

# ***City of Woodway***

## **Title VI Plan**

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## Introduction

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

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

This plan explains how *City of Woodway* incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for *City of Woodway* and an

informational resource for the public. The plan will be updated every three years to reflect changes in Title VI compliance operations.

## Discrimination under Title VI

It is the responsibility of every City of Woodway employee to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (*i.e.*, intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of discrimination may include, but not be limited to, the following:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; or
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

City of Woodway efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;
- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;
- Investigates complaints;



- Allocates funding; and
- Prioritizes projects.

## Authorities

The authorities applicable to *City of Woodway* Title VI/Nondiscrimination Program include:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- **49 CFR Part 21** (entitled *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Civil Rights Act of 1964*);
- **23 CFR Part 200** (FHWA's Title VI/Nondiscrimination Regulation);
- **28 CFR Part 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964); and,
- **Texas Administrative Code** §9.4, Civil Rights – Title VI Compliance

## Title VI Policy Statement

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

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

The nondiscrimination statement signed by *City of Woodway*, *Adam Niolet*, *City Manager* is included as **Attachment 1**.

## Standard DOT Assurances

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

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

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

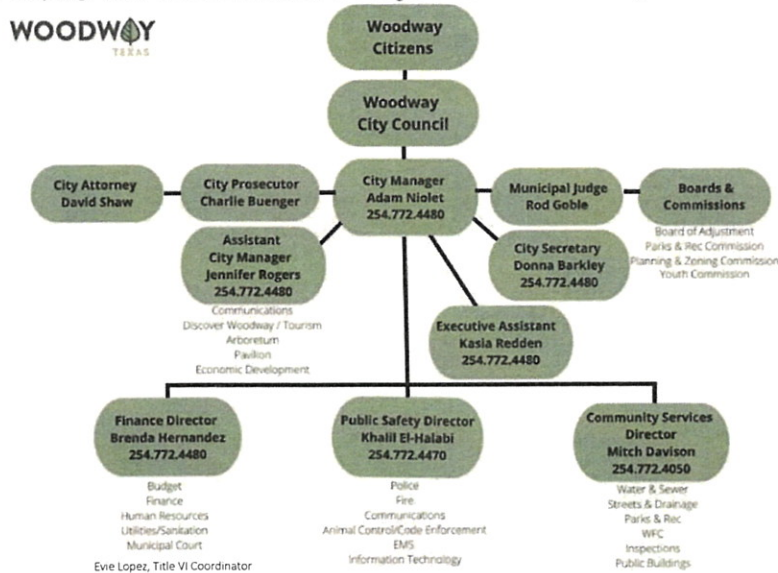
## Organization and Staffing

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

*City of Woodway* has assigned *Evie Lopez*, *HR Manager*, to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position of *HR Manager* is located within the Finance department.

The Title VI Coordinator is responsible for:

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



## Primary Program Area Descriptions & Review

### Procedures

Program Area and General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
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Planning: Short-term and long-term planning of transportation projects	Ensuring comprehensive public participation to ensure all stakeholders have a chance to voice their opinions.	Review planning decisions to ensure nondiscrimination.
	Collecting demographic data from public engagement activities regarding demographics of public participants. Providing language access as needed.	Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities. Documenting language access requests.
Public Engagement: Coordinates public engagement activities for planning and project development, as well as relationship-building engagement activities.	Comprehensive public participation to ensure all stakeholders have an opportunity to voice their opinions.	Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.
	Collecting demographic data from public engagement activities regarding demographics of public participants.	Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.
	Providing language access as needed.	Documenting language access requests.
	Disseminating Title VI information to the public to ensure they are aware of their rights to be free from discrimination.	
Maintenance: Services roadways and right of ways, including, but not limited to, providing: Repair Signage Drainage Snow and ice removal	Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.	Reviewing resources provided to the community and determining whether any protected class communities have disproportionately benefited or been harmed by the delivery of maintenance services.

## Data Collection and Analysis

Program Area	Type of Data Collected & Process for Collecting	Purpose for Collecting the Data)
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Planning:	Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community.	Ensuring project impacts do not disproportionately impact any individuals or groups based on a protected class status.
Public Engagement	Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community.	Ensuring communications and interactions with the public sufficiently reach all local demographics.
Maintenance	Providing demographic questionnaires to public engagement participants and including engagement participants and including demographic questions in public surveys. Reviewing maintenance activities by geography and demographic makeup of communities receiving the maintenance services	Ensuring communications and interactions with the public sufficiently reach all local demographics.

