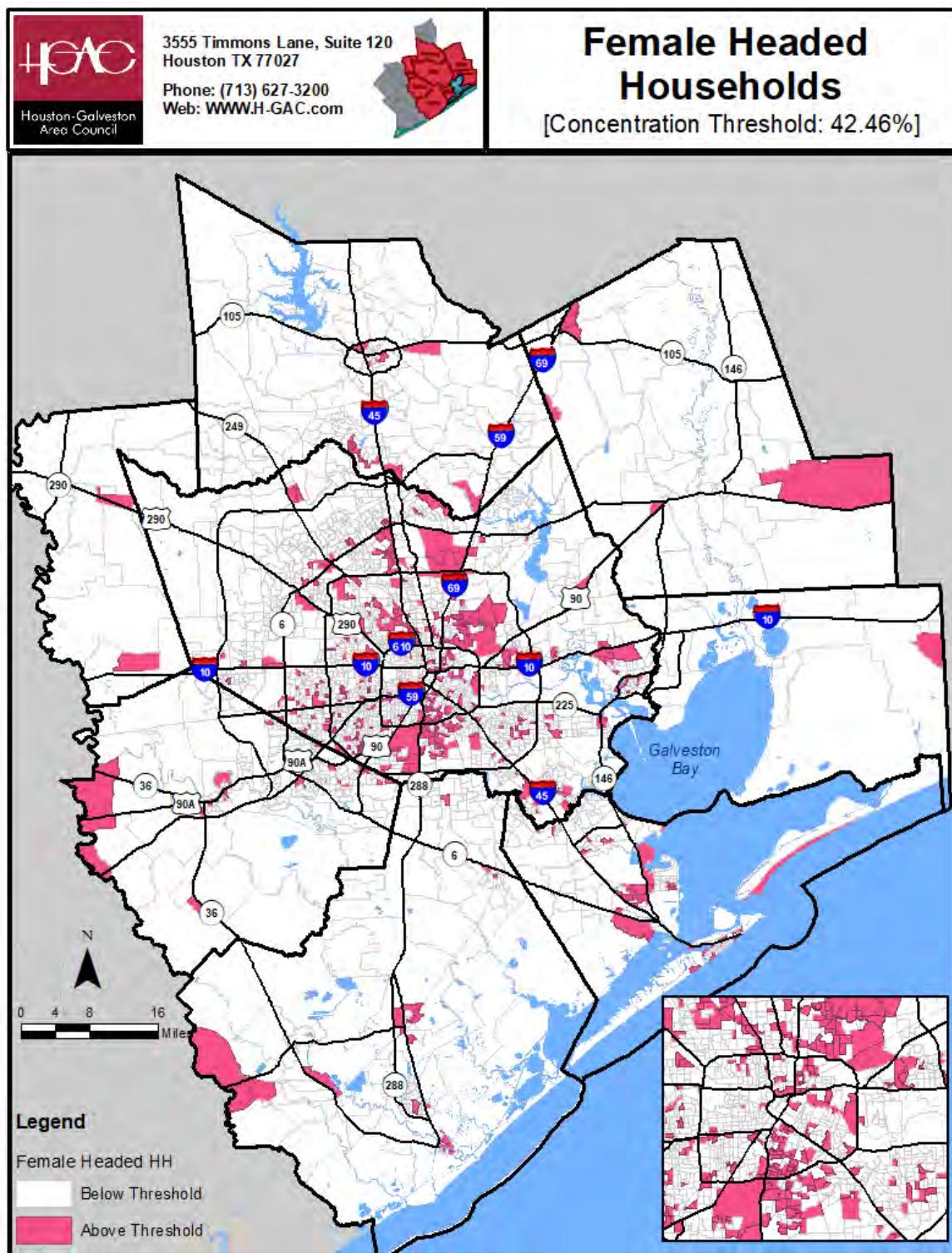


Map 11: Census Block-Groups with a High Concentration of Zero Automobile Households

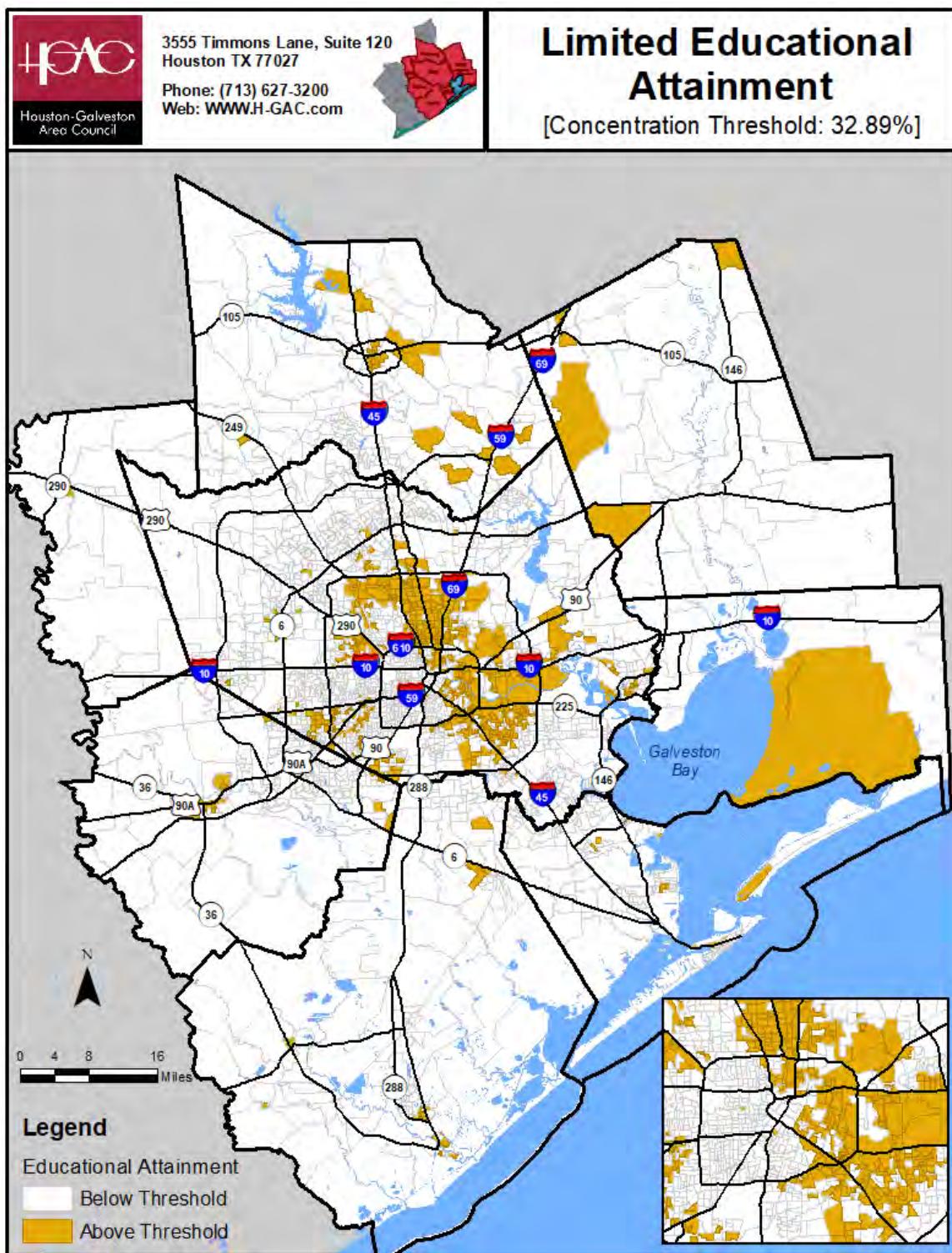


Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

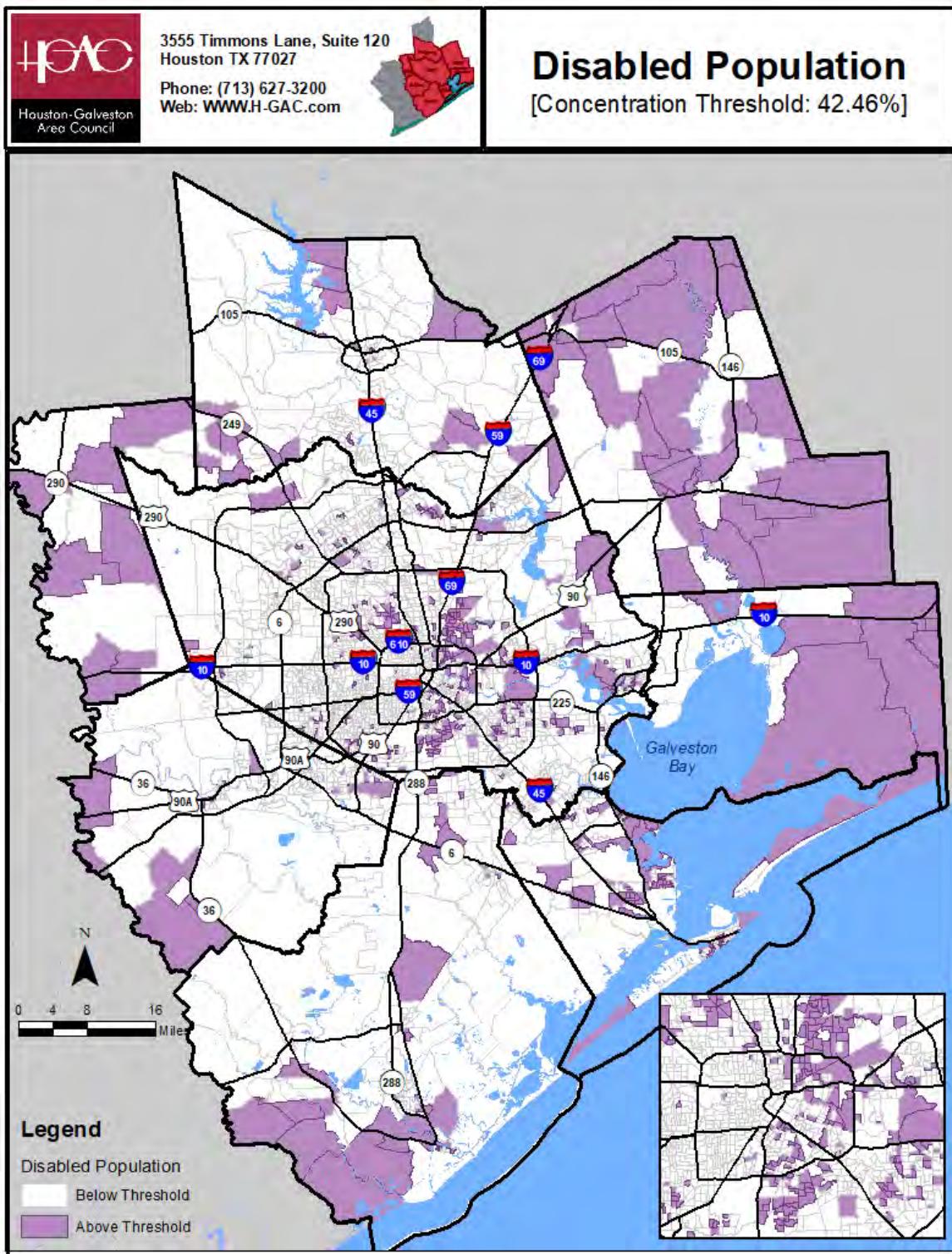
Map 12: Census Block-Groups with a High Concentration of Female Headed Households



Map 13: Census Block-Groups with a High LEA Population Concentration



Map 14: Census Block-Groups with a High Disabled Population Concentration



Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

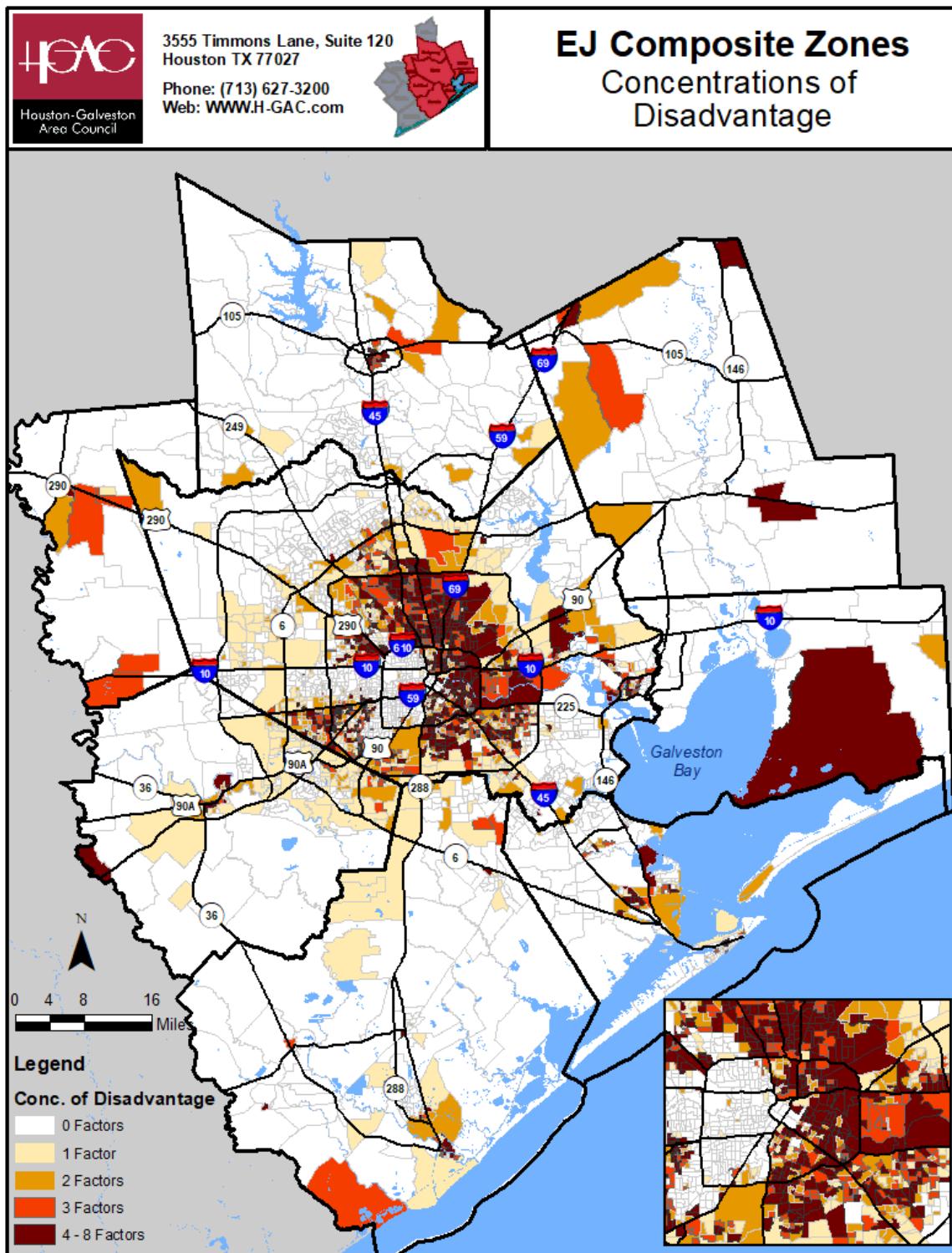
Concentrations of Disadvantage

In keeping with Executive Order 12898, minority and low-income status are the primary markers of disadvantage for environmental justice considerations in H-GAC's transportation equity analysis. However, in a review of the supplemental socio-economic factors described above, some census block-groups have been found to have high concentrations of multiple indicators of disadvantage. A "concentration of disadvantage" exists in a census block-group where one or more of the secondary indicators of disadvantage occur *in addition* to minority and/or low-income status. While every environmental justice population is a community of concern, H-GAC recognizes those communities where the residents have a concentration of four or more indicators of socio-economic hardship as communities or zones with "high disadvantage" (Map 15). Arguably, a community beset with multiple factors of hardship will be less resilient in the face of adverse conditions arising from natural disasters or impacts like displacement that may result from transportation infrastructure development activities.

Of the 1624 census block-groups within the MPO that are identified as environmental justice sensitive zones, 536 or 17.9% of these zones are characterized as zones of high disadvantage. The propensity to experience hardship because one has multiple factors of disadvantage appears to be higher because of a status of poverty than because one is a member of a racial minority group. All this information is used by H-GAC to model or understand the potential impacts of transportation related actions on the MPO region's most vulnerable population.

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Map 15: Census Block-Groups with Concentrations of Disadvantage



Source: US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Geographic Communities

On January 20, 2021, President Biden signed Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities through the Federal Government.⁸ The order articulates a federal policy to advance equity and create opportunities for the improvement of communities that have been historically underserved. Equity, under this policy, means the "consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities."⁹

Communities of concern identified in the executive order are individuals who belong to underserved communities such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ +) persons; persons with disabilities; persons who live in rural areas; persons otherwise adversely affected by persistent poverty or inequality; and generally, populations and geographic communities who have traditionally been denied the opportunities and benefits enjoyed by others.¹⁰

While Executive Order 13985 invokes the general nondiscrimination principles of Title VI, MPOs will require pointed guidance from the Department of Transportation regarding how the policy statement should translate to actions within the transportation planning process. Several offices of the executive branch are presently working in partnership with the federal agencies to consider some of these details. Meanwhile, initiatives such as the Gulf Coast Regionally Coordinated Transportation Plan process are ongoing, to identify gaps in the regional transportation system (including within the rural areas), and using that information, to develop potential strategies to address the gap areas where public transportation is found to be insufficient, inappropriate, or unavailable.

⁸ Exec. Order No. 13985, 86 C.F.R. 7009 (2021-2025).

⁹ *Ibid.* Section 2.

¹⁰ *Ibid.*

3.3 IDENTIFYING THE MOBILITY NEEDS OF THE MINORITY POPULATION

Public Involvement

H-GAC conducts a well-rounded transportation planning process that follows the traditional "3-C" system.¹¹ Within this process, the primary method for identifying the mobility needs of the minority, low-income, and other disadvantaged populations is through the public involvement program. The federal requirement for continuous participation by the public during the transportation planning process is calculated to bring the range of community needs and interests to the table prior to, and during the period that substantive planning decisions are made. Planning decisions that are properly informed by an inclusive public participation process tend to be more effective and sustainable because they consider the needs and interests of all stakeholders, including the minority, low-income, and other vulnerable populations. The MPO's public engagement efforts are designed to stimulate comments and create discussion threads on mobility issues, and the needs and challenges that face the residents of the region. MPO staff record these comments and consider them in the development of the pertinent regional transportation plans and the sub-regional mobility studies.

The MPO's outreach to the underserved population is increasingly focused on leveraging community partnerships. H-GAC collaborates with elected officials with connections to the target communities to facilitate greater access to these underserved populations and to obtain critical feedback on community needs and local reactions to project proposals. MPO planning and outreach staff also continue to build relationships with civic groups, neighborhood associations, and faith-based organizations, and community advocates and take advantage of opportunities to discuss on ongoing projects with the people and solicit their comments during community events and their existing neighborhood organization meetings.

Transportation Planning Studies

Another important process through which H-GAC identifies the mobility needs and opportunities for the minority, low-income, and other disadvantaged communities is through directed transportation planning studies. The agency periodically engages in regional and subregional mobility studies to understand the mobility needs of a community and to arrive at planning solutions to the needs identified, making practical choices based on local circumstances. Several examples of these subregional mobility/transportation planning studies

¹¹ Continuous, Comprehensive and Cooperative.

are the Fort Bend County Subregional Plan, the Liberty County Mobility Study, the South East Harris County Subregional Study, the Montgomery County Precinct 2 Mobility Study, the SH 146 Subregional Plan, The East End Mobility Study, and the Northern Brazoria County/Pearland Subregional Plan, to name a few.

The Regionally Coordinated Transportation Plan

H-GAC facilitates the Gulf Coast regionally coordinated transportation planning process which looks to identify and document gaps in the available public transportation service, and to quantify and address the un-met demand for transportation service across the H-GAC thirteen-county Gulf Coast planning region.

The purpose of the regionally coordinated transportation plan is to provide more efficient and effective public transportation services across the region including the rural areas, which are typically underserved by public transportation, and to improve the mobility options for a priority population that includes seniors (individuals aged 65 and over), persons with disabilities, individuals with lower incomes, persons with limited proficiency in the English language, youths, and veterans. A large proportion of the target population are minority and low-income residents, and many live in the suburban and rural communities which only have access to sporadic and generally unaccommodating public transportation service, or no service at all. The coordinated plan provides strategies for meeting the public's transportation needs and prioritizes transportation services for funding and implementation.

A regionally coordinated transportation plan for the upper Texas Gulf Coast region was last produced in 2017 and is updated every five years. Work is underway to develop the 2022 update to the plan. The update process involves extensive research and information gathering and includes public meetings, seminars, focus group studies, and stakeholder surveys. The 2017 update included a transportation inventory and stakeholder agency survey which enumerated existing transportation service providers and documented their services, fleet resources, market areas, and operating parameters (see Attachment 6). Survey respondents included human service agencies, public transportation agencies, school districts, private non-profit organizations, and city\county government entities.

The RCTP update study documented the extent of coverage of the existing transportation network and sought to identify obstacles and opportunities for improving regional coordination in the delivery of transportation services. The "Power of Transit" symposium provided a forum for panelists to discuss their expert viewpoints on regional partnerships and collaboration among transportation providers. Panelists advanced the position that by leveraging individual

services and existing funding, transportation could be made to reach those populations not served by the region's major transit providers.

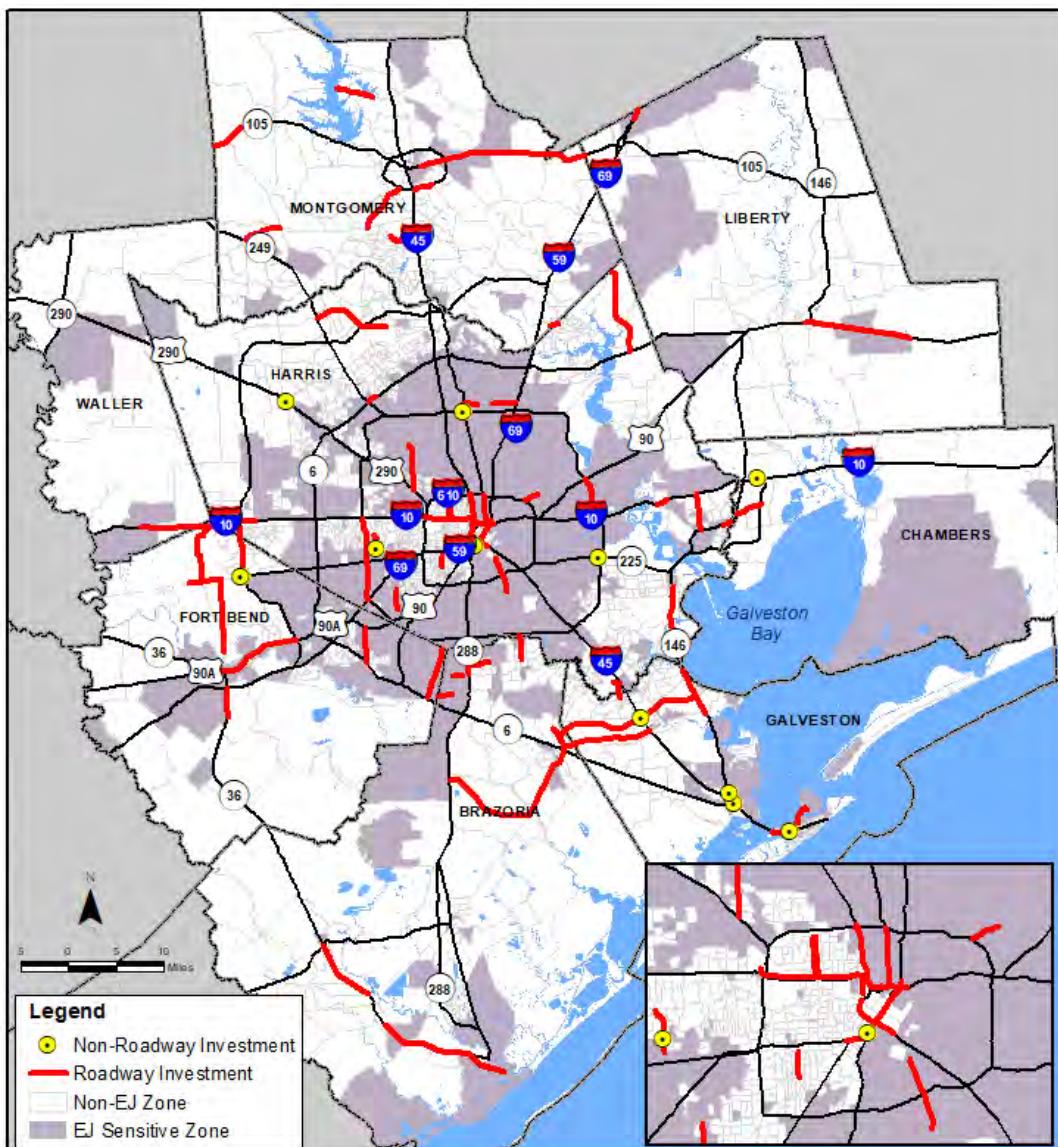
A key product of the RCTP development process is the establishment of the Transit Need Index (TNI) and the completion of the Gap Analysis which assesses the relative levels of actual demand\need for transit service within the thirteen counties of the H-GAC Council of Governments region and determines where existing transit service is inadequate. Several socio-economic factors are considered in deriving the index of transit need. These include population density, household income, the percentage of children 6-17 years, the number of persons with disabilities, the size of the elderly population, and the number of households without an automobile. The results of the RCTP study are applied in deciding how to prioritize transportation service improvements for the target population.

3.4 TRANSPORTATION EQUITY ANALYSIS

The effectiveness of a Title VI non-discrimination program may be assessed by the quality of participation in the transportation planning and decision-making process that is afforded the minority and other disadvantaged populations, and by the equity of the distribution of transportation benefits and of its related burdens. H-GAC applies an extensive set of geo-spatial and quantitative technical analyses to produce a snapshot of transportation equity for the MPO region. The analyses among other things examine the distribution of transportation investments and how the mobility and accessibility benefits of network improvements accrue to both the protected communities and the non-protected communities. The results suggest how well the state and local transportation partners provide for general mobility, and the access to opportunities, community facilities and to vital services for the region's residents.

This section includes a compilation maps, charts, and tables pertinent to the broad-based transportation equity analyses performed by the agency. The impact of transportation plans and investments are assessed for the environmental justice sensitive zones, environmental justice sensitive zones classified as highly disadvantaged, and the zones not classified as sensitive for environmental justice.

