

Schenectady County



TITLE VI PLAN

March 2019

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POLICY STATEMENT

Schenectady County assures that no person shall on the grounds of race, color, national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Schenectady County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event that Schenectady County distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.

Additional Information:

Individuals and/or organizations who would like more information concerning Schenectady County's non-discrimination obligations under Title VI should contact:

Affirmative Action Manager, Title VI Coordinator
620 State Street 2nd floor Schenectady, NY 12305
518-388-4233
nikita.hardy@schenectadycounty.com

Complaint Procedures:

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 can file an administrative complaint with Schenectady County under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing the attached Title VI complaint form (Appendix B). Complaints should be signed and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with Schenectady County under Title VI.

Posting of this Notice:

This notice shall be posted in the first floor lobby of the Schenectady County Office Building, 620 State Street Schenectady NY 12305 and in the Schenectady County Department of Engineering and Public Works, 100 Kellar Ave Schenectady NY 12306.

Schenectady County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

AUTHORITY

Title VI of the Civil Rights Act of 1964 is the Federal Law that protects individuals from discrimination on the basis of their race, color or national origin in programs that receive Federal financial assistance.

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI.

1. [Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.](#)
2. [Federal Transit Laws, Title 49, United States Code, Chapter 53](#)
3. [49 CFR § 1.51](#)
4. [49 CFR part 21](#)
5. [28 CFR § 42.401 et seq.](#)
6. [28 CFR § 50.3](#)
7. [70 FR 74087, December 14, 2005](#)

TITLE VI ASSURANCES

A copy of Schenectady County's Title VI Assurances Statement is attached as Appendix A. The Assurances Statement reflects the County's commitment to comply with Title VI of the Civil Rights Act of 1964, as amended, and the County's policy to ensure equal opportunity and to prevent and eliminate discrimination. Schenectady County shall submit its Title VI Certification and Assurances whenever the County accepts funding from the Federal government.

TITLE VI COORDINATOR

The Schenectady County Manager has designated the Affirmative Action Manager as the Title VI Coordinator for Schenectady County. The Title VI Coordinator is responsible for initiating, monitoring, and ensuring Schenectady County's compliance with Title VI requirements as follows:

1. Ensure that the County's Title VI Policy is posted according to the procedures outlined in this Program so that appropriate notice is provided to the general public.
2. To review the County's Title VI Program annually to determine that it is up to date, and to make any recommendations for changes to the document to the Schenectady County Manager to ensure that it remains up to date.
3. To keep such records and timely file such reports as required to comply with Title VI requirements.

4. To process, review and investigate Title VI complaints received by the County in accordance with the Complaint Procedures established in this document.
5. To collect statistical data necessary to comply with Title VI requirements.
6. To conduct Title VI reviews when necessary of contractors and other recipients of federal aid from Schenectady County.
7. To serve as a resource for technical assistance to other County Departments and employees for guidance on complying with Title VI.
8. To respond to inquiries of the County's Title VI Program, and to any notices of deficiency that might be received with regard to Title VI, in order to resolve issues of non-compliance.

TITLE VI COMPLAINT PROCEDURES

In order to comply with Title VI and all pertinent laws and regulations associated with Title VI, Schenectady County provides the following complaint procedures for any individual who believes they have been subjected to discrimination under any program or activity provided by Schenectady County. These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

1. Complete and Submit Complaint Form. In order to allow Schenectady County to investigate an incident of alleged discrimination under Title VI, the individual who believes they may have been subjected to discrimination must complete and file a Complaint Form. (A copy of the Complaint Form is attached as Appendix B of this document, and can also be found on the Schenectady County website at www.schenectadycounty.com.) The Complaint Form must be completed fully, and mailed or delivered to: Affirmative Action Manager, Title VI Coordinator
620 State Street 2nd floor Schenectady, NY 12305. Only complaints of incidents that allegedly occurred within 180 days from the receipt of the complaint form will be reviewed. If assistance is needed to complete the Complaint Form, please contact the County's Title VI Coordinator (Schenectady County Affirmative Action Manager at 518-388-4233).
2. Review of Complaint Form. Upon receipt, the Complaint Form will be reviewed to determine if the County has jurisdiction to review the alleged act of discrimination. The Complainant shall receive an acknowledgment letter informing him/her whether the complaint will be investigated by our office.
3. Investigation. Schenectady County shall endeavor to investigate complaints within 60 calendar days from the receipt of a complaint form. If more information is needed to resolve the case, the County may contact the complainant. The complainant has 30 calendar days from the date of the letter from the County requesting additional information to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the

requested information within the 30 day timeframe, the County can administratively close the case. A case can also be administratively closed if the complainant informs the County that he/she no longer wishes to pursue their case.

