



FY 2024

Title VI/Nondiscrimination Plan

Table of Contents

Introduction	3
<i>Discrimination under Title VI</i>	3
<i>Authorities</i>	5
Policy Statement	6
Standard DOT Assurances	7
Organization & Staffing.....	8
<i>Organization</i>	8
<i>Staffing</i>	8
Program Area and Project Monitoring for Internal Review Processes.....	12
<i>Program Review Procedures</i>	12
<i>Findings</i>	13
<i>Follow-up Monitoring</i>	13
<i>Title VI Considerations for Internal Review</i>	13
Subrecipient Review Procedures	19
<i>Subrecipient Compliance Assessment Tool</i>	19
<i>Once the subrecipient has completed the SCAT survey, CIV evaluates and verifies submitted information to</i>	19
<i>Notification</i>	20
<i>Completing the SCAT survey for Title VI Review Cycle</i>	20
<i>Technical Assistance</i>	20
<i>Deficiencies</i>	20
Data Collection/Reporting/Analysis	21
<i>Data Collection</i>	21
<i>Reporting</i>	22
<i>Analysis</i>	22
Title VI Training.....	24
<i>Internal</i>	24
<i>External</i>	24
Complaint Procedures	26
<i>Roles and Responsibilities</i>	27
<i>Processing Complaints</i>	27
<i>Investigative Process for Subrecipient Complaints</i>	28
<i>Developing an Investigative Plan</i>	28
<i>Complaint Log</i>	29
<i>Preparing the Report of Investigation</i>	29
Dissemination of Title VI Information	30
<i>Notification to Beneficiaries</i>	30
<i>Burleson County Offices and Statewide Planning Meetings</i>	30

Public Involvement.....	31
<i>Interested Parties, Public Involvement, and Consultation</i>	31
<i>Public Involvement and Consultative Tools</i>	32
<i>Public and Stakeholder Outreach and Visualization Tools</i>	32
<i>Limited English Proficiency (LEP)</i>	34
<i>Public Involvement during the Environmental Process</i>	35
<i>Types of Public Involvement Procedures</i>	35
<i>Specialized Public Involvement–Cultural Resources</i>	36
<i>Public Involvement Following Project Approvals</i>	37
<i>Notices and Media Releases</i>	37
Review of STA Directives	39
<i>Title VI Special Provision</i>	39
Compliance and Enforcement Procedures	40
<i>Identifying and Eliminating Discrimination</i>	40
<i>Process to Resolve Deficiencies Identified By FHWA</i>	40
<i>Reporting to FHWA</i>	41
Attachments	42

Introduction

The vision of Burleson County is to be a forward-thinking leader delivering mobility, creating equity and inclusion across the agency, enabling economic opportunity, and enhancing quality of life for all people. Burleson County works diligently to further that mission in a fair and nondiscriminatory way. As a recipient of federal financial assistance from the Federal Highway Administration (FHWA), Burleson County is required to comply with Title VI of the Civil Rights Act of 1964, which provides:

No person in the United States, on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VI served as the model for subsequent nondiscrimination laws, including the Federal-Aid Highway Act of 1973 (gender), Section 504 of the Rehabilitation Act of 1973 (disability), and Age Discrimination Act of 1975 (age). Burleson County's nondiscrimination policy statement includes these protected classes to ensure that no person be subjected to any form of discrimination in our programs or activities ([Attachment 1](#)).

The U.S. Department of Justice (DOJ), as the federal government's coordinating agency for Title VI, implemented its Title VI program in 28 Code of Federal Regulations (C.F.R.) Part 42 and issued guidance in two main documents: The Title VI Legal Manual and the Complaint Investigation Procedures Handbook.

Title VI authorizes and directs federal agencies to enact "rules, regulations, or orders of general applicability" to achieve the statute's objectives. The U.S. Department of Transportation (DOT) implemented its Title VI program in 49 C.F.R. Part 21. FHWA's implementing regulations can be found in 23 C.F.R. Part 200.

Discrimination under Title VI

As a Burleson County employee, it is everyone's responsibility at Burleson County 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. In disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

Prohibited forms of Discrimination include, but may not be limited to:

- 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; (and/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.

Burleson County's 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.

The nondiscrimination evaluation criterion applies to all offices within Burleson County. There is special emphasis placed on some Divisions that directly affect the public through activities such as:

- Project planning & design;
- Environmental process;
- Right-of-way acquisition;
- Construction and Maintenance;
- Traffic safety operations;
- Contracting; and
- External communications

In addition, Burleson County as a local government administering programs that receive federal financial assistance must establish a Title VI compliance program for all subrecipients that obtain federal assistance through it.

Authorities

The authorities applicable to Burleson County's 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

The following Executive Orders place further emphasis on preventing discrimination based on race and national origin:

- Executive Order 12898, 3 CFR 859 (1995), entitled "*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*"; and
- Executive Order 13166, 3 CFR 289 (2001), entitled "*Improving Access to Services for Persons with Limited English Proficiency.*"

Policy Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on federal and federally-assisted projects and programs based on race, color, and national origin. Since 1964, additional statutes have prohibited discrimination based on sex (Federal-aid Highway Act of 1973), age (The Age Discrimination Act of 1975), and disability (Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990). Additionally, the Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.

“Burleson County, 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, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. §2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.”

The nondiscrimination statement signed by Burleson County’s County Judge, Keith Schroeder is included as [Attachment 1](#).

Standard DOT Assurances

23 CFR 200.9(a)(1) requires assurances from Burleson County 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 otherwise be subjected to discrimination under any program or activity for which the recipient receives federal assistance from the DOT, including the FHWA.

The Title VI Assurances are submitted to the FHWA annually, or when Burleson County appoints a new county judge during the federal fiscal year. **Burleson County's Title VI Assurances signed by the County Judge are included as [Attachment 2](#).**

Organization & Staffing

Burleson County's Title VI/Nondiscrimination Program has been established in accordance with federal rules under 23 CFR Part 200 and falls within the scope and responsibilities of the Civil Rights Division (CIV). CIV, located in Austin, forms a central resource for Burleson County, and the general public.

Organization

In accordance with 23 CFR 200.9(b)(1), the County Treasurer serves as Burleson County's Title VI/Nondiscrimination Coordinator. With support from Burleson County's Commissioner's Court, the County Treasurer is responsible for all aspects of Burleson County's Title VI/Nondiscrimination Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position. The letter signed by Burleson County's County Judge designating Stephanie Smith as the Title VI/Nondiscrimination Coordinator is included as [Attachment 3](#).

The Burleson County organizational chart, included as [Attachment 4](#), depicts the relationship the Title VI/Nondiscrimination Coordinator has with Burleson County's County Judge.

Staffing

The County Treasurer is responsible for administering Burleson County's Title VI/Nondiscrimination Program. The County Treasurer reports to the taxpayers of Burleson County and has direct access to Burleson County's County Judge at any time. The County Treasurer's organizational chart is included as [Attachment 4a](#).

