

TITLE VI PROGRAM



Texarkana
MPO

Limited English Proficiency Plan

Policy Board Adoption
Revision #1
Revision #2

August 27, 2014
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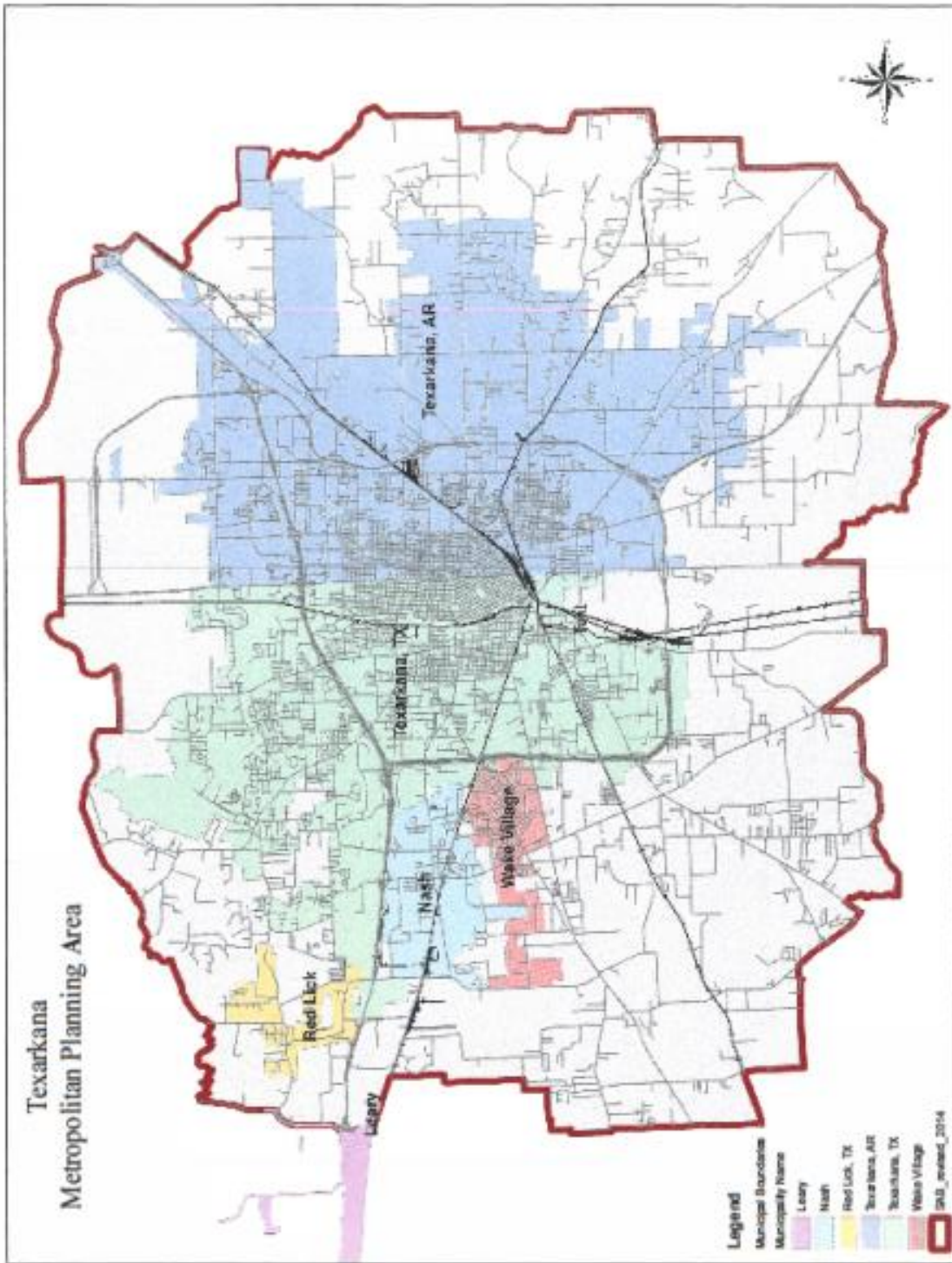
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TEXARKANA MPO BOUNDARY MAP



TITLE VI PROGRAM AND POLICY STATEMENT

TEXARKANA METROPOLITAN PLANNING ORGANIZATION NOTICE OF NONDISCRIMINATION

The **Texarkana Metropolitan Planning Organization (MPO)** makes every effort to comply with the American with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in MPO programs and activities, as well as the MPO's hiring or employment practices.

Complaints of alleged discrimination and inquiries regarding the MPO's nondiscrimination policies may be directed to Jo Anne Gray, Planner – EEO/DBE (ADA/504/Title VI Coordinator), P.O. Box 1967, Texarkana, TX 75504, (903) 798-3927, (903) 798-3773 (fax), or the following email address: joanne.gray@txkusa.org

Free language assistance for LEP individuals is available upon request. This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

INTRODUCTION – TITLE VI

In 1999, the Governor of the State of Arkansas and the Governor of the State of Texas designated the Texarkana Urban Transportation Study (TUTS) Policy Board to be the Metropolitan Planning Organization (MPO) for the metropolitan area. The purpose of the MPO is to provide local citizens and elected officials the opportunity to be involved in the transportation planning process. The MPO serves the cities of Texarkana, Arkansas, Nash, Red Lick, Texarkana, Wake Village, Texas, (portions of) Leary, Texas, and Miller County, Arkansas and Bowie County, Texas, and is responsible for continuous, comprehensive, and coordinated transportation planning within the MPO Study Area. The MPO study area is comprised of approximately 195 square miles in northeast Texas and southwest Arkansas.

Committee Membership

The MPO consists of two committee structures, the Policy Board (PB) and the Technical Advisory Committee (TAC). The PB is comprised of elected officials and department directors, who vote and implement policies regarding the transportation systems in the Texarkana MPO area. The individual representatives are not selected by the MPO, but by the member organization themselves. Tables 1 and 2 are current as of May 2021.

Policy Board

Table 1

<u>NAME</u>	<u>TITLE</u>	<u>AGENCY</u>
Chris Brown	Executive Director	Ark-Tex Council of Governments (ATCOG)
Barbara Miner	Ward 5 Director	City of Texarkana, Arkansas
Steven Hillibush	Ward 3 Director/Assistant Mayor	City of Texarkana, Arkansas
Vacant		City of Texarkana, Arkansas
Robert Bunch	Mayor	City of Nash, Texas
David Orr	Interim City Manager	City of Texarkana, Texas
Mary Hart	City Council	City of Texarkana, Texas
Bob Bruggeman	Mayor	City of Texarkana, Texas
Sheryl Collum	Mayor	City of Wake Village, Texas
Cathy Harrison	County Judge	Miller County, Arkansas
Tom Whitten	County Commissioner	Bowie County, Texas
Sunny Farmahan	Senior Transportation Planner	Arkansas Department of Transportation (ARDOT)
William Cheatham, P. E.	District 3 Engineer	Arkansas Department of Transportation (ARDOT)
Deanne Simmons, P. E.	Transportation Planning & Development Director	Texas Department of Transportation (TXDOT)
Buddy Williams, P. E.	District Engineer	Texas Department of Transportation (TXDOT)

