



Albany County

# Title VI Plan

**Honorable Daniel P. McCoy, Albany County Executive**

**January, 2019**

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# COUNTY OF ALBANY

## I. TITLE VI/NONDISCRIMINATION CIVIL RIGHTS POLICY STATEMENT

### **Policy Statement**

The County of Albany is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, and all related regulations and directives. The County of Albany assures that no person shall on the grounds of race, color, national origin, or English proficiency be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any County of Albany program, activity or service. The County of Albany further assures every effort will be made to ensure non-discrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not. In the event the County of Albany distributes Federal aid funds to another entity, the County of Albany will include Title VI language in all written agreements and will monitor for compliance.

The County of Albany is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, the County of Albany assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

### **Definition of Federal Financial Assistance and Recipients Affected**

Federal financial assistance is defined as any Federal dollars that are assigned to the County of Albany to support any program, activity or service by way of grant, loan or contract, other than a contract of insurance or guaranty.

### **Specific Forms of Discrimination Prohibited**

County of Albany efforts to prevent discrimination are, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation of persons in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.

- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with Federal assistance.
- Discrimination in any employment resulting from a program or services, the primary purpose of which is to provide employment.

**Programs and Services Covered by Title VI**

The County of Albany’s Title VI Non-discrimination Policy applies to all of the entities programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FAA, FHWA, FRA and FTA funded programs).



\_\_\_\_\_  
Tyrell Gladden  
Title VI Coordinator  
Director of Affirmative Action

1/2/2019

\_\_\_\_\_  
Date

## **II. TITLE VI ASSURANCES**

A copy of Albany 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. Albany County shall submit its Assurances Statement whenever the County accepts funding from the Federal government.

## **III. IMPLEMENTATION AND RESPONSIBILITIES**

The Title VI Coordinator shall be responsible for overseeing the implementation of Albany County's external and internal Civil Rights program activities to ensure equal opportunity for all. This individual shall implement, monitor and ensure the County's compliance with Title VI and related nondiscrimination regulations. The Title VI Coordinator in Albany County shall be the Director of Affirmative Action.

The duties of the Title VI Coordinator shall include but are not limited to:

1. Processing Title VI/Discrimination complaints received by the County. When the County is identified as the complainant, the complaint will be forwarded to the USDOT entity that has jurisdiction over the program or activity.
2. Ensuring and monitoring the collection of statistical data of participants in, and the beneficiaries of, and any individual or group affected by the state highway programs.
3. Reviewing directives and operating manuals of County government operation and where applicable, including Title VI Language and related requirements.
4. Ensuring Title VI/Nondiscrimination reviews by appropriate County Department Heads of construction contractors, consultant contractors, suppliers and other County sub-recipients of federal aid highway funds administered through the County.
5. Conducting training on Title VI/Nondiscrimination and other related statutes for employees and program areas within the County and sub-recipients.

6. Developing Title VI information for dissemination to the general public and where appropriate, in languages other than English. This includes providing interpretation services when required. Title VI and related nondiscrimination guidance will be provided on the County's website for the general public to access.
7. Establishing procedures for promptly resolving title VI/Nondiscrimination deficiencies within 90 days.

In support of this policy, the County of Albany affirms its right to take appropriate action if it or other duly constituted authority should determine that applicable Federal and State Equal Employment Opportunity laws and regulations have been violated, or that the effect or intent of this policy has been willfully or habitually abrogated.

#### **IV. COMMUNICATION AND PUBLICATION**

The following communication and publication procedures will be adhered to regarding dissemination of Title VI policies:

**Internally:**

1. Department Heads and other departmental contacts shall be informed by:  
Written communications from County Executive, and/or Title VI Officer. The Title VI Plan shall be posted on the Albany County internet site under the Department of Human Resources/Division of Affirmative Action.
2. All employees are informed by:  
Bulletin board or memorandum from the Title VI Officer including Title VI information in employee orientation. Copies of the Title VI Plan is available on Albany County website under the Department of Human Resources/Division of Affirmative Action.

Title VI/Nondiscrimination posters will be posted on general information bulletin boards throughout the County government offices and on the County's website at [www.albanycounty.com](http://www.albanycounty.com) under the Department of Human Resources/Division of Affirmative Action.

Title VI and related nondiscrimination training shall be provided to all employees a minimum of every three years. All new employees will receive Title VI and related nondiscrimination training within 45 days of employment.

