



## **Title VI Plan for NYSDOT FHWA Sub-recipient**

**City of Rensselaer, Rensselaer County, New York**

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Daniel J. Dwyer, Mayor, City of Rensselaer

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(Date)

Prepared by: Mark Hendricks, Engineering Aide

## **Title VI Plan**

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## Section 1      **Non-Discrimination Policy Statement**

It is the policy of the **City of Rensselaer** that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the **City of Rensselaer** as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of the **City of Rensselaer** including its contractors and anyone who acts on behalf of the **City of Rensselaer**. This policy also applies to the operations of any department or agency to which the **City of Rensselaer** extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

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Mayor, City of Rensselaer

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Date

## **Section 2 Authorities**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

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

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

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3; EO 13166.

### **Section 3     Organization, Staffing, and Structure**

**The Mayor of the City of Rensselaer** is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

**City of Rensselaer** has created the position of **Title VI Program Coordinator** to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of **Title VI Program Coordinator** is located within **Human Resource Department**

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to NYSDOT
- Developing procedures for the collection and analysis of statistical data.
- Develop Title VI and Limited English Proficiency information for Public Dissemination.
- Conduct pre-grant and post-grant approval reviews of **City of Rensselaer** programs and applicants for compliance with Title VI requirements
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination;
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

#### **TITLE VI PROGRAM COORDINATOR**

**Irene Sorriento**

**Human Resources Director**

**62 Washington Street, Rensselaer, NY 12144**

**(518)462-0419 x1570**

**Irene.sorriento@rensselaerny.gov**

### **3.1 Additional City of Rensselaer Title VI Coordination/Contacts**

#### Contract Compliance:

**Irene Sorriento, Title VI Program Coordinator**

#### Engineering & Design Services

**William Smart, City Engineer**

**(518) 694-3968**

**Bill.smart@rensselaerny.gov**

#### Construction

**Jeanna Fritz, Building & Zoning Administrator**

**(518) 465-1693**

**Jeanna.fritz@rensselaerny.gov**

#### Maintenance/Right-of-Way

**Dominic Tagliento, DPW Commissioner**

**(518) 462-9617**

**Dominic.tagliento@rensselaerny.gov**

#### Environmental Services

**William Smart, City Engineer**

**Mark Hendricks, Engineering Aide**

**(518) 465-1693**

**Mark.hendricks@rensselaerny.gov**

#### Safety

**Jim Hannigan, Rensselaer Police-Safety Cmte**

**(518) 462-7453**

#### Planning and Research

**Charles Moore, Director of Planning**

**(518) 465-1693**

**Charles.moore@rensselaerny.gov**

## Section 4 City of Rensselaer Title VI Complaint Procedures

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any **City of Rensselaer** program or activity. This prohibition applies to all branches of the **City of Rensselaer**, its contractors, consultants, and anyone else who acts on behalf of the **City of Rensselaer**.

Federal law requires that the **City of Rensselaer** investigate, track, and report discrimination complaints. Complaints must be filed in writing and will be investigated within sixty days of submission, and will be given a determination of in writing of the final decision reached. If you need assistance to file your complaint or need interpretation services, please contact **Irene Sorriento, Title VI Program Coordinator** or **Steven Terry ADA Coordinator**

### Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any **City of Rensselaer** program or activity because of their race, color, national origin, age, sex, or disability may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated a discrimination investigation.

### How do you file a complaint?

Complaints must be filed in writing within 180 days from the last date of the alleged discrimination. However, contact **Irene Sorriento, Title VI Program Coordinator** if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact **Irene Sorriento, Title VI Program Coordinator**

Complaints may be submitted via mail, email, fax or in person to:

City of Rensselaer

City Hall, 62 Washington Street

Rensselaer, NY 12144

Phone: 518-462-4266 Fax: 518-462-0890 City Clerk

### Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or

- The date when the person became aware of the alleged discrimination; or
- There has been a continuing or the latest instance of the discriminatory conduct.

#### Form of Complaints

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant's name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail. A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.
- Must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complained of incident.

Upon receipt of the complaint, the **City of Rensselaer** will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In cases where the complaint is against one of the **City of Rensselaer's** sub-recipients of federal highway funds, the **City of Rensselaer** will assume jurisdiction and will investigate and adjudicate the case. Complaints against the **City of Rensselaer** will be referred to the New York State Department of Transportation's Office of Civil Rights for proper disposition. In special situations warranting intervention to ensure equity, the NYSDOT Office of Civil Rights may assume jurisdiction and either complete or obtain services to review or investigate matters.

#### Acceptance of a complaint will be determined by

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation;
- Whether the allegations involve a program or activity of a Federal-aid recipient, subrecipient, or contractor; or, in the case of ADA allegations, an entity open to the public;
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority;

#### A complaint may be dismissed for the following reasons

- The complainant requests the withdrawal of the complaint;
- The complainant fails to respond to repeated requests for additional information needed to process complaint;
- The complainant cannot be located after reasonable attempts.

The **City of Rensselaer** has sole authority for accepting complaints for investigation. Once the **City of Rensselaer** decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) calendar days. The complaint will receive a case number and be logged into the **City of Rensselaer's** records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).



In cases where the **City of Rensselaer** assumes investigation of the complaint, the **City of Rensselaer** will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of the **City of Rensselaer's** written notification of acceptance of the complaint to furnish their response to the allegations.

Within 40 calendar days of the acceptance of the complaint, the **City of Rensselaer** or NYSDOT investigator will prepare an investigative report for the **City of Rensselaer's** Title VI Coordinator and the **Mayor of the City of Rensselaer**. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The **City of Rensselaer's** Title VI Coordinator and **Mayor** will have 10 calendar days to review and provide comments to the investigator.

Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the **City of Rensselaer** Law Department for review. The Law Department attorneys will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the **City of Rensselaer** Law Department will be reviewed by the **Mayor**. There will be a period of 10 calendar days for the **Mayor** to discuss the report and any recommendations with the **City of Rensselaer's** Title VI Coordinator, and to have the Title VI Coordinator address any modifications before the report's release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

The **City of Rensselaer's** final investigative report and a copy of the complaint will be forwarded to either NYSDOT, FHWA, FTA, or FAA, if applicable within 60 calendar days of the acceptance of the complaint.