Map 16: Regionally Significant Transportation Investments in H-GAC Ten-Year Plan (2021 – 2030)



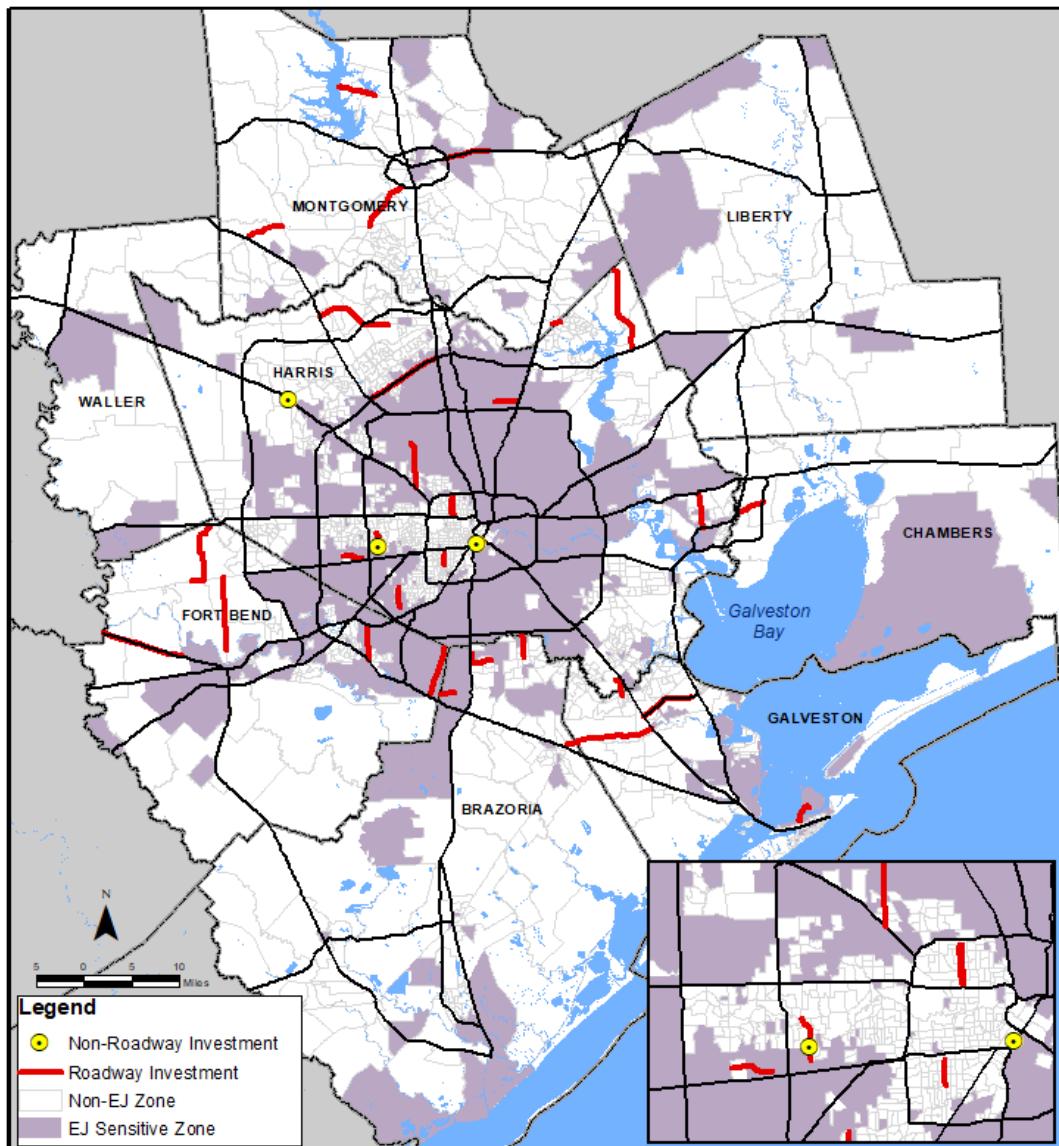
Source: H-GAC Ten-Year Plan (FY 2021 – 2030)

Table 9: Regionally Significant Transportation Investments in H-GAC 10-Year Plan (2021 – 2030)

	EJ Areas	EJ Areas with High Disadvantage	Non EJ Areas
Number of Projects (Percent of Projects)	57 out of 109 (52.3%)	27 out of 113 (23.9%)	94 out of 113 (83.2%)
Cost of Projects (Percent of Budget)	\$9,906,692,578 (75.8%)	\$6,096,603,571 (46.7%)	\$10,562,968,215 (80.8%)

Source: H-GAC Ten-Year Plan (FY 2021 – 2030)

Map 17: Local Thoroughfare Investments in H-GAC Ten-Year Plan (2021 – 2030)



Source: H-GAC Ten-Year Plan (FY 2021 – 2030)

Table 10: Local Thoroughfare Improvement Projects in the H-GAC 10-Year Plan (FY 2021 – 2030)

	EJ Areas	EJ Areas with High Disadvantage	Non EJ Areas
Number of Projects (Percent of Projects)	21 out of 44 (47.7%)	4 out of 44 (9.1%)	37 out of 44 (84.1%)
Cost of Projects (Percent of Budget)	\$867,095,896 (41.0%)	\$192,283,547 (9.1%)	\$1,704,520,918 (80.5%)
Expenditure Per Capita	\$243.5	\$314.4	\$517.5

Source: H-GAC Ten-Year Plan (FY 2021 – 2030)

Map 18: Location of Mapped Sidewalk Facilities within Eight-County MPO Region

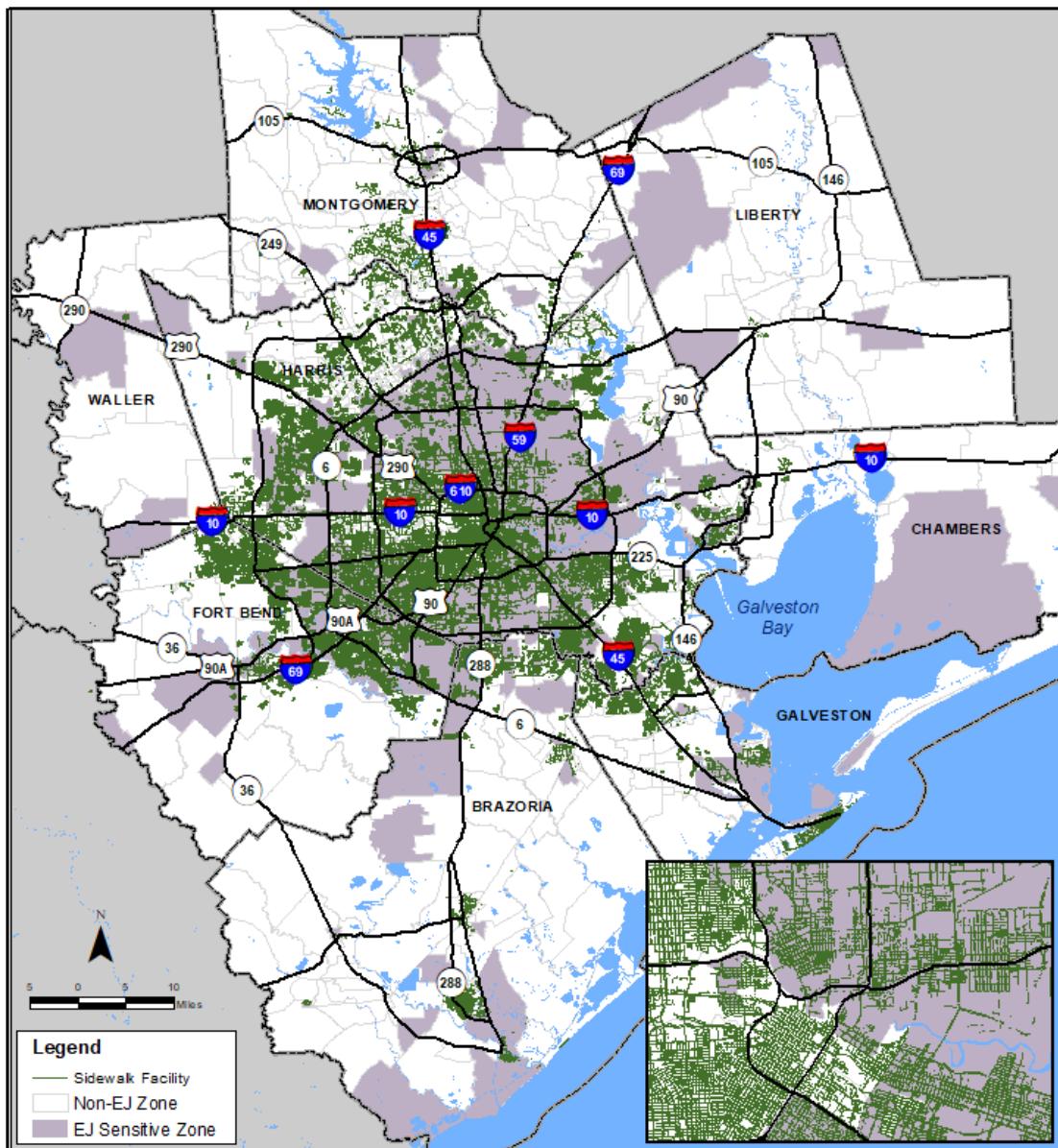
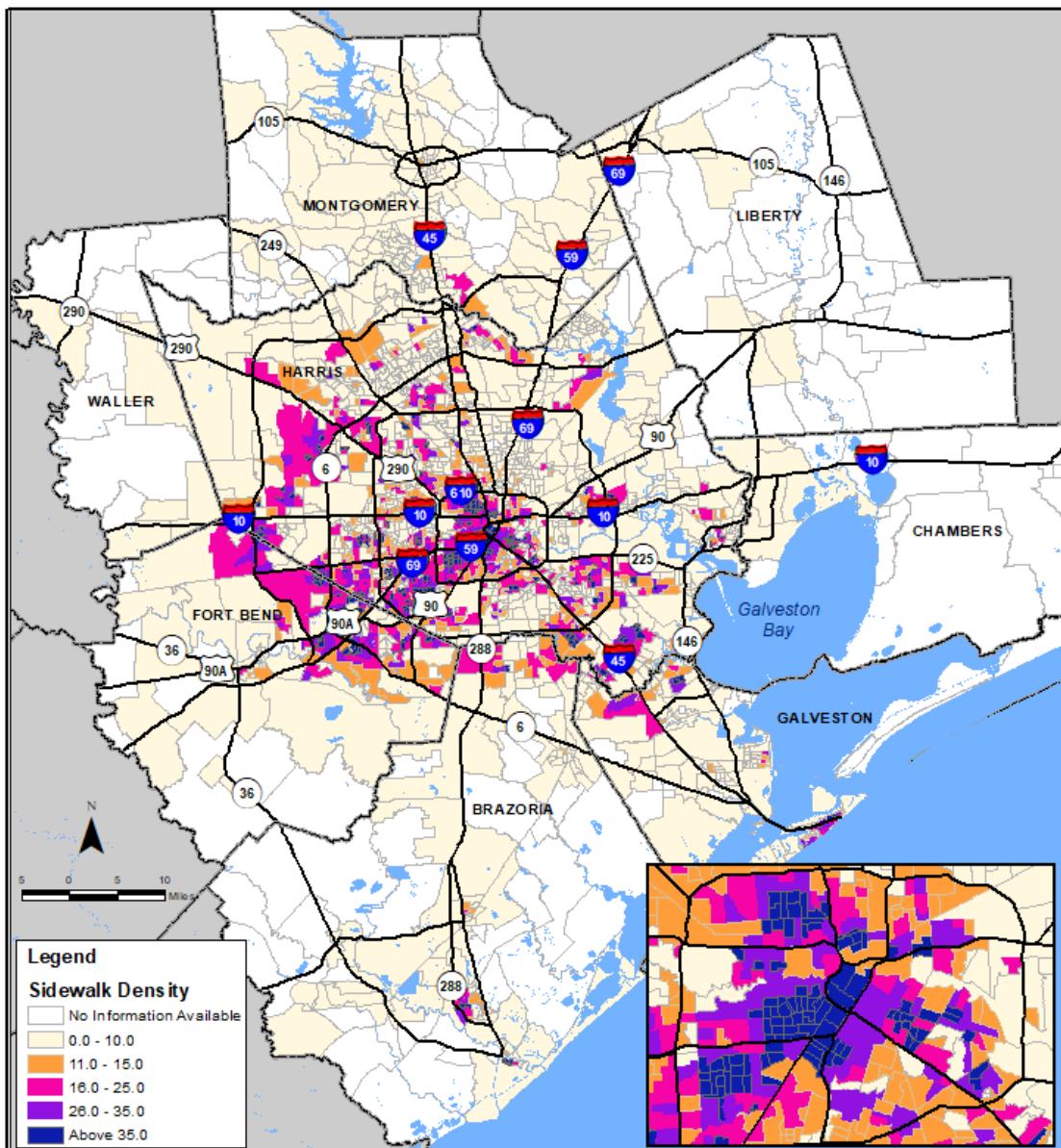


Table 11: Analysis of the Distribution of Sidewalk Facilities within the Eight County MPO Region

	EJ Areas	EJ Areas with High Disadvantage	Non EJ Areas
Length of Sidewalks (% of Infrastructure)	8,472.2 miles (47.3%)	1,599.7 miles (8.2%)	10,342.9 miles (53.3%)

Source: H-GAC Geographical Information Services (GIS) Database - 2021

**Map 19: Sidewalk Density by Census Block Group Within the Eight-County MPO Region
(miles/sq. mile)**



Source: Houston-Galveston Area Council Geographic Information Service (GIS) 2021

Table 12: Trip Characteristics of Auto Users During Morning Peak Period (6 am – 9 am)

	All TAZ Zones	Non-EJ Zones	EJ Zones	EJ Zones with High Disadvantage
<i>Average Vehicle Trip Time (Minutes)</i>				
2020 Network	24.0	25.4	22.3	19.0
2045 Build Network	28.9	31.8	24.3	19.8
2045 No-Build	29.5	32.5	24.8	20.2
<i>Average Vehicle Trip Length (Miles)</i>				
2020 Network	14.4	15.5	13.1	11.3
2045 Build Network	15.4	16.9	13.1	10.8
2045 No-Build	14.9	16.4	12.5	10.2
<i>Average Vehicle Trip Speed (Miles/Hour)</i>				
2020 Network	36.0	36.6	35.2	35.7
2045 Build Network	32.1	32.0	32.3	32.7
2045 No-Build	30.3	30.2	30.3	30.4

Source: H-GAC Travel Demand Model, 2021

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Table 13: Level of Service During Morning Peak Period (6 am – 9 am)

Roadway Classification	Year 2020		2045 Conformity Network		2045 No-Build Network	
	LOS	% by Class	LOS	% by Class	LOS	% by Class
Freeways	A-B-C	86.0%	A-B-C	72.5%	A-B-C	71.5%
	D-E	12.2%		16.1%		17.5%
	F	1.9%		11.4%		11.0%
Toll Roads	A-B-C	95.9%	A-B-C	81.5%	A-B-C	81.5%
	D-E	3.7%		10.1%		10.5%
	F	0.4%		8.4%		8.0%
Principal Arterials	A-B-C	90.7%	A-B-C	80.5%	A-B-C	80.5%
	D-E	7.0%		10.4%		10.5%
	F	2.3%		9.1%		9.0%
Other Arterials	A-B-C	94.3%	A-B-C	84.1%	A-B-C	84.3%
	D-E	4.5%		9.5%		9.4%
	F	1.2%		6.4%		6.3%
Collectors	A-B-C	97.2%	A-B-C	85.7%	A-B-C	85.9%
	D-E	2.0%		7.0%		6.8%
	F	0.8%		7.3%		7.3%
Ramps	A-B-C	92.4%	A-B-C	87.6%	A-B-C	87.8%
	D-E	5.2%		6.3%		6.2%
	F	2.4%		6.1%		6.0%
Frontage	A-B-C	94.1%	A-B-C	85.2%	A-B-C	85.5%
	D-E	4.3%		7.9%		7.4%
	F	1.6%		6.9%		7.1%
HOT	A-B-C	79.9%	A-B-C	65.9%	A-B-C	57.7%
	D-E	20.0%		24.0%		25.2%
	F	0.1%		10.1%		17.1%
HOV	A-B-C	98.7%	A-B-C	81.1%	A-B-C	78.7%
	D-E	1.3%		6.6%		7.3%
	F	0.0%		12.3%		14.0%

Source: H-GAC Travel Demand Model, 2021

Table 14: Trip Characteristics of Transit Users During Morning Peak Period (6 am – 9 am)

	All TAZ Zones	Non-EJ Zones	EJ Zones	EJ Zones with High Disadvantage
<i>Average Vehicle Trip Time (Minutes)</i>				
2020 Network	19.3	22.2	17.7	14.4
2045 Build Network	27.4.9	35.6	21.8	17.8
2045 No-Build	29.5	32.5	24.8	20.2
<i>Average Vehicle Trip Length (Miles)</i>				
2020 Network	11.9	13.6	10.9	9.0
2045 Build Network	14.7	18.9	11.9	9.8
2045 No-Build	14.2	18.2	11.5	12.7
<i>Average Vehicle Trip Speed (Miles/Hour)</i>				
2020 Network	36.9	36.9	36.9	37.4
2045 Build Network	32.2	31.8	32.7	33.0
2045 No-Build	29.7	29.3	30.2	30.4
<i>Number of Transit Trips</i>				
2020 Network	95,282	34,214	61,067	20,174
2045 Build Network	261,222	106,649	154,573	43,922
2045 No-Build	261,153	105,291	155,862	44,484

Source: H-GAC Travel Demand Model, 2021

Table 15: Accessibility to Jobs by Automobile and Transit Modes – Comparisons by Network

	Number of Jobs Accessible within 30 Minutes by Automobile			Number of Jobs Accessible within 60 Minutes by Transit		
	Year 2020 Network	Year 2045 Build	Year 2045 No-Build	Year 2020 Network	Year 2045 Build	Year 2045 No-Build
Non-EJ Zones	746,214	730,377	656,004	1,612,449	1,501,660	1,418,607
Percent change from 2020 Network		-2.1%	-12.1%		-6.9%	-12.0%
EJ Zones	1,123,392	1,257,824	1,117,749	2,200,943	2,286,890	2,144,954
Percent change from 2020 Network		11.9%	-0.5%		3.9%	-2.5%
EJ Zones with High Disadvantage	1,502,855	1,786,409	1,583,253	2,504,357	2,851,835	2,688,313
Percent change from 2020 Network		18.9%	5.4%		13.9%	7.3%

Source: H-GAC Travel Demand Model, 2021

Table 16: Accessibility to Jobs by Automobile and Transit Modes – By EJ Category

EJ Category	Jobs Accessible in 30 Mins by Auto			Jobs Accessible in 60 Mins by Transit		
	Year 2020 Network	Year 2045 Build	Year 2045 No-Build	Year 2020 Network	Year 2045 Build	Year 2045 No-Build
Non-EJ	746,214	730,377	656,004	1,612,449	1,501,660	1,418,607
All EJ	1,123,392	1,257,824	1,117,749	2,200,943	2,286,890	2,144,954
Minority	1,138,060	1,286,745	1,143,012	2,227,104	2,333,206	2,084,147
Low-Income	1,383,747	1,567,917	1,387,332	2,334,920	2,549,391	2,288,415
LEP	1,490,009	1,760,895	1,558,283	2,496,544	2,773,377	2,483,669
Female HH	1,205,385	1,337,692	1,199,738	2,300,111	2,562,155	2,289,327
Zero Auto HH	1,467,424	1,720,270	1,532,604	2,410,822	2,710,139	2,446,672
LEA	1,362,287	1,537,387	1,352,124	2,406,508	2,563,937	2,294,811
Elderly	1,305,610	1,315,510	1,173,389	2,278,253	2,314,080	2,087,561
Disabled	1,093,069	1,163,103	1,031,642	2,057,403	2,181,546	1,955,346
High Disadv.	1,502,855	1,786,409	1,583,253	2,504,357	2,851,835	2,688,313

Source: H-GAC Travel Demand Model, 2021

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Map 20: Distribution of Pedestrian-Bicyclist Facilities in the Eight-County TMA Region

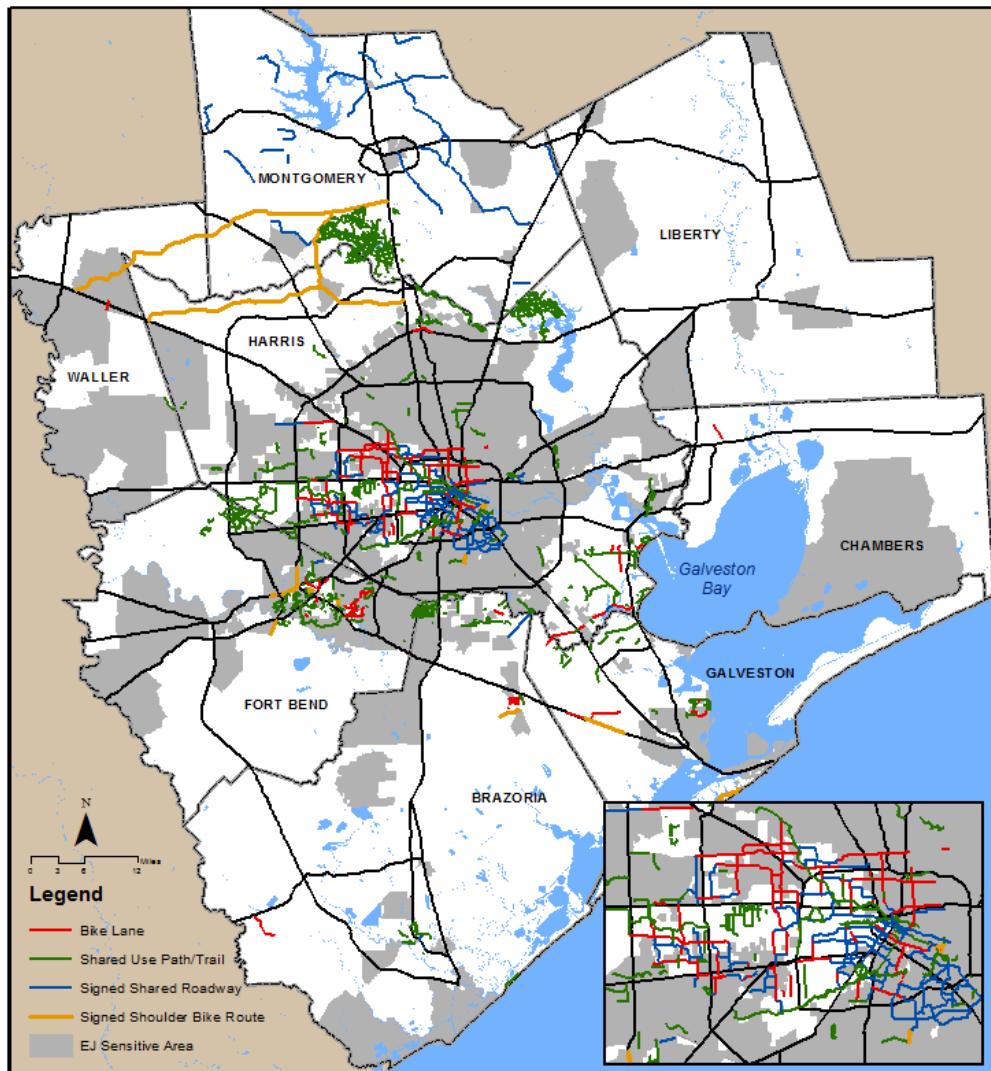


Table 17: Bikeway Infrastructure within the Eight-County MPO Region

Ped-Bike Facility	Regional Total	In Non EJ Area	% of Network	In EJ Area	% of Network	EJ with High Disadvantage	% of Network
Bike Lane	174 Miles	89 Miles	51%	85 Miles	49%	24 Miles	14%
Shared Use Path	811 Miles	544 Miles	67%	267 Miles	33%	22 Miles	3%
Signed Shared Roadway	281 Miles	185 Miles	66%	97 Miles	34%	24 Miles	9%
Signed Shoulder Bike Route	103 Miles	83 Miles	80%	20 Miles	20%	1 Mile	1%
Total	1,370 Miles	901 Miles	66%	469 Miles	34%	70 Miles	5%

Source: H-GAC Regional Bikeway Plan 2014

Map 21: METRO Local and Express Bus Routes – Approximate Hours of Operation

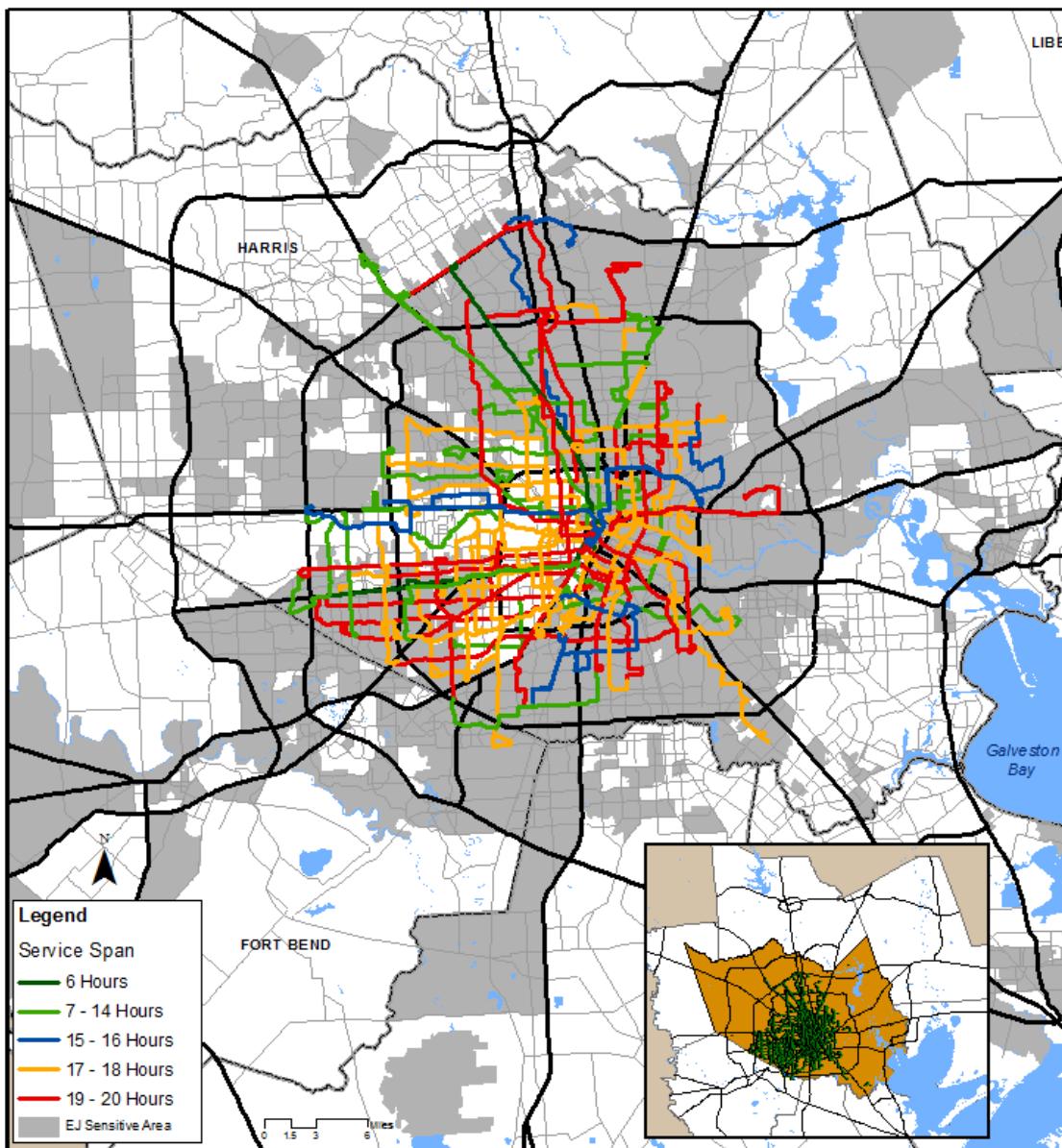


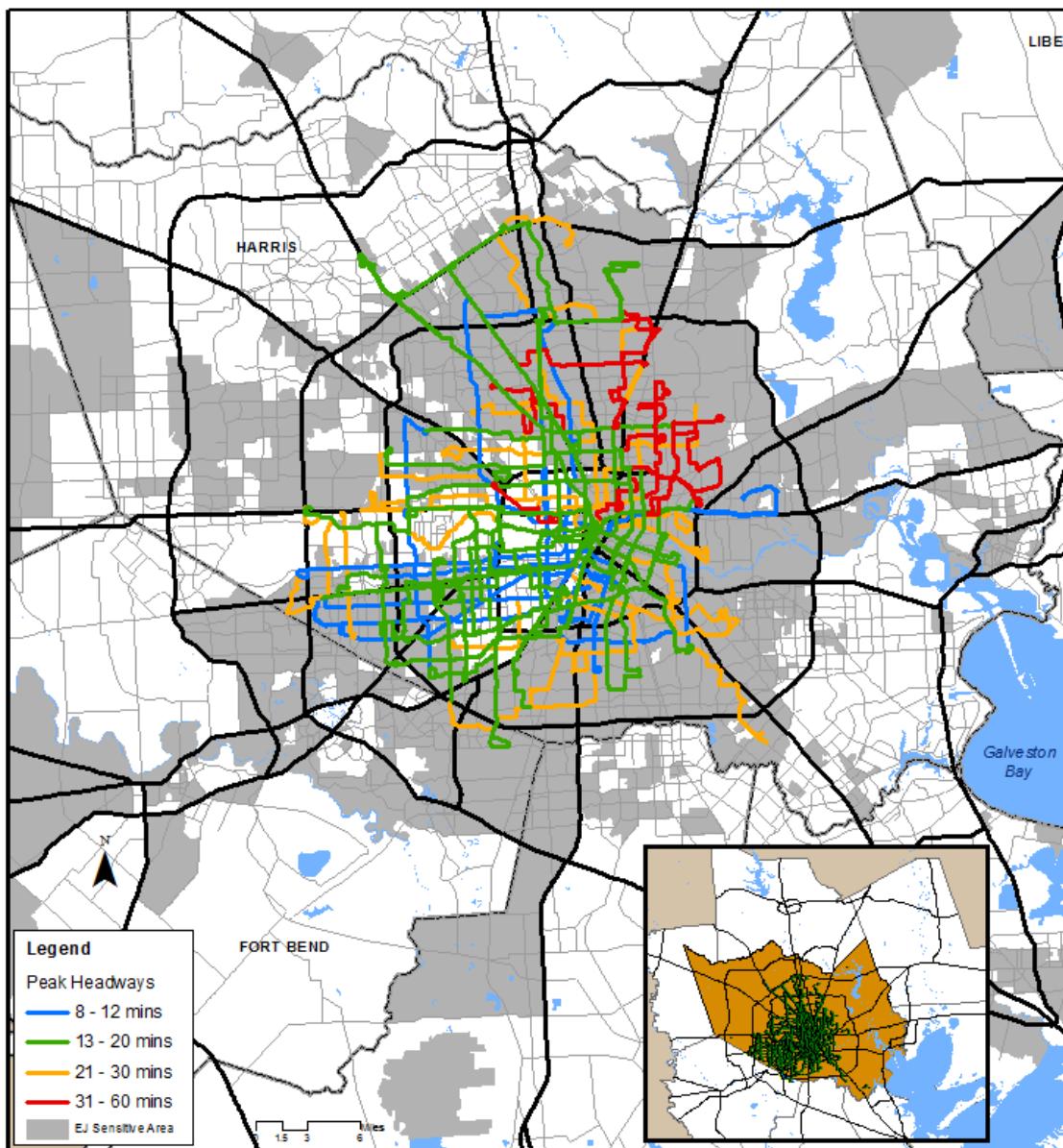
Table 18: Distribution of METRO Bus Stops in the Houston Metropolitan Region

