



## CLINTON COUNTY CONSOLIDATED FHWA & FTA TITLE VI PLAN

Policies Related to: Title VI, Limited English Proficiency, Minority/Women-Owned Business Enterprises, Disadvantaged Business Enterprises, American with Disabilities Act Transition Plan, Public Participation and Environmental Justice

- \*Adopted by the Clinton County Legislature by Resolution #625 on September 9, 2015
- \*Amended by the Clinton County Legislature by Resolution #864 on November 8, 2017
- \*Amended by the Clinton County Legislature by Resolution #819 on November 10, 2021

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## **Title VI/Nondiscrimination Civil Rights Policy Statement**

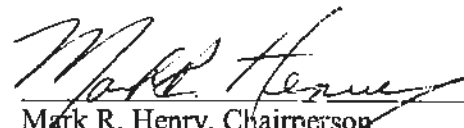
The County of Clinton is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, Part 21, and all related regulations and directives. Clinton County assures that no person shall on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity from which Clinton County receives Federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "program or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and consultants, whether such program and activities are Federally assisted or not. Clinton County further assures every effort will be made to ensure nondiscrimination in all its programs and activities, whether those programs and activities are Federally funded or not. Clinton County's Deputy County Administrator or his/her designee is responsible for monitoring Title VI activities for Clinton County.

Under Title VI, any person has the right to file a formal complaint if he or she believes they have been aggrieved by a discriminatory practice under any program or activity provided by the County, on the basis of race, color, national origin, sex, age or disability.

If Clinton County distributes Federal Aid funds to another governmental entity, it will include Title VI language in all written agreements and will monitor for compliance.

Date: 11/18/21

  
Mark R. Henry, Chairperson  
Clinton County Legislature

## **Title VI Standard DOT Assurances**

A copy of the Clinton County's Title VI Standard DOT Assurances Statement is attached as Attachment 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. Clinton County shall submit its Assurances Statement whenever the County accepts funding from the Federal government.

## **Appointments and Responsibilities of the Title VI Coordinator**

The Clinton County Legislature has designated the Deputy County Administrator as the Title VI Coordinator for Clinton County. The Title VI Coordinator is responsible for initiating, monitoring and ensuring Clinton County's compliance with Title VI requirements shall include but not limited to:

1. Ensure that the County's Title VI Policy Statement is posted according to the procedures outlined in this document so that the 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 Clinton County Legislature to ensure that it remains up to date;
3. To keep records and timely file such reports as required to comply with Title VI requirements;
4. Processing and investigation Title VI complaints received by the County in accordance with the Complaint Procedure established in this document.
5. Ensuring Title VI is reviewed by appropriate County Department Heads of construction contractors, consultant contractors, suppliers and other County sub-recipients of Federal Aid Highway-funded administered through the County.
6. Conducting training on Title VI and other related statutes for employees and program areas within the County and sub-recipients.
7. Identify and eliminate discrimination when found to exist. Work with all Clinton County 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.
8. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. Clinton County will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's

operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days.

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

Clinton County will seek the cooperation of the sub-recipient in correcting deficiencies found during the Title VI compliance reviews. Clinton County will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, Clinton County will submit a copy of the case file to NYSDOT's Office of Civil Rights or the Federal Highways Administration (FHWA) and a recommendation that the sub-recipient be found in noncompliance.

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

9. Maintain updated legislative and procedural information regarding Clinton County's Title VI Program. This will include Federal laws, rules and regulations, NYSDOT guidelines, the Clinton County Plan and updates and other resource information pertaining to Title VI issues.

The contact information for the County's Title VI Coordinator is available on the County's website: [www.clintoncountygov.com](http://www.clintoncountygov.com)

### **Appointment of Title VI Program Specialists**

In addition to appointing a Title VI Coordinator, Clinton County has appointed several Title VI Program Specialists to annually monitor Clinton County's program areas. The program areas are: Planning, Environment, Design, Right-of-Way, Construction, Contract Compliance and Maintenance. The mailing address for all such contacts is: 137 Margaret St., Plattsburgh, NY 12901. The personal contact information for each is as follows:

Planning & Design:	<b>Glen Cutter</b>	<a href="mailto:glen.cutter@clintoncountygov.com">glen.cutter@clintoncountygov.com</a> (518)565-4711
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Environment:	<b>Ryan Davies</b>	<a href="mailto:ryan.davies@clintoncountygov.com">ryan.davies@clintoncountygov.com</a> (518)565-4870
Right-of-Way:	<b>Karl Weiss</b>	<a href="mailto:Karl.weiss@clintoncountygov.com">Karl.weiss@clintoncountygov.com</a> (518)565-4040
Construction & Maintenance:	<b>James Cleveland</b>	<a href="mailto:James.cleveland@clintoncountygov.com">James.cleveland@clintoncountygov.com</a> (518)565-4727
Contract Compliance:	<b>Kim Kinblom</b>	<a href="mailto:Kim.kinblom@clintoncountygov.com">Kim.kinblom@clintoncountygov.com</a> (518)565-4676

## Communication and Publication

The following communication and publication procedure 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 the Title VI Coordinator. The Title VI Plan shall be posted on the Clinton County intranet.
2. All employees are informed by bulletin board or policy distributed through employee orientation.

### Externally:

1. The Title VI Policy shall be available on the Clinton County website under the Legislative Office.
2. Title VI posters will be displayed as required by 28 CFR 42.405.
3. Nondiscrimination clauses are included in contracts and agreements between outside vendors and Clinton County.

## Data Collection/Reporting/Analysis

Clinton 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 the primary Federal nondiscrimination laws, prohibits discrimination on the basis of race or national origin in the provision of any services that are all supported with deferral funds. Title VI is a valuable tool not only to redress past discrimination, but also to monitor ongoing activities. 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 the American with Disabilities Act accessible locations. Where possible, meetings are scheduled in locations that align with public transportation route schedules.

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

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, gender, low income and limited English proficiency. Projects designed must be in compliance with all ADA and Title VI regulations.

## **Title VI Complaint Procedures**

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

The Complaint 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 Clinton County as it relates to local agencies, contractors and other sub-recipients of United States Department of Transportation (USDOT) funds. This procedure applies to Clinton County, and all Federal funded sub-recipients are required to have similar procedures in place as well.

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, gender, age, religion, national origin, disability, family or income status in any of Clinton County’s programs, services or activities may file a written complaint with the Title VI Coordinator at:

Clinton County Legislative Office  
Kim Kinblom, Deputy County Administrator  
137 Margaret Street, Suite 208  
Plattsburgh, NY 12901  
Phone: (518) 565-4600  
Email: [kim.kinblom@clintoncountygov.com](mailto:kim.kinblom@clintoncountygov.com)

Complete and Submit Complaint Form:

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.

A formal complaint must meet the following requirements:

- Must be in writing and signed by the person or their representative and include the complainant’s name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail. A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.
- Must provide a detailed description of the issues including names, dates and job titles of witnesses or those individuals perceived as parties in the complained of incident.

Review of the Complaint Form:

Upon receipt of the complaint, Clinton County will acknowledge receipt of complaint, determine jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. The Complainant shall receive an acknowledgment letter informing him/her whether the complaint will be investigated within ten (10) business days. In cases where the complaint is

against one of Clinton County's sub-recipients of Federal funds, Clinton County will assume jurisdiction and will investigate and adjudicate the case. Complaints against Clinton County will be referred to the New York State Department of Transportation's Office of Diversity and Opportunity for proper disposition. In special situations warranting intervention to ensure equity, the NYSDOT Office of Diversity and Opportunity may assume jurisdiction and either complete or obtain services to review or investigate the complaint.

Acceptance of a complaint will be determined by the following:

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation;
- Whether the allegations involve a program or activity of a Federal Aid recipient;
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority;

A complaint may be dismissed for the following reasons:

- The complainant requests the withdrawal of the complaint;
- The complainant fails to respond to repeated requests for additional information needed to process complaint;
- The complainant cannot be located after reasonable attempts.

#### Investigation:

Clinton 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 requests 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 time frame, 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.

#### Informing the 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.

### 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 Clinton County Legislative Office, Attn: Kim Kinblom, Deputy County Administrator, 137 Margaret Street, Suite 208, Plattsburgh, NY 12901.

Should the complainant be unable or unwilling to complain to the County of Clinton, the written complaint may be submitted directly to the 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 Diversity and Opportunity  
50 Wolf Road 6<sup>th</sup> Floor  
Albany, NY 12232  
Attn: Title VI Statewide Coordinator

Clinton County will post the Title VI Complaint Procedure and a complaint form on the County website ([www.clintoncountygov.com](http://www.clintoncountygov.com)) and ensure the public has easy and direct access to the complaint procedure. A copy of the complaint form is attached as Attachment. A Copy of the Discrimination Complaint Log is provided as Attachment X.