The **City of Rensselaer** will notify the parties of its preliminary findings which may be subject to the corresponding USDOT modality's concurrence.

If involved the corresponding USDOT modality will issue the final decision to the **City of Rensselaer** based on the investigative report.

Once the corresponding USDOT modality issues its final decision, the **City of Rensselaer** will notify all parties involved about such determination. USDOT's final determination is not subject to an appeal.



**CITY OF RENSSELAER**  
**Complaint of Discrimination Form**

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

**Basis of Complaint**

Race ☐  
Color ☐  
Sex ☐  
National Origin ☐  
Age ☐  
Disability (ADA) ☐  
Low-Income ☐  
Limited English Proficiency ☐

**Who allegedly discriminated against you?**

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_

**If an organization, what is its name?**

Name of Organization \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_  
Name of Contact \_\_\_\_\_

**How were you discriminated against?**

\_\_\_\_\_  
\_\_\_\_\_

**Where did the alleged discrimination occur?**

\_\_\_\_\_  
\_\_\_\_\_

**Date/s and times discrimination occurred?**

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First time \_\_\_\_\_

Second time \_\_\_\_\_

Third time \_\_\_\_\_

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can the Department do to resolve the complaint?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you filed your complaint with anyone else?

Who \_\_\_\_\_

When \_\_\_\_\_

Complaint number, if known \_\_\_\_\_

Do you have an Attorney in this matter?

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

When did you acquire \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Mail to: City Clerk  
City of Rensselaer  
62 Washington Street  
Rensselaer, NY 12144  
Attn: Title VI Coordinator

Phone (518) 462-4266

## **Section 5      Special Emphasis Program Areas**

### **5.1 Planning**

#### **Planning and Program Development**

Develop near-term and long-term strategies to maintain and enhance the quality and safety of **City of Rensselaer** transportation and infrastructure.

#### **Title VI Responsibilities**

- Ensure that all aspects of the transportation planning process comply with Title VI.
- Ensure participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic organizations and participating in roundtable meetings in minority and low-income communities when applicable.
- Assist the Title VI Coordinator in gathering and organizing information for internal annual Title VI Update Reports.
- Review the Program Development work program and other directives to ensure compliance with Title VI program requirements.
- Ensure equal participation on Citizens Advisory Committees (CAC) by requesting the CAC provide information regarding their selection process for members and to furnish information on membership make up (race, gender, and position within the organization) for evaluation.
- Visit CAC and public meetings to verify the level of participation of Title VI protected group members when offered in predominantly minority or low-income communities.
- Gather statistical data on program participation regarding race, color and national origin.

### **5.2 Consultant Services/Environmental**

#### **Consultant Contracts Administration**

Identify the needs for each project, ensure they are met in the contract, and ensure consultant compliance to the satisfaction of the **City of Rensselaer**.

#### **Authorities:**

48 CFR 31; 23 CFR 172

National Environmental Policy Act of 1969, 42-USC-4321

23 CFR Part 771

40 CFR Part 1500

49 CFR Part 622

EO 12898

#### **Consultant Selection Process**

Utilizing the request for proposal and competitive bidding processes, the **City of Rensselaer** selects the appropriate contractors and vendors for the project. Title VI nondiscrimination provisions will be incorporated into all written contracts and materials in this process.

### **Environmental Process**

Work with neighborhood stakeholders and community groups to ensure that all affected residents have opportunities to participate in the planning, design and construction of transportation projects.

### **Environmental Justice Outreach**

Public Involvement in the area of Environmental Justice will be achieved through outreach measures that assure meaningful involvement of minority and low-income populations. This will be achieved through a variety of measures, including but not limited to:

- Obtaining U.S. Census Data and data from the local School District to identify minority and low-income populations to determine impacts during the initial stages of project planning. Further analyze this data using additional sources, including area community, religious, and business associations, school districts, senior citizen groups, and economic development organizations.
- Inviting a cross section of the populace from social, economic, and ethnic groups in the planning process through written information in local newspapers and where possible, minority news media. Create notices that attract attention and are in layman's terms.
- Holding meetings at a variety of times during the day and providing various locations to facilitate access and participation by target populations.
- When necessary, translate documents, notices and hearings for limited English-speaking populations.
- Obtaining demographic data at applicable community meetings and public hearings. Data will be gathered through the use of voluntary self-reporting forms which include race, gender, and national origin. Copies of these forms will be sent to the Title VI Coordinator after each meeting.
- Document all evidence to support conclusions regarding Environmental Justice issues. Detail all efforts taken to identify minority or low-income populations affected by transportation planning activities.

### **Title VI Responsibilities**

- Monitor compliance with Title VI requirements in all aspects of the environmental process, including Environmental Justice and Limited English Proficiency requirements.
- Conduct meetings to review the project impact.
- Disseminate to the public their right to call or write the department to view plans and discuss environmental problems.

- Ensure DBE goal attainment.
- Coordinate the gathering of environmental information for the Annual Title VI Update Report including awards to DBE firms.
- Notify protected group residents of public meetings or hearings regarding a proposed project. Ensure time and location for public meetings or hearings is accessible.
- Maintain mechanisms to identify population affected by a project.
- Ensure participation of all segments of the impacted population in the location selection process.
- Ensure that all federally funded consultant contracts administered by this section have the appropriate Title VI Appendix enclosed.
- Review guidelines and procedures to ensure Title VI compliance.
- Maintain and update necessary data and documentation, including demographic data mapping ethnicity by area as required for completion of the department's internal annual Title VI Update Report.

## **5.3 Engineering Services**

### **Engineering Services**

Engineering services assess the **name of subrecipient's** infrastructure and prepares plans for construction, design, and repair. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

### **Authorities**

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Municipal Code of the City of Rochester; Title 23, U.S.C 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); among others.

### **Design Process**

Economic, social, topographic, and environmental impacts of a proposed project are key factors weighed in the location consideration. Special efforts in the area of Environmental Justice will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

## **Construction Engineering**

Construction engineering deals with the designing, planning, construction, and management of infrastructures such as highways, bridges, airports, railroads, buildings, and utilities. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

## **Authorities**

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Municipal Code of the City of Rochester, among others.

