



Texas Department
of Motor Vehicles

FY 2019

Title VI/Nondiscrimination Plan

Office of Civil Rights

January 31, 2019

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Introduction

As a recipient of federal assistance, the Texas Department of Motor Vehicles (TxDMV) is required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Additionally, the Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on federal and federally-assisted projects and programs based upon race, color, and national origin. Since 1964, additional Title VI-like statutes have prohibited discrimination based upon sex (Federal-Aid Highway Act of 1973), age (The Age Discrimination Act of 1975), and disability (Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990). Additionally, there are two Executive Orders that place further emphasis upon the Title VI protections of race and national origin. These are Executive Order 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) and Executive Order 13166 (“Improving Access to Services for Persons with Limited English Proficiency”).

The Federal Highway Administration (FHWA) requires recipients of federal assistance to prepare a plan to clarify roles, responsibilities, and procedures to ensure compliance with Title VI. The Title VI/Nondiscrimination Plan is intended to communicate how TxDMV implements Title VI/Nondiscrimination requirements, including Environmental Justice (EJ) and Limited English Proficiency (LEP). TxDMV expects every manager, supervisor, employee, and subrecipient of federal assistance administered by TxDMV to be aware of and apply the intent of Title VI in performing assigned duties.

Authorities

The authorities applicable to TxDMV’s Title VI program are included below:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin)
- **Federal-Aid Highway Act of 1973** (23 U.S.C. §324 et seq.), (prohibits discrimination on the basis of sex)
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age)
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. §794 et seq.), as amended, (prohibits discrimination on the basis of disability)
- **Americans with Disabilities Act of 1990 (ADA)**, as amended, (42 U.S.C. §12101 et seq.), (prohibits discrimination on the basis of disability)
- **The National Environmental Policy Act of 1969**, 42 U.S.C. § 4321
- **49 C.F.R. Part 21** (entitled Nondiscrimination in Federally-Assisted Programs of the Department Of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964)
- **49 C.F.R. Part 27** (entitled Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance)
- **49 C.F.R. Part 28** (entitled Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation)

- **49 C.F.R. Part 37** (entitled Transportation Services for Individuals with Disabilities (ADA))
- **49 C.F.R. Part 303** (FMCSA’s Title VI/Nondiscrimination Regulation)
- **28 C.F.R. Part 35** (entitled Discrimination on the Basis of Disability in State and Local Government Services)
- **28 C.F.R. Part 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964)
- **Executive Order 12898**, 3 C.F.R. 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” emphasizes that federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations
- **Executive Order 13166**, 3 C.F.R. 289 (2001) on Limited-English-Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.” When receiving federal funds, recipients are expected to conduct a four-factor analysis to prevent discrimination based on national origin. (See also U.S. Department of Transportation’s “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons,” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis)

Title VI Program Policy Statement

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

(The nondiscrimination program policy statement signed by TxDMV's Executive Director, Whitney Brewster, is also located at **Attachment 1.**)

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

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


Whitney Brewster, Executive Director Texas Department of Motor Vehicles

Dated January 31, 2019

FMCSA Title VI Program Assurances

49 CFR 21.7 requires assurances from TxDMV that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the recipient receives federal assistance from the Federal Motor Carrier Safety Administration (FMCSA).

The TxDMV's Title VI Program Assurances signed by its Executive Director are located at **Attachment 2**.

Organization & Staffing

TxDMV's Title VI program has been established in accordance with federal rules under 49 CFR Part 303 and falls within the scope of responsibilities of the Office of Civil Rights (OCR). OCR, located in Austin, forms a central resource to TxDMV's Regional Service Centers, Divisions, and Offices (RDO) and the general public.

Organization

The OCR Interim Director serves as TxDMV's Title VI/Nondiscrimination Coordinator. With support from TxDMV's administration, the OCR Interim Director is responsible for all aspects of the Title VI Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position. The letter signed by TxDMV's Executive Director designating C. David Richards, the OCR Interim Director, as the Title VI/Nondiscrimination Coordinator is located at **Attachment 3**.

The TxDMV's organizational chart located at **Attachment 4** depicts the main structure of TxDMV and the relationship the Title VI/Nondiscrimination Coordinator has with TxDMV's Executive Director. The Title VI/Nondiscrimination Coordinator has direct access to TxDMV's Executive Director.

Title VI/Nondiscrimination Coordinator

The Title VI/Nondiscrimination Coordinator works to ensure there is a demonstrated commitment on the part of senior level authority to enforce Title VI and is responsible for the overall Title VI program implementation. Additionally, the Title VI/Nondiscrimination Coordinator provides guidance to program areas having significant impacts on the public and businesses. Specifically, the Title VI/Nondiscrimination Coordinator has the authority and responsibility to implement the civil rights program by:

- Recommending, developing, disseminating, monitoring, and pursuing policies and guidelines on the implementation of Title VI
- Reviewing, evaluating, and monitoring the PEA's activities and programs related to Title VI and effectuating changes to ensure consistency and program effectiveness
- Providing leadership, guidance, and technical assistance to the PEAs in the carrying out of their Title VI responsibilities
- Ensuring that all complaints of discrimination alleging non-compliance with Title VI are processed, investigated, and resolved in a fair and timely manner in accordance with Title VI and federal operating regulations
- Advising the Executive Director concerning significant developments in the implementation of TxDMV's Title VI program

Federal Aid Programs

The State of Texas has a comprehensive commercial vehicle safety program (CVSP) that includes driver/vehicle inspections, traffic enforcement, compliance reviews, public education, data collection, and commercial vehicle enforcement personnel training. The CVSP as well as all FMCSA grant-related programs seek to benefit the general public and this includes all at large members regardless of race, color, national origin, sex, age, disability, low income, or LEP.

The TxDMV intends to apply for ITD grant funding through the FMCSA for FY 2019 grant funding.