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

### **Policy Statement**

It is the policy of Clinton County not to discriminate against any person who is limited English proficient (LEP). In accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, Clinton County will take reasonable steps to provide LEP persons meaningful access to its programs and activities. This commitment applies to all of Clinton County's Federally conducted programs and activities.

Clinton County hereby adopts a Language Access Plan (LAP) which articulates Clinton County's responsibilities, policies and strategies for providing language assistance services to LEP persons. The LAP applies to all Clinton County program areas and to all subdivisions. Clinton County intends for the LAP to evolve as we learn more about the many interactions with LEP persons and groups, and as we gain experience in providing language assistance services.

Providing appropriate language assistance will require identifying critical points of interaction with the LEP public, assessing LEP communities' particular language assistance needs, and determining, with specificity, how to ensure meaningful access for LEP persons. Clinton County recognizes that many of these tasks are best addressed by the Department or Office, which often

have more direct contact with the persons and communities requiring language assistance. The LAP is a general framework within which the Department or Office may develop more targeted solutions to the challenge of providing effective language assistance services. To spur the process, I direct each Clinton County Department or Office to issue a memorandum:

- 1) Emphasizing the importance of providing appropriate language-based access to the Department's or Office's programs and activities;
- 2) Setting forth the Department's or Office's language access policy; and
- 3) Assigning and naming managers and staff responsible for implementation.

Clinton County is committed to implementing and using the LAP at all levels of the Clinton County. Clinton County will require all managers, supervisors and employees to join in working to eliminate limited English proficiency as a barrier to meaningful access to Clinton County programs and activities.

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

Consistent with Title VI of the Civil Rights Act of 1964, US 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). Clinton County is required to take reasonable steps to ensure meaningful access to benefits, services, information and other importation portions of their programs and activities for individuals who are Limited English Proficient (LEP). Clinton County has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with LEP who wish to access services provided by Clinton County. As defined by Executive Order 13166 LEP individuals are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. The 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 availability of assistance.

### Meaningful Access: Four Factor Analysis

In order to prepare the LEP Plan Clinton 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 Clinton County.
2. The frequency with which LEP persons come into contact with Clinton County's services.
3. The nature and importance of services provided by Clinton County to the LEP population.

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

A Summary of the Four-Factor LEP analysis is found below.

1. Clinton County Staff reviewed census data for Clinton County and determined that:
  - a. 2019 American Community Survey (ACS) indicates that 3,064 of a total population of 64,462 (Citizens 18+), speak a language other than English.
    - i. Of those individuals it is estimated 382 speak English less than “very well”.
    - ii. It is estimated that 1,398 individuals in Clinton County speak Spanish, this comprises 2.2 percent of the 18+ population included in the ACS data.
    - iii. Detailed data about the other languages spoken in Clinton County is not available from census.gov at this time.
2. Clinton County reviewed the frequency with which Federally funded services in the County have had or will potentially have contact with LEP persons. This includes phone inquiries as well as office visits.
  - a. Clinton County Public Transit has never had a request for interpreters or translated program documents.
  - b. Clinton County Department of Social Services, which typically has the greatest number of interactions with the general public on an annual basis, average approximately 8-10 interactions with LEP individuals per year. Typically those individuals need assistance with Spanish or French.
  - c. Plattsburgh International Airport has the most interaction with international travelers, and has individuals seeking assistance most often with French. These individuals are travelers and not County residents.
  - d. Clinton County Highway Department has never had a request for interpreters or translated documents.
3. Clinton County reviewed services provided to LEP populations, and found there is no large concentration of any type of LEP individuals in the service area for Clinton County. The overwhelming majority of the population 99.4 percent speaks only English or speaks English “very well.” As a result few social, professional, or leadership organizations within Clinton County focus on outreach to LEP individuals.
  - a. The statistics related to LEP in Clinton County are reviewed during every census year.
4. Clinton County has reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suited for translation. Clinton County can use existing bilingual staff to provide interpretation to individuals that only speak Spanish or French (the two most common LEP populations in Clinton

County). Other language options would be provided by professional interpretation services to the County for a fee.

### Language Assistance

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

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

1. Post notices of the availability of interpretation services free of charge in all LEP languages in which the total LEP population is at least 1 percent of the total County population.
2. Periodically survey Clinton County staff regarding their interaction with LEP individuals (to be performed annually at minimum.)
3. Greeting participants at Clinton County sponsored informational meetings or events to determine the LEP needs for future events.

