



Texas Department  
*of* Motor Vehicles

# Title VI/Nondiscrimination Technical Assistance Guide for Subrecipients

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Office of Civil Rights

August 30, 2016

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## Introduction

*“The Texas Department of Motor Vehicles (TxDMV), as a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities, 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, disability, income status or LEP, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any Department programs or activities.”*

Recipients of federal financial assistance are required to comply with various nondiscrimination laws and regulations. Federal agencies define “*recipient*” as any entity or individual to whom federal assistance is extended, either directly or indirectly through another recipient, for any program. The term “*subrecipient*” in this document is used to identify a recipient that indirectly receives federal assistance from TxDMV, a direct recipient. Subrecipients include, but are not limited to, cities, counties, consultants, contractors, suppliers, universities, colleges, local and state agencies, and other recipients of federal funds.

The TxDMV is required to conduct Title VI Program reviews of its subrecipients to effectively monitor compliance with Title VI/Nondiscrimination requirements. TxDMV’s Office of Civil Rights (OCR) has developed this guide as a resource to assist subrecipients understand and comply with the requirements of Title VI and related nondiscrimination authorities and to help prepare for a Title VI Program review. This guide is a framework upon which subrecipients may build its Title VI program. This guide does not establish any new legal requirements, nor is it a comprehensive listing of all aspects of the Title VI Program requirements and the OCR’s compliance review process. Rather, the purpose of this guide is to familiarize subrecipients with the Title VI Program review process and to highlight some recommendations that OCR strongly encourages subrecipients incorporate into their Title VI program. Following the recommendations in this guide will not ensure compliance with all aspects of Title VI, but should both improve a subrecipient’s ability to comply with certain aspects of the Title VI/Nondiscrimination requirements and facilitate the OCR’s Title VI Program review. Note also that this guide does not cover every situation and compliance determinations are made on a case-by-case basis. For additional information or assistance, contact the OCR at (512) 465-5665.

## Nondiscrimination Laws and Executive Orders

TxDMV's Title VI practices and reviews are governed by a wide range of requirements, including federal laws, regulations, and executive orders. Title VI requirements include, but are not limited to:

- **Title VI of the Civil Rights Act of 1964** is a federal law that protects individuals, groups and organizations from discrimination on the basis of race, color or national origin in federally assisted programs and activities. Since other nondiscrimination authorities have expanded the scope and range of Title VI application and reach, reference to Title VI includes other provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.
- **Section 162(a) of the Federal-Aid Highway Act of 1973** (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).
- **Section 504 of the Rehabilitation Act of 1973** prohibits discrimination based on a handicap/disability.
- **The Age Discrimination Act of 1975** (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination based on age.
- **The Civil Rights Restoration Act of 1987**, P.L. 100-209 further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.
- **49 CFR Part 303**, the Federal Highway Administration's Title VI Program Implementation and Review Procedures.
- **49 CFR Part 21**, the U.S. Department of Transportation's Implementing Regulations of Title VI of the Civil Rights Act of 1964.
- **Executive Order 12898**, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.
- **Executive Order 13166**, *Improving Access to Services for Persons with Limited English Proficiency*, addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

## **TxDMV's Title VI Program**

TxDMV's Title VI program has been established in accordance with federal rules under 49 CFR Part 21 and 49 CFR Part 303, and falls within the scope of responsibilities of the Office of Civil Rights (OCR). The OCR is able to conduct its business effectively through the collaborative efforts of the Title VI Coordinator, Title VI Specialists, and program emphasis area personnel in TxDMV's Regional Service Centers (RDO's), Divisions, and Offices.

The OCR Director serves as TxDMV's Title VI/Nondiscrimination Coordinator and is responsible for the overall implementation of the Title VI program. The OCR is responsible for administering the Title VI program and is staffed with a Title VI Specialist that is knowledgeable on the Title VI Program, applicable regulations, and assists and supports TxDMV's Title VI Program by:

- Providing technical assistance to program personnel and subrecipients;
- Assisting program personnel and subrecipients to correct discriminatory practices or policies and advise the Title VI/Nondiscrimination Coordinator of Title VI issues;
- Reviewing documents as needed for compliance with Title VI to ensure that procedures used have safeguards to prevent discrimination;
- Conducting Title VI Program compliance reviews of program emphasis areas and subrecipients;
- Developing Title VI Program training material and conducting training sessions and workshops;
- Developing Title VI Program information for dissemination to the public and, where appropriate, in languages other than English; and
- Processing Title VI Program external complaints of discrimination in accordance with the Federal Highway Administration's (FHWA) procedures for processing external complaints of discrimination.

