

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

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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.

A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.

- Must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complained of incident.

Upon receipt of the complaint, the **Village of Johnson City** will determine its jurisdiction, acceptability, need for additional information and the investigative merit of the complaint. In cases where the complaint is against one of the **Village of Johnson City's** subrecipient's of federal highway funds, the **Village of Johnson City** will assume jurisdiction and will investigate and adjudicate the case. Complaints against the **Village of Johnson City** will be referred to the New York State Department of Transportation's Office of Civil Rights for proper disposition. In special situations warranting intervention to ensure equity, the NYSDOT Office of Civil Rights may assume jurisdiction and either complete or obtain services to review or investigate matters.

Acceptance of a complaint will be determined by

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation;
- Whether the allegations involve a program or activity of a Federal-aid recipient, subrecipient, or contractor; or, in the case of ADA allegations, an entity open to the public;
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority;

A complaint may be dismissed for the following reasons

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

The **Village of Johnson City** has sole authority for accepting complaints for investigation. Once the **Village of Johnson City** decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) calendar days. The complaint will receive a case number and be logged into the **Village of Johnson City's** records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).

In cases where the **Village of Johnson City** assumes investigation of the complaint, the **Village of Johnson City** will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of the **Village of Johnson City's** written notification of acceptance of the complaint to furnish their response to the allegations.

Within 40 calendar days of the acceptance of the complaint, the **Village of Johnson City** or NYSDOT investigator will prepare an investigative report for the **Village of Johnson City's**

Title VI Coordinator and **Mayor Gregory W. Deemie**. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The **Village of Johnson City**'s Title VI Coordinator and **CEO/Mayor** will have 10 calendar days to review and provide comments to the investigator.

Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the **Village of Johnson City** Law Department for review. The Law Department attorneys will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the **Village of Johnson City** Law Department will be reviewed by the **CEO/Mayor**. There will be a period of 10 calendar days for the **CEO/Mayor** to discuss the report and any recommendations with the **Village of Johnson City**'s Title VI Coordinator, and to have the Title VI Coordinator address any modifications before the report's release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

The **Village of Johnson City**'s final investigative report and a copy of the complaint will be forwarded to either NYSDOT, FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

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

The corresponding USDOT modality will issue the final decision to the **Village of Johnson City** based on the investigative report.

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

Title VI Complaint Form

Name_____

Address_____City_____Zip_____

Telephone: Home_____Work_____Cell_____

Basis of Complaint

Race ☐

Color ☐

Sex ☐

National Origin ☐

Age ☐

Disability (ADA) ☐

Low-Income ☐

Limited English Proficiency ☐

Who allegedly discriminated against you?

Name_____

Address_____City_____Zip_____

Telephone_____

If an organization, what is its name?

Name of Organization_____

Address_____City_____Zip_____

Telephone_____

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

First time _____

Second time _____

Third time _____

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can NYSDOT do to resolve the complaint?

Have you filed your complaint with anyone else?

Who _____

When _____

Complaint number, if known _____

Do you have an Attorney in this matter?

Name _____

Address _____ City _____ Zip _____

When did you acquire _____

Signed _____ Date _____

Mail to: New York State Department of Transportation
Title VI Coordinator
Office of Civil Rights
50 Wolf Road
Albany, New York 12232
or
Phone (518) 457-1129
Email: OCR-Title VI @dot.ny.gov

Attachment 1

Title VI Notice to Public

The **Village of Johnson City** hereby gives public notice that it is the **Village of Johnson City's** policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, gender, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the **Village of Johnson City** receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the **Village of Johnson City**. Any such complaint must be in writing and filed with the City Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant on our website at www.villageofjc.org or by calling (607) 798-7861.

Attachment 2

Standard Title VI/Non-Discrimination Assurances

The *Village of Johnson City* (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *New York State Department of Transportation (NYSDOT)*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the NYSDOT.

