



Houston-Galveston
Area Council

TITLE VI/ENVIRONMENTAL JUSTICE

Nondiscrimination Workplan and Accomplishment Report FY 2020 - 2021

THE HOUSTON-GALVESTON METROPOLITAN PLANNING AREA



COVER PHOTOGRAPH

The Antioch Missionary Baptist Church is located in the northwest corner of the Houston Downtown District, two blocks away from the Pierce Street elevated portion of Interstate Highway 45 (I-45). Although the church is now surrounded by high-rise office buildings, it was originally a part of Houston's Fourth Ward and within the historic Freedman's Town, – a community built by former slaves.¹ Organized in 1866, the Antioch Missionary Baptist Church was the first house of worship owned by African Americans in the city of Houston. The Reverend Jack Yates was the church's first pastor. The current church building is listed on the National Register of Historic Places.

Photo Credits: Jibowu, A.

¹ Much of the historic Freedman's Town has been redeveloped and is now known as Midtown.

**HOUSTON-GALVESTON AREA COUNCIL
TITLE VI/EJ NONDISCRIMINATION
ANNUAL WORKPLAN &
ACCOMPLISHMENT REPORT**

FY 2020 – 2021

April 2021

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ATTACHMENTS

Attachment A: Title Nondiscrimination Policy Statement

Attachment B: Title VI Certifications and Assurances

Attachment C: Title VI Information Poster

Attachment D: Virtual Engagement: Making and Maintaining Connections in a New Virtual World

Attachment E: H-GAC Public Participation Plan

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1.0 INTRODUCTION

Federal law requires states to establish Metropolitan Planning Organizations for urban areas with more than 50,000 residents. Since 1988, the Houston-Galveston Area Council (H-GAC) Transportation Department and the Transportation Policy Council (TPC) have respectively served as the staff and policy board of the Metropolitan Planning Organization (MPO) for the Houston-Galveston, Texas City, and La Marque urbanized area. Metropolitan Planning Organizations are central to the process to select the investments that maintain and develop the metropolitan transportation system.

Under Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes, H-GAC certifies that no person shall on the grounds of race, color, national origin, income, religion, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency, whether or not those programs and activities are federally funded.

This annual report informs the Texas Department of Transportation (TXDOT) and the Federal Highway Administration (FHWA) Texas Division Office on the activities of the H-GAC MPO to monitor and implement its Title VI Program. In accordance with TXDOT's Title VI/Nondiscrimination Technical Assistance Guide for Subrecipients and with FHWA's Title VI/Nondiscrimination Program, this Workplan and Accomplishments Report documents H-GAC's Title VI Program accomplishments for the federal fiscal year (FY) 2020, and the goals for FY 2021.

2.0 THE HOUSTON-GALVESTON AREA COUNCIL

2.1 Title VI Assurances

The Executive Director of the Houston-Galveston Area Council has issued a policy statement which affirms that the agency is committed to upholding the nondiscrimination provisions of Title VI in all its programs and activities (Attachment A). This commitment to nondiscrimination is also reflected in the agency's FY 2021 Title VI Certifications and Assurances to the DOT (FHWA) and FTA (Attachment B). A current copy of the agency's Title VI Certifications and Assurances is included in every triennial update to the Title VI Program.

2.2 Dissemination of Nondiscrimination Information

Title VI/Environmental Justice nondiscrimination related documents available on the H-GAC website¹ include:

- H-GAC Title VI Program – 2021 Update

¹ See <https://www.h-gac.com/title-vi-program>

- H-GAC Title VI Program – 2018 Update
- H-GAC Title VI Program – 2018 Update [Translated in Spanish, Vietnamese & Chinese]
- Title VI Complaint Procedure [Translated in Spanish, Vietnamese & Chinese]
- Title VI Complaint Form [in English, Spanish, Vietnamese & Chinese]
- Title VI Informational Poster [In English, Spanish, Vietnamese & Chinese]
- H-GAC Environmental Justice Report, 2017
- H-GAC Regional Toll Road Analysis, 2017
- H-GAC Title VI Program Update, 2015

A Title VI Notice poster is displayed on public bulletin boards within the H-GAC offices, and a copy is also placed at the main entrance to the building (see Attachment C). The poster is written in English, Spanish, Vietnamese, and Chinese and informs the public of their right to file a complaint against the agency if they have been subjected to an unlawful discriminatory practice in violation of Title VI.

2.3 Title VI Contract Requirements

Prescribed nondiscrimination language is included in all agency solicitations for bids, requests for proposals, and contract award documents. Contract administration staff call attention to these nondiscrimination clauses at every related conference with prospective contractors, subrecipients, or other third-party participants, to clearly inform them that compliance with Title VI nondiscrimination obligations is an unwaivable requirement for doing business with the agency.

2.4 Title VI Program Goals

The H-GAC's Title VI Program continues to broaden as staff of the MPO and other departments of the Council of Governments engage in a multidisciplinary effort to make achieving environmental justice and fulfilling Title VI obligations a part of their core mission. Several action items for FY 2021 are identified to further the agency's Title VI Program.

- Complete the triennial update to the Title VI Program.
- Continue to develop the Title VI Program website by adding informational content and documents.
- Provide nondiscrimination training for pertinent staff.
- Support Title VI/EJ nondiscrimination-related programming within the agency.
- Identify and engage resources beneficial to the Title VI Program.

3.0 INTERNAL MONITORING PROGRAM

This section reports on the broad policies, strategies, and activities introduced or conducted during FY 2020, and demonstrates how H-GAC is monitoring and implementing the Title VI Program. Specific milestone achievements are recorded by program area in the accomplishments report below.

3.1 Race, Equity and Inclusion Concourse

Recognizing the significance of the 2020 national reflection on racial justice to the regional community at large and to the agency in particular, the H-GAC Executive Director initiated an agency-wide dialogue on Race, Equity, and Inclusion (REI). The REI initiative began with a restatement of H-GAC's core values regarding diversity and nondiscrimination, followed by the outlining of an Action Roadmap to guide the effort to increase awareness and further engrain regard for racial justice, equitable decision-making, and inclusion within the workplace culture of the agency and in their dealings with the public.

Three workgroups were created to focus on key elements of the roadmap and to engage interested staff members in defining the agency's nondiscrimination practice. The workgroups and their stated goals are:

- **Future Work Development** – Develop policies, processes, and best practices to continuously address Race, Equity, and Inclusion;
- **Professional Development** – Establish continuous professional development opportunities related to Race, Equity, and Inclusion; and
- **Public Participation** – Develop an agency-wide policy for public meetings.

A monthly virtual REI staff meeting brought people from all the H-GAC campuses together to hear updates on the tasks assigned to the workgroups and to participate in the sporadic celebration of an occasion or event significant to cultures represented by agency staff. The REI meetings also provided a forum for discussions on topical nondiscrimination issues identified region-wide and/or experienced by individual staff members.

In addition to the general workgroups, staff from several departments formed ad-hoc committees to reexamine activities within their program areas that had a potential to produce Title VI impacts, identify opportunities to increase nondiscrimination awareness within their departments, and to consider policies and strategies that might more affirmatively benefit the disadvantaged populations they interacted with, or mitigate any disparate and adverse impacts that unavoidably accrued from their planning actions.