## **Construction Process**

Construction Engineering is responsible for new construction and maintaining **City of Rensselaer** roads and bridges by using the resources of contractors, equipment, and materials in the most economic way. Construction Engineering provides guidance and oversight for the administration of transportation construction projects. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in minority newspapers and selection of accessible location and time for public hearings or meetings.

## **Title VI Responsibilities**

- Ensure that all aspects of the location selection process comply with the Title VI requirements.
- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Assure public participation in the selection process.
- Provide notice of public meetings in minority newspapers and newsletters when appropriate.
- Maintain required Title VI compliance documentation and statistical data. Gather statistical data on race, color & national origin for program requirements.
- Monitor program components for compliance with the Title VI requirements.
- Review activities associated with public hearings to enhance the participation of targeted communities.
- Develop and update operational manuals and guidelines to ensure the inclusion of Title VI language and provisions.
- Gather program area data to be included in the internal annual Title VI Update Report.

## **5.4 Right-of-Way**

### **Right-of-Way Programming**

Right-of-way programming involves monitoring and administering construction and obstructions in the right-of-way. Right-of-Way programming is handled by the Permitting Department of DES and involves inspections and compliance measures in the right-of-way.

### **Authorities:**

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Municipal Code of the City of Rochester, 23 CFR 130, 49 CFR 24, among others.

### **Acquisition Process**

The guidelines in the Right-of-Way Manual are followed for property acquisition as well as all applicable laws and regulations, including Title VI and Section 504. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.

### **Title VI Responsibilities**

Ensure equal opportunity for disadvantaged businesses to participate in Personal Services Contracts. The contracts are typically appraisal contracts but can cover all services of real estate including negotiation, relocation, and property management. Ensure equal opportunity for disadvantaged business appraisers to participate by using current directories identifying fee appraiser organizations and the NYSDOT's list of certified fee appraisers. Apprise all affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.

- Conduct annual implementation reviews of Title VI provisions within the real estate acquisition process.
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.



- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.
- Gather the statistical data required for completion of **City of Rensselaer's** Annual Title VI Update Report including awards to minority and female appraisers.

## 5.5 Contract Compliance

### Contract Compliance

Contract compliance ensures that that the **City of Rensselaer** is complying with standards regarding nondiscrimination and equal opportunity employment. It includes provisions that the **City of Rensselaer** may not discriminate in any programs or services on the basis of race, color, sex, or national origin; must accept applications from women and minorities; must solicit bids for contract work from minority-and-women-owned businesses; and follow fair hiring, retention, and promotion policies.

### Authorities:

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Municipal Code of the **City of Rensselaer**, among others.

### Title VI Responsibilities

- Review all projects for application of DBE goals. Gather statistical data on DBE utilization.
- Include DBE general special provisions in those projects with goals. Include Title VI language in contract award letters to encourage utilization of DBE firms. Award of construction contracts shall be granted on the basis of the lowest responsive bidder including DBE requirements.
- Ensure through reviews that prime contractors with DBE requirements award previously committed work to proper DBEs and that DBEs actually perform commercially useful functions on contracts.
- Review activities to ensure maintenance and construction efforts and resources are applied uniformly and fairly.
- Maintain program documentation necessary for internal annual Title VI updates.

## **Appendix 1 – City of Rensselaer Title VI Notice to Public**

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

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the **City of Rensselaer**. Any such complaint must be in writing and filed with the City Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant on our website at [www.rensselaerny.gov](http://www.rensselaerny.gov) or by calling (518) 462-4266.

## Appendix 2 – City of Rensselaer Title VI Assurances

### The United States Department of Transportation (USDOT)

#### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

The **City of Rensselaer** (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 the Federal Highway Administration is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *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 Highway 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 Federal-Aid Highway 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 Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The City of Rensselaer , 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, the **City of Rensselaer**, 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 Federal Highway Administration's 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 Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, 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.

The **City of Rensselaer**, 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 Federal-Aid Highway Program. This ASSURANCE is binding on **City of Rensselaer**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

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**Daniel J. Dwyer**

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**City of Rensselaer**

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**Mayor**

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**Date**

**City of Rensselaer, RECIPIENT**  
**APPENDIX A OF THE TITLE VI ASSURANCES**

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, 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. **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 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 Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

**City of Rensselaer**  
**APPENDIX B OF THE TITLE VI ASSURANCES**

**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 **City of Rensselaer** will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of the Federal-Aid Highway Program, 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, 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 **City of Rensselaer** 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 the **City of Rensselaer** 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, its successors and assigns.

The **City of Rensselaer** 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 **City of Rensselaer** 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.)

**City of Rensselaer**  
**APPENDIX C OF THE TITLE VI ASSURANCES**

**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 **City of Rensselaer** 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 **City of Rensselaer** 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, **City of Rensselaer** 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 **City of Rensselaer** 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.)



**City of Rensselaer**  
**APPENDIX D OF THE TITLE VI ASSURANCES**

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 **City of Rensselaer** 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, **City of Rensselaer** 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, **City of Rensselaer** will there upon revert to and vest in and become the absolute property of **City of Rensselaer** 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.)

**City of Rensselaer**  
**APPENDIX E OF THE TITLE VI ASSURANCES**

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

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

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

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

### **2. Nondiscrimination**

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

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

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

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

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

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

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, The **City of Rensselaer** and the NYS Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

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

### **6. Incorporation of Provisions**

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the **City of Rensselaer** or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the **City of Rensselaer** enter into such litigation to protect the interests of the **City of Rensselaer** and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **Appendix 4 - Granting/Habendum Clauses**

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **GRANTING CLAUSE**

NOW, THEREFORE, The **City of Rensselaer**, as authorized by law, and upon the condition that the state of Washington will accept title to the lands and maintains the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d--4) does hereby remise, release, quitclaim, and convey unto Pierce City all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

### **HABENDUM CLAUSE**

*Pursuant to the provisions of Title VI Assurances:* The purchaser, for itself, himself or herself, its, his or her heirs, personal representatives, successors in interest and assigns does hereby covenant and agree that in the event facilities are constructed, maintained or otherwise operated on the property being purchased, for a purpose for which a United States Department of Transportation (USDOT) program or activity is extended or for another purpose involving the provision of similar services or benefits, the purchaser shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, USDOT Subtitle A, office of the Secretary, part 21, Non-discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

The purchaser, for itself, himself or herself, its, his or her heirs, personal representatives, successors in interest and assigns does hereby covenant and agree that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be 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 furnishings of services thereon, no person, on the grounds or race, color, sex or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the purchaser shall use the premises in compliance with all requirements imposed by, or pursuant to Title 49, Code of Federal Regulations, USDOT Subtitle A, office of the Secretary, part 21, Non-

discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

## Appendix 5 - Assurances Appendix D Clauses

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the **City of Rensselaer** pursuant to the provisions of Assurances, number 7.

