



B R A Z O R I A C O U N T Y
TOLL ROAD AUTHORITY

TITLE VI / NONDISCRIMINATION PLAN

BRAZORIA COUNTY TOLL ROAD AUTHORITY

451 N. Velasco, Suite 230
Angleton, Texas 77515

May 28, 2026

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OVERVIEW

Brazoria County Toll Road Authority (or “BCTRA”) is a recipient of federal financial assistance. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any agency receiving federal assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (“Title VI”). Specifically, Title VI assures that “[n]o person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance.” Title VI has been broadened by related statutes, regulations, and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 forbids unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 defines the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance.

In addition to the above statutory authorities, Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (“LEP”), provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. As a recipient of Federal financial assistance in certain programs and projects, BCTRA must make reasonable efforts to provide access to individuals with limited ability to speak, write, or understand the English language.

Also, Executive Order 12898, 3 C.F.R. § 859 (1995), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires Federal agencies to achieve environmental justice as part of their mission by identifying disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations.

BCTRA must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects because of race, color, sex, or national origin. Therefore, the primary goals and objectives of BCTRA’s Title VI Plan are as follows:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;

2. To ensure that people affected by BCTRA's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in BCTRA programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, and all affected Title VI populations;
5. To establish procedures to annually review Title VI compliance of specific BCTRA program areas; and
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in a BCTRA-provided service, project, program, or activity.

As the recipient of Federal transportation funds, BCTRA must comply with Federal and State laws, and related statutes and regulations, to ensure equal access to all persons, with respect to its programs and activities without regard to race, color, national origin, sex, age, or disability. Every effort will be made to prevent discrimination in any BCTRA-sponsored program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

BCTRA's Title VI Plan also establishes procedures to ensure that BCTRA's contractors and subrecipients adhere to Federal and State laws and include in all written agreements or contracts assurances that the subrecipient must comply with Title VI and other related statutes. BCTRA, as a recipient of Federal funds in certain programs and activities, shall monitor its subrecipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, BCTRA will make a good-faith effort to ensure that the subrecipient corrects any such deficiencies.

Title VI states that no program or activity receiving Federal financial assistance shall discriminate against individuals based on their race, color, or national origin. "Federal financial assistance" may include grants and loans of federal funds, the grant or donation of Federal property and interests in property, the use or rental of

Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and any other federal arrangement, agreement, or contract which purpose is to provide federal assistance.

Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. Federal financial assistance may be received directly or indirectly.

AUTHORITIES

Title VI of the Civil Rights Act of 1964, (42 U.S.C. §2000d)

This statute provides that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.”

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601, et seq.)

This statute prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federally assisted programs or activities.

Federal Aid Highway Act of 1973 (23 U.S.C. § 324)

This statute provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

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

This statute prohibits exclusion from the participation in, denial of the benefits of, or discrimination under any program or activity receiving Federal financial assistance by reason of a person’s disability.

49 C.F.R. Part 21

These U.S. Department of Transportation (U.S. DOT) regulations provide the implementation of Title VI assurances from states that nondiscrimination under any program or activity for which the recipient receives federal assistance from the U.S. DOT, including the Federal Highway Administration, will be prevented.

Executive Order No. 13166 (“Improving Access to Services for Persons with Limited English Proficiency”)

This executive order addresses the provision of meaningful access to programs and services for persons with Limited English Proficiency.

Executive Order No. 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”)

This executive order promotes nondiscrimination in programs and services that affect human health and the environment and provides minority and low-income communities access to public information and public participation.

Executive Order No. 12250 (“Leadership and Coordination of Nondiscrimination Laws”)

This executive order provides for the consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance.

28 CFR § 50.3

These regulations provide guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

**POLICY STATEMENT AND
STANDARD DOT ASSURANCES**

Policy Statement

Brazoria County Toll Road Authority (“BCTRA”), as a recipient of Federal financial assistance and pursuant to 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 be otherwise subjected to discrimination or retaliation in any federally or non-federally funded program or activity administered by BCTRA.

The Brazoria County Toll Road Authority Policy Statement, signed by the Chairperson of the BCTRA Board of Directors, expresses the BCTRA’s commitment to the nondiscrimination provisions of Title VI. A signed copy of the Brazoria County Toll Road Authority Policy Statement is included in this Plan (Attachment 1). The Policy Statement shall be distributed both internally and to the general public by posting the Policy Statement on the BCTRA website, in English and Spanish.

Standard DOT Assurances

The U.S. DOT Standard Title VI Assurances, signed by the Chairperson of the BCTRA Board of Directors, are included in this Plan. (Attachment 2). In signing this document, BCTRA establishes full and affirmative compliance with Title VI of the Civil Rights Act of 1964 and other non-discrimination authorities. This document should be re-signed every three years or within thirty (30) days of the accession of a new head of the organization.

TITLE VI COORDINATOR

BCTRA's Title VI Coordinator is Matt Hanks. (Attachment 4). The Title VI Coordinator reports to the Chairperson of the BCTRA Board of Directors. The Title VI Coordinator shall have lead responsibility for coordinating the administration of the Title VI Plan, and any related statutes, program, plan, and assurances for BCTRA. The Title VI Coordinator is authorized to ensure implementation and compliance with the provisions of BCTRA's Policy Statement and with the appropriate laws and regulations, including all Title VI requirements.

Title VI Coordinator Contact Information

Matt Hanks

Brazoria County Toll Road Authority Title VI Coordinator

451 N. Velasco, Suite 230

Angleton, Texas 77515

(979) 864-1265 (phone)

(979) 864-1270 (fax)

bctratitlevi@brazoriacountytx.gov

Title VI Coordinator Roles and Responsibilities

The Title VI Coordinator's roles and responsibilities include, but are not limited to, the following:

1. **Program Administration.** Being the focal point for Title VI implementation and monitoring of programs and/or activities receiving federal financial assistance. Ensuring that Title VI requirements are included in appropriate policy directives, that the procedures used have built-in safeguards to prevent discrimination, and compliance with Title VI assurances, policies, and program objectives.
2. **Public Dissemination of Information.** Develop and disseminate Title VI program information (and, where appropriate, in languages other than English) to BCTRA employees/officials and subrecipients, including

contractors, subcontractors, consultants, and the general public. The public dissemination program shall involve the posting of BCTRA's Title VI Policy Statement (a) in contracts or other agreements and bid specification packages; (b) on BCTRA's internet website, www.bctratx.com; and (c) in the building housing BCTRA offices. The dissemination to employees and officials will include (a) an annual communication to BCTRA employees by electronic mail and/or other means; (b) posting on BCTRA's internet website, www.bctratx.com; and (c) acknowledgments of the BCTRA's Title VI Nondiscrimination Policy Statement and LEP Plan in new employee orientation (Attachment 5).

3. **Work Plan and Annual Reporting.** Coordination, compilation, and submission of an annual Work Plan. Ensure the following areas are adequately addressed in the Work Plan:
 - Title VI complaint procedures;
 - Record of Title VI investigations, complaints, or lawsuits, and dispositions;
 - Plan to involve persons with Limited English Proficiency ("LEP");
 - Environmental Justice Plan;
 - Title VI notices to the public; and
 - Report of Title VI accomplishments and changes to the program in the preceding year.
4. **Elimination of Violations.** Assisting with the correction of Title VI-related problems or discriminatory practices or policies found through self-monitoring and review activities. When deficiencies are found, reasonable procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s).
5. **Complaint Process.** Implementation of procedures for the prompt processing of internal and external Title VI discrimination complaints.
6. **Complaint Resolution.** Overseeing the investigation of Title VI complaints.
7. **Training Program Development.** Facilitate the development and implementation of training programs on Title VI issues and nondiscrimination authorities for BCTRA employees/officials, contractors, and subrecipients.
8. **Data Collection.** Coordinating the collection and maintenance of statistical data on race, color, national origin, English language proficiency, and sex of participants in and beneficiaries of County programs. Most information will

be gathered through Census data and maps.

