

TOWN OF MALTA



TITLE VI PLAN

Adopted by:

Town Board of the Town of Malta

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Date: May 19, 2017

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Title VI/Nondiscrimination Policy Statement

Pursuant to Title VI of the Civil Rights Act of 1964, and other applicable state and federal law, the Town of Malta does not, on the ground of race, color, or national origin, exclude anyone from participation in, deny anyone the benefits of, or subject anyone to discrimination under any of its programs or activities. Further, in connection with any Title VI Program as defined in 23 CFR 200.5(p), the Town of Malta does not discriminate on the grounds of race, color, sex, or national origin in programs receiving federal financial assistance.

In the event the Town of Malta distributes federal aid funds to another governmental entity, the Town of Malta will include Title VI language in all written agreements and will monitor for compliance. The Town of Malta Comptroller's Office with assistance from the Town Attorney's Office, is responsible for initiating and monitoring Title VI activities, preparing required reports and other Town of Malta responsibilities as required by 23 CFR pt 200 and 49 CFR pt 21.

This Title VI plan applies to any program or activity of the Town of Malta covered by 42 USC §§ 2000d to 2000d-7; 23 USC § 324 (prohibiting discrimination on the ground of sex).

Authorities

Title VI of the 1964 Civil Rights Act provides 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 receiving federal financial assistance. 42 USC §§ 2000d to 2000d-7; 23 USC § 324 (prohibiting discrimination on the ground of sex).

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. 42 USC § 2000d-4a.

Town of Malta
Title VI Reporting Relationships

The Town of Malta has appointed the Town of Malta Comptroller, as the Town of Malta Title VI Coordinator.

The Town of Malta has appointed a Coordinator with easy access to the head of the municipality. The Town of Malta Comptroller, a direct appointee of the Town Board of the Town of Malta has such access pursuant to the Town of Malta organizational chart and Laws of the State of New York:

The contact information for the Town of Malta's Title VI Coordinator is as follows:

Town Comptroller
Appointed Title VI Coordinator
2540 Route 9, Malta, New York 1202
518-899-2502
comptroller@malta-town.org

Appointment of Title VI Program Specialists

In addition to appointing a Title VI Coordinator, the Town of Malta has appointed several Title VI Program Specialists to assist in the periodic monitoring of the Town of Malta emphasis program areas. The emphasis program areas are: Planning, Environment, Design, Right-of-Way, Construction, Maintenance, Safety, and Research. The mailing address for all such contacts is the Town of Malta. The personal contact information for each is as follows:

Contract Compliance:

Town Attorney

Engineering Services

Contracted Town Engineer for General Municipal Projects or Town Engineer for Special Projects

Design

Contracted Town Engineer for General Municipal Projects or Town Engineer for Special Projects

Construction

Town Highway Department or Contracted Construction Contractor

Maintenance

Town Highway or Town Maintenance Department

Right-of-Way

Town Attorney and Contracted ROW Legal Specialist

Environmental Services

Town Planning Department and Contracted Town Engineer

Safety

Town Highway Department and Contracted Town Engineer

Research

None at this Time

Planning and Research

Town Planning Department and Contracted Town Engineer

The Town of Malta will also rely heavily on the New York State Department of Transportation regarding road and highway infrastructure projects and to assist the Town in complying with Title VI as well as other applicable State and Federal agencies.

Program Administration and Title VI Coordinator's Responsibilities

As authorized by the Town Supervisor of the Town of Malta, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the Town of Malta's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the Town of Malta in accordance with the Town of Malta's Complaint Procedures. If any individual believes he or she or any other program beneficiary has 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, he or she may file a complaint with the Town of Malta. It is the goal of the Town of Malta 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, Town of Malta highway programs on an as needed basis (i.e., relocatee's, impacted citizens, and affected communities). Each of the Title VI special emphasis program areas will maintain any collected 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 regular monitoring, all special emphasis program areas will be reviewed as needed 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 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 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 Town will disseminate Title VI Program information to Town employees, contractors, subcontractors, consultants, and subconsultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in appropriate 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 as available.
7. Conduct pre-grant and post-grant approval reviews of Town of Malta programs and applicants for compliance with Title VI requirements; i.e., project location, design and relocation, and persons seeking contracts with the Town of Malta.
8. As requested by the Town Board, Federal or New York State Agencies prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding period. The update will include goals and objectives for the upcoming period.
9. Work with New York State to coordinate and schedule training for Title VI related statutes for Town of Malta 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 periodically to include Title VI language and provisions and related requirements, where applicable.
10. Identify and eliminate discrimination when found to exist. Work with all the Town of Malta 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.
11. 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 Town of Malta 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 Town of Malta will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. The Town of Malta 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 Town of Malta will submit a copy of the case file to NYSDOT's Office of Civil Rights or other appropriate State Office or the FHWA or other appropriate Federal agency 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.