Technical Advisory Committee

Table 2

<u>NAME</u>	<u>TITLE</u>	<u>AGENCY</u>
Mary Beth Rudel	Deputy Director	Ark-Tex Council of Governments (ATCOG)
Patrick Cox	Administration & Maintenance Coordinator	Texarkana Urban Transit District (TUTD)
Mary Beck	City Planner	City of Texarkana, Arkansas
Jamie Finley	Planning Secretary	City of Texarkana, Arkansas
Tyler Richard, P. E.	Public Works Director	City of Texarkana, Arkansas
Doug Bowers	City Administrator	City of Nash, Texas
Dusty Henslee, P. E.	Public Works Director	City of Texarkana, Texas
Jonathan Wade, P. E.	Associate City Engineer	City of Texarkana, Texas
Vashil Fernandez	Interim Director of Planning & Community Development	City of Texarkana, Texas
Jim Roberts	City Administrator	City of Wake Village, Texas
Vacant		Miller County, Arkansas
Tom Whitten	County Commissioner	Bowie County, Texas
Chris Dillaha	Transportation Planner	Arkansas Department of Transportation (ARDOT)
Daniel Huett, P. E.	Resident Engineer	Arkansas Department of Transportation (ARDOT)
Katie Martin, P. E.	Advance Planning Engineer	Texas Department of Transportation (TxDOT)
Paul Wong, P. E.	Area Engineer	Texas Department of Transportation (TxDOT)
Paul Mehrlich	Executive Director	Texarkana Regional Airport
NON-VOTING MEMBERS		
Valera McDaniel	Transportation Specialist	Federal Highways Administration, Arkansas
Barbara Maley	Air Quality Specialist & Transportation Planner	Federal Highways Administration, Texas
Marc Oliphant	Community Planner	Federal Transit Administration, Region VI

The TAC is comprised of professions that provide technical expertise and make recommendation to the PB regarding transportation planning and projects. The individual representatives are not selected by the MPO, but by the member organization themselves.

Representation of each body is based on population.

TITLE VI REQUIREMENTS

As a sub-recipient of federal financial assistance for transportation planning, the MPO is required by (49 CFR Part 21 and 23 CFR Part 200) to comply with various non-discrimination laws including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 (ADA), and Sections 504 and 508 of the Rehabilitation Act of 1973. Title VI forbids discrimination against any person(s) in the United States because of race, color, or national origin by any agency receiving federal funds. As a recipient of federal funding the MPO must ensure that its programs and activities are operated in a non-discriminating manner. To ensure compliance with the law, the MPO has implemented a TITLE VI program which is outlined in this document.

Notice of Non-discrimination

In compliance with 49 CFR Section 21.9(d), the Texarkana MPO regularly provides information to the public regarding Title VI obligations and protections. The Texarkana MPO includes the Notice of Nondiscrimination (see below), in all plans, studies, publications, and on the website.

TEXARKANA METROPOLITAN PLANNING ORGANIZATION

NOTICE OF NONDISCRIMINATION

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PUBLIC ENGAGEMENT

Public Participation Plan (PPP)

The MPO's plan for soliciting public participation, the Public Participation Plan (PPP), can be found on the MPO's website or a copy can be picked up at the MPO offices.

“The purpose of the PPP is to ensure that public participation is an integral part of the transportation planning process and that decisions are made with the benefit and consideration of public perspectives. This policy provides a mechanism for bringing diverse viewpoints and values into the decision-making process. Early and continuous public involvement enables the MPO to make better informed decisions, improves quality through collaborative efforts, and builds mutual understanding and trust between the MPO and the public it serves.”

The MPO uses a variety of tools to engage the community to participate in the planning process. These tools include, but are not limited to Comment Periods, Board/Committee Meetings, Focus Groups, MPO Speakers, the MPO’s webpage, Public Notification List, Press Releases, Public Meetings, Studies, Reports, Surveys, and Visualization Tools. It is our intent to use the most familiar and widely used platforms to make it easier to adapt to the new and ever-changing communication approaches. The schedule for review and public comment periods on plans and proposals are described in the PPP.

All MPO meetings are open to the public in accordance with Texas Open Meeting laws. Most meetings are held in the Texarkana, TX City Council Chambers, a building accessible via transit as well as accessible for the disabled. The PPP involves notification of public meetings in the Texarkana Gazette, as well as posting notices at nine (9) Environmental Justice or low income/communities of color locations throughout the community as designated in the PPP. Public meetings in preparation for the pending update to the Metropolitan Transportation Plan 2045 were held at locations distributed throughout the MPO study area, with attention paid to the accessibility of the meeting locales via public transit routes and schedules.

The following methods are used routinely to garner public participation (portions excerpted from the PPP):

Comment Periods

Updates, drafts, and revisions of the various planning documents are made available for the public to review and comment on. A copy of the document is made available at the MPO office and on the MPO web page. The amount of time allowed for review and comment varies from document to document.

Policy Board Meetings

The MPO PB meetings are generally held at a minimum of three to four (3 to 4) times per year or as necessary to perform its functions and are open to the public. Agendas are sent out by e-mail, a minimum of seventy-two (72) hours prior to the scheduled meeting, to all

PB members, and to individuals of the general public that have requested to be on the MPO's Public Notification List. A notice of the meeting, which includes the location, date, time, and agenda, is posted at nine (9) publicly accessible locations, released for broadcast on public access television and area radio stations, posted on the MPO web page, and a legal advertisement is placed in the Texarkana Gazette a minimum of seventy-two (72) hours prior to the meeting date. Meetings can be held via Zoom, Teams and/or WebEx if necessary, as in the year 2020 and COVID-19 Pandemic.

Focus Groups

Focus groups may be formed to address specific concerns related to transportation issues such as conservation, economic development, freight, or public transportation, etc.

MPO Speakers

The MPO staff makes presentations to civic organizations, clubs, schools, neighborhood associations, and other organizations who are interested in the metropolitan transportation planning activities of the MPO. Staff provide information on the purpose, process, and products of the MPO and seek continued participation and comments from the public.

Legal Notices/Classifieds

Notices will be published for all MPO PB meetings as well as for public review and comment periods of required MPO plans and products in the local newspaper (Texarkana Gazette). Notices shall be posted consistent with the approved Public Participation Plan (PPP).

Public Meetings

The MPO staff and other stakeholders participate in metropolitan transportation planning forums to obtain or exchange information. In particular, forums are held to present updates, revisions and/or drafts of various planning documents to the public for review and comment.

Studies and Reports

The studies and reports published by the MPO provide information on the MPO composition, metropolitan transportation planning process, major documents and data produced by the MPO. Material is available on the MPO web page for viewing or downloading and hard copies may be made available to the public upon request.

Surveys

The MPO staff will engage the public using survey instruments covering various aspects of the transportation system, ITS performance, and the public's opinion on policy, projects, and performance.

Traditionally Under-Served Populations

All public meetings are held at ADA accessible locations. Upon request, the MPO will make every effort to provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, to those who qualify as a disabled individual under the [Americans with Disabilities Act \(ADA\) of 1990](#), as amended. Individuals requiring a language translator may also request assistance. The MPO office must receive notification by mail (P.O. Box 1967, Texarkana, Texas 75504), telephone (903-798-3927), or RELAY TEXAS (1-800-735-2989) for such services at least 48 hours in advance of the scheduled meeting time to make a reasonable effort to provide appropriate arrangements.

MPO Logo and Branding

The MPO has made an effort to cultivate a consistent brand identity to increase public awareness of the MPO. A logo representing products and publications by the MPO is used to provide a uniform and consistent look of all MPO documents.

Flyers/Postcards/Brochures

Flyers, postcards, and/or brochures may be used to announce upcoming meetings or promote involvement on a current project. They can be distributed to public places for display in order to reach a larger audience that other notifications may not reach. As appropriate, information will be provided in Spanish.