Potential sources of data and analysis tools include:

- MPO Committees (e.g., Citizen Advisory Committees)
- Field Observations

## Title VI Complaint Procedures

### Scope of Title VI Complaints

No person or groups of persons shall, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by *City of Woodway*, and its contractors on the grounds of race, color, or national origin.

The scope of Title VI covers all internal and external activities *City of Woodway*.

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

- Excluding individuals or groups from participation in programs or activities
- Denying program services or benefits to individuals or groups



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

*THE COMPLAINT PROCEDURE BELOW IS AVAILABLE FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN [English](#), [Spanish](#), [Vietnamese](#), [Chinese](#), AND [Arabic](#).*

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

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes stated above by *City of Woodway* or its contractors may file a Title VI complaint.

Discrimination complaints **must be received no more than 180 days after the alleged incident** unless the time for filing is extended by the processing agency

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

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin, etc.);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

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

Complaints can also be filed by completing and submitting *City of Woodway* Title VI Complaint Form available by sending an email or letter with the necessary information to:

*City of Woodway*

**Mailing Address:** 922 Estates Dr, Woodway, TX 76712

**Email:** [elopez@woodwaytexas.gov](mailto:elopez@woodwaytexas.gov)

**Phone:** 254-772-4480

If necessary, the complainant may call the phone number above and provide the allegations by telephone. The Title VI Coordinator will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.

Complaints can also be filed directly with the following agencies:

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

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

After submitting a complaint, the complainant will receive correspondence informing them of the status of the complaint within ten (10) business days from *City of Woodway* or other agency receiving the complaint.

Complaints received by *City of Woodway's* Title VI Coordinator are forwarded to the TxDOT Office of Civil Rights (OCR). TxDOT OCR will forward the complaint to the FHWA Texas Division Office, along with a preliminary processing recommendation. The FHWA Texas Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR).

FHWA HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints. There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Texas Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Texas Division Office a written notice that it is dismissing the complaint.
- **Referral\Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

Complaints are not investigated by *City of Woodway*. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to TxDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). TxDOT OCR will have sixty (60) business days from the date the investigation is delegated to prepare the ROI and send it to HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.

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

## Complaint Log

*City of Woodway* maintains a complaint log to document all activity related to the complaint. Information captured includes:

- Complainant's name, and if provided, race, color, and national origin;
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;

- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.

## Notice of Rights

In accordance with 23 CFR 200.9(a)(12), *City of Woodway* is required to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.

Notice of *City of Woodway* Title VI policies and procedures are listed in many places such as

*OFFICE LOBBY*

*ONLINE*

## Notification to Beneficiaries

*City of Woodway* website is continuously updated to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on the website includes:

- *City of Woodway* Title VI/Nondiscrimination Plan
- Title VI Nondiscrimination Statement
- Title VI and Related Statutes Nondiscrimination Statement (English and Spanish)
- Title VI Nondiscrimination Assurances
- TxDOT's External Discrimination Complaint Form (English and Spanish)
- Title VI Poster
- *City of Woodway* Language Assistance Plan

## Public Involvement

It is the goal of *City of Woodway* to provide continuous, effective and transparent access to all stakeholders. *City of Woodway* strives to inform all stakeholders about proposed plans and projects and seeks input when appropriate. *City of Woodway* utilizes the following methods to communicate information regarding upcoming activities and opportunities for public and stakeholder participation in the planning process:

- *DIGITAL NEWSLETTER / MAILING*



- *EMAIL BLASTS*
- *ONLINE ENGAGEMENT PLATFORMS*
- *MEDIA RELEASES*
- *VISUALIZATION PRESENTATIONS/TECHNIQUES*
- *LOCAL COMMUNITY PUBLIC MEETINGS*
- *STATEWIDE PUBLIC HEARINGS*
- *CITY OF WOODWAY WEB SITE*
- *MPO WEB SITES*
- *FACEBOOK, INSTAGRAM*

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

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

- *PROVIDING VIRTUAL OPTIONS*
- *ACS C16001*



# Language Assistance and Limited English Proficiency

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

Per USDOT LEP guidance, as outlined on FHWA's Civil Rights website, recipients of federal funds are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following factor.