## **Title VI Program Compliance Review Process**

TxDMV's OCR conducts compliance reviews of subrecipients to:

1. Ensure compliance with Title VI
2. Provide technical assistance in the implementation of the Title VI program
3. Correct deficiencies, when found to exist

### *Notification*

The OCR will notify subrecipients of upcoming Title VI reviews by correspondence. An itemized listing will accompany the notification letter and will inform the subrecipient of the information and documents needed by the OCR.

### *Itemized Listing and Response to the Office of Civil Rights*

Subrecipients have 30 days from receipt of the initial notification to return documents and information to OCR in response to the itemized listing.

### *Desk Audit*

The OCR Title VI Specialist will review the documents and information submitted by the subrecipient during a desk audit. The OCR Title VI Coordinator will prepare a report of findings, which may include recommendations to strengthen the subrecipient's Title VI program.

### *On-site Review*

The findings made during the desk audit generally determine whether an on-site review will be necessary. If an on-site review is necessary, the subrecipient will be notified.

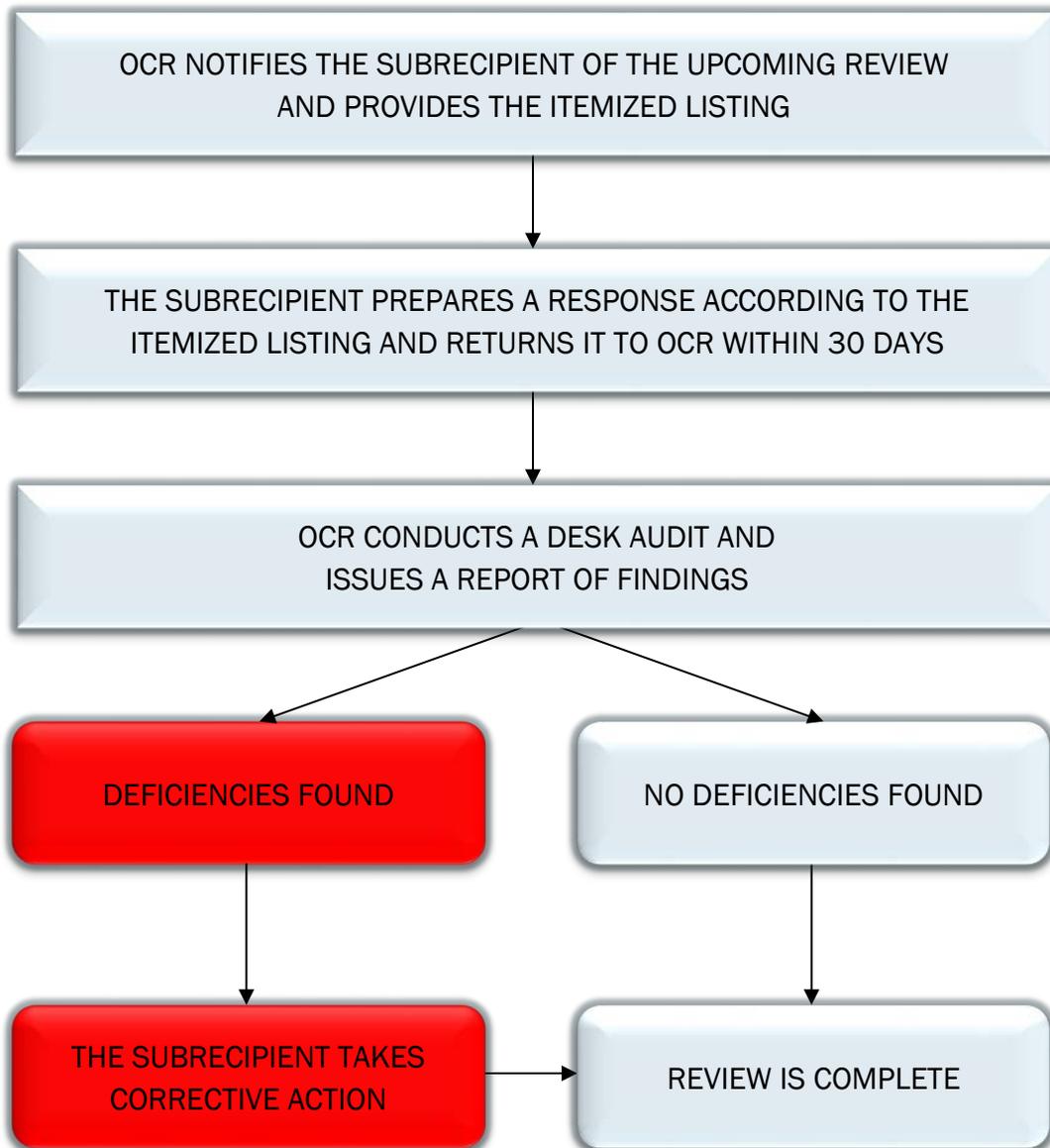
### *Deficiencies*

Deficiencies will be documented in the report and must be corrected by the subrecipient. If there are no deficiencies, the report may still provide recommendations for strengthening the subrecipient's Title VI Program.

### *Follow-up Monitoring*

OCR will determine if additional monitoring is needed to obtain a compliant status and ensure ongoing compliance with Title VI/Nondiscrimination requirements.

## Title VI Compliance Review Process Flow Chart



## **Title VI Program Requirements**

As recipients of federal financial assistance, subrecipients are required to ensure their programs, policies, and activities comply with Title VI/Nondiscrimination requirements. Documentation is a critical element of the compliance monitoring process. It is relied upon to provide evidence, proof, and support of historical facts during monitoring and compliance review activities. It is recommended that policy decisions, procedures, analysis, actions, and outcomes be routinely documented.

To ensure compliance with Title VI, subrecipients must implement a system of procedures and actions prohibiting discrimination, including:

1. Developing a Title VI/Nondiscrimination Policy Statement
2. Developing Title VI/Nondiscrimination Assurances
3. Appointing a Title VI/Nondiscrimination Coordinator
4. Developing a Title VI/Nondiscrimination Plan
5. Developing procedures for processing external discrimination complaints
6. Maintaining a list of external discrimination complaints and lawsuits
7. Providing accommodations for Limited English Proficient Persons
8. Addressing Environmental Justice in minority populations and low-income populations
9. Ensuring nondiscrimination in the public participation process
10. Collecting and analyzing data to ensure nondiscrimination in programs and activities
11. Ensuring that solicitations for bid/requests for proposals contain the Title VI/Nondiscrimination Assurance paragraph
12. Ensuring subcontracts contain the appropriate contract provisions and language from the Title VI Assurances
13. Ensuring nondiscrimination in the award of contracts
14. Developing a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report

The TxDMV seeks to identify potential sub-recipients through public announcements; solicitation of bid proposals; and/or Internet postings as well as by reaching out to the agency's historical partners who are engaged in similar programs and who have a common legislative mandate.

The TxDMV ensures that all sub-recipients understand the Title VI Program responsibilities by requiring initial Title VI Program training, and if a sub-recipient is selected by requiring the sub-recipient staff to take the training annually thereafter.

The TxDMV OCR will conduct quarterly reviews of all sub-recipients to determine compliance with Title VI Program responsibilities. All quarterly reviews shall consist of onsite visits where interviews of Title VI Program staff and review of Title VI Program documentation shall be conducted. A compliance determination shall be made through the Title VI Program compliance review process.

If TxDMV OCR determines that discrimination is present, onsite visits will occur in which the sub-recipient will be informed of discrimination issues present and instructed to correct said deficiencies. The TxDMV OCR will conduct follow-up monitoring to ensure that the sub-recipient has achieved a compliant status.