MPO Web Page (www.texarkanampo.org (.net and .com))

The MPO is committed to providing a web page with current MPO related information including agendas, primary planning documents, links to outside agencies, and other appropriate transportation related material.

Contact List

The MPO maintains email contact lists of relevant federal, state, and local agencies, as well as stakeholder groups and interested residents. These lists are used for meeting notification and project announcements. Contacts may be added based on survey responses or public meetings or removed based on undeliverability/bounces.

Webinars/Virtual Public Involvement

In 2020 society was in the grips of the global COVID-19 Pandemic. Various organization, including MPOs experienced difficulties in connecting to the people to whom they serve. Virtual technology became important as a way to connect to the public, committees, stakeholders, etc. Online communication has its challenges and opportunities. MPOs need to be conscience of the fact that not everyone has the ability or resources to participate

successfully even though there are many new virtual engagement tools available to increase the accessibility of people that can and choose to utilize the technology.

Comment Card/Form

Comment cards are used to solicit formal comments on specific issues being presented. Information collected may include local priorities, general input, or comments directly about MPO plans or studies.

Visualization Tools

Various types of visualization tools will be utilized to depict transportation information, statistics and/or maps.

Live Polling

For specific projects, the MPO may conduct live polling using online applications to gather live feedback from participants.

Social Media

The MPO will use available media such as Facebook and Twitter as an avenue to reach out to the public to share information and help to foster a relationship between the MPO and various stakeholders.

Games/Activities

During specific projects, the MPO may use interactive “games” to gather project priorities from the community/impacted users. These activities help the MPO staff better understand the needs/wants of the community and educate the public on the financial constraints of transportation related improvement.

DEMOGRAPHIC PROFILE OF THE METROPOLITAN AREA

Geography

The Texarkana MPO contains 195 miles (approximately). Within this area are the cities of Texarkana, Arkansas, and Nash, Red Lick, Texarkana, Wake Village, Texas, a portion of Leary, Texas, and portions of Miller County, Arkansas and Bowie County, Texas.

Population

The following table shows the population of the TUTS area municipalities plus the entirety of Miller County, Arkansas and Bowie County, Texas. Sources are noted under the table(s).

Table 3

	Population est. (July 1, 2019)	Population, Census (April 1, 2010)	Population, percent change
Texarkana, AR	29,657	29,919	-0.82%
Nash, TX	3,827	2,960	29.29%
Red Lick, TX	1,010	1,008	0.20%
Texarkana, TX	36,317	36,411	-0.26%
Wake Village, TX	5,327	5,492	-3.00%
<hr/>			
Miller County, AR	43,257	43,462	-0.47%
Bowie County, TX	93,245	92,565	0.74%

Data for Tables 3 – 7 were retrieved from:
<https://www.census.gov/quickfacts/fact/table/texarkanacitytexas/INC110219>
<https://www.tsl.texas.gov/ref/abouttx/popcity12010.html>
<http://censusviewer.com/cities/TX/>
<http://www.city-data.com/>

Minority Population

When comparing the 2010 census table and the 2019 population estimate table, the minority population makes up approximately 34 percentage of the total population. There has been no major change within the last 10 years for the counties. Changes within the various town/cities have not drastically changed. However, Red Lick, Texas has had an increase in the minority population from 2010 at approximately 10 percent to 20 percent in the 2019 estimated population.

Table 4

	Population est. (July 1, 2019)	White alone	Black or African American alone	American Indian & Alaska Native alone	Asian alone	Native Hawaiian & Other Pacific Islander	Two or More Races	Hispanic or Latino	Some other Race
Texarkana, AR	29,657	59.8%	33.5%	1.4%	0.2%	0.1%	2.6%	4.5%	N/A
Nash, TX	3,827	58.5%	23.5%	0.6%	0.8%	0.03%	2.0%	14.73	0.2%
Red Lick, TX	1,010	79.2%	7.7%	0.6%	8.4%	N/A	2.5%	0.3%	N/A
Texarkana, TX	36,317	55.1%	37.9%	0.7%	1.9%	0.0%	3.5%	7.6%	N/A
Wake Village, TX	5,327	68.1%	26.2%	2.7%	0.0%	0.0%	2.4%	6.4%	N/A
<hr/>									
Miller County, AR	43,257	71.1%	25.4%	0.9%	0.5%	0.1%	2.0%	3.6%	N/A
Bowie County, TX	93,245	69.7%	25.4%	1.1%	1.2%	0.1%	2.5%	7.8%	N/A

Table 5

	2010 Census (April 1, 2010)	White alone	Black or African American alone	American Indian & Alaska Native alone	Asian alone	Native Hawaiian & Other Pacific Islander	Two or More Races	Hispanic or Latino	Some other Race
Texarkana, AR	29,919	62.42%	33.18%	0.56%	0.57%	0.05%	2.01%	2.82%	1.22%
Nash, TX	2,960	63.38%	23.75%	1.32%	0.84%	0.03%	3.07%	14.29%	7.60%
Red Lick, TX	1,008	90.97%	4.46%	1.69%	0.0%	N/A	1.79%	3.77%	1.09%
Texarkana, TX	36,411	55.68%	37.15%	0.50%	1.35%	0.03%	2.21%	6.42%	3.39%
Wake Village, TX	5,492	67.44%	25.27%	0.66%	0.87%	0.13%	2.66%	5.26%	2.97%
Miller County, AR	43,462	71.63%	24.54%	0.46%	0.64%	0.04%	1.70%	2.39%	0.95%
Bowie County, TX	92,565	68.75%	24.19%	0.75%	0.79%	0.06%	6.55%	2.14%	3.32%

Poverty

According to the 2020 Census, a family of 4 with 2 children under the age of 18, the poverty threshold is \$26,246. For the State of Texas, the median income (in 2019 dollars) is \$61,874, income per capita is \$31,277, and poverty percent at 13.6%. The State of Arkansas has a median household income of \$47,597, per capita income of \$26,577, and persons in poverty is 16.2%.

Table 6

	Median household income (in 2019 dollars), 2015-2019	Per capita income in past 12 months (in 2019 dollars), 2015-2019	Persons in poverty
Texarkana, AR	\$39,622	\$24,183	23.5%
Nash, TX	\$37,570	\$18,584	22.7%
Red Lick, TX	\$79,959	\$33,001	6.3%
Texarkana, TX	\$45,080	\$28,375	21.7%
Wake Village, TX	\$55,385	\$24,183	8.8%
Miller County, AR	\$43,371	\$23,729	14.1%
Bowie County, TX	\$50,164	\$27,095	16.8%

<https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>

Elderly Population

As the table shows, the elderly population has increased from 1 to 4 percent in the counties and towns/cities from 2010 and 2019.

Table 7

	Population est. (July 1, 2019)	Persons 65 years and over	Population, Census (April 1, 2010)	Person 65 years and over
Texarkana, AR	29,657	17.2%	29,919	13.63%
Nash, TX	3,827	N/A	2,960	10.71%
Red Lick, TX	1,010	N/A	1,008	14.78%
Texarkana, TX	36,317	15.2%	36,411	14.44%
Wake Village, TX	5,327	15.8%	5,492	13.20%
Miller County, AR				
	43,257	17.2%	43,462	13.76%
Bowie County, TX				
	93,245	17.0%	92,565	14.16%

PROGRAM ASSESSMENT

The transportation needs of the minority populations within the region are identified amidst public engagement throughout the planning process. In addition to public engagement, the MPO regularly collects and analyzes data in order to ensure that the needs of minority populations are considered and included in the planning project selection process. The data collected by the MPO is used in equity analyses and in evaluating environmental justice concerns.

