City of Olean



TITLE VI PLAN

Prepared by:
City of Olean
Department of Community Development

Date: February 2023

Title VI Plan

Title VI/ Nondiscrimination Policy Statement .....pg. 3

Title VI Reporting ..... pg. 5

Title VI Coordinator's Responsibilities ..... pg. 5

Title VI Complaint Procedures .....pg. 8

Title VI Complaint Form .....pg. 11

Monitoring ..... pg. 14

Training pg.14

Data Collection..... pg. 14

Public Participation pg.15

Attachment 1 - Title VI Assurances, includes Appendices A, B, C, D and E .....pg. 16

Attachment 2 - OATS ADA Paratransit Policy .....pg. 24

Attachment 3 - Environmental Justice Policy .....pg. 27

Attachment 4 - LEP Strategies .....pg. 28

Attachment 5- Title VI Notice to Public .....pg. 30

Attachment 6 - Employee Training Plan .....pg. 31

Title VI/Nondiscrimination Policy Statement

I. Policy Statement

It is the policy of the **City of Olean** to prevent and to eliminate discrimination in all of its operations and services as well as all aspects of employment. All **City of Olean's** Divisions, Offices, Bureaus and Regions shall plan, develop and implement their programs, services and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status.

This policy fully incorporates throughout all of **City of Olean's** operations the requirements of applicable State and Federal laws and executive orders to prohibit and discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

The City of Olean's Civil Rights Policy reflects the firm commitment to achieving equal opportunity in all programs, services and activities for which the City has direct and oversight responsibilities; and to achieve a workplace free from discrimination, where all employees have an equal opportunity to improve their employment status. The **Mayor of the City of Olean**, is charged with monitoring the continued development and implementation of the City's external Civil Rights program for achieving our agency's goal to ensure equal opportunity for all. The Title VI Coordinator reports directly to the **Mayor of the City of Olean** on all matters regarding Title VI compliance and enforcement.

The Title VI/Nondiscrimination program shall have the full support of agency staff and managers. Additionally, all of **City's** partners, contractors and consultants, subrecipients, community based organizations, faith based organizations and advocacy groups are urged to give the **City of Olean** their full support and cooperation.

This policy shall be conspicuously placed on **City** bulletin boards, websites and made available to all organizations and entities doing business with the **City**. A copy shall be provided to contractors at the City's pre-construction and scope of service meetings. Any complaints involving allegations of discrimination should be sent to the **Title VI Coordinator.**

II. Policy Scope and Guidance

The **City of Olean's** Civil Rights Policy Statement directs that the requirements of Articles 15-A of New York State Executive Law, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as well as the Americans with Disabilities act, and all other relevant laws and executive orders are full integrated into all of the **City's** and subrecipient' activities. State and Federal nondiscrimination laws are the cornerstones of the **City of Olean's** strategy to ensure equal opportunity and fair and equitable programs and services to the public.

All employees must assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination to the **City of Olean's** Title VI Coordinator for review and appropriate action.

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 **City of Olean**. Any such complaint is preferably in writing and filed with the **City of Olean's** Title VI Coordinator. Title VI Discrimination Complaint Forms may be obtained from the **City of Olean's** Title VI Coordinator at no cost to the complainant, on our website at **www.cityofolean.org** or by calling (716) 376-5647.



Chief Executive Officer

02/15/2023

Date

Title VI Reporting

The **City of Olean** has appointed **Keri Kerper,** as the **City of Olean** Title VI Coordinator.

The **City of Olean** 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 Title VI Coordinator is as follows:

Keri Kerper
Title VI Coordinator
Department of Community Development
101 East State Street
P.O. Box 668
Olean, NY 14760-0668
Phone: 716-376-5647
Email address: kkerper@cityofolean.org

Title VI Coordinator's Responsibilities

As authorized by the Mayor of the City of Olean, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the **City of Olean**'s compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the **City of Olean** in accordance with the **City of Olean**'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 **City of Olean**. It is the goal of the **City of Olean** 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, **City of Olean** transit 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 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 Transit Administration 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 City will disseminate Title VI Program information to City 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 **City of Olean** 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 sub-recipients, 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 **City of Olean** 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 **City of Olean** 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 **City of Olean** will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. The **City of Olean** 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 **City of Olean** will submit a copy of the case file to NYSDOT's Office of Civil Rights or the Federal Transit Administration 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 **City of Olean**'s Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, the **City of Olean** 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 **City of Olean and/or the NYSDOT Office of Civil Rights**.