**(1) Number or proportion of LEP persons eligible to be served or likely to be encountered by**

**the program:** The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed. For the assessment to be accurate it must also include all communities that are eligible for services or are likely directly affected by the district's programs or activities, not only those that live next to a project. The total Woodway population is 8,972 and the number of population who speaks English less than very well is 130 with Spanish being the language.

**(2) Frequency with which LEP individuals come in contact with the program:** Consider how frequently encounters with LEP individuals may occur. Encounters with LEP individuals are documented by the district Title VI liaison in quarterly reports to the Civil Rights Division.

Additionally, consider events or work projects in the next year, which may increase the frequency with which LEP encounters may occur.

**(3) Nature and importance of the program, activity, or service provided by the program to**

**people's lives:** Some consideration should be given to TxDOT policies, programs, events and projects planned for the next year but generally the nature and importance of LEP encounters should be considered on a project-by-project basis.

**(4) Resources available to the grantee/recipient or agency, and costs:** City of Woodway has both internal and external resources available to assist with translation and interpretation services.

- LEP populations identified in U.S. Census Table C16001
- Translated documents (nondiscrimination statement and complaint forms)
- Describe methods of providing translation/interpretation using internal and external resources

## Training

City of Woodway will ensure that its staff understand Title VI of the Civil Rights Act of 1964 and how it may apply to their work. The following options are available for providing training:

### Review of the City of Woodway Title VI Plan

- Attendance at any available Title VI trainings provided by the Texas Department of Transportation, U.S. Department of Transportation or its applicable operating administrations, or the U.S. Department of Justice.
- New Employee Orientation
- Viewing the video Title VI at TXDOT

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

Table: ACSDT5Y2023.C16001

	Woodway city, Texas
Label	Estimate
Total:	8,972
Speak only English	8,271
Spanish:	418
Speak English less than "very well"	130
French, Haitian, or Cajun:	11
Speak English less than "very well"	0
German or other West Germanic languages:	24
Speak English less than "very well"	0
Russian, Polish, or other Slavic languages:	53
Speak English less than "very well"	0
Other Indo-European languages:	27
Speak English less than "very well"	8
Korean:	32
Speak English less than "very well"	32
Chinese (incl. Mandarin, Cantonese):	24
Speak English less than "very well"	24
Vietnamese:	8
Speak English less than "very well"	8

Table: ACSDT5Y2023.C16001

	Woodway city, Texas
Label	Estimate
Tagalog (incl. Filipino):	55
Speak English less than "very well"	0
Other Asian and Pacific Island languages:	49
Speak English less than "very well"	20
Arabic:	0
Speak English less than "very well"	0
Other and unspecified languages:	0
Speak English less than "very well"	0

The United States Department of Transportation (USDOT)  
Standard Title VI/Nondiscrimination Assurances

(Rev. 04/20)  
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DOT Order No. 1050.2A

The City of Woodway (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);
- 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

**General Assurances**

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

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from U.S. DOT, including the Federal Highway Administration.*



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

### **Specific Assurances**

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

1. The Recipient agrees that each "activity," facility," or "program," as defined in §§ 21.23(b) and 21.23(e) or 49 C.P.R § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all DOT Programs \_\_\_\_\_ and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clauses of Appendix A and Appendix E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods.
  - a. the period during which the property is used for a purpose for which the Federal financial

assistance is extended, or for another purpose involving the provision of similar services or benefits; or

b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this assurance, the Recipient also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the U.S. DOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the U.S. DOT. You must keep records, reports, and submit the material for review upon request to U.S. DOT, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Recipient gives this assurance in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. DOT under all



Department of Transportation Programs. This assurance is binding on Texas, other recipients, subrecipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in all Department of Transportation programs. The person(s) signing below is/are authorized to sign this assurance on behalf of the Recipient.