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

Complaint Procedures for Federally Assisted Programs and Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, 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 Town, 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) or other federal agency.

Intimidation or retaliation of any kind is prohibited. See 49 CFR 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 Town of Malta.

Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or
- Where there has been a continuing course of conduct, the latest instance of the discriminatory conduct.

Form of Complaints

A formal complaint:

- Must be in writing and signed by the person or 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 Town of Malta 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 Town of Malta's subrecipients of federal highway funds, the Town of Malta will assume jurisdiction and will investigate and adjudicate the case. Complaints against the Town of Malta will be referred to the New York State Department of Transportation's Office ("NYSDOT") 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 Town'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 Town of Malta has sole authority for accepting complaints for investigation. Once the Town of Malta 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 Town of Malta's records identifying its basis, alleged harm, the race, color, national origin and gender of the complainant(s). The Town of Malta will appoint an investigator to handle the complaint.

In cases where the Town of Malta assumes investigation of the complaint, the Town of Malta 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 Town of Malta's written notification of acceptance of the complaint to furnish a response to the allegations.

Within 40 calendar days of the acceptance of the complaint, the Town of Malta's, NYSDOT's or NYS investigator will prepare an investigative report for the Town of Malta's Title VI Coordinator, Town Supervisor and Town Board. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The Town of Malta's Title VI Coordinator, Town Supervisor and Town Board 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 Town of Malta's attorney or special counsel for review. The Town attorney or special counsel will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the Town of Malta attorney or special counsel will be reviewed by the Town Supervisor and Town Board. There will be a period of 10 calendar days for the Town Supervisor to discuss the report and any recommendations with the Town of Malta'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) or other appropriate Federal agency.

The Town of Malta's final investigative report and a copy of the complaint will be forwarded to either NYSDOT or other appropriate NYS Office, FHWA, FTA, or FAA, or other appropriate Federal agency within 60 calendar days of the acceptance of the complaint.

The Town of Malta will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's / Federal/State agency concurrence.

The corresponding USDOT modality/Federal/State agency will issue the final decision to the Town of Malta based on the investigative report.

USDOT/Federal/State agency will analyze the facts of the case and will issue its conclusion to the complainant according to their procedures. Once the corresponding USDOT modality/Federal/State agency issues its final decision, the Town of Malta will notify all parties involved about such determination. USDOT's/federal/State final determination is not subject to an appeal.

Special Emphasis Program Areas

Planning

Planning and Program Development

Develop near-term and long-term strategies to maintain and enhance the quality and safety of Town of Malta transportation, infrastructure and other projects.

Title VI Responsibilities

- Ensure that all aspects of the transportation and project planning process comply with Title VI.
- Ensure participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to media and minority/ethnic organizations and participating in roundtable meetings in minority and low-income communities when applicable.
- Assist the Title VI Coordinator in gathering and organizing information for Title VI reporting.
- Review the Program Development work program and other directives to ensure compliance with Title VI program requirements.
- Attend Citizen Advisory Committee and public meetings to verify the level of participation of Title VI protected group members when offered in predominantly minority or low-income communities.
- Gather statistical data on program participation regarding race, color and national origin as necessary.

Environmental Services

Consultant Contracts Administration

Identify the needs for each project, ensure they are met in the contract, and ensure consultant compliance to the satisfaction of the Town of Malta.

Authorities:

48 CFR 31; 23 CFR 172

National Environmental Policy Act of 1969, 42-USC-4321

23 CFR Part 771

40 CFR Part 1500

49 CFR Part 622

EO 12898

Consultant Selection Process

Utilizing the, New York State Department of Transportation Local Design Services Agreement, request for proposal and competitive bidding processes, the Town of Malta selects the appropriate contractors and vendors for the project. Title VI nondiscrimination provisions will be incorporated into all written contracts and materials in this process.

Environmental Process

Work with neighborhood stakeholders and community groups to ensure that all affected residents have opportunities to participate in the planning, design and construction of transportation and other projects.