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 **City of Olean** 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 **City of Olean**'s subrecipients of federal transit funds, the **City of Olean** will assume jurisdiction and will investigate and adjudicate the case. Complaints against the **City of Olean** 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 **City of Olean** has sole authority for accepting complaints for investigation. Once the **City of Olean** 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 **City of Olean**'s records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s).

In cases where the **City of Olean** assumes investigation of the complaint, the **City of Olean** 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 **City of Olean'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 **City of Olean** or NYSDOT investigator will prepare an investigative report for the **City of Olean**'s Title VI Coordinator and the **Mayor, City of Olean**. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The **City of Olean**'s Title VI Coordinator and **Mayor, City of Olean** 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 **City of Olean** 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 **City of Olean** Law Department will be reviewed by the **Mayor, City of Olean**. There will be a period of 10 calendar days for the **Mayor, City of Olean** to discuss the report and any recommendations with the **City of Olean**'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 **City of Olean**'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 **City of Olean** 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 **City of Olean** 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 **City of Olean** 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_____

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 City of Olean 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: City of Olean
Title VI Coordinator
Department of Community Development
101 East State Street
Olean, NY 14760
or
Phone 716-376-5647
Email: oats@cityofolean.org

and/or

New York State Department of Transportation
Office of Civil Rights
50 Wolf Road, 6th Floor
Albany, NY 12232
or
Phone 518-457-1129
Fax 518-549-1273

Monitoring, Training, Data Collection & Public Participation

Monitoring

The **City of Olean's** Title VI Coordinator will annually review the City's operations to ensure compliance with Title VI. In addition, all contracts with sub-recipients, if any, will be reviewed in the **City of Olean's** Corporation Counsel's Office which ensures all contracts include nondiscrimination clauses.

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

Training

The **City of Olean** has developed an Employee Training Plan, see **Attachment 6**, Title VI Training schedule. 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.

The schedule will be provided to all new employees when they begin employment. After reading it and reviewing it, they will sign an acknowledgment of understanding.

For current employees, the **City of Olean** will have each Department head present and disseminate the same bulletin to the employees under their supervision and collect their signed acknowledgment of understanding.

The Title VI coordinator and designee will be available to answer any questions.

Data Collection

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

Each of the Title VI Program Specialists shall collect available statistical data (race, color, income, gender, and national origin) of participants in and beneficiaries of, City of Olean's highway programs (i.e., relocatee's, impacted citizens, and affected communities), or other applicable federally funded

program. The Title VI Coordinator shall maintain and incorporate that data together. That data Collection shall be used to profile the impact of the City's activities as they relate to low-income and minority populations. The statistical data will serve to document how the City's procedures and policies provide equal and fair treatment to all of the city's population.

Data may come from the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys and from time to time through the request of voluntary identification of certain racial, ethnic or other data from those who participate in its public involvement events. Self-identification of personal data submitted to the City of Albany will always be voluntary and anonymous and will not be released or otherwise used in any manner inconsistent with federal regulations.

Public Participation

The City of Olean must have the input of its public in order to plan and develop efficient and effective projects. The City spends extensive staff and financial resources in furtherance of this goal and strongly encourages public participation on all of its projects whether they fall under Title VI or not.

When the City accepts funding for and undertakes a Federally Funded project, it complies with all Federal and State requirements with regard to Public Participation. All required environmental permits are applied for through a joint permitting process. Public information about the proposed action is distributed and posted, if required. Likewise, a Public Information Meeting is held if required by the proposed action. Records of such public participation on such projects shall be collected and recorded by the Title VI Coordinator.

The Title VI Coordinator shall disseminate Title VI Program information to City employees, contractors, subcontractors, consultants, and sub consultants as well as the general public, and, where appropriate, in languages other than English. Public dissemination will include posting of public statements and inclusion of required Title VI language in contracts. Title VI/Nondiscrimination information such as the Title VI/Nondiscrimination Policy Statement, Complaint Form and Procedures will be posted on the City's website.

Attachment 1

Standard Title VI/Non-Discrimination Assurances

The *(City of Olean)* (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 ***(Olean Area Transit System)*** 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 ***(Olean Area Transit System Program)*** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **(City of Olean)**, 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 ***City of Olean*** 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 ***City of Olean*** 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 ***City of Olean***. You must keep records, reports, and submit the material for review upon request to ***City of Olean,*** 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.