A “Community Voice” speaker series was introduced under the REI initiative, bringing in community leaders and experts from various societal backgrounds to educate staff on social

justice matters and highlight some of the ongoing efforts to address community needs and achieve social equity and inclusion for members of minority, low income, and other disadvantaged populations within the planning region. Lastly, a search was initiated to identify third party facilitators who could provide training on topics such as anti-racism, implicit bias, diversity awareness, micro-aggression, Title VI and other such topics relevant to promoting nondiscrimination in the workplace.

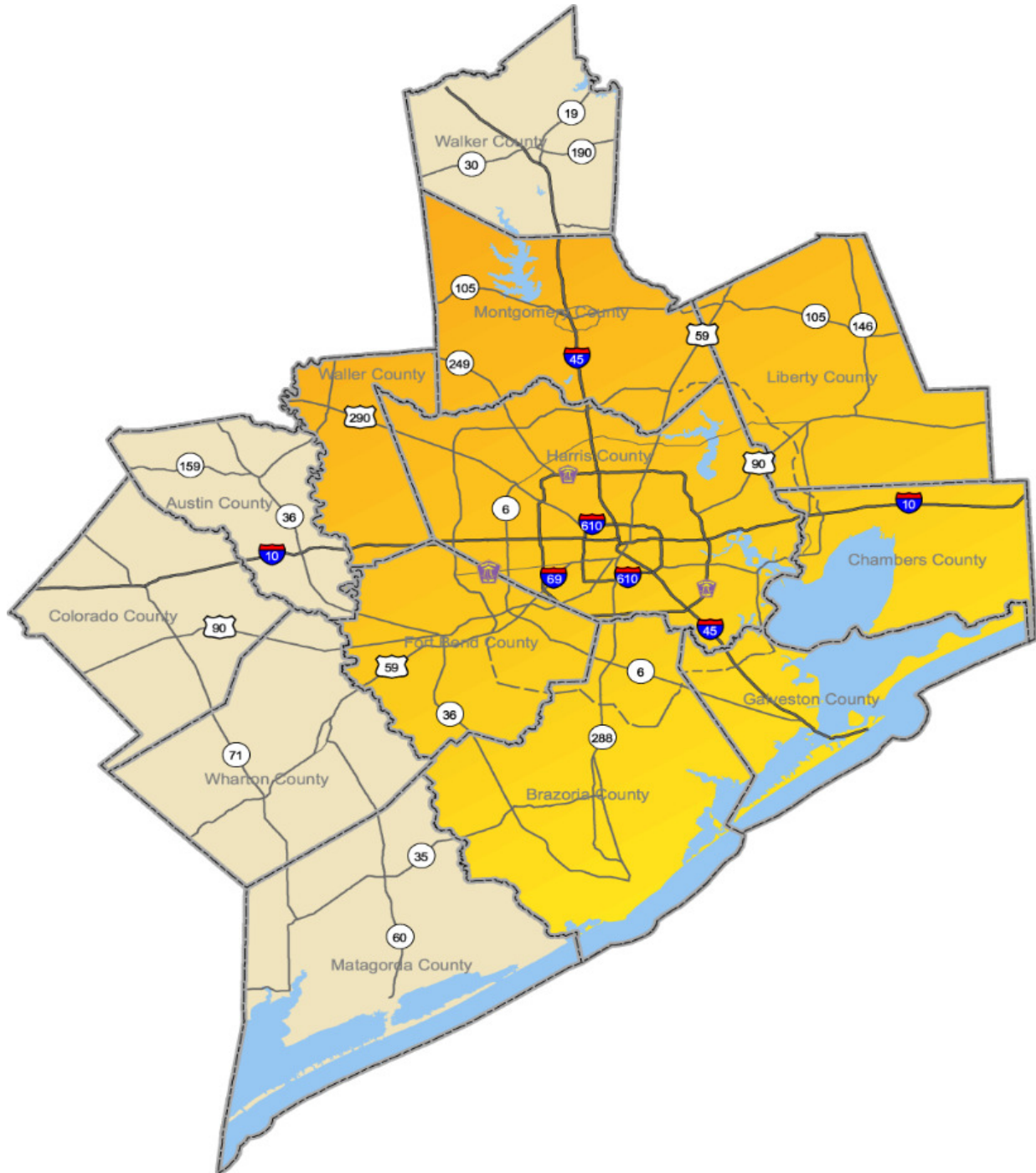
3.2 Public Involvement

Following best practices modeled by the state and other public agencies, staff are expanding their public outreach strategies to include efforts to meet with the target population at their regularly scheduled community events and neighborhood gatherings as opposed to relying solely on the traditional public meeting invocation. The new strategy proves to be a cost-effective and productive way to share information about ongoing matters of public interest and to obtain comments from members of the underserved communities who typically might not show up at the public meeting. The revised outreach strategy coincides with the development of a virtual engagement policy for the agency prompted by restrictions imposed by the Covid-19 public health crises. It also coincides with the launching of a newly acquired virtual public engagement platform that enables targeted information\data collection with minimal personal contact.

3.3 Data Collection

The “Eco-Logical” tool version 2.0 was published in FY 2020. This interactive web-based mapping application was conceived as a one-stop source for social and environmental information for use in the preliminary screening of transportation projects and in area studies. Among other things, the tool analyses regional demographic data at the Census block-group level, to identify the presence of minority, low-income and other vulnerable populations within a study area. Eco-Logical is complemented by the “Regional Equity Tool” which was created at the inception of the REI initiative, to facilitate a multidisciplinary engagement with the underserved population and support planning decision making. The regional equity tool combines demographic data with community and transportation plans and additionally informs the user on issues of accessibility and safety.

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



4.0 EXTERNAL MONITORING PROGRAM

The H-GAC MPO is not involved in operating a transit service consequently the monitoring of programs external to the agency centers on contracted work. Most of the contracting done by the MPO is for professional services – typically planning studies and engineering design.

Consequently, H-GAC’s external monitoring is directed mainly at ensuring contract compliance, which includes compliance with Title VI nondiscrimination and adherence to Disadvantaged Business Enterprises (DBE) program requirements. Compliance oversight and contract administration is provided by the MPO Accounting and Finance Department, and supported by the individual project managers.

As noted earlier, H-GAC includes the prescribed nondiscrimination clauses referenced in the U.S. Department of Transportation Title VI Assurances in all its solicitations for bids, requests for proposals, and contract award documents. These nondiscrimination provisions are recited to prospective contractors at every related conference with contract staff. DBE compliance oversight is typically performed through the review of monthly invoices submitted by prime contractors and verification that certified DBE entities are being engaged in accord with the prime contractor’s commitment agreements. H-GAC submits semiannual reports of DBE performance to TXDOT, FHWA, and the FTA.

The Accounting and Finance department did not receive any complaints regarding a violation of Title VI nondiscrimination rules by any contractor during FY 2020.

5.0 TITLE VI/NONDISCRIMINATION COMPLAINTS

H-GAC received no complaints about a violation of Title VI nondiscrimination rules by any staff member or program during FY 2020.

6.0 SPECIAL EMPHASIS AREAS

This section describes specific FY 2020 Title VI/EJ nondiscrimination accomplishments and FY 2021 workplan for the following transportation program areas:

- Livable Centers Program
- Travel Demand Management
- Regional Planning
- Accounting & Finance
- Communications
- Air Quality
- Project Development & Programming
- Regional Incident Management/Safety

6.1 LIVABLE CENTERS PROGRAM

The livable centers initiative encourages communities and local governments to re-envision their communities as walkable places that support increased mobility options, encourages healthy lifestyles, and fosters local economic activity and employment growth. H-GAC provides outreach, training, and technical assistance to local governments and private developers to help achieve an improved connection between development patterns and the transportation system. H-GAC's Livable Centers program provides local governments with opportunities to assess new strategies and utilize best practices in land use – transportation coordination.