Title VI/Nondiscrimination Coordinator

The Title VI/Nondiscrimination Coordinator works to ensure there is a demonstrated commitment on the part of administration to enforce Title VI and is responsible for overall Title VI program implementation. Specifically, this person has the authority and responsibility to implement the Title VI program by:

- Recommending, developing, disseminating, monitoring, and pursuing policies and guidelines on the implementation of Title VI;
- Providing leadership, guidance, and technical assistance to program areas having significant impacts on the public and businesses, which are referred to as federal program areas, in carrying out their Title VI responsibilities;
- Reviewing, evaluating, and monitoring the federal program areas activities and programs related to Title VI and effectuating changes to ensure consistency and program effectiveness;
- Ensuring that all complaints of discrimination or complaints alleging non-compliance with Title VI are processed, investigated, and resolved in a fair and timely manner in accordance with Title VI and federal operating regulations; and
- Advising the County Judge concerning significant developments in the

Title VI Program Administrator

Title VI Program Administrator reports directly to the Burleson County taxpayers with direct access to the County Judge. As a specialist for Title VI, the Title VI Program Administrator assists and supports Burleson County's Title VI/Nondiscrimination Program by:

- Providing technical assistance and guidance to Burleson County personnel;
- Providing technical assistance and guidance to subrecipients;
- Evaluating Burleson County projects and programs for compliance with Title VI and other nondiscrimination statutes;
- Working in partnership with Burleson County personnel to address and review Title VI concerns at a project development level;
- Conducting Title VI compliance reviews of internal program areas, state & local governments (LGs) and other subrecipients;
- Developing Title VI training materials, conducting training and workshops, and providing resource information on the Burleson County website;
- Developing Title VI information for dissemination to the public and, where appropriate, in languages other than English; and
- Processing Title VI external complaints of discrimination in accordance with the FHWA External Complaint Processing Procedures and internal Burleson County procedures.

Interdisciplinary Approach

FHWA policy guidance prescribes an interdisciplinary approach to maintaining compliance with Title VI. The Burleson County Treasurer works with Department Heads/Elected Officials in ensuring compliance with Title VI/Nondiscrimination requirements. The County Treasurer's partnership with the Department Heads/Elected Officials helps ensure nondiscrimination in the delivery of Burleson County's programs and activities. Additionally, personnel from Burleson County's departments serve as Title VI liaisons and are responsible for:

- Attending quarterly meetings with Treasurer;
- Participating in Title VI training;
- Assisting the Treasurer in Title VI program review surveys and activities;
- Promoting awareness of Burleson County's Title VI Program;
- Monitoring and implementing any corrective actions necessary for Title VI compliance;
- Assisting the Treasurer in monthly Limited English Proficiency (LEP) data collection;
- Referring Title VI complaints and allegations to the County Treasurer;
- Serving as designated contact for Title VI; and

- Disseminating Title VI information to the public, and where appropriate, in languages other than English.

It is essential that a collaborative relationship be maintained between the Title VI liaison and the Title VI Program Administrator. Department Head/Elected Official liaisons provide organizational knowledge of their respective office disciplines and the program administrator provides a practical application of Title VI.

The Title VI Interdisciplinary Team (I-Team) at Burleson County is comprised of the County Treasurer, Department Head/Elected Official liaisons, and subject matter experts (SMEs) selected for a Title VI program review that fiscal year. The federal program areas that are permanent I-Team members include: The County Judge, Precinct Commissioners, County Auditor, Environmental, Maintenance, Emergency Management, County Attorney, and Onsite Counsel. Other divisions may be identified and integrated into the I-Team during development of the Goals and Accomplishments report the following year. The County Treasurer has established an annual Department Head/Elected Officials meeting for a Title VI program review. The selected Department Heads/Elected Officials are invited to participate in the I-Team discussion during that review meeting. By the nature of their operations, Department Heads/Elected Officials have direct contact with the public and provide a more comprehensive perspective for how the Title VI Program is functioning. All Title VI liaisons meet quarterly to discuss the program and those on the I-Team participate in focused group meetings to effectively implement Burleson County's Title VI/Nondiscrimination program. Additionally, the I-Team meets with the County Treasurer annually to review desk audit criteria from the previous year. The focus is to maintain relevant questions that provide consistent information with the upcoming fiscal year's Title VI/Nondiscrimination Plan. The Department Heads/Elected Officials liaisons and SMEs that make up the I-Team support Treasurer with Title VI compliance by:

- Communicating and coordinating with the County Treasurer in activities impacted by Title VI;
- Providing in-depth knowledge of Burleson County programs and activities to County Treasurer;
- Discussing the relationship between office operations and the Title VI Program;
- Providing technical assistance to Department Heads/Elected Officials, and local agency personnel;
- Assisting County Treasurer in collecting data from Department Heads/Elected Officials completing program reviews;
- Self-monitoring and implementation of corrective actions within its respective program area for Title VI compliance;
- Documenting completed and ongoing Title VI activities identified in the plan for tracking purposes;
- Providing the requested information to annually prepare the *Title VI/Nondiscrimination Plan* and *Title VI/Nondiscrimination Annual Work Plan and Accomplishment Report*;
- Referring Title VI allegations and complaints to County Treasurer for further investigation;
- Ensuring the collection and analysis of statistical data to determine transportation investment benefits and burdens to the eligible population, including minority and low-

income populations; and

- Identifying eligible LEP populations and the dissemination of agency information, where appropriate, in languages other than English.

Department Heads/Elected Officials

Burleson County is comprised 32 departments with a wide range of disciplines that play an integral role in the County's mission. Department Heads/Elected Officials are responsible for familiarizing themselves with the requirements detailed in the Title VI/Nondiscrimination Plan and complying with The Title VI program at Burleson County. The Department Heads/Elected Officials assists the County Treasurer with Title VI compliance by:

- Ensuring the County Treasurer is notified of any Title VI allegations or complaints;
- Providing the necessary resources to the County Treasurer to investigate and resolve a Title VI complaint;
- Providing support necessary to implement the Title VI requirements related to their Department;
- Ensuring specific activities related to Title VI are surveyed and reported to the County Treasurer for the annual reporting process.

Subrecipients

Subrecipients refer to any organization other than Burleson County with administrative or functional responsibilities which are affiliated with a governmental body that indirectly receives federal funds. In accordance with 23 CFR 200.9(b)(7), FHWA requires Burleson County to review subrecipients of federal funds including cities, counties, planning organizations and transportation.

Responsibilities for subrecipients include, but are not limited to:

- Participating in the compliance assessment tool (SCAT);
- Maintaining and providing answers and requested supporting documentation in the SCAT survey during the required reporting cycle to include:
 - a policy statement and standard Title VI assurances;
 - Subrecipient's Title VI/Nondiscrimination Plan;
 - Designating a person serving in the role of Title VI Coordinator;
 - Developing external discrimination complaint handling procedures;
 - Including Title VI contract provisions in solicitations, contracts and awards;
 - Indicating how the agency ensures LEP individuals have access to agency programs and services;
 - Specify data collection procedures for collecting demographic information; and
 - Identifying public involvement procedures that solicit input on a proposed action from minority populations within that agency's jurisdictional boundary;
- Attending Technical Assistance Training if the SCAT survey results in an unsatisfactory status.
- Correcting any deficiencies and retaking the SCAT survey to receive satisfactory status.