4. Informing Complainant of the results of the Investigation. After the investigator reviews the complaint, he/she will issue one of two letters to the complainant: a Closure Letter or a Letter of Finding. A Closure Letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A Letter of Finding summarizes the allegations and the results of the investigation, and explains whether any disciplinary action, additional training of a staff member or other action will occur.
5. Appeal of the Decision. If the complainant wishes to appeal the decision, he/she has 30 days after the date of the Investigation Letter to file an appeal. The appeal is filed to the attention of the Affirmative Action Manager, Title VI Coordinator
620 State Street 2nd floor Schenectady, NY 12305.

If the complaint pertains to a transit or transportation related matter, a person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590, and/or the Federal Highway Administration (FHWA), New York Division Office, Leo W. O'Brien Federal Building, Room 719, 11A Clinton Ave., Albany, NY 12207.

TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

Schenectady County shall keep a log of all Investigations, Complaints and Lawsuits under Title VI, including the date that the investigation, complaint or lawsuit was filed, a summary of the allegation(s); the status of the investigation, complaint or lawsuit; and actions taken by the County in response, or final findings related to the investigation, complaint or lawsuit. A copy of the Complaint Log for Schenectady County is attached as Appendix C.

The log shall be included in a report submitted to New York State Department of Transportation or the Federal Transit Administration as required.

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Title VI and its implementing regulations require FTA sub-recipients take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) by developing a Limited English Proficiency Plan.

LEP populations are people for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. LEP populations include both people

who report to the U.S. Bureau of Census that they do not speak English well and people who report that they do not speak English at all.

A copy of Schenectady County's Limited English Proficiency (LEP) Plan is attached as Appendix D.

PUBLIC PARTICIPATION PLAN

All applicants for Federal Transit Administration (FTA) financial assistance are required to ensure that their programs, policies, and activities comply with U.S. Department of Transportation (USDOT) Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, Schenectady County must develop and submit to New York State Department of Transportation (NYSDOT) a Public Participation Plan which includes information about outreach efforts to engage minority and Limited English Proficient Populations (LEP).

The goal of the Public Participation Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

A copy of Schenectady County's Public Participation Plan is attached as Appendix E.

CONTRACT COMPLIANCE

Contractors and subcontractors for Schenectady County are responsible for complying with the Title VI Program of the County. Schenectady County shall be responsible for ensuring that contractors are aware of and comply with Title VI requirements. Appropriate language requiring compliance shall be included in each contract with the County.

NOTIFICATION TO BENEFICIARIES

Under Title VI Schenectady County is required provide information to the public regarding the County's obligations under Title VI regulations and apprise the general public of the protections against discrimination afforded to them by Title VI. Schenectady County shall disseminate this information to the general public by posting the Title VI policy notice on the County's website and in public areas of the County's offices, including the public meeting room, bulletin boards, and the Schenectady County Department of Engineering and Public Works, 100 Kellar Ave Schenectady NY 12306... A copy of the Public Notice is attached as Appendix F.

MONITORING/REPORTING

Schenectady County is responsible for complying with Title VI regulations and also ensuring that any contractors to the County are in compliance. Accordingly, Schenectady County shall

regularly monitor contractors for compliance and shall prepare annually a Title VI Program outlining the efforts of Schenectady County to comply with Title VI.

SPECIAL EMPHASIS PROGRAM AREAS

Planning

Planning and Program Development

The Department of Engineering and Public Works has the responsibility for developing near-term and long-term strategies to maintain and enhance the quality and safety of the County of Schenectady's transportation and infrastructure.

Title VI Responsibilities

1. Ensure that all aspects of the transportation planning process comply with Title VI.
2. 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.
3. Assist the Title VI Coordinator in gathering and organizing information for internal annual Title VI Update Reports.
4. Review the Program Development work program and other directives to ensure compliance with Title VI program requirements.
5. 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.
6. 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.
7. 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 County of Schenectady.