9. **Title VI Plan Update.** BCTRA will update and renew its Title VI Assurances as necessary.

DEPARTMENT COORDINATION

Generally

The BCTRA Program Manager will coordinate with the Title VI Coordinator to ensure compliance with Title VI requirements. The BCTRA Program Manager's responsibilities for Title VI requirements include, but are not limited to, the following:

1. Complying with the Limited English Proficiency Plan and Environmental Justice/Public Participation monitoring and reporting requirements;
2. Collecting and analyzing data to numerically assess the reach and impact of its program funds; and
3. Coordinating with Title VI Coordinator to ensure all required information is provided in a timely manner.

Brazoria County Purchasing Department

The Brazoria County Purchasing Department shall make sure that the notifications in Attachment 2 are included in all solicitations for bids for work or material, and as an associated component of the contract, including the following language, which should not be incorporated by reference but directly incorporated:

Brazoria County Toll Road Authority, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for 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.

The clauses in Attachment 2-B shall be inserted as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

The clauses in Attachment 2-C shall be included, where applicable, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by BCTRA with other parties for the subsequent transfer of real property acquired or improved under the programs administered by BCTRA.

The clauses in Attachment 2-D shall be included, where applicable, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by BCTRA with other parties for the construction or use of or access to space on, over, or under real property acquired, or improved under the programs administered by BCTRA.

Attachment 2-F, Form FHWA-1273, must be attached to all construction contracts funded under Title 23 (Federal Highway Administration) for \$10,000 or more.

DISSEMINATION OF TITLE VI POLICY AND RELATED INFORMATION

BCTRA disseminates its Title VI Nondiscrimination Policy Statement and complaint procedures internally and externally, to the general public, by including the policy statement on the BCTRA website. Title VI information posters (Attachment 3) shall be posted in a conspicuous location in the BCTRA office.

The BCTRA website also provides access to forms to file external discrimination complaints under Title VI.

Title VI nondiscrimination information is disseminated to BCTRA employees via the BCTRA website. New BCTRA employees hired after the adoption of this Plan are provided a copy of the Title VI Nondiscrimination Policy Statement and LEP Plan, and are required to sign an Acknowledgement of Receipt during New Employee Orientation. (Attachment 5).

All subcontractors and vendors who receive payments from BCTRA, where funding originates from any federal assistance, are subject to the provisions of Title VI of the Civil Rights Act of 1964 and 49 C.F.R. Part 21. Written contracts shall include non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

The name of and contact information for the Title VI Coordinator is available on the BCTRA website. Additional information relating to nondiscrimination obligations and information on filing complaints can be obtained from the Title VI Coordinator.

ACCESS PROCEDURE FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (“LEP”)

BCTRA will establish appropriate procedures to conduct a current and accurate LEP needs assessment that will determine the characteristics of Brazoria County’s potentially affected population. When a significant number or portion of the population eligible to be served by BCTRA needs information in a language other than English to participate in federally funded programs, BCTRA shall take reasonable steps to provide information in appropriate languages.

BCTRA has developed and implemented a plan to appropriately assess LEP needs. (Attachment 6). The purpose of the BCTRA LEP Plan is to ensure that BCTRA communicates effectively with LEP individuals. BCTRA is responsible for ensuring that meaningful services to LEP persons are provided. The LEP Plan will be disseminated as follows:

- The LEP Plan is available on the BCTRA website.
- Newly hired BCTRA employees are informed of the LEP Plan in orientation and are required to sign an Acknowledgement of Receipt during New Employee Orientation. (Attachment 5).
- The BCTRA Program Manager will determine what language assistance services are appropriate for the services they provide to the public, including which documents are vital and should be translated.

PUBLIC PARTICIPATION AND ENVIRONMENTAL JUSTICE

Compliance with Title VI includes making reasonable efforts to ensure that no minority or low-income population suffers “disproportionately high and adverse human health or environmental effect” due to any programs, policies and activities undertaken by any BCTRA program or activity.

BCTRA will establish appropriate procedures to address Federal and state non-discrimination requirements (Environmental Justice) outlined under Title VI, Federal Executive Order 12898, and public participation. BCTRA has developed and implemented plans to appropriately address Environmental Justice and Public Participation. (Attachment 7). The BCTRA Program Manager is required to document steps taken to mitigate any identified negative health/safety environmental impact on minority or low-income population. The BCTRA Program Manager shall maintain a log of their public participation and environmental justice

efforts.

DATA COLLECTION AND ANALYSIS

BCTRA will collect statistical data (race, color, national origin, sex, disability, and age) and use surveys, questionnaires, and/or Census data and maps to (1) analyze the population benefitting from a project, including analyzing the benefits to traditionally underserved populations, if any; (2) the population burdened by the projects, including traditionally underserved populations; (3) complete language needs assessments; and (4) determine how best to disseminate information to the affected populations.

TITLE VI COMPLAINT PROCESSING PROCEDURES

Overview

These complaint procedures apply to the beneficiaries of BCTRA programs, activities, and services, including, but not limited to, the public, contractors, subcontractors, consultants, and other subrecipients of Federal and state funds. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

Procedures

Any person who, based on race, religion, color, national origin, sex, age, or disability believes that he or she has been excluded from participation in, denied benefits or services of any program or activity administered by BCTRA or its subrecipients, consultants, and contractors may bring forth a discrimination complaint under Title VI. Only complaints based on the complainant's protected status will be considered. The complainant may file a signed, written complaint up to 180 calendar days from the date of the alleged act of discrimination or, if the complainant was unaware of the alleged act(s) of discrimination, within 60 days of becoming aware. BCTRA may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. In cases where the complainant is unable or incapable of providing a written statement, the complainant shall be interviewed and assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative. The complainant must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. The complaint should include the following information:

- Complainant's name, mailing address, and a method of contact (i.e., telephone number, email address, etc.);
- How, when, where, and why the alleged discrimination occurred, including the location, names, and contact information of any witnesses; and
- Other information that the complainant deems significant.

Items that would not be considered a formal complaint (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include, but are not limited to, the following:

- An anonymous complaint that is too vague to obtain required information;
- Inquiries seeking advice or information;
- Courtesy copies of court pleadings; and
- Courtesy copies of internal grievances.

The Title VI complaint form (Attachment 8) may be used to submit the complaint information. Complaint forms can also be obtained at the Title VI Coordinator's office or online at www.bctr-tx.com.

To request additional information on Brazoria County's nondiscrimination obligations, to file a Title VI complaint, or to request a complaint form, an individual must submit a written request or complaint to:

Matt Hanks
 Brazoria County Toll Road Authority Title VI Coordinator
 451 N. Velasco, Suite 230
 Angleton, Texas 77515
 (979) 864-1265 (phone)
 (979) 864-1270 (fax)

Complaint Process

Within ten (10) business days of receipt of a complaint alleging discrimination based on race, color, national origin, sex, age or disability, the BCTRA Title VI Coordinator will acknowledge receipt of the complaint, and begin an investigation. The Title VI Coordinator shall also provide appropriate assistance to complainants, including

those persons with disabilities, or who may be limited in their ability to communicate in English.

In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made to the Title VI Coordinator. The Title VI Coordinator will interview the complainant and, if necessary, assist the person in converting a verbal complaint to writing. All complaints must, however, be signed by the complainant or his/her representative. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.

