
City of Mechanicville
New York

TITLE VI PLAN

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Title VI Plan

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Title VI/Nondiscrimination Policy Statement

I. POLICY STATEMENT

It is the policy of *City of Mechanicville* prevent and to eliminate discrimination in all of its operations and services as well as all aspects of employment. All *City of Mechanicville* Divisions, Offices, Bureaus and Regions shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status.

This policy fully incorporates throughout all of *City of Mechanicville* operations the requirements of applicable State and Federal laws and executive orders to prohibit and discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

City of Mechanicville Civil Rights Policy reflects *City of Mechanicville* firm commitment to achieving equal opportunity in all programs, services and activities for which *City of Mechanicville* has direct and oversight responsibilities; and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. The *Title VI Coordinator* is charged with monitoring the continued development and implementation of *City of Mechanicville* external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Title VI Coordinator reports directly to the *Mayor* on all matters regarding Title VI compliance and enforcement.

The Title VI/Nondiscrimination program shall have the full support of agency staff and managers. Additionally, all of *City of Mechanicville* partners, contractors and consultants, sub recipients, community based organizations, faith based organizations and advocacy groups are urged to give *City of Mechanicville* their full support and cooperation.

This policy shall be conspicuously placed on *City of Mechanicville* bulletin boards, websites and made available to all organizations and entities doing business with the *City of Mechanicville*. A copy shall be provided to contractors at *City of Mechanicville* pre-construction and scope of service meetings. Any complaints involving allegations of discrimination should be sent to the *Title VI Coordinator 36 North Main Street Mechanicville, NY 12118*

II. POLICY SCOPE AND GUIDANCE

City of Mechanicville Civil Rights Policy Statement directs that the requirements of Articles 15-A of New York State Executive Law, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as well as the Americans with Disabilities act, and all other relevant laws and executive orders are full integrated into all of *City of Mechanicville* and sub recipient' activities. State and Federal nondiscrimination laws are the cornerstones of *City of Mechanicville* strategy to ensure equal opportunity and fair and equitable programs and services to the public.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to ***City of Mechanicville*** Title VI Coordinator for review and appropriate action.

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 Mechanicville***. Any such complaint is preferably in writing and filed with the ***City of Mechanicville*** Title VI Coordinator. Title VI Discrimination Complaint Forms may be obtained from the ***City of Mechanicville's*** Title VI Coordinator at no cost to the complainant, on our website at www.Mechanicville.com or by calling (518) 664-5001 ext.330

Mayor

Date

Name of Sub recipient
Title VI Reporting Relationships

The City of **Mechanicville** has appointed the Code **Enforcement Officer, John Holland** as the Title VI Coordinator.

The **City of Mechanicville** is required to appoint a Coordinator under 23 CFR 200.9(b) (l) with easy access to the head of the agency. The **Code Enforcement Officer**, a direct appointee of the **Mayor, County Executive, etc.** has such access pursuant to the **City of Mechanicville's** Charter:

The contact information for the City's Title VI Coordinator is as follows:

John Holland
Program Area, Title VI Coordinator
36 North Main Street
Mechanicville, NY, 12118
518-664-5001 Ext.330
John.holland@mechanicvilleny.gov

Appointment of Title VI Program Specialists

In addition to appointing a Title VI Coordinator, the **City of Mechanicville** has proactively appointed several Title VI Program Specialists to annually monitor the **City of Mechanicville** emphasis program areas. The emphasis program areas are: Planning, Environment, Design, Right-of-Way, Construction, Maintenance, Safety, and Research. The mailing address for all such contacts is **36 North Main Street Mechanicville, NY 12118**. The personal contact information for each is as follows:

Contract Compliance:
Jodie Gilheany
518-664-9884 Ext.325

Maintenance
David Higgins
518-664-7171

Program Administration and Title VI Coordinator's Responsibilities

As authorized by the **Mayor**, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the **City of Mechanicville's** compliance with Title VI requirements as follows:

- I. Process, review and investigate Title VI complaints received by the **City of Mechanicville** in accordance with the **City of Mechanicville's** Complaint Procedures. If any individual believes they or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin, or gender, they may file a complaint with the **City of Mechanicville**. It is the goal of the **City of Mechanicville** to resolve complaints informally at the lowest managerial level.
2. Collect statistical data (race, color, income, gender, and national origin) of participants in and beneficiaries of, **City of Mechanicville** highway programs (i.e., relocatee's, impacted citizens, and affected communities). Each of the Title VI special emphasis program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.
3. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition to the day-to-day monitoring, all special emphasis program areas will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator and Title VI Program Specialists will coordinate efforts to ensure equal participation in their program areas and activities at all levels.
4. Conduct Title VI reviews when necessary of contractors and other recipients of federal aid highway funds.
5. Work with special emphasis program staff to ensure the fundamental principles of Environmental Justice outlined below:
 - Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
 - Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
 - Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

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6. Develop Title VI and Limited English Proficiency information for Public Dissemination. Ensure dissemination to the general public and, where appropriate, in languages other than English. The City will disseminate Title VI Program information to City employees, contractors, subcontractors, consultants, and sub consultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI/Nondiscrimination Policy Statement will be published in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.
 7. Conduct pre-grant and post-grant approval reviews of **City of Mechanicville** programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the **City of Mechanicville**.
 8. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.
 9. Schedule training for Title VI related statutes for **City of Mechanicville** employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all sub recipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.
 10. Identify and eliminate discrimination when found to exist. Work with all **City of Mechanicville** Offices and Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.
 11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. The **City of Mechanicville** will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days.

Sub recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

The **City of Mechanicville** will seek the cooperation of the sub recipient in correcting deficiencies found during the Title VI compliance reviews. The **City of Mechanicville**

Will also provide the technical assistance and guidance needed to aid the sub recipient to comply voluntarily.

When a sub recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the **City of Mechanicville** will submit a copy of the case file to NYSDOT's Office of Civil Rights or the FHWA and a recommendation that the sub recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the sub recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

12. Maintain updated legislative and procedural information regarding the **City of Mechanicville's** Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, the **City of Mechanicville** Plan and updates, and other resource information pertaining to Title VI issues.

Complaint Procedures for Federally Assisted Programs and Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, (including its Disadvantaged Business Enterprises (DBE)), Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any transportation or Public Works program or activity administered by the City, as well as to sub recipients, consultants, and contractors. These procedures apply to complaints filed against a program or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA).

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.1 1(e).

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

These procedures are part of an administrative process, which does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest managerial/administrative level possible. The option of informal mediation meeting(s) between the affected parties and the investigator may be used for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, sex, age, national origin or disability may file a written complaint with **City of Mechanicville**.

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 Mechanicville** 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 Mechanicville's** sub recipients of federal highway funds, the **City of Mechanicville** will assume jurisdiction and will investigate and adjudicate the case. Complaints against the **City of Mechanicville** 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, sub recipient, 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 Mechanicville** has sole authority for accepting complaints for investigation. Once the **City of Mechanicville** 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 Mechanicville's** records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).

In cases where the **City of Mechanicville** assumes investigation of the complaint, the **City of Mechanicville** 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 Mechanicville'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 Mechanicville** or NYSDOT investigator will prepare an investigative report for the **City of Mechanicville's** Title VI Coordinator and the **Mayor**. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The **City of Mechanicville'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 Mechanicville's** 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 Mechanicville** 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 Mechanicville'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 Mechanicville** final investigative report and a copy of the complaint will be forwarded to NYSDOT, FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

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

The corresponding USDOT modality will issue the final decision to the **City of Mechanicville** Based on the investigative report.

USDOT will analyze the facts of the case and will issue its conclusion to the complainant according to their procedures. Once the corresponding USDOT modality issues its final decision, the **City of Mechanicville** will notify all parties involved about such determination. USDOT's final determination is not subject to an appeal.