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

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *FAST Acts* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
*"The **Village of Johnson City**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

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

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

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance

under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

By signing this ASSURANCE, the ***Village of Johnson City*** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the NYSDOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the NYSDOT. You must keep records, reports, and submit the material for review upon request to NYSDOT, or its designee in a timely, complete, and accurate way.

Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

Gregory W. Deemie, Mayor – Village of Johnson City

by 
(Signature of Authorized Official)

DATED 5/1/18

APPENDIX A

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

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the *NYSDOT* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the *NYSDOT*, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *NYSDOT* may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the *NYSDOT* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Village of Johnson City* will accept title to the lands and maintain the project constructed thereon in accordance with *NYSDOT*, the Regulations for the Administration of *FAST Act*, and the policies and procedures prescribed by the *NYSDOT* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the

Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Village of Johnson City* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto *Village of Johnson City* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *Village of Johnson City*, its successors and assignees.

The *Village of Johnson City*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility

located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the *Village of Johnson City* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Village of Johnson City* 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, the *Village of Johnson City* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the *Village of Johnson City* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *Village of Johnson City* 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 D

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 the *Village of Johnson City* pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits 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, the *Village of Johnson City* 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, the *Village of Johnson City* will there upon revert to and vest in and become the absolute property of the *Village of Johnson City* 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 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.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



Gregory W. Deemie, Mayor

**VILLAGE OF JOHNSON CITY
DIRECTOR OF PUBLIC SERVICES**

243 MAIN STREET • JOHNSON CITY, NY 13790

Phone: (607) 797-3031

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**VILLAGE OF JOHNSON CITY
TITLE VI PLAN**

CONTRACTING GOALS

The Village of Johnson City monitors the contracting goals for Federally Funded and State Funded projects by utilizing the NYSDOT EBO reporting system.

Limited English Proficiency (LEP) Plan Template

VILLAGE OF JOHNSON CITY



Signed by:

A handwritten signature in blue ink, appearing to read "Gregory W. Deemie", is written over a horizontal line.

Mayor Gregory W. Deemie

April 27, 2018

jcmayor@villageofjc.com

607-798-7861

INTRODUCTION

This *Limited English Proficiency Plan Template* has been prepared to address the **Village of Johnson City's** responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination which is covered under Title VI. It directs each agency (e.g., FHWA) to publish guidance for its respective recipients (e.g., NYSDOT) clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub recipients.

Plan Summary

The **Village of Johnson City** has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance. For detailed guidance regarding LEP, see NYSDOT's LEP Plan at:

[https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP Plan.pdf](https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP%20Plan.pdf).

In order to prepare this plan, the **VILLAGE OF JOHNSON CITY** used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by the **VILLAGE OF JOHNSON CITY**.
2. The frequency with which LEP persons come in contact with **VILLAGE OF JOHNSON CITY** services.
3. The nature and importance of services provided by the **VILLAGE OF JOHNSON CITY** to the LEP population.
4. The interpretation services available to the **VILLAGE OF JOHNSON CITY** and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is found in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require VILLAGE OF JOHNSON CITY services

The **VILLAGE OF JOHNSON CITY** staff reviewed the American Community Survey 5-Year Estimates for New York State and determined that:

- a. 1,740 individuals in **VILLAGE OF JOHNSON CITY** service area comprising 10.3% of the population speak a language other than English;
- b. Of those, 620 individuals have limited English proficiency; that is, they speak English less than "very well" or "not at all." This is only 3.4 % of the overall population in the service area;
- c. In **VILLAGE OF JOHNSON CITY** service area, of those persons with limited English proficiency:
 - ____% speak German
 - 31.8 % speak Spanish
 - ____% speak African languages
 - ____% speak Chinese
 - ____% speak Serbo-Croatian
 - ____% speak Scandinavian
 - 51.4 % speak Asian & Pacific Islands
 - ____% speak Russian
 - ____% speak other Indic languages
 - ____% speak Vietnamese
 - ____% speak French
 - ____% speak Tagalog
 - ____% speak other Slavic languages
 - 24.3 % speak Arabic, Indo-European languages
 - ____% speak Native North American Languages
 - ____% speak all other language

2. The frequency with which LEP persons come in contact with VILLAGE OF JOHNSON CITY services.

The **VILLAGE OF JOHNSON CITY** reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

- a. To date, the **VILLAGE OF JOHNSON CITY** has had zero (0) requests for interpreters and zero (0) requests for translated program documents as follows: [provide details here] OR
- b. the **VILLAGE OF JOHNSON CITY** other staff have had very little contact with LEP persons.