Environmental Justice Outreach

Public Involvement in the area of Environmental Justice will be achieved through outreach measures that assure meaningful involvement of minority and low-income populations. This will be achieved through a variety of measures, including but not limited to:

- Obtaining U.S. Census Data and data from the local School District to identify minority and low-income populations to determine impacts during the initial stages of project planning. Further analyze this data using additional sources, including area community, religious, and business associations, school districts, senior citizen groups, and economic development organizations.
- Inviting a cross section of the populace from social, economic, and ethnic groups in the planning process through written information in local newspapers and where possible, minority news media. Create notices that attract attention and are in layman's terms.
- Holding meetings at a variety of times during the day and providing various locations to facilitate access and participation by target populations.
- When necessary, translate documents, notices and hearings for limited English-speaking populations.
- Obtaining demographic data at applicable community meetings and public hearings. Data could be gathered through the use of voluntary self-reporting forms which include race, gender, and national origin. If applicable, copies of these forms will be sent to the Title VI Coordinator after each meeting.
- Document all evidence to support conclusions regarding Environmental Justice issues. Detail all efforts taken to identify minority or low-income populations affected by transportation and project planning activities.

Limited English Proficiency ("LEP") 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 as necessary or requested.
- Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local newspapers and using the Town web page.
- Monitoring the program to ensure that LEP persons have meaningful access to the transportation and project planning and implementation process.
- *See also* the Town of Malta's *Language Access Plan*, available on the Town of Malta's website.

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 when determined necessary to review the project impact.
- Disseminate to the public its right to call or write the Town to view plans and discuss environmental problems.
- Ensure compliance with DBE requirements.
- Coordinate the gathering of environmental information for Title VI reporting 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 complying with Title VI reporting.

Engineering Services

Engineering Services

Engineering services assess the Town of Malta's infrastructure and prepares plans for construction, design, and repair. Efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in newspapers, posting on the Town web site and selection of accessible location and time for public hearings or meetings.

Authorities

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, Executive Order 12898 Environmental Justice in Minority Populations, Executive Order 13045 Protection of Children from Environmental Health Risks and Safety Risks, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Title 23, U.S.C 109(d), 14(a), 217, 315 and 402(a); 23 CFR 1204.4; 23 CFR 771; EO 12898; 49 CFR 1.48(b)(33) and 1.48(c)(2); Malta Town Code; among others.

Design Process

Economic, social, topographic, and environmental impacts of a proposed project are key factors weighed in the location consideration. Efforts in the area of Environmental Justice will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in newspapers, postings on the Town web site and selection of accessible location and time for public hearings or meetings.

Construction Engineering

Construction engineering deals with the designing, planning, construction, and management of infrastructures such as highways, bridges, airports, railroads, buildings, utilities and other public projects. Efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in newspapers, postings on the Town web site and selection of accessible location and time for public hearings or meetings.

Authorities

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, New York

State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Malta Town Code, among others.

Construction Process

Construction Process is responsible for new construction and maintaining Town of Malta roads and bridges and other public projects by using the resources of contractors, equipment, and materials in the most economic way. Construction Process provides guidance and oversight for the administration of transportation and public construction projects. Efforts will be made to inform members of minority communities of public hearings and other public involvement activities. These efforts include public notices in newspapers, postings on the Town web site and selection of accessible location and time for public hearings or meetings.

Title VI Responsibilities

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

Right-of-Way

Right-of-Way Programming

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

Authorities:

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Malta Town Code, 23 CFR 130, 49 CFR 24, among others.

Acquisition Process

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

Title VI Responsibilities

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

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

Contract Compliance

Contract Compliance

Contract compliance ensures that that the Town of Malta is complying with standards regarding nondiscrimination and equal opportunity employment. It includes provisions that the Town of Malta may not discriminate in any programs or services on the basis of race, color, sex, or national origin; must accept applications from women and minorities; must solicit bids for contract work from minority-and-women-owned businesses; and follow fair hiring, retention, and promotion policies.

Authorities:

The following is an abbreviated list of statutes and regulations that Engineering Services must follow in the conduct of its work: Title VI of the Civil Rights Act of 1964, Civil Rights

Restoration Act of 1987, Americans with Disabilities Act (ADA), National Environmental Protection Act (NEPA), National Historic Preservation Act, New York State Environmental Quality Review Act (SEQRA), Clean Air Act Amendment 1990, New York State Historic Preservation Act, New York State Smart Growth Public Infrastructure Policy Act, New York State Fire Code, Manual of Uniform Traffic Control Devices (MUTCD), New York State Vehicle & Traffic Law, Malta Town Code, among others.