City Manager

\_\_\_\_\_  
Title of Recipient

  
\_\_\_\_\_  
Signature of Authorized Official

08/05/2025

Date



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

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the FHWA, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of

another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies, and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## Clauses for Deeds Transferring United States Property

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

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

## (HABENDUM CLAUSE)

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



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

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

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



**Clauses for Transfer or Real Property Acquired or Improved  
Under the Activity, Facility, or Program**

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

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Woodway will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, City of Woodway will have the right to enter or re-enter the lands and

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

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

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

**Clauses for Construction/Use/Access to Real Property Acquired  
Under the Activity, Facility, or Program**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Recipient pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that ( 1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, City of Woodway will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. \*
- C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants, City of Woodway will there upon revert to and vest in and become the absolute property of City of Woodway and its assigns. \*

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



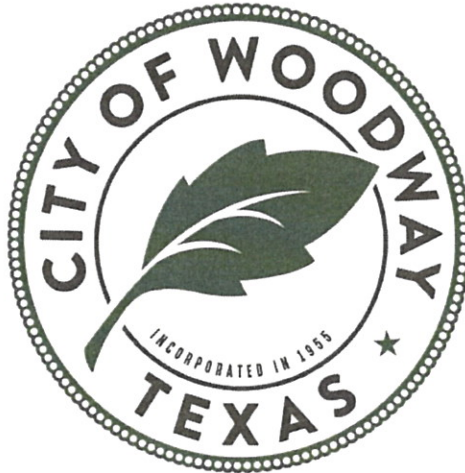
During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

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



- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to -ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

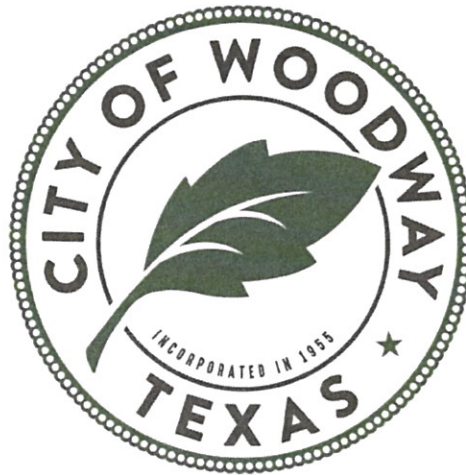


## **Title VI/Nondiscrimination Policy Statement**

The City of Woodway, as a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.

  
\_\_\_\_\_  
Adam Niolet, City Manager

8/6/25  
\_\_\_\_\_  
Date



## **Título VI/Declaración De Política De No Discriminación**

La Ciudad de Woodway, como receptora de asistencia financiera federal y bajo el Título VI de la Ley de Derechos Civiles de 1964 y estatutos relacionados, garantiza que ninguna persona, por motivos de raza, color, origen nacional, será excluida de participar, se le negarán los beneficios o de otro modo será objeto de discriminación en cualquier programa o actividad del Departamento.

  
\_\_\_\_\_  
Adam Niolet, City Manager

8/6/25  
\_\_\_\_\_  
Fecha

## Title VI Complaint Form

(Rev. 04/20)  
Page 1 of 2

Please submit completed form to:

Evie Lopez  
922 Estates Dr, Woodway, TX 76712  
Email address: elopez@woodwaytexas.gov  
Telephone: 254-772-4480 Fax: 254-772-6092

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Main Phone Number: \_\_\_\_\_ Alternative Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please indicate the basis of your complaint:

- ☐ Race \_\_\_\_\_ ☐ National Origin \_\_\_\_\_  
☐ Color \_\_\_\_\_ ☐ Other Class \_\_\_\_\_

Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.

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

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

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



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

	Name	Address	Telephone
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following?

If yes, please provide the filing dates. Check all that apply.

<input type="checkbox"/> U.S. Department of Transportation	Date Filed: _____
<input type="checkbox"/> Federal Highway Administration	Date Filed: _____
<input type="checkbox"/> Federal Transit Administration	Date Filed: _____
<input type="checkbox"/> Office of Federal Contract Compliance Programs	Date Filed: _____
<input type="checkbox"/> Texas Department of Transportation	Date Filed: _____
<input type="checkbox"/> U.S. Equal Employment Opportunity Commission	Date Filed: _____
<input type="checkbox"/> U.S. Department of Justice	Date Filed: _____
<input type="checkbox"/> Other: _____	Date Filed: _____

Have you discussed the complaint with any \_\_\_\_\_ (Name of Recipient) representative?