Title VI/Discrimination Complaint Form

Name_____

Address_____City_____Zip__

Telephone: Home_____Work_____Cell_____

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color, or national origin by a recipient of Federal Transit Administration funding can file an administrative complaint with the Federal Transit Administration's Office of Civil Rights under Title VI of the Civil Rights Act of 1964.

Basis of Complaint Race

Color/Race/National Origin

Sex

Age

Disability

Other (specify)

Who allegedly discriminated against you?

Name: _____

Address: _____

City: _____ Zip code: _____

Telephone Number: _____

Name of Organization_____

Address: _____

City: _____ Zip code: _____

Telephone Number: _____

Name of Contact_____

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

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 _____

Do you have an Attorney in this matter?

Name _____

Address _____ City _____ Zip _____

When did you acquire _____ ?

Signed _____ Date _____

Mail to: Title VI Coordinator
City of Mechanicville
36 North Main Street
Mechanicville, NY 12118

Federal Transit Administration
One bowling green Suite 428
New York, NY 10004-1453

Or; FAXNumber: 518-664-5362
Phone: 518-664-5001 EXT.330
Email: john.holland@mechanicvilleny.gov

Special Emphasis Program Areas

Planning

Planning and Program Development

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

Environmental Services

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 Mechanicville.

Authorities:

48 CFR31; 23 CFR 172

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

23 CFR Part 771

40 CFR Parts 1500

49 CFR Parts 622

EO 12898

Consultant Selection Process

Training

The **City of Mechanicville** is developing a comprehensive Title VI Training bulletin. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all sub recipients and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirement, where applicable.

The bulletin will be provided to all new employees when they begin employment. After reading it and reviewing it, they will sign an acknowledgment of understanding.

For current employees, the **City of Mechanicville** will have each Department head present and disseminate the same bulletin to the employees, under their supervision and collect their signed acknowledgment of understanding.

The Title VI coordinator and designee will be available to answer any questions.

Data Collection

Collect statistical data (race, color, income, gender, and national origin) of participants in and beneficiaries of **City of Mechanicville** highway programs (i.e. relocates, impacted citizens and affected communities). Each of the Title VI special emphasis program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.

Utilizing the request for proposal and competitive bidding processes, the **City of Mechanicville** 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.

Limited English Proficiency Strategies

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

-
- Applying the "four factor analysis" process provided as a guideline from the U.S. Department of Justice to determine LEP needs. This process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the nature and importance of the program to people's lives and the resources available to provide translation services. The results of this analysis will be used to outreach and engage LEP persons in the transportation planning process.
 - Developing a demographic assessment for the impacted area to determine if there is a 5% or more minority population requiring special language assistance, and address the needs.
 - Developing a written policy to ensure the implementation of LEP measures that identify and assess the language needs of its LEP population. Provide for a range of language assistance options, including notices to LEP persons in a language they can understand regarding their right to free language assistance.
 - Training to ensure that staff are knowledgeable and aware of LEP policies and procedures, and are trained to work effectively in the facilitation of the process.
 - Providing translation services for public documents and competent interpreters at public hearings.
 - Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and local minority newspapers.
 - Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.

See also the City of Mechanicville's Language Access Plan, available on the City of Mechanicville's website.

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.

Engineering Services

Engineering Services

Engineering services assess the **City of Mechanicville** 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 Mechanicville** roads and bridges by using the resources of contractors, equipment, and materials in the most economical 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.

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 relocates affected by federally funded projects, and provides detailed demographic data quarterly to the Title VI Coordinator.

Gather the statistical data required for completion of **City of Mechanicville's Annual Title VI Update Report** including awards to minority and female appraisers.

Contract Compliance

Contract Compliance

Contract compliance ensures that that the **City of Mechanicville** is complying with standards regarding nondiscrimination and equal opportunity employment. It includes provisions that the **City of Mechanicville** 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 Mechanicville**, 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.

Appendix 1 - City of Mechanicville Title VI Notice to Public

The **City of Mechanicville** hereby gives public notice that it is the **City of Mechanicville'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 Mechanicville** 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 Mechanicville**. 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 Vvwww.gov City of Mechanicville or by calling (518) 664-9884

Appendix 2 - The City of Mechanicville Title VI Assurances

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

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 made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

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

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

4. That the Recipient shall insert the clauses of Appendix 2 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 rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 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 under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.