Activities Summary

An automation project to provide permit data from the Texas Department of Motor Vehicles (TxDMV) size and weight permitting system in a manner that the Texas Department of Public Safety (TxDPS) or other law enforcement agencies can use in the electronic screening of vehicles on the roadside. TxDMV's Size and Weight Program also is looking at using Texas Vehicle Information Exchange Window (TxVIEW) web services to identify Out-of-Service (OOS) carriers that get size and weight permits and then notify law enforcement. One year's size and weight data showed 341 permits issued to carriers OOS for safety reasons and 593 OOS for failing to update their data in the Federal Motor Carrier Management Information System (MCMIS). The TxDPS Kingsbury roadside inspection site on IH-10 is being upgraded with new equipment, including thermal imaging, and expanded to handle larger traffic volume. The TxDPS Falfurrias roadside inspection site on U.S. 281 is being upgraded with new equipment, including waveform ID technology for main lane screening.

Dissemination of Title VI Notification Information

The TxDMV provides information to the public detailing its Title VI/Nondiscrimination obligations and notifies members of the public of the protections against discrimination afforded to them by Title VI and other nondiscrimination requirements.

Notification to Beneficiaries

The following informational brochure(s) will be distributed during the FY 2018 fiscal period to TxDMV Regional Service Centers, Divisions, and Offices who may also make them available at public meetings:

Title VI and You

The above-referenced brochure is available in English and Spanish during the FY grant period.

The TxDMV also has a Title VI Program poster that will be posted in all TxDMV publically-accessed facilities across the state. The proposed TxDMV Title VI poster is found in **Attachment 5**.

Information related to the TxDMV's Title VI/Nondiscrimination obligations has been added to the TxDMV's web site and the web address will be provided in future submissions.

Regional notifications have been made through posters and brochures.

Subrecipient Review Procedures

In addition to the internal monitoring program, TxDMV is responsible for developing and implementing an effective external monitoring program. The OCR conducts reviews of cities, counties, consultant contractors, suppliers, universities, colleges, local and state agencies, and other recipients of FMCSA funds.

Monitoring of Subrecipients

The *Title VI/Nondiscrimination Technical Assistance Guide for Subrecipients* was developed as a resource to assist subrecipients understand and comply with the requirements of Title VI and related nondiscrimination laws, regulations, or authorities. This guide is provided to subrecipients selected for review and is available on TxDMV's website at:

<http://www.txdmv.gov/inside-txdmv/forms-publications/publications/civil-rights.html>.

The Title VI review process focuses on, but is not limited to, compliance with the following fourteen major components of Title VI outlined in the guide:

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

The TxDMV Title VI Nondiscrimination Coordinator will conduct in-person training and/or meetings with all potential subrecipients to ensure that they understand their Title VI program responsibilities and obligations. The TxDMV Title VI Coordinator will conduct annual desks audits, and onsite reviews if necessary, with all subrecipients to ensure compliance.

Selection Process

Priority for conducting reviews will be given to those recipients of funds with the greatest potential of impact to those groups covered by Title VI. Selection will be based on neutral criteria or evidence of a violation. Criteria for identifying subrecipients for review may include the following:

1. Type of grant awarded
2. Amount of Grant awarded
3. Number of Applicant's Employees
4. Does the recipient give FMCSA funds to another Recipient (Sub-recipient)
5. Geographical areas TxDMV wishes to target because of known problems beneficiaries are experiencing or because that area has not been visited for some time
6. Number of complaints filed against the Recipient (if any)
7. If a compliance review has not been conducted of the Recipient
8. Period of time since the last compliance review was conducted
9. Deficiencies identified by FMCSA OCR in a previous compliance review
10. Deficiencies identified by another Federal Agency conducting compliance reviews
11. Deficiencies raised in a complaint or identified during a complaint investigation
12. Problems identified by other state, federal, or local civil rights agencies

Notification

Subrecipients will be notified in writing at least 30 days in advance that they have been selected for compliance review. The notification letter will include an Itemized Listing that outlines the fourteen major Title VI components that subrecipients are required to submit supporting documentation to OCR within 30 days.

Findings

The Title VI Nondiscrimination Coordinator will review the documents and information submitted by the subrecipient during a desk audit and will prepare a report of findings, including corrective actions, if applicable. If there are no deficiencies, the report may still provide recommendations for strengthening the subrecipient's Title VI Program.

Follow-up Monitoring

OCR will determine if additional monitoring is needed to obtain a compliant status and ensure ongoing compliance with Title VI/Nondiscrimination requirements. Follow-up reviews may be conducted to ensure the subrecipient has complied with the Title VI Program requirements in correcting deficiencies identified.

Title VI Training

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

Internal

All new TxDMV employees are required to complete training on EEO policies, including Title VI, within thirty (30) days of their official hiring date. All TxDMV employees are required to complete supplemental or TxDMV EEO policies every two (2) years thereafter. The training will provide comprehensive information on the Title VI requirements, its application to program operations, and identification of Title VI issues and resolution of complaints. The training is provided by both online and power point presentations to all new and existing TxDMV employees.

External

As part of Title VI Program reviews conducted by OCR, the Title VI Program Coordinator and/or designated OCR staff will provide subrecipients technical assistance to ensure they understand their roles and responsibilities in meeting the Title VI/Nondiscrimination requirements. To assist in these efforts, OCR has developed a Title VI/Nondiscrimination Technical Assistance Guide for Subrecipients. The guide provides guidance for subrecipients to understand and comply with the requirements of Title VI Program and related nondiscrimination authorities that are applicable to federal funding assistance that is passed through TxDMV. This guide is available on TxDMV's website. In addition to the guide, all TxDMV subrecipients are required to receive and/or take the same Title VI Program Nondiscrimination online presentation required of all TxDMV employees. Each sub-recipient Title VI Program Nondiscrimination Coordinator shall provide written confirmation to the TxDMV Title VI Program Nondiscrimination Coordinator that all Title VI Program subrecipient staff have completed the Title VI training.

Access to Records

The Office of Civil Rights (CRO) maintains the records on all applicable files under this policy. Upon the completion of any investigation and review by the Title VI Program Nondiscrimination Coordinator, the investigation file and copies of all correspondence must be submitted to the CRO. The complaints and files maintained by the CRO are confidential to the extent allowed by state and federal law. Any information related to a complaint or compliance review will be made available to the FMCSA upon request during normal business hours.

Complaint Disposition Process and Procedures

Any person who believes that he or she, individually, or as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, and related nondiscrimination authorities, may file a complaint with TxDMV. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to OCR for review and possible action.