Although a very low percentage of LEP individuals reside in Clinton County, 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 percent of the total population.
2. Provide interpreters for LEP individuals that speak only Spanish or French.
3. Language interpretation service for all other languages will be accessed through a professional telephone interpretation service.

### Translation of Documents

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

Clinton County will continue to monitor LEP populations and re-evaluation this position on a regular basis. In the event that the population warrants the translation of critical documents, the County will provide these documents (i.e. meeting notices, complaint forms, route schedules, etc.) in the appropriate non-English language.

### Monitoring the LEP

Clinton County will monitor the LEP as required. At minimum, the Plan will be reviewed and updated when more recent data from the US Census Bureau and the American Community Survey is available, or when it is clear that the LEP individuals are present in Clinton County service areas (i.e. increased demand in translation services, increased requests for documents in a non-English language). Update to the LEP plan will include:

- Number of documented LEP contacts encountered annually
- How the needs of the LEP person have been addressed
- Determination of the current LEP population in the service area
- Determination as to whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts
- Determination of Clinton County's financial resources to fund language assistance resources
- Determination of Clinton County's full compliance with the goals of the LEP plan
- Explanation of the Clinton County processing of LEP complaints

### Dissemination of LEP Information

Clinton County will take the following steps to disseminate LEP information to the general public:

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

## **Americans with Disabilities Act (ADA) Transition Plan**

The Americans with Disabilities Act (ADA) Transition Plan reflects Clinton County's long-term commitment to ADA compliance, and details the stages of Clinton County's 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.



The Draft ADA Transition Plan will be revised and updated as the steps of the Plan are completed. A copy of Clinton County's ADA Transition Plan is available from the Title VI Coordinator.

## **Staff Training**

Annual training will be conducted for all employees that interact with members of the public to remind employees of Clinton County's policy statement, and of their Title VI responsibilities in their daily work activities. Title VI compliance information shall be disseminated to all new employees at the time of hire through new hire orientation. The training will include the Title VI Non-Discrimination Policy and LEP and ADA guidelines descriptions of language assistance services offered to the general public and the overview of the Title VI complaint process.

All contractors or subcontractors performing work for Clinton County will be required to follow the Title VI/LEP guidelines.

## **Community Outreach/Environmental Justice**

Clinton County is committed to Environmental Justice principles to ensure the full and fair participation by all potentially affected communities in the transportation decision making process and to 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. Public Involvement in Environmental Justice will be achieved through outreach measures that assure meaningful involvement of minority and low-income populations. This will be achieved through a variety of measures, including but not limited to:

- Obtaining U.S. Census Data and data from the local School District to identify minority and low-income populations to determine impacts during the initial stages of project planning. Further analyze this data using additional sources, including area community, religious, and business associations, school districts, senior citizen groups and economic development organizations.
- The public is invited to attend and participate in the legislative process through notices in newspapers throughout the County.
- Public meetings and hearing are held at accessible locations that facilitate access and participation by all members of the community.
- Official meeting minutes are kept and are made available to the public on County's website.
- Written correspondence to the Legislature is reviewed by Legislative member's monthly and made party of the official record of the Legislature.

- This Title VI Policy Statement was adopted by Resolution at the meeting open to the public pursuant to Executive Order issued on September 28, 2020.
- Title VI statements are posted in all County facilities for public viewing and available on the County's user-friendly website.

#### Title VI Responsibilities

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

### **Program Areas**

#### **Planning**

Develop short-term and long-term strategies to maintain and enhance the quality and safety of Clinton County's transportation and infrastructure.

#### Title VI Responsibilities

- Ensure that all aspects of the transportation planning process comply with Title VI.
- Ensure participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic organizations and participating in roundtable meetings in minority and low-income communities when applicable.
- Assist the Title VI Coordinator in gathering and organizing information for internal annual Title VI Update Reports.
- Review the Program Development work program and other directives to ensure compliance with Title VI program requirements.

- Ensure equal participation on Citizens Advisory Committees (CAC) by requesting the CAC provide information regarding their selection process for members and to furnish information on membership make up (race, gender, and position within the organization) for evaluation.
- Visit CAC and public meetings to verify the level of participation of Title VI protected group members when offered in predominantly minority or low-income communities.
- Gather statistical data on program participation regarding race, color and national origin.

## **Consultant Services/Environmental**

### Consultant Contracts Administration

Identify the needs for each project, ensure they are met in the contract, and ensure consultant compliance to the satisfaction of Clinton County

### 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, Clinton County 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.