FY 2020 Accomplishments

- (1) Based on identified language needs and area demographics, staff produced multi-lingual survey materials and added translations to the project websites for the City of Pasadena Livable Centers study, Eastwood Livable Centers study, and the Montrose Livable Centers study. These active studies all involve a population with limited English proficiency. In addition to translating project materials, a second round of Spanish-only public engagement event was programmed for the Eastwood Livable Centers study.
- (2) Staff participated in the H-GAC Executive Director-moderated peer exchange event designed for the post COVID-19 pandemic era. The Livable Centers outreach strategy was updated to include COVID-19 protections for vulnerable populations. This included utilizing COVID-sensitive outreach displays where internet access was not available or where cell phone usage proved limited. Comments from participants were written directly on the meeting displays, or was received by phone or paper submissions.
- (3) Staff analyzed the coincidence of opportunity zones with existing and future livable centers studies to evaluate the feasibility of using the research and recommendations developed by a livable centers study to guide opportunity zone investments. Staff also explored the possibility of using the opportunity zone tax incentives to attract specific desired investments to a livable centers study area.

Anticipated FY 2021 Nondiscrimination Work

- (1) Ongoing efforts to leverage the livable centers study findings and recommendations towards development within overlapping opportunity zones will be continued in FY 2021. Staff will also continue to explore opportunities through which the tax incentives attached to opportunity zones may be applied to benefit livable centers communities.
- (2) Effort will be made to identify policies, regulations and best management practices with special emphasis on equity driven implementation activities. Associated with this goal, staff will attempt to revise scale of livable centers project areas to include small-area focused livable centers studies.

- (3) Establish a mechanism to fund Livable Centers studies with reduced burden on local study partners based on need.

6.2 TRAVEL DEMAND MANAGEMENT

Travel Demand Management (TDM) seeks to reduce the number of single vehicle trips that are made in the planning region by facilitating ride-sharing, encouraging transit, and promoting alternative transportation modes. Benefits of travel demand management include congestion management, air quality improvements and the enhancement of safety. In furtherance of the TDM program, H-GAC supports the implementation of the 2045 Active Transportation Plan, the development of a supplemental long-range plan in conjunction with the 2045 RTP, provision of technical support to local governments, and the hosting of training sessions for best practices.

FY 2020 Accomplishments

(1) Commute Solutions Program

- (a) Staff attended super neighborhood meetings in environmental justice sensitive communities to learn more about their transportation needs and to share information about the Commute Solutions program.
- (b) Staff provided language translations appropriate to the communities served by TDM planning projects.
- (c) Staff worked with the ConnectSmart team to build connectivity for the new transportation app across a wide range of audiences, languages, and platforms, to ensure accessibility by the underserved population.

(2) Commuter and Transit Pilot Program

- (a) Transportation provided through our Commuter and Transit Pilot program meets Title VI requirements set by the Federal Transit Authority.

(3) Regionally Coordinated Transportation Program

- (a) Staff launched mobility links to provide one click access to mobility options for all program clients including veterans, disabled persons, and low-income residents.
- (b) Staff are working on a regional fare program to reduce the need to carry multiple fare mediums when traveling across the region, thereby reducing barriers to transit use and increasing accessibility to service for the transit dependent residents.
- (c) Staff held meetings with community members in Brazoria County to brainstorm ways to close the transportation gap for disabled students traveling to jobs over the summer.

- (4) North Houston Communities Transportation Priorities Plan (NHCTPP), Sub-Regional Transit Plans, Bike-Ped Planning
- (a) Staff pushed for procurement of a public engagement tool that could support equitable access for all communities and meet the accessibility guidelines and translation needs described in the Public Participation Plan.
 - (b) Continuing education on best practices for interaction with EJ communities to ensure we maintain our study through an “Equity Lens” and enhance our understanding of EJ issues in the study areas.
 - (c) Engage and collaborate with community leaders, organizations, non-profits, community centers, universities and local ISDs to ensure there are no gaps in community representation.
- (5) Active Transportation
- (a) Created an implementation plan for the 2045 Active Transportation report, which included improving equity throughout the region.
 - (b) Distributed a survey seeking desired locations for permanent Ped/Bike Counters with specific outreach to underserved areas within the service area.

Anticipated FY 2021 Nondiscrimination Work

- (1) Commute Solutions
- (a) Continue involvement in Super Neighborhood meetings and with Management Districts that serve environmental justice communities.
 - (b) Produce informational materials in the top three languages spoken in the H-GAC planning area.
 - (c) Work towards bringing up the program website and digital materials posted thereon to meet the accessibility and translation needs of our communities.
 - (d) Expand emergency ride home access to cover more parts of the population including those persons that have to carpool, bike, or walk because they lack transit access.
 - (e) Continue to work with the ConnectSmart team to build connectivity for the new transportation app across a wide range of audiences, languages, and platforms, and to ensure accessibility to this app by the underserved population.

(2) Commuter and Transit Pilot Program

- (a) Provide oversight to ensure that transportation services provided through our Commuter and Transit Pilot program meets Title VI requirements described by the FTA.
- (b) Host training for communities that are interested in participating in the commuter and transit pilot program on how to meet the 20% local funding requirements and describing eligible first mile – last mile solutions other than the commuter bus, to encourage participation beyond the usual crowd.
- (c) Conduct outreach in all communities including the underserved communities, offering translation services for trainings and ensuring that publicity materials are provided in relevant languages to accommodate patrons with limited English communication skills.

(3) Regionally Coordinated Transportation Program

- (a) Launch the “One Call” program – the regional one-stop source for transportation information – and ensure that translation services are available for the patrons with limited English language communication skills while also providing accommodation for customers with disability.

(4) North Houston Communities Transportation Priorities Plan (NHCTPP), Sub-Regional Transit Plans, Local Active Transportation Plans

- (a) Conduct public engagement for the various projects using platforms that meet accessibility guidelines while offering translation/interpretation services in languages used within disadvantage communities in our planning region.
- (b) Provide final reports for planning studies in multiple language formats, especially for the NHCTPP and the Regionally Coordinated Transportation Plan. We will look into it for Pearland and Huntsville.
- (c) Add equity analysis into the scopes of planning projects being procured and/or developed by the TDM program.

(5) Active Transportation

(a) *Ped/Bike Subcommittee*

- (i) Reach out to underserved communities to encourage and increase participation in subcommittee activities.
- (ii) Encourage and facilitate the implementation of equity related goals listed within the 2045 Active Transportation Plan.

(b) *Ped/Bike Counter Program*

- (i) Reach out to underserved communities to facilitate access and encourage use of the mobile counter loan program.
- (ii) Reach out to underserved communities to encourage participation in permanent ped/bike counter surveys, including the identification of locations in these communities that can be used for prioritization.

(c) *Bike Network Layer Update*

- (i) Update the bike network layer to create an accurate record of presence and the lack of pedestrian/bicyclist infrastructure.
- (ii) Create a conditions and quality assessment criteria that incorporates equity as a substantive component'
- (iii) Update google maps and similar mapping software with the most current bike infrastructure information to make it easier for users to determine bike and pedestrian routes to their destinations.