3. The nature and importance of services provided by the VILLAGE OF JOHNSON CITY to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for

the **VILLAGE OF JOHNSON CITY**. The overwhelming majority of the population, 89.7%, speaks only English. As a result, there are few social, service, or professional and leadership organizations within the **VILLAGE OF JOHNSON CITY** service area that focuses on outreach to LEP individuals. The **VILLAGE OF JOHNSON CITY** police, court and planning staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

4. The resources available to the VILLAGE OF JOHNSON CITY, and overall cost to provide LEP assistance.

The **VILLAGE OF JOHNSON CITY** reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises.

The **VILLAGE OF JOHNSON CITY** contacted local citizens and organizations willing to provide voluntary language translation and interpretation services if needed within a reasonable time period. Other language translation options could be provided by bilingual staff or by telephone from a professional interpretation service for which the **VILLAGE OF JOHNSON CITY** would pay a fee. The Village Police Department pays a monthly fee to utilize on-line, phone and in person services supplied by Language Line Services, Inc. If another Village Department requires these services they shall coordinate with the Police Department.

LANGUAGE ASSISTANCE

A person who does not speak English as her primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be eligible to language assistance with respect to **VILLAGE OF JOHNSON CITY** services. Language assistance can include interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

How the **VILLAGE OF JOHNSON CITY** staff can identify an LEP person in need of language assistance:

- Post notices of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Providing **VILLAGE OF JOHNSON CITY** staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying **VILLAGE OF JOHNSON CITY** staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Greeting participants at the **VILLAGE OF JOHNSON CITY** sponsored informational meeting or event. Conversational interaction with participants can help determine LEP needs for future events.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in the **VILLAGE OF JOHNSON CITY** service area, (i.e., persons who speak English less than “very well” or “not at all”), the **VILLAGE OF JOHNSON CITY** will take the following actions:

1. The **VILLAGE OF JOHNSON CITY** staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Volunteer Spanish language interpreters will be provided within a reasonable time period.
 - Language interpretation services for all other languages will be accessed through the professional telephone interpretation service, Language Line Services, Inc. and coordinated through the Village Police Department.

STAFF TRAINING

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

- Title VI Policy and LEP responsibilities
- Description of language assistance services offered to the public
- Proper use of interpreter service provider’s language identification cards
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

All contractors or subcontractors performing work for the **VILLAGE OF JOHNSON CITY** are required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

The **VILLAGE OF JOHNSON CITY** weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating documents, the likelihood of frequent changes in documents and other relevant factors, the **VILLAGE OF JOHNSON CITY** has determined that it is an unreasonable burden to translate documents at this time.

Due to the very small LEP population, the **VILLAGE OF JOHNSON CITY** does not have a formal outreach procedure in place as of 2018. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, the **VILLAGE OF JOHNSON CITY** will consider the following options:

- When staff prepares documents or schedules public meeting whose audience is expected to include LEP individuals, the **VILLAGE OF JOHNSON CITY** will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).
- **VILLAGE OF JOHNSON CITY** will assess requests for the translation of documents based on the potential effect and known LEP population.