The LESSEE, or their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended. That in the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the **City of Rensselaer** pursuant to the provisions of Assurances, number 7.

The LESSEE, or their personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be 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 furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation ---Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the **City of Rensselaer** shall have the right to terminate the lease, and to re-enter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

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## APPENDIX 6 – DATA COLLECTION GUIDANCE

In accordance with Title VI directives to "develop procedures for the collection of statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocates, impacted citizens and affected communities." (23 CFR 200.9 (b)(4)) and 49 CFR 21.9 (b) and (c), the follow guidance is provided to City of Rensselaer departments as a tool in developing strategies to collect this data.

Data collection is a critical step in the analysis process and a very integral part of an effective Title VI Program. When developing an effective Data Collection Program, consider these critical factors first:

- 1) **What** data to collect;
  - a. Regional population and growth rates
  - b. Regional ethnic composition
  - c. Age distribution by race
  - d. Number of households by income group
  - e. Median household by income
  - f. Percent of persons below poverty line
  - g. Percent of persons by age group with mobility limitations
  - h. Percent of elderly persons
  - i. Percent of disabled by types of disability
  - j. Languages spoken
- 2) **Why** collect data;
  - a. Evaluate the effectiveness of City policies and programs to ensure non-discrimination,
  - b. Assess the relationship between specific programs and beneficiaries to develop nondiscriminatory strategies, e.g., public meeting locations;
  - c. Draw agency attention and resources to resolve issues and problems;
  - d. Demonstrate the usefulness of a particular program, service or activity;
  - e. Justify continuation of funding or need for allocation of additional funding; and,
  - f. Communicate the importance of the goals, solutions or programs.

Data collection provides measurable evidence of performance related to Title VI for reports and demonstrated efforts to ensure compliance with Title VI. Both NYSDOT and sub-recipients are required to maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.

- 3) **Where** to collect data;
  - a. U.S. Census Data
  - b. School Districts
  - c. Transit Ridership Surveys
  - d. Public Works (Pavement and Congestion)

- e. Land Use Plans
- f. Geographic Information Systems (GIS)
- g. CDRPC (Regional Planning)
- h. Citizen Advisory Committees

4) **When** to collect data;

The timetable depends on the available time and the resources available as well as any known dates for implementing the proposed project and/or a reporting schedule e.g., annual reporting requirements to NYSDOT, FHWA, or FTA.

5) **How** to collect data;

See Attachment B of Addendum 1 Public Participation Plan for Template of various methods of obtaining information from outside sources.

**Additional items to consider before choosing a method:**

- a. If the information already exists to answer desired questions,
- b. If you need to seek prior approval to collect information;
- c. If the evaluative process is disruptive to the program;
- d. If the collection methods will produce information that actually measures what was intended

**6) Develop** an Analysis Plan: Ensure that appropriate information is collected to answer program evaluative questions.

It is crucial to establish a plan for data analysis prior to beginning the collection process. A plan will ensure that the information needed to answer evaluative questions is answered. For example, if the goal is to determine how a fare increase will affect a specific targeted group of bus riders, an assessment of the targeted areas must be conducted, e.g., what's the best method of reaching the targeted community, are the LEP person(s) in the area, will documents need to be translated in another language, etc.

**7) Organize, Manage, Analyze and Interpret Data**

- Ensure that any/all clearances and consent forms are obtained, if needed
- Ensure that all ethical considerations have been taken into account; and
- Always be mindful of cultural differences and sensitivities of the respondents.

**The following is recommended:**

- a. Assign an individual(s) to take responsibility for the collection of data.
- b. Set up protocol for who has access to the data.
- c. As data is received, check for thoroughness.
- d. Pilot test selected survey questions.
- e. Develop a tracking system, e.g., spreadsheets.
- f. Store collected data electronically or in filing cabinets (make sure it's accessible and safe).
- g. Monitor the data collection process often.
- h. Prepare for errors in your samplings.



## **8) Data that should be captured and reported (as it relates to Title VI Compliance)**

- Public notification and outreach efforts, to include: minority media utilized, LEP efforts, project websites, web blog for public comments.
- Demographics of potential affected population (targeted project area).
- Data regarding covered employment
- LEP data concerning use of interpreting/translation services and bilingual employees
- Surveys or any documented input/comments from potential affected population.
  - Any efforts made to mitigate adverse effects on the minority and/or low income populations in affected communities.
- The racial ethnic composition of transportation-related decision-making advisory boards or committees.  
Environmental Justice analysis, if applicable, for new construction and major rehabilitation projects.
  - Document all Title VI Complaints, lawsuits and investigations on a Title VI compliant log.
- Maintain and capture the race and gender of contractors and provide an analysis of the selection process.
- Title VI training, to include: Date of training, employee's names (trainees), methods used to train or inform.

## **APPENDIX 7 – SAMPLE FORMS**



**CITY OF RENSSELAER**  
**Complaint of Discrimination Form**

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

**Basis of Complaint**

Race ☐  
Color ☐  
Sex ☐  
National Origin ☐  
Age ☐  
Disability (ADA) ☐  
Low-Income ☐  
Limited English Proficiency ☐

**Who allegedly discriminated against you?**

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_

**If an organization, what is its name?**

Name of Organization \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone \_\_\_\_\_  
Name of Contact \_\_\_\_\_

**How were you discriminated against?**

\_\_\_\_\_  
\_\_\_\_\_

**Where did the alleged discrimination occur?**

\_\_\_\_\_  
\_\_\_\_\_

**Date/s and times discrimination occurred?**

March 2015

Page 1

First time \_\_\_\_\_  
Second time \_\_\_\_\_  
Third time \_\_\_\_\_

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can the Department do to resolve the complaint?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you filed your complaint with anyone else?