Equity Analysis

An Equity Analysis is a way of assessing if the costs and benefits of an organization's viable assets are equally shared by all members of the community. An equity Analysis must be considered when operating under Federal Guidelines to make sure that federal monies and policies are properly implemented during the construction of new facilities to benefit all members of the community. The MPO has not constructed any facility, such as a vehicle storage facility, maintenance facility, operation center, etc. that could require a Title VI Equity Analysis.

Environmental Justice

The United States Department of Transportation (U.S. DOT) requires that the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) implement the principles of environmental justice in all programs, policies, and activities (Order 6640.23). As a federally mandated and funded program, the MPO is required to identify and avoid “disproportionately high and adverse” effects on minority and low-income populations that may result from the transportation planning and project selection process (Executive Order 12898).

The three principles of environmental justice are:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations.
2. To ensure that full and fair participation by all potentially affected communities in the transportation decision making process.
3. To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

Planning and Environmental Linkages (PEL)

Planning and Environment Linkages (PEL) represents a collaborative and integrated approach to transportation decision-making that considers environmental, community, and economic goals early in the transportation planning process, and used the information, analysis, and products developed during planning to inform the environmental review process.

The Texarkana MPO works with the DOTs (Arkansas and Texas) in project prioritization of highway projects in this area. Projects go through a public review process, reviewed and the TAC and PB. As funds come available projects are completed.

National Environmental Policy Act (NEPA)

NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decision.

Coordination among local governments, the DOT(s), and the MPO in the management of public involvement can reduce project time frames.

See **Appendix J** for Environmental Constraint-Minority, Low-Income, LEP population map. This map is referencing Bowie County.

OTHER ONGOING TITLE VI/ENVIRONMENTAL JUSTICE ACTIVITIES

Annual Report

The MPO will produce a Title VI/Nondiscrimination Annual Work Plan & Accomplishments Report modeled after that produced by TxDOT. The report will:

- Provide an overview of an MPO's current policies, procedures, and practices to ensure nondiscrimination.
- Self-monitor programs to track, regulate, and observe their processes to ensure compliance with Title VI and maintain a record of how compliance with Title VI/Nondiscrimination requirements is maintained.

Contracts and RFPs

Ensure nondiscrimination in the award of contracts relating to projects receiving federal financial assistance.

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

- The clauses of Appendix A from the U.S. DOT Standard Title VI Assurances are inserted in every contract subject to the Act and the Regulations
- A copy of Form FHWA-1273, "Required Contract Provisions Federal-Aid Construction Contracts," which ensures nondiscrimination in the selection of employees and subcontractors, will be physically attached to all federal-aid construction contracts of \$10,000 or more.
- The MPO will ensure subrecipients insert this information in all its subcontracts.
- The MPO has the Civil Rights division at TxDOT to set a DBE goal before contract work is solicited.

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

- "The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 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 insure that in 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, or national origin in consideration for an award."

Have a signed copy of the DOT standard assurances to establish full and affirmative compliance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities. Ensure head of agency re-signs standard assurances every three years or within 30 days of the accession of a new agency head.

Data and Analysis

The MPO will collect and analyze data to ensure that transportation programs, services, facilities, and projects effectively meet the needs of “all persons” without discrimination. The MPO will integrate Environmental Justice considerations/analysis into the evaluation of all MPO activities.

LIMITED ENGLISH PROFICIENCY (LEP)

The MPO has adopted a plan for reaching out to persons with a Limited English Proficiency (LEP). The full text of this plan can be found on page 24 of this documents, on the MPO website under Program Documents, and/or copies can be picked up at the MPO office. The preparation of this report was necessitated by Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” which requires agencies that receive federal funding to improve or implement services to Limited English Proficient (LEP) individuals.

Due to the limited size of the local LEP population the MPO's LEP Plan does not have formal outreach techniques to reach these populations, however the plan has identified ways in which the populations might be reached if the need should arise for LEP outreach.

Ongoing monitoring occurs, such as tracking the number of LEP individuals the MPO encounters annually, how their needs were addressed, determinations of the size of the local LEP population, and reviews of demographic data to assess whether needs for translation services have changed, reassessing the cost of providing LEP services and whether the goals of the LEP Plan fulfilled, and were any complaints received.

TITLE VI COMPLAINT PROCEDURE

The Texarkana MPO has established a process for investigating and resolving complaints alleging Title VI discrimination related to MPO services and programs.

Any person who believes she or he has been discriminated against based on race, color, or national origin by the Texarkana MPO may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The MPO will process all complaints that are complete.

Submitting a complaint

Person(s) wanting to file a complaint can do so by submitting a completed Title VI complaint form including the complainant's name and contact information. Complaints with incomplete information may result in delayed investigations and responses. The Texarkana MPO will not respond to complaints without the complainant's name and mailing address. A complaint form may be obtained from the Texarkana MPO website, office, email or by fax.

Specific information relating to the incident in question (i.e., date, time, location, how the person was discriminated upon, and any other applicable details) may be submitted as an attachment to the complaint form.

A copy of the MPO Title VI Complaint Form may be found in **Appendix D**.

Acknowledgement

Within 3 business days upon receipt of a complaint, a letter will be mailed to the complainant with the following information:

1. Acknowledgement that the complaint has been received and is pending investigation by the MPO and/or the Arkansas Department of Transportation (ARDOT) or the Texas Department of Transportation (TxDOT).
2. If needed, request for additional information.
3. Estimated date by which a response will be sent to the complainant.

Investigation and resolution

The Title VI Coordinator will investigate the complaint and respond in writing within a reasonable time, not to exceed 60 days from the receipt of the complaint. If additional information has been requested by the MPO, the complainant has 15 business days from the date of the letter to send the requested information. If the information is not received within 15 business days, the MPO can administratively close the investigation. An investigation can also be administratively closed if the complainant no longer wishes to pursue the resolution of their complaint, or if after a reasonable effort, the complainant cannot be contacted. The response will provide information concerning the resolution of the complaint. The Texarkana MPO will notify ARDOT or TxDOT within 5 business days of any complaints.

After the investigator(s) review(s) the complaint, the Title VI administrator will issue a letter to the complainant. A closure letter will be issued if the investigation results indicate that there

was not a Title VI violation. A letter of finds (LOF) will be issued if the investigation results indicate that a Title VI violation occurred. The LOF will detail any disciplinary action and/or additional training that will occur as a result of the complaint and investigation.

Program Review Procedures

The Title VI Coordinator will prepare an annual report that details progress and challenges related to the Title VI program during the previous fiscal year and submit it to the State Metropolitan Planning Office.

A record of all complaints will be maintained by the Texarkana MPO for three (3) years following the complete closures of a case. Each record will include the name and address of the complainant, nature of the complaint, problems identified, resolution of the complaint and any resulting modification made to the Texarkana program or service of its office facility.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590. Upon request, any documentation of the investigation completed by the MPO will be provided to the FTA Office of Civil Rights in furtherance of their investigation.

MPO-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, OR LAWSUITS

There are no current transit related Title VI complaints, investigations, or lawsuits involving the MPO, nor have there been any since the date of the last submission. A log of complaints will be maintained. A sample of that log appears in **Appendix E**.

TITLE VI PROGRAM ADOPTION

The Texarkana MPO Policy board is the governing body that adopts planning and policy documents. The signed Resolution shall be proof that this Title VI Program was adopted on the 16th day of June 2021. See **Appendix F** for Resolution.