3. Sub-recipients shall be informed of the Title VI provisions on the Albany County website under the Department of Human Resources/Division of Affirmative Action.

**Externally:**

1. The Title VI Policy shall be available on the Albany County website under the Department of Human Resources/Division of Affirmative Action.
2. Title VI posters will be displayed as required by 23 CFR 200.9(b)(J2); and 28 CFR 42.405©
3. Nondiscrimination clauses are included in contracts and agreements between outside vendors and Albany County.

**V. DATA COLLECTION, PLANNING AND PUBLIC OUTREACH**

Albany County promotes full and fair participation by all segments of the population including minority, low-income communities and populations that are limited English proficient.

Title VI, one of the primary federal nondiscrimination laws, prohibits discrimination on the basis of race or national origin in the provision of any services that are at all supported with federal funds. Title VI is a valuable tool not only to redress past discrimination, but also to monitor ongoing practices. Title VI provides a legal foundation for the collection of racial, ethnic and primary language data from recipients of federal financial assistance even when a specific statutory requirement to collect this data does not exist.

Public meetings are held in ADA accessible locations. Where possible, meetings are planned in locations that align with public transportation route schedules.

If a member of the public requests assistance with reading the minutes, understanding the content of the meeting or providing information for project planning and development, the individual should be referred to the Title VI Coordinator who will then make the necessary arrangements.

Albany County has an ADA Transition Plan that will be reviewed biannually by the Department of Public Works and the Department of General Services, and updated as necessary. The ADA Transition Plan will be made available to the public on the County's website, <http://www.albanycounty.com/Government/Departments/DepartmentofHumanResources/DivisionofAffirmativeAction.aspx>, under Title VI plan. A copy of the ADA Transition Plan is attached as Appendix C.

Whenever there is a transportation project, planning and designing services will be provided by qualified consultants who are required to review and analyze demographic data including but not limited to race, color, national origin, sex, low income and limited English proficiency. Projects designed must be in compliance with all ADA and Title VI regulations. These project designs will be reviewed and approved by state and federal agencies prior to construction.

## **Limited English Proficiency (LEP)**

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

Albany County strives to serve its population to the best of its ability. According to the U.S. Census Bureau, the percentage of LEP population in Albany County recorded during the 2010 Census is approximately 3.9 percent. The largest LEP population is speakers of Spanish which represent 1 percent of the LEP population in Albany County. To accommodate these individuals, Albany County provides, upon request, services to assist the LEP population including translation of vital documents, interpretation services, and alternative public outreach media. Language cards have been provided to each department for assistance in providing services to limited English proficiency individuals. Progress is still being made to fully serve the entire Albany County community.

## VI. TITLE VI COMPLAINT PROCEDURE

### 1. General

As a recipient of Federal funding from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Rail Administration (FRA) and the Federal Aviation Administration (FAA) in accordance with 23 CFR Section 200.9, the County of Albany has developed a Title VI complaint procedure and maintains a complaint log.

This procedure covers all complaints filed under Title VI of the Civil Rights Act of 1964 (Title VI), as amended, regarding any program or activity administered by the County of Albany as it relates to local agencies, contractors and other sub-recipients of United States Department of Transportation (USDOT) funds. This procedure applies to the County of Albany, and all Federal funded sub-recipients are required to have similar procedures in place as well.

### 2. Procedure

#### Albany County Title VI/Discrimination Complaint Procedures

The County of Albany has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, family or income status in any of the County of Albany programs, services or activities may file a complaint with the County of Albany's Title VI Coordinator:

Title VI Coordinator  
Division of Affirmative Action  
Albany County Department of Human Resources  
112 State Street, Suite 900  
Albany, New York 12207  
Phone: (518) 447-7010  
Fax: (518) 447-5560  
E-mail: [titlevicoordinator@albanycountyny.gov](mailto:titlevicoordinator@albanycountyny.gov)

- A. Complete and Submit Complaint Form. If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, religion, age, disability or family status); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the Title VI Coordinator for assistance. The County of Albany will also maintain a Title VI/Discrimination Complaint Log to track Title VI/Discrimination complaints filed with the agency to include the final disposition/outcome of the complaints. If assistance is needed to complete the Complaint Form, please contact the Title VI Coordinator at the contact information provided above.

- B. Review of the 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 acknowledgement letter informing him/her whether the complaint will be investigated within ten (10) business days.
  