MONITORING

Monitoring and Updating the LEP Plan – The **VILLAGE OF JOHNSON CITY** will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the **VILLAGE OF JOHNSON CITY** service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources).
- Determination as to whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts
- Determination of the adequacy of the **VILLAGE OF JOHNSON CITY** financial resources to fund language assistance resources.
- Determination of the **VILLAGE OF JOHNSON CITY** full compliance with the goals of the LEP Plan.
- Determination of the **VILLAGE OF JOHNSON CITY** processing of LEP complaints

DISSEMINATION OF THE VILLAGE OF JOHNSON CITY LEP PLAN

Choose from below the actions that **VILLAGE OF JOHNSON CITY** will take:

- Post signs in **VILLAGE OF JOHNSON CITY** public areas informing 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 should be placed on agendas and public notices and in the language that LEP persons would understand.
- On **VILLAGE OF JOHNSON CITY** website, post the LEP Plan and procedure to access language services.
- Prepare and post Press Release in non-English languages as necessary.

VILLAGE OF JOHNSON CITY

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

ADA Transition Plan

This ADA Transition Plan reflects **Village of Johnson City** long-term commitment to ADA compliance, and details the stages of **Village of Johnson City** 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 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, **Village of Johnson City** 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 **Village of Johnson City** identifies prohibited structural barriers to its public facilities, and, where structurally feasible, schedules and implements ADA-required improvements in order to remove those barriers.

The ADA requires that the Transition Plan include the following components:

- 1) Identification of physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- 2) Identification of the methods to be used to remove any barriers limiting accessibility;
- 3) A schedule for completion of the necessary steps to achieve accessibility in public facilities; and
- 4) The name of the public entity's ADA Coordinator.

STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN VILLAGE OF JOHNSON CITY'S FACILITIES

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

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

For each facility evaluated, a Survey of **Village of Johnson City** Public Facilities ("the Survey") will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey. An Inventory of Public Facilities ("the Inventory") will also be created, and will serve as the central database for identified structural barriers, suggested improvements, and comments relating to structural feasibility of improvements.

Evaluation of Sidewalks, Crosswalks, and Curb Ramps

The Survey will contain the following ratings to assess the condition of each **Village of Johnson City** 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

Village of Johnson City 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. The Binghamton Metropolitan Transportation Study (BMTS) is currently assisting the Village of Johnson City with its ADA Transition Plan as it pertains to sidewalks, crosswalks and curb ramps. The BMTS report is anticipated to be completed by July 2018. Numerous facilities will be subject to this evaluation, and consequently this will be a substantial undertaking for the reviewing officials. The evaluations will be scheduled so as to evaluate outdoor facilities prior to the winter months (to avoid snow cover that may impede a thorough review), with any remaining evaluations of outdoor facilities to be completed in **provide projected date for completion**. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 will be completed by **provide estimated completion date**.

STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS

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

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

A. Nature of Improvements and Structural Feasibility

The nature of necessary improvements will be determined during Step 1 – the accessibility evaluation of **Village of Johnson City** facilities – and will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements that **Village of Johnson City** officials determine are not structurally feasible, based on ADA regulations, will also be incorporated into the Plan.

B. Priority of Improvements

Sidewalks; Crosswalks; Curb Ramps

With respect to sidewalks, crosswalks and curb ramps, the primary focus of this ADA Transition Plan is to address all ADA noncompliant facilities, defined as those locations that have a rating of "2" and "3" on the scale discussed above.

The priority of improvements to these facilities will be as follows:

- 1) Those serving publicly accessible **Village of Johnson City** facilities;
- 2) Those serving commercial and employment centers; and
- 3) Those serving other areas.

Parking Lots and Publicly Accessible Buildings

The priority of improvements to parking lots and publicly accessible spaces in **Village of Johnson City** buildings will be based on the severity of the accessibility barrier and the frequency of public presence at the facility. Notably, the general assessment of the **Village of Johnson City** Code Enforcement Officer is that **Village of Johnson City** facilities where public meetings take place are in substantial compliance with the ADA. All new construction or renovations to existing facilities have complied with ADA standards. As such, the **Village of Johnson City** does not expect that its publicly accessible buildings and parking lots will require major structural improvements.