City of Olean 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 ***Federal Transit Administration 5311 Program***. 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 ***Federal Transit Administration 5311 Program***. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the ***City of Olean.***

by _____

(Signature of Authorized Official)

DATED _____

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 ***(Federal Transit Administration)*** 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 ***(Federal Transit Administration),*** 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 ***(Federal Transit Administration)*** 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 ***(Federal Transit Administration)*** 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 ***(Mayor, City of Olean)*** will accept title to the lands and maintain the project constructed thereon in accordance with ***(city of Olean Common Council)***, the Regulations for the Administration of ***(Federal Transit Administration 5311 Program)***, and the policies and procedures prescribed by the ***(Federal Transit Administration)*** 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 ***(City of Olean)*** 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 ***(City of Olean)*** 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 ***(City of Olean)***, its successors and assignees.

The ***(City of Olean)***, 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 *(City of Olean)* 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 ***(City of Olean)*** 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, ***(City of Olean)*** 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 ***(City of Olean)*** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *(Title of Recipient)* and its assigns.*

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

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 ***(City of Olean)*** 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, ***(City of Olean)*** 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, ***(City of Olean)*** will there upon revert to and vest in and become the absolute property of ***(City of Olean)*** 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.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 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).

Attachment 2

OATS ADA Paratransit Policy

OATS operates a route deviation system. OATS provides buses equipped with wheelchair lifts on its fixed routes, with route deviation by prior request, during its hours of operation Monday through Saturday.

During the specified times that wheelchair equipped vehicles are not used to provide fixed route, route deviation service, OATS shall provide paratransit service to individuals with disabilities that are eligible for ADA paratransit service that is comparable to the level of service provided to individuals without disabilities who use the fixed route, route deviation system. Paratransit means comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed route transportation systems. Paratransit service is available within ¾ mile of the fixed route during the hours of operation. The scheduled times that wheelchair equipped vehicles are not used to provide fixed route, route deviation service are on the SBU Shuttle service, on Thursday and Friday nights between 7:00 p.m. and 12:00 a.m., and on the SBU Late-Night service, on Thursday, Friday, and Saturday nights between 11:00 p.m. and 3:00 a.m.

The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare
(i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system. A personal care attendant shall not be charged for complementary paratransit service.

To schedule the ADA paratransit service, individuals eligible for service should call the City of Olean Department of Community Development during regular office hours, Monday through Friday, except holidays, between the hours of 9:00 a.m. and 5:00 p.m., at least, 24 hours in advance of the request for scheduled paratransit service. Individuals may contact the Olean Department of Community Development to obtain information concerning eligibility for paratransit service. The phone number is 716-376-5647. The following text details the process by which a rider shall establish eligibility to schedule an ADA paratransit ride.

<u>Process to determine eligibility for rides under the OATS ADA Paratransit Policy</u>

Section 37.125(g) of Part 37 requires the following elements for an ADA paratransit eligibility determination process:

- If a rider makes a request for paratransit eligibility, which is an application for service consistent with paratransit eligibility criteria, OATS requests that the potential rider provide proof of eligibility including records of determination or compliance with eligibility criteria stated above. The proof of eligibility shall be provided to the Olean Department of Community Development at the following address:

Applicant for OATS Paratransit Eligibility
Olean Area Transit System
Olean Department of Community Development
101 East State Street
Olean, New York 14760

- If, by a date 21 days following the submission of a complete application, OATS has not decided eligibility, the applicant will be treated as eligible and provided service until and unless the application is denied.

- The determination concerning the eligibility must be put in writing. If the determination is that the individual is ineligible, the OATS determination will state the reasons for the finding. Decisions will be rendered by the City of Olean Department of Community Development.

- Any OATS decision concerning eligibility can be appealed. To make an appeal, the denied applicant will be afforded the opportunity to present the reasons for an appeal. The denied applicant may request an opportunity to appeal the decision to the Olean Department of Human Resources. The request to appeal must be made to the Olean Department of Human Resources in writing within 21 days of denial of the original request. The Olean Department of Human Resources will decide on the appeal in writing to the requesting individual within 21 days of receipt. An appeal of a denial of paratransit eligibility shall be provided to the Olean Department of Human Resources at the following address:

Appeal of Denial of OATS Paratransit Eligibility
Olean Department of Human Resources, Room 121
101 East State Street
Olean, New York 14760

ADA Paratransit Eligibility information:

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
(1) The phrase physical or mental impairment means--

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) The term physical or mental impairment includes, but is not limited to, such contagious or noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease, tuberculosis, drug addiction and alcoholism;

(iv) The phrase physical or mental impairment does not include homosexuality or bisexuality.