Who \_\_\_\_\_  
When \_\_\_\_\_  
Complaint number, if known \_\_\_\_\_

Do you have an Attorney in this matter?

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
When did you acquire \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

Mail to:     City Clerk  
              City of Rensselaer  
              62 Washington Street  
              Rensselaer, NY 12144  
              Attn: Title VI Coordinator  
  
              Phone (518) 462-4266

[illegible]

# **ADDENDUM 1**

## **PUBLIC INVOLVEMENT**

# Addendum 1 PUBLIC INVOLVEMENT PLAN

In order to insure public involvement and awareness the **City of Rensselaer** will employ the following 6 Action Steps for major Public Works Projects or other Key Projects that would directly affect Citizens or Neighborhoods within the **City of Rensselaer**

## 1. IDENTIFY STAKEHOLDERS AND THEIR KEY ISSUES/CONCERNS

- *Research any prior, related public involvement efforts in the project area. Useful information could include: commitments, issues, stakeholders, etc.*
- *Who is affected by the project and who should receive the message? Typically, this should include:*
  - *affected property owners*
  - *the trucking industry (if any part of this project restricts freight movement, the MCTD Services Manager must be notified at least 21 days prior to restriction)*
  - *Title VI/Environmental Justice minority outreach audiences*
- *Try to Identify issues stakeholders may have with your project*

*Use the [Checklist of Possible Stakeholders and Potentially Affected Parties](#) Attachment A to identify potential stakeholders for contact regarding the designated project.*

## 2. ESTABLISH OBJECTIVES

*Successful public involvement for this project means we create a common understanding with the public that:*

1. *There is a need or opportunity that must be addressed*
2. *That have the right team and it is our responsibility to address the need or opportunity*
3. *Our approach in addressing the need or opportunity is reasonable, sensible, and responsible*
4. *We do listen and we do care*

## 3. DETERMINE LEVEL OF PUBLIC INVOLVEMENT

1. *Determine the major PI elements required by this project*
2. *Determine what strategies that should be employed for achieving the PI objectives?*  
*Strategies could include(For example, inviting city public works director to be a member of*

*the project team, hiring a public involvement firm, asking neighborhood association to serve as advisory group.)*

*3. What resources does the City have available to accomplish the objectives, and how much money is available/needed*

#### **4. SELECT THE PUBLIC INVOLVEMENT ACTIVITIES**

*A. Using the Template contained in Attachment B of this plan select the tools that are best suited to involve the project stakeholders.*

*B. Determine what City assets will be best suited to coordinate those activities*

#### **5. IMPLEMENT**

*A. Develop a detailed schedule/table of tasks based on the above steps, that lists what is to be done, who is responsible, and the timing*

*B. Monitor and update the schedule if conditions, issues and stakeholder*

*C. Keep a record of any updates or any significant changes, commitments and course-adjustments that are made.*

#### **6. EVALUATE**

*Periodically throughout the progression of the Project take the time to evaluate the success or failures of various aspect of the chosen activities such as:*

- Did we work effectively and proactively to inform and coordinate with our jurisdictional partners?*
- Was the need (or opportunity) for the project clearly understood? If not, what do we need to do differently?*
- Did we correctly identify all of the important stakeholders? If not, what were the reasons we missed some, and how can we do a better job in the future?*
- Did we correctly identify stakeholder issues? If not, how can we do a better job in the future?*
- Were our messages about the project effective? If not, why?*
- Did our communications tools work? Did we reach the target audience? If not, what other tools would have been more effective?*

The following are example of what could be used to accomplish this feedback:



## **Evaluation tools**

### **Pre-Project Baseline Survey**

- ☐ Postcard survey
- ☐ Telephone survey
- ☐ Other

### **PE Public Meeting Survey**

- ☐ Ballot survey
- ☐ "Bean-jar" survey
- ☐ Other

### **Mid-Construction Survey**

- ☐ Postcard survey
- ☐ Telephone survey
- ☐ Other

### **End-of-Project Survey**

- ☐ Postcard survey
- ☐ Telephone survey
- ☐ Other

## Attachment A

### **Checklist of Possible Stakeholders and Potentially Affected Parties**

*This is not a definitive list - tailor it to meet the complexity of the project*

#### **Transportation**

- ☐ NYSDOT/County Regency
- ☐ Regional Planning-CDRPC
- ☐ Regional Traffic Operations
- ☐ Program Managers (e.g., Bridge)
- ☐ Motor Carriers
- ☐ Rail
- ☐ Public Information Reps.
- ☐ Regional Public Affairs
- ☐ CDTA

#### **ODOT Jurisdictional Partners**

- ☐ City/county agency staff
- ☐ Federal regulatory and lands agencies
- ☐ FHWA
- ☐ Transit districts
- ☐ Other State agencies

#### **Shipping/Freight Industry; Commodity Haulers**

- ☐ Trucking industry
  - ☐ Trucking Associations
  - ☐ Heavy-haul trucking companies
- ☐ Annual permit holders
- ☐ Ports
- ☐ Railroads
- ☐ Agriculture
- ☐ Special Interest Groups
- ☐ Bicycle/pedestrian associations
- ☐ AAA

#### **Other Affected Community Agencies/ Emergency Services Providers**

- ☐ State/City Police/County Sheriffs
- ☐ Fire districts
- ☐ Hospitals/ambulance services
- ☐ 911 dispatch/Emergency Operations
- ☐ Hazardous Materials responders
- ☐ School Districts, schools and school bus managers
- ☐ Irrigation Districts/other public utilities
- ☐ Water/sewer/fire protection districts
- ☐ Parks
- ☐ Area attractions/entertainment venues/fairgrounds/festival organizers

#### **Environmental Justice**

- ☐ Low-income communities
- ☐ Minority communities
- ☐ Spanish translations needed
- ☐ Environmental Centers

#### **Property Owners**

- ☐ Directly affected by project (e.g., within “footprint”)
- ☐ Adjacent to project (e.g., access, noise)
- ☐ Other property owners near right of way

**Community Residents**

- ☐ People living in the neighborhood
- ☐ People living in the vicinity
- ☐ People living in the same city
- ☐ People living along the highway corridor