Complaints submitted shall be in writing and must be signed by the complainant and/or the representative. Complainants can complete TxDMV's External Discrimination Complaint Form. A copy is located at **Attachment 6**. Additionally, TxDMV's "Title VI and You" brochures located at **Attachment 7.1 and 7.2** contain information on how to file a discrimination complaint. This information is available on TxDMV's website in English and Spanish.

Roles and Responsibilities

OCR is charged with the primary responsibility of processing Title VI Program complaints received by TxDMV. OCR processes Title VI Program external discrimination complaints consistent with the FHWA External Discrimination Complaint Handling Procedures, which includes maintaining a complaint log, using form letters, investigative plans, reports, and investigation formats.

Timeframe for Filing Complaints

In order to have the complaint considered under the Title VI Program, the complainant must file the complaint no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person(s) became aware of the alleged act(s) of discrimination; or
- Where there has been a continuing course of conduct, the date on which that conduct was discovered.

In either case, TxDMV or its designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Processing Complaints

Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of TxDMV, that person shall be interviewed by the Title VI Program Nondiscrimination Coordinator. If necessary, the Title VI Program Nondiscrimination Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Within 10 days of the receipt of the complaint, the Title VI Program Nondiscrimination Coordinator will acknowledge receipt of the allegation, and inform the complainant of action taken or proposed action to process the allegation. Additionally, complainants are provided a copy of TxDMV's External Discrimination Complaint Form and the Title VI informational brochure, "Title VI and You."

Complaints filed are investigated unless:

- The complaint is withdrawn by the complainant;
- The complainant fails to provide required information after numerous attempts;
- The complaint is not filed timely; or
- The complaint is involving an issue other than discrimination or if the complaint is not based on a protected class.

Complaints filed under Title VI with TxDMV in which TxDMV is named as the respondent will be forwarded to the Title VI Program Nondiscrimination Coordinator within 10 days of receipt of the allegation for processing. TxDMV will provide the following information to the Title VI Program Nondiscrimination Coordinator:

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

Investigative Process

Within 60 days of receipt of the complaint, OCR will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action. The complaint will be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

No information is disclosed with TxDMV personnel or any other party not involved in the investigative process.

Developing an Investigative Plan

The Title VI Coordinator will prepare an Investigative Plan (IP), a working document intended to define the issues and lay out the blueprint to complete the investigation. The IP is used to keep the investigation on track and focused on the issues and likely sources of evidence or corroboration. The IP will follow the following outline:

- Complainant name and contact information, and that of their attorney, if applicable
- Respondent name and contact information, and that of their attorney, if applicable
- Applicable laws and regulations
- Basis of complaint (i.e., race, color, national origin, sex, age, disability)
- Allegation(s)/Issue(s)
- Theory(ies) of discrimination (for Title VI only)
- Background
- Interviewee(s) name and contact information
- Questions for the complainant, respondent, and witnesses
- Evidence to be obtained
- Estimated investigation time line
- Remedy sought by the complainant(s)

Complaint Log

OCR maintains a complaint log, which documents all activity related to the complaint. Screen shots of the log are included at **Attachment 8**. Information captured includes:

- Complainant's name, race, color, gender, and national origin
- Respondent's name
- Basis(es) of the discrimination complaint
- Allegation(s)/Issue(s) surrounding the discrimination complaint
- Date the discrimination complaint was filed
- Date the investigation was complete
- Disposition
- Disposition date
- Other pertinent information

All involved parties, including the complainant and the alleged violator will be notified in writing of the decision and any corrective action or disciplinary action taken. If the investigation reveals that violations of this policy occurred, immediate and appropriate corrective or disciplinary action will be instituted by the Title VI Program Nondiscrimination Coordinator and documented in the OCR file.

In addition to any corrective or disciplinary action taken, a person with an allegation that has been substantiated will be required to attend the next scheduled training on diversity, sexual harassment, equal employment, or other remedial training as is deemed warranted by the Title VI Nondiscrimination based on substantiated violations found.

The CRO maintains the records on all applicable files under this policy, including a complaint log. **Attachment 8**.

Preparing the Report of Investigation

The investigator will prepare a Report of Investigation (ROI) setting forth all of the relevant facts obtained during the investigation. The ROI will include a finding for each issue and provide recommendations where necessary. Documentation regarding any attempts and outcomes that were made to resolve the complaint prior to the initial receipt of the written complaint will be summarized in the ROI. The Title VI/Nondiscrimination Coordinator will meet with the respondent to discuss the findings contained in the ROI, and provide the respondent with the Title VI Nondiscrimination Coordinator's final decision.

The CRO will notify the complainant of the final decision by providing a copy of the ROI to the complainant via USPS Regular Mail delivery.

Compliance and Enforcement Procedures

This section outlines Title VI Program compliance and enforcement procedures to eliminate and address discrimination, and resolve deficiencies when noncompliance occurs.

Process to Identify/Eliminate Discrimination

TxDMV will actively pursue the prevention of Title VI Program deficiencies and will take the necessary steps to ensure compliance with all administrative program requirements. To further enhance the ability to identify and eliminate patterns of discrimination, OCR will ensure that staff, subrecipients, and beneficiaries are educated and informed regarding Title VI roles and responsibilities on an ongoing basis.

OCR conducts compliance reviews to 1) ensure compliance with Title VI, 2) provide technical assistance in the implementation of the Title VI program, and 3) correct deficiencies, when found to exist. When conducting Title VI compliance reviews, any deficiencies found will be reduced to writing with the remedial action agreed upon by OCR within a period not to exceed 90 days. Efforts to secure voluntary compliance will be undertaken at the outset in every noncompliance situation and will be pursued through each enforcement action. OCR will seek the cooperation of its program areas and subrecipients in correcting deficiencies found during the review. OCR will also provide technical assistance and guidance and will also assist in finding methods, strategies, and processes to ensure effective Title VI implementation and enforcement.

When a subrecipient fails or refuses to comply with the requirements within the time frame allotted, OCR will initiate administrative remedies.

Status of Corrective Actions Implemented by Applicant to Address Deficiencies Previously Identified During a Title VI Program Compliance Review.