- C. Investigation. Albany County shall endeavor to investigate complaints within 60 calendar days from the receipt of a complaint form. If more information is needed to resolve a 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 may administratively close the case. A case may also be administratively closed if the complainant informs the County that he/she no longer wishes to pursue their case.
  
- D. Informing the Complainant of the Results of the Investigation. After the investigator reviews the complaints, he/she will issue one or 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.
  
- E. Appeal of the Decision. If the complainant wishes to appeal the decision, he/she has 30 days after the date of the Letter of Finding or Closure Letter to file an appeal. The appeal is filed to the attention of the Albany County Commissioner of Human Resources, 112 State Street, Suite 900, Albany, New York 12207.

Should the complainant be unable or unwilling to complain to the County of Albany the written complaint may be submitted directly to New York State Department of Transportation (NYSDOT). NYSDOT will serve as a clearing house, forwarding the complaint to the appropriate state or federal agency:

New York State Department of Transportation  
Office of Civil Rights  
50 Wolf Road 6th Floor  
Albany, NY 12232  
ATTN: Title VI Statewide Coordinator

The County of Albany will post the Title VI Complaint Procedures and a complaint form on the County of Albany official website and ensure the public has easy and direct access to the complaint procedures.

Information on filing a complaint, including the complaint form can be accessed at the Albany County website: <http://www.albanycounty.com/Government/Departments/DepartmentofHumanResources/DivisionofAffirmativeAction.aspx>

- A. A copy of the complaint form is attached as Appendix C. A copy of the Discrimination Complaint Log is attached as Appendix E.

## **VII. MONITORING AND REVIEW PROCESS**

Albany County will annually review its operations to ensure compliance with Title VI. In addition, all contracts with sub-recipients will be reviewed in the Albany County Attorney's Office which ensures all contracts include nondiscrimination clauses.

All complaints received during the previous year will be reviewed again by the Title VI Coordinator and County Attorney to determine whether there are any repetitive issues. If any repetitive issues are identified, the issues will be investigated again with attention given as to why there was a repetitive issue and what can be done to correct the issue. The County shall correct the issue and then evaluate whether the correction has eliminated or resolved the issue.

## **VIII. 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, Albany County has developed a Public Participation Plan, which is attached as Appendix E.

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.

## **IX. NOTIFICATION TO BENEFICIARIES**

The County of Albany provides information to the public regarding the County's obligations under Title VI regulations and appraises the general public of the protections against discrimination afforded to them by Title VI. The County of Albany disseminates this information to the general public by posting the Title VI policy notice on the County's website and in County Departments. A copy of the Public Notice is attached as Appendix F.

## **APPENDIX A**

### **COUNTY OF ALBANY TITLE VI/NON-DISCRIMINATION STATEMENT OF ASSURANCES**

The County of Albany (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 (USDOT), through the Federal Highway Administration (FHWA) and New York State Department of Transportation, is subject to and will comply with the following:

- 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 citations 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 assurances 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 otherwise be subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from USDOT, including FHWA."

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

## Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in subsections 21.23(b) and 21.23(e) of 49 C.P.R. §21 will be (with regard to an "activity") facilitated, or 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 Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Aid Highway Programs and in adapted form, in all proposals for negotiated agreements:

The County of Albany, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§2000d to 2000d-4, 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, 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 Exhibit 1 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 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 shall provide for such methods of administration for the program as are found by the U.S. 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 pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the County of Albany 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 FHWA access to records, accounts, documents, information, facilities, and staff. The County of Albany also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by FHWA. The County of Albany shall keep records, reports, and submit the material for review upon request to FHWA, or its designee, in a timely, complete, and accurate way. Additionally, the County of Albany shall comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The County of Albany gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts or other federal financial assistance extended after the date hereof to the Recipient by the U.S. 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 any 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.

THE COUNTY OF ALBANY



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By: Tyrell Gladden  
Title VI Coordinator  
Director of Affirmative Action

DATE: 1/2/2019

## **Exhibit 1**

### **Contractors, Subcontractors, Suppliers, and Manufacturers**

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

- A. **Compliance With Regulations**

The contractor (hereinafter includes consultants) shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252) (hereinafter referred to as the Acts) and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter USDOT), 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.

- B. **Non-discrimination**

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 the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix A of the Regulations.

- C. **Solicitations for Subcontracts, including Procurement 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 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 Acts and the Regulations relative to the Non-discrimination on the ground of race, color, sex, or national origin.