**Elected Officials/City, County and Regional Governments/Commissions**

- ☐ CDTC
- ☐ Mayor/city council
- ☐ County commission
- ☐ Regional Economic Revitalization Teams (i.e., Governor's rep, other state agencies)
- ☐ State representative(s)
- ☐ State senator(s)
- ☐ U.S. Senator
- ☐ U.S. Representative

**Local industrial and commercial Businesses**

- ☐ Businesses affected by the project (e.g., "footprint" and/or access), top priority
- ☐ Businesses in the neighborhood
- ☐ Businesses in the vicinity
- ☐ Businesses along the highway corridor
- ☐ Commercial Business Areas
- ☐ Industrial Parks

**Highway Users**

- ☐ Utility companies in the existing or potential right-of-way
- ☐ Local delivery drivers/providers
- ☐ Commuters/regional and through trips
- ☐ Agricultural Haulers
- ☐ Vanpool/bus companies
- ☐ Charter bus companies

**Civic Organizations**

- ☐ Chamber of Commerce/city club/visitor association
- ☐ Local community service clubs
- ☐ Local neighborhood associations
- ☐ Grange

## Attachment B

### Public Involvement Tools

#### Ways to Involve the Public

- ☐ Person to Person
- ☐ Open Houses
- ☐ Informal/impromptu gatherings (ex: "Coffee with ODOT" near project site)
- ☐ Focus Groups (facilitation/mediation)
- ☐ Workshops/charrettes/brainstorming
- ☐ Advisory Teams
- ☐ Use existing organizations (civic groups, clubs, schools, transportation advisory groups, etc.)
- ☐ Ask stakeholders how they want to be involved
- ☐ Extend membership on project teams (e.g., local agency staff, district staff)
- ☐ Establish a project Web site, include interactive elements
- ☐ Follow up, let stakeholders know their feedback has been received, and the results

#### Ways for the Public to Get Information to You

- ☐ Provide your contact information on printed materials and on your Web site
- ☐ Develop hardcopy and electronic comment forms, and make them readily available
- ☐ Hearings
- ☐ Surveys (paper or electronic)

#### Ways for You to Get Information to the Public

##### Printed Communications

- ☐ Fact sheets
- ☐ Fliers
- ☐ Postcards
- ☐ Brochures
- ☐ Posters / Billboards
- ☐ Newsletters/project updates
  - ☐ Weekly
  - ☐ Monthly
  - ☐ Quarterly
  - ☐ As needed
- ☐ Table-toppers
- ☐ Hotlines

### **Electronic Information Distribution**

- ☐ E-mail messages
- ☐ Project Web site
- ☐ Flash postings
- ☐ Update TripCheck/HTCRS
- ☐ OTIA Web site

### **Media Contact**

- ☐ One-on-one visits with reporters
- ☐ News releases
- ☐ Editorial board visits
- ☐ Media kits
- ☐ News conferences
- ☐ News media site visits

### **Paid Advertising**

- ☐ Newspaper display ads
- ☐ Radio production spot ads
- ☐ Television production spot ads
- ☐ Local public access programming
- ☐ Billboards
- ☐ Bus placards
- ☐ Websites

### **Events**

- ☐ Ground breaking
- ☐ Block parties
- ☐ On-site progress tours
- ☐ Dedications/ribbon cuttings/opening celebrations etc.
- ☐ Participation in local community events

### **Legislators/Local Governments/Federal delegation**

- ☐ In-person briefing
- ☐ Report(s) to or briefing(s) with ODOT legislative affairs staff
- ☐ Electronic updates (e-mail or fax)

### **Other**

- ☐ Project-specific “stuff”

**ADDENDUM 2**  
**AMERICANS WITH DISABILITY ACT (ADA)**  
**TRANSITION PLAN**





## ADDENDUM 2

### CITY OF RENSSELAER

#### AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

##### ADA Transition Plan

This ADA Transition Plan reflects ***the City of Rensselaer's*** long-term commitment to ADA compliance, and details the stages of ***the City of Rensselaer's*** plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements.

This Draft ADA Transition Plan will be revised and updated as the steps of the Plan are completed.

##### INTRODUCTION

ADA regulations prohibit discrimination against individuals on the basis of disability and require state and local governments to make their programs and services accessible to persons with disabilities. These requirements focus on providing accessibility by addressing and eliminating structural barriers associated with public facilities.

As detailed below, ***the City of Rensselaer*** has made a significant and long-term commitment to improving the accessibility of its public facilities. The purpose of this Plan is to ensure that ***the City of Rensselaer*** identifies prohibited structural barriers to its public facilities, and, where structurally feasible, schedules and implements ADA-required improvements in order to remove those barriers.

The ADA requires that the Transition Plan include the following components:

- 1) Identification of physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) Identification of the methods to be used to remove any barriers limiting accessibility;

- 3) A schedule for completion of the necessary steps to achieve accessibility in public facilities; and
- 4) The name of the public entity's ADA Coordinator.

## **STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN NAME OF AGENCY'S FACILITIES**

The first phase of the ADA Transition Plan is to evaluate the **City of Rensselaer's** public facilities for accessibility. Officials from Planning, Public Works, and Human Resources Departments will coordinate to conduct accessibility evaluations of the following facilities:

- Sidewalks, crosswalks, and curb ramps
- Publicly accessible buildings
- Parking lots serving publicly accessible buildings

For each facility evaluated, a Survey of **City of Rensselaer** Public Facilities ("the Survey") will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey.

An Inventory of Public Facilities ("the Inventory") will also be created, and will serve as the central database for identified structural barriers, suggested improvements, and comments relating to structural feasibility of improvements.

### Evaluation of Sidewalks, Crosswalks, and Curb Ramps

The Survey will contain the following ratings to assess the condition of each **City of Rensselaer** sidewalk, crosswalk, and curb ramp:

**Rating 1** – Not Applicable: A facility not considered to require accessibility, for example, limited-access highways.

**Rating 2** – Not Accessible: Significant discontinuity such as steps, no ramps, more than 100 feet of unpaved walkway, heaving, vertical displacement, other severe distress, flooding, etc.

**Rating 3** – Partially Accessible: Not designed to current standards, problems with geometry of sidewalks, ramps and landings, no detectable warnings, handrails, etc.