The TxDMV is not aware of a Federal funding agency previously conducting a Title VI Program compliance review of TxDMV.

Community Participation Process

The Texas Department of Motor Vehicles (TxDMV) is responsible for, among things, the administering of state laws regarding motor vehicle registration and titling. The population served by the TxDMV includes the general public, law enforcement entities, tax assessor collectors (TACS), motor vehicle industry representatives and motor carrier representatives. Registration and titling services are provided to this population by and through 254 TACs (with over 500 offices statewide) and their agents (including certain designated grocery chains across Texas), and 16 TxDMV Regional Service Centers (RSC) located across the State of Texas. In the event that TxDMV increases or decreases facilities and/or activities/services provided by its facilities, the following procedures are undertaken:

Evaluation.

- A. Increase in Number of Publicly Accessed Facilities or Services/Activities at Publicly Accessed Facilities. (Minimal Outreach)

Public Outreach Methodology

TxDmv Government Strategic Communications Division (GSC) issues Press Releases detailing any new facility and/or activities/services to be provided to:

- Targeted media (TV, print) markets affected by increase;
- TACs;
- RSCs;
- Legislative notices;

GovDelivery messages are sent to:

- the affected county;
- the Governor's Office; and
- Stakeholders, such as TACs, motor vehicle trade associations, motor vehicle dealers, and any RSCs which currently provide registration and titling services to the general public;

Additional means of notifications on increased number of facilities and/or activities/services to be provided:

- Internal/external websites updated;
- TxDMV social media sites updated;
- Written announcements placed in stakeholder publications; and
- Confirmation that renewals may still be made online at txdmv.gov.

B. Decrease in Number of Publicly Accessed Facilities or Services/Activities at Publicly Accessed Facilities.

Public Outreach Methodology

In the event that the TxDMV determines that an intensive effort is necessary in response to the pending closure of a registration and titling facility, the agency will marshal all of its available assets, including, but, not limited to, utilizing its extensive stakeholder list, including, the Governor's Office, members of the Texas Legislature, tax assessor-collectors, motor vehicle dealers, motor vehicle trade associations, and its RSC's to announce the decrease in services to a region and/or statewide.

The agency's GSC Division will coordinate internal and external communications to the agency's stakeholders through targeted media Press Releases (both TV and Print Media); GovDelivery notices to governmental agencies and partners; updating internal and external websites and social media sites with updated information; written notifications placed in stakeholder publications and on their websites; and confirmation that online renewals of vehicle registrations may still be made online at txdmv.gov.

The GSC will also arrange for any and all public meetings in coordination with its regional offices and local TAC offices. The meetings will be designed to disseminate information to the public regarding the availability of registration and titling services at the temporary location(s). The meeting times and locations will be convenient and sufficient in length to allow the consuming public time to ask questions and/or receive relevant information.

A record of the public meeting will be taken and a report will be submitted to the FMCSA.

In the event that a facility is to be temporarily closed due to e.g. a natural disaster, Act of God, or for any other reason, the GSC will provide notices in the manner addressed above to alert consumers and stakeholders of alternative locations to receive TxDMV registration and titling services until the closed location is re-opened for business.

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Texas Department *of* Motor Vehicles

FY 2019 Title VI/Nondiscrimination Plan

Attachments & Appendices

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Attachment 1.1 – Title VI Program Nondiscrimination Statement

Title VI and Related Statutes Nondiscrimination Statement

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

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

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


Whitney Brewster, Executive Director Texas Department of Motor Vehicles

Dated: January 31, 2019

Attachment 1.2 – Español Declaración del Programa de No Discriminación del Título VI

Titulo VI y Estatutos Relacionados Declaracion de No Discrimination

El Departamento de Vehículos Motorizados de Texas (TxDMV) como receptor de la ayuda financiera y en virtud del Título VI de la Ley de derechos Humanos de 1964 y autoridades de no discriminación relacionadas, asegura que ninguna persona, en virtud de la raza, color, origen nacional, sexo, edad, discapacidad, bajos ingresos y dominio limitado del inglés (LEP por sus siglas en inglés), deberá ser excluida de participar en, ni se le negará los beneficios de, o de ninguna otra forma deberá ser sujeta a discriminación a cualquier programa o actividad del TxDMV.

El TxDMV está comprometido con cumplir con el 49 CFR Parte 31 y 49 y con el 49 CFR Parte 303. El Programa de Aseguramiento del Título VI del TxDMV firmado por el Director Ejecutivo está ubicado en el Anexo 2.

El Funcionario de Derechos Civiles de TxDMV que representa al Coordinador de No Discriminación/Título VI de TxDMV, C. David Richard, es el Funcionario Interino de Derechos Humanos del TxDMV. El CRO es responsable de la implementación de la política de abuso sexual y discriminación que involucra la educación, prevención e investigación de demandas por discriminación y/o abuso sexual así como conducta no profesional. El Coordinador de No Discriminación/Título VI del TxDMV deberá recibir ayuda en la implementación efectiva del Programa del Título VI del Centro de Servicio Regional y de los directores y personal afectado de la Oficina.


Whitney Brewster, Executive Director Texas Department of Motor Vehicles

Fecha: 31 de Enero de 2019

Attachment 2 – Title VI Assurances

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

The **Texas Department of Motor Vehicles** (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. §1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. §12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation–Effectuation of Title VI of the Civil Rights Act of 1964*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services for Individuals with Disabilities (ADA)*);
- 49 C.F.R. Part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination on the Basis of Disability in State and Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- Executive Order 12898, 3 C.F.R. 859 (1995) (entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*);
- Executive Order 13166, 3 C.F.R. 289 (2001) (on Limited English Proficiency (LEP)).

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

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

http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

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

General Assurances

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

"No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA."

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

Specific Assurances

More specifically, and without limiting the above General Assurances, the Recipient agrees with and gives the following Assurances with respect to its federally assisted **FMCSA Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Request for Proposals for work, or material subject to the Acts and Regulations made in connection with all Federal Motor Carrier Safety Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Texas Department of Motor Vehicles, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (8 State. 252, 42 U.S.C. §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award";

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;

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

By signing this ASSURANCE, **Texas Department of Motor Vehicles**, also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee, in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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


Whitney Brewster, Executive Director Texas Department of Motor Vehicles

Dated January 31, 2019

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. canceling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

The (*Title of Recipient*), in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the (*Title of Recipient*) will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become

the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

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

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:

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.