Program Area and Project Monitoring for Internal Review Processes

As part of the Title VI internal monitoring program, the County Treasurer works with the federal program areas to perform reviews on specific departmental policies and processes that involve the public. Each federal program area is responsible for the following:

- Identifying processes that impact the public;
- Scheduling reviews to cover all the identified processes within a three-year period;
- I-Team assisting the County Treasurer in performing personnel interviews with program area specialist; and
- Submitting an analysis report to the County Treasurer.

Program Review Procedures

Internal Title VI reviews are performed annually in the form of a Title VI questionnaire. Burleson County's federal program areas and select Department Heads/Elected Officials as Title VI liaisons are notified of the review from the Title VI Program Administrator. If necessary, notification can also occur through a memorandum sent from the County Treasurer to the Department Heads/Elected Officials of that federal program area. The internal review request from the County Treasurer includes a questionnaire tailored with general and program specific questions that focus on gathering information about the implementation of Title VI/Nondiscrimination requirements. Once the questionnaire is completed, the information will be summarized and provided to the Commissioner's Court in the Accomplishment Report.

Process for implementing the desk audit and completing the review:

- Federal program areas identified in the Title VI/Nondiscrimination Plan will be evaluated annually;
- Five departments per year will be selected based on a five-year rotation, unless a Title VI complaint requires additional information gathering from that Department;
- The County Treasurer will review each questionnaire response and analyze the data to determine if any discriminatory trends exist. In the event Title VI deficiencies are identified, the County Treasurer will submit a corrective report and work closely with that program area or Department to resolve the issue;
- The County Treasurer will submit questions/issues to the Title VI Liaisons. Where an issue requires corrective action, the County Treasurer will work with the Department to schedule and complete the corrective actions; and
- The County Treasurer will prioritize, plan, and complete extended audits for federal programs and Departments where:
 - There have been Title VI Complaint(s) regarding a Burleson County process or procedure;
 - FHWA recommends an audit;
 - There are issues with Title VI data collection;
 - Desk audit responses are incomplete;

- Title VI issues are identified in the policy manual with corrective action procedures; and
- Deficiencies concerning minority or LEP populations exist in the Public Participation process.

Findings

The findings will be used to determine what areas the County Treasurer may need to provide additional technical assistance and identify strategic goals for the next federal fiscal year. The results of the reviews will be noted in the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report*. If a program area or District does not respond to the desk audit or extended audit, the issue will be escalated to the Burleson County Commissioner's Court.

Follow-up Monitoring

The County Treasurer will determine if additional monitoring and training are needed to ensure on-going compliance with Title VI requirements. If action items identified are not completed, then follow-up monitoring will document the non-compliance and the County Judge will be notified.

Title VI Considerations for Internal Review:

Construction

The County Precinct Commissioner and/or County Judge performs inspection testing and provides administrative oversight for all department construction contracts. The County Precinct Commissioner and/or County Judge is also responsible for contractor pre-qualification, bid proposal issuance and awarding (letting) construction and maintenance contracts. The County Precinct Commissioner and/or County Judge will monitor construction project work for practices that adhere to the Title VI/Nondiscrimination Plan. The County Precinct Commissioner and/or County Judge will ensure that policies and procedures for monitoring construction activities, reviewing and approving change orders and inspections are applied in a nondiscriminatory manner. Some considerations for internal review will include:

- Information regarding Burleson County mitigation commitments made during the environmental process are documented in the final engineering plan set;
- Procedures and the practices for completion of tasks in order to fulfill those commitments by the final acceptance stage of the project;
- Data regarding procedures for temporary traffic and pedestrian routing during various sequences of construction to preserve pedestrian and ADA accessibility; and
- Demographic profiles of the communities within an active project and internal procedures for maintaining Title VI compliance.

Design

The Commissioner's Court will assure that all aspects of the design phase, including final design, are executed in accordance with the Burleson County Title VI/Nondiscrimination Plan. The design process includes solicitation of proposals, consultant selection, preliminary design work, development of alternatives on larger projects, and finalizing the design before a project goes to letting for construction. The design process requires effective outreach strategies to solicit and incorporate, where practicable, input from minority and low-income populations into the final design. Some considerations for internal review will include:

- Data on consultant contracts including award amounts and demographic data on consultant firm ownership;
- Number of public meetings and public hearings held during the design phase and their relative proximities to the project area;
- The process to consider public input and concerns received during the design phase; and
- Demographic profile of project area under design and internal procedures for maintaining Title VI compliance.

Environmental

The Environmental Enforcement Officer (ENV) will ensure that the environmental effects of a project and the proposed mitigation measures to offset the impacts are developed in accordance with the Burleson County Title VI/Nondiscrimination Plan. The NEPA process, Title VI of the Civil Rights Act and related statutes, and Executive Orders on EJ and LEP are incorporated in the environmental process to ensure nondiscrimination and identify and address any disproportionately high health and environmental impacts to minority and low-income populations and LEP populations. Furthermore, the environmental process considers all social, economic and environmental effects of a proposed project to preemptively identify any Title VI issues that may exist. ENV will ensure a reasonable study area is developed for assessing community impacts and that potential impact to minority and low-income populations are considered in the type of environmental documentation done on a project.

Once a project receives environmental clearance, the mitigation commitments are clearly documented in the environmental document, outlined in the plans for construction and any associated permits. Because there is a substantial time gap between environmental clearance and end of construction, Burleson County Departments must ensure that commitments are communicated from environmental clearance and detailed design, pre-bid conference, project letting, construction, and final acceptance. Some considerations for internal review will include:

- Methods for identifying minority populations and conducting a community impact assessment report that identify any issues related to Title VI;
- Procedures to identify projects with a disproportionately high and adverse impact on minority population will consult with the County Treasurer proactively to address any Title VI concerns;

- The number and types of environmental clearances performed (Categorical Exclusions, Environmental Assessments or Environmental Impact Statement);
- Data on the demographics of public meeting participants and representative attendance from the community being impacted by a proposed project;
- Strategies for engaging minority and LEP populations for reducing any barriers that may exist in the transportation decision-making process; and
- Procedures followed during the environmental process to incorporate formal and informal public comments into the transportation decision-making process.

Maintenance

The Maintenance Division (MNT) oversees the preservation, upkeep, inspection, evaluation and restoration of all Texas highways and rights of way. MNT will monitor maintenance projects and activities for practices that adhere to the Title VI/Nondiscrimination Plan. MNT will ensure that policies and procedures for monitoring maintenance activities are applied in a nondiscriminatory manner. Some considerations for internal review will include:

- Procedures to recognize and preserve any commitments developed during environmental clearance and executed in project construction will not be undone during the operation and maintenance phase of a project.
- Demographic profiles of project areas identified for maintenance activities and internal procedures for maintaining Title VI compliance; and
- Data regarding procedures for temporary traffic and pedestrian routing during maintenance activities to preserve pedestrian and ADA access.