STEP 3: SCHEDULE FOR COMPLETION OF NECESSARY IMPROVEMENTS

Once the Inventory of Public Facilities has been completed, and necessary improvements have been prioritized as provided above, the **Village of Johnson City** will formulate an estimated budget for the improvements. The schedule for improvements will depend heavily upon the number and severity of the deficiencies identified during the accessibility evaluation, and the costs associated with the improvements. The **Village of Johnson City** however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. The **Village of Johnson City's** ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect the **Village of Johnson City's** commitment to ADA compliance. Currently the Village of Johnson City includes installation of ADA compliant sidewalks, crosswalks and curb ramps in all of its street reconstruction and repaving projects.

ADA COORDINATOR

The **Village of Johnson City** ADA Coordinator is **Cindy Kennerup –Clerk/Treasurer.**

Village of Johnson City – ADA Coordinator

Address: 243 Main Street, Johnson City, NY 13790

Telephone Number: 607-798-7861

Email Address: cindyk@villageofjc.com



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
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Resolution #2018 – 1

A motion to approve the following appointments made by Mayor Deemie was made by Trustee King and seconded by Trustee Balles.

Motion Carried – Vote:

Ayes – 5 (Giblin, King, Walker, Balles, Deemie) Nays – 0 Absent – 0

Name	Board/Committee	Expires	Term (yrs.)
Cindy Kennerup	ADA Coordinator	12/31/2018	1
Director of Planning	Alarm Review Board	12/31/2018	1
Fire Chief or Designee	Alarm Review Board	12/31/2018	1
Kim Cunningham	Alarm Review Board	12/31/2018	1
Police Chief or Designee	Alarm Review Board	12/31/2018	1
Tom Johnson	Alarm Review Board	12/31/2018	1
Hon. Thomas Dellapenna	Associate Village Justice	12/31/2018	1
Gail Lucas	Bingo Inspector	12/31/2018	1
Kris Ferranti	Bingo Inspector (Deputy)	12/31/2018	1
Kim Cunningham	Clerk ZBA & Planning Boards	12/31/2018	2
Cindy Kennerup	Clerk/Treasurer	12/31/2019	2
Rick Balles & John Walker	Court	12/31/2018	1
Kim Cunningham	Deputy Clerk	12/31/2019	2
Bruce King	Deputy Mayor	12/31/2018	1
Mary Ann Kinne	Deputy Registrar	12/31/2019	2
Tom Johnson	Deputy Treasurer	12/31/2019	2
Tim Allen	Electrical Board	12/31/2018	5
Ron Decker	Electrical Board	12/31/2019	5
Robert Fox	Electrical Board	12/31/2020	5
Robert Smolinsky	Electrical Board	12/31/2021	5
Terrance Rundell	Electrical Board	12/31/2022	5
All	Finance	12/31/2018	1
Fr. Dennis Ruda	Fire/Police Chaplin	12/31/2018	1
All	Government Affairs (Insurance, Budget, etc.)	12/31/2018	1
Janet Ottman	Historian	12/31/2018	1
All	Human Services	12/31/2018	1