	Number of Bus Stops	Percent of Bus Stops
EJ Areas	6,223	69%
Non-EJ Areas	2,755	31%
EJ – High Disadvantage*	2,235	25%
Total	8,978	100%

Source: Metropolitan Transit Authority of Harris County, 2017

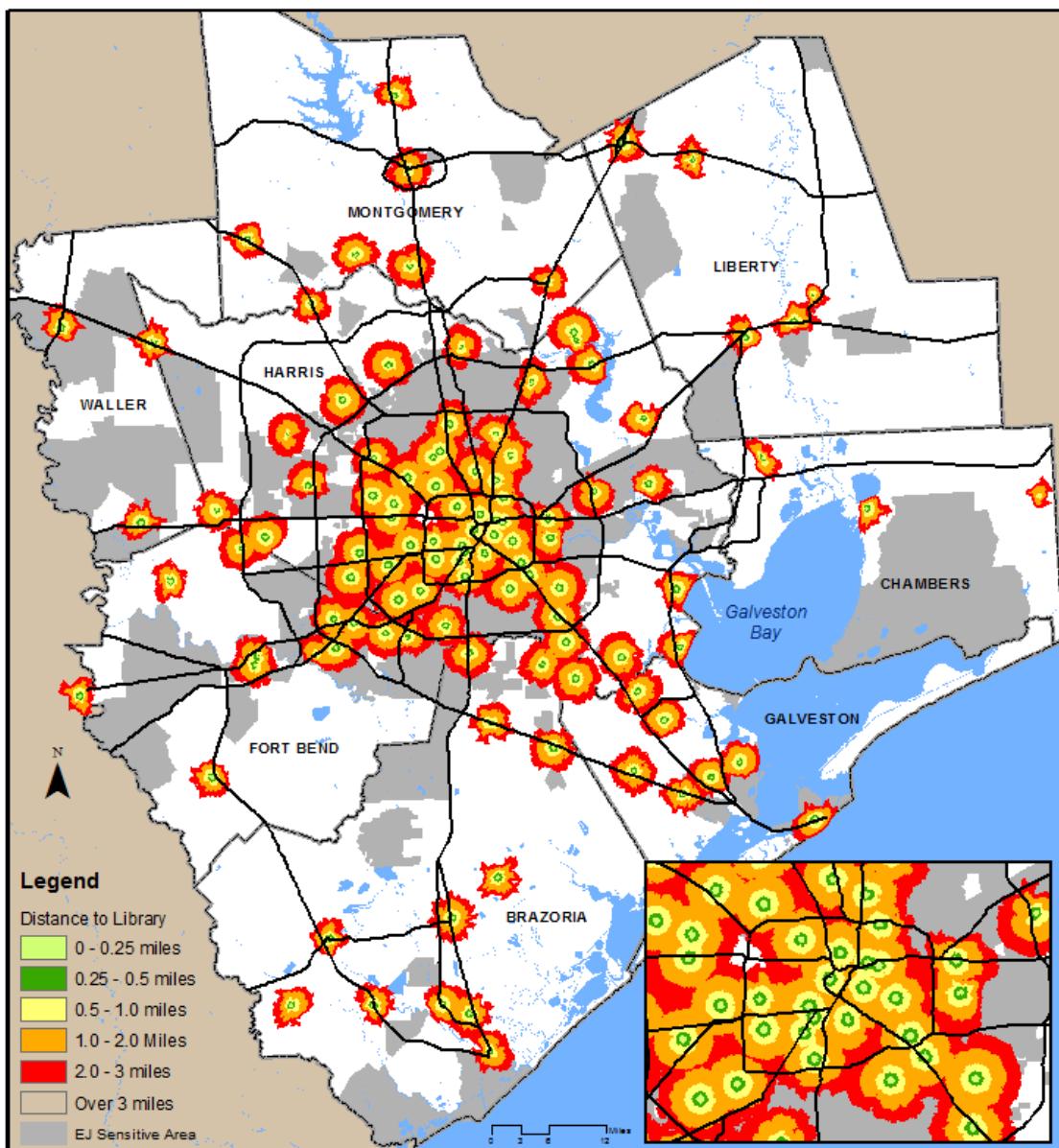
* Subset of the Environmental Justice Areas

Map 22: METRO Bus Routes – Peak Headway Conditions



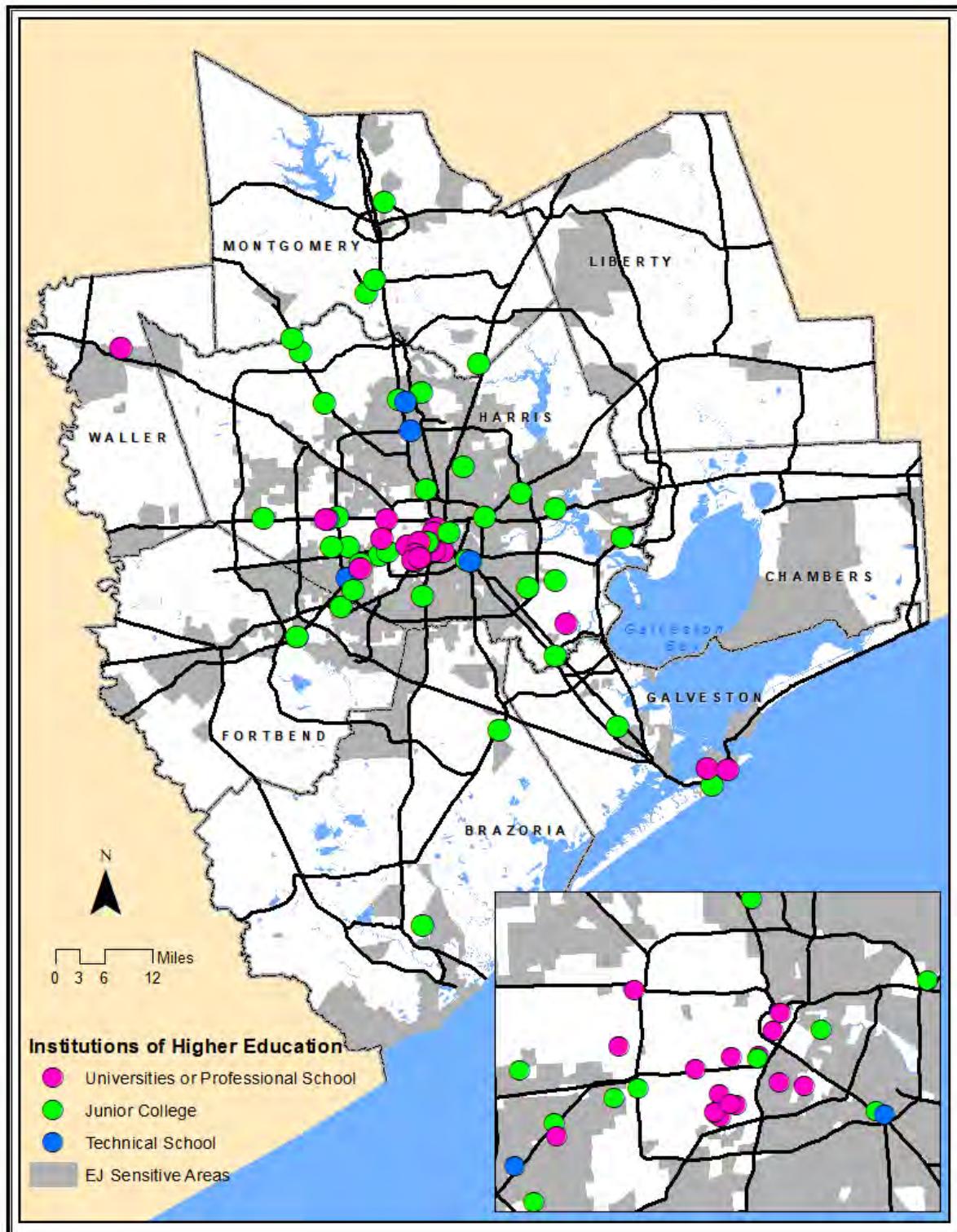
Source: Metropolitan Transit Authority of Harris County, 2017

Map 23: Travel-Shed for County Library Facilities in the Eight-County MPO Region



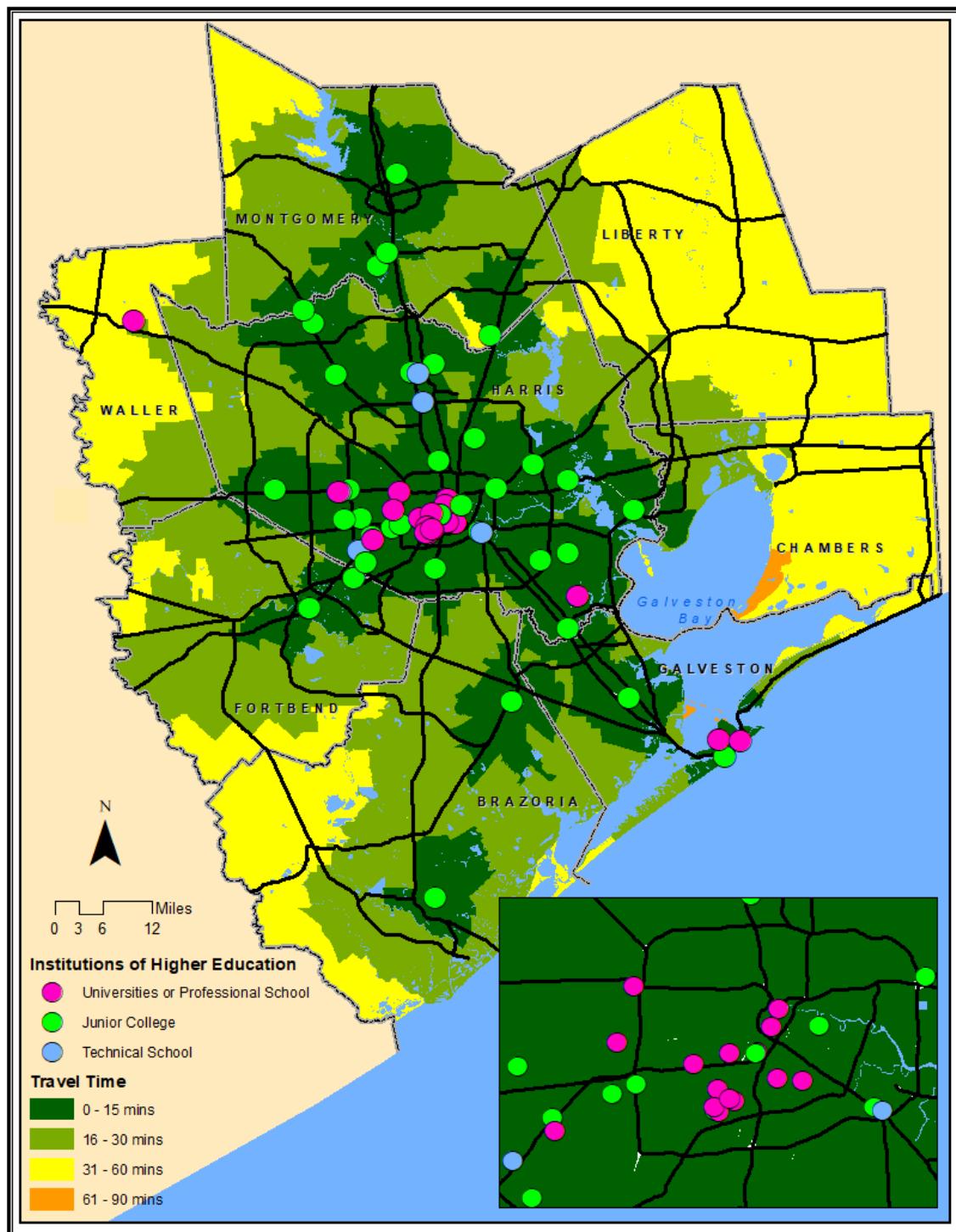
Source: H-GAC Geographical Information System, 2017

Map 24: Higher Education Facilities in the Eight-County MPO Region

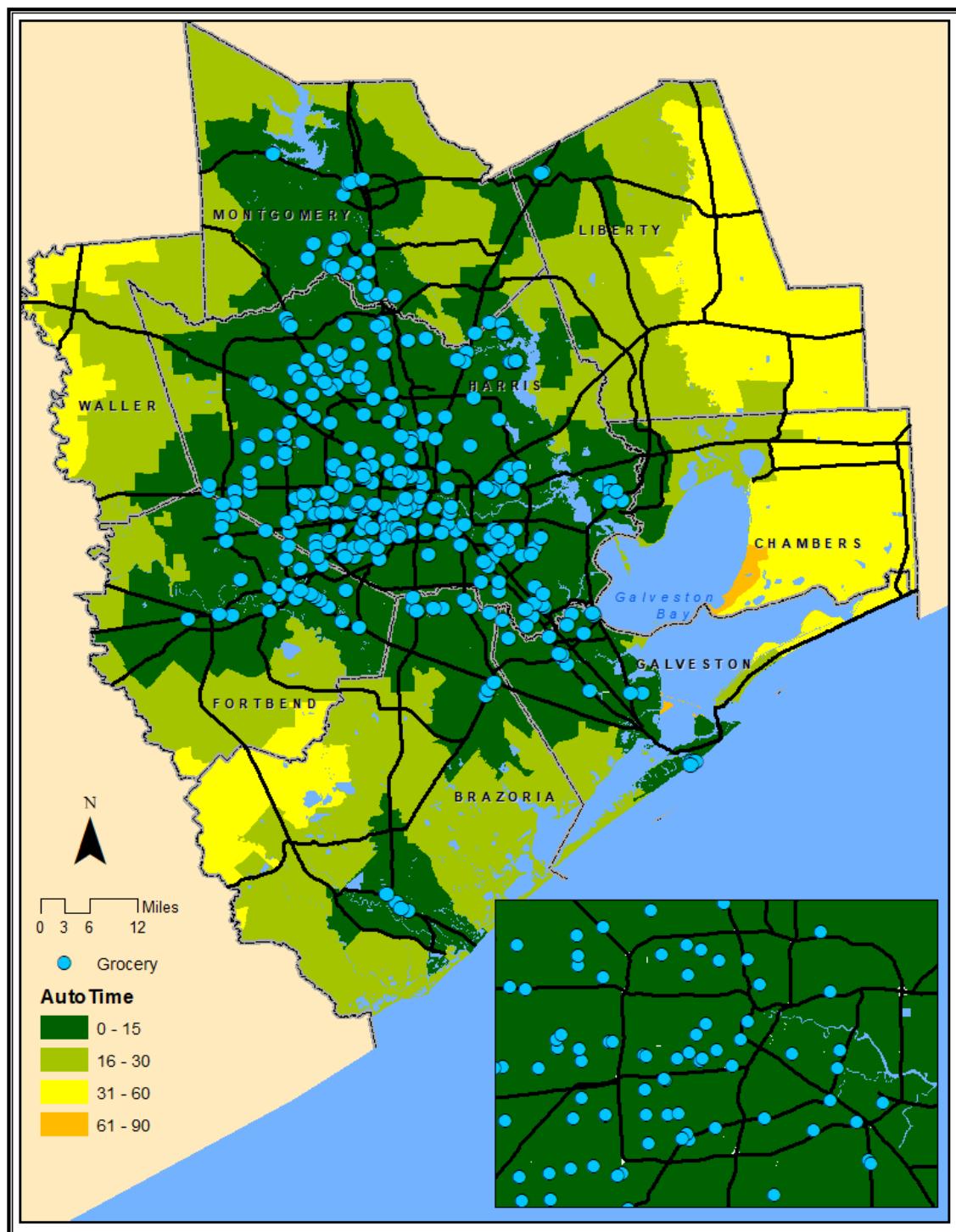


Source: H-GAC Geographical Information System, 2021

Map 25: Travel-Shed for Higher Education Facilities in the Eight-County MPO Region



Map 26: Travel-Shed for Grocery Stores in the Eight-County MPO Region



Source: H-GAC Geographical Information System, 2021

Map 27: Total Traffic Crash Events in the Eight County MPO Region (2016 – 2020)

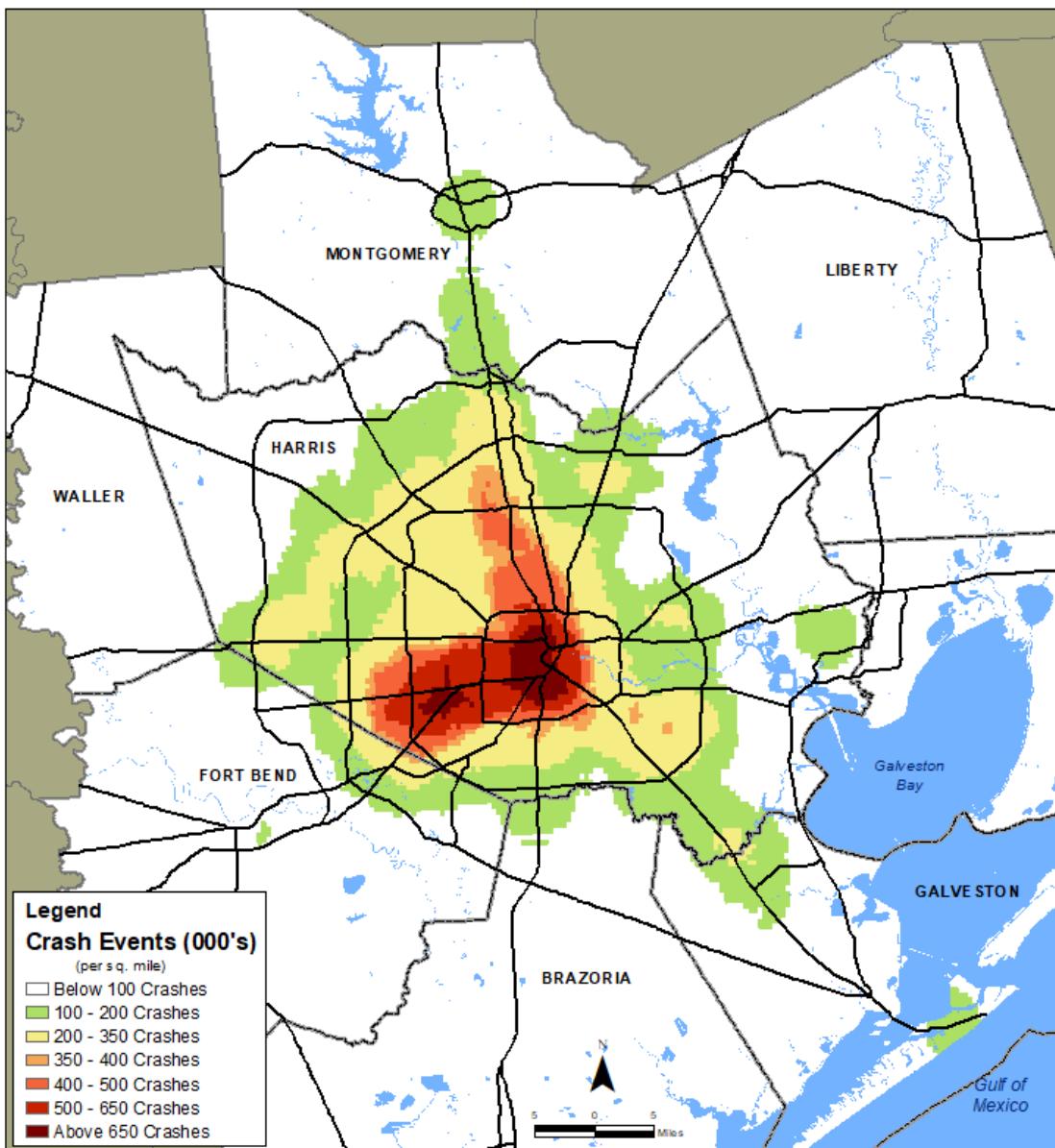
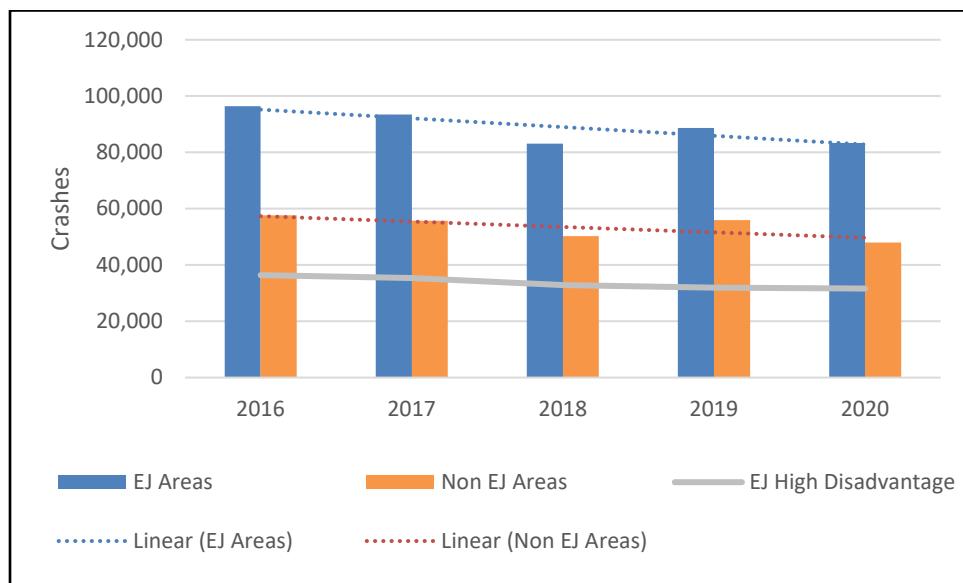
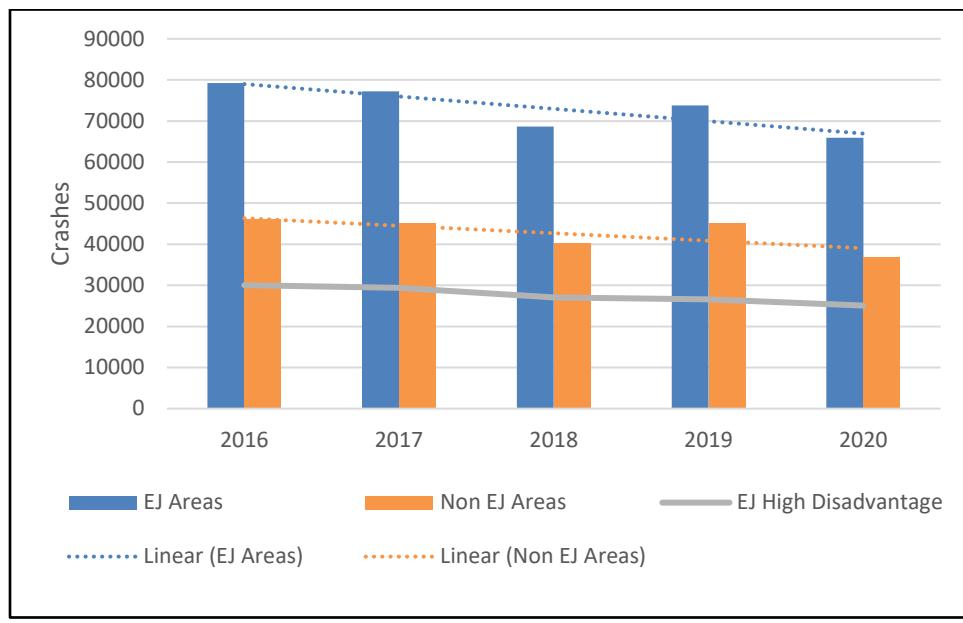


Figure 9: Trends in Overall Traffic Crashes in the Eight-County MPO Region (2016 – 2020)



Source: Geocoded TxDOT Crash Records Information System (CRIS)

Figure 10: Trends in Motor Vehicle Crashes in the Eight-County MPO Region (2016 – 2020)



Source: Geocoded TxDOT Crash Records Information System (CRIS).