Authorities:

48 CFR 31; 23 CFR 172

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

23 CFR Part 771

40 CFR Part 1500
49 CFR Part 622
EO 12898

Consultant Selection Process

Utilizing the request for proposal and competitive bidding processes, the County of Schenectady 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:

1. 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.
2. 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.
3. Holding meetings at a variety of times during the day and providing various locations to facilitate access and participation by target populations.
4. When necessary, translate documents, notices and hearings for limited English-speaking populations.
5. 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.
6. 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.

Engineering Services

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

Authorities

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

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

The Department of 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.

Construction Process

The Department of Engineering is responsible for new construction and maintaining County of Schenectady roads and bridges by using the resources of contractors, equipment, and materials in the most economical way. The Department 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

1. Ensure that all aspects of the location selection process comply with the Title VI requirements.
2. Consult and seek input from affected populations.
3. Develop mechanisms to identify affected populations.
4. Assure public participation in the selection process.
5. Provide notice of public meetings in minority newspapers and newsletters when appropriate.
6. Maintain required Title VI compliance documentation and statistical data. Gather statistical data on race, color & national origin for program requirements.
7. Monitor program components for compliance with the Title VI requirements.
8. Review activities associated with public hearings to enhance the participation of targeted communities.
9. Develop and update operational manuals and guidelines to ensure the inclusion of Title VI language and provisions.
10. 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 Department of Engineering and Public Works, Department of Economic Development and Planning and the County Attorney's office 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.

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.

1. Conduct annual implementation reviews of Title VI provisions within the real estate acquisition process.
2. 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.
3. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
4. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
5. Maintain statistical data including race, color, national origin, and sex on all relocatees affected by federally funded projects, and provide detailed demographic data quarterly to the Title VI Coordinator.

6. Gather the statistical data required for completion of County of Schenectady's Annual Title VI Update Report including awards to minority and female appraisers.

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

ADA Transition Plan

This ADA Transition Plan reflects the County of Schenectady's long-term commitment to ADA compliance, and details the stages of County of Schenectady 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, County of Schenectady 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 County of Schenectady 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 County of Schenectady's Facilities

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

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

For each facility evaluated, a Survey of the County of Schenectady 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 County of Schenectady sidewalk, crosswalk, and curb ramp:

1. Rating 1 – Not Applicable: A facility not considered to require accessibility, for example, limited-access highways.
2. 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.
3. Rating 3 – Partially Accessible: Not designed to current standards, problems with geometry of sidewalks, ramps and landings, no detectable warnings, handrails, etc.
4. Rating 4 – Accessible: May need additional improvements, for example circuitous routes, insufficient width, etc.
5. 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

County of Schenectady officials from its Planning, Public Works, and Human Resources Departments will be coordinating over the next several months to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. Numerous facilities will be subject to this

evaluation, and consequently this will be a substantial undertaking for the reviewing officials. The evaluations will be scheduled so as to evaluate outdoor facilities prior to the winter months (to avoid snow cover that may impede a thorough review), with any remaining evaluations of outdoor facilities to be completed in December, 2018. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 will be completed by December, 2018.

Step 2: Identification Of Methods To Remove Barriers

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

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

A. Nature of Improvements and Structural Feasibility

The nature of necessary improvements will be determined during Step 1 – the accessibility evaluation of County of Schenectady facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that the County of Schenectady 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 County of Schenectady 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 County of Schenectady 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 County of Schenectady Code Enforcement Officer is that County of Schenectady 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 County of Schenectady 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 County of Schenectady 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 County of Schenectady however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. The County of Schenectady's ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect the County of Schenectady's commitment to ADA compliance.

ADA COORDINATOR

The County of Schenectady ADA Coordinator is Nikita Hardy, Affirmative Action Manager.

County of Schenectady
Affirmative Action Manager, Title VI Coordinator
620 State Street 2nd floor Schenectady, NY 12305
518-388-4233
nikita.hardy@schenectadycounty.com

APPENDIX A. Title VI Statement of Assurances for Schenectady County

The United States Department of Transportation (US DOT) Standard Title VI/Nondiscrimination Assurances, DOT Order No.: 1050.2A

Standard Title VI/Nondiscrimination Assurances

DOT Order No. 1050.2A

The **County of Schenectady** (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 RITA, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. § 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- 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;
- 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);
- 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);
- Title 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 49 C.F.R. parts 37 and 38;
- 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.*).