6.3 REGIONAL PLANNING

The overarching goal of Regional planning is to maintain, improve, and facilitate the efficient and safe operation of the multi-modal transportation system in the H-GAC planning area, thereby contributing to the region's economic competitiveness while enhancing the quality of life of its residents. The regional planning process examines the interplay between transportation, landuse, economic activity, and the population. Important responsibilities include fostering the orderly growth of the region by improving access and accessibility, identifying transit needs and opportunities, addressing safety, congestion, and delay problems, promoting bicycle and pedestrian activities, encouraging and directing the growth in regional freight activity, and providing the infrastructure and other mobility needs to adequately and effectively move people, goods, and services.

FY 2020 Accomplishments

(1) Subregional Planning Studies

Data collection for the subregional planning studies involved identifying vulnerable populations in order to improve public engagement efforts and to limit negative impacts of proposed recommendations on the protected population. Ongoing Planning studies include:

- Liberty County Mobility Study
- Montgomery County Precinct 2 Subregional Study
- Southeast Harris County Subregional Study

(2) Transit-Oriented Development Tool

The Transit-Oriented Development Tool methodology currently under development involved examining communities of vulnerable populations and other equity issues such as vehicle ownership and household income, ensuring accommodations for equitable access to transportation services.

(3) Public Engagement

The Transportation Department's public engagement efforts included the development of an online virtual public engagement platform that easily translates text into a multitude of languages. The Transportation Department continues to provide interpretation services for all public meetings upon request.

(4) Ports Area Mobility Study

The Ports Area Mobility Study was initiated to identify mobility improvement alternatives that could establish a stronger foundation for the freight economy and better connect the region's four deep-water ports with emerging population and employment centers. The study also sought to identify operational strategies and policy-level changes that would position the region for future growth while mitigating any associated adverse impacts upon the surrounding communities of vulnerable populations.

Anticipated FY 2021 Nondiscrimination Work

(1) Subregional Planning Studies

Data collection will continue for the ongoing Subregional Studies including identifying the different vulnerable populations within the study regions as a guide to public engagement and to inform the recommendations produced by the studies – to address their needs and avoid disproportionate impacts.

(2) Transit-Oriented Development

[On-going from FY 2020] – Work will continue to develop the Transit-Oriented Development Tool which will examine areas with underserved communities and populations defined by other equity-related issues such as vehicle ownership and household income. The goal of the tool is to facilitate equitable access to transportation services for all people.

(3) Public Engagement

[On-going from FY 2020] – Work will continue on the development of an online virtual public engagement platform that translates text into languages other than English and will provide accommodations for equitable access to transportation services. The transportation department will continue to provide interpretation services for all open meetings upon request.

The public engagement meetings for on-going subregional studies will be conducted virtually, making the public outreach efforts more wide-spread and accessible. These virtual meetings will have American Sign Language interpreters available to accommodate the hearing impaired. Also, an online survey provided as part of each subregional study will be available in multiple languages and comments can be made in the language of choice of the participant.

6.4 ACCOUNTING AND FINANCE

The Accounting and Finance Department supports the daily operations of the MPO, provides administrative assistance to the transportation planning process, and facilitates interagency cooperation and coordination among H-GAC's regional transportation partners. This includes maintaining the operations of the MPO through fiscal management, handling of personnel matters, general office management, and the procurement of equipment and supplies required for business. Staff facilitate the monthly meetings of the Transportation Policy Council (TPC), Technical Advisory Committee (TAC) as well as associated subcommittees and working groups.

The Accounting and Finance department also manages the development of the Unified Planning Work Program (UPWP), a biennial statement of work that identifies the planning priorities and activities to be carried out within the H-GAC metropolitan planning area. Other tasks include liaising with TXDOT to manage the federal and state grants that support the work performed by MPO staff and providing quality control and compliance reporting for contracts.

FY 2020 Accomplishments

(1) Title VI Contract Requirements

Staff ensured that the required Title VI nondiscrimination language and provisions were included in all contract templates and were emphasized at every encounter with prospective clients.

(2) Disadvantaged Business Administration

(a) *Training*

- (i) Staff developed the DBE team's PowerPoint presentation to educate consultants and staff on the requirements of the DBE program and on how to maintain compliance with Title VI.
- (ii) Staff served as committee member on H-GAC's Race, Equity and Inclusion workgroup which is aimed at increasing awareness on nondiscrimination and social justice within the agency.

(b) *Federal Reporting*

- (1) FHWA Uniform Reports

- a. Staff prepared and submitted DBE performance report on June 1, 2020 for period October 2019 to March 31, 2020
 - b. Staff prepared and submitted DBE performance report on December 1, 2020 for period April 1, 2020 to September 30, 2020
- (2) FTA/TXDOT Uniform Reports – eGrants
 - a. Staff submitted DBE performance report on May 1, 2020 for period October 1, 2019 to March 31, 2020
 - b. Staff submitted DBE performance report on November 1, 2020 for period April 1, 2020 to September 30, 2020
- (3) FTA Semiannual Reports – TrAMS
 - a. Staff submitted DBE performance report on June 1, 2020 for period October 1, 2019 to March 31, 2020
 - b. Staff submitted DBE performance report on December 1, 2020 for period April 1, 2020 to September 30, 2020

Anticipated FY 2021 Nondiscrimination Work

(1) Title VI Contract Requirements

Staff will continue to work with all project managers to implement the Title VI contracting requirements and ensure that all contracting parties understand their obligations with respect to compliance with the Federal nondiscrimination laws and authorities.

(2) Disadvantaged Business Administration (DBA)

- (a) Create and implement efficient ways to receive and maintain DBE information and data.
- (b) Monitor ongoing contracts for DBE compliance. Conduct reviews at the 50%, 75%, and 90% project completion milestones.
- (c) Generate and submit FHWA, eGrants and TrAMS reporting for FY 2021.
- (d) Continue to serve as a committee member on H-GAC's Race, Equity, and Inclusion workgroup.
- (e) Participate in the Harris County Department of Economic Equity and Opportunity workgroup.

6.5 COMMUNICATIONS

The Communications Department supports the operations of the MPO and the implementation of a comprehensive, continuing, and cooperative regional planning process through maintaining and executing a Public Participation Plan. This includes planning and conducting a robust public engagement program for the development of the Regional Transportation Plan (RTP), the Transportation Improvement Program, and the Air Quality Conformity process, and facilitating a communication stream with members of the public necessary for informed planning decision making. The communications department also produces high-quality publications and employs a variety of formats, including emails, letters, brochures, websites, surveys, videos, news releases, changeable message signs, newsletter, and social media postings to further the public information exchange and education programs that increase public interest and participation in ongoing transportation and air quality planning activities.

FY 2020 Accomplishments

- (1) In response to the Covid-19 pandemic, staff developed a white paper on virtual engagement strategies to support safe and effective citizen participation during a public health emergency. The report “Virtual Engagement: Making and Maintaining Connections in a New Virtual World” outlines a plan for reaching the H-GAC region’s diverse community utilizing several different tactics and digital tools. (See Attachment D). The plan includes strategies to maximize inclusion of the disadvantaged population who are subject to the digital divide.
- (2) Staff updated the H-GAC Public Participation Plan to include virtual meetings as an option to public engagement events and identified different platforms on which such virtual meetings could be hosted. (See Attachment E).
- (3) Facilitated several public meetings and informational brown-bag meetings both in-person as well as virtual, conforming to the new virtual meeting standards.
- (4) Maintained several stakeholder lists used to communicate with members of the H-GAC region’s communities, including representatives of the underserved communities.
- (5) Supported MPO staff in the production of professional reports and program related documents. Services included the editing of document contents, layout design, formatting and typesetting, and the design of document covers.