The Title VI Coordinator shall make every effort to address all complaints in an expeditious and thorough manner. The Title VI Coordinator will contact the complainant in writing no later than thirty (30) calendar days after receipt of complaint for additional information, if needed. The complaint will be copied, filed, and logged. If the complainant fails to provide the requested information in a timely basis, Title VI Coordinator may administratively close the complaint.

The Title VI Coordinator will complete the investigation within sixty (60) calendar days of receipt of a complaint. If additional time is needed for investigation, the complainant will be notified. A written investigation report will be prepared by the Title VI Coordinator. This report shall include a summary description of the incident, findings for each issue, and recommended corrective action, if any.

Disposition of Complaint

A final written response letter will be provided to the complainant and the department for the program involved within ten (10) business days of completing the investigation. In a letter notifying the complainant that the complaint is not substantiated, the complainant is also advised of his or her right to appeal with the Chairperson of the BCTRA Board of Directors within five (5) business days from receipt of the closing letter or that the complainant may file a complaint externally with the U.S. Department of Transportation or other applicable federal agency. If there is no appeal, the complaint will be closed. If required, the investigation report will be forwarded to the appropriate state or federal agency.

Complaint Logs

The Title VI Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming BCTRA, which allege discrimination with respect to Title VI concerns. (Attachment 8). The log shall include the following information:

- The identity of the complainant;
- The recipient;

- The race, color, sex or national origin of the complainant;
- The nature of the complaint;
- The dates the complaint was filed;
- A summary of the allegation;
- The date the investigation was completed;
- The disposition;
- The date of the disposition, including whether the parties to a lawsuit have entered into a consent decree; and
- Any other pertinent information.

Record Keeping

The Title VI Coordinator will maintain records, which include, but are not limited to, copies of signed acknowledgements of receipt from the employees indicating the receipt of the BCTRA Title VI Plan and LEP Plan, copies of the Title VI complaints or lawsuits and related documentation, compliance records, records of correspondence to and from complainants, and records related to Title VI investigations. The records shall be maintained for a period of ten (10) years or pursuant to the requirements of the Texas Library Archives Records Retention Schedules, whichever is longer.

ANNUAL WORK PLAN AND ACCOMPLISHMENT REPORT

The Title VI Coordinator will ensure that the below tasks are completed and an Annual Work Plan and Accomplishment Report is completed and submitted as follows:

1. BCTRA's Title VI Plan and Policy Statement will be published on BCTRA's website. The Policy Statement will also be posted in conspicuous locations in the BCTRA building.
2. The Assurances (Attachment 2) will be included in BCTRA contracts as outlined in the Title VI Plan.
3. Procedures for responding to individuals with Limited English Proficiency will be implemented.
4. All BCTRA employees will be made aware of the LEP procedure and the Title VI complaint procedure.
5. All BCTRA employees will be made aware of the procedures for compliance with environmental justice.

6. The following data will be collected and reviewed in an annual report produced by the Title VI Coordinator:
 - a. Complaints: The number of Title VI complaints received; nature of the complaints; and resolution of the complaints.
 - b. LEP Needs: The number of requests for language assistance or number of instances in which language assistance was required, and the outcome of these requests.
 - c. Environmental Justice: Environmental justice efforts engaged in for the year, and any mitigation measures, including public participation efforts.

SUMMARY OF ATTACHMENTS

Attachment 1: Title VI Nondiscrimination Statement

Attachment 2: Title VI Assurances

Attachment 3: Title VI Poster

Attachment 4: Organizational Chart

Attachment 5: Acknowledgement of Receipt of Title VI Documents

Attachment 6: Limited English Proficiency Plan

Attachment 7: Environmental Justice / Public Participation Plans

Attachment 8: Title VI Complaint Forms and Documents



BRAZORIA COUNTY TOLL ROAD AUTHORITY

Title VI and Related Statutes Non-Discrimination Statement

Brazoria County Toll Road Authority ("BCTRA"), 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 be otherwise subjected to discrimination under any BCTRA programs or activities.

A handwritten signature in black ink, reading "Gary W. Idoux", is written over a horizontal line.

Gary Idoux
Chairman

Brazoria County Toll Road Authority Board of Directors

Date: 5-28-2026



BRAZORIA COUNTY TOLL ROAD AUTHORITY

Titulo VI ye Estatutos Relacionados Declaracion de No Discriminacion

La Autoridad de Carreteras del Condado de Brazoria, como recipiente de Asistencia Financiera Federal y segun el Acta de Derechos Civiles Titulo VI del 1964 Y estatutos relacionados, asegura que ninguna persona sera excluida a causa de raza, religion (donde el objetivo principal es asistencia financiera para proveer empleo segun 42 U.S.C. § 2000d-3), color, origen nacional, sexo, edad o incapacidad de participacion en, o neg ados los beneficios de, o de otra manera sea sujeto a discriminacio en cualquiera de los programas o actividades del Departamento.

A handwritten signature in black ink, appearing to read "Gary W. Idoux", is written over a horizontal line.

Gary Idoux

Chairman

Brazoria County Toll Road Authority Board of Directors

Date: 5-28-2026



BRAZORIA COUNTY TOLL ROAD AUTHORITY

Title VI Nondiscrimination Assurances

Brazoria County Toll Road Authority (hereinafter referred to as the “Recipient” or “BCTRA”) HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.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); and
- 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).

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted Department of Transportation programs:

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, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Department of Transportation programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clauses of Appendix 2-A and 2-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 2-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. The Recipient will include the clauses set forth in Appendix 2-C and Appendix 2-D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the 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, subrecipients, subgrantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, BCTRA also agrees to comply (and require any subrecipients, subgrantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the USDOT 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 USDOT. You must keep records, reports, and submit the material for review upon request to USDOT, 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.

BCTRA gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under all Department of Transportation programs. This ASSURANCE is binding on Texas, other recipients, subrecipients, subgrantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in all Department of Transportation programs.

The Chairman of the BCTRA Board of Directors is authorized to sign these Assurances on behalf of BCTRA.

A handwritten signature in dark ink, appearing to read "Gary W. Idoux", is written over a horizontal line.

Gary Idoux
Chairman

Brazoria County Toll Road Authority Board of Directors

Date: 5-28-2026

ATTACHMENT 2-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.

ATTACHMENT 2-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:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Brazoria County Toll Road Authority 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 Brazoria County Toll Road Authority 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 Brazoria County Toll Road Authority 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 Brazoria County Toll Road Authority, its successors and assigns.

Brazoria County Toll Road Authority, 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 Brazoria County Toll Road Authority 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.)

ATTACHMENT 2-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 Brazoria County Toll Road Authority 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, Brazoria County Toll Road Authority 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, Brazoria County Toll Road Authority 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 Brazoria County Toll Road Authority 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.)

ATTACHMENT 2-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 Brazoria County Toll Road Authority 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, Brazoria County Toll Road Authority 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, Brazoria County Toll Road Authority will there upon revert to and vest in and become the absolute property of Brazoria County Toll Road Authority 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.)

ATTACHMENT 2-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.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 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); and
- 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 2-F

FHWA-1273 -- Revised May 1, 2012

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under Title 23 (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services). The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in bid proposal or request for proposal documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR 60, 29 CFR 1625-1627, Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR 60, and 29 CFR 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with Title 23 USC Section 140, the Rehabilitation Act of 1973, as amended (29 USC 794), and Title VI of the Civil Rights Act of 1964, as amended, and related regulations including 49 CFR Parts 21, 26 and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR 230, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630, 29 CFR 1625-1627, 41 CFR 60 and 49 CFR 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under

this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract.

