

Title VI

and other Civil Rights regulations

Plan

Capital District Transportation Committee

Adopted by CDTC Planning Committee

July 6 2016

 Executive Director

Table of Contents

Introduction	1
Title VI Notice.....	2
Policy Statement	2
Title VI Coordinator.....	3
Complaint Procedure	3
Organization Chart (2016).....	6
Capital District Transportation Committee Title VI Assurances	7
TITLE VI ASSURANCES APPENDIX A.....	9
TITLE VI ASSURANCES APPENDIX B	10
TITLE VI ASSURANCES APPENDIX C	11
Data Collection.....	12
Monitoring	12
Training	13
Public Participation	13
Limited English Proficiency Plan	13

Introduction

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states 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.” The use of the word “person” is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a State within the United States. In addition to Title VI, there are other Nondiscrimination statutes that afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability). Taken together, these requirements define an over-arching Title VI/Nondiscrimination Program. It is important to also understand that Title VI and the additional Nondiscrimination requirements are applicable to Federal programs in addition to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

There are two Presidential Executive Orders that place further emphasis upon the Title VI protections of race and national origin. Executive Order #12898 (Environmental Justice) directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. Executive Order # 13166 (Limited-English-Proficiency) directs federal agencies to evaluate services provided and implement a system that ensures that Limited English Proficiency persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency. Additionally, each federal agency shall ensure that recipients of federal financial assistance provide meaningful access to their Limited-English-Proficiency applicants and beneficiaries. Please note that while an Executive Order has the force of law, a lawsuit may not be brought under an Executive Order.

Title VI Notice

Policy Statement

The Capital District Transportation Committee (CDTC) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its metropolitan transportation planning process on the basis of race, color, national origin, sex, age, disability, or economic status, as protected by Title VI of the Civil Rights Act of 1964 and related statutes and regulations. You may request additional information by contacting CDTC as described below. If you believe you have been subjected to discrimination under Title VI or related statutes or regulations, you may file a complaint to the CDTC by sending your written complaint to Attention: Executive Director, CDTC; 1 Park Place; Colonie, New York 12205, or by sending an e-mail to ej@cdtcmpto.org.

Complaints may also be filed directly with the Federal Highway Administration, at FHWA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590; the Federal Transit Administration, at Federal Transit Administration Office of Civil Rights, Attention Title VI Program Coordinator, East Building, 5th Floor –TCR, 1200 New Jersey Ave. SE, Washington D.C. 20590; or the New York State Department of Transportation, at Office of Civil Rights, New York State Department of Transportation, 50 Wolf Road 6th Floor, Albany New York 12232 or email at OCR-TitleVI@dot.ny.gov.

If information is needed in another language, contact 518-458-2161.

El Comité de transporte del Distrito Capital (CDTC) se compromete a garantizar que ninguna persona está excluida de la participación en, o negada los beneficios de, su transporte metropolitano planificación proceso sobre la base de raza, color, origen nacional, sexo, edad, discapacidad o condición económica como proporcionar al título VI de la ley de derechos civiles de 1964 y estatutos relacionados. A solicitar información adicional, usted puede contactar con CDTC como se describió debajo. Si usted cree que ha sido sometidos a discriminación bajo el Título VI o estatutos relacionados, usted puede presentar una queja con el CDTC enviando su queja por escrito a la atención: Director Ejecutivo, CDTC, 1 Park Place, Colonie, New York 12205, o enviando un correo electrónico a ej@cdtcmpto.org.

Las quejas pueden ser presentadas también directamente con la Administración Federal de Carreteras, en FHWA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590; la Administración Federal de Transito, en Federal Transit Administration Office of Civil Rights, Attention Title VI Program Coordinator, East Building, 5th Floor –TCR, 1200 New Jersey Ave. SE, Washington D.C. 20590; o con el Departamento de Transporte del Estado de Nueva York en Office of Civil Rights, New York State Department of Transportation, 50 Wolf Road 6th Floor, Albany New York 12232 o correo electrónico a OCR-TitleVI@dot.ny.gov.

Michael V. Franchini, Executive Director

Date

Title VI Coordinator

The Capital District Transportation Committee's Title VI Coordinator is the Executive Director, Michael V. Franchini. He is responsible for Title VI Nondiscrimination activities, instructions, complaints, and reports.

Complaint Procedure

Persons who believe they have been excluded from participation in, or denied the benefits of, the Capital District Transportation Committee's metropolitan transportation planning process on the basis of race, color, national origin, sex, age, disability, or economic status, as protected by Title VI of the Civil Rights Act of 1964 and related statutes and regulations, may file a complaint to the CDTC by sending a written complaint to Executive Director, CDTC, 1 Park Place, Colonie, New York 12205, or by sending an e-mail to ej@cdtcmpo.org.

