

UPTOWN HOUSTON

CIVIL RIGHTS ACT OF  
1964

TITLE VI COMPLIANCE  
PLAN

## **Title VI Policy Statement**

**Harris County Improvement District #1 (Uptown Houston) assures that no person shall on the grounds of race, color, religion, national origin, gender, sexual orientation, or disability as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Uptown Houston further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.**

**In the event Uptown Houston distributes federal funds to another governmental entity, Uptown Houston will include Title VI language in all written agreements and will monitor for compliance.**

**The President, John R Breeding, of Uptown Houston is responsible for initiating and monitoring Title VI activities, assuring the preparation of required reports.**

**The Finance Director, Shannon Daniels, will serve as the Title VI Coordinator.**

## **Authorities**

**Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, religion, national origin, gender, sexual orientation, or disability 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 (please refer to 23 CFR 200.9 and 49 CFR 21).**

**The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).**

## **Additional Authorities and Citations Include:**

**Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3; EO 13166; FTA C 4702.1A (May 13, 2007).**

### **Organization and Staffing – General**

The President, John R Breeding of Uptown Houston is responsible for ensuring the implementation of the Uptown Houston's Title VI program. The Title VI Coordinator, Shannon Daniels, is responsible for the overall management of the Title VI program.

### **Program Administration and Title VI Coordinators Responsibilities**

As authorized by the President, John R Breeding of Uptown Houston, the Title VI Coordinator, Shannon Daniels, is responsible for initiating, monitoring, and ensuring Uptown Houston's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by Uptown Houston in accordance with Complaint Procedures. If any individual believes that he or she or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, religion, national origin, gender, sexual orientation, or disability, he or she may exercise their right to file a complaint with Uptown Houston. Every effort will be made to resolve complaints informally at the local level.
2. Collect statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of Federal Transit Administration programs, i.e., impacted citizens, and affected communities. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.
3. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition the day to day monitoring, all special emphasis program areas will be reviewed annually to assure effectiveness in their compliance with Title VI provisions. The Title VI Coordinator and program liaisons will coordinate efforts to ensure equal participation in their program areas and activities at all levels.
4. Conduct Title VI reviews when necessary of contractors and other recipients of federal funds.
5. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process, to prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.
6. Develop Title VI information for Public Dissemination and Limited English Proficiency. Ensure dissemination to the general public and, where appropriate, in languages other than English. Uptown Houston will disseminate Title VI Program information to Uptown Houston employees, contractors, subcontractors, consultants, and sub-consultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI Policy Statement will be published in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.

7. Conduct pre-grant and post-grant approval reviews of Uptown Houston programs and applicants for compliance with Title VI requirements; i.e., facility location, design and relocation, and persons seeking contracts with Uptown Houston.

8. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.

9. Schedule training for Title VI related statutes for appropriate Uptown Houston employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all sub-recipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.

10. Identify and eliminate discrimination when found to exist. Work with all Uptown Houston offices and Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.

11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period not to exceed 90 days. Uptown Houston will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period not to exceed 90 days. Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

Uptown Houston will seek the cooperation of the sub-recipient in correcting deficiencies found during the Title VI compliance reviews. Uptown Houston will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Uptown Houston will submit a copy of the case file to the appropriate entity and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within 90 days of the initial review to ensure that the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

12. Maintain updated legislative and procedural information regarding Uptown Houston's Title VI Program. This will include federal laws, rules and regulations, local guidelines, and other resource information pertaining to Title VI issues.

13. Maintain procedures for making general information related to Uptown Houston's Title VI program available to the public as requested.

14. Maintain a list of complaints, lawsuits and investigations brought against Uptown Houston related to Title VI issues. The list should include the date the issue was brought to attention of Uptown Houston staff, steps taken to address the issue and the final resolution of the matter.

15. Ensure participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic organizations and participating in roundtable meetings in minority communities when applicable.

### **Complaint Procedures for Programs and Activities including Federally Assisted Programs**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) Program components) Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any transportation or program or activity administered by Uptown Houston, as well as to sub-recipients, consultants, and contractors. The program is also conducted in accordance with FTA C 4702.1A. These procedures apply to complaints filed against a program and/or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) and other Federal offices.

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

The 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.