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 RITA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 University Transportation Centers 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 University Transportation Centers Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The County of Schenectady, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement, disadvantaged 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. The Recipient will insert the clauses of Exhibits 1 and 5 of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Exhibit 2 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 Exhibit 3 and Exhibit 4 of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, **County of Schenectady** also agrees to comply (and require any sub recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **RITA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or

compliance reviews, and/or complaint investigations conducted by **RITA**. You must keep records, reports, and submit the material for review upon request to **RITA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

County of Schenectady gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **University Transportation Centers Program**. This ASSURANCE is binding on **County of Schenectady**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **University Transportation Centers Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

County of Schenectady

County Manager:

Date: _____

Exhibit 1

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Office of the Secretary for Research and Technology (OST-R), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Recipient or the OST-R 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 OST-R, 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 OST-R may determine to be appropriate, including, but not limited to:
 1. withholding payments to the contractor under the contract until the contractor complies; and/or
 2. 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 OST-R may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or 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.

Exhibit 2

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW THEREFORE, the County of Schenectady as authorized by law and upon the condition that the **(Title of Recipient)** will accept title to the lands and maintain the project constructed thereon in accordance with the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), the regulations for the administration of the University Transportation Centers Program, and the policies and procedures prescribed by the Office of the Secretary of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim, and convey unto the **(Title of Recipient)** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **(Title of Recipient)** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **(Title of Recipient)**, its successors and assigns. The **(Title of Recipient)**, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **(Title of Recipient)** will use the lands and interests in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to

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

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

Exhibit 3

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

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

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

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

Exhibit 4

CLAUSES FOR CONSTRUCTION/USE.ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits or, 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 of the above Non-discrimination covenants, (**Title of Recipient**) will have the right to terminate the (license, permits, 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, (**Title of Recipient**) will there upon revert to and vest in and become the absolute property of (**Title of Recipient**) and its assigns.*

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

Exhibit 5

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

Pertinent Non-Discrimination Authorities:

1. 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.
2. 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);
3. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), prohibits discrimination on the basis of sex);
4. 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;
5. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), prohibits discrimination on the basis of age);
6. Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123, as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
7. 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);
8. Titles II and III of the Americans with Disabilities Act, which prohibit discrimination of 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 49 C.F.R. parts 37 and 38.
9. 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);
10. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately

high and adverse human health or environmental effects on minority and low-income populations;

11. 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);
12. Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

APPENDIX B. Title VI Complaint Form

**Schenectady County
Complaint of Discrimination Form
(Under Title VI of Civil Rights Act)**

Name _____
Address _____ City _____ Zip _____
Telephone: Home _____ Work _____ Cell _____

Basis of Complaint

- Race
- Color
- Sex
- National Origin
- Age
- Disability
- Low-Income
- Limited English Proficiency

Who allegedly discriminated against you?

Name _____
Address _____ City _____ Zip _____
Telephone: Home _____ Work _____ Cell _____

If an organization, what is its name?

Name of Organization _____
Address _____ City _____ Zip _____
Telephone _____
Name of Contact _____

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

First time _____

Second time _____

Third time _____

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can the Department to do to resolve the complaint?

Have you filed your complaint with anyone else?

Who _____

When _____

Complaint number, if known _____

Did you have an Attorney in this matter?

Name _____

Address _____ City _____ Zip _____

When did you acquire _____

Signed _____ Date _____

Mail To: Affirmative Action Manager, Title VI Coordinator
620 State Street 2nd floor Schenectady, NY 12305
518-388-4233
nikita.hardy@schenectadycounty.com

Note: If assistance is needed to complete this Title VI Complaint Form, please contact the Clinton County Title VI Coordinator referenced above.

APPENDIX C. Title VI Complaint Log Form

Schenectady County
Title VI
INVESTIGATIONS, COMPLAINTS & LAWSUITS LOG

In order to comply with 49 CFR Section 21.9(b), Schenectady County shall prepare and maintain a list of any active investigations conducted by entities other than FTA, including lawsuits, or complaints naming Schenectady County and/or sub-recipient that allege discrimination on the basis of race, color, or national origin.

