

Village of Johnson City

TITLE VI PLAN

Prepared by:

**Gregory W. Deemie, Mayor
Cindy Kennerup, Clerk/Treasurer
Robert A. Bennett, P.E. Director of Public Services**

Title VI Plan

Title VI/ Nondiscrimination Policy Statement

Authorities.....

Title VI Reporting Relationships

Organization and Staffing - General.....

Program Administration and Title VI Coordinator's Responsibilities

Complaint Procedures and Complaint Form

Special Emphasis Program Areas

Planning and Program Development.....

Consultant Services/Environmental

Engineering Services

Right-of-Way

Contract Compliance

Attachment 1 -- Title VI Notice to Public

Attachment 2 -- Title VI Assurances

Appendix 3 -- For Contractors, Subcontractors, Suppliers, and Manufacturers.....

Appendix A.....

Appendix B.....

Appendix C.....

Appendix D.....

Appendix E.....

Title VI/Nondiscrimination Policy Statement

The **Village of Johnson City** assures that no person shall on the grounds of race, color, national origin, or sex 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. The **Village of Johnson City** 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 the **Village of Johnson City** distributes federal aid funds to another governmental entity, the **Village of Johnson City** will include Title VI language in all written agreements and will monitor for compliance. The **Village of Johnson City's** Contract Compliance Office is responsible for initiating and monitoring Title VI activities, preparing required reports and other **Village of Johnson City** responsibilities as required by 23 CFR 200 and 49 CFR 21.

Authorities

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

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

Additional Authorities and Citations Include:

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

Title VI Reporting

The **Village of Johnson City** has appointed **Cindy Kennerup-Clerk/Treasurer**, as the **Village of Johnson City** Title VI Coordinator.

The **Village of Johnson City** is required to appoint a Title VI Coordinator who will have easy access to the agency's Chief Executive Officer.

The contact information for the **Village of Johnson City's** Title VI Coordinator is as follows:

Cindy Kennerup
Title VI Coordinator
243 Main Street, Johnson City, NY 13790
607-798-7861
cindyk@villageofjc.com

Special Emphasis Program Areas

Appointment of Title VI Program Specialists

In addition to appointing a Title VI Coordinator, the **Village of Johnson City** has proactively appointed several Title VI Program Specialists to annually monitor the **Village of Johnson City's** emphasis program areas. The emphasis program areas are: Planning, Environmental Services, Design, Right-of-Way, Construction, Maintenance, Safety, and Research.

The personal contact information for each Title VI Specialist is as follows:

Planning:

Paul Nelson, TOU-Director of Planning
3111 E. Main Street Endwell NY 13760
607-786-2977, pnelson@townofunion.com

Construction

Robert A. Bennett, P.E. Director of Public Services
243 Main Street, Johnson City, NY 13790
607-797-3031, jcdops@villageofjc.com

Environmental Services

Robert A. Bennett, P.E.
243 Main Street, Johnson City, NY 13790
607-797-3031, jcdops@villageofjc.com

Maintenance

Robert A. Bennett, P.E. Director of Public Services
243 Main Street, Johnson City, NY 13790
607-797-3031, jcdops@villageofjc.com

Design

Robert A. Bennett, P.E., Dir Public Ser.
243 Main Street, Johnson City, NY 13790
607-797-3031, jcdops@villageofjc.com

Traffic/Safety

Robert A. Bennett, P.E. Director of Public Services
243 Main Street, Johnson City, NY 13790
607-797-3031, jcdops@villageofjc.com

Right of Way

Robert A. Bennett, P.E., Dir Public Ser.
243 Main Street, Johnson City, NY 13790
607-797-3031, jcdops@villageofjc.com

Research

Gregory W. Deemie, Mayor
243 Main Street, Johnson City, NY 13790
607-798-7861, jcmayor@villageofjc.com

Limited English Proficiency Strategies

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

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

Title VI Responsibilities

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

Title VI Coordinator's Responsibilities

As authorized by the **Gregory W. Deemie-Mayor**, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the **Village of Johnson City's** compliance with Title VI requirements as follows:

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

Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI/Nondiscrimination Policy Statement will be published in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.

7. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.
8. Schedule training for Title VI related statutes for **Village of Johnson City** employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all subrecipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.
9. Identify and eliminate discrimination when found to exist. Work with all **Village of Johnson City** Offices and Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.
10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. The **Village of Johnson City** will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days.

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

The **Village of Johnson City** will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. The **Village of Johnson City** will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.

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

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

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

Title VI Complaint Procedures

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

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

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

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

Procedures

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

Time Limits for Filing

A formal complaint must be filed within 180 days after:

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

Form of Complaints

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant's name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail.