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are

applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar

with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established there under. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors and suppliers and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurance Required by 49 CFR 26.13(b):

a. The requirements of 49 CFR Part 26 and the State DOT's U.S. DOT-approved DBE program are incorporated by reference.

b. The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the contracting agency deems appropriate.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women;

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor

will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more.

The contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location, under the contractor's control, where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size). The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. Contracting agencies may elect to apply these requirements to other projects.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. (1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is utilized in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. The Wage and Hour Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or

will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-

Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b. (1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency..

(2) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under §5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under §5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(3) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(4) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may, after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly

rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

9. Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility.

a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

3. Withholding for unpaid wages and liquidated damages. The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions:

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is

evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

5. The 30% self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements.

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C.3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

By submission of this bid/proposal or the execution of this contract, or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any person who is or will be utilized in the performance of this contract is not prohibited from receiving an award due to a violation of Section 508 of the Clean Water Act or Section 306 of the Clean Air Act.

2. That the contractor agrees to include or cause to be included the requirements of paragraph (1) of this Section X in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this

covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contractor). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contractor). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000 (49 CFR 20).

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.



BRAZORIA COUNTY TOLL ROAD AUTHORITY

TITLE VI NOTICE

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

Brazoria County Toll Road Authority is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, national origin, sex, age, or disability. Brazoria County Toll Road Authority has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes they have been subjected to unlawful discriminatory practices under Title VI may file a formal complaint with the following:

Matt Hanks
Brazoria County Toll Road Authority Title VI Coordinator
451 N. Velasco, Suite 230
Angleton, Texas 77515
(979) 864-1265 (phone)
(979) 864-1270 (fax)



BRAZORIA COUNTY TOLL ROAD AUTHORITY

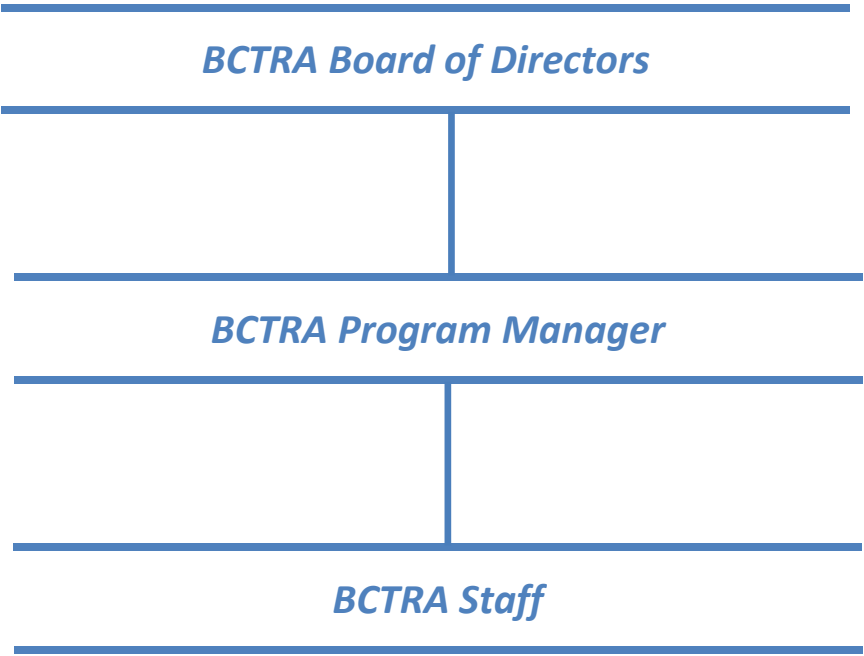
AVISO DEL TÍTULO VI

El Título VI de la Ley de Derechos Civiles de 1964 prohíbe la discriminación por motivos de raza, color u origen nacional en los programas y actividades que reciben asistencia financiera federal. Específicamente, el Título VI establece que "ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, será excluida de la participación, se le negarán los beneficios o será objeto de discriminación en cualquier programa o actividad que reciba Asistencia financiera federal". (42 U.S.C § 2000d).

La Autoridad de Carreteras del Condado de Brazoria se compromete a garantizar que ninguna persona sea excluida de la participación o se le nieguen los beneficios de sus servicios por motivos de raza, color, nacionalidad, sexo, edad o discapacidad. La Autoridad de Carreteras del Condado de Brazoria ha establecido un procedimiento de denuncia por discriminación y tomará medidas rápidas y razonables para investigar y eliminar la discriminación cuando se detecte. Cualquier persona que crea que ha sido sometida a prácticas discriminatorias ilegales bajo el Título VI puede presentar una queja formal ante lo siguiente:

Matt Hanks
Brazoria County Toll Road Authority Title VI Coordinator
451 N. Velasco, Suite 230
Angleton, Texas 77515
(979) 864-1265 (phone)
(979) 864-1270 (fax)

Brazoria County Toll Road Authority
Organizational Chart





BRAZORIA COUNTY TOLL ROAD AUTHORITY

Acknowledgment of Receipt of Brazoria County Toll Road Authority Title VI Nondiscrimination Policy Statement and Limited English Proficiency Plan

I hereby acknowledge receipt of the Brazoria County Toll Road Authority Title VI Nondiscrimination Policy Statement. I have read the policy statement and am committed to ensuring that no person is excluded from participation in, or denied the benefits of Brazoria County Toll Road Authority programs, activities, or services on the basis of race, color, national origin, sex, age, or disability as protected by Title VI and related nondiscriminatory legislation.

I further acknowledge that I have received a copy of Brazoria County Toll Road Authority's Limited English Proficiency Plan. I have read the Limited English Proficiency Plan and am committed to making reasonable efforts to ensure that no person is excluded from participation in, or denied the benefits federally assisted or funded Brazoria County Toll Road Authority programs, activities, or services on the basis of limited English proficiency.

Employee Signature

Date

Printed Name of Employee

Brazoria County Limited English Proficiency Plan

I. Purpose and Authority

The purpose of this Limited English Proficiency (“LEP”) Plan is to clarify the responsibilities of the Brazoria County Toll Road Authority (“BCTRA”) and to assist it in fulfilling its responsibilities to LEP persons. This plan also serves to show BCTRA’s commitment to ensure meaningful access to all BCTRA programs by persons with limited English proficiency.

All BCTRA officials involved with implementing programs or activities receiving federal financial assistance must make a meaningful attempt to provide LEP persons with a means of effective communication.

II. General Policy Statement

It is the policy of BCTRA to provide timely meaningful access for LEP persons to all BCTRA programs and activities. Language assistance services shall be provided to persons with LEP whenever a person with LEP requests language assistance services, as set forth herein.

III. Limited English Proficiency Plan Summary

An “LEP person” is defined as an individual who does not speak English as his or her primary language and who has a limited ability to read, write, speak, or understand English.

BCTRA has developed this Plan to help identify reasonable steps to ensure LEP persons receive meaningful access to BCTRA programs. This Plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future Plan updates.

To decide what reasonable steps BCTRA should take to ensure meaningful access for LEP persons, BCTRA considers the following:

1. The number or proportion of LEP persons eligible to be served or likely encountered by the BCTRA program, activity, or service;
2. The frequency with which LEP individuals come in contact with the BCTRA program, activity, or service;
3. The nature and importance of the program, activity, or service provided by BCTRA; and
4. The resources available to BCTRA and overall costs.

A brief description of the above considerations is provided in the following section.

IV. Four Factors

- 1. Number or proportion of LEP persons eligible to be served or likely encountered by the BCTRA program, activity, or service.***

BCTRA will use various methods to identify LEP persons with whom they have contact. These may include:

- Current and past experiences with LEP persons encountered by BCTRA staff: The number and type of such encounters will be considered in determining the breadth and scope of the language services required.
- Most recent U.S. Census Bureau data: BCTRA shall analyze data from the most recent U.S. Census Bureau data, regarding languages spoken in Brazoria County as well as those who self-identified that they spoke English less than “very well.”