Table 19: Motor Vehicle Crashes in the Eight-County MPO Region (2016 – 2020)

	EJ Zones	Non-EJ Zones	EJ Zones with High Disadvantage*	Total
Population of Area**	3,560,480	3,293,894	611,548	6,854,374
Percent of Total Population	51.9%	48.1%	13.1%	100%
Number of Vehicle Crashes	364,811	213,428	138,182	578,239
% of Vehicle Crash Total	63.1%	36.9%	23.9%	100%
Crashes per 1000 Population	102	65	226	-
Vehicle Miles Travelled (VMT)	74,781,466	105,873,015	8,775,120	17,893,114
Crashes Per 100,000 Vehicle Miles Travelled (VMT)	488	202	1,575	-
Incapacitating Injuries	5,729	2,769	2,306	8,498
% of Incapacitating Injuries	67.4%	32.6%	27.1%	100%
Incapacitating Injuries per 100,000 Population	161	84	377	-

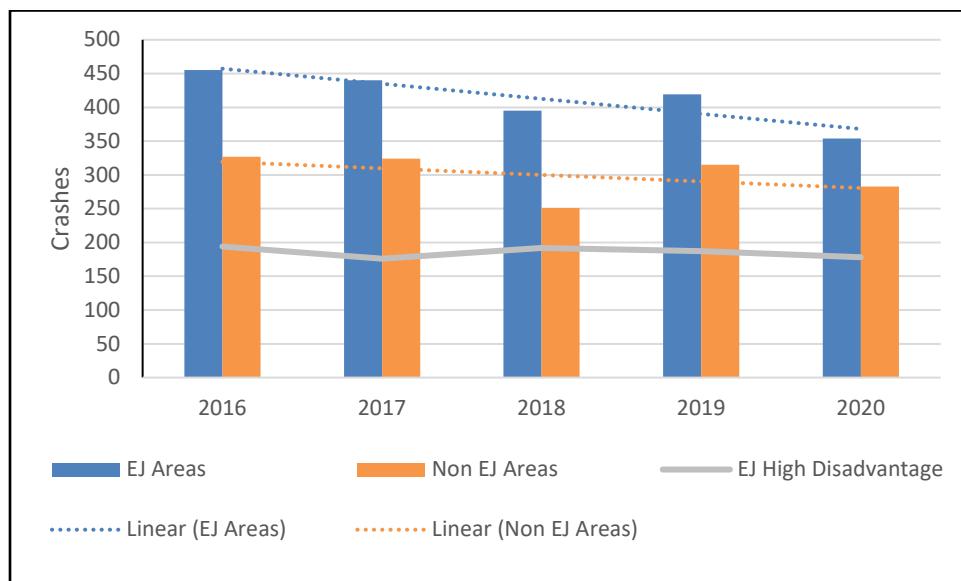
Source: Geocoded TxDOT Crash Records Information System (CRIS)

* Crash numbers here are a subset of EJ Zone totals. Percentages reflect a share of EJ Zone totals

** Source: US Census Bureau, 2015-2019 American Community Survey Estimates 5-Year Estimates

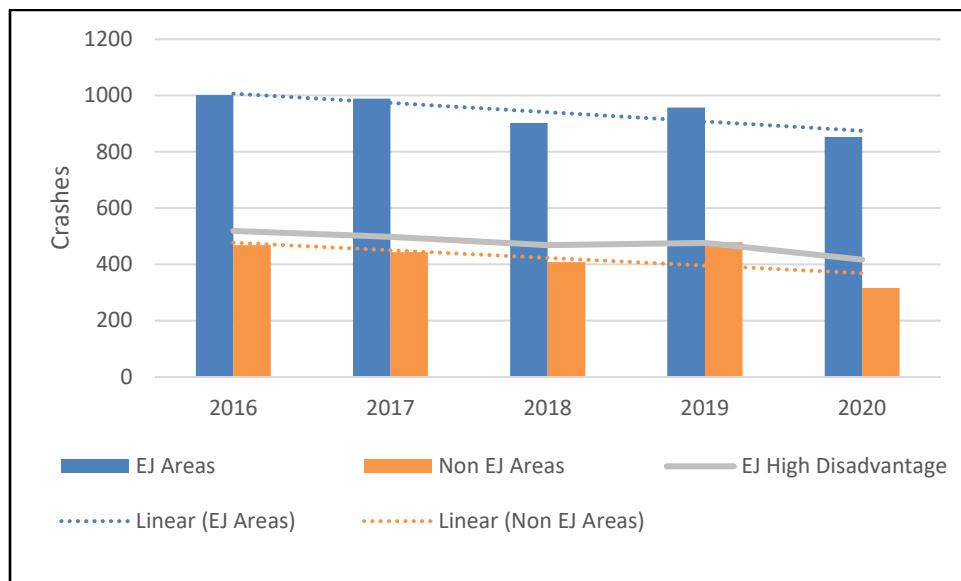
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Figure 11: Trend in Bicycle Crashes in the Eight-County MPO Region (2016 – 2020)



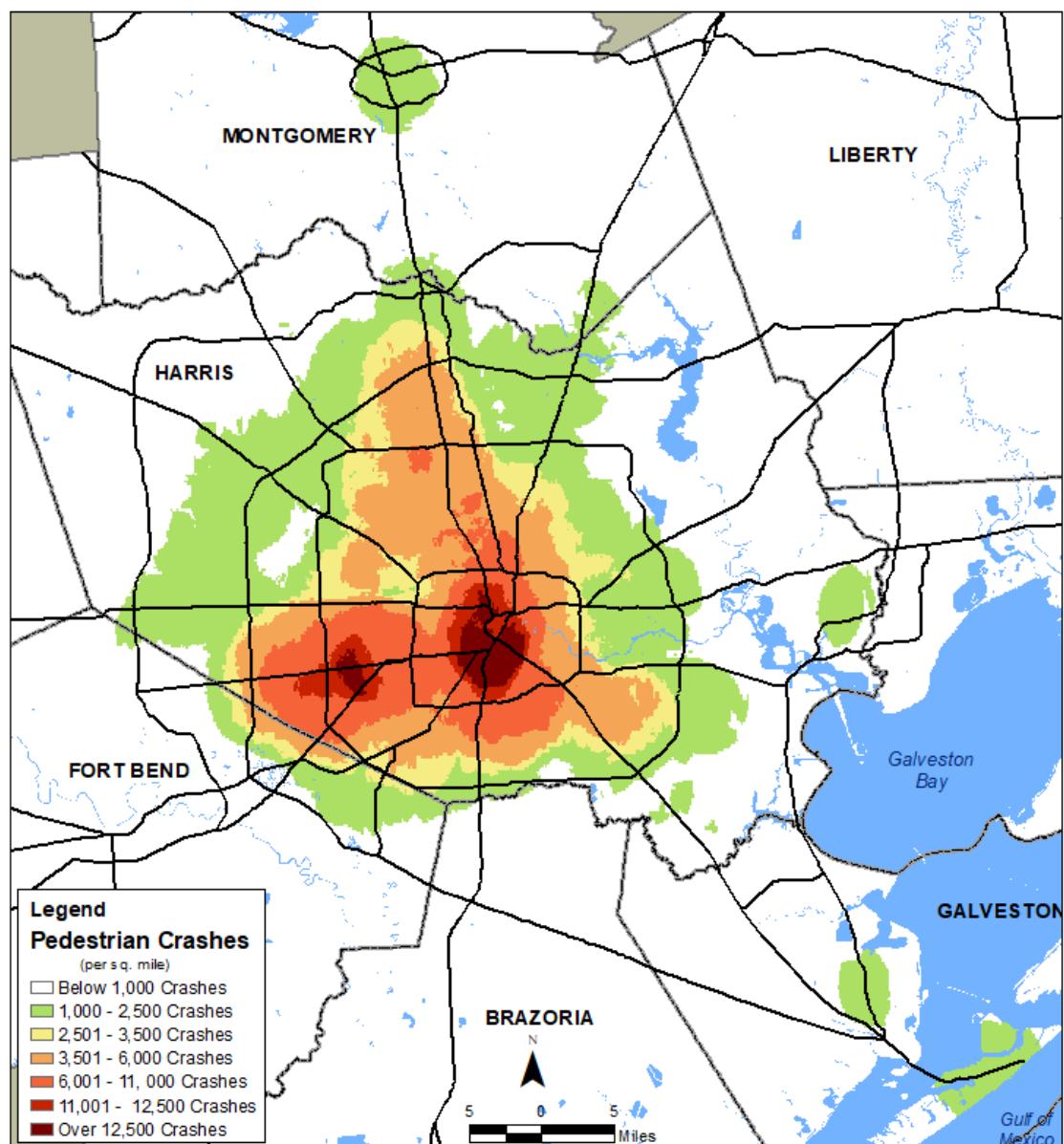
Source: Geocoded TxDOT Crash Records Information System (CRIS)

Figure 12: Trend in Pedestrian Crashes in the Eight-County MPO Region (2016 – 2020)



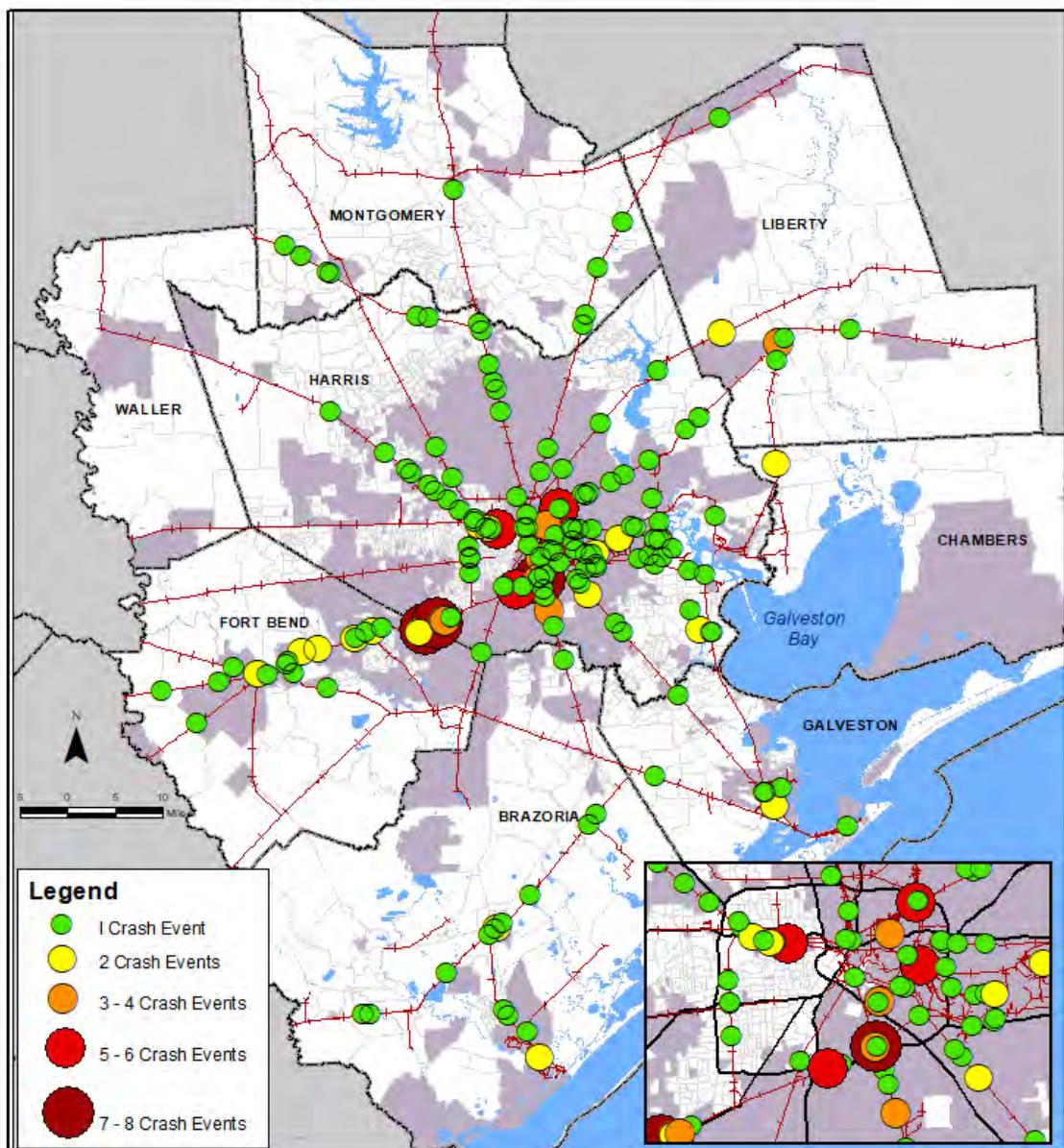
Source: Geocoded TxDOT Crash Records Information System (CRIS)

Map 28: Pedestrian Crash Events in the Eight-County MPO Region (2016 – 2020)



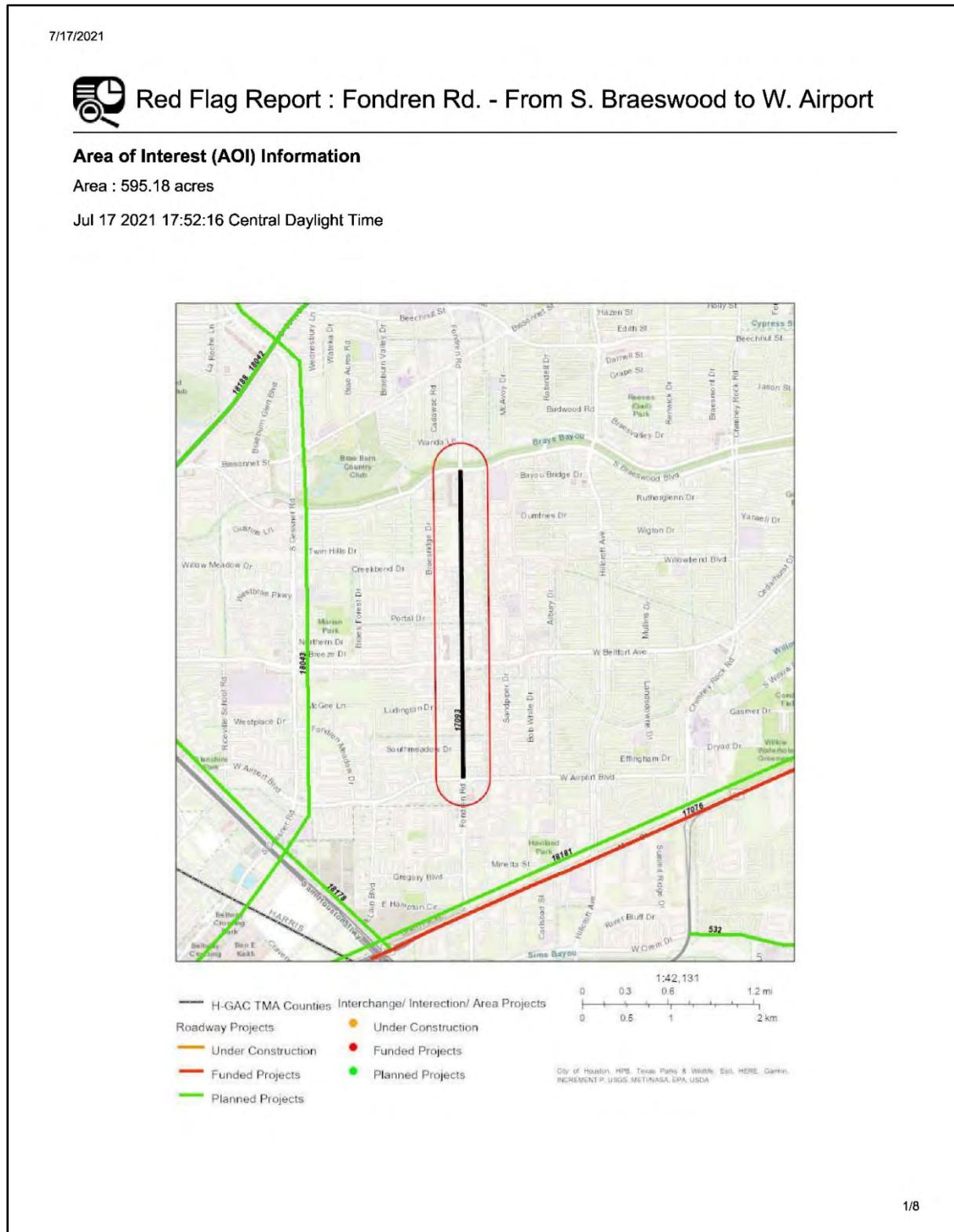
Source: Geocoded TxDOT Crash Records Information System (CRIS)

Map 29: At-Grade Railroad Crash Frequency (2016 -2020)



Source: Geocoded TxDOT Crash Records Information System (CRIS)

Figure 13: Project Level Analysis Utilizing the H-GAC Eco-Logical Tool - Red Flag Report



7/17/2021

PROJECT DESCRIPTION: WIDEN FROM 4 TO 6 LANES WITH TRAFFIC SIGNAL AND DRAINAGE IMPROVEMENTS.
CSJ NUMBER: 0912-72-381
MPOID: 17093
SPONSOR: CITY OF HOUSTON
STATUS: FUNDED

Summary

Name	Count	Area(acres)	Length(mi)
Airports (INF)	0	N/A	N/A
Education Facilities (INF)	5	N/A	N/A
Hospitals (INF)	0	N/A	N/A
Religious Facilities (INF)	4	N/A	N/A
Pipelines (INF)	2	N/A	0.76
Railroad (INF)	0	N/A	0
Trails (INF)	1	N/A	0.39
Cemeteries (INF)	0	0	N/A
Managed Lands (INF)	1	14.51	N/A
Recreational Facilities (INF)	1	15.22	N/A
Mines & Mineral Resources (MIN)	0	N/A	N/A
Sand & Gravel Operations (MIN)	0	N/A	N/A
Wells (MIN)	0	N/A	N/A
Brownfields (HAZ)	0	N/A	N/A
Superfund Sites (HAZ)	0	N/A	N/A
Active Landfills (HAZ)	0	N/A	N/A
Closed Landfills (HAZ)	0	N/A	N/A
NPDES Facilities (HAZ)	0	N/A	N/A
RCRA Sites (HAZ)	5	N/A	N/A
Underground Storage Tanks (HAZ)	2	N/A	N/A
Impaired 303D Waterways (WAT)	3	N/A	1.96
Rivers & Streams (WAT)	3	N/A	1.41
Floodplains (WAT)	15	469.62	N/A
Lakes & Ponds (WAT)	1	0.09	N/A
Wetlands (WAT)	4	10.14	N/A
Archaeological Sites (CUL)	1	12.42	N/A
Historical Sites (CUL)	0	0	N/A
Eco-Types (ECO)	0	0	N/A
Rare, Threatened, Endangered Species (ECO)	1	595.18	N/A
Critical Habitats (ECO)	0	0	N/A
Prime Farmlands (ECO)	4	576.27	N/A
Vulnerable Population (SOC)	19	595.18	N/A

Education Facilities (INF)

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#	Name	School Type	Address	City	State
1	LA AMISTAD LOVE & LEARNING ACADEMY	PUBLIC SCHOOL	10860 ROCKLEY RD	HOUSTON	TX
2	GIRLS & BOYS PREP ACADEMY MIDDLE	PUBLIC SCHOOL	8415 W BELLFORT ST	HOUSTON	TX
3	TORAH GIRLS ACADEMY OF TEXAS	PRIVATE SCHOOL	10101 FONDREN RD STE 136	HOUSTON	TX
4	TORAH DAY SCHOOL	PRIVATE SCHOOL	10900 FONDREN RD	HOUSTON	TX
5	RESTORATION ACADEMY	PRIVATE SCHOOL	6706 W AIRPORT BLVD	HOUSTON	TX

#	ZIP	County	Count
1	77099	HARRIS	1
2	77071	HARRIS	1
3	77096	HARRIS	1
4	77096	HARRIS	1
5	77071	HARRIS	1

Religious Facilities (INF)

#	Name	Address	City	State	ZIP	County	Count
1	BRAESWOOD ASSEMBLY OF GOD	10611 FONDREN ROAD	HOUSTON	TX	77096	HARRIS	1
2	CONGREGATION BETH RAMBAM SEPHARDIC MINYAN	11333 BRAESRIDGE DRIVE	HOUSTON	TX	77071	HARRIS	1
3	CHABAD LUBAVITCH CENTER - TEXAS REGIONAL HEADQUARTERS	10900 FONDREN ROAD	HOUSTON	TX	77096	HARRIS	1
4	LIBERTY BAPTIST CHURCH	12200 FONDREN ROAD	HOUSTON	TX	77035	HARRIS	1

Pipelines (INF)

#	Operator	System Name	Diameter	Commodity	System Type	County	Length(mi)
1	COPANO NGL SERVICES LLC	SHERIDAN-HOUSTON	6.63	HIGHLY VOLATILE LIQUID (HVL)	Highly Volatile Liquids (Propa	HARRIS	0.38
2	ENTERPRISE CRUDE PIPELINE LLC	TEPPCO SOUTH TEXAS CRUDE LINES	10.75	CRUDE OIL	Crude Transmission	HARRIS	0.38

Trails (INF)

#	Sponsor	Location	Local Name	Bikeway Type	Length(mi)
1	Harris County	BRAYS BAYOU	No Data	Existing Shared Use Path/Trail	0.39

Managed Lands (INF)

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#	Loc_Nm	Area(acres)
1	BRAESWOOD PARKWAY	14.51

Recreational Facilities (INF)

#	Park Name	Park Local Owner	Park Size (Acres)	Area(acres)
1	Brays Bayou Trail	City of Houston	664.2076737146061	15.22

RCRA Sites (HAZ)

#	Registry ID	Primary Name	Address	City	County
1	110063680556	FAMILY DOLLAR #3105	9890 FONDREN RD	HOUSTON	HARRIS
2	110064014025	FAMILY DOLLAR #7428	11253 FONDREN RD.	HOUSTON	HARRIS
3	110031326553	1.25 EXPERT CLEANERS	6569 W BELLFORT	HOUSTON	HARRIS
4	110005082515	PILGRIM CLEANERS 16	11322 FONDREN RD	HOUSTON	HARRIS
5	110005121796	ENTEC SERVICES	12101 FONDREN DR STE 2009	HOUSTON	HARRIS

#	ZIP	Facility URL	Count
1	77096-3648	https://ofmpub.epa.gov/frs_public2/fil_query_detail_disp_program_facility?p_registry_id=110063680556	1
2	77096-5507	https://ofmpub.epa.gov/frs_public2/fil_query_detail_disp_program_facility?p_registry_id=110064014025	1
3	77035	https://ofmpub.epa.gov/frs_public2/fil_query_detail_disp_program_facility?p_registry_id=110031326553	1
4	77035	https://ofmpub.epa.gov/frs_public2/fil_query_detail_disp_program_facility?p_registry_id=110005082515	1
5	77035-4038	https://ofmpub.epa.gov/frs_public2/fil_query_detail_disp_program_facility?p_registry_id=110005121796	1

Underground Storage Tanks (HAZ)

#	RN	Facility ID	UST Type	Facility Name	Address
1	RN102483906	29185	FULLY REGULATED	STAR STOP 21	11302 FONDREN RD
2	RN102860657	63441	FULLY REGULATED	TIMEWISE FOOD STORE 028 00	11290 FONDREN RD

#	City	State	ZIP	County	Count
1	HOUSTON	TX	77035	HARRIS	1
2	HOUSTON	TX	77096	HARRIS	1

Impaired 303D Waterways (WAT)

7/17/2021

#	Feature ID	Feature URL	Length(mi)
1	TX-1007E_01	http://ofmpub.epa.gov/waters10/attains_waterbody.control?p_list_id=TX-1007E_01&p_report_type=T&p_cycle=2010	1.35
2	TX-1007B_01	http://ofmpub.epa.gov/waters10/attains_waterbody.control?p_list_id=TX-1007B_01&p_report_type=T&p_cycle=2010	0.38
3	TX-1007L_01	http://ofmpub.epa.gov/waters10/attains_waterbody.control?p_list_id=TX-1007L_01&p_report_type=T&p_cycle=2010	0.23

Rivers & Streams (WAT)

#	Segment ID	AU ID	Name	Length (Miles)	Length(mi)
1	1007L	1007L_01	Brays Bayou Above Tidal	0.6567790051522929	0.66
2	1007E	1007E_01	Willow Waterhole Bayou	5.559828078765492	0.38
3	1007B	1007B_01	Brays Bayou Above Tidal	25.10657316564262	0.38

Floodplains (WAT)

#	Category	Area(acres)
1	500YR	303.92
2	100YR	93.48
3	FLOODWAY	72.23

Lakes & Ponds (WAT)

#	Permanent ID	GNIS Name	Water Type	Area(acres)
1	113265195	No Data	LakePond_Perennial	0.09

Wetlands (WAT)

#	Wetland Type	Acres	Area(acres)
1	Riverine	117.04995836216568	6.01
2	Riverine	31.144580498241428	3.07
3	Riverine	3.6258634937366105	0.86
4	Riverine	0.20766872423609858	0.21

Archaeological Sites (CUL)

#	Project Type	Latest Date of Fieldwork	Sponsor Agency	Investigating Firm	Project Proponent	Acres	Area(acres)
1	No Data	August 1. 2002	Federal Housing Administration	HRA Gray and Page	TxDOT	160.47670503310844	12.42

Rare, Threatened, Endangered Species (ECO)

#	Name	TPWD Link	Area (Sq Miles)	Area(acres)
1	Harris	https://tpwd.texas.gov/gis/rtest/ES_Report.aspx?countyname=Harris	1777.15	595.18

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Prime Farmlands (ECO)

#	Area Name	Farm Class	Area(acres)
1	Harris County, Texas	All areas are prime farmland	576.27

Vulnerable Population (SOC)

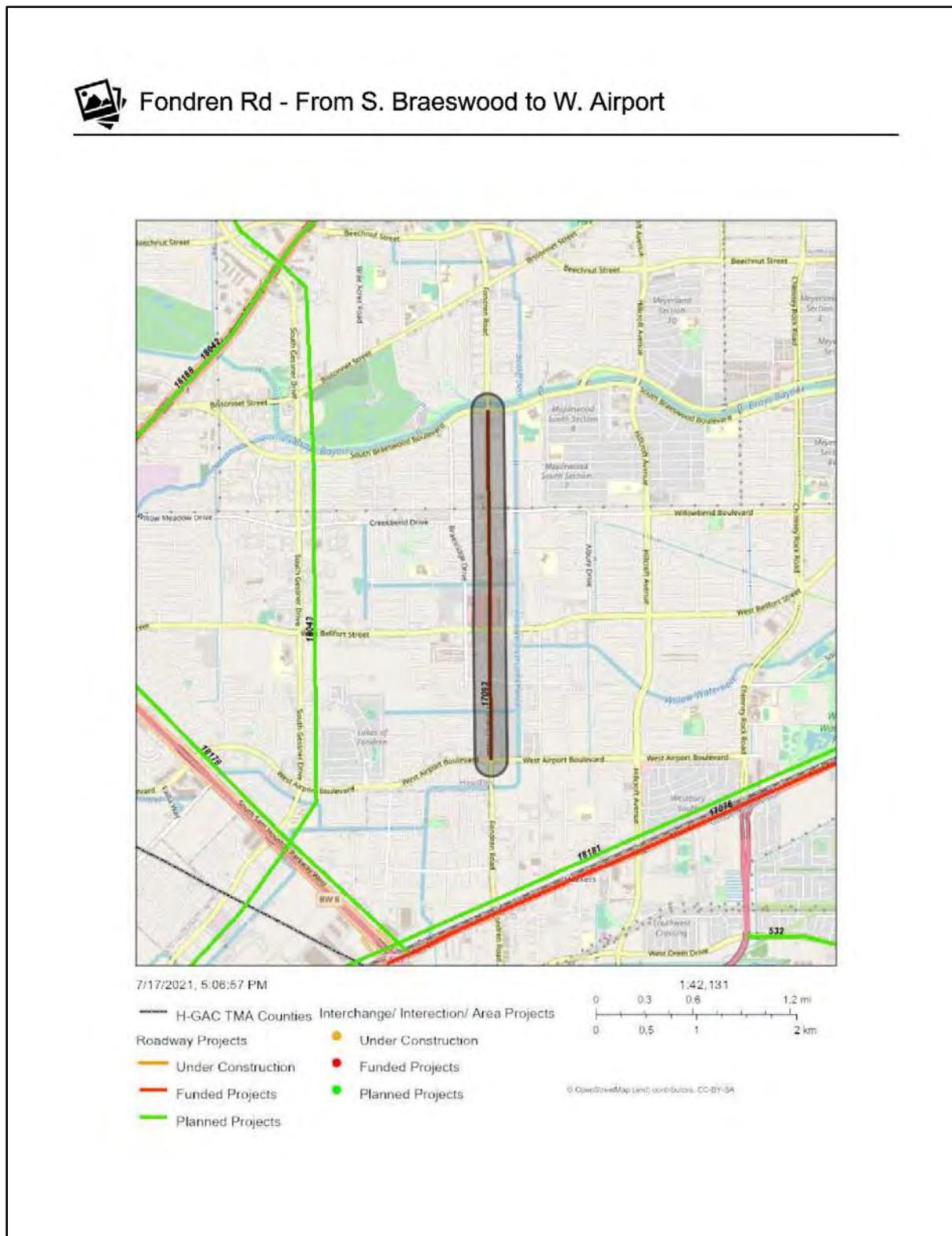
#	Block Group	Area (Sq Miles)	County	Total Household Population	Total Population
1	482014233012	0.3	Harris	2220	2220
2	482014233022	0.17	Harris	2229	2229
3	482014224013	0.08	Harris	1809	1809
4	482014225001	0.14	Harris	2972	2972
5	482014223014	0.09	Harris	3052	3052
6	482014234012	0.15	Harris	2128	2128
7	482014224012	0.12	Harris	832	832
8	482014234011	0.23	Harris	2338	2373
9	482014225003	0.14	Harris	2946	2946
10	482014223011	0.05	Harris	2219	2219
11	482014223013	0.09	Harris	893	893
12	482014234013	0.49	Harris	1568	1575
13	482014222003	0.09	Harris	799	799
14	482014236004	0.34	Harris	2284	2292
15	482014230001	0.15	Harris	3324	3342
16	482014226003	0.28	Harris	2702	3013
17	482014233021	0.22	Harris	881	881
18	482014224023	0.04	Harris	1773	1773
19	482014225004	0.2	Harris	788	788

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#	Households	Population in Poverty	Non-Hispanic Minorities	Hispanic Minorities	Limited English Proficiency
1	847	551	1117	322	41
2	1084	359	1630	229	25
3	988	792	1086	518	340
4	799	1231	872	1871	855
5	826	1349	1818	780	717
6	718	455	1352	162	28
7	346	269	475	291	74
8	747	516	1491	812	110
9	946	1397	1427	1416	370
10	1141	488	1597	553	170
11	372	336	686	190	39
12	415	52	768	419	23
13	354	286	600	178	41
14	765	232	1418	258	60
15	1072	1649	949	2022	977
16	958	734	982	1117	357
17	356	51	318	246	12
18	563	342	77	1696	990
19	393	57	167	95	76

#	Disable Family	Elderly	Car-less	Single Female Householder	Vulnerable Index	Area(acres)
1	198	174	99	139	57.7	87.07
2	238	101	205	140	59.2	76.66
3	385	443	454	46	99.8	51.96
4	18	No Data	163	215	85.1	44.18
5	238	18	241	72	89.1	38.10
6	172	39	106	141	52.8	37.44
7	44	No Data	85	35	59.9	36.28
8	263	94	108	156	71.1	36.09
9	203	49	190	369	90.8	36.07
10	357	No Data	200	76	58.1	32.84
11	115	17	20	21	48.7	25.95
12	91	61	No Data	12	10.9	24.89
13	69	No Data	20	80	54.5	18.10
14	155	97	46	132	36.2	17.62
15	187	8	159	218	83.1	13.70
16	333	498	153	109	84.9	12.99
17	155	56	No Data	No Data	19	3.53
18	20	31	120	143	92.8	1.37
19	87	90	No Data	50	31.7	0.52

Figure 14: Project Level Analysis Utilizing the H-GAC Eco-Logical Tool - Location/Landuse Report