Schenectady County shall complete this log at the end of each Calendar Year, providing the requested information.

AGENCY: _____

TITLE VI OFFICER: _____

E-MAIL: _____ **CONTACT:** _____

Calendar YEAR _____

1. Were any investigations, lawsuits or complaints filed during this time period? _____
2. If YES, please provide the following information for each investigation, lawsuit or Complaint received during this time period:
 - Date the investigation, lawsuit or complaint was filed, and
 - Summary of the allegation(s) and status if resolved.
3. Based on the investigations, lawsuits or complaints filed during the stated Year, please provide a Status of each allegation. **(Report on separate paper at the end of the year).**
4. Please indicate if or what actions were taken by Schenectady County in the response to the Investigation, lawsuit or complaint. **(Report on separate paper at the end of the year).**

APPENDIX D. Title VI Limited English Proficiency Plan

Introduction

Consistent with Title VI of the Civil Rights Act of 1964, U.S. Department of Transportation's implementing regulations, and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), Schenectady County is required to take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). Schenectady County has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance for persons with limited English proficiency who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan identifies how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance.

Meaningful Access: Four-Factor Analysis

In order to prepare this plan, Schenectady County used the Federal Highway Administration *Four-Factor LEP Analysis*:

1. The number or proportion of LEP persons in the service area who may be served or are likely to require services by Schenectady County.
2. The frequency with which LEP persons come into contact with Schenectady County services.
3. The nature and importance of services provided by Schenectady County to the LEP population.
4. The interpretation services available to Schenectady County and overall cost to provide LEP assistance.

A summary of the results of the Four-Factor LEP Analysis is found below.

1. The number or proportion of LEP persons in the service area who may be served or are likely to require services by Schenectady County.

The Schenectady County staff reviewed the American Community Survey 5-Year Estimates (2010 – 2014) for Schenectady County and determined that:

- a. 5,808 of a total population of 84,323 persons five years and over in Schenectady County's service area, comprising 6.8 % of the population, speak a language other than English.
- b. Of those, 1,600 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 1.89% of the overall population in the service area.

- c. In Schenectady County's service area the following represents populations with Limited English Proficiency:

408/84,323 or 25.5 % speak Spanish

808/84,323 or 50.5 % speak Arabic, indo European

382/84,323 or 24.0 % speak all other languages

2. The frequency with which LEP persons come into contact with Schenectady County services.

Schenectady County reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries and office visits.

- a. Schenectady County has had minimal contact with LEP persons. The Schenectady County Department of Social Services and Department of Probation typically have the greatest number of interactions with the public annually. These Departments average 10 – 14 interactions with LEP persons annually. The majority of those requests are for Spanish and sign language. The other staff of Schenectady County has had very little contact with LEP persons.

3. The nature and importance of services provided by Schenectady County to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for Schenectady County. The overwhelming majority of the population 93.2% speaks only English, or at least speaks English "very well." As a result, there are few social, service, or professional and leadership organizations with the Schenectady County service area that focuses on outreach to LEP individuals.

4. The interpretation services available to Schenectady County and overall cost to provide LEP assistance.

Schenectady County has reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises. Schenectady County can use existing bilingual staff to provide interpretation to individuals that only speak Spanish or Arabic / Indo European (the two highest groups of individuals with LEP, making up 76% of the LEP population in Schenectady County.) Other language translation options could be provided from a professional interpretation service for which the County would pay a fee.

Language Assistance

Language assistance to LEP individuals can include interpretation (oral or spoken transfer of a message from one language into another language) and translation (the written transfer of a message from one language to another.)

Schenectady County shall use the following measures to identify an LEP person in need of language assistance:

1. Post notices of the availability of interpretation or translation services free of charge in all LEP languages in which the total LEP population is at least 1% of the total population.
2. Periodically surveying Schenectady County staff regarding their interaction with LEP persons at least annually.
3. Greeting participants at Schenectady County sponsored informational meetings or events to determine the LEP needs for future events.