If yes, provide the name, position, and date of discussion.

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

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

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

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

\_\_\_\_\_  
Date

## Formulario de Denuncia de Discriminación Externa

Enviar forma firmada a Ciudad de Woodway, 922 Estates Dr, Woodway, TX 76712  
o por fax al 254-772-6092.

Apellido		Nombre		
Dirección		Ciudad	Estado	Código Postal
Teléfono	Teléfono Alternativo	Correo Electrónico		
Indica por favor la(s) base(s) de su queja. <input type="checkbox"/> Raza _____ <input type="checkbox"/> Edad _____ <input type="checkbox"/> Origen Nacional _____ <input type="checkbox"/> Color _____ <input type="checkbox"/> Sexo _____ <input type="checkbox"/> Discapacidad _____				
Fecha y lugar de la(s) presunta(s) acción(es) discriminatoria(s). Favor de incluir la primera fecha de la presunta discriminación y la fecha más reciente de la presunta discriminación.				
¿Cómo se discriminó contra usted? Describa la naturaleza de la acción, decisión o las circunstancias de la presunta discriminación. Explique, de la manera mas clara posible, que sucedió y porqué cree usted que su estatus protegido fue un factor en la discriminación. Incluya como otras personas fueron tratadas de distinta manera que usted. (Adjunte hojas adicionales de ser necesario).				
La ley prohíbe intimidación o represalias contra cualquier persona ya sea por tomar acción o por participar en la toma de acción para asegurar los derechos protegidos por estas leyes. Si usted siente que se han tomado represalias en su contra, aparte de la presunta discriminación mencionada anteriormente, favor de explicar las circunstancias a continuación. Explique la acción que usted tomó que cree sea la causa de la presunta represalia.				
Nombre de los individuos responsables de la(s) acción(es) discriminatoria(s):				

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

	<u>Nombre</u>	<u>Dirección</u>	<u>Teléfono</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

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

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

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

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

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

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

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

\_\_\_\_\_  
**Fecha**

**UNICAMENTE PARA USO OFICIAL**

Fecha de Recibo de Queja: \_\_\_\_\_

No. de Caso: \_\_\_\_\_

Procesado por: \_\_\_\_\_

Fecha Remitida: \_\_\_\_\_

Remitida a: ☐ USDOT ☐ FHWA ☐ FTA ☐ OFCCP ☐ Other \_\_\_\_\_





# Title VI

## Protecting your civil rights is good business

It is our policy to ensure that no person in the United States of America shall on the grounds of race, color, national origin, sex, age or disability be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of our programs and activities.

The Department ensures full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Regulations set at 1987 and related statutes and regulations in all programs and activities.

We ensure that individuals who have been subjected to alleged discriminatory practices under Title VI have the right to file a formal complaint, be fully and equitably treated in the process and to receive the same treatment as other individuals. Civil Rights Complaint section 1.801, sets forth the steps of the alleged discriminatory action.

### Contact Us:

Civil Rights Division  
225 East Erie Street  
Austin, Texas 78701-3468  
(512) 455-4100  
CivilRights@dot.gov



# Título VI

## Proteger sus derechos civiles es un buen negocio

Es nuestra política garantizar que ninguna persona en los Estados Unidos de América sea excluida de la participación en, se le niegue el beneficio de, o de otra manera sea sometida a la discriminación bajo cualquiera de nuestros programas y actividades por motivos de raza, color, origen nacional, sexo, edad o discapacidad.

El Departamento asegura el pleno cumplimiento del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Regulaciones de 1987 y las leyes y regulaciones relacionadas en todos los programas y actividades.

Garantizar acciones que asegure que los individuos que han sido sometidos a prácticas discriminatorias tengan todo el Título VI, tener el derecho de presentar una denuncia formal, recibir un tratamiento equitativo en el proceso y recibir la misma atención que los demás individuos. La Sección 1.801, establece los pasos de la denuncia de prácticas discriminatorias.

### Contactar con nosotros:

Civil Rights Division  
225 East Erie Street  
Austin, Texas 78701-3468  
(512) 455-4100  
CivilRights@dot.gov