Bruce King & Clark Giblin	Joint Sewage Treatment Board	12/31/2018	1
Ronald Davis	JSTP Board	12/31/2018	3
George Kolba	JSTP Board	12/31/2019	3
Steve Andrews	JSTP Board	12/31/2020	3
Alfred Paniccia	JSTP Board Attorney	12/31/2018	1
Clark Giblin	Library	12/31/2018	1
June Adamek	Library Board	12/31/2018	5
Danforth Knight	Library Board	12/31/2019	5
Bob Deemie	Library Board	12/31/2020	5
Sarah Maximiek	Library Board	12/31/2021	5
Diane Bartlow	Library Board	12/31/2022	5
Cindy Kennerup	OSHA Administrator	12/31/2018	1
John Walker & Clark Giblin	Planning , Zoning & Code Enforcement	12/31/2018	1
Don Slota	Planning Board	12/31/2018	5
Andrew Holbert	Planning Board	12/31/2019	5
Greg Matyas	Planning Board	12/31/2020	5
Gerald Putman	Planning Board	12/31/2021	5
Mary Jacyna	Planning Board	12/31/2022	5
Engineer (Need to Replace)	Plumbing Board	12/31/2018	5
TBD	Plumbing Board	12/31/2019	5
Dan Feduke	Plumbing Board	12/31/2020	5
TBD	Plumbing Board	12/31/2021	5
TBD	Plumbing Board	12/31/2022	5
Miroslav Herzog	Plumbing Inspector	12/31/2018	1
Rick Holden	Plumbing Inspector (Deputy)	12/31/2018	1
Diane Deyo	Police Matron	12/31/2018	1
John Walker & Rick Balles	Public Safety (Fire & Police)	12/31/2018	1
Bruce King & Rick Balles	Public Works (Includes Parks)	12/31/2018	1
Kim Cunningham	Record Advisory Board (Admin. Asst.)	12/31/2018	1
Cheryl Sacco	Record Advisory Board (Atty. For the Village)	12/31/2018	1
Cindy Kennerup	Record Advisory Board (Clerk/Treas.)	12/31/2018	1
Greg Deemie	Record Advisory Board (Mayor)	12/31/2018	1
Janet Ottman	Record Advisory Board (Village Historian)	12/31/2018	1
Zina Lewis	Recreation Board	12/31/2018	5
Tom Lamphere	Recreation Board	12/31/2019	5
Tim Mahon	Recreation Board	12/31/2020	5
TBD	Recreation Board	12/31/2021	5
TBD	Recreation Board	12/31/2022	5
Mary Ann Coughlin	Registrar	12/31/2019	2
All	Rules	12/31/2018	1
Robert Bennett	Stormwater Management Officer	12/31/2018	1
TBD	Susquehanna Heritage Area Advisory Board	12/31/2019	3
Dai Korba	Susquehanna Heritage Area Mayor Member at large	12/31/2019	3
Kim Cunningham	Workplace Violence Committee	12/31/2018	1
Police Chief	Workplace Violence Committee	12/31/2018	1
Robert Bennett	Workplace Violence Committee	12/31/2018	1
Vernon Rowlands	Zoning Board	12/31/2018	5
Dr. Holowinski	Zoning Board	12/31/2019	5

Leonard Sas Jr.
Edward Mazanek
TBD

Zoning Board
Zoning Board
Zoning Board

12/31/2020	5
12/31/2021	5
12/31/2022	5

CERTIFICATION FORM

STATE OF NEW YORK)
COUNTY OF BROOME)

I, CINDY KENNERUP, Clerk of the Village of Johnson city, Broome County, of the State of New York, do HEREBY CERTIFY, that I have compared the above motion duly adopted at a Regular Meeting of the Board of Trustees of the Village of Johnson City held on January 2, 2018 with the original said Resolution on file in my office as Clerk/Treasurer of said Village and that the same is true and exact copy thereof and of the whole thereof.

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Johnson City, New York, as Clerk/Treasurer this 5th day of January, 2018.


Cindy Kennerup, Village Clerk



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
243 MAIN STREET • JOHNSON CITY, NY 13790

PHONE: (607)798-7861

FAX: (607) 798-7865

www.villageofjc.com

Resolution #2018 – 74

A motion to approve and place on file the Village of Johnson City Title VI Plan was made by Trustee King and seconded by Trustee Giblin.

Motion Carried – Vote:

Ayes – 5 (Giblin, King, Walker, Balles, Deemie) Nays – 0 Absent – 0

CERTIFICATION FORM

STATE OF NEW YORK)
COUNTY OF BROOME)

I, CINDY KENNERUP, Clerk of the Village of Johnson City, Broome County, of the State of New York, do HEREBY CERTIFY, that I have compared the above motion duly adopted at a Regular Meeting of the Board of Trustees of the Village of Johnson City held on May 1, 2018 with the original said Resolution on file in my office as Clerk/Treasurer of said Village and that the same is true and exact copy thereof and of the whole thereof.

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Johnson City, New York, as Clerk/Treasurer this 4th day of May, 2018.

Cindy Kennerup

Cindy Kennerup, Village Clerk