BCTRA has examined the U.S. Census Bureau’s American Community Survey data, 2024 American Community Survey 1-Year Estimates, for Brazoria County, Texas, and was able to make the following approximations:

- 30.0% of the Brazoria County population 5 years of age and older speaks a language other than English at home. 9.98% of the population 5 years of age and older reported that they do not speak English very well.
- People speaking Spanish at home comprised the largest language group speaking a language other than English at home. 21.3% of the population 5 years of age and older speak Spanish at home. Of those, 36.3% reported they do not speak English very well.
- 6.0% of the Brazoria County population 5 years of age and older speaks Asian or Pacific Island languages at home. Of those, 31.1% reported they do not speak English very well.
- 1.7% of the Brazoria County population 5 years of age and older speaks Other Indo-European languages at home. Of those, 9.1% reported they do not speak English very well.
- 1.0% of the Brazoria County population 5 years of age and older speaks an unspecified or other language at home. Of those, 23.3% reported they do not speak English very well.

2. *Frequency with which LEP individuals come in contact with the BCTRA program, activity, or service.*

In addition to research conducted to identify LEP persons in Brazoria County, BCTRA shall also compile information regarding the frequency of contact with LEP persons. The more frequent the contact and/or the number of requests for languages other than English, the more likely that language services for a specific language will be needed.

BCTRA should create a record of language assistance services provided, which can assist in accurately identifying and addressing the changing needs of their LEP communities, which in turn, can help identify changes to the quantity or type(s) of language assistance services.

Actions taken that serves an LEP person one time or occasionally will be different from those that serve LEP persons every day.

3. *Nature and importance of the program, activity, or service provided by BCTRA.*

BCTRA recognizes that within the range of programs and services it provides, the nature of some programs and services may be more important to LEP persons than others.

4. *The resources available to BCTRA and overall costs.*

BCTRA shall assess its available resources that could be used for providing LEP assistance. This shall include identifying which staff and volunteer language interpreters are readily available (Attachment 6-A); how much a professional interpreter and translation service would cost; which documents should be translated; which organizations BCTRA could partner with for interpreter and translation services or outreach efforts; which financial resources could be used to provide assistance; and what level of staff training is needed.

After analyzing the above four factors, BCTRA developed the LEP Plan outlined in the following section for assisting LEP persons.

V. How to Identify an LEP Person Who Needs Language Assistance

Below are tools that may be used by BCTRA to help identify persons who may need language assistance:

- Have language identification cards or Census Bureau “I speak cards” at customer service counters at the BCTRA office which invite LEP persons to

identity their language needs to staff. While staff may not be able to provide translation assistance at the initial contact with an LEP person, the cards may be used to identity language needs for future contacts.

- Posting notices in commonly encountered languages notifying LEP persons of language assistance to encourage LEP to self-identify.

VI. Language Assistance Measures

When an interpreter is needed, in person or on the telephone, staff should first determine what language is required. Bilingual staff may be able to assist with communications with LEP persons. The Title VI Coordinator will compile a list of individuals who fluently write or speak a language other than English. (Attachment 6-A). If staff cannot assist, private interpreter services can provide translation services for a reasonable fee.

Use of informal interpreters, such as family or friends of the LEP person seeking service, or other customers, is discouraged, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies, but shall be documented and subject to approval of a supervisor.

No staff may suggest or require an LEP person provide an interpreter in order to receive services.

VII. Staff Training

BCTRA is required to fully understand, direct staff to comply, and implement the LEP Plan and reinforce its importance. The Title VI Coordinator is also available to assist with information and training requests. Training topics may include the following:

- BCTRA LEP policy and procedures;
- Understanding Title VI LEP responsibilities;
- What language assistance services BCTRA offers;
- Use of Employee Language Assistance Report;
- Documentation of language assistance requests; and
- How to handle a complaint.

VIII. Providing Notice of Available Language Services to LEP Persons

Signs will be posted stating that language assistance is available in public areas, such as intake areas, customer service areas, and other entry points to BCTRA facilities.

Statements may also be placed in outreach documents indicating that language services are available from BCTRA.

IX. Monitoring and Updating the LEP Plan

BCTRA will reevaluate the LEP Plan on a regular basis. Consideration shall be given to changes in demographics, types of services, or other needs when determining the frequency of LEP Plan reevaluation. Each reevaluation should examine all Plan components and assesses the following:

- How many LEP persons were encountered and what languages?
- Were their needs met?
- What is the current LEP population in Brazoria County?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified BCTRA programs? Are there other programs that should be included?
- Has BCTRA's available resources, technology, staff, and financial costs changed?
- Has BCTRA fulfilled the goals of the LEP Plan?
- Were complaints received?
- Are identified sources of assistance still available and viable?

BCTRA must maintain the data annually, for the fiscal year ending on September 30th. Attachment 6-B should be completed for the fiscal year and returned to the Title VI Coordinator by September 30th of each year.

X. Dissemination of BCTRA Limited English Proficiency Plan

BCTRA will post the LEP Plan on its website. Copies of the LEP Plan will be provided to any person or agency requesting a copy. Any questions or comments regarding this LEP Plan should be directed to the BCTRA Title VI Coordinator at:

Matt Hanks
Brazoria County Title VI Coordinator
451 N. Velasco, Suite 230
Angleton, Texas 77515
(979) 864-1265 (phone)
(979) 864-1270 (fax)

XI. Complaints

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. As a recipient of federal financial assistance, BCTRA has in place a Title VI complaint procedure.

Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with BCTRA. A complaint may also be filed by a representative on behalf of such a person. All Title VI complaints will be referred to BCTRA's Title VI Coordinator for review and action. The complaint shall then be handled according to BCTRA's Title VI complaint procedures.

To request additional information on BCTRA's nondiscrimination obligations, to file a Title VI Complaint, or to request a complaint form, an individual may submit a written request or complaint to:

Matt Hanks
Brazoria County Title VI Coordinator
451 N. Velasco, Suite 230
Angleton, Texas 77515
(979) 864-1265 (phone)
(979) 864-1270 (fax)

Employee Language Assistance Report

PLEASE COMPLETE AND RETURN TO TITLE VI COORDINATOR

Voluntary Participation: Please indicate employees who possess language skills other than English and who are willing to assist a Limited English Proficiency (“LEP”) individual who requires language assistance.

Department/Office: _____

Date: _____

[illegible]

LEP Annual Report

PLEASE COMPLETE AND RETURN TO TITLE VI COORDINATOR NO LATER THAN SEPTEMBER 30TH

Department/Office: _____

Date: _____

Name of Department Head: _____

LEP Encounters

Estimated Total Number of Encounters: _____

Language Most Frequently Requested: ☐ Spanish ☐ Other (specify): _____

Service Most Frequently Used:

☐ In-Person Oral Interpretation ☐ Written Translation ☐ Telephone Interpretation

Most Frequent Method for Providing Service:

☐ Employee ☐ Contractor ☐ Volunteer ☐ LEP Person's Family/Friend

☐ Other Method (specify): _____

LEP Expenditures

Estimated Total Expenditures for LEP Services: \$_____

Spanish: \$_____

Other: \$_____

In-Person Oral Interpretation: \$_____ **Written Translation:** \$_____

Phone Interpretation: \$_____

Brazoria County Toll Road Authority Environmental Justice/Public Participation Plan

The purpose of this document is to outline Brazoria County Toll Road Authority's ("BCTRA's") plan for addressing Federal and state nondiscrimination requirements outlined under Title VI, Federal Executive Order 12898 and other related regulations and statutes (the "Environmental Justice Plan"). This document also outlines BCTRA's Public Participation Plan for addressing the requirements of Title VI. Although they are separate topics, Environmental Justice and Public Participation are closely intertwined issues and complement one another in ensuring fair and equitable distribution of services and access to programs.