(2) The phrase major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and work.

(3) The phrase has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
(4) The phrase is regarded as having such an impairment means--

(i) Has a physical or mental impairment that does not substantially limit major life activities, but which is treated by a public or private entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public or private entity as having such an impairment.

(5) The term disability does not include--

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania;

(iii) Psychoactive substance abuse disorders resulting Individuals may be ADA paratransit eligible on the basis of a permanent or temporary disability.

The following individuals are ADA paratransit eligible:

(1) Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable individuals with disabilities.

(2) Any individual with a disability who needs the assistance of a wheelchair lift to board, ride and disembark from any vehicle on the fixed route during the hours of operation when such a vehicle is not being used to provide designated public transportation on the route.

Fares. The fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system. A personal care attendant shall not be charged for complementary paratransit service.

Statements to be included on published OATS route schedule:

OATS ADA Paratransit Policy:

OATS provides buses equipped with wheelchair lifts on its fixed routes, with route deviation by prior request, during its hours of operation Monday through Saturday.

Please call the City of Olean Department of Community Development during regular office hours, Monday through Friday, except holidays, between the hours of 9:00 a.m. and 5:00 p.m., for information concerning the

operation of complimentary paratransit service during the hours that wheelchair service is not available on the fixed route deviation service. The phone number is 716-376-5647.

Attachment 3

Environmental Justice Policy

It is the policy of the **City of Olean** to ensure all City programs and policies do not have disproportionate adverse effects on minority and low-income populations. The **City of Olean** identifies minority communities through the use of Census data. Low income communities are identified with review of data from the United States Census Bureau, 2020 U.S. Census, as well as maps illustrating Potential Environmental Justice Areas in Cattaraugus County and Potential Environmental Justice Areas in the Towns of Leon and New Albion, Cattaraugus County, and Potential Environmental Justice Areas in the Seneca Nation of Indians Allegany Territory, Cattaraugus County, published by the New York State Department of Environmental Conservation Office of Environmental Justice. The City takes a proactive approach to engage these communities to ensure their participation in the transportation decision-making process.

Executive Order 12898

The **City of Olean** follows Executive Order (EO) 12898 which outlines;
Each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health, environmental, economic and social effects of its programs, policies, and activities on minority and low-income populations, particularly when such analysis is required by NEPA.

The EO emphasizes the importance of NEPA's public participation process, directing that each Federal agency shall provide opportunities for community input in the NEPA process. Agencies are further directed to identify potential effects and mitigation measures in consultation with affected communities.

The EO requires agencies to work to ensure effective public participation and access to information.

The NEPA process and through other appropriate mechanisms, each federal agency should translate crucial public documents, notices and hearings, relating to human health or the environment for limited English speaking populations when it is practical and appropriate.

Goals and Objectives

The **City of Olean** is committed to the following goals and objectives for achieving environmental justice:

- Protect environmental quality and human health in all conditions
- Avoid disproportionate adverse impacts on minority and low-income populations
- Enhance the public involvement process and strengthen relationships with community organizations
- Provide minority and low-income populations with the opportunity to learn more about

the transportation planning process

- Improve the quality of transportation in their lives
- Make sure all projects go through an Environmental and Title VI checklist to insure environmental issues are considered and appropriate actions are followed
- Promote and protect community members' rights to participate meaningfully in decisions that may affect them
- Make the process of filing environmental justice complaints easy through readily available forms on the **City of Olean's** website and by designating an identified staff member as the Title VI Coordinator that citizens can contact.

Attachment 4

LEP Strategies

Title VI of the Civil Rights Act of 1964, as amended ("Title VI"), prohibits discrimination on the basis of race, color, and national origin in programs, activities and services receiving federal financial assistance. Guidelines relating to Title VI require that recipients of federal financial assistance take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for Limited English Proficient ("LEP") persons.

The **City of Olean** provides meaningful access to the City's transportation services to LEP persons, which include those individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP persons are those who reported to the U.S. Census that they do not speak English well or do not speak English at all.