The TxDMV OCR will require of all sub-recipients the submission of the following: quarterly reporting; Title VI Program Plans; Title VI Program Assurances; and the identification of a Title VI Program Coordinator.

## **Title VI Requirement #1**

### *Title VI/Nondiscrimination Policy Statement*

Develop a Title VI Nondiscrimination Policy Statement assuring nondiscrimination in the agency's programs and activities.

#### *Recommendations:*

- Issue a policy statement, signed by the head of the agency, which expresses the agency's commitment to the nondiscrimination provisions of Title VI:  
*That no person shall on the grounds of race, color, national origin, sex, age, and handicap/disability, income status, or LEP, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally-funded or not*
- Circulate the policy statement internally and to the general public
- Where appropriate, publish in languages other than English

**Note:** TxDMV's Nondiscrimination Statement is located at Attachment A.

## **Title VI Requirement #2**

### *Title VI/Nondiscrimination Assurances*

Have a signed assurance to establish full and affirmative compliance with Title VI of the Civil Rights Act of 1964 and other related nondiscrimination authorities.

#### *Recommendations:*

- Ensure the U.S. DOT Standard Title VI Assurances is signed by the head of the agency
- The head of the agency should re-sign the U.S. DOT Standard Title VI Assurances every three years or within 30 days of the accession of a new
- Contractors, consultants, and suppliers are not required to sign the U.S. DOT Standard Title VI Assurances

**Note:** The U.S. DOT Standard Title VI Assurances template is located at Attachment B.

### **Title VI Requirement #3**

#### *Title VI/Nondiscrimination Coordinator*

Designate a Title VI Coordinator who has a responsible position in the organization and has easy access to the head of the agency. The Title VI Coordinator should be responsible for monitoring Title VI activities.

#### *Recommendations:*

- Organizational chart or other literature should identify the Title VI Coordinator
- The Title VI Coordinator's responsibilities should include:
  1. Assisting program personnel to correct Title VI problems or discriminatory practices or policies found through self-monitoring and review activities
  2. Being the focal point for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance
  3. Ensuring that Title VI requirements are included in policy directives and that the procedures used have built in safeguards to prevent discrimination
  4. Implementation of procedures for the prompt processing of Title VI external discrimination complaints
  5. Attendance at training on Title VI and other nondiscrimination authorities
  6. Efforts to coordinate the development and implementation of a Title VI and related statutes training program
  7. Developing Title VI information for public dissemination, and where appropriate, in languages other than English
- Maintain meeting agendas/minutes demonstrating that civil rights requirements are being addressed by the Title VI Coordinator
- Contractors, consultants, and suppliers are not required to identify a Title VI Program Coordinator

## **Title VI Requirement #4**

### *Title VI/Nondiscrimination Plan*

Develop a Title VI/Nondiscrimination Plan that communicates how the agency implements the Title VI/Nondiscrimination requirements (including Environmental Justice and Limited English Proficiency).

#### *Recommendations:*

- Adopt TxDMV's Title VI/Nondiscrimination Plan to use as a template
- The Title VI/Nondiscrimination Plan should contain procedures, strategies, and activities to facilitate and assure nondiscrimination in federally assisted programs and activities of the agency
- Include mechanisms to guarantee effective and efficient implementation, compliance, and enforcement of Title VI
- Include maps of Environmental Justice (EJ) and Limited English Proficient (LEP) populations (based upon the most recent Census data)
- Contractors, consultants, and suppliers are not required to submit a Title VI Program Plan

## **Title VI Requirement #5**

### *Processing External Discrimination Complaints*

Develop procedures for prompt processing and disposition of external discrimination complaints.

#### *Recommendations:*

- Ensure complaints are investigated by personnel trained in compliance investigations
- External discrimination complaints filed under Title VI with the subrecipient in which the subrecipient or its lower tier subrecipient is named as the respondent must be forwarded to TxDMV for investigation within 10 calendar days
- Develop an external discrimination complaint form
- Distribute written discrimination complaint handling procedures to agency personnel
- Make the public aware of the procedures for filing a discrimination complaint, such as making the information available on the agency's Web site or in a brochure

**Note:** TxDMV's Title VI/Nondiscrimination Plan Complaint Log is located at Attachment E.

## **Title VI Requirement #6**

### *List of External Discrimination Complaints and Lawsuits*

Maintain a log of any external discrimination complaints or lawsuits filed.