Language Assistance Plan

APPROVED BY THE TEXARKANA MPO POLICY BOARD on XXXXXXXXXX, 2021

The preparation and publication of this document was financed in part by funds provided by the United States Department of Transportation, Federal Highway Administration, and Federal Transit Administration. The provision of Federal financial assistance should not be construed as denoting U.S. Government approval of the plans, policies, programs, or projects contained herein.

TEXARKANA METROPOLITAN PLANNING ORGANIZATION

NOTICE OF NONDISCRIMINATION

The Texarkana Metropolitan Planning Organization (MPO) makes every effort to comply with the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in MPO programs and activities, as well as the MPO's hiring or employment practices.

Complaints of alleged discrimination and inquiries regarding the MPO's nondiscrimination policies may be directed to Jo Anne Gray, MPO Planner – EEO/DBE (ADA/504/Title VI Coordinator), P.O. Box 1967, Texarkana, TX 75504, (903) 798-3927, (903) 798-3773, or the following email address: joanne.gray@txkusa.org.

Free language assistance for LEP individuals is available upon request. This notice is available from the ADA/504/Title Coordinator in large print, on audio tape, and in Braille.

INTRODUCTION – LANGUAGE ASSISTANCE PLAN

This Limited English Proficiency Plan has been prepared to address the Texarkana MPO responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and Executive Order 13166 its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation and indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and government, private and non-profit entities, and sub-recipients (such as the Texarkana MPO).

The Texarkana Metropolitan Planning Organization is the federally recognized Metropolitan Transportation Planning Organization that serves as a forum for continuing, cooperative, and comprehensive transportation decision making by state and local governments.

Staff and elected officials from State and local governments and area transportation agencies serve on the Texarkana MPO's Technical Advisory Committee and Policy Board and provide technical review, comments, recommendations, and policy decisions on the MPO's work products and plans.

PLAN SUMMARY

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

The Texarkana MPO has developed this Limited English Proficiency (LEP) Plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to MPO services as required by Executive Order 13166.

In developing the plan, while determining the MPOs extent of obligation to provide LEP services, the MPO undertook a U.S. Department of Transportation four factor LEP analysis which considers the following:

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

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

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the MPO program, activity, or service.

Historically the Texarkana MPO has had limited interaction with the LEP population. Over the past 10 years, there has been no contact at public meetings, through Board or Committee members, through phone contact, or by personal visit.

Texarkana, TX-AR Metro Area								
	Total		Percent		Limited English-speaking households		Percent limited English-speaking households	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
All households	55,865	±728	(X)	(X)	356	±166	0.6%	±0.3
Households speaking -								
Spanish	1,555	±237	2.8%	±0.4	255	±153	16.4%	±9.4
Other Indo-European languages	212	±94	0.4%	±0.2	19	±26	9.0%	±11.5
Asian & Pacific Island languages	452	±129	0.8%	±0.2	69	±62	15.3%	±13.4
Other languages	107	±45	0.2%	±0.1	13	±21	12.1%	±17.9

Source: American Community Survey

Factor 2: The frequency with which LEP individuals come into contact with the MPO program.

The MPO has no knowledge of any LEP persons coming into contact with the MPO’s program, activity, or service. The MPO has not received specific request for translated documents or interpreters. The MPO is able and willing to provide translated documents

and interpreters when requests are made. Likely places of interaction from members of the LEP community with the MPO program are:

- Public meetings
- Information request
- Office staff

Factor 3: The nature and importance of the Program, Activity, or Service provided by the Texarkana MPO to the LEP Community

There is no large geographic concentration of any type of LEP individuals in the Texarkana MPO study area boundary. The overwhelming majority of the population speak only English.

As a result, there is a lack of social service professional and leadership organizations within the study area boundary that focuses on outreach to LEP individuals.

It is the MPO's intent to provide meaningful access to all participants and eligible persons, however, the availability of resources may limit the provision of language services in some instances.

The majority of information that we provide is not confidential. Documents and maps represent the bulk of our communication with the public.

Services that are most likely to encounter LEP individuals are the fixed route bus system and the paratransit services provided by Texarkana Urban Transit District. A copy of their LEP Plan may be viewed at www.t-linebus.org

Factor 4: The resources available to the MPO and the overall costs

The Texarkana MPO reviewed its available resources that could be used for providing LEP assistance. Based on the budgetary impact to the MPO is minimal based on past and recent experiences such as the lack of contact or requests by LEP individuals.

PLAN FOR ASSISTING PERSONS OF LIMITED ENGLISH PROFICIENCY

- Examine record requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When Texarkana MPO sponsored workshops or conferences are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- Have the Census Bureau's "I Speak Cards" at the workshop or conference sign-in sheet table. While staff may not be able to provide translation assistance at this meeting, an inventory of those needs will help staff plan for language needs at a future meeting;

- Post a notice of available language assistance in the Texarkana MPO reception area.

MONITORING AND UPDATING THE LEP PLAN

The Texarkana MPO will update the LEP as required by U.S. DOT. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Review of demographic data to determine whether the need for translation services has changed.
- Determine whether Texarkana MPOs available resources, such as technology, staff, and financial costs have changed;
- Has the Texarkana MPO fulfilled the goals of the LEP Plan and
- Were any complaints received?

OUTREACH TECHNIQUES

- The Texarkana MPO does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that the Texarkana MPO will incorporate when and/or if the need arises for LEP outreach:
- If staff knows that they will be presenting a topic that could be of potential importance to a LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices and agendas will be printed in an alternative language, based on known LEP population in the area.
- The MPO will continue to keep a list of Spanish translators should the need arise for them to be utilized.

MPO STAFF TRAINING

- MPO staff will participate in continuing education and training regarding processes and practices for engaging the LEP community.
- MPO staff will attend webinars, and meetings to stay informed on the latest news, policy, and data regarding the LEP community.

When provided sufficient notice, the MPO Staff will make every effort to help with translation at no additional cost to the individual(s) requesting translation.

Questions and Comments should be directed to:

Jo Anne Gray
Planner/Title VI Coordinator
Texarkana Metropolitan Planning Organization
P.O. Box 1967/75504
220 Texas Boulevard
Texarkana, TX 75501

Email: joanne.gray@txkusa.org

Phone: (903) 798-3927

Fax: (903) 798-3997



APPENDICES



APPENDIX A - MPO COMMITTEE MEMBERSHIP

The table below depicts the racial/gender makeup of the MPO committees as of May 2021.

POLICY BOARD						
	Caucasian	African American	Asian American	Latin American	Native American	Other
Male	8					1
Female	4	1				

The table above depicts the racial/gender makeup the Policy Board.

TECHNICAL ADVISORY COMMITTEE						
	Caucasian	African American	Asian American	Latin American	Native American	Other
Male	11	1	1			
Female	6					

The table above depicts the racial/gender makeup the Technical Advisory Committee.

APPENDIX B – LEGISLATION

Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications. [42 U.S.C §§ 12101 et seq.](#)

Rehabilitation Act of 1973

Section 504 of the Rehab Act makes it illegal for federal agencies, programs, or activities that receive federal financial assistance or are conducted by a federal agency, to discriminate against qualified individuals with disabilities. Requirements under Section 504 include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. [29 U.S.C. § 794](#)

Section 508 requires federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public. An accessible information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user. [29 U.S.C. § 794d](#)

Title VI of the Civil Rights Act of 1964

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 et seq.](#)

APPENDIX C – GENERAL REQUIREMENTS – FTA CIRCULAR 4702.1B

(Chapter III)

- Title VI Notice to the Public, including a list of locations where the notice is posted.
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint).
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits.
- Public Participation Plan, including information about outreach methods to engage minority and Limited English Proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP, based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolutions or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program.
- Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity.