**Rating 4** – Accessible: May need additional improvements, for example circuitous routes, insufficient width, etc.

**Rating 5** – Fully Accessible: Designed to current standards, but reasonable accommodations may still be required for individual cases.

## Evaluation of Parking Lots and Publicly Accessible Buildings

For the evaluation of publicly accessible buildings and the parking lots serving those buildings, the Survey will incorporate relevant portions of the ADA Checklist for Existing Facilities (based on the 2010 ADA Standards for Accessible Design), produced by the Institute for Human Centered Design.

### Schedule for Completion

**City of Rensselaer** officials from its Planning, Public Works, and Human Resources Departments will be coordinating over the next several months to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. Numerous facilities will be subject to this evaluation, and consequently this will be a substantial undertaking for the reviewing officials. The evaluations will be scheduled so as to evaluate outdoor facilities prior to the winter months (to avoid snow cover that may impede a thorough review), with any remaining evaluations of outdoor facilities to be completed in **December 31, 2017**. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 will be completed by **April 30, 2018**.

## **STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS**

The second phase of the **City of Rensselaer's** ADA Transition Plan is to develop a method to remove barriers. This includes identification of the nature of needed improvements and a determination regarding structural feasibility of improvements under the ADA standards, and prioritization of necessary improvements.

Once the necessary improvements have been identified and prioritized, this information, along with a list of any improvements determined to be physically unfeasible, will be presented at a public meeting of the **City of Rensselaer's** Compliance Committee. It is the **City of Rensselaer's** practice to provide public notice of the dates and agendas of Compliance Committee meetings on the **City of Rensselaer's** website. This will provide the public with an opportunity to participate in the formulation of the ADA Transition Plan.

### **A. Nature of Improvements and Structural Feasibility**

The nature of necessary improvements will be determined during Step 1 – the accessibility evaluation of **City of Rensselaer** facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that **City of Rensselaer** officials determine are not structurally feasible, based on ADA regulations, will also be incorporated into the Plan.

### **B. Priority of Improvements**

#### Sidewalks; Crosswalks; Curb Ramps

With respect to sidewalks, crosswalks and curb ramps, the primary focus of this ADA Transition Plan is to address all ADA noncompliant facilities, defined as those locations that have a rating of “2” and “3” on the scale discussed above.

The priority of improvements to these facilities will be as follows:

- 1) Those serving publicly accessible **City of Rensselaer** facilities;
- 2) Those serving commercial and employment centers; and
- 3) Those serving other areas.

#### Parking Lots and Publicly Accessible Buildings

The priority of improvements to parking lots and publicly accessible spaces in **City of Rensselaer** buildings will be based on the severity of the accessibility barrier and the frequency of public presence at the facility. Notably, the general assessment of the **City of Rensselaer** Code Enforcement Officer is that **City of Rensselaer** facilities where public meetings take place are in substantial compliance with the ADA. All new construction or renovations to existing facilities have complied with ADA standards. As such, the **City of Rensselaer** does not expect that its publicly accessible buildings and parking lots will require major structural improvements.

### **STEP 3: SCHEDULE FOR COMPLETION OF NECESSARY IMPROVEMENTS**

Once the Inventory of Public Facilities has been completed, and necessary

improvements have been prioritized as provided above, the **City of Rensselaer** will formulate an estimated budget for the improvements. The schedule for improvements will depend heavily upon the number and severity of the deficiencies identified during the

accessibility evaluation, and the costs associated with the improvements. The **City of Rensselaer** however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. The **City of Rensselaer's** ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect the **City of Rensselaer's** commitment to ADA compliance.

### **ADA COORDINATOR**

The ***City of Rensselaer*** ADA Coordinator is ***Steven Terry, Grant Administrator/ADA Coordinator***

**Steven Terry**

ADA Coordinator

**City of Rensselaer**

**62 Washington Street, Rensselaer, NY 12144**

**(518) 465-1693**

***Steven.terry@rensselaerny.gov***

**ADDENDUM 3**  
**LIMITED ENGLISH PROFFICIENCY PLAN**

## **ADDENDUM 3**

# **Limited English Proficiency Plan**

**CITY OF RENSSELAER**

**March 17, 2017**

**TITLE VI COORDINATOR**

**Robert Conway**

**City Hall, 62 Washington Street, Rensselaer, NY 12144**

## INTRODUCTION

This **Limited English Proficiency Plan** has been prepared to address the **City of Rensselaer's** responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency 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 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***, 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 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 state and local agencies which receive federal funds, including all **City of Rensselaer** departments receiving federal grant funds.

### Plan Summary

The **City of Rensselaer** has developed this ***Limited English Proficiency Plan*** to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the **City of Rensselaer** used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by the **City of Rensselaer**
2. The frequency with which LEP persons come in contact with **City of Rensselaer** services.
3. The nature and importance of services provided by the **City of Rensselaer** to the LEP population.
4. The interpretation services available to the **City of Rensselaer** and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.



## MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

### 1) The number or proportion of LEP persons in the service area who may be served or are likely to require City of Rensselaer services.

The **City of Rensselaer** the most recent information provided by the **United States Census Bureau** and determined that **9,433** individuals reside in **the City of Rensselaer**, **7.1%** of the population] speak a language other than English. Of those 204 individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only **2.8%** of the overall population in the service area. In **City of Rensselaer**, of those persons with limited English proficiency, **0.4%** speaks **Spanish**, **1.4%** speaks **Indo-Chinese (Burmese)**, **1.0%** speaks **Indo-European Languages (not delineated**

### 2) The frequency with which LEP persons come in contact with City of Rensselaer services.

The **City of Rensselaer** staff reviewed the frequency with which their office staff and other department staffs have, or could have, contact with LEP persons. This included any documentation of phone inquiries or office visits. This also included practical experience of how often individuals who have limited English proficiency. To date, the **City of Rensselaer** has had **0** requests for interpreters and **0** requests for translated program documents as follows: Marriage Certificates, Building Permits, City Service/Regulation Requirements, etc. The **City of Rensselaer’s** other staff have had very little contact with LEP persons.