Planning

The Commissioner's Court (CCT) has the primary responsibility for ensuring multi-modal countywide transportation planning initiatives are developed.

Implementing countywide planning requires the consideration of social, economic and environmental effects of a proposed plan or program to avoid biased or discriminatory practices. CCT will ensure that all aspects of the planning process and monitoring of Metropolitan Planning Organizations (MPOs) are executed in accordance with the Burleson County Title VI/Nondiscrimination Plan. When minority and low-income populations are identified within a study area, CCT will place special emphasis on soliciting and incorporating public input from these populations into the transportation plan. Some considerations for internal review will include:

- Data on consultant contracts including award amounts and demographic data on consultant firm ownership;
- Number of public meetings and public hearings held during the planning phase and in what locations around the state;
- Demographic data and information regarding the distribution of state and federal funds under consideration in all aspects of the proposed transportation implementation plans;

- Strategies for engaging minority and LEP populations for reducing any barriers that may exist in the transportation planning process;
- Procedures followed to ensure Title VI issues are identified proactively, and where possible, addressed early during the planning process; and
- Information on various public involvement activities during the planning process to incorporate formal and informal public comments into CCT's transportation decision-making process.

Public Involvement

The County Treasurer's Office (CTO) develops training that educates Burleson County employees on effective strategies for engaging the public. CTO works with the Department Heads/Elected Officials' offices to provide assistance with advertisements, post meetings notices to the Burleson County website; and develop presentation aids for meetings with the public. Some considerations for internal review will include:

- Public Involvement strategies that are project based procedures for the development and implementation of plans to effectively engage the public;
- Data on public meetings and hearings held to include the number of people from the public in attendance and the demographic profile of the area affected by the project;
- Information on the process for recording and incorporating formal and informal comments received at a public meeting into the decision-making process; and
- Information regarding services requested and/or provided to LEP persons at a public meeting or event.

Contracting

The County Auditor's Office (CAO) is responsible for the creation and administration of negotiated contracts. CAO will monitor contracting procedures and activities for practices that adhere to the Title VI/Nondiscrimination Plan. CAO also ensures Federal-aid construction contracts include the required language, provisions, and attachments that are required for compliance with Title VI. Some considerations for internal review will include:

- Number and amount federally funded construction and professional service contracts awarded at Burleson County;
- Demographic information on business owners with professional service contracts; and
- Description of procedures to ensure federally required nondiscrimination language is in all federal-aid contracts.

Procurement

The County Auditor's Office (CAO) and County Commissioners' Court (CCT) are responsible for procuring a variety of professional services for transportation projects. They establish procedures regarding the bidding and award process to ensure it is being conducted in compliance with Title VI. PRO and PEPs also develop templates to ensure bid proposals and

consultant contracts include the required Title VI language. When a Request for Proposals (RFP) is created a historically underutilized business's (HUB) goal is established to encourage participation of minority owned businesses. Some considerations for internal review will include:

- Number and amount of professional service contracts awarded at Burleson County;
- Demographic information on business owners with professional service contracts; and
- Description of procedures to ensure federally required nondiscrimination language is in all federal-aid contracts.

Public Transportation

The Health Resource Center (HRC) has the primary responsibility to provide a safe and reliable network of transportation options for people who do not use driving as a primary means of transportation. HRC provides financial, technical and coordination assistance to rural and urban public transit providers around the state. HRC will ensure that all aspects of services provided are executed in accordance with the Burleson County Title VI/Nondiscrimination Plan. Where appropriate, HRC will partner with CTO to educate rural and public transit providers of the requirements under Title VI. Some considerations for internal review will include:

- Data and information regarding the distribution of state and federal funds to rural and urban public transit providers;
- Data on professional service contracts including award amounts and demographic data on consultant firm ownership;
- Demographic data and information regarding the distribution of services in minority communities in both rural and urban areas of the county;
- Information regarding services requested and/or provided to LEP persons utilizing public transportation; and
- Information on the public involvement process to advertise services available to minority populations living in rural and urban areas of the state.

Right of Way

The County Commissioners' Court (CCT) coordinates the acquisition of land to build, widen or enhance highways. ROW will monitor property acquisition for practices that adhere to the Title VI/Nondiscrimination Plan. CCT will ensure that policies and procedures for property acquisition are applied in a fair, equitable and nondiscriminatory manner in accordance with the Uniform Relocation Act of 1970. Some considerations for internal review will include:

- Demographics of relocatees and other beneficiaries of ROW compensation and/or relocation assistance program;
- Data regarding the appraisal process, including just compensation offers and supporting documentation;

- Information on accommodations provided to LEP persons and frequency of interpretation services provided; and
- Data on right of way acquisition and relocation contracts including award amounts and demographic data on consultant firm ownership.

Traffic Safety

Precinct Commissioners (PC) oversees the design and placement of signs, signals, pavement markings and intelligent systems. PC also develops traffic safety initiatives to reduce fatalities and serious injuries from motor vehicle crashes. PC will monitor projects and activities for practices that adhere to the Title VI/Nondiscrimination Plan. PC will ensure that policies and projects implemented to keep the public safe are done in a nondiscriminatory manner. Some considerations for internal review will include:

- Demographic profiles of project areas identified for the placement of traffic safety activities and internal procedures for maintaining Title VI compliance; and
- Demographic data regarding the distribution of services in minority and low-income population areas requiring signs, ADA accommodations, signals pavement markings and lighting improvements.

Subrecipient Review Procedures

In addition to the internal monitoring program, Burleson County is responsible for developing and implementing an effective external monitoring program. In accordance with 23 CFR, 200.9(b)(7), the County Treasurer conducts reviews of the county, planning agencies, and other recipients of federal-aid highway funds.

Subrecipient Compliance Assessment Tool

The subrecipient compliance assessment tool (SCAT) was developed as a resource to assist subrecipients in understanding and complying with the requirements of Title VI and related nondiscrimination laws and regulations. The SCAT identifies subrecipients in need of technical assistance and outlines the basic requirements of Title VI. Guidance on the SCAT process is available on Burleson County's Web site at: www.co.burleson.tx.us

The SCAT survey focuses on, but is not limited to, compliance with the following major Title VI components:

1. Title VI/Nondiscrimination Policy Statement
2. Title VI/Nondiscrimination Assurances
3. Title VI/Nondiscrimination Coordinator
4. Title VI/Nondiscrimination Plan
5. Procedures for processing external discrimination complaints
6. Title VI contract provisions
7. Accommodations for LEP persons
8. Inclusive public participation procedures
9. Collecting and analyzing demographic information
10. Advising the public of Title VI policies and procedures

Once the subrecipient has completed the SCAT survey, The County Treasurer evaluates and verifies submitted information to:

1. Ensure compliance with Title VI;
2. Identify subrecipients requiring immediate Title VI Program technical assistance; and
3. Monitor Title VI Program compliance which is evaluated every three years.