#### *Recommendations:*

- Maintain a complaint log, to include any complaints or lawsuits filed against the agency, that identifies:
  1. Each complainant by race, color, sex, or national origin
  2. The recipient
  3. The nature of the complaint
  4. The dates the complaint was filed and the investigation completed
  5. The disposition
  6. The date of the disposition
  7. Other pertinent information
  8. The status of the complaint investigation or lawsuit
  9. Corrective actions taken, if any
- Maintain all correspondence related to the complaint

Note: TxDMV's Title VI/Nondiscrimination Plan Complaint Log is located at Attachment E.

## **Title VI Requirement #7**

### *Solicitation for Bid/Request for Proposal*

Include the Title VI/Nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances in all solicitations for bid or Requests for Proposals.

#### *Recommendations:*

- Solicitations for bid/Requests For Proposals must include the following nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances:  
*“The (Title of 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 other related nondiscrimination authorities, 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.”*
- Develop procedures to ensure and monitor that solicitations for bid/Requests for Proposals include the nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances

## **Title VI Requirement #8**

### *Title VI Contract Provisions*

Include the appropriate special provision and Title VI language in all contracts.

#### *Recommendations:*

- Develop procedures to ensure and monitor:
  1. The clauses of Appendix A through Appendix E from the U.S. DOT Standard Title VI Assurances are inserted in every contract or agreement subject to the Act and the Regulations
- The sub-recipient is responsible for ensuring its sub-recipients insert this information in all its subcontracts:
  1. Develop procedures to ensure and monitor this is being done

## **Title VI Requirement #9**

### *Annual Reporting*

Develop a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report that documents how the agency is effectively implementing its Title VI/Nondiscrimination Program.

#### *Recommendations*

- Adopt TxDMV's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report to use as a template
- The Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report should provide an overview of an agency's current policies, procedures, and practices to ensure nondiscrimination
- Self-monitor programs to track, regulate, and observe their processes to ensure compliance with Title VI and maintain a record of how compliance with Title VI/Nondiscrimination requirements is maintained
- Contractors, consultants, and suppliers are not required to submit an annual Title VI/Nondiscrimination Accomplishment Report

**Note:** TxDMV's Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report development guide is located at Attachment D.



Texas Department  
*of Motor Vehicles*

# Title VI/Nondiscrimination Technical Assistance Guide for Subrecipients

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Attachments and Appendices

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***Attachment A***  
***TxDMV's Title VI Program Policy Statement***

Title VI and Related Statutes Nondiscrimination Statement

The Texas Department of Motor Vehicles, [the "TxDMV"], as a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, ensures that no person shall on the grounds of race, color, national origin, sex, age, disability, low income, and limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any TxDMV programs or activities.

The TxDMV is committed to comply with 49 CFR Part 21 and 49 CFR Part 303. The TxDMV's Title VI Program Assurances signed by its Executive Director is located in Attachment 2.

In accordance with 23 CFR 200.9(b)(1), the Civil Rights Officer serves as the TxDMV's Title VI/Nondiscrimination Coordinator. C. David Richards is Interim Civil Rights Officer for the TxDMV. The CRO is responsible for the implementation of the TxDMV's sexual harassment and discrimination policy which involves the education, prevention and investigation of claims of discrimination and/or sexual harassment and unprofessional conduct. The TxDMV's Title VI/Nondiscrimination Coordinator is to be assisted in the effective implementation of the Title VI Program by all Regional Service Center, Division, and Office directors and affected personnel.