Language Assistance Measures

Although a very low percentage of LEP individuals reside in the Schenectady County service area, the County will take the following reasonable steps to provide the opportunity for meaningful access to LEP individuals who have difficulty in communicating in English:

1. Posting important notices in a language other than English if the total LEP population for a language other than English is at least 1% of the total population; and
2. Provide bilingual interpreters for LEP individuals that speak only Spanish and Arabic/Indo European.
3. Language interpretation service for all other languages will be accessed through a professional telephone interpretation service.

Staff Training

The information below will be disseminated to staff. Training opportunities on these topics will also be provided.

1. Title VI Policy and LEP responsibilities
2. Description of language assistance services available to the public if required
3. Proper use of interpreter service
4. Documentation of language assistance requests
5. Handling of Title VI/LEP complaints
6. Obligation to require contractors to follow Title VI/LEP guidelines

Translation of Documents

Considering the low population of LEP groups in Schenectady County, the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, the County has determined that it is an unreasonable burden to translate documents at this time.

Schenectady County will continue to monitor the LEP population, and at such time as the population warrants the translation of critical documents, the County will provide these documents (meeting notices, complaint forms, route schedules, on-bus notices) in the appropriate non-English language(s).

Monitoring

Schenectady County will monitor the LEP Plan as required. At a minimum, the plan will be reviewed and updated when more recent data from the U.S. Census Bureau and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the Schenectady County service area. Updates to the LEP Plan will include the following:

1. The number of documented LEP contacts encountered annually.
2. How the needs of LEP persons have been addressed.
3. Determination of the current LEP population in the service area.
4. Determination as to whether the need for translation services has changed.
5. Determination of the effectiveness of language assistance efforts.
6. Determination of Schenectady County's financial resources to fund language assistance resources.
7. Determination of Schenectady County's full compliance with the goals of the LEP Plan.
8. Explanation of Schenectady County's processing of LEP complaints.

Dissemination of LEP Information

Schenectady County will take the following steps to disseminate LEP Information to the general public:

1. Post signs in public areas of the Schenectady County office buildings to inform LEP persons of the LEP Plan and how to access language services.
2. Notify LEP persons of the availability, upon request, of documents in other languages. This notice would be placed on agendas and public notices.
3. Post the LEP Plan on Schenectady County's website.

END of LEP Plan

APPENDIX E. Title VI Public Participation Plan

Introduction

This Public Participation Plan is designed to provide an explanation of the steps that Schenectady County will take in outreach efforts to the general public prior to making decisions on significant issues affecting the County's public transportation system, Schenectady County Public Transit (or CCPT). The goal of this Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. The Plan will also be used to provide opportunities to educate the public about major public transportation issues, solicit information, and provide a way for citizens to share their perspectives with County policy makers.

Methods of Public Participation

1. Public Information Meeting
 - a. Provides an opportunity to provide information on a topic or topics, and also provides an opportunity for the general public to ask questions and/or make comments.
 - b. Provides an opportunity for face-to-face interaction
 - c. Best forum for presenting information and obtaining immediate feedback
2. Public Hearing
 - a. A formal proceeding that allows an opportunity for the general public to make comments, but typically no opportunity for answering questions or allowing discussion.
 - b. Typically included as a requirement for many grant programs
3. Opportunity to Provide Written Comments
 - a. Provides an opportunity for soliciting comments without the member of the general public required to attend a meeting or hearing.
 - b. Can be accomplished on paper for mailing or delivery, or through electronic submission.
 - c. Can be used in conjunction with a public meeting or hearing or as a stand-alone method of obtaining public comments.
4. Website, Newsletter, Survey, and Social Media
 - a. Each of these methods provides an opportunity to provide information and solicit input.

Practices to Be Employed During Public Participation Efforts

1. Public Meetings and Hearings shall take place at an accessible location that will allow access to the disabled community.
 - a. Schenectady County has several public meeting rooms that are in accessible locations
2. Utilizing different meeting sizes and formats