(Chapter VI)

- All requirements set out in Chapter III (General Requirements).
- The requirements set out in Chapter IV (Transit Provider) if the MPO is a provider of fixed route public transportation.
- Demographic profile of the metropolitan area.
- A description of procedures by which the mobility needs of minority populations are identified and considered within the planning process.
- Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects.
- Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts.
- Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested).

- Description of the procedures the agency uses to provide assistance to potential subrecipients in the nondiscriminatory manner (if requested).

APPENDIX D – TITLE VI COMPLAINT FORM

Texarkana Metropolitan Planning Organization Title VI Complaint Form

Complainant's Name: _____

Address: _____

City: _____

State: _____

Zip Code: _____

Telephone (cell): _____

Telephone (Work): _____

Email Address: _____

Alleged Discriminating Official(s): _____

Name of Agency alleged complain is against: _____

Date of the alleged discrimination: _____

Location of the alleged discrimination: _____

Basis of Discrimination:

- Race/Color
- National Origin
- Sex
- Disability
- Religion
- Other: _____

Please provide any names and contact information of persons who may have witnessed or have knowledge of the alleged discrimination.

Please describe your complaint.

Please sign and date below.

Signature

Date

TEXARKANA METROPOLITAN PLANNING ORGANIZATION

NOTICE OF NONDISCRIMINATION

The Texarkana Metropolitan Planning Organization (MPO) makes every effort to comply with the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in MPO programs and activities, as well as the MPO's hiring or employment practices.

Complaints of alleged discrimination and inquiries regarding the MPO's nondiscrimination policies may be directed to Jo Anne Gray, MPO Planner – EEO/DBE (ADA/504/Title VI Coordinator), P.O. Box 1967, Texarkana, TX 75504, (903) 798-3927, (903) 798-3773, or the following email address: joanne.gray@txkusa.org.

Free language assistance for LEP individuals is available upon request. This notice is available from the ADA/504/Title VI Coordinator in large print, on audio tape, and in Braille.

APPENDIX E – COMPLAINTS AND INVESTIGATIONS LOG

Texarkana Metropolitan Planning Organization

Complaints and Investigation Log

	Date	Summary	Status	Action
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

APPENDIX F – RESOLUTION

TITLE VI AND LIMITED ENGLISH PROFICIENCY PLAN UPDATE

Texarkana MPO

Resolution #11-2021

TEXARKANA METROPOLITAN PLANNING ORGANIZATION

RESOLUTION #11-2021

A RESOLUTION BY THE POLICY BOARD OF THE TEXARKANA METROPOLITAN PLANNING ORGANIZATION (MPO) ADOPTING THE TEXARKANA METROPOLITAN PLANNING ORGANIZATION TITLE VI PROGRAM AND THE LIMITED ENGLISH PROFICIENCY PLAN (LEP) UPDATE.

WHEREAS the Texarkana Metropolitan Planning Organization (MPO) for the Texarkana metropolitan planning area, is responsible for performing transportation planning activities within the Texarkana Metropolitan Planning Area Boundary; and

WHEREAS the Federal Transit Administration requires recipients to report certain general information to determine compliance with Title VI; and

WHEREAS the collection and reporting of this information constitutes a recipient’s Title VI Program; and

WHEREAS to ensure compliance with 49 CFR Section 21.9 (B), the FTA require that all recipients document their compliance with this chapter by submitting a Title VI Program to the FTA’s regional civil rights officer once every three years; and

WHEREAS in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et sq., and Executive Order 13166 – *Improving Access to Services for Persons with Limited English Proficiency*, the Texarkana MPO, as a recipient of federal funding, has developed the Texarkana MPO LEP Plan; and

WHEREAS the plans have been developed in accordance with requirements of the Federal Transit Administration; and

NOW, THEREFORE, BE IT RESOLVED by the Policy Board of the Texarkana MPO that:

SECTION 1: The Study Director of the Texarkana MPO is hereby authorized to submit the Texarkana MPO Title VI and LEP Plan Update to Arkansas Department of Transportation (ARDOT) and Texas Department of Transportation (TXDOT).

SECTION 2: This resolution shall be in effect immediately upon its adoption.

ADOPTED during Regular Session on the 19th day of May 2021.

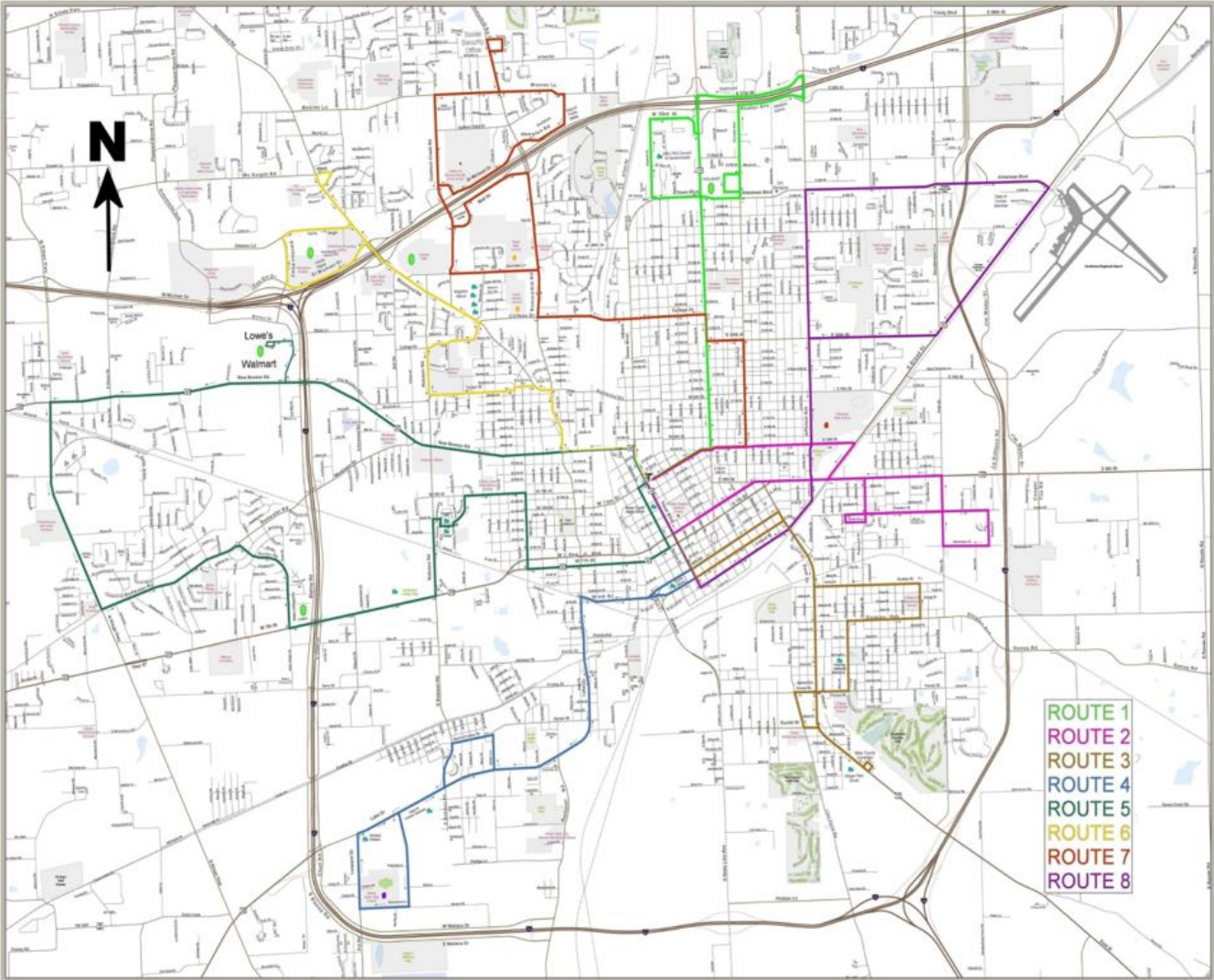


Tom Whitten, Bowie County Commissioner
Policy Board Chairman

“I hereby certify that the above is a true copy of Resolution #11-2021 Title VI and Limited English Proficiency Plan (LEP), and was motioned by Mary Hart, representing the City of Texarkana, Texas, seconded by Sunny Farmahan, representing the Arkansas Department of Transportation (ARDOT). This Resolution was passed unanimously in regular session on May 19, 2021”.