## **Engineering Services**

### Engineering Services

Engineering services assess Clinton County'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, 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, Codes of the County of Clinton; Title 23, U.S.C 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); among others.

### Design Process

Economic, social, topographic and environmental impacts of a proposed project are key factors weighed in the location consideration. Special efforts in 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**

Construction deals with the 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, 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 and Codes of the County of Clinton, among others.

### Construction Process

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

- Review all projects for inclusion of DBE goals and gather statistical data on DBE utilization.
- Ensure that all aspects of the location selection process comply with the Title VI requirements.
- Consult and seek input from affected populations.
- Develop mechanisms to identify affected populations.
- Assure public participation in the selection process.
- Provide notice of public meetings in minority newspapers and newsletters when appropriate.
- Maintain required Title VI compliance documentation and statistical data and gather statistical data on race, color and national origin for program requirements.
- Monitor program components for compliance with the Title VI requirements.
- Review activities associated with public hearings to enhance the participation of targeted communities.
- Develop and update operational manuals and guidelines to ensure the inclusion of Title VI language and provisions.
- Gather program area data to be included in the internal annual Title VI Update Report.

### **Right-of-Way**

#### Right-of-Way Programming

Right-of-Way programming involves monitoring and administering construction and obstructions in the right-of-way. Right-of-Way programming is handled by the Permitting Department of DES and involves inspections and compliance measures in the right-of-way.

#### Authorities:

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, 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, Codes of the County of Clinton New York, 23 CFR 130, 49 CFR 24, among others.

#### Acquisition Process

The guidelines in the Right-of-Way Manual are followed for property acquisition as well as all applicable laws and regulations, including Title VI and Section 504. The right-of-way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations and property management.

#### Title VI Responsibilities

Ensure equal opportunity for disadvantaged businesses to participate in Personal Services Contracts. The contracts are typically appraisal contracts but can cover all services of real estate including negotiation, relocation and property management. Ensure equal opportunity for disadvantaged business appraisers to participate by using current directories identifying fee appraiser organizations and the NYSDOT's list of certified fee appraisers. Apprise all affected property owners, tenants and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.

- Conduct annual implementation reviews of Title VI provisions within the real estate acquisition process.
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.
- Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.
- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Maintain statistical data including race, color, national origin and sex on all relocatees affected by Federally funded projects and provide detailed demographic data quarterly to the Title VI Coordinator.
- Gather the statistical data required for completion of Clinton County's Annual Title VI Update Report including awards to minority and female appraisers.

## **Contracts**

### Contracts

Contracts ensure that Clinton County contract provisions include nondiscrimination and equal opportunity employment language: that Clinton County may not discriminate in any programs or services based on race, color, gender or national origin.

### 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, National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Municipal Code of Clinton County, among others.

### Title VI Responsibilities

- Include Title VI language in contract award letters to encourage utilization of DBE firms. Award of construction contracts shall be granted based on the lowest responsive bidder including DBE requirements.
- Ensure through reviews that prime contractors with DBE requirements award previously committed work to proper DBEs and that DBEs perform commercially useful functions on contracts.
- Review activities to ensure maintenance and construction efforts and resources are applied uniformly and fairly.
- Maintain program documentation necessary for internal annual Title VI updates.

## **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, Clinton County has developed a Public Participation Plan.



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.

### **M/WBE Policy Statement**

Clinton County will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participation goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from Agency(ies) and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) When feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

## **DBE Policy Statement**

Clinton County has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Clinton County has received Federal financial assistance from the Department of Transportation (DOT), and as a condition of receiving this assistance, Clinton County has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Clinton County to ensure that DBEs are defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Kim Kinblom, the Deputy County Administrator, has been delegated as the DBE Liaison Officer. In that capacity, the Deputy County Administrator is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by Clinton County in its financial assistance agreements with the NYSDOT.

Clinton County has disseminated this policy statement to the Clinton County Legislature and all of the components of our organization. The County has distributed this statement to DBE and non-DBE business communities that perform work for the County on DOT-assisted contracts. This statement is part of standard language incorporated into all County contracts.

### **Notice to Beneficiaries**

Under Title VI Clinton County is required to 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. Clinton 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 offices, including the public meeting room, bulletin boards, transit buses, and other public areas in County Departments that receive Federal funding (i.e. FHWA, FAA, FTA). A copy of the notice is attached as Attachment I.