- A. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, **(Title of Recipient)** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- B. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the **(Title of Recipient)** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **(Title of Recipient)** and its assigns.*

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

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 (*Title of Recipient*) pursuant to the provisions of Assurance 7(b):

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.

- A. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, (*Title of Recipient*) will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- B. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, (*Title of Recipient*) will there upon revert to and vest in and become the absolute property of (*Title of Recipient*) and its assigns.*

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

APPENDIX E

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

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12896, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U .S.C. 1681 et seq).

Attachment 3 – Title VI/Nondiscrimination Coordinator



Texas Department of Motor Vehicles

HELPING TEXANS GO. HELPING TEXAS GROW.

September 8, 2016

Lester Finkle
FMCSA National Title VI Program Manager
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE
Washington, DC 20590
(202) 366-4474
Lester.Finkle@dot.gov

Dear Mr. Finkle:

In accordance with 23 CFR §200.9(b)(1), I am designating the Office of Civil Rights' Interim Director, David Richards as the Texas Department of Motor Vehicles Title VI Coordinator.

With my support, David will be directly responsible for all aspects of the Title VI Program. David's contact information is below.

David Richards
Office of Civil Rights
Texas Department of Motor Vehicles
4000 Jackson Avenue
Austin, Texas 78731
(512) 465-5665
David.Richards@txdmv.gov

Sincerely,

A handwritten signature in blue ink that reads "Whitney Brewster".

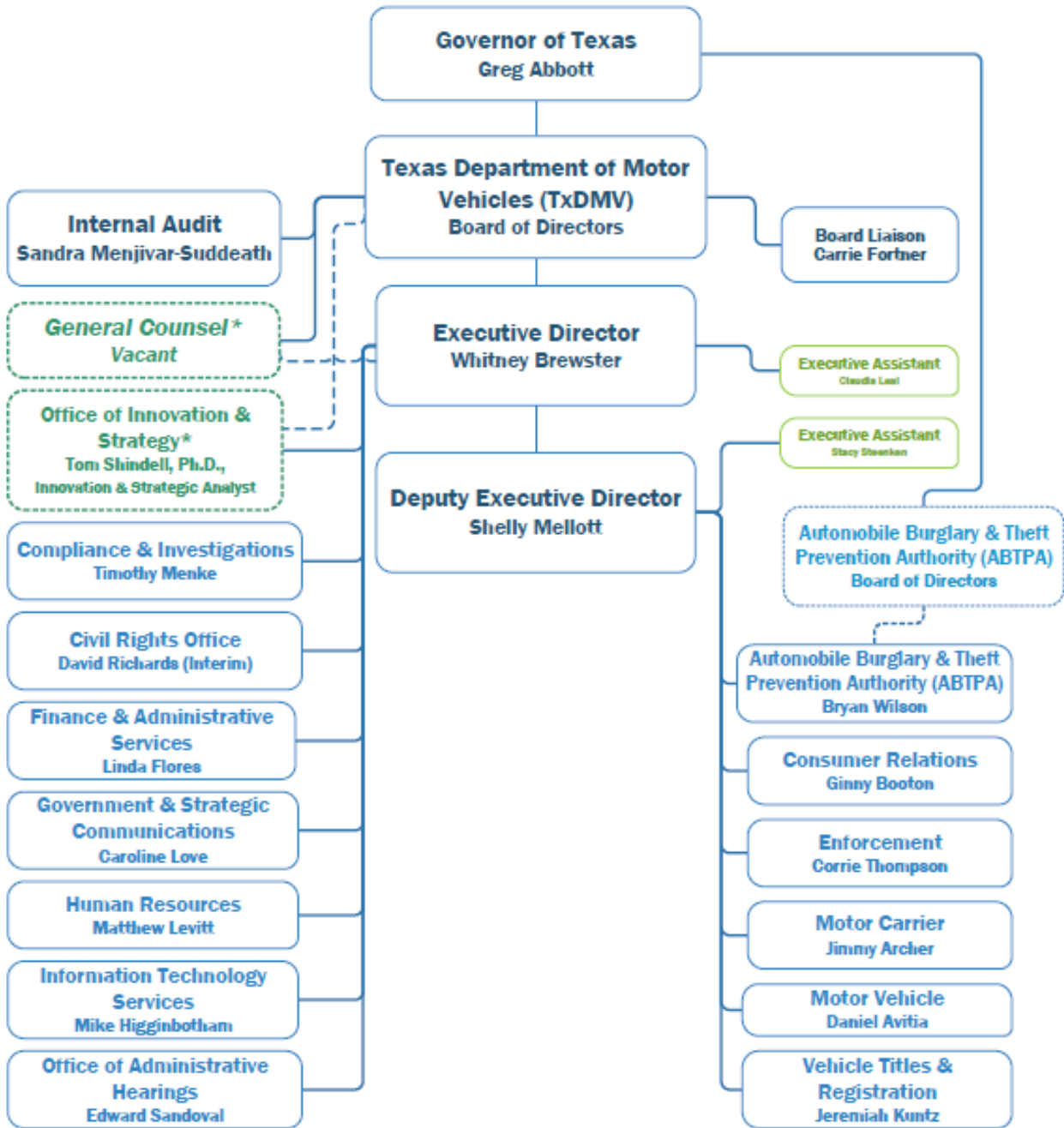
Whitney Brewster
Executive Director

Attachment 4 – TxDMV Organizational Chart



Texas Department of Motor Vehicles Organization Chart

December 2018



*Position reports to Executive Director and Board of Directors.

Attachment 5.1 – English Public Notice of Title VI Program Rights

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

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

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

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

Attachment 5.2 – Español Notificación Pública de los Derechos del Programa del Título VI

El Departamento de Vehículos Motorizados de Texas evidencia la presente notificación pública de su política para defender y asegurar el total cumplimiento de los requisitos de no discriminación del Título VI de la Ley de Derechos Civiles de 1964 y autoridades de no discriminación relacionadas. El Título VI y las autoridades de no discriminación relacionadas estipulan que ninguna persona en los Estados Unidos de América, por motivos de raza, color, origen nacional, sexo, edad, discapacidad, poder adquisitivo o nivel limitado de inglés deberán ser excluidos de participar en, o negárseles los beneficios de, o de ninguna otra forma deberá ser sujeta a discriminación a cualquier programa o actividad del TxDMV.