These procedures are part of an administrative process, which do not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial

interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

## Procedures

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint (may be done by telephone as well – (713) 621-2011) with Uptown Houston. A formal complaint must be filed within 90 calendar days of the alleged occurrence, or when the alleged discrimination became known to the complainant. The complainant must meet the following requirements:

- a. Complaint shall be in writing and signed by the complainant(s).
  - b. Present the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues including names and job.
  - d. Allegations received by fax or email will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent is required to mail a signed, original copy of the fax or email transmittal for Uptown Houston to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return to Uptown Houston for processing.
  - f. If required, case file will be submitted to the appropriate authority.
2. Acceptance of a complaint will be determined by:
- a. Whether the complaint is filed in timely manner;
  - b. Whether the allegations involve a covered basis such as race, color, religion, national origin, gender, sexual orientation, or disability;
  - c. Whether the allegations involve a program or activity of a federal funding recipient, sub-recipient, or contractor; or, in the case of ADA allegations, an entity open to the public;
  - d. The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority.

3. A complaint may be dismissed for the following reasons:
  - a. Complainant requests the withdrawal of the complaint;
  - b. Complainant fails to respond to repeated requests for additional information needed to process complaint; or
  - c. Complainant cannot be located after reasonable attempts.
4. Uptown Houston has sole authority for accepting complaints for investigation. Once Uptown Houston decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) calendar days. The complaint will receive a case number and then be logged into Uptown Houston's records identifying its basis, alleged harm, the race, color, religion, national origin, gender, sexual orientation, or disability of the complainant(s).
5. In cases where Uptown Houston assumes investigation of the complaint, Uptown Houston will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of Uptown Houston's written notification of acceptance of the complaint to furnish his/her response to the allegations.
6. Within 40 calendar days of the acceptance of the complaint, the Uptown Houston investigator will prepare an investigative report for the President, John R Breeding, of Uptown Houston. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The President, John R Breeding, will have ten (10) calendar days to review and provide comments to the investigator.
7. The President, John R. Breeding, of Uptown Houston will address any comments to the preliminary investigative report, the report and its findings will be forwarded to Uptown Houston's legal consultant for review. The legal consultant will review the report and associated documentation and will provide input within ten (10) calendar days. There will be a period of ten (10) calendar days for the legal consultant to discuss the report and any recommendations with the President, John R Breeding, of Uptown Houston, and have the Title VI Coordinator address any modifications as needed.
8. Uptown Houston's final investigative report and a copy of the complaint will be forwarded to FTA within 60 calendar days of the acceptance of the complaint.
9. Uptown Houston will notify the parties of its preliminary findings.



## **Special Emphasis Program Areas**

Uptown Houston staff will annually update and coordinate Uptown Houston's future plans for transportation improvement programs and projects. Projects included in the update are the result of evaluation and prioritization of needs in various transportation areas. The evaluation process includes input from Uptown Houston staff, cities, local jurisdictions and organizations, citizen groups, and private individuals.

In addition, Uptown Houston utilizes a comprehensive transportation planning process which incorporates input from the public. The process further entails the monitoring and collection of varied data pertaining to transportation issues. Uptown Houston also coordinates the establishment of new transportation projects in Uptown Houston.

## **Limited English Proficiency Strategies**

Strategies to provide meaningful access to LEP persons to ensure that they can communicate effectively will be achieved by measures including but not limited to:

- Applying the “four factor analysis” process provided as a guideline from the U.S. Department of Justice to determine LEP needs. This process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the nature and importance of the program to people’s lives, and the resources available to provide translation services. The results of this analysis will be used to outreach and engage LEP persons in the transportation planning process.
- Developing a demographic assessment utilizing U.S. Census Tract data for the impacted area to determine if there is a 5% or more minority population requiring special language assistance, and address the needs. A map will be created for depiction.
- Providing for a range of language assistance options, including notices to LEP persons in a language they can understand regarding their right to free language assistance.
- Training to ensure that staff are knowledgeable and aware of LEP policies and procedures, Uptown Houston Title VI Plan and are trained to work effectively in the facilitation of the process.
- Providing translation services for public documents and competent interpreters at public hearings as requested. Vital documents will include, but will not be limited to: notice of civil rights, complaint procedures and forms, offering of free language assistance, letters requiring response and other critical documents.
- Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and local minority newspapers.

- Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.

## **Appendix 1 – Uptown Houston Title VI Notice to Public**

Uptown Houston hereby gives public notice that it is the Uptown Houston's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, religion, national origin, gender, sexual orientation, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Uptown Houston receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Uptown Houston. Any such complaint must be in writing or by phone and filed with the Uptown Houston Title VI Coordinator within ninety (90) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant by calling (713) 621-2011.