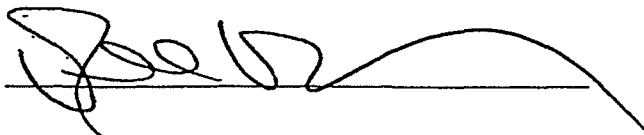
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

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 she/he delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

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

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

(Mayor)

A handwritten signature in black ink, appearing to be "J. B. [unclear]", written over a horizontal line.

(City of Mechanicville)

DATED - August 4, 2017

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 Mechanicville** 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 Mechanicville** 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** enters into such litigation to protect the interests of the **City of Mechanicville** and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Standard Title VI/Non-Discrimination Assurances

The (*The City of Mechanicville*) (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 *New York State Department of Transportation (NYSDOT)*, 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.P.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.P.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 NYSDOT"

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

Nondiscrimination 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 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 Highway Program)*** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The {The City of Mechanicville), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. 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.

The United States Department of Transportation

Standard Title VI/Nondiscrimination Assurances

DOT Order No. 1050.2A

SUB-RECIPIENT TITLE VI ASSURANCES AND NON-DISCRIMINATION PROVISIONS

The *City of Mechanicville* (hereinafter referred to as the "Sub-Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), Federal Highway Administration, from the State of New York, through the New York State Department of Transportation (**NYSDOT**) its Transportation/Highway Department (Recipient), it is subject to and must comply with the Statutory/Regulatory Authorities and requirements detailed in this document.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all 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 Department of Transportation under the **Federal Highway Program** and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Highway Programs**. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.

Mayor

Date

APPENDIX A

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

- 1. Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- 2. Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, 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.

APPENDIX B

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 Department of Transportation as authorized by law and upon the condition that the *City of Mechanicville* will accept title to the lands and maintain the project constructed thereon in accordance with (City of Mechanicville), the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 Mechanicville* 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 *City of Mechanicville* 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 *City of Mechanicville*, its successors and assigns.

The *City of Mechanicville*, 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 Mechanicville* 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 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 effectuate the purpose of Title VI.)

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the ***City of Mechanicville*** pursuant to the provisions of Assurance 8(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 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 (equates to minority), color, national origin, sex, age, disability, low-income, or LEP 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 Mechanicville*** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the ***City of Mechanicville*** 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 Mechanicville*** and its assigns.*

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

APPENDIX D

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by ***City of Mechanicville*** pursuant to the provisions of Assurance 8(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 (equates to minority), color, national origin, sex, age, disability, low-income, or LEP 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, sex, age, disability, low-income, or LEP 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 Mechanicville*** 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 Mechanicville*** will there upon revert to and vest in and become the absolute property of ***City of Mechanicville*** and its assigns.*

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

APPENDIX E

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

- 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.*).

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

This ADA Transition Plan reflects *City of Mechanicville* commitment to ADA compliance, and details the stages of *City of Mechanicville* 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, *City of Mechanicville* 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 *City of Mechanicville* 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 Mechanicville* 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 Mechanicville* 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 Mechanicville* 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 Mechanicville 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 **October 2017**. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 will be completed by **May 2018**.

STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS

The second phase of the *City of Mechanicville* 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 Mechanicville* Compliance Committee. It is the *City of Mechanicville* practice to provide public notice of the dates and agendas of Compliance Committee meetings on the *City of Mechanicville* 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 City of Mechanicville facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that *City of Mechanicville* 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 Mechanicville* 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 Mechanicville* 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*

Mechanicville Code Enforcement Officer is that ***City of Mechanicville 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 Mechanicville*** 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 Mechanicville*** 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 Mechanicville*** however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. The ***City of Mechanicville*** ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect the ***City of Mechanicville*** commitment to ADA compliance.

ADA COORDINATOR

The ***Name of Agency's*** ADA Coordinator is ***John Holland ADA Coordinator***
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