Project Description: Widen from 4 to 6 Lanes with traffic signal and drainage improvements.
 CSJ Number: 0912-72-381
 MPOID: 17093
 Sponsor: City of Houston
 Status: Funded Project

Eco-Type (acre)

Total Area (acre)	Total Eco-Type Area (acre)	Upland Forest (acre)	Bottomland Forest (acre)	Prairies (acre)	Tidal Prairies (acre)	Grasslands (acre)		
560.0	5.2	0.2	0.3	4.7	0.0	0.0		
Wetlands (acre)	Tidal Wetlands (acre)	Barren Lands (acre)	Row Crops (acre)	Open Water (acre)	Developed High Intensity (acre)	Developed Medium Intensity (acre)	Developed Low Intensity (acre)	Developed Open Spaces (acre)
0.0	0.0	0.0	0.0	0.0	109.9	333.6	94.5	17.2

Eco-Type (%)

Total Area (acre)	Total Eco-Type Area (%)	Upland Forest (%)	Bottomland Forest (%)	Prairies (%)	Tidal Prairies (%)	Grasslands (%)		
560.0	0.9	0.0	0.1	0.8	0.0	0.0		
Wetlands (%)	Tidal Wetlands (%)	Barren Lands (%)	Row Crops (%)	Open Water (%)	Developed High Intensity (%)	Developed Med Intensity (%)	Developed Low Intensity (%)	Developed Open Spaces (%)
0.0	0.0	0.0	0.0	0.0	19.6	59.6	16.9	3.1

Land Use (Current)

Housing Units	Non-Res. Building Sq Ft	Total Area (acre)	Residential (acre)	Commercial (acre)	Industrial (acre)	Multiple (acre)		
3,510	1,946,753	333.1	167.1	85.8	5.1	29.4		
Other (acre)	Gov/Med/Edu (acre)	Parks/Open Spaces (acre)	Vacant Develop/Farm (acre)	Undeveloped (acre)	Unknown (acre)	Residential (%)		
11.0	2.8	6.1	2.0	18.9	4.8	50.2		
Commercial (%)	Industrial (%)	Multiple (%)	Other (%)	Gov/Med/Ed u (%)	Parks/Open Spaces (%)	Vacant Develop/Far m (%)	Undevelope d (%)	Unknown (%)
25.8	1.5	8.8	3.3	0.8	1.8	0.6	5.7	1.4

Land Use (2045)

Housing Units	Non-Res. Building Sq Ft	Total Area (acre)	Residential (acre)	Commercial (acre)	Industrial (acre)	Multiple (acre)
3,510	1,946,753	333.1	167.1	85.8	5.1	29.4
Other (acre)	Gov/Med/Edu (acre)	Parks/Open Spaces (acre)	Vacant Develop/Farm (acre)	Undeveloped (acre)	Unknown (acre)	Residential (%)
11.0	2.8	6.1	2.0	18.9	4.8	50.2

Commercial (%)	Industrial (%)	Multiple (%)	Other (%)	Gov/Med/Ed u (%)	Parks/Open Spaces (%)	Vacant Develop/Far m (%)	Undevelope d (%)	Unknown (%)
25.8	1.5	8.8	3.3	0.8	1.8	0.6	5.7	1.4

TAZ 5217

Household Population (2018)	Household Population (2045)	Households (2018)	Households (2045)	Jobs (2018)	Jobs (2045)
60,029	59,421	24,064	25,192	12,203	13,565

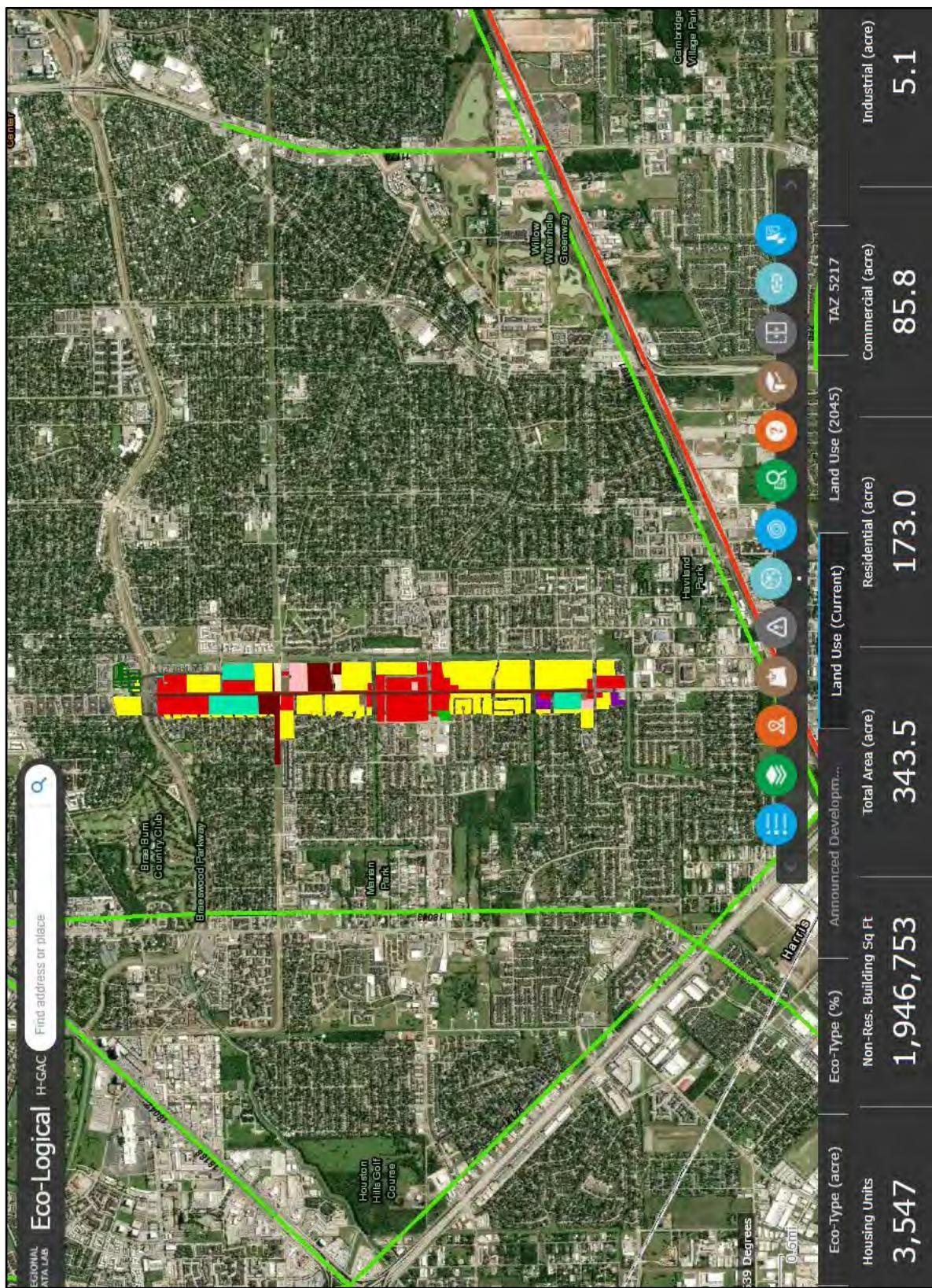
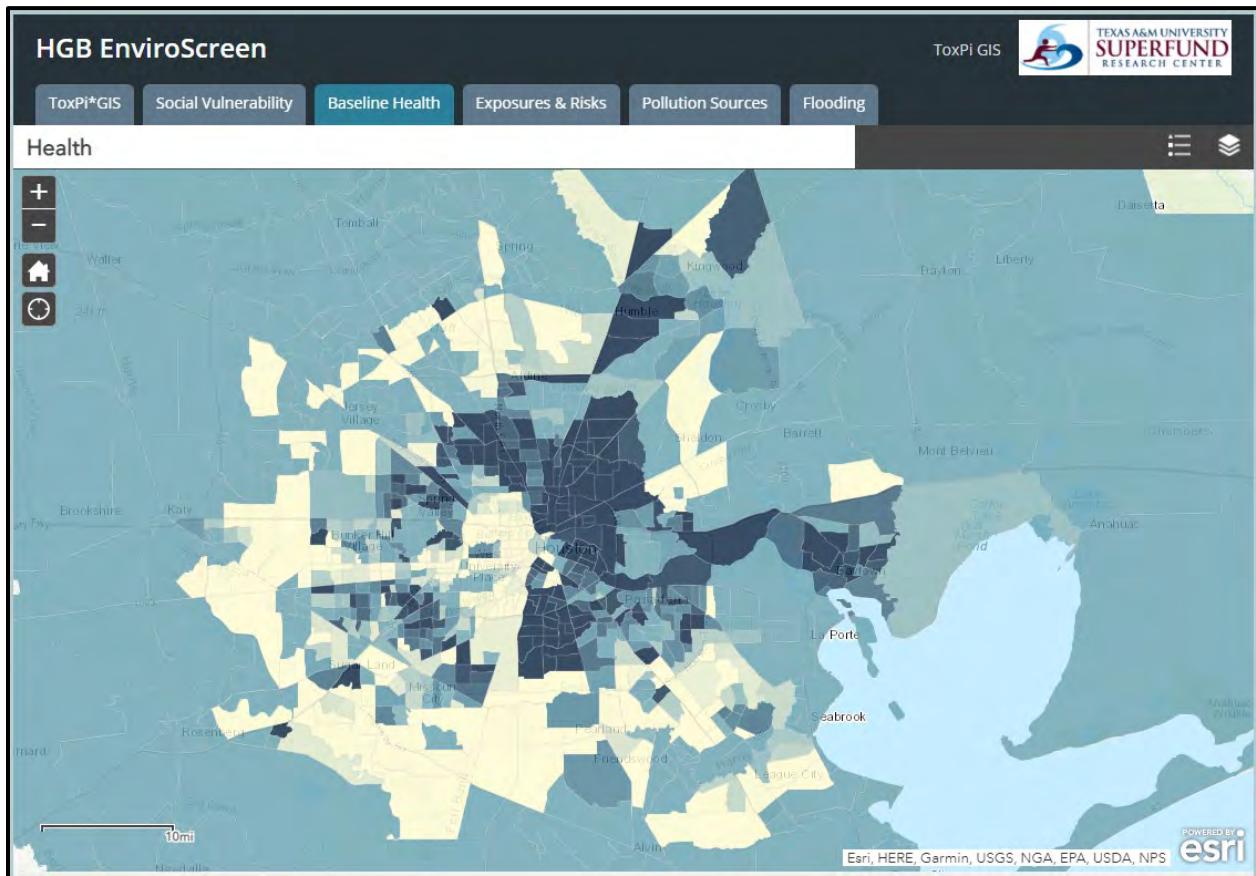


Figure 15: Assessment of Baseline Community Health – HGB EnviroScreen



Source: HGB EnviroScreen - Texas A&M/Environment Defense Fund

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3.5 ASSESSING POTENTIAL IMPACTS TO COMMUNITIES

The preceding section catalogued output from several of the spatial and quantitative analyses and tools that are used to examine and assess whether the underserved communities are, in the aggregate, being equitably served or disparately impacted by the transportation investment choices and related planning activities in the region. The key measures evaluated include the distribution of transportation investments, accessibility to public amenities and vital services, and the state of transportation safety.



The information obtained from these and other studies are helping to shape the agency's programs and policies and guide the efforts to achieve greater inclusiveness in transportation planning. Some of the findings from the assessment are summarized below.

Pattern of Transportation Investments in the Region

A non-exclusive spatial review of the proposed local thoroughfare and major transportation improvements suggest a disparate level of investments in the environmental justice areas compared with the areas not considered sensitive for environmental justice.

- About 84.1% of the mapped local thoroughfare projects from the H-GAC Ten-Year Plan (2021 – 2030), amounting to about 80.5% of the allocated funding, were programmed in the parts of the planning region that are not classified as sensitive for environmental justice. In comparison, about 47.7% of the projects fell within or ran adjacent to an environmental justice sensitive area. The cost of the projects that would directly serve the environmental justice neighborhoods amounted to about 41.0% of the allocated funding.
- The investment per capita for the environmental justice sensitive regions was approximately \$243.5, compared with \$517.5 for the regions not classified as sensitive for environmental justice.
- The spatial distribution of the regionally significant transportation investments (which includes tolled facilities) is similar to that of the local thoroughfare projects and will disparately benefit the non-environmental justice sensitive areas.
- Despite the geographical disparities in the location of the proposed transportation investments, travel model forecasts project that the environmental justice population would enjoy greater accessibility to jobs than the non-target population accruing from the construction of the regionally significant projects.

- Although the environmental justice population is expected to experience improvements in travel time and travel speed, improvements in these areas will be proportionately less than the improvements experienced by the non-target population.

Accessibility to Public Infrastructure and Vital Services

A spatial analysis looking at accessibility to public infrastructure and vital services shows a greater level of trail development in the non-protected areas compared with the EJ target areas. Also, some environmental justice regions do not have reasonable or comparable access to the grocery stores as the non-environmental justice sensitive areas. Other analyses suggest that the environmental justice population would have comparable or better accessibility to public library facilities, full-service hospitals, high-level trauma centers, institutions of higher learning, and transit service than the non-target population.

Pedestrian-Bicyclist Infrastructure:

- About one-third of the pedestrian-bicyclist infrastructure in the region is within or adjacent to an environmental justice region. The other two-third lie within the non-target area.
- Only 5% of the regional network of pedestrian-bicyclist infrastructure are within environmental justice areas described as having high disadvantage.

Library Facilities:

- 40% of all the county libraries in the region are in an environmental justice zone.
- Virtually all the environmental justice sensitive areas in the IH 610 urban core region is within biking reach of a library.
- Environmental justice sensitive populations have greater accessibility to a library facility by transit than do the non-target populations. Accessibility by transit is greatest for areas with the highest socio-economic disadvantage.

Transit Service:

METRO service is geared towards the transit dependent population in the heavily populated areas of the Houston metropolitan region that is within their service area.

- Transit route-miles within the environmental justice sensitive areas are approximately double the route-miles that run through the non-target areas.
- Transit routes with the best peak period headways serve central and southwest Houston which benefit both target and non-target populations.
- The worst transit peak period headways impact the environmental justice sensitive communities to the Houston north and northeast.

The Highly Disadvantaged Environmental Justice Population

The environmental justice communities characterized as highly disadvantaged are uniquely concentrated within and around the central city. Their locations contribute to circumstances and impacts that are distinct from the wider environmental justice population and from the non-target areas. These include:

- Highest accessibility to library facilities, hospitals and trauma centers, and educational institutions.
- Greater accessibility to bus stops and transit routes.
- The least access to pedestrian-bicyclist infrastructure.
- Varied access to grocery stores.
- The smallest level of transportation infrastructure investments.

Transportation Safety¹²

Transportation safety is a major concern in the Gulf Coast planning region. Environmental justice sensitive areas are over-represented in several of the measured crash categories as described by the statistics that follow:

Vehicle Crashes:

- Over 60% of all vehicle crashes that occurred in the eight-county region between 2016 and 2019.
- Most of the crashes with incapacitating injuries and the highest crash rates per capita.
- Crash incidents are falling all over the region but pedestrian crash incidents in the most disadvantaged environmental justice sensitive zones appears to be higher than those in all the non-environmental justice sensitive zones.

Bicycle and Pedestrian Crashes:

- As much as 61% of all the bicycle crashes. This includes about 58% of the bicycle crashes with high severity outcomes and 55% of the crash fatalities that occurred between 2007 and 2016.
- Hotspots for pedestrian and bicycle crash incidents coincide with the hotspots for vehicle accidents. For the environmental justice sensitive areas, these hotspots occur mostly in the Houston Southwest, in areas surrounding the Gulfton - Alief super neighborhoods.

¹² Based on information from geocoded events in the TxDOT Crash Records Information System (CRIS).

Crashes at Railroad Crossings:

- About two-thirds of all the mapped railroad crashes occurred in an environmental justice sensitive zone.
- Over 75% of the railroad crossing sites with multiple crash events are in an environmental justice sensitive zone.

Eco-Logical Mapping Tool - Project Level Analysis

The Eco-Logical tool represents the introduction of new methodology for assessing potential transportation impacts at the project level. Along with other online mapping tools such as the HGB Enviroscreen¹³, the tool will be explored for future transportation impact analysis for the region.

This space intentionally left blank

¹³HGB EnviroScreen was developed by Texas A&M University in cooperation with the Environmental Defense Fund.

3.6 INTEGRATING TITLE VI IN THE H-GAC PLANNING PROCESS

H-GAC implements a continuing, comprehensive, and cooperative metropolitan transportation planning process aimed at providing a safe, efficient, and reliable multimodal transportation system for all the citizens of the Gulf Coast Planning Region. A strong and progressive Title VI Program is embedded within this planning process. This report documents the agency's efforts to carry out the Federal Title VI requirements detailed in 49 CFR Part 21, and to integrate the obligations of Title VI and Environmental Justice in the programs and activities of the agency.

The Title VI Program continues to grow and expand in its ability to identify and address disparate impacts from transportation investments, and to engage the minority, low-income and LEP communities in the decision-making process while exploring opportunities to improve accessibility and mobility in the underserved communities. The following section identifies some strategies that could collectively help to enhance the Title VI Program and promote the further integration of nondiscrimination in the activities and daily work program of the agency.

1. Increase Environmental Justice/Nondiscrimination Awareness

Increasing awareness and appreciation of the purpose and obligations of Title VI and Environmental Justice mandates would strengthen the resolve to promote efforts that foster racial justice, equity, and inclusion and achieve the agency's commitment to nondiscrimination.

- Organize an awareness campaign similar to the commemorative month recognitions given to important issues.
- Disseminate information and provide Title VI/Environmental Justice training for planning and outreach staff.
- Require an annual Title VI/Environmental Justice nondiscrimination workplan and accomplishments report for each transportation program area.
- Provide information and educational material on Title VI/Environmental Justice protections for members of the public on the agency website and through accessible publications and brochures.

2. Enhance Sensitivity for Title VI/Environmental Justice in Transportation Investment Decision Making

Equity in the distribution of the benefits and burdens of federal investments is one of the keystones of nondiscrimination. Enhancing sensitivity to how transportation investments will

benefit or burden an underserved community in comparison to other parts of the region would help to encourage equity in the regional distribution of investments.

- Make equity one of the scoring criteria in the selection of transportation projects to recommend for Federal funding.
- Create a “set-aside” category of funding for projects that address specific needs within an environmental justice/traditionally underserved area.

3. Support efforts to improve transportation service in the underserved areas

Underserved areas of the region, including the rural areas, are often unable to compete for federal funding on an equal footing with the more urbanized areas and the non-target communities. Moreover, concerns over the potential displacement of residents or the ultimate gentrification of their inner-city communities also create an ambivalence towards encouraging development efforts in these communities.

- Provide technical assistance and encourage coordination between the MPO and regional partners engaged in local efforts to develop transportation service within the underserved areas.
- Consider best practices modeled by Departments of Transportation and other MPOs across the nation on how to address the mobility needs of the underserved communities.

4. Address safety in environmental justice sensitive areas

Safety continues to be a concern in the underserved areas evidenced by the disproportionate number of crashes and high crash rates within the areas identified as sensitive for environmental justice – compared with the rest of the planning region.¹⁴ Prioritizing efforts to study and address the causes of crashes within the underserved areas would ultimately help to reduce the overall number of crash events recorded within the region.

- Analyze crash data related to environmental justice areas to identify problem areas and patterns, including any issues that may potentially relate to language or culture.
- Develop strategies, including targeted education, to address the safety issues in environmental justice sensitive areas as part of the Regional Safety Plan.

¹⁴ Based on information from geocoded events in the TxDOT Crash Records Information System (CRIS).

- Give scoring merit to transportation projects that improve safety in underserved neighborhoods in the selection of projects for federal funding.

5. Expand methodologies to assess the impact of transportation on environmental justice populations.

While quantitative models that predict the mobility and accessibility improvements that may accrue from building a regionally significant project are commonly used tools, they may not necessarily capture the full range of travel path or the choice of mode decisions made by the local roadway users

- Keep abreast with issues that impact the environmental justice communities across the region.
- Explore peer exchanges with other MPOs and municipal entities on better ways to model and assess the impact of planning decisions on the protected population.
- Explore new tools and data sources to facilitate fresh analyses that study the impact of transportation projects on less considered subjects such as public health, household economics, and community cohesion.

6. Improve participation of the underserved population in the public involvement process

Public participation is one of the fundamental pathways through which the needs and the interests of a community are made known to the planning team. Early and meaningful engagement of the underserved population may help to relieve some of the tensions sometimes encountered in project development. .

- Adopt non-traditional or novel methods to stimulate interest and encourage involvement in the planning process.
- Engage in targeted community engagement and expand mailing lists for more extensive outreach.
- Go to existing meetings and community events organized by the underserved population rather than solely expecting them to come to your organized events.
- Establish partnerships with community-based organizations, local elected officials, trusted community leaders, leaders of faith-based organizations, and local residents to act as community liaisons and provide a channel of communication between the underserved communities and the planning team.
- Provide incentives for participation in the community public engagement process.

ATTACHMENT 1

H-GAC TITLE VI NOTICE TO THE PUBLIC

TITLE VI

Know Your Rights/ Derechos/ Quyền/ 權利.

Houston-Galveston Area Council
Concilio del Área de Houston Galveston
Hội Đồng Khu Vực Houston-Galveston
休士頓-蓋文斯頓地區理事會

Notifying the Public of Rights Under Title VI Houston-Galveston Area Council

- The Houston-Galveston Area Council (H-GAC) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with H-GAC.
For more information on H-GAC's civil rights program, and the procedures to file a complaint, contact 713-627-3200; email title.vi.coordinator@hgac.com; or visit our administrative office at 3555 Timmons Lane, Houston, TX 77027. For more information, visit www.h-gac.com.
- A complainant may file a complaint with:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Civil Rights Officer
819 Taylor Street, Rm 8436
Fort Worth, TX 76102

- If information is needed in another language, contact 713-627-3200.

Federal Transit Administration Office of Civil Rights
Attention: Title VI Civil Rights Officer
819 Taylor Street, Rm 8436
Fort Worth, TX 76102

- Si necesita información en otro idioma, llame al 713-627-3200.

Notificación al público de los derechos establecidos en el Título VI Concilio del Área de Houston Galveston

- El Concilio del Área de Houston-Galveston (H-GAC) opera sus programas y servicios sin consideración de raza, color, y nacional origin en accordance con el Título VI de la Ley de Derechos Civiles. Toda persona que considere haber sido agraviada por una práctica discriminatoria según el Título VI puede presentar una queja ante el H-GAC.
- Para más información acerca del programa de derechos civiles del H-GAC y los procedimientos para presentar quejas, llame al 713-627-3200; enviar correo electrónico a title.vi.coordinator@hgac.com o visite nuestra oficina administrativa en 3555 Timmons Lane, Houston, TX 77027. Para obtener más información, visite www.h-gac.com.
- Un demandante puede presentar una queja directamente ante la Administración Federal de Transportes en la Oficina para los Derechos Civiles en la siguiente dirección:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Civil Rights Officer
819 Taylor Street, Rm 8436
Fort Worth, TX 76102

- Si necesita información en otro idioma, llame al 713-627-3200.

Thông Báo về Công Quyền Theo Tiêu Đề VI Hội Đồng Khu Vực Houston-Galveston

- Hội Đồng Khu Vực Houston-Galveston (H-GAC) điều hành các chương trình và dịch vụ của hội đồng không phân biệt chủng tộc, màu da, ngôn ngữ quốc gia và phu-hop với tiêu đề VI của Đạo Luật Dân Quyền Bất kỳ người nào tin rằng có áy hay anh ấy đã bị đối xử bất công bởi bất kỳ thực hành phân biệt đối xử bất hợp pháp theo tiêu VI có thể nộp đơn khiếu nại với H-GAC.
- Bé biết thêm chi tiết về chương trình dân quyền của H-GAC, và cách thức để nộp đơn khiếu nại, xin liên lạc 713-627-3200; email title.vi.coordinator@hgac.com; hoặc đến văn phòng hành chính của chúng tôi tại 3555 Timmons Lane, Houston, TX 77027. Để biết thêm thông tin, xin viếng www.h-gac.com.
- Người khiếu nại có thể khiếu nại trực tiếp với Cơ Quản Quản Trị Giao Thông Chuyển Tiếp Liên Bang bằng cách nộp đơn khiếu nại với Office of Civil Rights (Văn Phòng Dân Quyền):

Federal Transit Administration Office of Civil Rights
Attention: Title VI Civil Rights Officer
819 Taylor Street, Rm 8436
Fort Worth, TX 76102

- Nếu cần thêm thông tin bằng một ngôn ngữ khác, xin liên lạc 713-627-3200.

Información al público de los derechos establecidos en el Título VI Concilio del Área de Houston Galveston

- 根據民權法第六章，休士頓-蓋文斯頓地區理事會第六屆應許所有之權利（H-GAC）在運作其以休士頓地區為顏色、膚色及宗教不平等為標準。任何人如果認為為自己服務到民權第六章上所列法規被對待不公，可向H-GAC提出訴訟。
- 有關H-GAC民權計劃及諮詢科，請撥打電話713-627-3200，發送電子郵件至title.vi.coordinator@hgac.com。或到靈活部門行政辦公室，地址：3555 Timmons Lane, Houston, TX 77027。詳請更多資訊，請登錄網址：www.h-gac.com。
- 按以下山城捷運公司公共交通管理捷運山捷運，可將投訴寄至：

Federal Transit Administration Office of Civil Rights
Attention: Title VI Civil Rights Officer
819 Taylor Street, Rm 8436
Fort Worth, TX 76102

- 如果需要以其他語言的資訊，請聯絡 713-627-3200。



Houston-Galveston
Area Council

ATTACHMENT 2

HOUSTON-GALVESTON AREA COUNCIL TITLE VI COMPLAINTS PROCEDURE

FILING A TITLE VI COMPLAINT

Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by the nondiscrimination provisions of Title VI may file a written complaint with the Houston-Galveston Area Council (H-GAC) Title VI Coordinator. Complainants must complete and submit on the agency's Title VI complaint form. A sample complaint form is available at the end of this document or can be downloaded from www.h-gac.com. Instructions on how to file a Title VI complaint is also available online in Spanish, Chinese, and Vietnamese.

GENERAL GUIDELINES

(a) When to File

A complaint of discrimination must be filed within 180 calendar days after the alleged incident occurred or was discovered or, where there has been a continuing course of conduct, within 180 calendar days after the date on which the conduct was discontinued. Filing means a written complaint must be postmarked or received at the proper offices of H-GAC. The filing date is the day you mail or deliver a completed and signed complaint form. Complaints received more than 180 days after the occurrence of the alleged discrimination will not be processed but will be returned to the complainant with a letter explaining why the complaint could not be processed.

(b) Required Format of the Complaint

H-GAC will only process complaints that are complete. To be processed, the complaint must include the following information:

- Name, address, and phone number of the complainant;
- Signature of the complainant(s);
- The date of the alleged act of discrimination or, if a continuous act of discrimination, the date on which that conduct was discontinued or the latest instance of the conduct;
- A detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident;

(c) Alternate Form of Delivery

- Complaints received by fax or e-mail will be acknowledged once the identity of the complainant and the intent to proceed with the complaint have been established.
- An original complaint form sent by fax or email transmittal must be signed by the complainant for H-GAC to be able to process the complaint.
- Complaints of alleged discrimination received by telephone will be reduced to writing and kept on file. A complaint form will be forwarded to the complainant for them to complete, sign, and return to HGAC for processing.

COMPLAINT REVIEW PROCESS

The following is a description of how a Title VI discrimination complaint will be handled once received by H-GAC.

(a) Verification of Jurisdiction

- Upon receipt of the complaint the Title VI Coordinator shall determine if there is appropriate jurisdiction, acceptability, or the need for additional information before beginning to investigate the merits of the complaint.
- In cases where the complaint is against a subrecipient who receives federal funds from H-GAC, H-GAC will assume jurisdiction and will investigate and adjudicate the case. Complaints against H-GAC may be investigated by the H-GAC Title VI Coordinator or else referred to the Texas Department of Transportation (TXDOT), the Federal Highway Administration (FHWA), or the Federal Transit Administration (FTA), as appropriate, for proper disposition according to their procedures.

(b) Review of Adequacy

To be accepted, a complaint must meet the following criteria:

- The complaint must be filed within 180 calendar days of the alleged incident or when the alleged discrimination became known to the complainant.
- The allegation(s) must involve a covered basis such as race, color, or national origin,
- The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity that opens its doors to the public.
- The complainant(s) must be willing to accept reasonable resolution based on H-GAC's administrative authority. H-GAC shall determine what is considered reasonable.

(c) Dismissal of Complaints

A complaint may be dismissed for the following reasons:

- The complainant requests the withdrawal of the complaint.
- The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- The complainant cannot be located after reasonable attempts.