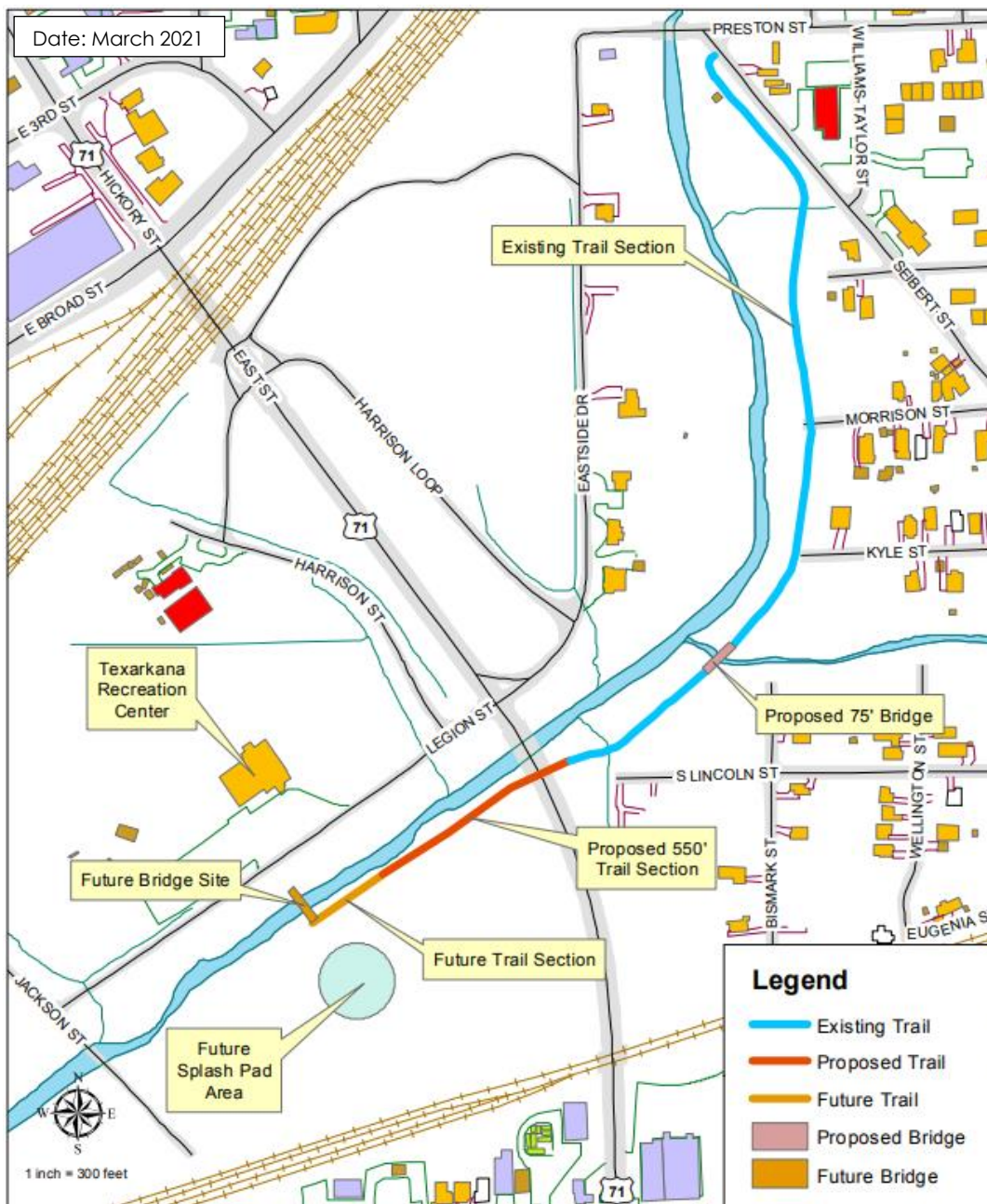

Rea Donna Jones, Director
Texarkana MPO

APPENDIX G – T-LINE FIXED BUS ROUTE



APPENDIX H – PROJECT MAPS

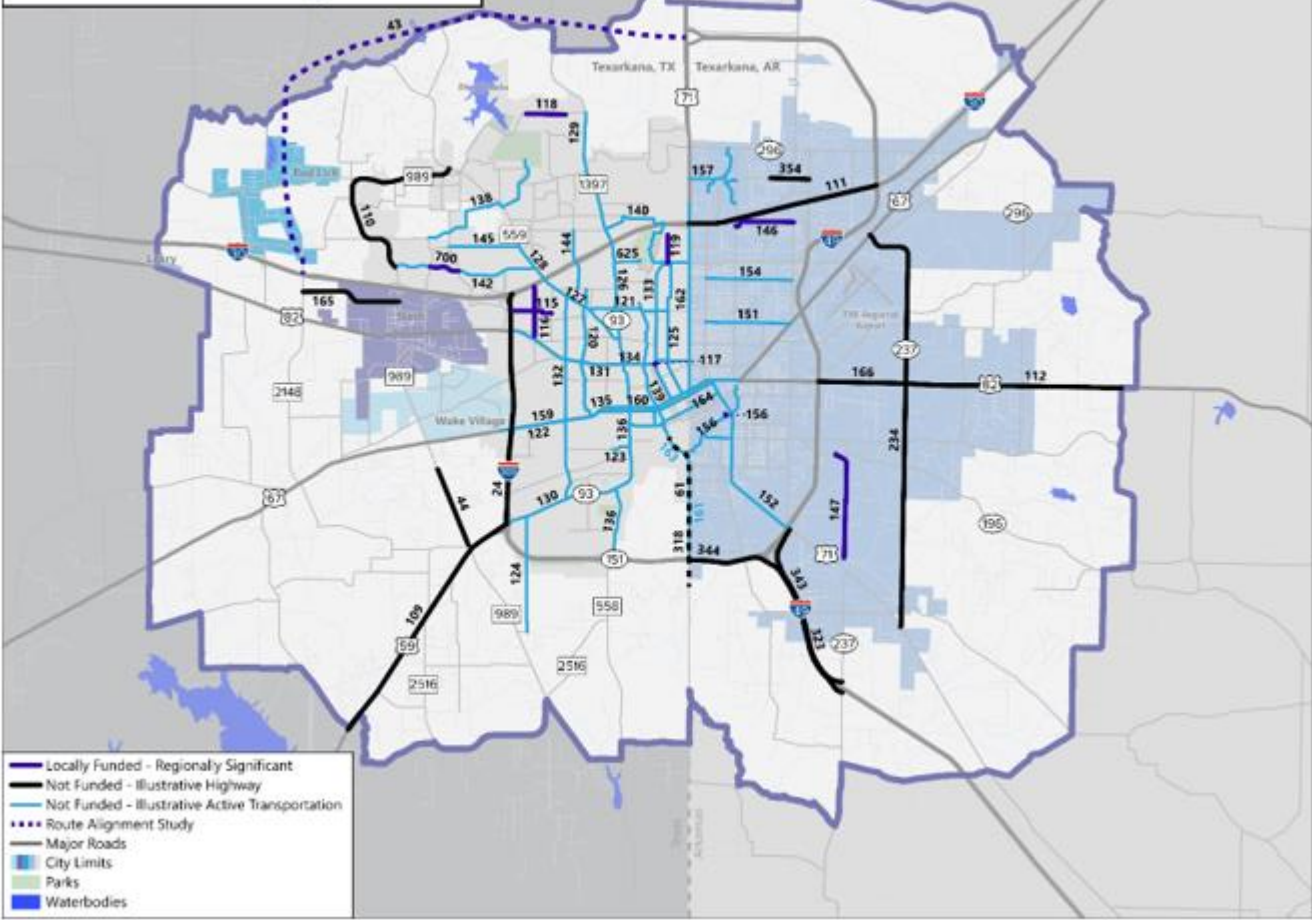
City of Texarkana, Arkansas



Texarkana, Arkansas Walking/Biking Trail Project Location Map

Texarkana 2045 MTP Illustrative Projects

Map date: 2017



APPENDIX I – ASSURANCES (APPENDICES A-E)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The **Texarkana Metropolitan Planning Organization (MPO)** (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through **Federal Transit 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 Non-discrimination In Federally Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 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 Transit Administration**."*

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted (**Name of Appropriate Program**):

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

-
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all (***Name of Appropriate Program***) and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

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

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

By signing this ASSURANCE, **Texarkana Metropolitan Planning Organization (MPO)** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **[insert Agency name]** 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 **[insert Agency name]**. You must keep records, reports, and submit the material for review upon request to **[insert Agency here]**, 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.

Texarkana Metropolitan Planning Organization (MPO) 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 the **(Name of Appropriate Program)**. This ASSURANCE is binding on **[insert State]**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **(Name of Appropriate Program)**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Texarkana Metropolitan Planning Organization (MPO)

by 
Rea Donna Jones, Director

DATED July 27, 2021