## **Attachment I – Clinton County Title VI Notice to Public**

*Clinton County hereby gives public notice that it is Clinton County's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, gender, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which Clinton County receives Federal financial assistance. Clinton County further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether these programs and activities are Federally funded or not. In the event that Clinton 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 Clinton County's non-discrimination obligations under Title VI should contact:

Kim Kinblom  
Deputy County Administrator, Title VI Coordinator  
135 Margaret St., Suite 124, Plattsburgh, NY 12901  
(518)565-4600  
[Kim.kinblom@clintoncountygov.com](mailto:Kim.kinblom@clintoncountygov.com)

### **Complaint Procedure**

Any individual or organization who believes they have been aggrieved by an unlawful discriminatory practice under Title VI Civil Rights Act of 1964 has a right to file a formal complaint with Clinton County. Any such complaint must be in writing and filed with the County Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant on our website at [www.clintoncountygov.com](http://www.clintoncountygov.com) or by calling (518)565-4600.

### **Posting of this Notice**

This Notice shall be posted in the first floor lobby of the Clinton County Government Center, 137 Margaret Street, Plattsburgh, NY. 12901, and in public areas of any County Department that receives Federal funds.

## **Attachment II – Clinton County Title VI/Non-Discrimination Statement of Assurances**

Clinton County (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 2000d--4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the New York State Department of Transportation, including the Federal Highway Administration/Federal Aviation Administration/Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

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

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program/ Federal Aviation Administration/Federal Transit Administration, and in adapted form in all proposals for negotiated agreements:

Clinton County, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-d4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation

and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

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

4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.

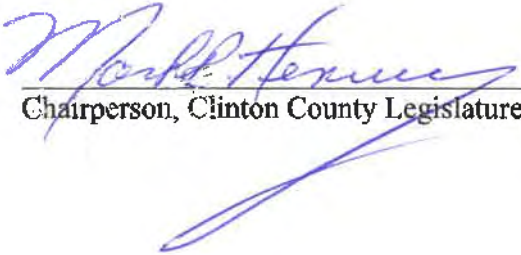
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program/ Federal Aviation Administration/Federal Transit Administration; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program/Federal Aviation Administration/Federal Transit Administration.

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

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

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

Clinton County 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, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this ASSURANCE on behalf of the Recipient.

  
\_\_\_\_\_  
Chairperson, Clinton County Legislature

11/17/2021  
Date

**Appendix II Exhibit A  
Contractors, Subcontractors, Suppliers, and Manufacturers**

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

**1. Compliance with Regulations**

The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

**2. Nondiscrimination**

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

**3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

**4. Information and Reports**

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by Clinton County or the NYSDOT to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the County, or the New York State Department of Transportation as appropriate, and shall set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance**

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, Clinton County and the NYS Department of Transportation shall impose such contract



sanctions as it, or the (Federal Highway Administration/ Federal Transit Administration/Federal Aviation Administration) may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies, and/or;
2. Cancellation, termination, or suspension of the contract, in whole or in part.

**6. Incorporation of Provisions**

The contractor shall include the provisions of paragraphs one through six in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as Clinton County or the (Federal Highway Administration/ Federal Transit Administration/Federal Aviation 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 Clinton County enter into such litigation to protect the interests of Clinton County and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**Appendix II Exhibit B**  
**Clauses for Deeds Transferring United States Property**

The following clauses shall be included in 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**, Clinton County, as authorized by law, and upon the condition that Clinton County 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, the Regulations of the Federal Transit Administration and FTA policies and procedures, and Federal Aviation Administration (FAA) regulations and the policies and procedures prescribed by the FAA, and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252:42 USC 2000d to 2000d-4) does hereby remise, release, quitclaim, and convey unto Clinton County 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 under 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.

### **Appendix II Exhibit C**

#### **Clauses for Deed, Licenses, Leases, Permits**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by Clinton County 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, Clinton County 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, Clinton County 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 Clinton County 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.)

### **Appendix II Exhibit D**

#### **Clauses for Construction/Use/Access to Real Property**

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 Clinton County 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 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, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above nondiscrimination covenants, Clinton County will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. \*

C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants, Clinton County will there upon revert to and vest in and become the absolute property of Clinton County 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.)