This notice is to be posted in the office of Uptown Houston, on the Uptown Houston website ([www.uptown-houston.com](http://www.uptown-houston.com)) and at other strategic locations throughout the District.

## **Appendix 2 – Uptown Houston Title VI Assurances**

Uptown Houston (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, religion, national origin, gender, sexual orientation, or disability 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 Uptown Houston, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)( 1 ) of the Regulations; and is in compliance with FTA C 4702.1A.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances:

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the requirements.

Uptown Houston in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---d4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the content of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.

4. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

5 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 shall extend rights to space on, over or under such property.

6. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, 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.

7. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom she/he delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

8. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation.

### **Appendix 3 - For Contractors, Subcontractors, Suppliers, and Manufacturers**

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

#### **1. Compliance with Regulations**

The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

#### **2. Nondiscrimination**

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, religion, national origin, gender, sexual orientation, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

#### **3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, religion, national origin, gender, sexual orientation, or disability.

#### **4. Information and Reports**

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Uptown Houston or the Federal Transit Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to Uptown Houston, or the Federal Transit Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

#### **5. Sanctions for Noncompliance**

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Uptown Houston shall impose such contract sanctions as it, or the Federal Transit Administration may determine to be appropriate, including, but not limited:

1. Withholding of payments to the contractor under the contract until the contractor complies.
2. Cancellation, termination or suspension of the contract in whole or in part.

#### **Appendix 4 – Title VI Compliance History**

Uptown Houston first adopted a Title VI Compliance Plan in 2007. Below is a list of instances where Uptown Houston has been involved with a Title VI complaint, investigation or lawsuit; and the actions taken on behalf of Uptown Houston to resolve the issue:

- Lawsuits – none;
- Investigations – none;
- Complaints – none;