If information is needed in another language, contact 518-458-2161.

Employee and prospective employee complaints follow CDTC's Administrative Procedures, provided to all employees and otherwise available from CDTC's Title VI Coordinator.

The complainant's identity will only be disclosed with his or her consent. However, we may be unable to investigate allegations without permission to release the complainant's identity and complaint. After the complainant has authorized the release of his/her name, only those persons directly involved in investigating, processing, or providing pertinent information to establish the facts of a complaint will be made aware of its content or details.

CDTC will reply to all complainants and will investigate all complaints over which CDTC has jurisdiction or control.

In addition to or instead of the CDTC procedure, complaints may also be filed directly with the Federal Highway Administration, at FHWA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590; the Federal Transit Administration, at Federal Transit Administration Office of Civil Rights, Attention Title VI Program Coordinator, East Building, 5th Floor –TCR, 1200 New Jersey Ave., SE, Washington, D.C. 20590; or the New York State Department of Transportation, at Office of Civil Rights, New York State Department of Transportation, 50 Wolf Road, 6th Floor, Albany, New York 12232 or email at OCR-TitleVI@dot.ny.gov.

PROCEDURE

A formal, written complaint must be filed (see step 2 below) within 30 calendar days of the date the incident occurred or within 30 calendar days of the effective date of the action. The time limits may be extended if the complainant has been prevented by circumstances beyond his/her control from submitting the complaint, within the prescribed period or for other reasons considered sufficient by the CDTC Administrative and Financial Standing Subcommittee.

Step 1: (Optional) Informal Resolution

A person can, if desired, seek an informal (oral) resolution directly with the Executive Director, who is the Title VI Coordinator. The complainant should note that an informal meeting does not count toward the 30 calendar day deadline for initiating a complaint. Only submission of a formal written complaint within the 30 calendar day deadline will meet the CDTC deadline for initiation of a complaint.

Step 2: Filing of Complaint

A person formally initiates the complaint procedure by filing in writing a complaint with the Executive Director.

The complaint shall be submitted on the following form and should be as complete as possible, but must include the person's name and contact information, the date of the incident, the identity of the person, program or service that caused the complaint, the basis of the discrimination, and the signature of the person complaining. Upon request, complaints may be received in alternate formats by persons with disabilities.

All complaints against CDTC will not be investigated by CDTC, but will be forwarded to NYSDOT within 10 business days.

A written finding of the merits of the complaint, and remedial actions will be sent to the complainant within 30 calendar days of the filing of the complaint.

Step 3: Appeal of Finding

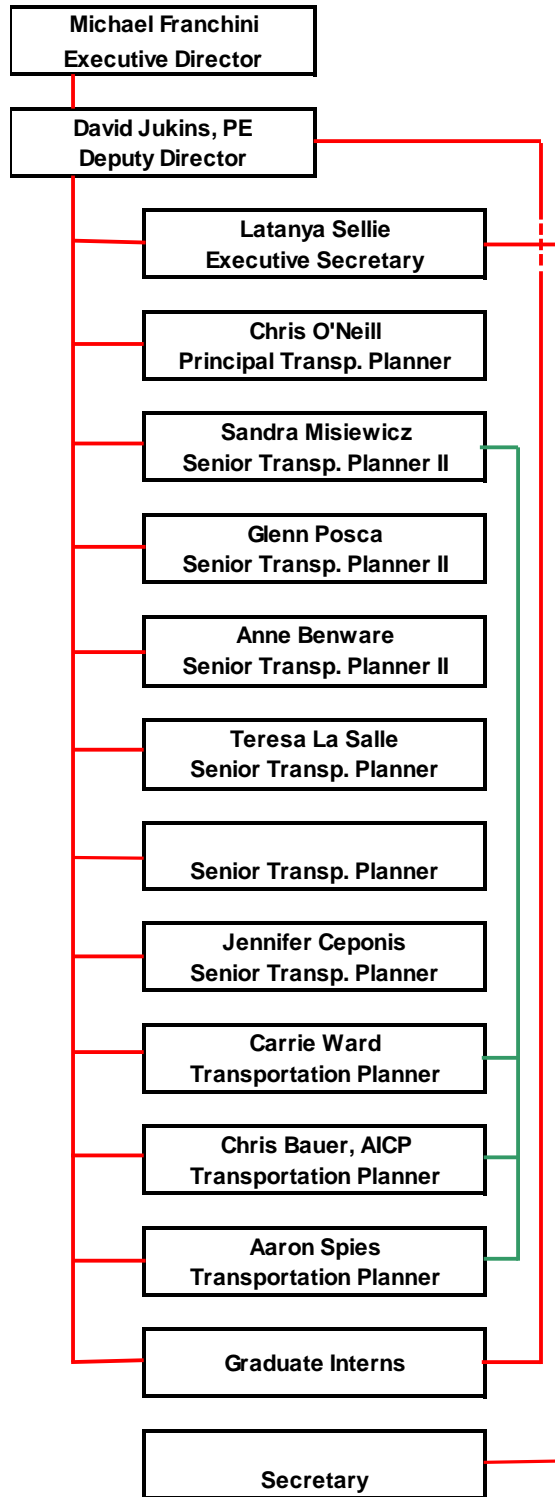
The complainant has the right to appeal the finding. The appeal is sent to the chairperson of the CDTC Administrative and Financial Standing Subcommittee (A&F). The appeal should include the original complaint as well as an explanation of why the finding and any recommended remedial actions are unsatisfactory.