Notification

Subrecipients will receive email notification to complete SCAT survey. Notifications will also include a list of available Title VI trainings and a website with guidance and instructions for using the SCAT.

Completing the SCAT survey for Title VI Review Cycle

Subrecipients will receive email notification to complete SCAT survey. Notifications will also include a list of available Title VI trainings and a website with guidance and instructions for using the SCAT.

SCAT Review

CIV will review SCAT results and supporting documentation and assign one of three category codes to each subrecipient Title VI program:

- Red (unsatisfactory status) - Indicates that the SCAT is incomplete or one or more of the primary questions (#2 through #6) are answered negatively.
- Yellow (unsatisfactory status) – Indicates that while the primary questions have been appropriately answered with supporting documentation, other questions (#7 through #11) in the SCAT were answered negatively.
- Green (satisfactory status) - Indicates that all the SCAT questions have been completed and supporting documentation has been provided and verified. An agency demonstrating satisfactory status does not have to take the SCAT survey again for three years.

Technical Assistance

If a subrecipient receives an unsatisfactory status (Red or Yellow), a representative of the subrecipient must attend CIV Technical Assistance Training. CIV will provide a schedule of available training for subrecipients. As part of the training, CIV will provide assistance in the form of templates and guidance documentation. Additional one-on-one technical assistance will be provided at the request of the subrecipient.

Deficiencies

Unsatisfactory status will be documented and must be corrected by the subrecipient within 90 days. Subrecipients will be encouraged to retake the SCAT survey once the deficiencies are corrected. Once the SCAT questions are completed and verified, the subrecipient will be assigned satisfactory status.

Data Collection/Reporting/Analysis

Statistical data on race, color, national origin, sex, age, and disability of participants in and beneficiaries of Burlison County's programs will be gathered annually and analyzed to determine the investment benefits and burdens to the public, including minority and low-income populations. Beneficiaries include relocatees, impacted citizens, and affected communities. Collecting, analyzing, and maintaining statistical data are crucial elements of the Title VI Program because they constitute an effective mechanism by which to numerically verify the distribution and impact of program funding.

Each federal program area is responsible for collecting Title VI/Nondiscrimination-related data and analyzing the data annually to identify and address any trends or patterns of discrimination. Data collection is key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of "all persons" without discrimination (i.e., disproportionately benefiting or harming one group over another is a violation of Title VI.) Based on Title VI implementing regulations, each federal program area is required to:

1. Provide for the collection of data and information to demonstrate effective enforcement of Title VI;
2. Collect data about beneficiaries;
3. Analyze the data and information collected;
4. Identify potential discrimination and work with CIV to eliminate if found; and
5. Take affirmative measures to ensure nondiscrimination.

Data Collection

Federal program areas are responsible for collecting data on race, color, national origin, sex, age, and disability as it pertains to their potential interaction with the public. Additional data can include language spoken other than English and income status. CIV will work individually with each program area to develop a collected data set which will support the Title VI questionnaire for reporting to FHWA. Potential sources of data and analysis tools include:

- Census Data
- American Community Survey
- School Districts
- Forms or Surveys
- Management Systems (Pavement and Congestion)
- Land Use Plans
- Geographic Information Systems
- Transportation Growth Projection Models
- MPO Committees (e.g., Citizen Advisory Committees)

Reporting

Internal Title VI reviews are performed annually as a Title VI questionnaire. Burleson County's federal program Department Heads/Elected Official submit an annual Title VI questionnaire for review by CIV. Title VI liaisons and I-Team work directly with the Title VI Program Administrator to complete the questionnaire and provide any additional requested information. Burleson County's federal program area liaisons will be notified by the Title VI Program Administrator when the Title VI questionnaire is due to CIV. If necessary, notification can also occur through a memorandum sent from the CIV Director to the Department Head/Elected Official of that federal program area to submit the Title VI questionnaire. CIV will work with the federal program areas to identify which data needs to be analyzed from the questionnaire responses. Data analysis summary results will be included in the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report*.

Analysis

Once the Title VI data is collected, the data must be analyzed for identifying patterns of discrimination or the potential for discrimination. Each federal program area is responsible for analyzing the data collected and recommending corrective action, as appropriate to CIV. A pattern of discrimination may result from a specific process, or as the result of a process or procedure being implemented in a discriminatory manner.

When determining compliance with Title VI, each program area may consider the following:

- The way services are or will be provided and the related data necessary for determining whether any persons are, or will be denied such services on the basis of their protected class as defined by Title VI authorities;
- The population eligible to be served by race, color and national origin;
- The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has, or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination;
- The present or proposed membership by race, color and national origin, in any planning or advisory body which is an integral part of the program; and
- Where determination of location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color and national origin.

Types of analysis to address compliance with Title VI include:

- Percent of benefits allocated to persons below the poverty line versus persons above the poverty line;
- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);

- Impact of investments on income, race, color, national origin, sex, age and disability groups;
- Projected population increases versus planned facilities and type of facilities;
- Impacts of the location of existing or proposed facilities connected with a project;
- Alternatives to modes, locations, and types of facilities;
- Language assistance needs assessment;
- Transportation needs of all persons within boundaries of plans or projects;
- Persons included in the decision-making process;
- Strategies to address impacts and develop mitigation;
- Priorities for investments;
- Sources for financing investments, and
- Strategies to disseminate information.

Title VI Training

Burleson County's Title VI/Nondiscrimination Training Program consists of an internal and external component. A summary of training conducted will be reported in the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report*.

Internal

CIV provides training, presentations, and resources Department-wide that provide comprehensive information on the Title VI requirements, its application to specific program operations, identification of Title VI issues, and the resolution of potential or formal complaints.

Additionally, CIV and the Title VI liaisons meet quarterly throughout the year to discuss practical solutions to Title VI/Nondiscrimination requirements, create implementation plans, and monitor milestones met.

CIV developed training for all Burleson County employees to have a basic understanding of the requirements of Title VI and the Burleson County Title VI/Nondiscrimination Plan. CIV will continue to work with Texas Association of Counties to build a training module for internal use.

External

As part of the Burleson County Title VI SCAT program, the Title VI Program Administrator provides technical assistance to subrecipients to ensure they understand their roles and responsibilities in meeting the Title VI/Nondiscrimination requirements. CIV will assist with completing the *Title VI Subrecipient Compliance Assessment Tool Technical Assistance Guide* to assist subrecipients in understanding and implementing their Title VI requirements. The SCAT program addresses the following objectives:

- Provides an improved platform for Burleson County to reach more indirect recipients of federal financial assistance;
- Allow a better understanding of the Title VI/Nondiscrimination requirements; and
- Provide technical assistance necessary to build a Title VI/Nondiscrimination program.

This guide is available on Burleson County's Website to potentially expand the target subrecipient audience and make the information overall more accessible, CIV has Title VI Program templates that are available on www.co.burleson.tx.us website.