Anticipated FY 2021 Nondiscrimination Work

- (1) Staff will continue to support public meetings and informational brown-bag meetings virtually until when the public health emergency is lifted and in-person meetings may be resumed.
- (2) Staff will continue to augment the stakeholder list as new information is received, including contacts from the underserved communities.
- (3) Staff will continue to support agency staff in the production of professional reports and program related documents.
- (4) Staff will update the H-GAC Public Participation Plan as necessary, to ensure it provides up to date guidance for the agency's public engagement efforts.

6.6 AIR QUALITY

Air quality planning supports all regional efforts to comply with federal air quality standards while seeking to preserve the region's transportation needs and economic vitality. Efforts are aimed at finding control strategies and policies to ensure that on-road mobile sources in the eight-county Houston-Galveston-Brazoria nonattainment area comply with federal pollution standards and State Implementation Plan (SIP) requirements. Activities include engaging with regional business, industry leaders, planning and regulatory agencies, environmental organizations, federal, state, and local governments to develop and review clean air strategies, and to aid the implementation of SIP strategies through demonstration projects and contractual programs.

FY 2020 Accomplishments

- (1) The Clean Vehicle Program provided grant funds as an incentive to small businesses located in economically disadvantaged areas in the nonattainment counties.
- (2) Engaged bi-lingual staff in navigating Spanish speaking applicants through the process of obtaining Heavy Duty Replacement Vehicle grants.
- (3) Air Quality planning efforts have helped to improve ozone and particulate matter concentrations throughout the H-GAC planning region, especially in areas sensitive for environmental justice.

Anticipated FY 2021 Nondiscrimination Work

- (1) Staff will engage and educate stakeholders in environmental justice sensitive regions on air quality sub-committee activities such as planning.

- (2) The Clean Vehicle Program will focus on making grants available to purchase buses in school districts located in economically disadvantaged areas.
- (3) The Clean Cities Coalition will provide aid to small business owners in assessing the costs and benefits of converting to alternative fuels

6.7 PROJECT DEVELOPMENT AND PROGRAMMING

Project Development and Programming activities support the development and implementation of the MPO's short-range transportation plans which consists essentially of the Transportation Improvement Program (TIP) and the H-GAC Ten-Year Plan. The TIP is a cooperatively developed list of surface transportation projects scheduled for construction or implementation over a four-year period and outlines transit, highway, and traffic improvements, as well as other transportation and air quality-related activities programmed for the MPO planning area. The TIP corresponds to the first four years of the state-required Ten-Year Plan which contains specific details on how the transportation funds allocated to the H-GAC region will be used over a period of ten years. It is the goal of the project programming and delivery team to ensure the timely, efficient and effective investment of federal and state transportation funding through the project selection and prioritization process.

FY 2020 Accomplishments

- (1) Organized public involvement meetings for the "Call for Projects" as part of the Transport Improvement Plan (TIP) development process. The targeted outreach events for the Call for Projects included persons who represent traditionally underserved communities.
- (2) Facilitated the adoption of Federally prescribed transportation performance measure targets in the areas of system condition, congestion and air quality, freight movement, and safety, providing for system benefits that accrue generally to area residents, including the underserved communities and transit users.
- (3) Promoted the consideration of Equity as a factor in the evaluation and prioritization of projects during the Call for Projects to encourage transportation investments in the underserved neighborhoods.
- (4) Explored alternate financing mechanisms to support transportation improvement projects within the less endowed communities for projects that are ineligible for Federal financing.
- (5) Released the redeveloped "Eco-Logical" tool which introduced the capacity to identify communities protected by Title VI and Environmental Justice along with other information pertinent to the transportation project environmental review process.

Anticipated FY 2021 Nondiscrimination Work

- (1) Staff will continue to engage representatives from disadvantaged communities in the community outreach and public participation efforts associated with the transportation plan development process.
- (2) Staff will continue the effort to advance the Strategic Fund initiative which is designed to create opportunities for the less endowed communities to obtain non-Federal funds to invest on transportation projects within their jurisdiction.
- (3) Staff will continue efforts to promote the use of Equity as one of the factors in the evaluation and prioritization of projects during the biennial Call for Projects.
- (4) Staff will continue work to develop a safety-based Transportation Alternative Set Aside (TASA) option and explore the possibility of coupling it with an environmental justice incentive.

6.8 REGIONAL INCIDENT MANAGEMENT/SAFETY

The Regional Incident Management and Safety programs ensure that Federal, state and local resources are used efficiently to support emergency evacuation and to improve safety and mobility throughout the region. Specific goals of the program include to establish and improve safety and traffic operations including “Operation Zero,” maintain the regional hurricane evacuation planning efforts, support transportation system maintenance and operations,

FY 2020 Accomplishments

- (1) Regional Safety Planning
 - (a) Launched a regional safety campaign focused on bicycling, pedestrian safety, distracted driving, driving while intoxicated, speeding, child seat safety, and the importance of seat belts. Activities included the development of public outreach materials like informational brochures, flyers, videos, ads, and radio and television public service announcements targeting teens, bicyclists, pedestrians, and automobile drivers.
 - (b) Partnered with the Texas Transportation Institute to provide traffic safety outreach assistance through the Teens in the Driver Seat program. The program educates young drivers about maintaining safe driving practices utilizing peer-to-peer instruction in which students craft and deliver their safe driving message to their friends and classmates. Participating institutions include community colleges, high schools and junior high schools within disadvantaged communities.

- (c) Contracted with Texas Children’s Hospital Center for Childhood Injury Prevention and the Safe Kids Coalition to conduct educational outreaches on the proper installation of child safety systems and on bicycle safety, largely targeting economically disadvantaged families. The partnership also distributed helmets to children from low-income families who received bicycles through the B-Cycle program.
- (d) Worked on Annual Safety Report and the Regional Safety Performance Measures to assess the progress made towards achieving traffic safety and identify problem areas that need greater attention. Adopted the “Vision Zero” initiative for the H-GAC planning region with a goal for no fatalities on the roadway by a horizon date. Working on an Intersection Safety Audit to identify intersections with high crash incidence rates, including intersections within underserved communities.

(2) Hurricane Evacuation Planning

- (a) Coordinated with counties, city, and state officials to update the list of hurricane evacuation routes and produced the 2020 “Zip-Zone” Hurricane Evacuation map to assist local officials and coastal residents in the decision-making for an organized and safe evacuation process in response to a hurricane storm threat to the planning region. The coastal counties include enclaves of disadvantaged residents some of whom do not have automobiles by which to evacuate from danger zones and depend on public assistance or charitable services.
- (b) Provided tools to support emergency evacuation planning including a web-based evacuation map that contains all the traffic control devices in the pertinent network and allows law enforcement officials and government agencies to update map information in real time, to facilitate efficient evacuation.
- (c) Planned special campaigns for hurricane season safety and prepared materials for dissemination in public outreach efforts to educate the public on emergency preparedness, such as the “Together Against the Weather” video.