The chairperson of the A&F Subcommittee will appoint a committee, composed of at least three (3) A&F members, to investigate the appeal. The committee will report its findings and recommendations to the full A&F Subcommittee within sixty (60) calendar days of receiving the appeal. The A&F Subcommittee will then render its decision.

This decision is the final decision within the CDTC structure. Any further action on the complaint must be through the Federal Highway Administration, at FHWA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590; the Federal Transit Administration, at Federal Transit Administration Office of Civil Rights, Attention Title VI Program Coordinator, East Building, 5th Floor –TCR, 1200 New Jersey Ave., SE, Washington, D.C. 20590; or the New York State Department of Transportation, at Office of Civil Rights, New York State Department of Transportation, 50 Wolf Road, 6th Floor, Albany, New York 12232 or email at OCR-TitleVI@dot.ny.gov.

CAPITAL DISTRICT TRANSPORTATION COMMITTEE TITLE VI COMPLAINT FORM				
Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			<input type="checkbox"/> Yes*	<input type="checkbox"/> No
*If you answered "yes" to this question, go to Section III.				
Please supply the name and relationship of the person for whom you are complaining:		Name: Your relationship:		
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the complainant if you are filing on behalf of a third party.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section III:				
I believe the discrimination I experienced was based on (check all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex, <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Economic Status <input type="checkbox"/> Other Date of Alleged Discrimination (Month, Day, Year): _____				
On a separate sheet, explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.				
May we release your identity and a copy of your complaint to the entity against whom you are complaining? Note: We may be unable to investigate your allegations without permission to release your identity and complaint.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section IV:				
Have you previously filed a Title VI complaint with CDTC?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Section V:				
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, check all that apply: <input type="checkbox"/> Federal Agency <input type="checkbox"/> Federal Court <input type="checkbox"/> State Agency <input type="checkbox"/> State Court <input type="checkbox"/> Local Agency				
Please provide information about a contact person at the agency/court where the complaint was filed.				
Name:				
Title:				
Agency:				
Address:				
Telephone:				
Signature of Complainant:				

Organization Chart (2016)



- Direct administrative responsibility
- Mentoring / direction responsibility for linkage studies

Capital District Transportation Committee Title VI Assurances

The Capital District Transportation Committee (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race color, 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 the Department of Transportation, including the Federal Highway Administration and Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

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

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

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
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 shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the

Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved.

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

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

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated

(Recipient)
By: _____
(Signature of Authorized Official)

Attachment: Subsection 21.7(a)(1) of the Regulations

Every application for Federal financial assistance to which this part applies, except an application to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every award of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for 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 for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. The Secretary shall specify the form of the foregoing assurances, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

TITLE VI ASSURANCES APPENDIX A

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

(1) **Compliance with Regulations:** The contractor 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 by it during the contract, shall 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 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 Subcontractors, 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 shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, 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 Recipient or the Federal Highway Administration or Federal Transit Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Recipient, or the Federal Highway Administration or Federal Transit Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the Federal Highway Administration or Federal Transit Administration may determine to be appropriate, including, but not limited to: (a) withholding of payments to the contractor under the contract until the contractor complies, and/or (b) 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 procurements 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 subcontract or procurement as the Recipient or the Federal Highway Administration or Federal Transit Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: 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 Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

TITLE VI ASSURANCES APPENDIX B

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Capital District Transportation Committee will accept title to the lands and maintain the project constructed thereon, in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate program) and the policies and procedures prescribed by the (Name of the Appropriate Administration) 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 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Capital District Transportation Committee all the right, title and interest of the 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 Capital District Transportation Committee 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 shall be binding on the Capital District Transportation Committee, its successors and assigns.

The Capital District Transportation Committee, in consideration or 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 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 with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the Capital District Transportation Committee shall 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, 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 [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

TITLE VI ASSURANCES APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Capital District Transportation Committee pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) 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 (grantee, licensee, lessee, permittee, etc.) 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, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Capital District Transportation Committee shall have the right to terminate the [license, lease, permit, etc. and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc. had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Capital District Transportation Committee shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Capital District Transportation Committee and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Capital District Transportation Committee pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 shall 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other 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.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, (Name of Recipient) shall have the right to terminate the license, lease, permit, etc. and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc. had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Capital District Transportation Committee shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Capital District Transportation Committee and its assigns.