Complaint Procedures

The following procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color or national origin may file a written complaint individually or through a representative. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by Burleson County. Complaints related to Burleson County, may be filed with the Burleson County Treasurer's Office or the USDOJ. Burleson County will ensure that all complaints are sent to the appropriate authority for disposition.

Complaints alleging violations of Title VI by Burleson County may be filed in writing directly to the following:

Burleson County Treasurer's Office
Title VI Complaints
100 West Buck Street, Suite#404
Caldwell, Texas 77836

Office of Civil Rights
HCR-20, Room E81-320
1200 New Jersey Avenue, SE
Washington, DC 20590

Complaints alleging violations of Title VI filed against a subrecipient to Burleson County (e.g. city, school, college or university, contractor, consultant, etc.) may be filed in writing with Burleson County at:

Burleson County Civil Rights Division
Attn: Title VI Program Administrator
100 West Buck Street, Suite#404
Caldwell, Texas 77836

Additionally, complaints filed against subrecipients to Burleson County may be filed with U.S. Department of Justice at:

Federal Coordination and Compliance Section - NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

NOTE: Additional information regarding the Title VI complaint process can be found at: www.co.burleson.tx.us

Complaint and investigation files are confidential. The contents of such files will only be disclosed to appropriate Burleson County personnel and federal authorities in accordance with Federal and State laws. Burleson County will retain files in accordance with records retention schedules and all Federal guidelines.

Roles and Responsibilities

CIV is charged with the primary responsibility of processing Title VI external discrimination complaints received by Burleson County. All discrimination complaints received by Department Head/Elected Official must be referred to CIV for review and action. CIV will inform the County Judge, which will forward the complaint to the Commissioners' Court (CCT) for review and further investigation if accepted.

Processing Complaints

Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the alleged discrimination. If a person makes a verbal complaint to a Burleson County employee, that person shall be interviewed by CIV. If necessary, CIV will assist the person in documenting the complaint in writing and submitting the written version to the person for signature.

Within 10 days of receipt of the complaint, CIV will acknowledge receipt, inform the complainant of action proposed or taken, and forward the complaint to the appropriate regulatory agency. Complainants are provided Burleson County's Title VI flyer with current contact information. Complaints forwarded to the County Judge and CCT will include the following information, if available:

- Name, address, and phone number of the complainant;
- Name(s) and address(es) of alleged discriminating official(s);
- Basis of complaint (i.e., race, color, national origin, sex, age, disability);
- Date of alleged discriminatory act(s);
- Date of complaint received by Burleson County;
- A statement of the complaint;
- Other agencies (state, local or federal) where the complaint has been filed; and
- An explanation of the actions Burleson County has taken or proposed to resolve the issue raised in the complaint.

CCT has the authority for making all final decisions, including dismissing complaints and issuing letters of findings for complaints concerning Burleson County. The following are four potential outcomes once a complaint is submitted to CCT:

- **Accept:** if a complaint is filed timely, contains sufficient information to support a claim under Title VI, and concerns matters under Burleson County's jurisdiction, then the County Treasurer will send to the complainant, the respondent agency, and the CCT 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 CCT 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 filed timely, is not in writing and signed, or features other procedural/practical defects, then CCT will send the complainant, respondent, and Department Head/Elected Official a written notice that it is dismissing the complaint.
- **Referral\Dismissal:** if the complaint is procedurally sufficient but CCT (1) lacks jurisdiction over the subject matter, or (2) lacks jurisdiction over the respondent entity, then CCT will either dismiss the complaint or refer it to another agency that does have jurisdiction. If CCT dismisses the complaint, it will send the complainant, respondent, and County Treasurer a copy of the written dismissal notice. For referrals, CCT will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the Department of Justice, Civil Rights Department.

Investigative Process for Subrecipient Complaints

CCT may delegate a Title VI complaint filed on a subrecipient to Burleson County for investigation. Within 60 days of receipt of the complaint, CIV will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to CCT. CCT will issue final decisions in all cases, including those complaints investigated by CIV. The complaint will be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Developing an Investigative Plan

An Investigative Plan (IP) will be prepared to define the issues and lay out the blueprint to complete the investigation. The IP is used to keep the investigation on track and focused on the issues and sources of evidence or corroboration. The IP outline is as follows:

- Complainant name and contact information, and that of their attorney, if applicable;
- Respondent name and contact information, and that of their attorney, if applicable;
- Applicable laws and regulations;
- Basis of complaint (i.e., race, color, national origin, sex, age, disability);
- Allegation(s)/Issue(s);
- Theory(ies) of discrimination (for Title VI only);

- Background;
- Interviewee(s) name and contact information;
- Questions for the complainant, respondent, and interviewee(s);
- Evidence to be obtained;
- Estimated investigation time line;
- Remedy sought by the complainant(s).

Complaint Log

CIV 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.

Preparing the Report of Investigation

A Report of Investigation (ROI) will be prepared setting forth all the relevant facts obtained during the investigation. The ROI will include a finding for each issue and recommendations, where necessary. Documentation regarding any attempts and outcomes that were made to resolve the complaint prior to the initial receipt of the written complaint will be summarized in the ROI. The ROI and recommended decision will be forwarded to the CCT for a final decision.

Dissemination of Title VI Information

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

Notification to Beneficiaries

Burleson County's website was 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 Burleson County's Web site includes:

- Burleson County's Title VI/Nondiscrimination Plan
- Title VI Nondiscrimination Agreement
- Title VI and Related Statutes Nondiscrimination Statement (English and Spanish)
- Title VI Nondiscrimination Assurances
- Burleson County's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report
- Burleson County's External Discrimination Complaint Form (English and Spanish)
- Title VI Poster
- Title VI Training
- Title VI Requirements for Subrecipients
- Burleson County's Title VI/Nondiscrimination Technical Assistance Guide for Subrecipients
- Burleson County's Language Assistance Plan

The above information is located on Burleson County's Web site at <http://www.co.burleson.tx.us>. Department offices have Title VI Posters on display and Title VI information available upon request.

Burleson County Offices and Countywide Planning Meetings

Working through Title VI liaisons, CIV instructs Department offices to display Title VI Posters in areas of high visibility or places where Burleson County has the most interaction with the public. In most circumstances, it is the main lobby of the Department, Department Offices, Common areas or Maintenance Offices.

Public Involvement

The County Treasurer's Office regularly updates guidance to reflect evolving best management practices and incorporate strategies found to be effective in encouraging broad participation reflective of the needs of the county's population.

Additionally, Burleson County provides opportunities for public review and comment at key decision points during Commissioners' Court meetings held every second and fourth Monday of every month.