- a. Meeting sizes will vary depending on the subject matter and objectives of the meeting.
 - b. Meeting format can include an open meeting that is open to all, or a committee meeting that includes invited participants to discuss regularly scheduled topics (ie. transportation coordination, Americans With Disabilities Compliance, etc.). The meeting could also be a combination of the two, such as a committee meeting that is open to the public where only committee members are allowed to speak during the meeting and the general public is allowed to speak at the end of the meeting.
3. Advertising should be appropriate to the meeting topic.
- a. Advertising of a meeting can take many forms, such as a legal advertisement in a newspaper, posters or written public notices posted in governmental and/or business venues, website advertising, social media advertising, and radio or television advertising.
 - b. The number of advertisements and length of time advertising is conducted in advance of a meeting should be commensurate to the importance of the topic to be discussed at the meeting.
 - c. If a reasonable accommodation is necessary by any individual to attend a meeting, the individual may contact the Schenectady County Title VI Coordinator to discuss the matter and makes such a request.
4. Outreach should specifically target low-income, minority and LEP (Low English Proficiency) populations as required.
- a. The method of advertising a meeting should consider methods that specifically address the capability of these groups of individuals to gain access to and understand the advertising information (i.e. alternative language notices, large print, advertisement in areas where these individuals may reside, etc.).
 - b. The location of a meeting(s) may vary to encourage participation by various groups of individuals.
5. A sign-in sheet shall be distributed at the meeting to document those individuals in attendance. If individuals are unwilling to sign-in, a head count shall be performed and the meeting host shall sign the sign-in sheet confirming attendance.
6. Meeting minutes should be kept and made available to the public.
7. Concerns or questions raised at the meeting should be addressed, either at the meeting or after the meeting with both questions and answers made available to the public.
8. Members of the general public should have an opportunity to leave their contact information if they desire to be contacted at the next opportunity for public participation, or to receive follow-up information from the meeting they attended.

9. Document meeting discussion content, advertisement methods employed for the meeting, agenda's utilized, attendance at the meeting, and meeting location, date and time.

When Public Participation Shall Take Place

Prior to Major Public Transportation Decisions

Major Transportation Decisions generally consist of proposed actions that may have profound impact on access to public transportation. Examples include: proposed changes to fixed bus routes, proposed changes to frequency of bus routes, proposed changes to bus stops or placement of bus shelters, and proposed changes to dial-a-ride service or complementary paratransit service. Each of these proposed changes may have a profound impact on access to the transit system for certain individuals or groups of individuals. Unless the urgency of the matter prevents a formal public participation effort, prior to making decisions on major public transportation decisions the County will hold a public information meeting, as well as soliciting input on through other means such as a website link, telephone, or in person.

On a Continuous Basis

Even when major public transportation decisions are not being considered, there should be an opportunity for the general public to contact government officials to ask questions or express concerns or ideas for consideration. Contact information for appropriate government officials should be advertised so that members of the general public can contact an official as necessary.

End of Public Participation Plan

APPENDIX F. Title VI Public Notice

Policy Statement

Schenectady County assures that no person shall on the grounds of race, color, national origin as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. Schenectady County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event that Schenectady County distributes federal aid funds to another government entity, it will include Title VI language in all written agreements and will monitor for compliance.

Additional Information:

Individuals and/or organizations who would like more information concerning Schenectady County's non-discrimination obligations under Title VI should contact:

Schenectady County Affirmative Action Manager, Title VI Coordinator
620 State Street
Schenectady, NY 12305
518-388.4233

Complaint Procedures:

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 can file an administrative complaint with Schenectady County under Title VI of the Civil Rights Act of 1964 and send to the above address. If desired, individuals and/or organizations may file a complaint by completing a Title VI complaint form, which can be obtained at the address listed above. Complaints should be signed and include contact information. Reasonable accommodations shall be provided to any person when necessary to properly access and file a complaint with Schenectady County under Title VI. If assistance is needed to complete the Title VI Complaint Form, please contact the County's Title VI Coordinator using the contact information listed above.

Posting of this Notice:

This notice shall be posted in the first floor lobby of the Schenectady County Office Building, 620 State Street Schenectady NY 12305 and in the Schenectady County Department of Engineering and Public Works, 100 Kellar Ave Schenectady NY 12306.

Schenectady County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

APPENDIX A
(TITLE VI ASSURANCES STATEMENT)

APPENDIX B
(COMPLAINT FORM)

APPENDIX C

(COMPLAINT LOG)

APPENDIX D
(LIMITED ENGLISH PROFICIENCY PLAN)

APPENDIX E

(PUBLIC PARTICIPATION PLAN)

APPENDIX F
(PUBLIC NOTICE)

You Tube: [Understanding and Abiding by Title VI of the Civil Rights Act](#)