- D. **Information and Reports**

The contractor shall provide all information and reports by the Acts, 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 County of Albany or the New York State Department of Transportation (hereinafter NYSDOT) to be pertinent to ascertain compliance with such Acts, 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 County, or the NYSDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

**E. Sanctions for Noncompliance**

In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, the County of Albany, and the NYSDOT shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the contractor under the contract until the contractor complies, and/or;
- b. cancellation, termination, or suspension of the contract, in whole or in part.

**F. 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 Acts, the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the County 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 County enter into such litigation to protect the interests of the County and in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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

**Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (45 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);
- 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 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 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.)

## **Exhibit 2**

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

### **GRANTING CLAUSE**

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

### **HABENDUM CLAUSE**

**TO HAVE AND TO HOLD** said lands and interests therein to the purchaser and its successors forever, subject, however, to the covenants, conditions, restrictions and reservation 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 purchaser, its successors and assigns.

The purchaser, for itself, himself or herself, its, his or her heirs, personal representatives, successors in interest and assigns does hereby covenant and agree that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or where such land and furnishings of services thereon, no person, on the grounds or race, color, sex or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the purchaser shall use the premises in compliance with all requirements imposed by, or pursuant to Title 49, Code of Federal Regulations, USDOT Subtitle A, office of the Secretary, part 21, Non-discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

### **Exhibit 3**

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

*The LESSEE, or their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.*

*That in the event of breach of any of the above non-discrimination covenants, the County shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.*

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

*The LESSEE, or their personal representatives, successors in interest, and assigns, as a part of the consideration hereof does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, 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 may be amended.*

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

# **APPENDIX B**

## **ADA TRANSITION PLAN**

### **The County of Albany**

#### **Americans with Disabilities Act (ADA) Transition Plan: Pedestrian Facilities in the Public Right-Of-Way**

##### **Introduction**

The purpose of this Plan is to ensure that the County of Albany creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. The County of Albany has made a significant and long-term commitment to improving the accessibility of their pedestrian facilities. The County's ADA Transition Plan will identify physical barriers and prioritize improvements that should be made to County-owned pedestrian facilities throughout the County of Albany. This Transition Plan will describe the existing policies and programs to enhance the overall pedestrian accessibility.

##### **Legal Requirements**

The federal legislation known as the American with Disabilities Act (ADA) enacted on July 26, 1990 provides comprehensive civil rights protections to persons with disabilities in the area of employment, state and local government services, and access to public accommodations, transportation and telecommunications. The County will follow ADA standards established by the State of New York.

Title II specifically applies to "public entities" (state and local governments) and the programs, services and activities they deliver. Title II Article 8, requires public entities to take several steps designed to achieve compliance. The County's ADA Transition Plan will, at a minimum, include:

1. A list of the physical barriers in County-owned pedestrian facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
2. A detailed outline of the methods to be utilized to remove these barriers and made the facilities accessible.
3. The schedule for taking the necessary steps to achieve compliance with Title II.

The Albany County Commissioner of Public Works is responsible for the plan's implementation. The County is in the process of identifying and assessing obstacles in the public right-of-way through the use of an Inventory Tool. Barrier Removal Priorities based on location priority and accessibility conditions will be a part of the inventory process. It is very important that the public be aware that their involvement in this plan is a valuable component to the County in compiling a workable plan of compliance. The Public's involvement is solicited in developing the ADA Transition Plan.

**ADA Coordinator**

The ADA Coordinator for the County of Albany shall be Tyrell Gladden. The ADA Coordinator shall be responsible for implementing the County's ADA Transition Plan.

**Public Complaint**

Public complaint, suggestions and comments can also be an integral part of the Transition Plan. Public comments may often drive the prioritization of improvements. To file a complaint, comment or request, please contact the ADA Coordinator for the County of Albany at the Division of Affirmative Action, Albany County Department of Human Resources, 112 State Street, Suite 900, Albany, NY 12207, phone: (518) 447-7010, fax (518) 447-5560, email: [titlevicoordinator@albanycountyny.gov](mailto:titlevicoordinator@albanycountyny.gov)



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Tyrell Gladden  
ADA Coordinator  
Title VI Coordinator  
Director of Affirmative Action

1/2/2019

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Date

# APPENDIX C

## COUNTY OF ALBANY

### Complaint of Discrimination Form

#### Under Title VI of the Civil Rights Act

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf? *If you answered "yes" to this question, go to Section III.			Yes*	No
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sexual Orientation				
<input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Income <input type="checkbox"/> Limited English Proficiency				
Date(s) of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. Please describe the location of the discrimination. If more space is needed, please use the back of this form.				
_____				
_____				
_____				
_____				
_____				

**Section IV**

Have you previously filed a Title VI complaint with this agency?