Interested Parties, Public Involvement, and Consultation

Burleson County informs all taxpayers about proposed plans and projects during the county budget process and regular CCT meetings. During this process, Burleson County also seeks input from taxpayers on specific projects and issues. Notification of any actions taken on the long-range countywide project plan, including how and where to obtain a copy of the subject document, the time and date of the public hearing, instructions to those interested in providing comments, and a copy of the applicable Texas Register public notice, is sent to the following:

- Burleson County Website www.co.burleson.tx.us
- Posted at all County Offices
-

All other interested parties are provided notice of the comment period and public hearings via the Texas Register public notice and on Burleson County's Web site. Interested parties are able to access planning documents at the County Judge's Office and on Burleson County's Web site. Written comments can be provided to the County Judge's office or can be mailed directly to Burleson County Judge, 100 West Buck Street, Suite #306, Caldwell, Texas 77836. Copies of all documents are available for review at the location of the public hearing.

Copies of CCT minutes and documentation may contact the Burleson County Clerk at
100 West Buck, Suite 203
Caldwell, Texas 77836
Phone: 979-567-2329
Fax: 979-567-2376
email: coclerk@burlesoncounty.org

Public Involvement and Consultative Tools

Burleson County utilizes the following methods to communicate information regarding department activities and opportunities for public and public participation in the countywide planning process:

- Newsletter/Mailings
- Media Releases
- Visualization Presentations/Techniques
- Local Community Public Meetings
- Countywide Public Hearings
- Burleson County's Web site
- Facebook

Public Outreach and Visualization Tools

To ensure that the general public is included in the long-range planning process and during the development of the PIP and other plans and programs referenced in it, Burleson County provides opportunities for the public to participate during regular CCT public meetings and special CCT meeting and working sessions:

Available Geographic Information System (GIS) Data

Burleson County makes available to the public several sources of Geographic Information (GIS) data used in the planning process. Burleson County also incorporates GIS technology to provide the following maps and data on Burleson County's Web site:

- Load Restricted Bridges Map application
- Roadway Recycled Materials Summaries
- Right of Way Maps application

Public Participation Plan

- Establish early and continuous public participation opportunities that provide timely information about transportation issues and decision-making processes to all interested parties;
- Provide reasonable public access to educational, technical, and policy information to enhance the public's knowledge and ability to participate in the development of the projects;
- Provide adequate public notice of participation opportunities during the development of projects and time for public review and comment at key decision points in the planning process;
- Ensure that public participation opportunities are held at convenient and accessible locations and times (in compliance with the ADA);
- Make information easy to understand using visualization techniques and provide the information in appropriate electronically-accessible formats and means (i.e., PDF and PowerPoint) via Burleson County's Web site, technology-enabled media (i.e., Facebook);
- Include measures for seeking input from and considering the needs of those traditionally underserved by existing transportation, such as low-income, minority, and non-English speaking households who may face challenges accessing employment and other services; and

- Provide for the periodic review of the public participation process to ensure the effectiveness of Burleson County’s public involvement efforts and revise the process as appropriate.

The public participation activities are intended to solicit meaningful input from:

- Users of the transportation system (all modes), including disabled, low-income, minority, and non-English speaking populations;
- Metropolitan and Rural Planning Organizations (MPOs and RPOs);
- Public transportation agencies (metropolitan and rural);
- Freight shippers and providers of freight services (in coordination with the Texas Freight Mobility Plan stakeholder engagement efforts);
- Private providers of transportation;
- Affected state and federal resource agencies;
- Affected Tribal Governments;
- State and local elected officials (metropolitan and non-metropolitan areas); and
- All other interested parties.

Limited English Proficiency (LEP)

Executive Order 13166, guidance entitled “Improving Access to Services by Persons with Limited English Proficiency” requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP, cannot fully and equally participate in or benefit from those programs and activities. LEP individuals are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The U.S. DOJ’s LEP Guidance advises each federal department or agency to “take reasonable steps to ensure ‘meaningful’ access to LEP individuals to the information and services they provide.” It further explains that the identification of “reasonable steps” to ensure meaningful access will be contingent on a number of factors. Among the four factors to be considered are:

- The number or proportion of LEP persons in the eligible service population;
- The frequency with which LEP individuals come in contact with the program;
- The importance of the service provided by the program;
- The resources available to the agency.

Burleson County’s Language Assistance Plan (LAP) has been developed to assist DH in their efforts to ensure information and services are accessible to LEP individuals by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to Burleson County programs. CIV will annually monitor the LAP to evaluate its effectiveness in serving LEP individuals and modify it accordingly. To further implement the

LAP, each DD must conduct a four-factor analysis and develop its own LEP Implementation Plan to improve access for LEP individuals in the area it serves. Additionally, each DD will annually re-evaluate the changes in demographics, services and programs, and other factors that should be considered when determining LEP needs. This annual assessment will help guide DDs in determining what changes, if any, are needed to update its LEP plan.

Burleson County's LAP is available on Burleson County's Web site at www.co.burleson.tx.us

Public Involvement during the Environmental Process

Public involvement occurs as a part of the social and economic impact analysis. Public involvement efforts must also reflect an understanding of language trends in the project area and accommodate any LEP populations. The public assists Burleson County in providing important information for socio-economic analysis by:

- Helping to develop a project's purpose and need;
- Profiling the community's demographics;
- Identifying alternatives and impacts;
- Identifying community values and community landmarks; and
- Developing strategies and solutions for avoiding, mitigating, minimizing, or enhancing impacted resources.

Public involvement is an ongoing aspect of the project planning process that encourages and solicits public input and provides the opportunity for the public to become fully informed about project development. Public involvement considerations include: Types of Public Involvement Procedures, Specialized Public Involvement – Cultural Resources, Public Involvement Following Project Approvals, and Notices and Media Releases for continued engagement.

Types of Public Involvement Procedures

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

- Meetings with affected property owners (MAPO) – MAPOs are held with property owners affected by minor or temporary projects and may occur at any stage of the project development process. Due to the informal nature of MAPOs, the format and conduct will be tailored to the individual project, allowing for ample time for public questions and comment.
- Public Meetings – Public meetings are held to inform the public and provide a forum for

a free exchange of project views and concerns. Public meetings occur as early as Burleson County determines is feasible to assure public input in project planning, location, and design alternatives. Public meetings include meetings with interested citizens, the general public, or local, neighborhood, or special interest groups. A public meeting will be held during the drafting of a DEIS to present the draft coordination plan.

- Opportunities for Public Hearing – An opportunity for public hearing is advertised to determine if any interested citizens desire Burleson County to hold a public hearing for a proposed project. This is a minimum requirement for projects requiring acquisition of significant amounts of new right of way, those requiring a substantial change in layout or function of the roadway or connecting roadways, or requiring measurable adverse impact on abutting real property. The decision to afford an opportunity for a public hearing is generally decided upon by a district in consultation with ENV and FHWA (for federally funded projects). If no requests for public hearing are received by the deadline, the district will submit a certification to that effect signed by the district engineer or his/her designee.
- Public Hearings – Public hearings are held to present project alternatives. They also serve to encourage and solicit public comment on the location, design, and environmental analyses of a project. The Public Participation handbook includes sections that describe various aspects of public hearings, including the format and procedures for conducting a public hearing.
- General Public Meetings or Advisory Groups – Specialized public involvement must be considered when EJ populations have the potential to be adversely impacted. It is the role of project development specialist to undertake proactive efforts to engage the community in meaningful opportunities for public participation. These efforts must reflect the socioeconomic constraints of the targeted population one is trying to elicit input from, as well as the accommodations made for LEP persons.