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, *Federal Transit Administration*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination 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 Transit 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 Transit 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 Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Transit 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 Transit Administration*** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **Texarkana Metropolitan Planning Organization (MPO)** will accept title to the lands and maintain the project constructed thereon in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of (*Name of Appropriate Program*), and the policies and procedures prescribed by the **Federal Transit 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, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **Texarkana Metropolitan Planning Organization (MPO)** 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 **Texarkana Metropolitan Planning Organization (MPO)** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **Texarkana Metropolitan Planning Organization (MPO)**, its successors and assigns.

The **Texarkana Metropolitan Planning Organization (MPO)**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **Texarkana Metropolitan Planning Organization (MPO)** 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, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Texarkana Metropolitan Planning Organization (MPO)** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **Texarkana Metropolitan Planning Organization (MPO)** will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will there upon revert to and vest in and become the absolute property of the **Texarkana Metropolitan Planning Organization (MPO)** and its assigns.*

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

APPENDIX 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 **Texarkana Metropolitan Planning Organization (MPO)** 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 Non-discrimination covenants, **Texarkana Metropolitan Planning Organization (MPO)** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **Texarkana Metropolitan Planning Organization (MPO)** will there upon revert to and vest in and become the absolute property of **Texarkana Metropolitan Planning Organization (MPO)** and its assigns.*

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

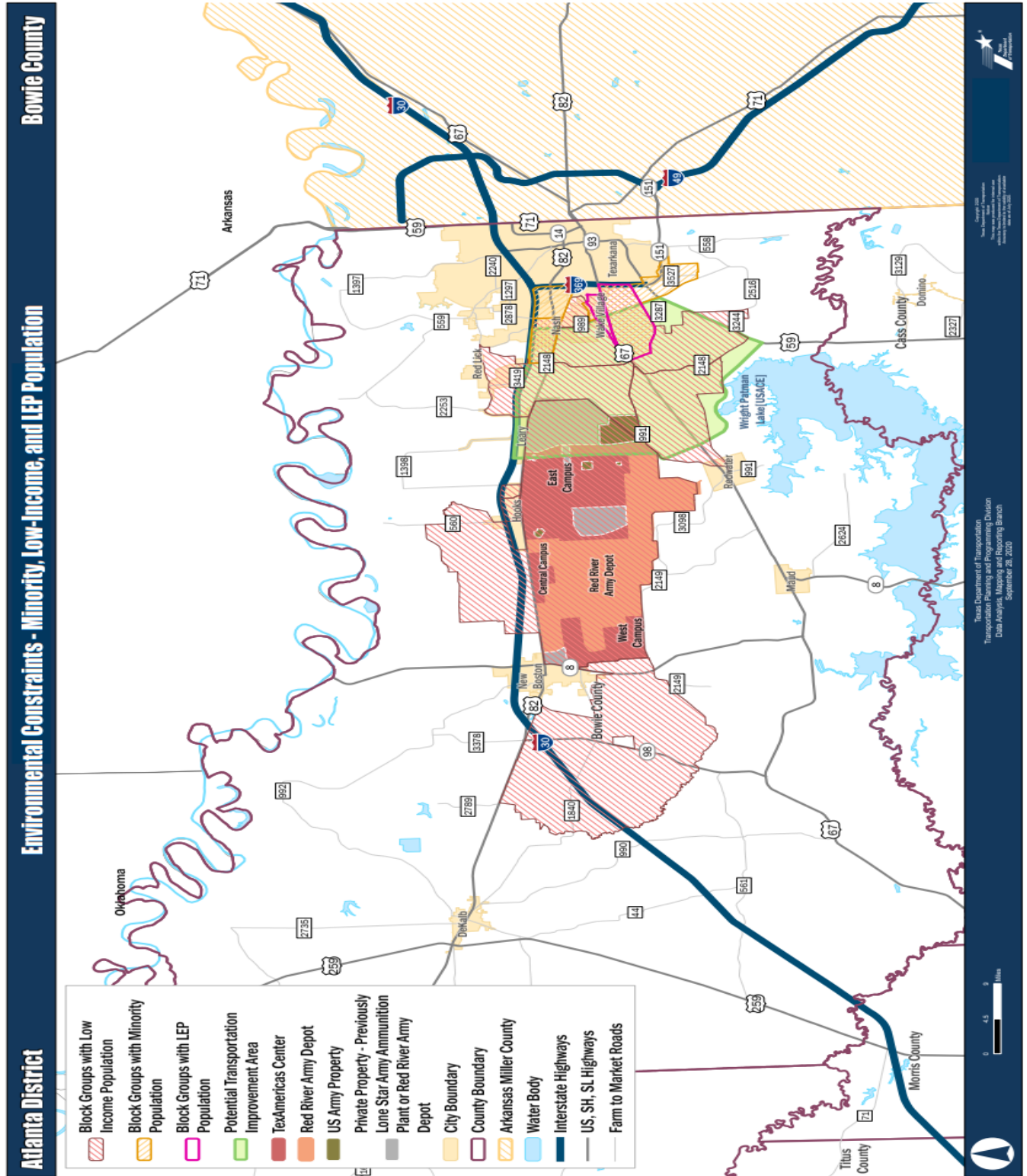
APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

APPENDIX J – ENVIRONMENTAL CONSTRAINTS



APPENDIX K – MPO ORGANIZATION CHART