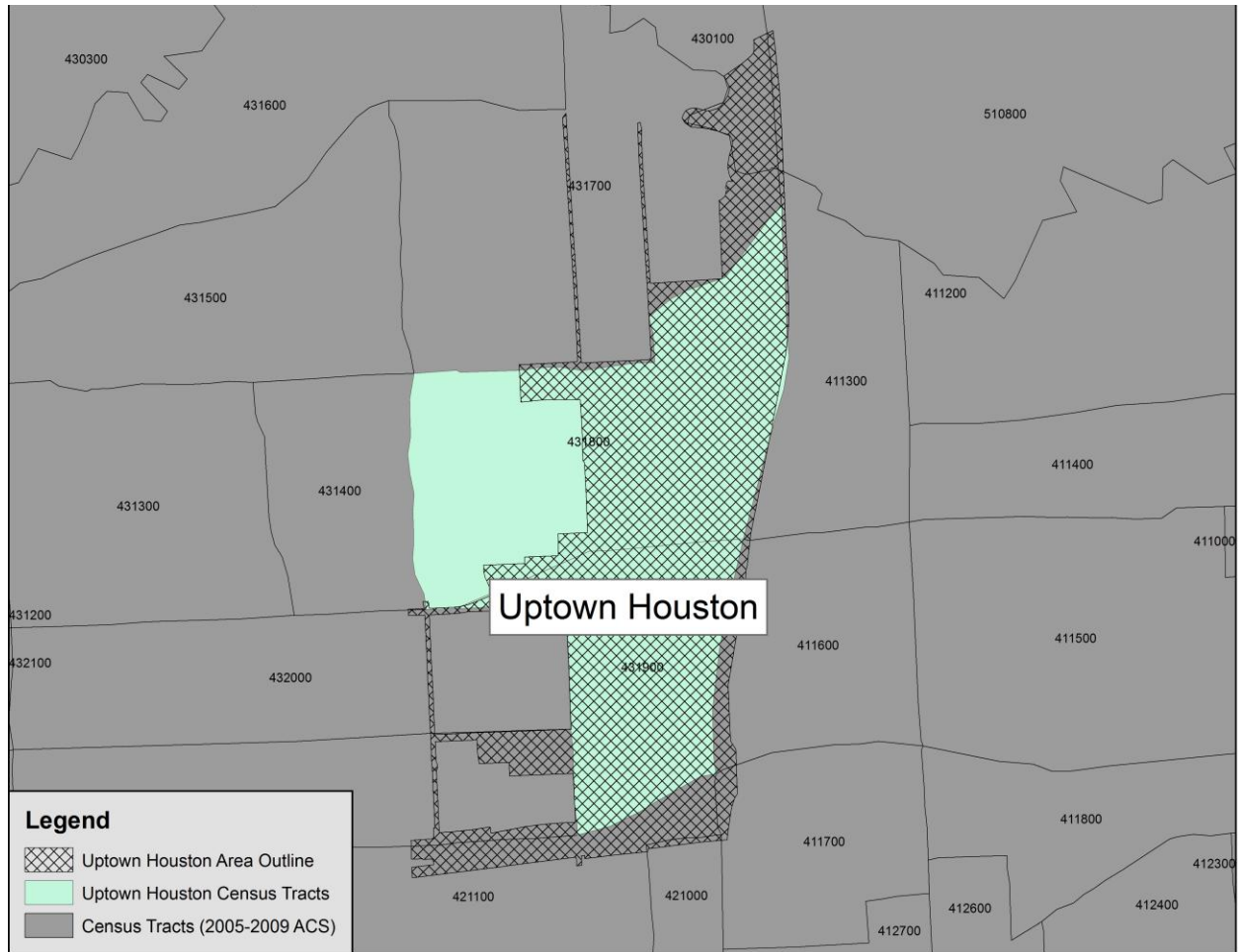


## Appendix 5 – Limited English Proficiency Analysis and Plan

Uptown Houston has conducted the Four Factor analysis and developed a plan to provide meaningful access to transit-related improvements within the District boundaries. The results are stated below:

Factor 1: The Number and Proportion of LEP Persons Served or Encountered

Uptown Management District Limited English Proficiency	Total	Speak English "very well"	Speak English "well"	Speak English "not well"	Speak English "not at all"	Percentage Not Well" or "Not At All" of Total Language Sub- Group	Percentage Not Well" or "Not At All" of Total Population
<b>Total 5 to 17</b>	268						
Speak only English	116						
Speak Spanish:	135	135	-	-	-	0%	0%
Speak other Indo-European languages:	12	12	-	-	-	0%	0%
Speak Asian and Pacific Island languages:	5	5	-	-	-	0%	0%
Speak other languages:	-	-	-	-	-	0%	0%
<b>18 to 64 years:</b>	2,735						
Speak only English	1,950						
Speak Spanish:	489	309	76	95	9	21%	4%
Speak other Indo-European languages:	123	65	38	20	-	16%	1%
Speak Asian and Pacific Island languages:	62	38	6	18	-	29%	1%
Speak other languages:	111	105	6	-	-	0%	0%
<b>65 years and over:</b>	871						
Speak only English	809						
Speak Spanish:	37	26	11	-	-	0%	0%
Speak other Indo-European languages:	15	6	-	9	-	60%	1%
Speak Asian and Pacific Island languages:	10	10	-	-	-	0%	0%
Speak other languages:	-	-	-	-	-	0%	0%
<b>Total</b>	3,874						
Speak only English	2,875						
Speak Spanish:	661	470	87	95	9	16%	3%
Speak other Indo-European languages:	150	83	38	29	-	19%	1%
Speak Asian and Pacific Island languages:	77	53	6	18	-	23%	0%
Speak other languages:	111	105	6	-	-	0%	0%



Uptown Houston utilized U.S. Census data from the American Community Survey to determine that all non-English speaking LEP groups are below the 5% threshold within the District.

### Factor 2: Frequency of Contact

As noted above, all non-English speaking LEP groups are below the 5% threshold within the District. Additionally, Uptown Houston does not provide transit services, rather utilizes FTA funds in order to develop pedestrian infrastructure that enhances people’s ability to easily access the transit services provided by Houston METRO.

### Factor 3: Importance of LEP Persons to Activities

As stated in the Factor 1 and 2 Analysis, all non-English speaking LEP groups are below the 5% threshold within the District, and Uptown Houston does not provide transit services but does utilize FTA funds for the construction of pedestrian infrastructure. The construction of sidewalks, ADA ramps, pedestrian lighting and signalization provides benefit to all users of transit services, but does not have any unique impact on LEP persons.

Factor 4: Resources Available to Uptown Houston and Associated Costs

As stated in the Factor 1 and 2 Analysis, all non-English speaking LEP groups are below the 5% threshold within the District.

**Appendix 6 – Public Participation Process**

Uptown Houston maintains an ongoing public participation process for all construction projects. The Board of Directors meetings are posted and open to ensure a greater chance for involvement from concerned stakeholders. The projects are discussed in detail at the public meetings which occur before construction initiates. Outreach is also undertaken with private property owners to make them aware in advance of construction activities.