Among the factors to be considered in determining what constitutes reasonable steps to ensure meaningful access are (1) the number or proportion of LEP persons in the Title VI of the Civil Rights Act of 1964, as amended ("Title VI"), prohibits discrimination on the basis of race, color, and national origin in programs, activities and services receiving federal financial assistance. Guidelines relating to Title VI require that recipients of federal financial assistance take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for Limited English Proficient ("LEP") persons.

Title VI of the Civil Rights Act of 1964, as amended ("Title VI"), prohibits discrimination on the basis of race, color, and national origin in programs, activities and services receiving federal financial assistance. Guidelines relating to Title VI require that recipients of federal financial assistance take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for Limited English Proficient ("LEP") persons.

The **City of Olean** provides meaningful access to their transportation services to LEP persons, which include those individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP persons are those who reported to the U.S. Census that they do not speak English well or do not speak English at all.

Among the factors to be considered in determining what constitutes reasonable steps to ensure meaningful access are **(1)** the number or proportion of LEP persons in the **City of Olean's** service area; **(2)** the frequency with which LEP individuals come into contact with the **City of Olean's** programs,

activities or services; **(3)** the importance of the programs, activities and services provided by the **City of Olean**; and **(4)** the resources available to the **City of Olean** and associated costs.

It is important to ensure that vital documents are translated into the non-English language of each frequently encountered LEP group affected by the programs, activities and services provided by the **City of Olean**. If resources are available the **City of Olean** will translates information on service changes, fares, safety/security notices, schedules, maps, emergency evacuation procedures and construction projects into Spanish or into other languages directly impacted by its programs, services or activities.

Oral communications between the **City of Olean** and their beneficiaries often are an integral part in the exchange of information. The **City of Olean** will identify and, in most cases, provide competent, qualified and skilled language assistance services free of cost to LEP persons.

On an annual basis, the **City of Olean** will review its LEP Plan to determine whether the Plan meets the language needs of the most current LEP population. The LEP Plan is designed to be flexible. The **City of Olean** also provides notice to the LEP population of the right of individuals to file a Title VI or LEP discrimination complaint. Any person who believes that they have been (1) excluded from participation in, (2) denied the benefits of, or (3) subjected to discrimination in the receipt of services on the basis of race, color or national origin should submit a signed, written complaint to the **City of Olean** within 180 days of the date of the alleged discrimination. To request more information about Title VI or to submit a written complaint of discrimination to the **City of Olean**, persons may contact:

Keri Kerper
Title VI Coordinator
Department of Community Development
101 East State Street
P.O. Box 668
Olean, NY 14760-0668
Phone: 716-376-5647
Email address: kkerper@cityofolean.org

If you have any suggestions, questions or comments regarding the **City of Olean's** LEP Plan, please direct them to the person identified at the above address.

Attachment 5

Title VI Notice to Public

The **City of Olean** hereby gives public notice that it is the **City of Olean**'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 **City of Olean** 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 **City of Olean**. 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.cityofolean.org or by calling 716-376-5647.

Attachment 6

Employee Training Plan

Title VI of the Civil Rights Act of 1964

City of Olean
101 East State Street
Olean, NY 14760-0668
Phone: (716) 376-5647
Fax: (716) 376-5644
Email: kkerper@cityofolean.org

Table of Contents

Introduction 3

Title VI and ADA Non-discrimination Statement 3

Education and Training 3

Appendix A: Title VI Complaint Procedure 4

Introduction

Title VI of the 1964 Civil Rights Act provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Sec. 601)."

The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

This Title VI Employee Training Plan has been prepared to address the ***City of Olean*** responsibility to provide Title VI training to all of its current employees.

Title VI and ADA Nondiscrimination Statement

The ***City of Olean*** adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. The ***City of Olean*** carries out its transportation planning processes without regard to race, color, or national origin. For more information or to file a complaint or concern, please contact the ***City of Olean*** Title VI Civil Rights Coordinator, at (716) 376-5647.

The ***City of Olean*** also follows the New York State Department of Transportation's Americans with Disabilities Act Grievance Procedure. The ***City of Olean*** hosts its public meetings and open houses in facilities allowing access for those who may be mobility impaired, sight impaired, hearing impaired or mentally impaired. The ***City of Olean*** will accommodate anyone who may need special requests with adequate notification, preferably 48 hours before a scheduled meeting or open house.

The ***City of Olean*** is committed to a policy of non-discrimination in conducting its business, including its Title VI responsibilities. The ***City of Olean*** recognizes its responsibilities to the citizens for whom it carries out its transportation planning processes and to the society it serves.