(3) Regional Incident Management

- (a) H-GAC worked with other regional partners to administer the Traffic Incident Management Program to help alleviate traffic congestion and to prevent secondary vehicle crashes caused by the presence of disabled vehicles stranded on the freeway. The Tow-and-Go program removes disabled vehicles off the freeway at no cost to the vehicle owner.

(4) Data Collection

- (a) Collected and analyzed regional crash data obtained from TXDOT’s Crash Record Information System (CRIS) to support traffic safety planning efforts for the

H-GAC planning region. This data is used to support sub-regional mobility planning studies, corridor/intersection safety analysis, and other transportation program reports some of which involve disadvantaged communities.

Anticipated FY 2021 Nondiscrimination Work

(1) Regional Safety Planning

- (a) Staff will continue the safety outreach efforts through the ongoing partnerships with the Texas Transportation Institute, the Texas Children's Hospital Center for Childhood Injury Prevention and the Safe Kids Coalition, to provide safety education to the teenage drivers, bicyclists, pedestrians, and child car seat users especially those from underserved communities.
- (b) Staff will also continue to advance studies and implement policies and strategies to improve safety within the planning region, giving attention to the needs within the traditionally underserved communities.

(2) Hurricane Evacuation Planning

- (a) Staff will continue to provide timely, culturally competent information about hurricane season preparedness and emergency evacuation safety to the public.
- (b) Staff will continue to work with regional partners to implement and improve the regional hurricane emergency evacuation plan, update the list of the regional hurricane evacuation routes, and promote efforts to enhance the public response to emergencies that necessitate the evacuation of residents exposed to dangerous conditions.

(3) Regional Incident Management

- (a) Staff will continue to support the Tow and Go program and other incident management interventions and will continue to work towards expanding the number of jurisdictions that participate in the program or can implement similar programs within their jurisdiction with H-GAC support and training.

(4) Data Collection

- (a) Staff will continue the collection of regional crash data from TXDOT's Crash Record Information System (CRIS) and will continue to explore additional applications of the information and support the work performed by staff in other transportation program areas.

7.0 ENVIRONMENTAL JUSTICE

Environmental Justice is implemented as a part of the H-GAC Title VI Program. Efforts by staff to implement environmental justice requirements are interspersed in the various program FY 2020 Accomplishment Reports and 2021 Workplans detailed above. An Environmental Justice report for the H-GAC Metropolitan Planning Organization was released in FY 2018 and work is underway to complete the update to this report. The 2021 Environmental Justice update will among other things document the size, location, and characteristics of the Environmental Justice population, and will analyze how these communities are benefiting from or being impacted by transportation planning and related activities within the region.

8.0 LIMITED ENGLISH PROFICIENCY

Several encounters with residents with limited proficiency in the English language occurred during FY 2020 particularly at meetings of the Transportation Policy Council (TPC) during which the public is given an opportunity to comment on matters of interest. The H-GAC Language Assistance Plan (LAP) indicates that Spanish is the predominant native language spoken by the population with Limited English Proficiency (LEP) within the H-GAC planning region. Over 80% of this LEP population speak Spanish as their primary home language. Other languages spoken by a large proportion of the local LEP population include Vietnamese, Chinese, Arabic, and Korean.

The MPO identifies bilingual staff who can interpret for the LEP at open meetings but also maintains a clearinghouse of certified interpreter\translator services that can be contracted to provide these services when needed. Plans are underway to routinely provide American Sign Language interpreters at public meetings to accommodate participants who are hard of hearing. In addition, several transportation department program areas are working on the translation of more of their program documents into Spanish and as need dictates, into other languages spoken by large numbers of LEP populations.

ATTACHMENT A

Title VI Nondiscrimination Policy Statement



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 be 'Ch', is positioned above a horizontal line.

H-GAC Executive Director

09/22/2021

Date

ATTACHMENT B

Title VI Certifications and Assurances

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.

- 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

Name of the Applicant: HOUSTON-GALVESTON AREA COUNCIL

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.

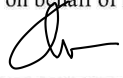
The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing 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 Kathleen Ellison Date: 9/2/21

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 TrAMS, provided the Applicant has on file and uploaded to TrAMS 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(o).

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 1 (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).

ATTACHMENT C

Title VI Information Poster

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@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.

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 u origen nacional, conforme a lo establecido en 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, envíe un correo electrónico a title.vi.coordinator@h-gac.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 Tránsito presentándola 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 8A36
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, nguồn gốc quốc gia và phù hợp với Tiêu đề VI của Đạo Luật Dân Quyền. Bất kỳ người nào tin rằng cô ấy hay anh ấy đã bị đối xử bất công bởi bất kỳ thực hành phân biệt đối xử bất hợp pháp theo Title VI có thể nộp đơn khiếu nại với H-GAC.
- Để biết thêm chi tiết về chương trình dân quyền của H-GAC, và các thủ tục để nộp đơn khiếu nại, xin liên lạc 713-627-3200; email title.vi.coordinator@h-gac.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 Quan 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 8A36
Fort Worth, TX 76102
- Nếu cần thêm thông tin bằng một ngôn ngữ khác, xin liên lạc 713-627-3200.

休士頓- 蓋文斯頓地區理事會 知會公眾根據民權法案第六章應享有之權利

- 根據民權法案第六章，休士頓-蓋文斯頓地區理事會 (H-GAC) 在運作其項目及服務時對種族、膚色及原籍不予考慮。任何人如果認為自己遭到民權法案第六章禁止的非法歧視對待，可向H-GAC提出投訴。
- 有關H-GAC民權計劃及投訴程序，請撥打電話713-627-3200，發送電子郵件至title.vi.coordinator@h-gac.com，或親駕我們的行政辦公室，地址：3555 Timmons Lane, Houston, TX 77027。若需更多資訊，請登錄網站 www.h-gac.com查詢。
- 投訴人可直接向聯邦公共交通管理署提出投訴，可將投訴書寄至：
Federal Transit Administration Office of Civil Rights
Attention: Title VI Civil Rights Officer
819 Taylor Street, Rm 8A36
Fort Worth, TX 76102
- 如果需要以其他語言的資訊，請聯絡713-627-3200。

ATTACHMENT D

Virtual Engagement: Making and Maintaining Connections in a New Virtual World

VIRTUAL ENGAGEMENT

MAKING AND MAINTAINING CONNECTIONS
IN A NEW VIRTUAL WORLD



BY THE HOUSTON-GALVESTON AREA COUNCIL
COMMUNICATIONS DEPARTMENT



Houston-Galveston
Area Council



Opportunity

Organizations like the Houston-Galveston Area Council are exploring opportunities to expand virtual engagement to new levels. Virtual engagement can expand the agency's reach to a greater number of residents across our 13-county region efficiently, effectively, and at an affordable cost. This document will cover virtual engagement tactics that can be utilized, ways to address the digital divide, and diversity and inclusion. These tactics will allow members of our communities to continue to participate throughout planning processes from a distance.

Tools and Tactics

VIRTUAL PUBLIC MEETINGS

Virtual public meetings have become more popular than ever. These public meetings allow more people to "attend" the meeting from the comfort of their own office or home. This convenience allows residents to participate without the concern of access to mobility, navigating through traffic, and the need for childcare. During virtual public meetings, taking interactive breaks allows the audience to regain focus through an activity. This can be something as simple as taking a poll. A meeting procedure document should be created (internally for staff hosting, panelists, and externally for the general public) that outlines virtual meeting etiquette and directions on how to join the meeting. These meetings can be streamed live on Facebook where residents can then host "watch parties."