Data Collection

In a partnership with the Capital District Regional Planning Commission, CDTC analyzes residential population data on race, color, national origin, sex, age, disability, and economic status within CDTC's area.

CDTC's Environmental Justice Analysis discusses all projects and programs funded through CDTC in relation to minority and economic status to ensure nondiscrimination on these grounds. For the purpose of that analysis, CDTC has considered race, color, and national origin by creating two categories: the population identifying as white only, not Hispanic or Latino; and the population identifying as anything other than white only, not Hispanic or Latino. Economic status is considered by comparing the population with an income below the federally designated poverty line with the population at or above the line. To consider the benefits to these two groups in relation to the projects and programs funded through CDTC, the plan considers the commute patterns of the two groups.

CDTC analyzes age and disability in The Coordinated Public Transit-Human Services Transportation Plan for the Capital District. Similarly, CDTC compares the population without any disability with the population that has any kind of disability described in the census surveys. Age is considered in various increments, with a focus on the population aged 65 and over.

CDTC has not recently analyzed sex in relation to its projects and programs, but will add this into a data analysis effort in 2016.

Planning studies funded through CDTC include a statement about the presence of any minority and/or low income populations within the study area.

The evaluation system for the Transportation Improvement Program, as of 2016-2021, includes a measure for Environmental Justice/Title VI that considers the location and purpose of projects in comparison to the location and commute patterns of minority and low-income populations. This system can both add and remove points from a project's total score.

Monitoring

CDTC updates data analysis related to Title VI upon the adoption of new Transportation Improvement Programs, and updates data analysis related to disability and age upon updates of the Coordinated Public Transit-Human Services Transportation Plan.

Personnel contacted with Title VI concerns refer those concerns to the Title VI Coordinator. The Title VI Coordinator keeps a record of all informal resolutions including the following: the person's name and contact information; the date of the incident; the identity of the person, program or service that caused the complaint; the basis of the discrimination; and the agreed-upon resolution.

The Title VI Coordinator keeps a record of all formal Title VI complaints with findings, recommended remedial actions, and remedial actions taken.

The Title VI Coordinator maintains records of any appeals to the Administrative & Finance (A&F) Committee, including the appellant's explanation of why the finding and any recommended remedial actions are unsatisfactory, and the A&F Committee's final decision.

Employee and prospective employee complaints follow CDTC's Administrative Procedures. The Title VI Coordinator maintains a record of personnel-related informal resolutions and complaints.

CDTC transmits all records during the FHWA/FTA certification processes and otherwise upon request of CDTA, NYSDOT, FHWA, and/or FTA.

Training

To date, CDTC has participated in Title VI training on an as-available or as-needed basis, often in conjunction with NYSDOT or CDTA.

Moving forward, CDTC conducts training for Title VI and related regulations including Limited English Proficiency on a biennial basis. This may occur in partnership with NYSDOT, CDTA, FHWA, and/or FTA, or it may be conducted internally. The Title VI Coordinator maintains data on the frequency of training, locations, number of participants and target audiences.

Upcoming training will include Limited English Proficiency responsibilities.

Public Participation

Adoption of CDTC's Public Participation Policy follows the "reasonable access" procedure as outlined in that Policy and stated below. The Policy clearly states and explains that CDTC's planning process must adhere to the provisions of Title VI. In addition, appropriate accommodations for persons with disabilities are provided on a case-by-case basis.

"Reasonable access" consists of:

- Utilizing the World Wide Web to display and advertise any project, plan, or program materials for public access.
- Providing information and input opportunities via social media outlets.
- Use of Geographic Information Systems to add visualization and graphic content to plans and documents;
- Mailing and/or e-mailing to a full list of known interested parties of the availability of documents and processes including a deadline for public comment;
- Press releases or public service announcements in the major media to the general public of the availability of the document or plans;
- The deadlines being far enough in the future (30 to 60 days) to allow for reasonable time for thorough review;
- Placement of materials in public libraries in the affected geographic area at the very beginning of the review period. The preferred format for each library may vary.
- Designation of an informed and available staff person to answer inquiries;
- When available, a summary document in accessible formats will be provided (free of charge) to anyone that requests it; and
- Provision of the full document or plan (printing and/or postage charges may apply) to anyone that requests it.

Limited English Proficiency Plan

CDTC's Public Participation Policy contains a discussion of Limited English Proficiency (LEP). Staff will create a stand-alone LEP Plan in 2016 that demonstrates how CDTC ensures meaningful access to CDTC's projects and programs for LEP individuals and populations.