(d) Initial Written Notice to Complainant

The complainant will be notified in writing within 10 working days of receipt of the complaint if a determination is made that the matter is outside the scope of Title VI or H-GAC's jurisdiction. If the matter is determined to be within the scope of Title VI and in H-GAC's jurisdiction, the Title VI

Coordinator will notify the complainant and begin an investigation within 10 working days of receipt of the complaint.

(e) Investigation of Complaint

The Title VI Coordinator, in consultation with the department or subrecipient identified in the complaint, will investigate the matter, focusing on the following:

- The basis of the alleged unequal treatment.
- When and where the unequal treatment occurred.
- Identification of, and consultation with all relevant parties.
- A review of all pertinent documents and records reasonably available.
- Gathering all other factual records from appropriate sources.

H-GAC Title VI officials shall maintain a record of all discussions and documents relating to the investigation in a confidential file. Upon the conclusion of a thorough investigation, the Title VI Coordinator shall prepare a report summarizing the findings and suggesting a proposed resolution, including any appropriate corrective action. Except in extenuating circumstances, the investigation will be conducted and completed within 60 days of the receipt of the formal complaint after which the investigative report will be submitted to the H-GAC Executive Director.

(f) Notification of Final Adjudication

The H-GAC Executive Director shall either accept, reject or modify the investigative report. Written notification of the findings and proposed resolution will be provided to the complainant within 30 days of the Executive Director receiving the investigative report.

(g) Appeal of Final Adjudication

The complainant may file a request for reconsideration within 30 days of the date the complainant receives the written proposed resolution. Any affected party may submit information and/or documentation in writing to the Title VI Coordinator in support of their request for reconsideration of the proposed resolution. Upon review of the additional information and documentation, the Title VI Coordinator and the H-GAC Executive Director will have 10 days to either reaffirm, reverse, or modify the original resolution and to provide written notice to the complainant of this decision. If neither party requests a reconsideration of the decision, the resolution will become final upon the expiration of 10 days after the decision is made.



HOUSTON-GALVESTON AREA COUNCIL

COMPLAINT NO. _____

Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The Environmental Justice component of Title VI guarantees fair treatment for all people and provides for H-GAC, to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations, such as undertaking reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to the programs, services, and information H-GAC provides.

H-GAC works to ensure nondiscriminatory transportation in support of our mission to be the Gulf Coast Region leader in providing effective, coordinated and integrated multimodal transportation solutions to enhance the social and economic quality of life for all Gulf Coast Region citizens. H-GAC's Contract Compliance Program Office is responsible for Civil Rights Compliance and Monitoring to ensure non-discriminatory provision of transit services and programs.

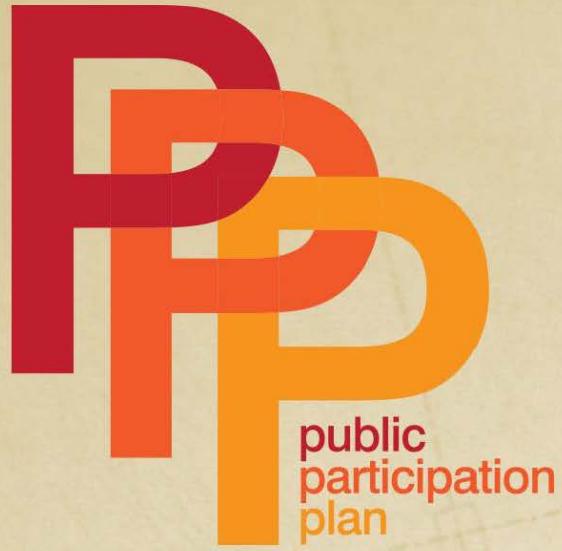
NAME:	HOME NO.:
EMAIL ADDRESS:	WORK NO.:
MAILING ADDRESS:	CITY:
	STATE: ZIP:
Please indicate the basis of your complaint:	
<input type="checkbox"/> Race _____ <input type="checkbox"/> Age _____ <input type="checkbox"/> National Origin _____	
<input type="checkbox"/> Color _____ <input type="checkbox"/> Gender _____ <input type="checkbox"/> Disability _____	
Date and place of alleged discriminatory action(s). (Please include the earliest date of discrimination and the most recent date of discrimination.)	
Name(s)/Position title(s) of the person(s) who allegedly subjected you to Title VI discrimination:	
How were you discriminated against? Please describe the nature of the action, decision, or conditions of the alleged discrimination. Be as clear as possible in your description of what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (You can attach additional pages, if necessary.)	

<p>The law prohibits intimidation or retaliation against anyone because s/he has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.</p>		
<p>Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attach additional pages, if necessary.)</p>		
<u>Name</u>	<u>Address</u>	<u>Telephone</u>
<p>Have you filed, or do you intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.</p>		
<input type="checkbox"/> U.S. Department of Transportation _____ <input type="checkbox"/> Federal Highway Administration _____ <input type="checkbox"/> Federal Transit Administration _____ <input type="checkbox"/> Office of Federal Contract Compliance _____ <input type="checkbox"/> U.S. Equal Employment Opportunity Commission _____ <input type="checkbox"/> U.S. Department of Justice _____ <input type="checkbox"/> Other: _____		
<p>Have you discussed the complaint with any H-GAC representative? If yes, provide the name, position, and date of discussion.</p>		
<p>What remedy or action are you seeking for the alleged discrimination?</p>		
<p>Please provide any additional information, documents, photographs, etc., if applicable, that you believe will assist in an investigation.</p>		
<p>Sign and date the complaint below. <i>We are unable to consider unsigned complaints.</i></p>		
Complainant's Signature _____		Date _____
FOR OFFICE USE ONLY		
Date complaint received: _____		Case #: _____
Processed by: _____		Date Referred: _____
Referred to: <input type="checkbox"/> USDOT <input type="checkbox"/> FHWA <input type="checkbox"/> FTA <input type="checkbox"/> OFCCP <input type="checkbox"/> Other: _____		

Continuation Sheet:

ATTACHMENT 3

H-GAC PUBLIC PARTICIPATION PLAN



PUBLIC PARTICIPATION PLAN

*A Guide for Public Involvement in the Metropolitan
Transportation Planning and Programming Process*

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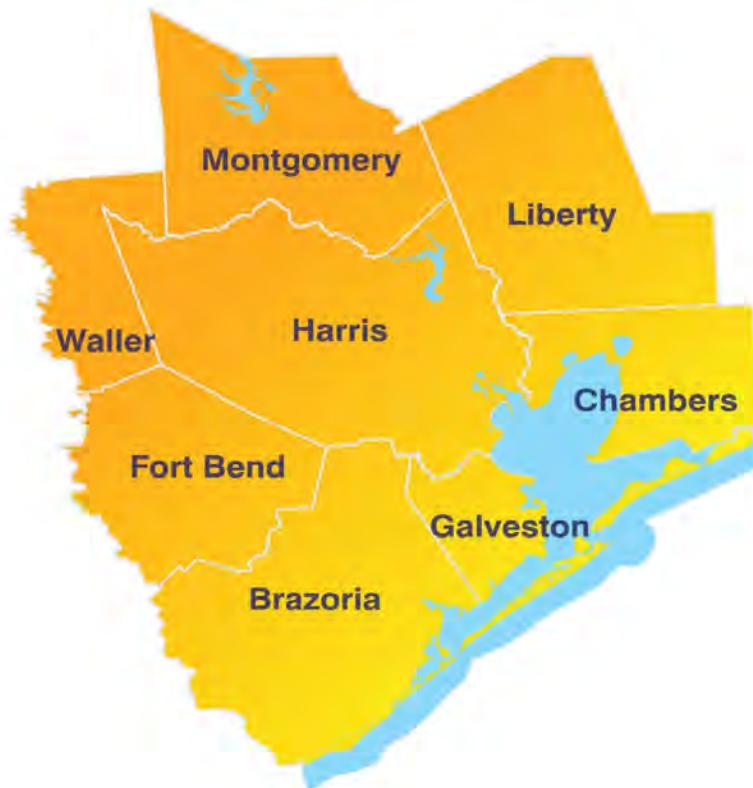
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SECTION 1 PUBLIC PARTICIPATION PLAN

Introduction

The Houston-Galveston Area Council (H-GAC) is a voluntary organization of local governments that consists of a 13-county service area and is governed by a Board of Directors. H-GAC also serves as the Metropolitan Planning Organization (MPO) for the eight-county region that includes Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties.

Eight-County Houston-Galveston Region



Purpose of the Public Participation Plan

H-GAC developed this Public Participation Plan (PPP) to ensure an open planning process that supports early and continued public involvement, timely public notice, and full public access to information regarding key transportation decisions. The PPP serves as a guide for H-GAC's transportation public involvement process. It is part of a regional effort to ensure a continuing, comprehensive, and coordinated process among stakeholders to provide opportunities for broad-based participation in the development and review of regional transportation plans and programs.

The PPP provides the public with an understanding of the transportation planning process and the core functions of the MPO. Along with developing the PPP, the core functions of the MPO include developing the long-range plan known as the Regional Transportation Plan (RTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP). The RTP provides a responsible guide for maintaining and improving the current transportation system and identifies priority transportation investments. The TIP is a fiscally constrained financial plan of transportation projects approved to receive federal funding over the next four years. The UPWP outlines the proposed tasks and estimated costs associated with conducting the region's transportation planning and research for the next two years. Planning activities for the UPWP are described in **Appendix A** of this plan.

The intent of the PPP is to promote understanding and participation in the regional transportation planning process. There are many opportunities for the public to comment on transportation plans, programs, and projects. H-GAC will use this document to facilitate and encourage the public to become more involved in developing a better transportation system for the region.

The *Code of Federal Regulations* (CFR) is an annual codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the Federal Government. The outline of this Public Participation Plan adheres to 23 CFR 450.316 – Interested parties, participation, and consultation.

Public Participation Plan Outline

Activity 1: Provide adequate public notice of public participation activities with sufficient time for public review and comment on key decisions, including opportunities to comment on proposed adoption of the RTP and TIP and any necessary amendments:

- Legal notices and other paid advertisements for public meetings are submitted to the *Houston Chronicle* for publication a minimum of 30 days prior to the end of the public comment period for all regional transportation plans and programs. Notices may also be submitted to the *Texas Register*, appropriate local Hispanic, African-American, and Asian publications, and local newspapers in each jurisdiction for all public meetings.

- News releases and media alerts are issued to printers and broadcast media outlets, elected officials, legislators, transit staff, environmental and residents groups, civic organizations, businesses, chambers of commerce, and libraries. In addition, all current publications are posted on the H-GAC transportation website. H-GAC also works with local editors and writers on timely articles regarding current transportation and mobility issues.
- Amendments to the TIP occur throughout the time period between TIP updates. Public meetings and a 30-day public comment period are held prior to the adoption of TIP Amendments and the TIP Update.

Activity 2: Provide timely notice and reasonable access to information about transportation issues and processes; provide opportunities for residents, public agencies, and officials to help shape the region's future through a public comment process that is open and accessible to the public, stakeholders, and policymakers:

- Information workshops are held on topics associated with regional transportation planning. In addition to the bi-monthly Brown Bag Lunch series, these workshops are designed to educate participants about specific topics such as mobility, Intelligent Transportation Systems, freight and safety issues, project submission and implementation, and air quality. Information workshops also provide a means for allowing participants to express their ideas and concerns in an informal setting. Brown Bag Lunch presentations serve as a forum for education in market trends, emerging technologies, and key transportation and planning issues facing the industry. Each bi-monthly speaking engagement gives consultant firms, research institutes and other industry experts the opportunity to showcase an expert speaker from their firm for a presentation over lunch. Other information workshops are conducted on an as-needed basis.
- By coordinating efforts with stakeholder organizations responsible for other planning activities affected by transportation in the region, including those responsible for economic development, tourism, natural disaster risk reduction, environmental protection, and intermodal passenger and freight operations, H-GAC can provide public outreach efforts more effectively and efficiently. This type of coordination includes H-GAC representation at stakeholder meetings and committees and supplying appropriate information regarding H-GAC plans, programs, and current projects. By being active in stakeholder meetings, H-GAC can utilize these opportunities to gain valuable input on transportation activities as well as involvement in discussions regarding transportation needs in the region on a regular basis.

Activity 3: Employ advanced visualization techniques and innovative communication tools to engage the public and stakeholders in the metropolitan transportation planning process:

- H-GAC will evaluate each planning activity and utilize appropriate multimedia communication tools including, but not limited to, websites, social media, videos, webinars, photographs, drawings and/or interactive data analysis and mapping applications.
- The RTP and TIP documentation will employ extensive use of visual materials, such as graphs and maps, and online interactive applications will be provided for users to filter, summarize, and analyze program information.
(Recordings and photos taken during public meetings may be used for marketing purposes).

Activity 4: Make public information (technical information and meeting notices) available in electronically accessible formats and means such as the Internet; make information on transportation projects and programs available in a variety of formats, mediums, and languages to reach a larger audience:

- Key media are provided with periodic updates of H-GAC activities. News releases, media alerts, and meeting notices are distributed in English and Spanish to announce public review and comment periods prior to the adoption or approval of major amendments to the RTP, TIP, UPWP, PPP, and other regionally significant transportation plans or programs.
- H-GAC's Public Outreach Division includes staff experienced in news reporting and media relations and issues news releases, works with reporters to generate stories about transportation activities, responds to reporter inquiries, provides briefings, and prepares editorial commentaries.
- *The Vision Newsletter* and other newsletters are distributed to all identified stakeholders, interested parties, and the media. Newsletters with a particular focus are produced to provide timely information on targeted topics. All newsletters are available on the transportation department website.
- H-GAC will maximize the use of emails to distribute information on major work products. The following email address will also be available on websites and printed materials for the public to submit comments via a Public Outreach Inbox: publiccomments@h-gac.com. H-GAC will work with local governments, chambers of commerce, transit agencies, and other organizations to share and distribute email notices. H-GAC will continue to expand its email distribution lists by requesting email addresses on public comment forms, on its website, and meeting registers.

- The H-GAC website provides current information about transportation planning activities. Included on this website is a listing of upcoming meetings. Agendas, meeting materials, and meeting minutes are added to the website as soon as they are available. Final documents, draft documents, or portions of draft documents under review by the public are made available when feasible. The website provides an opportunity for the public to provide input and formal comments on an ongoing basis through email links.

Activity 5: Hold public meetings at convenient and accessible locations and times:

- In addition to hosting public meetings at H-GAC's office central location, public meetings may be conducted in various locations around the region, as appropriate, in consideration of the purpose of the meeting and potential impacts arising from a proposed action. Public meetings may also be offered as a webinar, when feasible. Public meetings are usually held during the week in the morning, at noon, and/or in the evening.
- Public meetings are held prior to adoption of regional plans and programs. The format may vary from an open house setting, a formal public hearing, or as a webinar. H-GAC staff attends these meetings to present transportation project activity information and recommendations and receive public comments, questions, or discussions. Comments received during public meetings are considered part of the formal public record and are posted on the H-GAC website at www.h-gac.com.
- H-GAC also hosts regularly scheduled committee meetings that are open to the public, and comments are invited. Regular and special meetings of the Transportation Policy Council, Technical Advisory Committee, Regional Transportation Plan, Regional Safety Council, and the Regional Air Quality Planning Committee are usually held once a month and the schedules are posted on the H-GAC website. Live streaming is available for monthly meetings of the Transportation Policy Council on the day of the meeting and livestreamed meeting archives are available for reviewing after the date of each meeting.

Activity 6: Demonstrate explicit consideration and response to public input received during the development of plans and programs, including the RTP, TIP, UPWP, PPP, and coordinated public transit human services transportation plan (RCTP):

- Responses to public comments are posted on the transportation department website in a Frequently Asked Questions (FAQ) format or individually by mail or email. Whenever possible, H-GAC staff will provide responses in a timely fashion with accurate information. A report of comments received will be

included in final transportation plans and documented for public participation purposes. Comments received on transportation plans or programs undertaken by other agencies will be forwarded to the appropriate agency staff or decision-making body.

Activity 7: Seek out and consider the needs of those traditionally underserved by existing transportation systems such as low-income and minorities, elderly, disabled, and limited English proficient communities who may face challenges accessing needed services. Review projects to verify that the effects of the RTP and TIP, are not disproportionately borne by minority or low-income populations, including but not limited to health, environmental, social, and economic effects.

- *Elderly* – All public outreach efforts will attempt to solicit as much feedback as possible by making meeting times and locations accessible as well as partnering with organizations that specialize in services for the region's aging population.
- *Low-Income and Minorities* – H-GAC will make necessary efforts to understand the needs of low-income communities and determine how those needs can be met through transportation options. H-GAC has taken steps to ensure that the RTP meets all federal goals of Environmental Justice, as described in the guidelines of *Executive Order 12898*.
- *Mobility Impaired/Transit Dependent* – Through multiple types of outreach methods discussed in this document, H-GAC will be proactive in seeking input from mobility impaired and transit-dependent populations by means of public surveys using a database targeting these specific populations.

Activity 8: Provide additional opportunity for public comments if the final RTP or TIP differs significantly from the version that was made available for public comment by H-GAC and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts.

- The public is encouraged to attend and submit comments at all public meetings. Persons interested in attending these meetings may also submit a request to be placed on the mailing list. Public comments may be submitted verbally at a public meeting, in writing via letters, facsimiles, email, comment cards, or online via the transportation department public comment link: publiccomments@h-gac.com. All verbal testimony must be accompanied by written testimony to ensure a written response.

Activity 9: Coordinate with the statewide and regional transportation planning involvement and consultation processes.

- Local Access Management Corridor Studies – H-GAC will consult with the Texas Department of Transportation (TxDOT) and other statewide environmental agencies to coordinate recommended improvements.
- TxDOT's Statewide e-State Transportation Improvement Program (STIP) development – H-GAC will determine if its project can be coordinated with local efforts to enhance the efficiency and effectiveness of both H-GAC and TxDOT's database improvements.
- Regional Goods Movement Study – H-GAC will closely consult with TxDOT and other regional and statewide freight associations to coordinate recommended improvements.
- Amending and Updating the TIP – H-GAC will closely coordinate activities with TxDOT, the Federal Highway Administration (FHWA) and the Federal Transportation Administration (FTA) to ensure consistency and compliance with statewide and federal planning processes and requirements.
- Hurricane Evacuation Support Services – H-GAC will closely coordinate planning and implementation efforts with TxDOT, Harris County, and other regional and statewide emergency management agencies.

Activity 10: Periodically review the effectiveness of the procedures and strategies contained in this PPP to ensure a full and open participation process:

- H-GAC will periodically assess the effectiveness of public participation strategies and techniques to incorporate new and improved measures into our public outreach program.
- H-GAC may use direct mail evaluation surveys, focus groups, individual interviews, online surveys, comment cards, and a toll-free voicemail number 1-855-363-2516 to receive input for evaluation of the PPP.
- H-GAC will document public participation in the development of transportation plans and programs which may include:
 - 1) Number of meeting notices distributed via email;
 - 2) Number of open houses /informational meetings;
 - 3) Times/days of public meetings;
 - 4) Number of listening sessions/focus groups;
 - 5) Number of addresses on mailing list;
 - 6) Quantity of media coverage including number of media alerts and displays ads in newspapers;
 - 7) Number of H-GAC mailings;
 - 8) Quantity of educational material available including project listings, presentations, fact sheets, contact sheets, handbooks, etc.;
 - 9) Number of public comment reports distributed and received; and
 - 10) Number of languages used

SECTION 2 FEDERAL REQUIREMENTS

Current Federal statutes and regulations provide general guidelines for public involvement processes and procedures.

Fixing America's Surface Transportation (FAST) Act

The FAST Act explicitly adds public ports and certain private providers of transportation, including intercity bus operators and employer-based commuting programs to the list of interested parties that an MPO must provide with reasonable opportunity to comment on the transportation plan. [23 U.S.C. 134(i)(6)(A)]

The FAST Act continues to encourage MPOs to consult with officials responsible for other types of planning activities. It adds to the list of such activities tourism and the reduction of risk of natural disasters. [23 U.S.C. 134(g)(3)(A)]

Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 requires that disproportionately high and adverse human health or environmental effects on minority and low-income populations be identified and addressed to achieve environmental justice. Since the establishment of Title VI, Environmental Justice has been considered in local, state, and federal transportation projects. Section 42.104 of Title VI and related statutes require Federal agencies to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion.

Title VI of the Civil Rights Act of 1964

49 CFR, Part 21 states that "no person in the United States shall on the grounds of race, color, or national origin be excluded from the participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance." H-GAC's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency (LEP)

Executive Order 13166 requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to

them. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

To assist Federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, *2002 LEP Guidance*. This Guidance sets forth the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination.

Americans with Disabilities Act of 1990 (as amended)

The Americans with Disabilities Act of 1990 (ADA) stipulates involving the community, particularly those with disabilities, in the development and improvement of services. H-GAC fully complies with these requirements through its ADA plan and policies by making meeting room facilities accessible with wheelchair ramps, room and floor numbers posted in Braille, and restrooms and elevators that are wheelchair accessible.

H-GAC facilitates public participation in transportation activities by people with disabilities using the following guidelines:

- Meetings, public hearings, and formal events are held in facilities accessible by persons with disabilities.
- Public notices of meetings and events include a notice of accommodations for individuals who are disabled. Such accommodations will be provided by request with a minimum 24-hour notice.
- Persons needing to arrange for ADA accommodations at H-GAC meetings and events may call 713-627-3200 within 24 hours of the event.

In collaboration with transit stakeholders, H-GAC can provide transportation for individuals with disabilities to attend public meetings and events at the H-GAC offices.

Executive Order 13175 – Consultation and Coordination with Tribal Governments

Executive Order 13175 states that "in formulating or implementing policies that have tribal implications, agencies shall establish regular and meaningful consultation and collaboration with tribal officials to reduce the imposition of unfunded mandates upon Indian tribes."

American Indian tribes have expressed an interest in the eight-county MPO planning region, even though there are no tribal governments located in the region. As a result of a request by the tribal leaders, the MPO will actively seek to keep tribal governments informed of major decisions affecting their geographic area. The MPO will continue to communicate with Native American Indian tribal leaders on an ongoing basis to identify issues of common concern.

23 CFR §450.316 Interested parties, participation, and consultation

- (a) The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
- (1) The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:
- (i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
 - (ii) Providing timely notice and reasonable access to information about transportation issues and processes;
 - (iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;
 - (iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the Internet;
 - (v) Holding any public meetings at convenient and accessible locations and times;
 - (vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
 - (vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
 - (viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;
 - (ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and,

- (x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
 - (2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.
 - (3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the Internet to the maximum extent practicable.
- (b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPOs shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:
- (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
 - (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and,
 - (3) Recipients of assistance under 23 U.S.C. 201-204.
- (c) When the MPA includes Indian Tribal lands, the MPOs shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.
- (d) When the MPA includes Federal public lands, the MPOs shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.
- (e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

23 CFR §450.324 Development and content of the metropolitan transportation plan

(k) The MPOs shall provide individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan using the participation plan developed under §450.316(a).

(l) The MPOs shall publish or otherwise make readily available the metropolitan transportation plan for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet.

23 CFR §450.326 Development and content of the transportation improvement program (TIP)

(b) The MPOs shall provide all interested parties with a reasonable opportunity to comment on the proposed TIP as required by §450.316(a). In addition, in nonattainment area TMAs, the MPOs shall provide at least one formal public meeting during the TIP development process, which should be addressed through the participation plan described in §450.316(a). In addition, the MPOs shall publish or otherwise make readily available the TIP for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the Internet, as described in §450.316(a).

APPENDIX A – UNIFIED PLANNING WORK PROGRAM (UPWP)

The UPWP is produced every two years by the MPO in cooperation with State and local agencies involved in transportation planning. The UPWP describes the transportation plans and programs and the transportation-related air quality planning activities that will be conducted during current fiscal years, regardless of funding sources or agencies conducting these activities. Many of these planning activities may result in future transportation projects. A 30-day public comment period is observed prior to adoption of the UPWP.

Public outreach activities conducted prior to adoption of the UPWP are documented in Appendix H of the UPWP. The current UPWP document can be found on the H-GAC website at http://www.h-gac.com/taq/plans_programs/upwp/.

Planning Activities for the UPWP:

1. Administration – Describes the administrative support activities such as financial management, contract management, public outreach, and the general management of the MPO.
2. Data Development – Describes the collection, maintenance, and analysis of transportation data. These activities include the development of socio-economic forecasts and travel demand models to determine where future transportation investments will be made.
3. Short-Range Planning – Addresses planning for activities taking place within a three-to-ten-year timeframe, including the Transportation Improvement Program (TIP), the Ten-Year Transportation Plan, as well as transit feasibility studies, and operations planning. Task III also includes ongoing maintenance of the Regional Intelligent Transportation System (ITS), as well as efforts to improve traffic safety in the region and evacuation planning.
4. Long-Range Planning – Describes planning activities for the long-term including development and maintenance of the Regional Transportation Plan (RTP) as well as ongoing initiatives regarding transportation-related air quality planning, regional bicycle and pedestrian planning, activities involving H-GAC's Livable Centers program, and Transportation Performance Management (TPM) activities.
5. Special Studies – Includes special one-time planning activities, including major corridor studies/analyses and support of tourism and transportation resiliency planning activities.

Planning and Interagency Collaboration and Consultation

Many of the activities described in this document support the collaborative and coordinated decision-making process between State and local government agencies, transportation providers, shippers, carriers of goods, and the residents of the region. Through the cooperation of these stakeholders, the products of these planning efforts will provide the region with greater mobility benefits.

APPENDIX B – Glossary of Transportation Planning Terms

ADA	Americans with Disabilities Act of 1990
AERCO	Area Emission Reduction Credit Organization
CAAAs	Clean Air Act Amendments (of 1990 and subsequent years)
CFR	Code of Federal Regulations
FAST ACT	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
H-GAC	Houston-Galveston Area Council
MAP-21	Moving Ahead for Progress in the 21st Century
METRO	Metropolitan Transit Authority of Harris County
MCS	Major Corridor Study (formerly known as Major Investment Study)
MPO	Metropolitan Planning Organization
NHTSA	National Highway Traffic Safety Administration
PPP	Public Participation Plan
RAQPC	Regional Air Quality Planning Committee
RTP	Regional Transportation Plan
SIP	State Implementation Plan
STIP	Statewide Transportation Improvement Program
TAC	Technical Advisory Committee
TCEQ	Texas Commission on Environmental Quality
TIP	Transportation Improvement Program
TMA	Transportation Management Area
TPC	Transportation Policy Council
TxDPS	Texas Department of Public Safety
TxDOT	Texas Department of Transportation
UPWP	Unified Planning Work Program
USC	United States Code
US DOE	US Department of Energy
US DOT	US Department of Transportation
US EPA	US Environmental Protection Agency

APPENDIX C - Procedures for Providing Public Comments at Transportation Policy Council (TPC) Meetings

The TPC encourages public comments on all matters relevant to regional transportation planning. To assure fair and equitable opportunities for all residents preferring to address the TPC, the following public comment procedures have been established:

Public Comments on Agenda Items

Public comments related to agenda items will be allowed at the start of the meeting before the business section of the agenda. Comments will be limited to three (3) minutes and the applicant must sign up at least five (5) minutes before the start of the meeting. A person may not reserve time to appear more than once per meeting. Persons wishing to address more than one agenda item may do so during their allotted time. An agenda and meeting registers will be made available at the meeting place at least fifteen (15) minutes prior to the start of the meeting.

Other Public Presentations

Other public presentations not related to business indicated on the agenda must be submitted to the Chairman twenty-one (21) days in advance of the regular meeting and will be added to the agenda at the Chairman's discretion. If approved as an agenda item, the presentation will be limited to ten (10) minutes.

Requests to deliver such a presentation should be submitted in writing to:

Transportation Policy Council Chairman
Attn: Mr. Alan Clark
Houston-Galveston Area Council
P. O. Box 22777
Houston, TX 77227-2777

Written Comments

The TPC welcomes written comments relating to agenda items or other regional transportation planning concerns. For written comments exceeding three (3) standard 8 1/2" x 11" pages, twenty-five (25) copies must be provided. Written comments should be sent to the TPC Chairman at the above address.

Invited Comments

The Chairman may at any time during the meeting invite comments from the audience. Responses to comments by the Chairman will not be verbally addressed at the meeting.

Information Required

The following information will be required of all persons making either oral or written comments:

1. Full name
2. Affiliation (if applicable)
3. Mailing address and email address
4. Agenda Item(s) or topic to be addressed

APPENDIX D – Adoption and Revision of the Transportation Improvement Program (TIP)

As the primary implementation tool of the Regional Transportation Plan (RTP), adoption and revision of the Transportation Improvement Program (TIP) is a key component of the public participation process for the MPO.