  
Whitney Brewster, Executive Director Texas Department of Motor Vehicles

Dated: September 22, 2016

*PLACEHOLDER – SPANISH VERSION*

***Attachment B***  
***U.S. DOT Standard Title VI Assurances***

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

The **Texas Department of Motor Vehicles** (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. §1681 et seq.), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 et seq.), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. §12101 et seq.), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- 49 C.F.R. Part 27 (entitled Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance);
- 49 C.F.R. Part 28 (entitled Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation);
- 49 C.F.R. Part 37 (entitled Transportation Services for Individuals with Disabilities (ADA));
- 49 C.F.R. Part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled Discrimination on the Basis of Disability in State and Local Government Services);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Executive Order 12898, 3 C.F.R. 859 (1995) (entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations);
- Executive Order 13166, 3 C.F.R. 289 (2001) (on Limited English Proficiency (LEP)).

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental

Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed.Reg. at 50123), clarifies the responsibilities associated with the “application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.” When receiving federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on national origin. (See also U.S. DOT’s “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

### 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, national origin, sex, age, disability, low-income, or LEP 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 DOT, including the FMCSA."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these 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 Assurances, the Recipient agrees with and gives the following Assurances with respect to its federally assisted **FMCSA Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§21.23(b) and 21.23(e) of 49 C.F.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, Request for Proposals for work, or material subject to the Acts and Regulations made in connection with all Federal Motor Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Texas Department of Motor Vehicles, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (8 State. 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, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award";

3. The Recipient will insert the clauses of Appendix A and 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 of the property.
9. The Recipient will provide for such methods of administration for the program 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, **Texas Department of Motor Vehicles**, 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 **FMCSA** 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 **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, 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.

**Texas Department of Motor Vehicles** gives this ASSURANCE in consideration of and for obtaining any Federal financial assistance extended after the date hereof to the recipient by the Department of Transportation under the **FMCSA Program**. This ASSURANCE is binding on the State of Texas, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **FMCSA Program**. The person(s) signed below is authorized to sign this ASSURANCE on behalf of the Recipient.

  
Whitney Brewster, Executive Director Texas Department of Motor Vehicles

Dated September 22, 2016

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, 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 the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, 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 the Federal Highway Administration 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 the Federal Highway Administration 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.

## APPENDIX B

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

#### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto (*Title of Recipient*) and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the (*Title of Recipient*), its successors and assigns.

The (*Title of Recipient*), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the (*Title of Recipient*) 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 nondiscrimination 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 in order to make clear the purpose of Title VI.)

## APPENDIX C

### CLAUSES FOR TRANSFER OF 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 (*Title of 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 Nondiscrimination covenants, (*Title of Recipient*) 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 Nondiscrimination covenants, the (*Title of Recipient*) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (*Title of Recipient*) and its assigns.\*

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

## APENDIX D

### 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 (*Title of 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, (*Title of Recipient*) 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 Nondiscrimination covenants, (*Title of Recipient*) will there upon revert to and vest in and become the absolute property of (*Title of Recipient*) and its assigns.\*

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

## APPENDIX E

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 nondiscrimination statutes and authorities; including but not limited to:

### **Pertinent Nondiscrimination 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
- 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 U.S.C. § 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, subrecipients 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 Nondiscrimination 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)

***Attachment C***  
***TxDMV's Title VI/Nondiscrimination Plan Development Guide***

This report is intended to communicate how the agency implements the Title VI/Nondiscrimination requirements (including Environmental Justice and Limited English Proficiency). At a minimum, the Title VI/Nondiscrimination Plan contains the following sections:

- **POLICY STATEMENT:** Title VI Policy Statement signed by the head of the agency
- **STANDARD DOT ASSURANCES:** Signed copy of the DOT Standard Title VI Assurances with Appendices
- **ORGANIZATION & STAFFING:** Identify the Title VI Coordinator and the Title VI department's placement in the agency
- **PROGRAM REVIEW PROCEDURES:** Describe the nature of the agency's program areas and include procedures for conducting reviews of pertinent program areas
- **SPECIAL EMPHASIS PROGRAM AREAS:** Describe the process the agency uses to identify its special emphasis program areas and how its addresses identified trends or patterns of discrimination in those areas
- **SUBRECIPIENT REVIEW PROCEDURES:** Describe the process for conducting reviews of subrecipients, (cities, counties, universities/colleges, etc.)
- **DATA COLLECTION/REPORTING/ANALYSIS:** Describe the process for collecting and reporting Title VI data (race, color, national origin, sex, age, disability, etc.)
- **TITLE VI TRAINING:** Describe Title VI training of staff members and subrecipients
- **COMPLAINT PROCEDURES:** Describe the prompt process for investigations and disposition of Title VI complaints
- **DISSEMINATION OF TITLE VI INFORMATION:** Describe community outreach and public education procedures (making the public aware of their rights under Title VI authorities)
- **LIMITED ENGLISH PROFICIENCY (LEP):** Describe how the agency implements the requirements of LEP
- **ENVIRONMENTAL JUSTICE (EJ):** Describe how the agency implements the requirements of EJ to include a public participation plan and outreach plan
- **REVIEW OF DIRECTIVES:** Describe how the agency reviews directives to determine if there are Title VI implications and interpret how directives impact Title VI program areas
- **COMPLIANCE AND ENFORCEMENT PROCEDURES:** Describe Title VI Program compliance and enforcement procedures to eliminate and address discrimination, resolve deficiencies, etc. when noncompliance occurs
- **ATTACHMENTS:** May include example of the Organizational Chart, Complaint Log, Title VI/Nondiscrimination Brochure, etc.

***Attachment D***  
***TxDMV's Title VI/Nondiscrimination Annual Work Plan &  
Accomplishment Report Development Guide***

This report demonstrates how an agency is monitoring the implementation of the *Title VI/Nondiscrimination Plan*. The table of contents for the Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report is as follows:

- Organization: Title VI/Nondiscrimination Component
- Internal Monitoring Program
  1. Federal Program Area Reviews Conducted During FY <Previous FY>
  2. Results of Reviews Conducted During FY <Previous FY>
  3. Reviews Scheduled For FY <Upcoming FY>
- External Monitoring Program
  1. Sub-Recipient Reviews Conducted During FY <Previous FY>
  2. Results of Reviews Conducted During FY <Previous FY>
  3. Reviews Scheduled For FY <Upcoming FY>
- Title VI/Nondiscrimination Training Summary
- Title VI/Nondiscrimination Complaints Summary
- Special Emphasis Areas
- Environmental Justice
- Limited English Proficiency

**Attachment E**  
**Complaint Log Screenshot**

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### Title VI Discrimination Complaint Requirements Data Entry Form

**General Information:**

Complaint Filed with OCR: <input type="text"/>	Complaint Number: <input type="text"/>	
Complainant Name: <input type="text"/>	<input type="text"/>	<input type="text"/>
First	Middle	Last
Respondent Name: <input type="text"/>	<input type="text"/>	<input type="text"/>

Complainant Info	Respondent Info	Advisor Info	Issue	Action/Status	Notes/Specialist
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**Complainant Info:**

Name of Business:

Race:

Street:

City:  State:  ZIP:

Phone Number:  Best Time To Call:

Alt PhoneNumber:  Alt Time To Call:

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### Title VI Discrimination Complaint Requirements Data Entry Form

**General Information:**

Complaint Filed with OCR: <input type="text"/>	Complaint Number: <input type="text"/>	
Complainant Name: <input type="text"/>	<input type="text"/>	<input type="text"/>
First	Middle	Last
Respondent Name: <input type="text"/>	<input type="text"/>	<input type="text"/>

Complainant Info	Respondent Info	Advisor Info	Issue	Action/Status	Notes/Specialist
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**Respondent Info:**

Name of Business:

Position Title:  Race:

Street:

City:  State:  ZIP:

Phone Number:  Best Time To Call:

Alt PhoneNumber:  Alt Time To Call:

***Attachment F***  
***Public Notice of Title VI Program Rights***

The Texas Department of Motor Vehicles gives public notice of its' policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.

Any person who desires more information regarding the Texas Department of Motor Vehicle's Title VI Program can contact its Title VI Coordinator – C. David Richards – at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to either:

C. David Richards  
Title VI Program Coordinator  
Office of Civil Rights  
Texas Department of Motor Vehicles  
4000 Jackson Avenue  
Building 1  
Austin, TX 78731  
512-465-1423  
David.Richards@txdmv.gov