Cualquier persona que desee obtener mayor información relacionada al Programa del Título VI del Departamento de Vehículos Motorizados de Texas puede contactar al Coordinador del Título VI – C. David Richards a la dirección consignada a continuación.

Cualquier persona que se considere, individualmente o como miembro de cualquier clase específica de personas, sujeta a la discriminación por su raza, color, origen nacional, sexo, edad, discapacidad, poder adquisitivo o nivel limitado de inglés tiene el derecho de presentar una queja formal. Dicha queja deberá presentarse por escrito y enviarse dentro de los 180 días siguientes a la fecha de la ocurrencia alegada de discriminación a:

C. David Richards
Coordinador del Programa del Título VI
Oficina de Derechos Civiles
Departamento de Vehículos Motorizados de Texas
400 Jackson Avenue
Building 1
Austin, TX 78731
512-465-1423
David.Richards@txdmv.gov

Attachment 6.1 – English External Discrimination Complaint Form



External Discrimination Complaint Form

Mail the signed form to Texas Department of Motor Vehicles, Office of Civil Rights, 4000 Jackson Avenue, Austin, Texas 78731 or fax to 512/465-4112.

Last Name		First Name		
Mailing Address		City	State	Zip
Telephone	Alternate Telephone		E-mail Address	
Please indicate the basis of your complaint:				
<input type="checkbox"/> Race _____		<input type="checkbox"/> Age _____		<input type="checkbox"/> National Origin-LEP _____
<input type="checkbox"/> Color _____		<input type="checkbox"/> Gender _____		<input type="checkbox"/> Disability Income _____
Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination.				
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional pages, if necessary).				
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.				

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

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

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

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

Office of Federal Contract Compliance Programs _____

U.S. Department of Justice _____

Other _____

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

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

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

We cannot accept an unsigned complaint. Please sign and date the complaint [form](#) below.

Complainant's Signature **Date**

FOR OFFICE USE ONLY

Date Complaint Received: _____ Case #: _____

Processed by: _____ Date Referred: _____

Referred to: USDOJ OFCCP Other _____

Attachment 6.2 – Español External Discrimination Complaint Form



Forma Externa de Queja Discriminación

Enviar forma firmada al Departamento de Vehículos Motorizados de Texas - Oficina de Derechos Civiles, 4000 Jackson Avenue, Austin, Texas 78731 o por fax al 512/465-4112.

(Rev. 01/18)
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Apellido		Nombre	
Dirección		Ciudad	Estado
	Código Postal		
Teléfono	Teléfono Alternativo	Correo Electrónico	
Indica por favor la(s) base(s) de su queja.			
<input type="checkbox"/> Raza _____ <input type="checkbox"/> Edad _____ <input type="checkbox"/> Origen Nacional/LEP _____			
<input type="checkbox"/> Color _____ <input type="checkbox"/> Sexo _____ <input type="checkbox"/> Discapacidad Ingresos _____			
Fecha y lugar de la(s) presunta(s) acción(es) discriminatoria(s). Favor de incluir la primera fecha de la presunta discriminación y la fecha más reciente de la presunta discriminación.			
<p>¿Como se discriminó contra usted? Describa la naturaleza de la acción, decisión o las circunstancias de la presunta discriminación. Explique, de la manera mas clara posible, que sucedió y porqué cree usted que su estatus protegido fue un factor en la discriminación. Incluya como otras personas fueron tratadas de distinta manera que usted. (Adjunte hojas adicionales de ser necesario).</p>			
<p>La ley prohíbe intimidación o represalias contra cualquier persona ya sea por tomar acción o por participar en la toma de acción para asegurar los derechos protegidos por estas leyes. Si usted siente que se han tomado represalias en su contra, aparte de la presunta discriminación mencionada anteriormente, favor de explicar las circunstancias a continuación. Explique la acción que usted tomó que cree sea la causa de la presunta represalia.</p>			
Nombre de los individuos responsables de la(s) acción(es) discriminatoria(s):			

What information is included in a Title VI Program complaint?

A signed, written Title VI Program complaint must be filed within 180 days of the date of the alleged act of discrimination. The complaint must include the following information:

- Your name, address and telephone number.
- If you are filing on behalf of another person, include their name, address, telephone number and your relation to the complainant (e.g., friend, attorney, parent, etc.).
- The name and address of the agency, program or organization that you believe discriminated against you.
- A description of how, why and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination.
- Your signature.

What will TxDMV do with my complaint?

Upon receipt, the TxDMV Office of Civil Rights will determine which agency has jurisdiction to handle the complaint. If TxDMV does not have jurisdiction to handle the complaint, it will be forwarded to the appropriate agency. The allegations will be investigated and an attempt will be made to resolve any violations if found. If efforts to resolve any violations are unsuccessful, enforcement proceedings may be initiated to bring the recipient into compliance.

Is there speech or hearing impairment assistance for filing a complaint?

Upon request, assistance will be provided if you are limited English proficient or disabled. Any complaint may be filed using an alternate format, e.g., computer disk, audio tape or in Braille, if you have a speech or hearing impairment, dial Texas Relay at 1-800-735-2988 or 711.

To request more information or to file a Title VI Program complaint, you may obtain more information or locate the necessary Title VI Program complaint forms online by visiting:

www.txdmv.gov

or by contacting the Office of Civil Rights at the phone number listed below:

Mail the Title VI Program Complaint Form and Discrimination Complaint Consent/Release Form to:

**Texas Department of Motor Vehicles
Office of Civil Rights
4000 Jackson Avenue
Austin, TX 78731**

**Phone: 512/465-5665
Fax: 512/465-4112**



Title VI
Protecting Your Civil Rights
is Good Business

It is our policy to ensure that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income-status, and limited English proficiency (LEP) be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of our programs and activities.

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination."

President John F. Kennedy,
in his message calling for the enactment
of Title VI, 1963

Title VI
and you...