A new TIP is developed every two years in a collaborative process between transportation implementation agencies, service providers, and the public. This process is carried out by H-GAC through its Technical Advisory Committee (TAC) and designated subcommittees. Prior to final review and approval by the Transportation Policy Council (TPC), public meetings are held to present the new TIP, and a comment period of not less than 30 days is observed.

Because the delivery of transportation projects and services is dynamic, revisions to the TIP occur frequently between biennial updates. These revisions are also subject to public review and comment, with the level of public participation dependent upon the significance of the revision proposed.

Minor revisions, referred to as Administrative Modifications, are approved by the MPO Director and presented to the TPC for information and comment. All other revisions require TPC approval, following review and recommendation by the TAC.

When a proposed revision has the potential to affect a significant portion of the region's traveling public, it is classified as a Major Amendment and is subject to public notice and opportunity for comment.

While revisions to the TIP are typically made at the request of project sponsors, in no case will a revision be proposed without prior notification of the sponsor. In all cases, revisions to the TIP, including Administrative Modifications, are subject to TxDOT approval.

The following tables detail how proposed revisions to the TIP are acted upon.

Table 1. Responsibility for Approval

Type of Revision	MPO Director [†]	TAC	TPC
I. Adoption of the TIP	----	Recommend	Approve
II. Revision of the TIP			
(1) Addition or Removal of Projects and Phases			
(a) Addition or removal of any project;	----	Recommend	Approve
(b) Addition or removal of a project's phase less than \$5.0 million;	Approve	----	----
(c) Addition or removal of a project's phase equal to or over \$5.0 million;	----	Recommend	Approve
(d) Combining two or more existing projects or phases;	Approve	----	----
(e) Carry over of a funded project or project phase from a previous TIP cycle;	Approve	----	----
(f) Other;	----	Recommend	Approve
(2) Scope and Cost Change			
(a) Less than or equal to 25% of phase or less than \$500k;	Approve	----	----
(b) Over 25% of phase and more than \$500k;	----	Recommend	Approve
(c) Scope change necessitating a recalculation of system level air quality conformity of non-exempt project;	----	Recommend	Approve
(d) Other significant scope changes;	----	Recommend	Approve
(e) Other minor scope changes;	Approve	----	----
(3) Fund Source Change			
(a) Addition or removal of federal or state funding allocated to the MPO for project selection;	----	Recommend	Approve
(b) Change between federal or state fund sources allocated to the MPO for project selection;	Approve	----	----
(c) Any other fund source change;	Approve	----	----
(4) Schedule Change			
(a) All affected phases are contained within the four years of the TIP before and after the schedule change;	Approve	----	----
(b) Any other schedule change;	----	Recommend	Approve

* The MPO Director may elect to defer Administrative Modifications to the TAC and TPC at his or her discretion.

Table 2. Opportunity for Public Review & Comment

I. Adoption of the TIP	Public meetings and a public comment period of not less than 30 days will be held prior to Transportation Policy Council (TPC) adoption of the TIP. Additional opportunities for public review are provided informally throughout the TIP development process.
II. Revision of the TIP	
(A) Major Amendments [‡] (TPC)	Major Amendments to the TIP will be noticed on the H-GAC website at least 30 days prior to TPC action and require a public meeting and a public comment period of not less than 10 days be held. Additional comment may be provided at TAC and TPC meetings as detailed in Appendix C.
(B) Other Amendments (TPC)	
(C) Administrative Modifications (MPO Director)	Administrative Modifications do not specifically require public involvement prior to MPO Director action, but are provided for public review through TPC meeting documentation. Appendix C details the procedures for public comment at TPC meetings.
‡ A Major Amendment is a revision to the TIP where:	
(a) A project or phase thereof greater than or equal to \$10 million is added or removed from the TIP;	
(b) Multiple projects or phases thereof with an aggregate value greater than or equal to \$25 million are added or removed from the TIP;	
(c) A cost change is proposed that would require the delay of another project beyond the 4 years of the TIP;	
(d) A scope change is proposed that would necessitate a re-demonstration of system level air quality conformity of non-exempt project.	

APPENDIX E – Language Assistance Plan for Limited English Proficient Populations

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (LEP) directs federal agencies to ensure that persons with limited proficiency in the English language have meaningful access to all federally conducted activities and services. This requirement is in keeping with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin.

The obligation of Executive Order 13166 extends to all entities that receive federal financial assistance for any of their programs, plans, or activities. As a recipient of federal funds, H-GAC will take reasonable steps to ensure that all residents of the planning region are given meaningful access to its programs, services, and activities. In furtherance of this commitment, H-GAC will implement a language assistant program to protect the rights of persons with LEP and to ensure that linguistic isolation is not a barrier to their access to and enjoyment of the transportation services and other related benefits available to residents of the region.

Identification of Limited English Proficient Populations and How They are Served

The eight-county region served by the H-GAC MPO is home to a diverse population of more than 6.3 million residents, according to the 2015 American Community Survey (ACS) estimates. A significant proportion of these residents speak languages other than English as their primary or "home" language and have English language skills that limit their ability for meaningful communication. They are members of several immigrant communities that include persons of Vietnamese, Chinese, Korean, Arabic, Filipino, Hispanic/Latino, and African descent among others. The limited ability to communicate in English can be a barrier to benefiting from transportation related programs, services, and activities. Knowing who these LEP communities are and where they are located helps to inform and guide public outreach staff in outreach efforts directed at that population. LEP individuals are defined by the US Census Bureau as persons five years and older who speak the English language less than "very well."

Guidance from the U.S. Department of Transportation (US DOT) recommends a four-factor analysis to evaluate the extent to which language assistance measures are required to ensure meaningful access for the LEP populations during transportation planning and program implementation. The four factors are:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
2. The frequency with which LEP individuals come into contact with the program;
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives; and,
4. The resources available to the recipient and costs.

TABLE 1. LEP Population for the Eight-County Houston Metropolitan Region +

Metropolitan Planning Region County	Pop. 5 years and Over	Total LEP Population	% LEP of Total Population	Total LEP of Spanish Language Population	Total LEP of Asian Language Population	Total LEP of Indo-European Language Population	Total LEP of "Other" Language Population
Brazoria	307,400	24,417	7.9%	19,141	4,087	723	466
Chambers	34,716	3,343	9.6%	2,922	169	203	49
Fort Bend	612,667	79,947	13.0%	38,165	26,351	11,715	3,716
Galveston	287,973	18,339	6.4%	14,660	2,379	1,147	213
Harris	4,013,836	819,879	20.4%	681,373	88,594	34,384	15,528
Liberty	72,186	4,698	6.5%	4,462	160	76	0
Montgomery	467,817	38,123	8.1%	34,566	2,191	1,066	300
Waller	42,816	4,497	10.5%	4,387	23	83	4
MPO Total	5,839,411	993,243	17.0%	799,676	123,954	49,397	20,276

+ Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimate

The US DOT Guidance intimates that the presence of a large LEP population who frequently seek access to a program, activity, or service that offers a significant benefit is a plausible indicator that an enhanced language assistance service is required. However, agencies that receive federal funds are not required to provide language assistance services to every language group that may exist within their jurisdiction, as this may be prohibitively expensive and constitute an undue burden to the agency. The size of the available budget or relative cost of providing language assistance interventions may ultimately determine the scale and appropriate "mix" of the language assistance measures expected from the agency.

Language assistance services may be provided in two ways: (1) oral interpretation in person or electronically; and (2) written translation services. The appropriate solution will be based on what is necessary and reasonable considering the circumstances.

Factor 1: The number or proportion of LEP persons served or encountered in the eligible service population

The 2011-2015 American Community Survey (ACS) data published by the US Census Bureau indicate that of the 5.8 million residents in the H-GAC Metropolitan Planning Region aged 5 and over, as many as 993,243 or 17% of the residents speak the English language at a level of proficiency that is less than "very well." (This compares with an estimated 14.2% statewide and only 8.6% nationally, that speak the English language less "very well"). These residents constitute the LEP population within the H-GAC region. Geographically, they are located largely in several ethnic minority communities within the City of Houston, Harris County, as well as in disparate districts in the smaller towns and cities in the adjacent sub-urban counties. By a large

margin, residents in the H-GAC region who have limited English proficiency skills are predominantly Spanish speaking. Other languages prominently spoken by LEP residents in the region include Vietnamese, Chinese, Arabic, Korean, Tagalog, and a mix of African languages. Table 2 describes the most common non-English languages spoken by LEP populations in the H-GAC region, compared with the numbers statewide and across the nation.

TABLE 2. Non-English Languages Spoken in the Houston Metropolitan Planning Region+

	Pop. 5 Years and Older	LEP Persons	LEP % of Pop	Spanish LEP	Vietnamese LEP	Chinese LEP	Arabic LEP	Korean LEP
H-GAC	5,839,411	993,243	17.0%	80.51%	5.71%	3.55%	0.96%	0.54%
Texas	24,587,309	3,491,398	14.2%	85.81%	3.36%	2.15%	0.68%	0.86%
USA	296,603,003	25,410,756	8.6%	64.17%	3.38%	6.80%	1.52%	2.41%

* Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimate

Census Bureau records further reveal that over the years, there has been a continuous rise in the overall numbers as well as in the proportion of the population of the region classified as LEP individuals. (See Table 3). This trend is expected to continue.

TABLE 3. Growth of LEP Population in the Houston Metropolitan Planning Region +

	Total MPO Population	Pop 5 Years and Older	LEP Persons	% LEP in Population
2000 Census	4,669,571	4,297,107	665,310	15.5%
2010 ACS #	5,655,671	5,197,325	906,790	17.4%
2015 ACS	6,317,767	5,839,411	993,243	17.0%
% Change 2000 - 2015	26.1%	26.4%	33.0%	---

+ Source: U.S. Census Bureau 2000 Decennial Census; 2006 – 2010 and 2011 - 2015 American Community Survey 5-Year Estimate.

Beginning 2010, questions about language were no longer asked on the decennial census.

Factor 2: The frequency with which LEP individuals come into contact with program, activity, or service

H-GAC interacts continuously with members of the public and the LEP population in the development and administration of its programs, services, and activities within the eight counties that constitute the H-GAC Metropolitan Planning Region. A significant amount of the contact with the LEP population is obtained in the comments submitted to the H-GAC transportation and air quality website and the agency's online public information Inbox, interaction at the quarterly public meetings, the monthly committee open meetings, and the

public outreach events held in the region for various purposes. A return message is sent by email, telephone, or US Mail service acknowledging that the public comments were received and are being reviewed, or have been reviewed and will be acted upon. Responses to public comments are provided to the enquirers in their preferred language of communication.

H-GAC provides several other accommodations to LEP residents in their continuous contact with that population. Legal notices, email blasts, and flyers advertising public meetings include instructions about how to obtain translations of information in a language other than English. To encourage participation by residents whose primary language of communication is not English, the MPO has published online surveys in several languages. Advertisements for public meetings are sometimes placed in local community newspapers in the three languages most widely spoken: English, Spanish, and Vietnamese. In addition, H-GAC could use consultant services or telephone translation facilities to translate public outreach materials targeted at non-English speakers. Interpreters are made available for live translations at open meetings when requested. Furthermore, H-GAC has several bilingual staff who can translate into Spanish, Chinese, Vietnamese, and other languages that are spoken within the regional community.

Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people's lives

H-GAC serves the citizens in the Houston Metropolitan Planning Region through the implementation of its planning programs, activities and services. The MPO establishes transportation investment priorities through a Regional Transportation Plan (RTP) anticipated to meet the region's projected mobility needs over a twenty five-year horizon; the Transportation Improvement Program (TIP) - a fiscally constrained list of multi-modal transportation projects approved for implementation within a four-year window; a two-year Unified Planning Work Program (UPWP) that outlines projects scheduled for the current fiscal year, and the Access Management Plan for developing and implementing operational and travel-demand strategies that improve transportation system performance and safety. These transportation/transit programs and investments are important to the lives of the LEP population as it provides them with improved mobility choices and enhances their daily access to employment, housing, social services, education, and recreation. It is important that the traditionally underrepresented particularly the LEP populations are assured meaningful access to the planning process and the opportunity to participate in the benefits of the region's transportation services.

H-GAC is also responsible for developing and implementing strategies to reduce transportation-related emissions that lead to ozone formation in the eight-county region. Due to the Houston metropolitan region's air quality non-attainment status, H-GAC plans must show transportation conformity and compliance with rules established under the Clean Air Act Amendments of 1990. H-GAC's undertakings also guide the development and maintenance of a multimodal transportation system, support regional economic activity, improve roadway safety, help to conserve and protect the natural and cultural resources in the region, and promotes the health, wellbeing and the overall quality of life of all residents of the region, including the LEP population. Denying the LEP populations access to these benefits would have a detrimental impact on their lives.

Factor 4: The resources available to the recipient and costs

H-GAC will continue to assess the need for language assistance interventions as it designs and implements its planning programs, activities, and services, and will tailor its LEP language assistant services to both the identified need as well as the resources that are available to support the purpose.

Plan for Providing Services to LEP Residents

The languages most widely spoken by LEP populations in the Houston Metropolitan Planning Region are Spanish, Vietnamese, and Chinese. To effectively serve LEP residents in the Planning Region, H-GAC recognizes the need to be able to communicate with them in the primary language in which they are proficient. To achieve this purpose H-GAC will ensure that language assistance is provided at no cost to LEP residents who indicate a need for these services at agency-organized meetings and events. H-GAC will take the following actions to ensure that LEP residents have reasonable access to its programs, services, and activities:

1. Periodically identify and update records on the location of LEP populations who may need language assistance and the non-English languages that are commonly spoken within the planning region.
 - Obtain current US Census Bureau data reporting on the languages spoken by residents in the region. Validate this data with information from school district enrollment records, social surveys, institutions of higher education, and MPO records.
 - Utilize Geographical Information Systems (GIS) software to map the spatial distribution of individuals with limited English language proficiency skills and identify areas of concentration of people of specific language groups as a guide to planning outreach efforts and strategies.
2. Employ standards and guidelines for ensuring that language is not a barrier to services and meaningful participation in the eight-county transportation planning area.
 - Identify early the need for language assistance services and provide timely and effective notice of its availability to persons in need of these services.
 - Adopt uniform translations for commonly circulated reports, documents, and marketing/outreach materials in the languages of choice of the LEP population.
 - Maintain a clearinghouse of certified interpreter/translator services that can be contracted to provide translation services when needed.
3. Identify best practices to improve access and participation by the LEP population.
 - Publicize agency events through public service announcements in local and ethnic media outlets and educate on citizens' rights to language assistance.
 - Distribute or post flyers written in the languages that will best communicate to the LEP target populations.

- Introduce multi-lingual "I Speak" card Activity that invites LEP individuals to identify their alternate language needs.
 - Adopt "inclusive design" strategies in agency website to introduce sensitivity to the needs of the LEP population.
 - Engage the help of community advocates with expertise in the culture, language, and values of the local ethnic community to assist in reaching and mobilizing the LEP community.
4. Periodically evaluate the effectiveness of the PPP to assess whether it has been successful in creating opportunities for meaningful involvement for the LEP population.

Monitoring and Updating the Language Assistance Program

This document is designed to be flexible and easy to modify. H-GAC will review and update its language assistance program periodically to ensure that it is responsive to the specific needs represented in the planning region. Copies of this plan may be obtained by downloading from the H-GAC website. Persons without Internet access may request a copy by writing the H-GAC Public Outreach Manager at the address listed below. Any questions or comments regarding this plan should also be directed to the H-GAC Public Outreach Manager or the EEO Coordinator.

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TPC Agenda 08
Mailout - 7/21/17

Resolution

NO. 2017-15

ADOPTING THE PUBLIC PARTICIPATION PLAN

WHEREAS, the Houston-Galveston Area Council developed the Public Participation Plan (PPP) to ensure an open transportation planning process that supports early and continued involvement, timely public notice, and full public access to information regarding key transportation decisions; and

WHEREAS, the PPP is intended as a guide for the public, policy-makers, and staff that outlines strategies for disseminating information and responding to public comment; and

WHEREAS, the Houston-Galveston Area Council initiated a 45-day public comment period for the updated draft of the PPP from June 5, 2017 through July 19, 2017 and held a public meeting on June 29, 2017; and

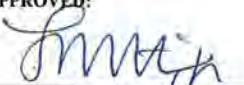
WHEREAS, revisions were made to the draft PPP due to public comment received at the public meeting, from members of the Technical Advisory Committee, and from members of the Transportation Policy Council; and

WHEREAS, the updated PPP will replace the Public Participation Plan adopted in 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE TRANSPORTATION POLICY COUNCIL FOR THE HOUSTON-GALVESTON AREA COUNCIL'S METROPOLITAN PLANNING ORGANIZATION THAT THE PUBLIC PARTICIPATION PLAN IS HEREBY ADOPTED.

PASSED AND APPROVED this 28th day of July 2017, at a regularly called meeting of the Transportation Policy Council for the Houston-Galveston Area Council's Metropolitan Planning Organization.

APPROVED:


Hon. Matt Sebesta, Chairman
Transportation Policy Council

ATTEST:


Hon. Tom Reid, Secretary
Transportation Policy Council

RESOLUTION FOR APPROVAL OF THE PUBLIC PARTICIPATION PLAN

Background

The Public Participation Plan (PPP) is in accordance with 23 CFR 450.316 which requires the metropolitan planning organization to create opportunities for public involvement and participation in the transportation planning process.

The PPP addresses public involvement in the following areas:

1. Provides adequate public notice of public participation activities with sufficient time for public review and comment on key decisions.
2. Provides timely notice and reasonable access to information about transportation issues and processes.
3. Utilizes visualization techniques and innovative communication tools to engage the public and stakeholders in the planning process.
4. Makes public information available in electronically accessible formats and in a variety of formats to reach a larger audience.
5. Holds public meetings at convenient and accessible locations and times.
6. Demonstrates consideration and response to public input received during the development of plans and programs.
7. Considers the needs of those traditionally underserved by existing transportation systems.
8. Provides additional opportunity for public comments if the final RTP or TIP differs significantly from the version that was prepared for public comment.
9. Coordinates with statewide and regional transportation planning involvement consultation processes.
10. Reviews the effectiveness of the procedures and strategies in the PPP to ensure a full and open participation process.

Current Situation

Public outreach staff developed the last version of the PPP in 2012 and recently updated the plan to accurately reflect the MPO's public involvement process and recent changes in federal regulations.

H-GAC staff sought early review and comment on the updated draft of the PPP from representatives from TAC and TPC in June. In addition, a 45-day public comment period began on June 5 and ended on July 19. H-GAC held a public meeting on June 29, 2017. Recommendation from TAC and adoption of the final draft by TPC will be sought at the July 2017 meetings.

Requested Action

Approval of Resolution No. 2017-15, adopting the updated Public Participation Plan (PPP).

ATTACHMENT 4

BYLAWS OF THE H-GAC BOARD AND TRANSPORTATION POLICY COUNCIL

H-GAC BOARD OF DIRECTORS BYLAWS AND OPERATING PROCEDURES

ARTICLE I - ORGANIZATION AND PURPOSE

Section 1

The Houston-Galveston Area Council is the voluntary association of local governments for Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton counties comprising the Gulf Coast State Planning Region designated by the Governor of Texas.

Section 2

The Houston-Galveston Area Council's purpose is to assist local governments in serving today and helping to plan for tomorrow. The Houston-Galveston Area Council shall function as a Regional Planning Commission under Ch. 391 of the Texas Local Government Code and may exercise powers conferred on it by State Law or by its member local governments.

ARTICLE II - MEMBERSHIP

Section 1

Membership in the Houston-Galveston Area Council shall be voluntary. Any County, City, or Independent School District located in whole or in part within the Gulf Coast State Planning Region may become a member by appropriate action of its governing body, and payment of dues.

Section 2

A member of the Houston-Galveston Area Council may withdraw from membership by action of its governing body. Governmental entities may be readmitted to membership by complying with the provisions of Section 1 of this Article.

ARTICLE III – GENERAL ASSEMBLY

Section 1 - Membership

The General Assembly shall consist of delegates from all member governmental entities of the Council.

Section 2 -Composition

All members of the General Assembly shall be elected officials of the Commissioner's Court, City Council, or Independent School District Board of Trustees which they represent.

- The Commissioners' Court of each member County shall select two (2) elected officials as representatives and two (2) elected officials as alternates to the General Assembly, all of whom shall be members of the Commissioners' Court.
- The City Council of each member city having a population of 100,000 or more according to the most recent Federal Census shall select two (2) of its members as representatives and two (2) of its members as alternates to the General Assembly.
- Each member city with a population not in excess of 99,999 according to the most recent Federal Census shall select one (1) member of its governing body as its representative and one (1) member of its governing body as an alternate to the General Assembly.
- Each member independent school district shall select one (1) member of its governing body as its representative and one (1) member of its governing body as an alternate to the General Assembly.
- In the event that a representative to the General Assembly becomes ineligible to serve or resigns, the representative's duly appointed alternate shall assume the duties and exercise the powers of that representative. In the event that a representative to the General Assembly is unable to attend a meeting of the General Assembly, the representative's duly appointed alternate shall assume the duties and exercise the powers of that representative for that meeting.

ARTICLE IV – GENERAL ASSEMBLY MEETINGS

Section 1 - Meetings

The Chair shall call an Annual Meeting of the General Assembly in the first quarter of each year. The Annual Meeting's principal business will be to hear a report of the Houston-Galveston Area Council's activities for the preceding year and to determine the Council's officers for the current year.

ARTICLE V – OFFICERS AND ELECTION

Section 1 - Officers

The Officers of the Houston-Galveston Area Council will be Chair, Chair Elect, and Vice Chair. All officers shall be members of the General Assembly and the Board of Directors.

Section 2 - Officer Nominations

The Chair shall annually appoint an Elections Committee, which shall consist of not less than three, nor more than five members of the Board of Directors, including any past presidents or past chairs currently

serving on the Board of Directors. The Elections Committee shall recommend nominees for the offices listed in Section 1 for consideration by the Board of Directors. The Board of Directors will select nominees for Officers not less than one month before the Annual Meeting of the General Assembly.

Section 3 - Officer Election

A ballot containing the Board of Directors recommended officer nominees shall be mailed to each representative of the General Assembly at least fifteen days prior to the Annual Meeting. The Ballot shall allow write-in votes to be cast for each position. Ballots shall be sealed and returned to the Elections Committee for tabulation in accordance with the instructions on the ballot form.

Section 4 - Ballot Tabulation

The Elections Committee shall receive the sealed ballots immediately prior to the Annual Meeting. The Elections Committee shall open and tabulate all ballots and shall announce its tabulation at the Annual Meeting. Officers shall be elected by a simple majority of the ballots cast.

Section 5 - Officer Vacancies

Should a vacancy occur in the office of the Chair, the Chair Elect shall become Chair for the balance of the unexpired term. Should a vacancy occur in the office of Chair Elect, the Vice Chair shall become Chair Elect for the balance of the unexpired term. Should a vacancy occur in the office of Vice Chair, the Elections Committee shall submit the name of a member of the Board of Directors to serve the balance of the unexpired term. Additional nominations by the Board of Directors shall be in order. Election shall be through a simple majority of the Board of Directors.

ARTICLE VI – BOARD OF DIRECTORS

Section 1 - Responsibility and Officers

The Board of Directors shall be the governing body of the Houston-Galveston Area Council. It shall be responsible for the general policies and programs of the Houston-Galveston Area Council and for control of its funds. The Chair of the Houston-Galveston Area Council, or if absent, the Chair Elect, or if absent, the Vice Chair, shall preside at meetings of the Board of Directors. In the event all officers are absent, members present shall designate a presiding officer. The Vice Chair shall also serve as Chair of the Board's Finance and Budget Committee and shall attest the official actions of the Board as necessary.

Section 2 - Terms and Method of Appointment

The Board of Directors of the Houston-Galveston Area Council shall serve terms of one year to begin January 1 and shall be composed of representatives of the General Assembly as follows:

- One (1) representative and one (1) alternate from each member County except Harris County, which shall have two (2) representatives and two (2) alternates, selected by the Commissioners' Court of each member County.
- One (1) representative and one (1) alternate from each member Home Rule City over 25,000 population except the City of Houston which shall have two (2) representatives and two (2) alternates, selected by the City Councils of such member cities.
- The Houston Independent School District General Assembly representative and alternate;
- Two (2) representatives and two (2) alternates representing all member Home Rule Cities, with populations under 25,000, selected by and from the General Assembly representatives of member Home Rule Cities by mutually agreeable procedure.
- Two (2) representatives and two (2) alternates representing all member General Law Cities, selected by and from the General Assembly representatives of member General Law Cities by mutually agreeable procedure.
- One (1) representative and one (1) alternate representing all member independent school districts, other than the Houston Independent School District, selected by and from the General Assembly representatives of member independent school districts by mutually agreeable procedure.
- In the event that a representative to the Board of Directors becomes ineligible to serve or resigns, the representative's duly appointed alternate shall assume the duties and exercise the powers of that representative. In the event a representative to the Board of Directors is unable to attend a meeting of the Board of Directors, the representative's duly appointed alternate shall assume the duties and exercise the powers of that representative for that meeting.
- The Board Chair shall appoint a member of the state legislature as an ex-officio non-voting member of the Board of Directors. The term of this member will be coterminous with the term of the Chair.

Section 3 - Meetings

The Board of Directors shall meet monthly at a time and place it shall designate. Special meetings of the Board of Directors may be called by the Chair or by written request of at least four (4) members of the Board of Directors.

Section 4 - Quorum

A simple majority of the Board of Directors shall constitute a quorum for the transaction of all business. When a quorum is present, the majority vote of members present shall decide any question under consideration, except Bylaw amendments.

Section 5 - Rules of Procedure

The Board of Directors may establish rules of procedure for its meetings to assure efficient and orderly transaction of business.

Section 6 - Committees

Committees may be created, modified, or dissolved upon recommendation of the Chair and confirmation by the Board of Directors.

ARTICLE VII – EXECUTIVE DIRECTOR

Section 1 -Employment

The Board of Directors shall employ an Executive Director who shall serve at the pleasure of the Board of Directors.

Section 2 -Responsibilities of Executive Director

The Executive Director shall be the chief administrative officer of the Houston-Galveston Area Council, and shall, subject to the rules and regulations of the Board of Directors, act for and in the name of the Houston-Galveston Area Council and appoint and remove all subordinate employees of the Houston-Galveston Area Council. The Executive Director shall, subject to the rules and regulations of the Board of Directors, acquire and/or dispose of all materials, equipment and property required for the operation of the Houston-Galveston Area Council.

ARTICLE VIII – FINANCE

Section 1 -Dues Schedule

Each member of the Houston-Galveston Area Council shall pay annual dues on the basis of the following schedule:

- Counties, cities, and towns shall pay annually \$200.00 or four cents (\$.04) per capita, whichever is greater.
- Population figures shall be as set forth in the most recent Federal Census.
- School Districts shall pay annually \$200.00 each or three cents (\$.03) per Average Daily Attendance for the most recent Federal Census year, whichever is greater.

Section 2 - Annual Dues

Each member shall pay an amount equal to one year's dues to the Houston-Galveston Area Council

within thirty (30) days from the date of joining. Annual dues shall be paid by January 1 of each calendar year.

Section 3 - Members in Arrears

A member more than six months in arrears in its dues may be denied voting privileges until dues are paid.

Section 4 - Fund Sources

The Houston-Galveston Area Council may apply for, contract for, receive and expend funds from the State of Texas, the Federal Government, or any other source. The Houston-Galveston Area Council shall have no power to tax.

Section 5 - Depository and Expenditures

Funds of the Houston-Galveston Area Council shall be kept in a depository designated by the Board of Directors and shall be expended in accordance with policies adopted by the Board of Directors.

Section 6 - Bond and Insurance

The Board of Directors shall maintain Fidelity Bond coverage of a type and amount sufficient to reasonably safeguard the assets of the Council. The Board of Directors shall also maintain such other insurance, including Directors and Officers Liability Insurance, as it deems prudent.

Section 7 - Fiscal Year

The fiscal year of the Houston-Galveston Area Council shall be the Calendar Year.

Section 8 - Annual Service Plan and Budget

The Executive Director shall prepare an annual budget and service plan setting out recommended program and financial priorities for the Council. The recommended budget and service plan shall be presented in the fourth quarter of each year and shall take effect the following January 1 upon approval by the Board of Directors.

ARTICLE IX

Section 1 -Annual Report

The Council shall prepare an annual report which shall be submitted to all member governmental units.

Section 2 - Annual Audit

An audit of the Council's financial accounts and transactions during the preceding fiscal year shall be

made annually by independent certified public accountants selected by the Board of Directors. The annual financial report and audit report shall be presented to the Board of Directors upon its completion.