One drawback to virtual public meetings is the missing element of face-to-face personal conversations between residents and the project

planners. Personal virtual meetings can be offered following a virtual public meeting to provide a one-on-one experience with a subject matter expert. This allows residents to ask questions that they may have from the virtual public meeting. A five to ten-minute time limit should be in place to accommodate meeting with as many residents as possible during an established time period (ex. two hours).

Regulations implementing the Americans with Disabilities Act (ADA) for Title II (state and local government services) and Title III (public accommodations and commercial facilities) must continue to be met. Virtual meetings must be high quality and cannot produce lag, must provide clear images, and a clear audible transmission of voices without irregular pauses in communication. If an interpreter is utilized on screen, the interpreter's face, arms, hands, and fingers must be clearly visible. A live caption option should be available to accommodate persons with hearing disabilities. It is important to keep in mind organizations are required to give primary consideration to the aid or service requested by the person who has a communication disability.

INTERACTIVE WEBSITE – An interactive website can serve as a storyteller and creates a safe space for residents to engage freely. This type of site would include information about the project, surveys, polls, storyboards with an interactive map that allows pinning and comment submission (GIS), 3-D renderings (GIS), project timeline that identifies where you are in the process, an embedded informational video, an interactive quiz, downloadable coloring sheets for children, and a "stay informed" option that allows

residents to submit their email to receive project status updates and future meeting notices. Once public meetings have been held, materials such as presentations, maps, and handouts can also be added and accessed online. Things to keep in mind are the layout, color scheme, ease of use, the functionality of the site, and language translation capabilities.

SOCIAL MEDIA – H-GAC utilizes social media platforms Facebook, Instagram, LinkedIn, Twitter, and YouTube as communications tools. Content is strategically created for each platform and audience. These posts can be organic or paid promotional posts. The paid advertising allows for ads to geo-target a specific audience. This can be executed by entering select zip codes, age ranges, and interests.

Through social media, you can continue to "humanize" your agency by adding humor, introducing staff members to followers, adding interactive activities such as bingo and trivia games, and informing followers of upcoming events and public meetings. Facebook also has the ability to stream live from Zoom, Webex, and other video conferencing resources. While streaming live, audiences watching the livestream via Facebook can create "watch parties," which allow their followers who are not currently following your organization to tune in to the livestream as well, expanding your audience reach. Instagram also has a "live" feature. Here, you can set up interviews with media, hold a live conversation with an elected official, or have a subject matter expert go live about a topic and answer any questions that are submitted in real time (hurricane preparedness would be an example).

Videos posted on Instagram are typically short – about 30-second to one-minute videos. However, IGTV allows the posting of longer videos. These videos remain at the top of your page, making it easy for followers to find. Since these videos remain at the top year-round (unless removed), it is important that the IGTV content is always relevant. A “who are we” video as an IGTV post would be a good example of this. Facebook has the capacity to upload longer videos directly to your organization’s page. Facebook and Instagram both have a “stories” feature. This allows you to post a photo or short video that will expire in 24 hours. Multiple unrelated stories can be posted, or a single major story can be posted in segments. This technique provides the audience with an anticipation as they wait for the next slide to learn more. LinkedIn traditionally serves a more professional audience. Here, you can engage with stakeholders and post job openings. All platforms allow the posting of original content, including videos and the ability to share others’ content, and to tag appropriate partners. A YouTube channel can serve as a hub for all your videos and video playlists.

NEWSLETTERS & EBLASTS

Regularly scheduled newsletters keep residents and elected officials informed of what’s currently happening and about upcoming events. Special edition newsletters can consist of project specific information and updates. These types of newsletters would target a specific audience interested in the project.

TRAININGS / VIRTUAL PROGRAMS

While we live in an era of technology it is important to be mindful of those who are unfamiliar with modern technology and how to use it. Training videos can serve as a step-by-step guide. The videos should address how to download required applications (Zoom, GoToMeeting, Webex), how to log into meetings, where you can leave a comment during the public meetings, and any other additional information. An educational video can be created to better visually explain this information. Providing these types of resources can help residents feel more at ease and encourage them to participate in your meetings.

Virtual programs are similar to online learning and are targeted to youth and young adults. Many high school and college students are familiar with distance learning, which is what makes these programs successful.

There are many benefits that can result from a successful virtual learning program. It allows you to begin building relationships with a younger demographic, it encourages young constituents to become involved in their own communities, and it educates them on the world of urban planning and how they can become future planners.

WEBINARS – Webinars typically serve as online trainings or seminars. This format allows for more people across the region to attend and allows for those who missed the webinar to view a recording. A webinar series can provide useful information on a weekly basis. This allows interested participants to return for more information, furthering your credibility as a reliable and consistent resource for your communities.

A webinar hub on the main H-GAC website provides a central location where all webinars can be found and allows residents to explore multiple webinars covering different topics.

The Digital Divide

While virtual engagement is a convenient and effective tool, we still need to acknowledge what is known as the digital divide. This divide addresses the lack of access to internet or technology equipment, such as laptops or desktops, smartphones, or tablets. A study conducted in early 2019 by the Pew Research Center shows that white people are more likely to have access to broadband internet service than Blacks or Hispanics.¹ The study also identifies that whites, Blacks, and Hispanics are more likely to have access to a smartphone than to any other piece of technology equipment.

Our region is made of large amounts of rural areas, and Americans who live in rural areas consistently have lower levels of broadband adoption.² This means

rural residents are less likely to have internet access and modern technology equipment.

It’s also vital to understand who is not online. Women of color (Black and Hispanic) over the age of 65 are most likely to not use the internet (mostly due to being unfamiliar with how to use the internet and applications).³ A step-by-step guide, as previously mentioned, can help to include this population.

Many organizations are revisiting traditional tactics that were used before the internet. Telephone town halls, text messaging options, pre-postage postcard mailers with a survey on the back, and notices sent with utility bills are some examples of these tactics. Other features can be used in conjunction with online tools. Most video conferencing tools have a “dial-in” feature that allows people without internet access to call in and listen to meetings and provide comments. Public comments can be received via postal mail and recorded on a voicemail line. Local community outreach, such as pop-up meetings, will focus on finding people where they already are. Building relationships with local community centers or other community stakeholders is also important since these organizations have established trust from their communities.



Diversity and Outreach Case Study

"Diversity is being invited to the party; inclusion is being invited to dance." Verna Myers, *Founder, Verna Myers Consulting Group*

It's important to recognize the cultural diversity of our great region. Within the 13-counties we serve, 37% of the population is white, closely followed by 36.8% Hispanic/Latinx, 16.9% Black, 7.4% Asian, and 1.9% other.⁴ When reaching out to diverse communities, it's important to understand how to reach each group individually. There is no cookie cutter method that fits reaching these diverse communities. The concept of "intersectional diversity" also needs to be understood. How you communicate and target a third-generation Hispanic woman with a career and college education may be much different from how you target an older Hispanic male who does not speak English and works multiple jobs to support his family. Because they are both Hispanic does not mean they will prefer the same method of communications.

Finding leaders within the communities and building relationships with them is vital. This is not referring to elected officials, rather advocates and individuals that have roots deeply planted within the community who are respected by the residents.

Internal discussions amongst staff members could be a great way to share ideas about how to conduct better outreach to these diverse and sometimes hard to reach communities. Conducting a roundtable with staff members that look like and relate to the communities we are trying to reach has shown to be productive and effective at other organizations. University outreach can serve as a great way to reach diverse populations as well.