Education and Training

The Title VI Coordinator and the ***Mayor, City of Olean*** shall be responsible for advising ***City of Olean*** staff about available training in support of Title VI. It is the responsibility of the Title VI Coordinator to schedule training in such a way that appropriate notices and announcements are made to ***City of Olean*** staff. All employees are encouraged to participate in professional development training within and outside of the ***City of Olean***.

Internally, the ***City of Olean*** offers a Title VI training put on by the Title VI Coordinator in accordance to Title VI and ADA requirements. This training has also been video recorded to allow for any staff to watch and review Title VI and ADA requirements. This training is reviewed and updated as necessary by the Title VI Coordinator. It is also a requirement for current ***City of Olean*** staff to participate and refresh themselves in the Title VI training annually. The Title VI training can be put on by the Title VI Coordinator or the Title VI training can be accomplished by watching a Title VI training video. It is a requirement for new employees to participate in the Title VI training or watch the training video within 60 days of hire with the ***City of Olean***.

In an effort to continuously improve the ***City of Olean***'s overall Title VI compliance requirement, nondiscrimination training will be coordinated with the New York State Department of Transportation (NYSDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The training will be made available to ***City of Olean*** staff on an ongoing basis to ensure up to date knowledge of Title VI and other nondiscrimination statues.

Appendix A: **Title VI Complaint Procedure**

The Complaint Procedure meets the requirements of the Civil Rights Act of 1964 and its amendments. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of race, color, or national origin in the provision of services, activities, programs, or benefits by the ***City of Olean***. Complaints regarding transit-related concerns are governed by special requirements from the FTA. If you are unsure about the appropriate office to address a complaint to or if you need assistance navigating procedures, complaints of any type can be filed with the New York State Human Rights Commission.

Should a citizen have a complaint about access to public services, they should complete the attached complaint form and submit it to the ***City of Olean's*** Title VI Coordinator. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant, location, date, and description of the problem. The attached form provides spaces for all necessary information.

The complaint should be submitted by the complainant or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Title VI Coordinator
City of Olean
Department of Community Development
101 East State Street
Olean, NY 14760-0668

Within 30 calendar days after receipt of the complaint, the Title VI Coordinator or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the Title VI Coordinator or their designee, in consultation with the ***City of Olean***'s Legal Office, will respond in writing. The response will explain the position of the Coordinator and other options for substantive resolution of the complaint.

If the response by the Title VI Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to the ***City of Olean***. The appeal must be sent to the attention of the City's Title VI Appeals Committee. The appeal should take the form of a written letter describing the initial complaint, the initial response, and the ways in which the initial response does not satisfactorily address the complaint. The appeal should be sent to the same address the initial complaint was delivered to.

The Title VI Appeals Committee will consist of representatives from three departments not involved in the complaint. The departments will be chosen at random. The three representatives will choose one individual among them to serve as chair of the committee. The Legal Office will serve to advise the committee.

Within 30 calendar days after receipt of the appeal, the ***City of Olean*** Title VI Appeals Committee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ***City of Olean***'s Title VI Appeals Committee will respond in writing.

All complaints received by the Title VI Coordinator, appeals to Title VI Appeals Committee, and responses from these two offices will be retained by the City Clerk's Office for at least five years.

Title VI of the 1964 Civil Rights Act
Discrimination Complaint Form

Instructions: Please fill out this form in black ink or type. Sign and return to the Address on the next page. Alternate means of filing a complaint, such as a personal interview or audio recording, will be made available upon request.

Home phone: _____ Mobile Phone: _____

Person Filing Complaint: (if other than complainant) _____

Address: _____

City, State, & Zip: _____

Home phone: _____ Mobile Phone: _____

Agency Department/Departments you believe have discriminated.

_____

Where did the alleged discrimination take place?

_____

When did the alleged discrimination occur? (Date/Time) _____

Describe the acts of discrimination providing the name(s) where possible of the individuals who allegedly discriminated (if applicable) or services in violation of the 1964 Civil Rights Act or its amendments. Attach additional pages if necessary

_____

_____

_____

_____

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court?

Yes No

If yes, with what agency or court?

Contact Person: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Date Filed:

_____

Do you

intend to file with another agency or court? _____

Yes No

Agency or Court: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Signature: _____

Date: _____

Return To:

Title VI Coordinator
City of Olean
Department of Community Development
101 East State Street
Olean, NY 14760-0668