ARTICLE X

Section 1 - Proposed Amendments

The Board of Directors may propose amendments to these bylaws.

Section 2 - Proposed Amendment Ballot

Any proposed amendment must be fully set out in writing as a ballot and furnished to each member of the Board of Directors, at least fourteen (14) days in advance of the meeting at which amendments are to be acted upon. Each member of the Board of Directors shall execute and return the ballot in a sealed envelope in accordance with instructions contained in the ballot for tabulation by the Elections Committee. Bylaws may be amended by a three-quarters affirmative majority vote of the Board of Directors.

TRANSPORTATION POLICY COUNCIL

BYLAWS AND OPERATING PROCEDURES

As Amended on January 25, 2013

The following rules shall govern the procedures and composition of the Transportation Policy Council:

A. Functions

The Transportation Policy Council (TPC) shall serve as the Policy Board for the Metropolitan Planning Organization (MPO) identified in the Governor's MPO designation. The Transportation Policy Council shall also provide regular and continuing routine guidance to Multimodal Transportation Planning efforts in the Houston-Galveston Transportation Management Area conducted by entities including, but not limited to, the Texas Department of Transportation, the Houston-Galveston Area Council (H-GAC), city and county governments, the Metropolitan Transit Authority (MTA) of Harris County, special purpose governments, regional planning agencies, and other political subdivisions of the State of Texas.

The Transportation Policy Council shall examine the adequacy and appropriateness of the continuing transportation planning process and shall review various agreements entered into for the execution of transportation planning and review the Unified Planning Work Program (UPWP) and recommend it for inclusion in the H-GAC overall Program Design Budget. The Transportation Policy Council shall endorse the Transportation Improvement Program (TIP) and recommend its consistency to H-GAC as the Regional Clearinghouse. The Transportation Policy Council shall review annually such other documentation which requires approval by responsible local officials. The Transportation Policy Council may recommend projects or studies to be implemented by HGAC. The H-GAC Board of Directors shall serve as the contracting agent for the Transportation Policy Council. The Transportation Policy Council shall advise the H-GAC Board of Directors on transportation programs and issues. The Transportation Policy Council shall approve region-wide transportation plans and/or revisions thereof, and promote the adoption and implementation of such plans by the various levels of government. The Council shall also function as a forum for public discussion relating to transportation planning in the Houston-Galveston Transportation Management Area.

B. Membership

Each of the entities listed below shall be entitled to designate one or more members to the Transportation Policy Council, as indicated in the table below. All members of the Transportation Policy Council shall be local elected officials, officials of public agencies that administer or operate major modes of transportation in the Houston-Galveston Transportation Management Area, or appropriate officials of the Texas Department of Transportation. With respect to cities and counties with one member, the member shall be the chief elected official, the chief administrative officer, or another designated official. With respect to cities or counties with more than one member, additional officials shall also be designated.

The voting members of this Council shall be limited to twenty-eight (28) members. Voting membership is as follows:

VOTING MEMBERSHIP

City of Baytown	1
City of Conroe	1
City of Galveston	1
City of Houston	3
City of League City	1
City of Missouri City	1
City of Pasadena	1
City of Pearland	1
City of Sugar Land	1
City of Texas City	1
County of Brazoria	1
County of Chambers	1
County of Fort Bend	1
County of Galveston	1
County of Harris	2
County of Liberty	1
County of Montgomery	1
County of Waller	1
Metropolitan Transit Authority	1
Texas Department of Transportation	2
Houston-Galveston Area Council	1
At-large city appointee by H-GAC for Harris County or designated city	1
<i>Other Transportation Interests</i> appointee by the TPC	1
Gulf Coast Rail District	1
TOTAL	28

Cities not otherwise having designated voting membership but having a population of 50,000 according to the official decennial census shall have voting membership on the TPC effective after the decennial census has been published.

Members shall serve a term of one calendar year. Thirty days prior to the end of their terms, the chief elected official or head and/or board of the entity which they represent shall be requested by the Secretary to name the representative for the next term. The Nominating Committee for the TPC shall recommend an *Other Transportation Interests* representative for appointment by the TPC.

Any entity with more than one member shall name an elected official to at least one of the positions. The Chairman may appoint such other nonvoting ex-officio representatives on the TPC as may be appropriate, subject to approval of a majority of the voting membership.

C. Alternate Members

Each voting member may have a designated alternate member who may serve at any Transportation Policy Council meeting in the voting member's absence. Alternate members must be appointed in the same manner as the voting members and must qualify as local elected officials, officials of public agencies that administer or operate major modes of transportation in the Houston-Galveston Transportation Management Area, appropriate officials of the Texas Department of Transportation or another designated official. An appointed alternate member will have the rights and privileges of a voting member when serving in the absence of such member.

D. Officers

The Transportation Policy Council shall elect a Chairman, a First Vice Chairman, a Second Vice Chairman, Past Chairman and a Secretary, each to serve for a term of one (1) year. Elections shall be held at the first meeting of each calendar year. The Chairman shall appoint a nominating committee of three (3) members in November prior to the first meeting of each calendar year for the purpose of bringing before the Council a slate of officers for consideration. The TPC Chair shall serve as Chair for no more than three consecutive years. In the event a duly elected officer is unable to serve the entire term of office, and the remaining officers shall concur in appointing a Council member to serve the remainder of the unexpired term, and this appointment shall be subject to approval by the majority of the Council membership present at the next called meeting.

E. Vacancies

Each member shall be eligible to serve during the term as long as the member occupies the position held at the time of selection. In the event that a voting member becomes ineligible or unable to serve, a new member named by the chief elected official or the head and/or board of the appropriate governmental unit shall be allowed to assume the position of the ineligible member on the council. Changes of voting members can be made by a chief elected official or the head and/or board of the appropriate governmental unit at any time.

F. Quorum

Fifty-one percent (51%) of the total Council voting membership shall constitute a quorum for the transaction of business at all meetings.

G. Meetings

All meetings of the Transportation Policy Council shall be governed by *Robert's Rules of Order*. The Chairman shall call meetings of the Council at least four (4) times annually or when requested in writing by five (5) or more of the voting members. The Chairman shall in a written notice of the meeting designate the time and place and indicate in an official agenda the business to be transacted or considered. The written notice of each meeting shall be provided electronically or mailed to each member of the Council at least fourteen (14) days prior to the meeting. In the absence of the Chairman, the First Vice Chairman and Second Vice Chairman from a regular or special meeting of the Council at which a quorum is present, the remaining members present shall elect a presiding officer who shall serve until the conclusion of that meeting or until the arrival of the Chairman or the First or Second Vice Chairman. Opportunities for public comments shall be provided subject to guidelines established by the Transportation Policy Council (Attachment A).

H. Ethics

Members of the Transportation Policy Council and employees of the MPO shall not accept or solicit gifts or favors that might reasonably tend to influence them in their discharge of their official duties. Additionally, members of the Transportation Policy Council and employees of the MPO shall not accept other employment or compensation that could reasonably be expected to impair their independence of judgment in the performance of their official duties. Neither a member of the Transportation Policy Council nor an employee of the MPO shall make personal investments that could reasonably be expected to create a conflict between the member's or employee's private interest and the public interest. The "Ethics Policy" adopted by the Transportation Policy Council provides more detailed guidance about the conduct of policy board members and MPO employees. (Attachment B).

I. Minutes

Minutes of all meetings shall be the responsibility of the Secretary and shall be kept and recorded by persons furnished to the Council for this purpose by the administrative support for the Transportation Policy Council. Minutes of each meeting shall be submitted to each member of the Council over the Secretary's signature. Minutes shall be distributed electronically or by mail with notice for the next scheduled meeting.

J. Administrative Support

H-GAC, as the designated MPO, shall provide administrative support to the Transportation Policy Council.

K. Committees

The Transportation Policy Council shall be assisted and advised by a Technical Advisory Committee which shall be representative of local government, transportation modes, and other interests which should be considered in accomplishing its purpose. The Transportation Policy Council shall approve the Technical Advisory Committee's composition. As appropriate, it may adopt policies and procedures for the Technical Advisory Committee. The Transportation Policy Council may create other such ad hoc committees or technical committees as the voting membership deems appropriate for the furtherance of its function.

L. Amendments

These Bylaws may be amended by a two-thirds majority vote of the Transportation Policy Council members or their designated alternates in attendance at any duly called meeting wherein an official quorum is present provided, however, that any such proposed amendments are fully set out in writing and furnished to each member fourteen (14) days in advance of the meeting where the action is to be taken.

Adopted June 12, 1981, Effective July 1, 1981

Revised September 25, 1992; November 13, 1992; December 18, 1998; May 27, 2005; November 20, 2009; February 24, 2012; January 25, 2013.

ATTACHMENT A

Transportation Policy Council Meetings for the Houston-Galveston Transportation Management Area

PROCEDURES FOR PUBLIC COMMENTS

The Transportation Policy Council (TPC) encourages public comments on any and all matters relevant to regional transportation planning. To assure fair and equitable opportunities for all citizens desiring to address the TPC, the following public comment procedures have been established:

Public Comments on Agenda Items

Public comments related to agenda items will be allowed at the start of the meeting before the business section of the agenda. Comments will be limited to three (3) minutes and the applicant must sign up at least five minutes before the start of the meeting. A person may not reserve time to appear more than once per meeting. Persons wishing to address more than one agenda item may do so during their allotted time.

An agenda and sign-up sheet will be made available at the meeting place at least fifteen (15) minutes prior to the start of the meeting.

Other Public Presentations

Other public presentations not related to business indicated on the agenda must be submitted to the Chairman twenty-one (21) days in advance of the regular meeting and will be added to the agenda at the Chairman's discretion. If approved as an agenda item, the presentation will be limited to ten minutes.

Requests to deliver such a presentation should be submitted in writing to:

Chairperson
Transportation Policy Council Houston-Galveston
Area Council
P. O. Box 22777
Houston, TX 77227

Written Comments

The TPC welcomes written comments relating to agenda items or other regional transportation planning concerns. For written comments exceeding three (3) standard 8 1/2" x 11" pages, twenty-five (25) copies must be provided. Written comments should be sent to the TPC Chairman at the above address

Invited Comments

The Chairman may at any time during the meeting invite comments from the audience.

Information Required

The following information will be required of all persons making either oral or written comments:

1. Full name
2. Affiliation (if applicable)
3. Mailing address

Agenda Item(s) or topic to be addressed

ATTACHMENT B

Transportation Policy Council for the Houston-Galveston Transportation Management Area

ETHICS POLICY

The Transportation Policy Council is committed to conducting its business in an ethical and open manner. To ensure ethical conduct by members of the Transportation Policy Council and its employees, the following rules have been adopted:

Transportation Code Requirements

- No policy board member or employee of the MPO may accept or solicit any gift, favor or service that might reasonably tend to influence the member or employee in the discharge of official duties or that the member or employee knows or should know is being offered with the intent to influence the member's or employee's official conduct.
- No policy board member or employee of the MPO may accept other employment or engage in a business or professional activity that the member or employee might reasonably expect would require or induce the member or employee to disclose confidential information acquired by reason of the official position.
- No policy board member or employee of the MPO may accept other employment or compensation that could reasonably be expected to impair the member's or employee's independence of judgment in the performance of official duties.
- No policy board member or employee of the MPO may make personal investments that could reasonably be expected to create a conflict between the member's or employee's private interest and the public interest.
- No policy board member or employee of the MPO may intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised official powers or performed the official duties in favor of another.

Chapter 171, Local Government Code Requirements

- If a policy board member has a substantial interest in a business entity or in real property, the policy board member shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:
 - (1) in the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
 - (2) in the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

- If a policy board member is required to file and does file an affidavit, the policy board member is not required to abstain from further participation in the matter requiring the affidavit if a majority of the policy board members are likewise required to file and do file affidavits of similar interests on the same official action.
- The policy board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the policy board has a substantial interest. Except as provided in the preceding paragraph, the member may not participate in that separate vote. The member may vote on a final budget if:
 - (1) the member has complied with Chapter 171, Local Government Code, and
 - (2) the matter in which the member is concerned has been resolved.
- A person has a substantial interest in a business entity if:
 - (1) he person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
 - (2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.
- A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.
- A policy board member is considered to have a substantial interest if a person related to the policy board member in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest.
- A county judge or county commissioner engaged in the private practice of law has a substantial interest in a business entity if the official has entered a court appearance or signed court pleadings in a matter related to that business entity.
- A policy board member may not act as surety for a business entity that has work, business or a contract with the Transportation Policy Council.

Chapter 176, Local Government Code Requirements

- A policy board member shall file a conflicts disclosure statement in the form prescribed by the Texas Ethics Commission with respect to a person who enters or seeks to enter into a contract with the Transportation Policy Council or with respect to the agent of a person who enters or seeks to enter into a contract with the Transportation Policy Council if:
 - (1) the person enters into a contract with the Transportation Policy Council or the Transportation Policy Council is considering entering into a contract with the person; and
 - (2) the person:
 - (A) has an employment or other business relationship with the policy board member or a family member of the policy board member that results in the member or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding

the date that the policy board member becomes aware that:

- (i) a contract described by (1) above has been executed; or
- (ii) the Transportation Policy Council is considering entering into a contract with the person; or

B) has given to the policy board member or a family member of the policy board member one or more gifts that have an aggregate value of more than \$250 in the 12- month period preceding the date the policy board member becomes aware that:

- (i) a contract described by (1) above has been executed; or
 - (ii) the Transportation Policy Council is considering entering into a contract with the person.
- A policy board member is not required to file a conflicts disclosure statement in relation to a gift accepted by the member or a family member of the member if the gift is:
 - (1) given by a family member of the person accepting the gift;
 - (2) a political contribution as defined by Title 15, Election Code; or
 - (3) food, lodging, transportation, or entertainment accepted as a guest.
 - A policy board member shall file the conflicts disclosure statement with the records administrator of the Transportation Policy Council not later than 5 p.m. on the seventh business day after the date on which the policy board member becomes aware of the facts that require the filing of the statement.
 - The Transportation Policy Council may extend the requirements of Chapter 176 to any employee of the MPO who has the authority to approve contracts on behalf of the Transportation Policy Council. The Transportation Policy Council shall identify each employee made subject to Chapter 176 and shall provide a list of the identified employees on request to any person.
 - The Transportation Policy Council shall provide access to the disclosure statements and questionnaires required to be filed under Chapter 176 on its website, if it has a website.
 - Agent means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person.
 - Business relationship means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:
 - (1) transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
 - (2) a transaction conducted at a price and subject to terms available to the public; or

(3) purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

- Contract means a written agreement for the sale or purchase or real property, goods, or services.
- Family member means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government, Code, except that the term does not include a person who is considered to be related to another person by affinity only as described by Section 573.024(b), Government Code.
- Goods means personal property.
- Investment income means dividends, capital gains, or interest income generated from:
 - (1) a personal or business checking or savings account, share draft or share account, or other similar account;
 - (2) a personal or business investment; or
 - (3) a personal or business loan.

Incorporation of Statutes:

All provisions of Section 472.034, Transportation Code, Chapter 171, Local Government Code, and Chapter 176, Local Government Code, are intended to be incorporated into this ethics policy. In the case of any uncertainty as to the applicability of any of these statutes, the policy board member or employee should refer to the actual statutes.

Penalties:

Any employee who violates the Ethics Policy is subject to termination or other employment related sanctions. Any policy board member or employee of the MPO who violates the Ethics Policy is subject to applicable civil or criminal penalty if the violation also constitutes a violation of a state statute or rule.

Distribution:

Upon adoption of the Ethics Policy by the Transportation Policy Council, a copy shall be distributed to each policy board member and MPO employee.

The Ethics Policy adopted by the Transportation Policy Council shall be provided to each new employee no later than three (3) business days after the date on which the person begins employment.

The Ethics Policy adopted by the Transportation Policy Council shall be provided to each new policy board member no later than three (3) business days after the date on which the person qualifies for office.

Multiple Ethics Policies:

Because employees of the MPO are subject to the H-GAC Ethics Policy as well as the Transportation Policy Council's Ethics Policy, in cases of conflict between the two ethics policies, the H-GAC Ethics Policy prevails.

ATTACHMENT 5

CALCULATING CONCENTRATION THRESHOLDS FOR ENVIRONMENTAL JUSTICE INDICATORS

Calculating Concentration Thresholds for Environmental Justice Indicators

The concentration threshold represents the value at which an environmental justice indicator for a populated zone is high enough to warrant identifying the zone as environmental justice sensitive for that socio-economic indicator. A zone is considered to have a high concentration when the zonal average for the socio-economic indicator exceeds the average for the entire region plus one standard deviation.

To calculate the concentration threshold for an environmental justice indicator, the average value of the indicator in question is summed for each zone and divided by the total number of zones in the region. The zonal average value for each indicator is obtained by dividing the size of the population in the zone characterized by the indicator by the relevant universe. The equations to determine percentages in a zone for each indicator are as follows:

1. Minority Population

$$\% \text{ of Minority Population} = \frac{(Total \text{ Population}) - (White, Not Hispanic Population)}{(Total \text{ Population})}$$

2. Low Income Households

$$\% \text{ of Low-Income Households} = \frac{(Households \text{ with Income below Poverty Level})}{(Total \text{ Households})}$$

3. Senior Population

$$\% \text{ Population Age 65 and over} = \frac{(Population \text{ 65 years and over})}{(Total \text{ Population})}$$

4. Limited Educational Attainment (Age 25 or older without high school diploma)

$$\% \text{ of Limited Educational Attainment} = \frac{(Population \text{ Age 25 or older without HS diploma})}{(Total \text{ Population Age 25 or older})}$$

5. Zero Automobile Ownership

$$\% \text{ of Households with Zero Automobiles} = \frac{(Households \text{ with no Automobiles})}{(Total \text{ Households})}$$

6. Female Head of Households

$$\% \text{ of Female Headed Households} = \frac{(Households \text{ with Female Household Head})}{(Total \text{ Households})}$$

7. Limited English Language Proficiency

$$\% \text{ Limited English Proficiency} = \frac{(Population \text{ that Speak English, "Less than Very Well"})}{(Total \text{ Population Age 5 or Older})}$$

8. Disabled Population

$$\% \text{ of Disabled Population} = \frac{(Households \text{ with Disabled Persons})}{(Total \text{ Households})}$$

ATTACHMENT 6

STAKEHOLDER AGENCY SURVEY REGIONALLY COORDINATED TRANSPORTATION PLAN

Agency Survey

Regionally Coordinated Transportation Plan

The Houston-Galveston Area Council (H-GAC), in partnership with the Texas Department of Transportation-Public Transportation Division, is conducting a survey of Stakeholder Agencies relative to opportunities for improved regional coordination. The information from the survey will be incorporated into an update of the Gulf Coast Regionally Coordinated Transportation Plan (RCTP). Your assistance in responding to this survey will directly influence the plan's recommendations and ultimately result in an action plan designed to enhance local efforts for better coordination.

Please complete the survey by November 14, 2016 or sooner if possible. If special assistance is needed contact - Lydia Abebe by phone at (713) 993-4501 or by email to Lydia.abebe@h-gac.com. Thank you for your cooperation.

Section 1: Organizational Characteristics

1. Identity of Organization

Agency Name

Contact Person

Title

Mailing Address

City

State

Zip

Fax

Telephone

E-mail

2. Please provide a brief description of your agency or program.

3. Your Agency Type (*Check one only*)

- Government (city or county)
- Public (Federal/State/HHS)
- Private non-profit

Private for-profit

Other

4. Identify the client population your agency serves: (*Check all that apply & include each individual in one group only, when estimating a “percentage” of total*).

General Population _____ %

Persons with low-income _____ %

Seniors, 65+ _____ %

People with disabilities _____ %

Veterans _____ %

Children & Youth _____ %

Persons with limited English proficiency _____ %

Others: _____ %

5. What are the major functions/services of your organization? (*Check all that apply*).

Transportation

Diagnosis/Evaluation

Health Care

Job Placement

Social Services

Residential Facilities

Nutrition

Income Assistance

Counseling

Screening

Day Treatment

Information/Referral

Job Training

Recreation/Social

Employment

Homemaker/Chore

Rehabilitation Services

Other _____

6. How does your agency assist consumers with transportation information? (Check all that apply)

- We don't assist or aid clients with transportation in any manner
- Provide clients with transit agency passenger guides/schedules.
- Refer clients to transit agency guides or websites
- Plan trips for clients using Google Transit or an on-line trip planner
- Make telephone calls on behalf of riders
- Use 211 Resources to provide information to clients
- Other _____

7. Please indicate the transportation services provided by your agency. (Check all that apply)

- No transportation operated, contracted or arranged
- Operate transportation with full responsibility by this agency
- Arrange for volunteer drivers
- Provide assistance to obtain transportation; clients responsible for follow-up
- Mobility Management and Transportation
- Voucher/Subsidized Transportation
- Purchase of services provided by another entity under contract to your agency

Please specify



Section 2: Your Agency's Transportation Needs

8. How often do your clients communicate difficulty with these transportation needs: (Rate all that apply)

	Often	Sometimes	Rarely	Not at All
Work Trips				
Medical Trips (doctor, dialysis)				
Essential Shopping (Groceries, Drug Store)				
Day Care or Elementary school trips				
After School Trips				
Weekday Trips				
Evening trips, before 10:00 p.m.				
Evening trips, after 10:00 p.m.				
Saturday trips				
Sunday trips				
Making same day reservations				
Accessibility/path of travel to bus stop				
Transfers				
Trips outside their county				
Trip planning and trip information				

9. Which transportation services are useful to your client base and with what frequency? (Rate all that apply)

	Often	Sometimes	Rarely	Not at All
METRO Rail				
Fixed-route service				
Demand Response				
Taxi Service				
Uber/Lyft Service				
Travel Training				
Weekday Service				
Saturday Service				
Sunday Service				

Escorted Door-to-Door Trips				
Escorted Door-thru Door Trips				

10. What are your clients' primary barriers in accessing needed transportation? Please identify.

Section 3: Local Coordination Efforts

11. Is there an organization or committee in your community that has been assigned with the responsibility of coordinating transportation services among transit providers, human service agencies, and consumers?

Yes

No

12. If "Yes", please identify the types of coordinated activities your agency participates in or is interested in:

	Now Providing?	Interested In?
Sharing vehicles	<input type="checkbox"/>	<input type="checkbox"/>
Cooperative travel training	<input type="checkbox"/>	<input type="checkbox"/>
Joint purchasing of vehicles	<input type="checkbox"/>	<input type="checkbox"/>
Joint insurance purchasing	<input type="checkbox"/>	<input type="checkbox"/>
Joint staff training	<input type="checkbox"/>	<input type="checkbox"/>
Cooperative public marketing and public information	<input type="checkbox"/>	<input type="checkbox"/>

Other (please specify)

13. What are the biggest constraints your organization encounters in providing and coordinating transportation services? (Check all that apply)

- Lack of funding to serve current need
- Lack of funding for service coordination
- Insurance (e.g. our insurance policy does not allow us to carry non-agency passengers, etc.)
- Inadequate existing fixed route service provided by your agency or another agency.
- State or other regulations are too restrictive regarding criteria for who is eligible for our transportation services
- Peak travel times for our clients are the same as nearby agencies limiting vehicle sharing
- Unaware of other transportation services in the area
- Unable to mix and coordinate grants from different agencies.
- Other (please specify)

14. Does your agency have any resources available for community transportation?

- Yes No

If “Yes”, please identify the types of resources available:



- 15. In your opinion, is there sustained support for coordinated transportation planning among elected officials, agency administrators, and other leaders in the community you serve? (On a scale of 1–4, with “1” representing a relatively low level of sustained support and “4” representing high level of sustained support, please check one answer)**

Low Level

1

2

3

High Level

4

- 16. In your opinion, is there growing commitment among local elected officials, transit agencies, and human service organizations for coordinating human service transportation trips and maximizing resources? (On a scale of 1–4, with “1” representing a low level of commitment and “4” representing a high degree of commitment, please circle one answer)**

Low Level

1

2

3

High Level

4

- 17. Is there an on-going process for identifying duplication of transportation services, underused assets, and service gaps in your service area? If yes, describe this process.**

- 18. Is there a strategic plan to provide coordinated transportation in your community? If yes, explain your mission and goals and your plan to improve coordination.**

- 19. In your opinion, what enhancements are most needed to improve the coordination of public transit and human service transportation in your service area?**

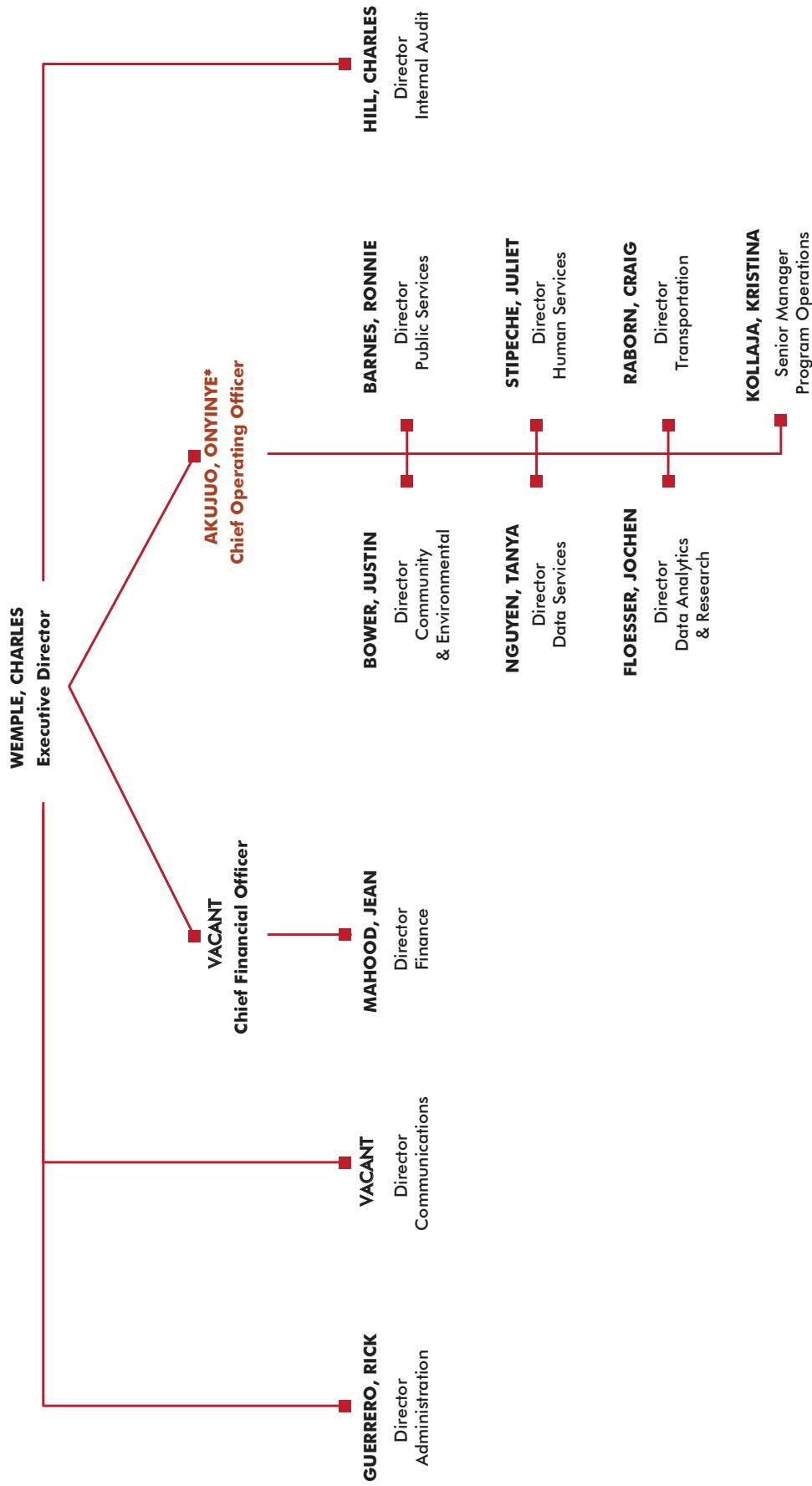
20. If there are any other issues, concerns, or information relevant to this issue, please feel free to provide them in the spaces below.

ADDENDUM TO THE TITLE VI PROGRAM

This Addendum amends the September 2021 Title VI Program of the Houston-Galveston Area Council by updating the Organizational Chart of the senior staff of the agency. The addendum, which is current to August 2023, reflects changes in the staffing of the organization that have occurred since the September 2021 Title VI Program was published, including the identity of the Title VI Coordinator. The updated organizational chart is outlined on the page that follows.

HOUSTON-GALVESTON AREA COUNCIL

ORGANIZATIONAL CHART



As of August 15, 2023

TITLE VI COORDINATOR*