Specialized Public Involvement–Cultural Resources

Section 106 of the National Historic Preservation Act requires that special care be taken when potential historic and/or archaeological resources are involved in a transportation project. For projects involving historical resources and archaeological sites, districts will identify and coordinate with interested parties early in the project planning process. The *Environmental Handbook for Historic Properties* includes procedures related to Letter Content, Certified Letter Transmittal, Responding to Interested Parties, and Informing the Public.

Public Involvement Following Project Approvals

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

- Substantial change occurs in the project (major design changes, changes in right of way requirements, etc.);
- Substantial unanticipated development occurs in the project area;

- New significant social, economic, and environmental effects are identified as project related; and
- An unusually long time passes before major steps are taken to advance the project. Major steps include authority to acquire right of way and issuance of construction letter of authority.

Notices and Media Releases

The *Environmental Handbook on Public Involvement* describes the requirements and formats for publishing the following notices and media releases, which also includes publishing notifications in English and any other prominent language identified and spoken in the project area:

- Publishing notices – Official notices are published in local general circulation newspapers, regional newspapers (if there is no local newspaper), and special interest newspapers, such as neighborhood, ethnic, or foreign language.
- Publication requirements – The opportunities for public hearing notice is published approximately 30 days prior to the deadline for submission of written requests for holding a public hearing and at a minimum, will be published at least 30 days before the day of a public hearing. Additionally, public hearing notices must include a statement that the hearing will be conducted in English and that any requests for language interpreters or other special communication needs should be made in advance and Burleson County will make every reasonable effort to accommodate these needs.
- Other forms of publicity – Other forms of publicity include temporary signs, leaflets posted in public locations, media releases, notices mailed to residents, etc.
- Notices of availability - Environmental Assessment (EA) and Final Environmental Impact Statement (FEIS) – Informs the public of the approval of an EA and required following approval of a FEIS; notice of availability is published in local newspapers.
- Media releases – Can be used any time to publicize meetings or other information about projects. Once the public involvement process is complete, project planning and development decisions are to be publicized through press releases to inform the public about the project. Any changes to a transportation project may require additional public involvement.
- Notice of construction – The CCT will send a notice of impending project construction to landowners abutting the roadway within the project limits, local governments, and public officials. Projects that involve the addition of at least one-travel lane or construction on a new location require notices of construction. The notice is sent at least 90 days prior to the proposed letting date.

Review of STA Directives

Development and issuance of Title VI policy, procedures, directives, and policy interpretations are major functions of CIV. Burleson County incorporates Title VI policy into its procedures and manuals. Additionally, by conducting program process reviews, CIV ensures that Title VI requirements are included in program area directives and that procedures used have built-in safeguards to prevent discrimination.

Currently, the Title VI Program Administrator reviews program documents as they are submitted to the County Treasurer for review. CIV has been in communication with the CCT regarding representation on the I-Team to ensure the County directives are compliant with Title VI requirements. The I-Team and CIV developed a process to expand the Title VI program process reviews and ensure that Title VI requirements are included in program area directives.

Title VI Special Provision

Special Provision 000—002, Nondiscrimination, provides for the inclusion of Appendix A and Appendix E from the U.S. DOT Standard Title VI Assurances into every contract as mandated by Title VI of the Civil Rights Act of 1964. CIV monitors the monthly State Let Construction Federal-aid Contracts to ensure its inclusion. A copy of the Special Provision is included as [Attachment 5](#).

Compliance and Enforcement Procedures

Identifying and Eliminating Discrimination

Burleson County will actively pursue the prevention of Title VI deficiencies and will take the necessary steps to ensure compliance with all administrative program requirements. To further enhance the ability to identify and eliminate patterns of discrimination, CIV will ensure that staff, subrecipients, and beneficiaries are educated and informed regarding their Title VI roles and responsibilities.

CIV conducts compliance reviews to: 1) ensure compliance with Title VI; 2) provide technical assistance in the implementation of Burleson County's Title VI/Nondiscrimination Program; and 3) correct deficiencies, when found to exist. When conducting Title VI compliance reviews, any deficiencies will be communicated in writing with the remedial action agreed upon by CIV within a period not to exceed 90 days. Efforts to secure voluntary compliance will be undertaken at the outset in every noncompliance situation and will be pursued through each enforcement action. CIV will seek the cooperation of its program areas and subrecipients in correcting deficiencies found during the review. CIV will also provide technical assistance, guidance, and assistance in finding methods, strategies, and processes to ensure effective Title VI implementation and enforcement. When a subrecipient fails or refuses to comply with the requirements within the time frame allotted, CIV will initiate administrative remedies.

Process to Resolve Deficiencies Identified By FHWA

Effective Title VI compliance requires Burleson County to take prompt action to achieve voluntary compliance in all instances in which deficiencies are found by FHWA. Burleson County will correct any deficiencies found within a reasonable time period, not to exceed 90 days in order to implement Title VI compliance in accordance with required guidelines.

Within 30 days from the receipt of a deficiency, CIV will develop a corrective action plan (CAP) to include:

- Deficiency;
- Applicable laws, rules, regulations;
- Actions to be taken by CIV to correct the deficiency;
- Timeframe to correct the deficiency;
- Plan for monitoring the progress of the CAP; and
- Timeframe for providing updates to the CCT.

The CAP will be submitted to CCT for approval. Upon approval, CIV will implement the CAP and provide periodic updates to CCT. If necessary, CIV will update its procedures or work with the affected program area to update its procedures to reflect the outcome of the CAP. The CAP, and its results, will be included in the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report*.

Reporting to FHWA

Burleson County will submit the *Title VI/Nondiscrimination Plan* and the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report* to CCT annually by October 1. This report updates CCT on how Burleson County is monitoring the implementation of Burleson County's Title VI/Nondiscrimination Program. This report will include:

Accomplishments

1. Internal Reviews: A summary of internal reviews conducted, the results, and any actions taken as a result;
2. A list of all Title VI training given by Burleson County, including the topics covered, and the number of attendees;
3. A summary of all Title VI complaints received and the outcomes for those complaints; and
4. A summary of all liaison/I-Team meetings with CIV topics and any issues raised by the Title VI team.

Goals

1. A description of the reviews planned for the next year (both internal and external);
2. Develop Title VI program metrics to be presented in an Accomplishment Report to FHWA;
3. A summary of the external (subrecipient) participation in the compliance assessment tool and onsite technical assistance reviews conducted by Burleson County;
4. A description of any training sessions planned (both internal and external); and
5. Any other Title VI related activities Burleson County intends to participate in for the fiscal year.



FY 2024

Title VI/Nondiscrimination Plan

Attachments- to come