#### **Appendix II Exhibit E**

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

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, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);

- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. Parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

# Clinton County Legislature



Clinton County Government Center  
137 Margaret Street, Suite 208  
Plattsburgh, New York 12901  
(518) 565-4600 - Phone  
(518) 565-4616 - Fax

**Mark R. Henry**  
Chairperson  
Legislative Area 3

**Robert E. Hall**  
Deputy Chairperson  
Legislative Area 10

**Francis J. Peryea**  
Republican Leader  
Legislative Area 2

**Patty A. Waldron**  
Democratic Leader  
Legislative Area 6

**Calvin T. Castine**  
Legislative Area 1

**Vacant**  
Legislative Area 4

**Richard S. Potiker**  
Legislative Area 5

**Rob B. Timmons**  
Legislative Area 7

**Wendell K. Hughes**  
Legislative Area 8

**Joshua A. Kretser**  
Legislative Area 9

## Staff

**Michael E. Zurlo**  
County Administrator

**Kim M. Kinblom**  
Deputy County Administrator

**Jacqueline M. Kelleher**  
County Attorney


**Gary L. Favro**  
Assistant County Attorney

## Attachment III M/WBE Policy Statement

The County of Clinton will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participation goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from Agency(ies) and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) When feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

  
Chairperson, Clinton County Legislature

  
Date



# Clinton County Legislature



Clinton County Government Center  
137 Margaret Street, Suite 208  
Plattsburgh, New York 12901  
(518) 565-4600 - Phone  
(518) 565-4616 - Fax

## Attachment IV- DBE Policy Statement

**Mark R. Henry**  
Chairperson  
Legislative Area 3

**Robert E. Hall**  
Deputy Chairperson  
Legislative Area 10

**Francis J. Peryea**  
Republican Leader  
Legislative Area 2

**Patty A. Waldron**  
Democratic Leader  
Legislative Area 6

**Calvin T. Castine**  
Legislative Area 1

**Vacant**  
Legislative Area 4

**Richard S. Potiker**  
Legislative Area 5

**Rob B. Timmons**  
Legislative Area 7

**Wendell K. Hughes**  
Legislative Area 8

**Joshua A. Kretser**  
Legislative Area 9

### Staff

**Michael E. Zurlo**  
County Administrator

**Kim M. Kinblom**  
Deputy County Administrator

**Jacqueline M. Kelleher**  
County Attorney

**Gary L. Favro**  
Assistant County Attorney

The County of Clinton has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The County of Clinton has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the County of Clinton has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the County of Clinton to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Title VI Coordinator has been delegated as the DBE Liaison Officer. In that capacity, the Title VI Coordinator is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Title VI Coordinator in its financial assistance agreements with the Department of Transportation.

The Title VI Coordinator has disseminated this policy statement to the Clinton County Legislature and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. This information is distributed during the RFP/RFQ/Bidding process for Clinton County.

Clinton County Title VI Plan

  
Chairperson, Clinton County Legislature

  
Date



## Attachment V- Limited English Proficiency Policy Statement

It is the policy of the County of Clinton not to discriminate against any person who is limited English proficient (LEP). In accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the **County of Clinton** will take reasonable steps to provide LEP persons meaningful access to its programs and activities. This commitment applies to all of the **County of Clinton's** Federally conducted programs and activities.

The **County of Clinton** hereby adopts a Language Access Plan (LAP) which articulates the **County of Clinton's** responsibilities, policies and strategies for providing language assistance services to LEP persons. The LAP applies to all **County of Clinton** program areas and to all subdivisions. The **County of Clinton** intends for the LAP to evolve as we learn more about the many interactions with LEP persons and groups, and as we gain experience in providing language assistance services.

Providing appropriate language assistance will require identifying critical points of interaction with the LEP public, assessing LEP communities' particular language assistance needs, and determining, with specificity, how to ensure meaningful access for LEP persons. The **County of Clinton** recognizes that many of these tasks are best addressed by the Department or Office, which often have more direct contact with the persons and communities requiring language assistance. The LAP is a general framework within which the Department or Office may develop more targeted solutions to the challenge of providing effective language assistance services. To spur the process, I direct each **County of Clinton's** Department or Office to issue a memorandum:

- 1.) Emphasizing the importance of providing appropriate language-based access to the Department's or Office's programs and activities;
- 2.) Setting forth the Department's or Office's language access policy; and
- 3.) Assigning and naming managers and staff responsible for implementation.

The **County of Clinton** is committed to implementing and using the LAP at all levels of the County of Clinton. The **County of Clinton** will require all managers, supervisors and employees to join in working to eliminate limited English proficiency as a barrier to meaningful access to the **County of Clinton's** programs and activities.

  
Chairperson, Clinton County Legislature

  
Date

## **Attachment VI- Americans with Disabilities Act (ADA) Transition Plan**

This ADA Transition Plan reflects the *County of Clinton* commitment to ADA compliance and details the stages of the agency's 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, the *County of Clinton* 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 the agency 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.) Provide the Title and contact information for the agency's ADA Coordinator.