This brochure is designed to help you understand your rights under Title VI of the Civil Rights Act of 1964, and related Nondiscrimination authorities.

What is Title VI?

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals and groups from discrimination on the basis of their race, color and national origin in programs and activities that receive federal financial assistance. However, the Federal Motor Carrier Safety Administration's (FMCSA) reference to the Title VI Program includes other civil rights provisions of federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving federal financial assistance.

TxDMV's Title VI Program Policy

Pursuant to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and other nondiscrimination authorities, it is the policy of the Texas Department of Motor Vehicles (TxDMV) that discrimination based on race, color, national origin, sex, age, disability, income status and LEP shall not occur in connection with any of its programs or activities.

TxDMV's efforts to prevent discrimination will address, but not be limited to, a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, and allocation of funds.

Authorities

The two main authorities enabling Title VI implementation, compliance and enforcement are the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. However, other statutes and related Nondiscrimination authorities are applicable for the effective execution of the objectives of the Title VI Program:

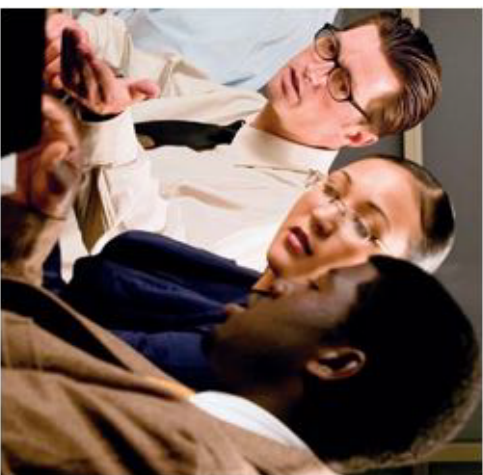
- Federal-Aid Highway Act of 1973
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Age Discrimination Act of 1975
- Executive orders 12898 and 13106

Title VI Compliance

Title VI Program compliance is a situation where TxDMV has effectively implemented all the Title VI Program requirements or can demonstrate that every good faith effort has been made toward achieving this end.

TxDMV (and its subcontractors and contractors) irrespective of tier, is required to prevent discrimination and ensure nondiscrimination in all programs and activities whether they are federally funded or not.

Subrecipients of federal assistance include cities, counties, contractors, consultants, suppliers, universities, colleges, transit and planning agencies.



Programs Covered

Federally assisted programs include any Federal Motor Carrier Safety Administration Program-related activity and/or service to include TxDMV licensing and registration-related activities/services and any motor carrier compliance-related activity/service.

What discrimination is prohibited under TxDMV's Title VI Program?

Discrimination under our Title VI Program is an action or inaction, intentional or not, through which any intended beneficiary, solely because of race, color, national origin, sex, age, disability, income status or LEP, or has been otherwise subjected to unequal treatment or impact, under any TxDMV program or activity.

Discrimination based on the grounds referenced above limit the opportunity for individuals and groups to gain equal access to services and programs. In administering federally assisted programs and activities, TxDMV cannot discriminate either directly or through contractual or other means by:

- Denying program services, financial aids or other benefits;
- Providing different program services, financial aids or other benefits, or providing them in a manner different from that provided to others;
- Segregating or separately treating individuals or groups in any manner related to the receipt of any program service or benefit;
- Restricting in any way the enjoyment of any advantage or privilege enjoyed by others receiving any program service or other benefits;
- Denying person(s) the opportunity to participate as a member of a planning, advisory or similar body;
- Denying person(s) the opportunity to participate in the program through the provision of services, or affording the opportunity to do so differently from those afforded others.

Who may file a Title VI Program complaint?

A Title VI Program complaint may be filed by any individual or individuals who allege they have been subjected to discrimination or adverse impact under any TxDMV program or activity based on race, color, national origin, sex, age, disability, income status or LEP

¿Qué información está incluida en una queja del Programa del Título VI? La queja debe presentarse dentro de los 180 días desde la fecha de acto alegado de discriminación. La queja deberá contener la siguiente información:

- Su nombre, dirección y número telefónico. Si está presentando en representación de otra persona, incluya su nombre, dirección y su relación con el querrelante (por ejemplo, amigo, apoderado, padre, etc.).
- El nombre y la dirección de la agencia, programa u organización que considera que lo discriminó.
- Una descripción de cómo, por qué y cuándo considera usted que fue discriminado. Incluya toda la información de trasfondo que le sea posible sobre los actos alegados de discriminación.
- Su firma.

¿Qué hará TxDMV con su queja?

Tras la recepción, la Oficina de Derechos Civiles de TxDMV determinará que agencia tiene la jurisdicción requerida para manejar la queja. Si TxDMV no tiene dicha jurisdicción, reenviará el caso a la agencia adecuada. Los alegatos serán investigados y se intentará resolver cualquier violación encontrada. En caso dichos esfuerzos por resolver la violación no son suficientes, podrán iniciarse procedimientos de ejecución para ejecutar el cumplimiento del receptor.

Para presentar una demanda Título VI, puede obtener las formas necesarias en el Internet en la siguiente dirección:

www.TxDmv.gov

o contactando a la Oficina de Derechos Civiles en el teléfono enumerado a continuación.

Envíe el Formulario de Queja del Programa del Título VI y el Formulario de Liberación/Consentimiento de la Queja de Discriminación a:

**Texas Department of Motor Vehicles
Office of Civil Rights
4000 Jackson Avenue
Austin, TX 78731**

**Teléfono: 512/465-5665
Fax: 512/465-4112**



Título VI

Proteger sus Derechos Civiles es Buen Negocio

Es nuestra política asegurar que ninguna persona en los Estados Unidos de América, por motivos de raza, color, origen nacional, sexo, edad, discapacidad, sea excluida de participar en, se le nieguen los beneficios de, o de ninguna otra forma deberá ser sujeta a discriminación a cualquier programa o actividad del TxDMV.

“La justicia simple requiere que los fondos públicos, los cuales son pagados por todos los contribuyentes de todas las razas, no se gasten en ninguna forma que fomente, consolide, subvencione ni resulte en un acto de discriminación racial!”