The Environmental Justice Plan must incorporate comprehensive measures for including the public in legal and policy decisions related to environmental issues. The Public Participation Plan addresses the need to include the public in all issues impacting stakeholders.

Per the Census Bureau, as of July 1, 2025, Brazoria County is a county of 419,080 residents of which:

- 69.9% is white (40.3% is White alone and 32.0% is Hispanic or Latino)
- 18.3% is Black or African American alone
- 8.4% is Asian
- 0.9% is American Indian and Alaska Native

9.1% of the population is below the poverty level.

For the purposes of the Environmental Justice and Public Participation Plan, the below terms are defined as follows:

“Minority”: Persons considered minorities are identified by the Census as people of African, Hispanic, Asian, American Indian, or Alaskan Native origin. Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice consider minority persons as persons belonging to any of the following groups:

- a. Black - a person having origins in any of the black racial groups of Africa.
- b. Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- c. Asian - a person having origins in the Far East, Southeast Asia, or the Indian subcontinent.
- d. American Indian and Alaskan Native - a person having origins in North America and who maintains cultural identification through tribal affiliation or community recognition.

“Low Income”: A person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines. The national poverty guidelines are issued annually by the Department of Health and Human Services and are available at: <http://aspe.hhs.gov/poverty/15poverty.cfm>.

“Elderly”: Any persons over the age of 65.

“Person with a Disability”: Under the Americans with Disabilities Act of 1990, a qualified individual with a disability is a person that 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is regarded as having such impairment.

“Low-Income Population”: Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

“Minority Population”: Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

ENVIRONMENTAL JUSTICE PLAN

Environmental justice is the fair treatment of all people and providing for meaningful public involvement in government decision-making. BCTRA staff provides a range of services related to these projects.

BCTRA staff will perform the following tasks when considering a project/program:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

- The BCTRA Program Manager oversees this process and reviews the final resulting project documents to ensure compliance with federal regulations.

BCTRA will take the below steps when engaging in any federally funded program or activity that may have any adverse human health or environmental effect. BCTRA should utilize the Environmental Justice Project Checklist to determine whether an assessment and/or mitigation efforts are required (Attachment 7-A).

Step 1. Determine if an underserved population group is present within the project area by analyzing available data and/or conducting and reviewing demographic surveys. (Attachment 7-C). If it is concluded that no underserved population group is present within the project area, document how the conclusion was reached. If the conclusion is that there are underserved population groups present, proceed to Step Two.

Step 2. Determine whether the project impacts associated with the identified underserved populations are disproportionately high and adverse.

“Adverse impacts” include, but are not limited, to the following:

- Bodily impairment, infirmity, illness or death,
- Air, noise and water pollution and soil contamination,
- Destruction or disruption of man-made or natural resources,
- Destruction or diminution of aesthetic values,
- Destruction or disruption of community cohesion or community’s economic vitality,
- Destruction or disruption of the availability of public and private facilities and services,
- Adverse employment effects,
- Displacement of person’s businesses, farms or non-profit organizations,
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community, and
- Denial of, reduction in, or significant delay in the receipt of benefits of BCTRA programs, policies and activities.

An “adverse impact” is “disproportionately high and adverse” if it (1) is predominantly borne by a minority population and/or a low-income population, or (2) will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than that adverse impact that will be suffered by the non-minority population and/or non-low-income population.

If it is determined that there are no disproportionately high and adverse impacts to an underserved population, document how the conclusion was reached. If it is

determined that there are disproportionately high and adverse impacts to an underserved population, proceed to Step Three.

Step 3. Propose measures that will avoid, minimize, and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by the proposed project. Include public participation of the affected population per the Public Participation Plan. Consider the following:

- Are there alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?
- Considering the overall public interest, is there a substantial need for the project?
- Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action or (b) have increased costs of extraordinary magnitude?

Step 4. Document all findings, determinations, or demonstrations. BCTRA will document the following:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.;
- The project's impact is unavoidable;
- The benefits of the project far outweigh the overall impacts; or
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

BCTRA will also maintain an Environmental Justice Mitigation Log (Attachment 7-B). A completed Log should be provided to the Title VI Coordinator by September 30th each year.

Record Keeping. BCTRA will maintain records evidencing its environmental justice and public participation compliance, which include, but are not limited to, its findings and determinations. BCTRA shall maintain these records for four years from the date the project or program is completed.

PUBLIC PARTICIPATION PLAN

BCTRA's Public Participation Plan goals are the following:

- Provide BCTRA with a framework to develop meaningful public participation;
- Provide opportunities for interested parties to identify concerns;
- Encourage public participation opportunities to a wide and varied audience, including traditionally underserved groups;
- Obtain meaningful public input and participation to inform the planning and decision-makers; and
- Inform and educate stakeholders and interested parties.

Forms of Communication

To ensure a rich and diverse public participation process, impacted parties must be informed and educated on programs, projects planned, and projects underway. The following strategies are utilized by BCTRA to ensure that interested parties receive timely information in a variety of formats. BCTRA will determine the best form of communication for their programs.

1. BCTRA Board of Directors Meetings. Citizens may be present during any of the BCTRA Board of Directors meetings. The BCTRA Board of Directors meets the fourth Thursday of each month at 4:00 p.m. BCTRA Board of Directors meeting agendas can be found at www.bctra-tx.com.

BCTRA Board of Directors meetings offer the public an opportunity to bring topics and issues to the Board's attention. Each regular meeting allows citizens five (5) minutes each to speak on a topic. A citizen can sign up to speak.

2. Public Outreach. The methods of gathering and implementing public participation for a planning process may differ widely, depending on the type and scope of a project or program. Community-based organizations provide the opportunity to connect with specific audiences and are an integral part of identifying and reaching out to underrepresented groups. BCTRA can reach out to specific organizations to provide these groups with project information and encourage them to become involved. Community-based organizations are groups that serve a broad range of community interests. Organizations include senior centers; civic groups; business organizations; community development corporations, churches and other faith-based organizations; service clubs; schools that provide English as a second

language programs; service providers for youths, families, and persons with disabilities; and others.

3. Websites. BCTRA can continuously update information about its programs and projects on its websites.

4. Publications. BCTRA may create and distribute electronic newsletters to disseminate information to community-based organizations and stakeholders.

5. Media Campaigns. A comprehensive regional media campaign can be used when outreach is needed to the broader community, if fees are reasonable and BCTRA has the available resources. A media campaign might include press releases, public service announcements, feature articles, or interviews, depending on the nature of the project and the resources available.

6. Scheduled Community Meetings. The need for scheduled community meetings during the life of the project or program will vary. BCTRA will make the determination of what is needed. When determining locations and schedules for public meetings, BCTRA will:

- Schedule meetings at times and locations that are convenient and accessible for minority, low income, and Limited English Proficient (LEP) communities;
- Employ different meeting sizes and formats;
- Coordinate with community organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minorities, low income, and/or LEP communities;
- Provide opportunities for public participation through means other than written communication, such as one-on-one interviews; and
- Conduct meetings in locations that are always ADA accessible and convenient to public transit, when possible.

7. Direct Notification. The use of direct delivery of information should be used when required by federal, state or local law or depending on the nature of the program, project, or activity and the resources available.