Yes

No

**Section V**

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes     No

If yes, check all that apply:

Federal Agency: \_\_\_\_\_

Federal Court: \_\_\_\_\_

State Court: \_\_\_\_\_

State Agency: \_\_\_\_\_

Local Agency: \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name:

Title:

Agency:

Address:

Telephone:

**Section VI**

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

What is the resolution that you are seeking in this matter?

Do you have an attorney in this matter? If so, please provide the attorney's contact information.

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below



1/2/2019

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Tyrell Gladden, Title VI Coordinator  
Division of Affirmative Action  
Albany County Department of Human Resources  
112 State Street, Suite 900  
Albany, New York 12207  
Phone: (518) 447-7010  
Fax: (518) 447-5560  
E-mail: [titlevicoordinator@albanycountyny.gov](mailto:titlevicoordinator@albanycountyny.gov)

# APPENDIX D

## ALBANY COUNTY COMPLAINT LOG

<b>Complainant</b>	<b>Internal/ External</b>	<b>Basis</b>	<b>Recipient of Complaint</b>	<b>Nature of Complaint</b>	<b>Date Filed</b>	<b>Investigation Completed</b>	<b>Disposition</b>	<b>Date of Disposition</b>

## APPENDIX E

### COUNTY OF ALBANY - TITLE VI PUBLIC PARTICIPATION PLAN

When the County of Albany accepts funding for and undertakes a Federally Funded project, we comply with all Federal and State requirements with regard to Public Participation. All required environmental permits are applied for through a joint permitting process. Public information about the proposed action is distributed and posted, if required. Likewise, a Public Information Meeting is held if required by the proposed action.

The Public Participation Plan provides a philosophy around which to build a County wide transportation participation program that will accomplish the following goals:

**Communicate effectively with appropriate audiences.** The County will disseminate information about programs and projects through a variety of conduits. Information will be presented in a manner that is clear and tailored to each of the County's constituencies.

**Provide clear and open access to information and participation opportunities.** The County will work to improve access to technical and planning documents and where appropriate, tailor these documents to be accessible to more constituencies. Opportunities for participation in County meetings and in committee meetings will be clearly defined and provided for at each meeting.

**Gather input from diverse perspectives.** The County will continue to encourage participation from diverse constituencies and to provide forums for discussion about transportation issues that are responsive to the interests of different constituencies.

**Respond meaningfully to public comment and feedback.** The County will provide information on how comments will be considered in the planning process, including the development of the County's Long Range Transportation Improvement Program, and acknowledge that comments were received and considered.

**Promote a regional perspective.** The County will communicate how regional transportation planning plays a vital role in coordinating planning activities on many levels.

## **APPENDIX F**

### **COUNTY OF ALBANY TITLE VI PUBLIC NOTICE**

#### **COUNTY OF ALBANY**

##### **Title VI Public Notice**

##### **Policy Statement:**

The County of Albany is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 21, and all related regulations and directives. The County of Albany assures that no person shall on the grounds of race, color, national origin, or English proficiency be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any County of Albany program, activity or service. The County of Albany further assures every effort will be made to ensure non-discrimination in all of its programs, activities and services, whether those programs, activities and services are federally funded or not. In the event the County of Albany distributes Federal aid funds to another entity, the County of Albany 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 Albany County's non-discrimination obligations under Title VI should contact:

Tyrell Gladden, Title VI Coordinator

Division of Affirmative Action

Albany County Department of Human Resources

112 State Street, Suite 900

Albany, New York 12207

Phone: (518) 447-7010

Fax: (518) 447-5560

E-mail: [titlevicoordinator@albanycountyny.gov](mailto:titlevicoordinator@albanycountyny.gov)

### **Complaint Procedures**

The County of Albany has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, family or income status in any of the County of Albany programs, services or activities may file a complaint with the County of Albany's Title VI Coordinator.

The full policy statement, as well as the entire compliant procedures and a copy of a complaint form is available at the County's website:

<http://www.albanycounty.com/Government/Departments/DepartmentofHumanResources/DivisionofAffirmativeAction.aspx>

### **Posting of this Notice**

This notice shall be posted in all public areas of the County's offices, buildings, meeting rooms, bulletin boards, and with the County Planning Board.