Presidente John F. Kennedy,
En su mensaje llamando a la promulgación del Título VI, 1963

El Título VI

y usted...

Este folleto está diseñado para ayudarlo a entender sus derechos en virtud del Título VI de la Ley de Derechos Civiles de 1964 y autoridades de no discriminación relacionadas.

¿Qué es el Título VI?

El Título VI de la Ley de Derechos Civiles de 1964 es la ley federal que protege a las personas y grupos de la discriminación por raza, color y origen nacional en programas y actividades que reciben ayuda financiera federal. Sin embargo, la referencia de la Administración Federal de Seguridad de Autotransportes (FMCSA por sus siglas en inglés) al Programa del Título VI incluye otras disposiciones de los derechos civiles de los estatutos federales y autoridades relacionadas en la medida que prohíban la discriminación en programas y actividades que reciben ayuda financiera federal.

Política del Programa del Título VI del TxDMW

En virtud del Título VI de la Ley de Derechos Civiles de 1964, la Ley de Restauración de Derechos Civiles de 1967 y otras autoridades no discriminatorias, es política del Departamento de Vehículos Motorizados de Texas (TDMV) que la discriminación por raza, color, origen nacional, sexo, edad, discapacidad, estado financiero y LEP no se manifieste en relación con cualquiera de sus programas o actividades.

Los esfuerzos de TxDMW para evitar la discriminación se direccionarán pero no estarán limitados al impacto de los programas en el acceso, beneficios, participación, tratamiento, servicios, oportunidades de contratación, oportunidades de capacitación, investigación de quejas y asignación de fondos.

Autoridades

Las dos autoridades principales que facultan la implementación, cumplimiento y ejecución del Título VI son la Ley de Derechos Civiles de 1964 y la Ley de Restauración de Derechos Humanos de 1987. Sin embargo, otros estatutos y autoridades no discriminatorias relacionadas son aplicables para la ejecución efectiva de los objetivos del Programa del Título VI:

- Ley Federal de Ayuda para las Autopistas de 1973
- Sección 504 de la Ley de Rehabilitación de 1973
- Ley de Estadounidenses con Discapacidad de 1990
- Ley de Discriminación por Edad de 1975
- Ley de Traslado Uniforme de 1970
- Ordenes ejecutivas 12898 y 13168

Cumplimiento del Título VI

El cumplimiento del programa del Título VI es la situación en la que TxDMW ha implementado de forma efectiva todos los requisitos del Programa del Título VI o que pudo demostrar de buena fe que se realizaron los esfuerzos para alcanzar este fin.

De conformidad con 23 USC 302, el receptor principal de FHWA es la Agencia Estatal de Transporte. En Texas TxDMW es el destinatario principal. TxDMW (y sus sub receptores y contratistas) independientemente de su nivel, deben evitar la discriminación y asegurar la no discriminación en todos los programas y actividades que ellos federalmente financien o no.

Los sub receptores de la ayuda federal incluyen ciudades, países, contratistas, consultores, proveedores, universidades, colleges (escuelas de educación superior), agencias de tránsito o planeamiento.



Programas cubiertos

Los programas que reciben asistencia financiera federal incluyen: cualquier proyecto vital, programa o actividad para la prestación de bienes y servicios. Tales programas incluyen educación o capacitación, oportunidades de trabajo, salud, asistencia pública, rehabilitación, viviendas y otros servicios, ya sea que hayan sido

proporcionados directamente por TxDMW o indirectamente a través de contratos u otros arreglos con otros representantes.

¿Qué tipo de discriminación está prohibida en virtud del Programa del Título VI de TxDMW?

La discriminación en virtud del Programa del Título VI es cualquier acción o falta de acción, intencional o no, donde cualquier beneficiario, únicamente por su raza, color, origen nacional, sexo, edad, discapacidad, estado financiero o LEP haya estado sujeto a tratamiento o impacto desigual en virtud de cualquier programa o actividad de TxDMW.

La discriminación en base a lo anteriormente referenciado limita la oportunidad de las personas y grupos de obtener ingresos igualitarios para servicios y programas de las actividades y programas administrados con ayuda federal ya sea directamente o a través de contratos o por otros medios como:

- Denegar los servicios del programa, ayuda financiera u otros beneficios;
- Proporcionar diferentes servicios del programa, ayuda financiera u otros beneficios o prestarlos de forma distinta a la brindada en favor de otros;
- Segregación o trato separado de los individuos o grupos en cualquier forma relacionada a la recepción de cualquier servicio o beneficio del programa;
- Restricción de cualquier forma del gozo de cualquier ventaja o privilegio brindado por otros receptores en cualquier otro servicio del programa u otros beneficios;
- Negar a las personas la oportunidad de participar como miembro de una asesoria de planeamiento u organismo similar;
- Negarle a alguien la oportunidad de participar en el programa mediante la proporción de servicios o dándole la oportunidad de hacerlo de manera diferente de cómo se les proporcionó a otros.

¿Quien puede presentar una Queja del Programa del Título VI?

Cualquier persona o personas que aleguen que han sido sujetos de discriminación o impacto adverso en virtud de cualquier programa o actividad de TxDMW en base a su raza, color, origen nacional, sexo, edad, discapacidad, estado financiero o LEP puede presentar una queja del Programa del Título VI.

Attachment 8 – Complaint Log Screenshot

Hgmt Menu Home Page

Title VI Discrimination Complaint Requirements Data Entry Form

General Information:

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

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

Complainant Info:

Name of Business:	<input type="text"/>
Race:	<input type="text"/>
Street:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
ZIP:	<input type="text"/>
Phone Number:	<input type="text"/>
Best Time To Call:	<input type="text"/>
Alt PhoneNumber:	<input type="text"/>
Alt Time To Call:	<input type="text"/>

Hgmt Menu Home Page

Title VI Discrimination Complaint Requirements Data Entry Form

General Information:

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

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

Respondent Info:

Name of Business:	<input type="text"/>
Position Title:	<input type="text"/>
Race:	<input type="text"/>
Street:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text"/>
ZIP:	<input type="text"/>
Phone Number:	<input type="text"/>
Best Time To Call:	<input type="text"/>
Alt PhoneNumber:	<input type="text"/>
Alt Time To Call:	<input type="text"/>