8. Social Media. Social media and social networking websites include Facebook, Twitter, YouTube, and blogs. It is important to choose the social media and networking platforms that have the best chance of reaching the intended audience.

Use of Public Comment

All public input should be derived from as diverse a range of sources as possible. As appropriate and whenever possible, at BCTRA's discretion, public comments may be used to develop and revise work scopes, plans, and programs. (Attachment 7-D).

Effectiveness Assessment

BCTRA should use the information obtained through its public outreach efforts to review the effectiveness and progress of its programs. In turn, the Public Participation Plan should be updated periodically to ensure compliance with Title VI of the Civil Rights Act of 1964 and executive orders for Environmental Justice and individuals that are Limited English Proficient. The Title VI Coordinator will be responsible for coordinating any plan updates.

Environmental Justice Project Checklist

This checklist is used to determine whether an assessment is required under Brazoria County Toll Road Authority's Environmental Justice Plan and whether mitigation efforts are required.

Project Name: _____ Project No.: _____

Project Location/Description: _____

Name of Person Completing Checklist: _____

Step 1: Is the project located in or designed to serve a predominantly minority or low-income neighborhood?

☐ Yes ☐ No

If Yes, continue.

If No, compliance with this section is complete. Mark box "A" in "Conclusion" section below.

Step 2: Would there be an adverse environmental impact caused by the proposed action?

☐ Yes ☐ No

If No, compliance with this section is complete. Mark box "A" in "Conclusion" section below.

If Yes, perform an Environmental Justice analysis using census, geographic, and other data to determine if a low-income/minority population is disproportionately impacted by the project relative to the community at-large, then continue to Step 3.

Step 3: Will the adverse environmental impact of the proposed action disproportionately impact minority and low-income populations relative to the community-at-large?

☐ Yes ☐ No

If No, compliance with this section is complete. Mark box “A” in “Conclusion” section below.

If Yes, project cannot move forward until mitigation involving public participation of the affected population is completed per the Public Participation Plan. Mark box “B” in the “Conclusion” section below.

Conclusion

- ☐ **A: This project will not have an adverse environmental impact on minority and low-income populations relative to the community at-large.**
- ☐ **B: Because this project may have an adverse environmental impact on minority and low-income populations relative to the community at large, mitigation efforts involving public participation of the affected population will be completed and documented. Document findings and mitigation efforts in “Environmental Justice Mitigation Log.” Provide log to Title VI Coordinator by September 30th of each year.**

Relevant Terms and Definitions

“Adverse environmental impact” includes, but are not limited to the following:

- Bodily impairment, infirmity, illness or death,
- Air, noise and water pollution and soil contamination,
- Destruction or disruption of man-made or natural resources,
- Destruction or diminution of aesthetic values,
- Destruction or disruption of community cohesion or community’s economic vitality,
- Destruction or disruption of the availability of public and private facilities and services,
- Adverse employment effects,
- Displacement of person’s businesses, farms or non-profit organizations,
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community, and
- Denial of, reduction in, or significant delay in the receipt of benefits of the County programs, policies and activities.

“Disproportionate Impact on Minority and Low-Income Population” means adverse environmental impact that (1) is predominantly borne by a minority population and/or a low-income population, or (2) will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than that adverse impact that will be suffered by the non-minority population and/or non-low-income population.

“Low Income” means a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines. The national poverty guidelines are issued annually by the Department of Health and Human Services and are available at: <http://aspe.hhs.gov/poverty/15poverty.cfm>.

“Low-Income Population” means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

“Minority” means persons considered minorities are identified by the Census as people of African, Hispanic, Asian, American Indian, or Alaskan Native origin. Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice consider minority persons as persons belonging to any of the following groups:

- Black - a person having origins in any of the black racial groups of Africa.
- Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- Asian - a person having origins in the Far East, Southeast Asia, or the Indian subcontinent.
- American Indian and Alaskan Native - a person having origins in North America and who maintains cultural identification through tribal affiliation or community recognition.

“Minority Population” means any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

Environmental Justice Mitigation Log

Complete and Return to Title VI Coordinator No Later Than September 30th

Project Name	Adverse Impact	Impacted Group(s)	Description of Public Participation Plan	Dates of Public Participation Efforts	Public Participation Plan Findings and Conclusions	Efforts to Mitigate, if any. (if none, explain why)	Source Documentation (e.g., mapping of populations, EJ analysis, meeting notices, public forums)	Other

For additional information, see the following resources:

EPA's "EJSCREEN" Tool provides information relevant to EJ assessments: <https://www.epa.gov/ejscreen>

Census data and maps also available at: <https://data.census.gov/cedsci/>

Tract-level data on race & income: <https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>

Preparer's Signature

Date

Preparer's Name

Brazoria County Toll Road Authority Demographic Survey

Project Name: _____ Location: _____

Date: _____ Home Zip Code: _____

Voluntary Information: <i>Please provide the following information about yourself. Please check appropriate box.</i>	
Gender ☐ Female ☐ Male	Disability ☐ Yes ☐ No
Age ☐ 0-21 ☐ 22-40 ☐ 41-65 ☐ Over 65	
Ethnicity/Race ☐ White (non-Hispanic) ☐ Native American/Other Pacific Islander ☐ Asian ☐ Black ☐ American Indian ☐ Hispanic ☐ Other: _____	
First Language ☐ English ☐ Chinese dialect ☐ Spanish ☐ Russian ☐ Vietnamese ☐ Other: _____	Second Language ☐ English ☐ Chinese dialect ☐ Spanish ☐ Russian ☐ Vietnamese ☐ Other: _____
Household Income ☐ \$0 - \$12,000 ☐ \$12,001 - \$24,999 ☐ \$25,000 - \$36,999 ☐ \$37,000 - \$48,999 ☐ \$49,000 - \$59,999 ☐ \$60,000+	
Household Size _____ Adults _____ Children _____	
Who are you representing? <i>Voluntary Information</i>	
1. Minority population/organizations ☐ White (non-Hispanic) ☐ Native American/Other Pacific Islander ☐ Asian ☐ Black ☐ American Indian ☐ Hispanic ☐ Other: _____	
2. Low-income population ☐ Yes ☐ No	3. Persons with disabilities ☐ Yes ☐ No
4. Elderly Population ☐ Yes ☐ No	

La Autoridad de Carreteras del Condado de Brazoria

Encuesta demográfica

Nombre del proyecto: _____ Ubicación: _____

Fecha: _____ Inicio Código Postal: _____

Información voluntaria: <i>Proporcione la siguiente información sobre usted. Marque la casilla correspondiente.</i>	
Género ☐ Femenino ☐ Masculino	Discapacidad ☐ Sí ☐ No
Edad ☐ 0-21 ☐ 22-40 ☐ 41-65 ☐ Más que 65 de años	
Etnia/Raza ☐ Blanco (no hispano) ☐ Nativo Americano/Otro Insular del Pacífico ☐ Asiático ☐ Negro ☐ Americano Indio ☐ Hispano ☐ Otro: _____	
Primer Idioma ☐ Inglés ☐ Dialecto Chino ☐ Español ☐ Ruso ☐ Vietnamita ☐ Otros: _____	Segundo Idioma ☐ Inglés ☐ Dialecto Chino ☐ Español ☐ Ruso ☐ Vietnamita ☐ Otros: _____
Ingresos del hogar ☐ \$0 - \$12,000 ☐ 12,001 - \$24,999 ☐ 25,000 - \$36,999 ☐ \$37,000 - \$48,999 ☐ 49,000 - \$59,999 ☐ \$60,000+	
Tamaño del hogar _____ Adultos _____ Niños _____	
¿A quién representas? <i>Información voluntaria</i>	
1. Población Minoritaria /Organizaciones ☐ Blanco (no hispano) ☐ Nativo Americano/Otro Insular del Pacífico ☐ Asiático ☐ Negro ☐ Americano ☐ Hispano ☐ Otro: _____	
2. Población de bajos ingresos ☐ Sí ☐ No	3. Personas con discapacidad ☐ Sí ☐ No
4. Población de edad avanzada ☐ Sí ☐ No	

**BRAZORIA COUNTY TOLL ROAD AUTHORITY
PUBLIC MEETING COMMENT FORM**

Project Name: _____ **Date:** _____

Please use the space provided below to write comments and attach additional pages if necessary. You may leave the form at the meeting or mail it to the address provided below. Public comments will be accepted throughout the development of the project until *[insert public comment deadline]*. We appreciate your interest and value your input.