Conclusion

As audiences' communications tastes continue to evolve, so too must our strategies for reaching those audiences. As public participation professionals, we must continue to listen, learn from, share with, and engage with the residents across our region to ensure each member of our community is involved in the planning process. A strong virtual engagement plan is just one of many strategies that will help expand your audience reach and make your outreach efforts successful. It is our hope that this plan can be a part of your overall outreach success.



REFERENCES

¹Pew Research Center <https://www.pewresearch.org/fact-tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites>

²Pew Research Center <https://www.pewresearch.org/fact-tank/2019/05/31/digital-gap-between-rural-and-nonrural-america-persists>

³Pew Research Center <https://www.pewresearch.org/fact-tank/2019/04/22/some-americans-dont-use-the-internet-who-are-they>

⁴H-GAC Regional Demographic Snapshot <https://datalab.h-gac.com/snapshot>



The Houston-Galveston Area Council (H-GAC) is the regional organization through which local governments consider issues and cooperate in solving area wide problems. Through H-GAC, local governments also initiate efforts in anticipating and preventing problems, saving public funds. The 13-county H-GAC service region is growing, becoming more diverse, and constantly changing. In order to address the needs of citizens and businesses, local governments are providing leadership to guide regional development wisely and manage change constructively.

ATTACHMENT E

H-GAC Public Participation Plan

PPPP

public
participation
plan



PUBLIC PARTICIPATION PLAN

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

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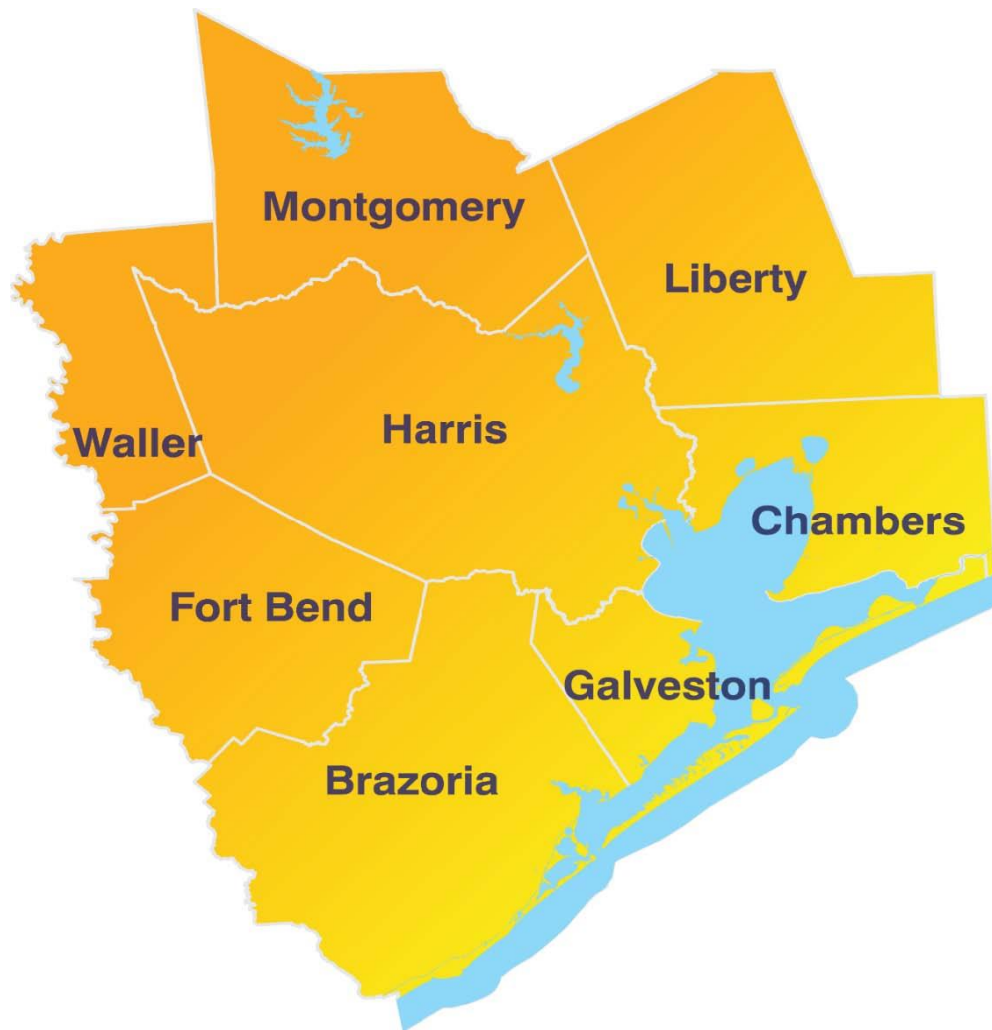
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SECTION 1 PUBLIC PARTICIPATION PLAN

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), the Regionally Coordinated Transportation Plan, 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 resident 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 partner organizations, 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.

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 Communications and Outreach department 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 Region View* 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. Webinars related to transportation topics can be found on the H-GAC webinar page.
- 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 virtually, when feasible. Public meetings can be held during the week in the morning, at noon, and/or in the evening. Weekend day-time public meetings can be held if deemed more convenient for the community.
- 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 virtual meeting. 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.

(Recordings and photos taken during public meetings may be used for marketing purposes).

Activity 6: Virtual Engagement and Public Participation:

- Virtual Public meetings can be held through web conferencing platforms such as Zoom, WebEx, and GoTo Meeting. These public meetings allow more people to “attend” the meeting from the comfort of their own office or home.
- H-GAC utilizes social media platforms such as Facebook, Instagram, LinkedIn, and YouTube as communications tools. Content is strategically created for each platform and audience. These posts can be organic or paid promotional. The paid advertising allows for ads to geo-target a specific audience. This can be executed by entering select zip codes, age ranges, and interests.
- Regularly scheduled newsletters keep residents and elected officials informed of what’s currently happening and of upcoming events. Special edition newsletters can consist of project specific information and updates. These types of newsletters would target a specific audience interested in the project.
- Webinars typically serve as online trainings or seminars. This format allows for more people across the region to attend and allows for those who missed the webinar to view a recording. A webinar series can provide useful information on a weekly basis. This allows interested participants to return for more information gaining credibility as a reliable consistent resource for your communities.
- H-GAC acknowledges the digital divide in low income households and rural areas. This lack of access to broadband internet and technology equipment means we must engage through more traditional tactics. Some examples include telephone townhalls or voicemail lines, mailers, utility bill stuffers, a meeting in a box, and pop-ups.

Activity 7: Demonstrate explicit consideration and response to public input received during the

development of plans and programs, including the RTP, TIP, RCTP, UPWP, and PPP.

- 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 8: 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 9: 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 10: 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 11: 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. These include freight transportation providers, 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
CAAA 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.

TPC meetings held virtually will require written public comments to be received by 5:00 p.m. the day prior to the meeting to be entered into the meeting record.

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. Craig Raborn

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)	Other Amendments to the TIP are provided for public review through TAC and TPC meeting documentation. Appendix C details the procedures for public comment at TPC meetings.
(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: <ul style="list-style-type: none"> (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 of 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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Adopted Resolution 2021-04 for the Public Participation Plan on January 22, 2021 by the Transportation Policy Council.