### **STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN FACILITIES**

The first phase of the ADA Transition Plan is to evaluate the 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 *County of Clinton* 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 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 sidewalk, crosswalk, and curb ramp:

**Rating 1 – Not Applicable:** A facility not considered to require accessibility, for example, limited-access highways.

**Rating 2 – Not Accessible:** Significant discontinuity such as steps, no ramps, more than 100 feet of unpaved walkway, heaving, vertical displacement, other severe distress, flooding, etc.

**Rating 3 – Partially Accessible:** Not designed to current standards, problems with geometry of sidewalks, ramps and landings, no detectable warnings, handrails, etc.

**Rating 4 – Accessible:** May need additional improvements, for example circuitous routes, insufficient width, etc.

**Rating 5 – Fully Accessible:** Designed to current standards, but reasonable accommodations may still be required for individual cases.

#### Evaluation of Parking Lots and Publicly Accessible Buildings

For the evaluation of publicly accessible buildings and the parking lots serving those buildings, the Survey will incorporate relevant portions of the ADA Checklist for Existing Facilities (based on the 2010 ADA Standards for Accessible Design), produced by the Institute for Human Centered Design.

#### Schedule for Completion

*County of Clinton* 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 by November 30, 2021. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 will be completed by February 28, 2022.

## **Attachment VII- Additional Requirements for Clinton County Public Transit**

Clinton County operates a deviation route bus service, with 10 deviation routes at peak service, and an additional Dial-A-Ride service Monday through Saturday. As such, Clinton County is required to set “System Wide Service Standards and Policies” to ensure that Clinton County does not discriminate on the grounds of age, race, color, sex, disability, national origin, religion or veteran status.

### Service Standards

1. **Vehicle Load:** Clinton County establishes vehicle load (ratio of passengers to number of seats on a vehicle) of 1.0 for all vehicles and bus routes at all times.
2. **Vehicle Headway:** For more densely populated areas in and around the City of Plattsburgh, the maximum vehicle headway (amount of time between two vehicles traveling in the same direction on a given line or combination of lines) shall be established at one hour. For more rural areas outside the city of Plattsburgh, the maximum vehicle headway shall be established at seven hours.
3. **On-time performance:** (measure of runs completed as scheduled) Clinton County considers “on time” to be any run that is completed within zero and five minutes late in comparison with the established schedule. Clinton County establishes a rate of 90 percent of all runs system-wide to be completed within the on-time window. The most likely reason for a late run is expected to be runs that involve deployment of the wheelchair lift to aid passengers and/or runs that involve a deviation request to accommodate a passenger.
4. **Service availability:** (general measure of distribution of routes within a transit providers service area) In the City of Plattsburgh, Clinton County shall provide routes such that 100 percent of the population lives within a quarter mile walk of an established route. This in turn will ensure that 100 percent of the population of the City of Plattsburgh is within the “deviation zone” (3/4 of a mile around an established bus route is considered its deviation zone) able to accommodate all residents within the densely populated portion of Clinton County with deviation requests on at least one bus route.
  - a. Outside of the densely populated City of Plattsburgh a Dial-A-Ride service that travels to designated service zones on particular days of the week will be provided to accommodate deviations in the sparsely populated rural areas that otherwise would not be able to be covered by the “deviation zone” of the regular rural routes.

### Service Policies

1. **Distribution of Transit Amenities:** Clinton County will deploy ADA compliant bus shelters at stops on County properties that serve the greatest number of passengers. Rural stops will be continuously evaluated for ADA compliance as well as the comfort level of the potential passengers. Clinton County strives to establish bus stops, at non-County owned properties at locations where passengers have the ability to wait indoors (i.e. retail stores), where the wheelchair lift can be fully utilized, and where there are no obstacles to boarding/exiting the bus.
2. **Vehicle assignment:** (process through which transit vehicles are placed into service) Clinton County only has one bus depot from which all the buses are deployed, vehicles are rotated through the routes unless a route demands a specific seating capacity.

## **Appendix VIII- Additional Requirements for Clinton County Highway Department**

### **Additional Requirements Related to FHWA Funding**

1. The Title VI/Nondiscrimination Policy Statement will be published in newspapers having a general circulation near proposed projects using FHWA funding and announcement of hearings and meetings in minority publications
2. Adopting an ADA transition plan (template locate in Appendix VI)