Did you attend a public meeting? ☐ Yes ☐ No

If yes, please provide the meeting location and date: _____

Please provide comments here: _____

Other Information:

Will this project be a benefit to you? ☐ Yes ☐ No

If no, please explain: _____

Will this project result in a burden on you? ☐ Yes ☐ No

If yes, please describe burden: _____

If there are any measures that can mitigate the burden, please provide: _____

Please Print: Your Name: _____

Address: _____

Telephone: _____

Email: _____

Check the following boxes that apply to you:

- ☐ I am employed by Brazoria County Toll Road Authority
- ☐ I do business with Brazoria County Toll Road Authority
- ☐ I could benefit monetarily from the project or other item about which I am commenting.

PLEASE SEND YOUR COMMENTS TO:

[Insert Department mailing address, email address, etc.]

**FORMULARIO DE COMENTARIOS DE REUNIÓN PÚBLICA DEL LA AUTORIDAD DE
CARRETERAS DEL CONDADO DE BRAZORIA**

Nombre del proyecto: _____ **Fecha:** _____

Utilice el espacio que se proporciona a continuación para escribir comentarios y adjuntar páginas adicionales si es necesario. Puede dejar el formulario en la reunión o enviarlo por correo a la dirección que se indica a continuación. Los comentarios públicos serán aceptados durante todo el desarrollo del proyecto hasta [insértese la fecha límite de comentarios públicos]. Agradecemos su interés y valoramos su opinión.

¿Asistió a una reunión pública? ☐ ☐ no

En caso afirmativo, proporcione la ubicación y la fecha de la reunión: _____

Por favor, proporcione comentarios aquí: _____

Otra información:

¿Este proyecto será un beneficio para usted? ☐ Si ☐ No

Si no, por favor explique: _____

¿Este proyecto resultará en una carga para usted? ☐ Si ☐ No

En caso afirmativo, describa la carga: _____

Si hay alguna medida que pueda mitigar la carga, proporcione: _____

Por favor imprima: Su nombre: _____

Dirección: _____

Teléfono: _____

Correo electrónico: _____

Marque las siguientes casillas que se aplican a usted:

☐ Soy empleado del Condado de Brazoria

☐ Hago negocios con el Condado de Brazoria

☐ Podría beneficiarme monetariamente del proyecto u otro elemento sobre el que estoy comentando.

POR FAVOR, ENVÍE SUS COMENTARIOS A:

[Inserte la dirección postal del Departamento, la dirección de correo electrónico, etc.]

Brazoria CountyToll Road Authority
Title VI Discrimination External Complaint Form

This form may be used to file a complaint with Brazoria County Toll Road Authority based on violations of Title VI of the Civil Rights Act of 1964 and related statutes. Complaints should be filed within 180 days of the alleged discrimination or within 60 days of you becoming aware of the alleged discrimination.

Return the signed form to:

Matt Hanks
Brazoria County Toll Road Authority Title VI Coordinator
451 N. Velasco, Suite 230
Angleton, Texas 77515
(979) 864-1265 (phone)
(979) 864-1270 (fax)

If you need assistance completing this form, please call the Brazoria County Toll Road Authority Title VI Coordinator at the phone number listed above.

Last Name		First Name		
Mailing Address		City	State	Zip
Telephone	Alternate Telephone	E-mail Address		
Please state the basis of your complaint ☐ Race: _____ ☐ Age: _____ ☐ National Origin: _____ ☐ Color: _____ ☐ Gender: _____ ☐ Disability: _____				
Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.				
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages, if necessary.)				

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

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

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

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

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

- ☐ U.S. Department of Transportation (DOT) (Filing Date: _____)
- ☐ Federal Highway Administration (FHWA) (Filing Date: _____)
- ☐ Federal Transit Administration (FTA) (Filing Date: _____)
- ☐ Office of Federal Contract Compliance Programs (OFCCP) (Filing Date: _____)
- ☐ U.S. Equal Employment Opportunity Commission (EEOC) (Filing Date: _____)
- ☐ U.S. Department of Justice (DOJ) (Filing Date: _____)
- ☐ Other (Agency: _____) (Filing Date: _____)

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

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

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

Please sign and date the complaint form below. Unsigned complaints will not be accepted.

Complainant's Signature

Date

FOR OFFICE USE ONLY

Date Complaint Received: _____ Case No.: _____

Processed by: _____ Date Referred: _____

Referred to: USDOT FHWA FTA OFCCP EEOC Other

Brazoria County Toll Road Authority
Title VI Discrimination External Complaint Log

Instructions: The Title VI Coordinator shall maintain a log of any external discrimination complaints or lawsuits filed naming Brazoria County Toll Road Authority as a defendant and alleging discrimination with respect to Title VI.

[illegible]

Sample Letter Acknowledging Receipt of Complaint

[Today's Date]

[Complainant Name]
[Complainant Address]

Dear [Ms/Mr. Complainant Name]:

This letter is to acknowledge receipt of your complaint against Brazoria County Toll Road Authority alleging [description of allegation]. An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning (979) 864-1265, or write to the following address:

Brazoria County Toll Road Authority Title VI Coordinator
451 N. Velasco, Suite 230
Angleton, Texas 77515

Sincerely,

[NAME]
Brazoria County Toll Road Authority Title VI Coordinator

Sample Letter Notifying Complainant that Complaint is Substantiated

[Today's Date]

[Complainant Name]
[Complainant Address]

Dear [Ms/Mr. Complainant Name]:

The matter referenced in your letter of [date] against Brazoria County Toll Road Authority alleging Title VI violation has been investigated.

[An/Several] apparent violation(s) of Brazoria County Toll Road Authority's policies related to Title VI of the Civil Rights Act of 1964, including those mentioned in your letter, [was/were] identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program.

Sincerely,

[NAME]
Brazoria County Toll Road Authority Title VI Coordinator

Sample Letter Notifying Complainant that Complaint is Not Substantiated

[Today's Date]

[Complainant Name]
[Complainant Address]

Dear [Ms/Mr. Complainant Name]:

The matter referenced in your complaint of [date] against Brazoria County Toll Road Authority ("BCTRA"), alleging [summary of allegation] has been investigated

BCTRA has analyzed the materials and facts pertaining to your case for evidence of the County's failure to comply with Title VI of the Civil Rights Act of 1964 or any other civil rights law. The results of the investigation did not indicate that the provisions of Title VI, or other related authority, was violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files. You have the right to appeal this closing letter to the Chairperson of the BCTRA Board of Directors within five (5) business days from receipt of the closing letter or file a complaint externally with the U.S. Department of Transportation or other applicable federal agency. You may also file a complaint with the Texas Department of Human Rights or the United States Department of Justice at:

U.S. Department of Justice Civil Rights Division
Federal Coordination and Compliance Section
NWB 950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
1-888-848-5306

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

[NAME]
Brazoria County Toll Road Authority Title VI Coordinator