### 3) The nature and importance of services provided by the City of Rensselaer to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for the **City of Rensselaer**. The overwhelming majority of the population, **92.9 %**, speak only English. As a result, there are few social, service, or professional and leadership organizations within the **City of Rensselaer’s** service area that focus on outreach to LEP individuals. The **City of Rensselaer’s** staff are most likely to encounter LEP individuals through office visits, phone conversations, notifications.

### 4) The resources available to the City of Rensselaer and overall costs to provide LEP assistance.

The **City of Rensselaer** reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, the City will endeavor to develop a contact list of local citizens that would be willing to provide voluntary translation, particularly Burmese if needed within a reasonable time period. Other language translation if needed

could be provided through a bilingual staff member or a telephone interpreter line for which the **City of Rensselaer** would pay a fee.

## **LANGUAGE ASSISTANCE**

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to **City of Rensselaer** services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the **City of Rensselaer** staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Affected **City of Rensselaer** staff could be provided with language identification cards to assist in identifying the language interpretation service needed if the occasion arises.
- **City of Rensselaer** staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the **City of Rensselaer** sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

### **Language Assistance Measures**

Although there is a very low percentage of LEP individuals in the **City of Rensselaer**, that is, persons who speak English less than "very well" or "not at all", it will strive to offer the following measures:

1. The **City of Rensselaer** staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.

2. If possible the City will endeavor to offer the following resources to accommodate LEP persons:

- Volunteer interpreters for the Spanish or Burmese languages are available and will be provided within a reasonable time period.
- Language interpretation will be accessed for all other languages through a telephone interpretation service.

### **STAFF TRAINING**

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of interpreter service provider's language identification cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

**All contractors or subcontractors performing work for the City of Rensselaer will be required to follow the Title VI/LEP guidelines.**

### **TRANSLATION OF DOCUMENTS**

The **City of Rensselaer** weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.

Due to the very small local LEP population, the **City of Rensselaer** does not have a formal outreach procedure in place, as of **2017**. Translation resources will be researched but are limited in this region. However, when and if the need arises for LEP outreach, the **City of Rensselaer** will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

- **The City of Rensselaer** will assess requests for translation of documents based on the possible impacts and known LEP population.

### **MONITORING**

**Monitoring and Updating the LEP Plan** - The **City of Rensselaer** will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the **2020 U.S. Census** is available, or when it is clear that higher concentrations of LEP individuals are present in the **City of Rensselaer**.

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.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether **the City of Rensselaer's** financial resources are sufficient to fund language assistance resources needed.
- Determine whether the **City of Rensselaer** fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

### **DISSEMINATION OF THE CITY OF RENSSELAER LEP PLAN**

The following steps will be implemented to disseminate the **City of Rensselaer** LEP Plan

- Post signs in **City of Rensselaer** City Hall notifying LEP persons of the LEP Plan and how to access language services.
- Post on **City of Rensselaer's** website the LEP Plan and how to access language services.

**ADDENDUM 4**  
**EMPLOYEE TRAINING PLAN**



# Employee Training Plan

Title VI of the Civil Rights Act of 1964

**CITY OF RENSSELAER**  
**62 Washington Street, Rensselaer, NY 12144**  
**(518) 462-9512**

## **I) Introduction**

Title VI of the 1964 Civil Rights Act provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Sec. 601)."

The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

This Title VI Employee Training Plan has been prepared to address the **City of Rensselaer's** responsibility to provide Title VI training to all of its current employees.

## **II) Title VI and ADA Nondiscrimination Statement**

The **City of Rensselaer** adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. The **City of Rensselaer** carries out its transportation planning processes without regard to race, color, or national origin. For more information or to file a complaint or concern, please contact the **City of Rensselaer** Title VI Civil Rights Coordinator, at (123) 456-7890.

The **City of Rensselaer** also follows the New York State Department of Transportation's Americans with Disabilities Act Grievance Procedure. The **City of Rensselaer** hosts its public meetings and open houses in facilities allowing access for those who may be mobility impaired, sight impaired, hearing impaired or mentally impaired. The **City of Rensselaer** will accommodate anyone who may need special requests with adequate notification, preferably 48 hours before a scheduled meeting or open house.

The **City of Rensselaer** is committed to a policy of non-discrimination in

conducting its business, including its Title VI responsibilities. The **City of Rensselaer** recognizes its responsibilities to the citizens for whom it carries out its transportation planning processes and to the society it serves.

### **III) Education and Training**

The Title VI Coordinator and the **Mayor** shall be responsible for advising **City of Rensselaer** staff about available training in support of Title VI. It is the responsibility of the Title VI Coordinator to schedule training in such a way that appropriate notices and announcements are made to **City of Rensselaer** staff. All employees are encouraged to participate in professional development training within and outside of the **City of Rensselaer**.

Internally, the **City of Rensselaer** offers a Title VI training put on by the Title VI Coordinator in accordance to Title VI and ADA requirements. This training may also be video recorded to allow for any staff that are unable to attend the scheduled training to watch and review Title VI and ADA requirements when schedule permits. This training is reviewed and updated as necessary by the Title VI Coordinator. It is also a requirement for current **City of Rensselaer** staff to participate and refresh themselves in the Title VI training annually. The Title VI training can be put on by the Title VI Coordinator or the Title VI training can be accomplished by watching a Title VI training video. It is a requirement for new employees to receive Title VI training this will be accomplished during the new hire orientation with the **City of Rensselaer**, if for some reason the new hire does not receive this training during orientation they will be required to reschedule and receive that training within 60 days of their hire date.

In an effort to continuously improve the **City of Rensselaer's** overall Title VI compliance requirement, the Title VI Coordinator will periodically monitor the following agency's training sites for updated training that may become available: the New York State Department of Transportation (NYSDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The training will be made available to **City of Rensselaer** staff on an ongoing basis to ensure

up to date knowledge of Title VI and other nondiscrimination statues.

### **Implementation**

The target groups for this training are All City Hall Staff, DPW and Water-Sewer Departments, Police and Fire, and Elected Officials. The Title VI will created a schedule for this training annually, and oversee its implementation and recordkeeping. In an effort to maximize available times and accommodate for the varying schedules of the City workforce, training will be staggered through the year. A mechanism will also be put into place to accommodate individuals, who cannot make the in-house training to watch the training video from home or a remote location via a computer.