Title VI Responsibilities

- Review all Federal or State projects for application of DBE goals as required. Gather statistical data on DBE utilization as required.
- Include DBE general special provisions in those Federal or State projects with goals as required. Include Title VI language in contract award letters to encourage utilization of DBE firms as required. Award of construction contracts shall be granted on the basis of the lowest responsive bidder including DBE requirements.
- Ensure through reviews that prime contractors with DBE requirements award previously committed work to proper DBEs and that DBEs actually perform commercially useful functions on contracts.
- Review activities to ensure maintenance and construction efforts and resources are applied uniformly and fairly.
- Maintain program documentation necessary to comply with Title VI reporting.

Appendix 1 – Town of Malta Title VI Notice to Public

The Town of Malta hereby gives public notice that it is the Town of Malta’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 Town of Malta 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 Town of Malta. Any such complaint must be in writing and filed with the Town of Malta 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 the Town Comptroller’s Office at no cost to the complainant on our website at www.malta-town.org or by calling (518)899-2502.

Appendix 2 – The Town of Malta Title VI Assurances for U.S. Department of Transportation

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

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

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

The Town of Malta, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-d4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix 1 and A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this Assurance, as a covenant

running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

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

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

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

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

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

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

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

Appendix A - For Contractors, Subcontractors, Suppliers, and Manufacturers

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

1. Compliance with Regulations

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

2. Nondiscrimination

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

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

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

4. Information and Reports

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

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Town of Malta and the NYS Department of Transportation shall impose such contract sanctions as it, or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

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

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the Town of Malta or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Town of Malta enter into such litigation to protect the interests of the Town of Malta and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix B

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

GRANTING CLAUSE

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

HABENDUM CLAUSE

Pursuant to the provisions of Title VI Assurances: The purchaser, for itself, himself or herself, its, his or her heirs, personal representatives, successors in interest and assigns does hereby covenant and agree that in the event facilities are constructed, maintained or otherwise operated on the property being purchased, for a purpose for which a United States Department of Transportation (USDOT) program or activity is extended or for another purpose involving the provision of similar services or benefits, the purchaser shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, USDOT Subtitle A, office of the Secretary, part 21, Non-discrimination in federally assisted programs of the USDOT-Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

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

Appendix C

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

The LESSEE, or their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended. That in the event of breach of any of the above non-discrimination covenants, the Town of Malta shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

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

The LESSEE, or their personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation ---Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

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

Appendix D

Title VI Complaint Procedures

The Town of Malta complaint procedures are disseminated to the public via the Town Web Site and are available at the Town of Malta's Comptroller Office, Title VI Coordinator. Upon request the complaint procedures will be translated in other languages. The Town of Malta's Complaint procedures are as follows.

Discrimination Complaint Procedure for Town of Malta

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any Town of Malta program or activity. This prohibition applies to all departments of the Town of Malta, its contractors, consultants, and anyone else who acts on behalf of the Town of Malta.

Federal law requires that the Town of Malta investigate, track, and report discrimination complaints. Complaints must be filed in writing and will be investigated within sixty days of submission. If you need assistance to file your complaint or need interpretation services, please contact the Town of Malta Town Comptroller who is the Town of Malta's Title VI Coordinator or the Town Supervisor.

Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Town of Malta program or activity because of their race, color, national origin, age, sex, or disability may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors. Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated a discrimination investigation.

How do you file a complaint?

Complaints must be filed in writing within 180 days from the last date of the alleged discrimination. However, contact the Town of Malta Comptroller the Town's Title VI Coordinator if you believe your complaint may fall outside this deadline.

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint. For assistance in filing a complaint, please contact Town of Malta Comptroller, the Town's Title VI Coordinator.

Complaints may be submitted by mail, email, fax or in person to: Town of Malta Town Supervisor, 2540 Route 9, Malta, New York 12020; supervisor@malta-town.org, (P) 518-899-3434,(F) 518-899-3207 and Town of Malta, Att: Town Comptroller Title VI Coordinator, 2540 Route 9, Malta, New York 12020; comptroller@malta-town.org, (P) 518-899-2502 or (F) 518-899-7257.

Complaints may also be filed directly with the respective oversight agencies such as:

New York State Department of Transportation
Office of Civil Rights
50 Wolf Road
Albany, NY 12232
Phone: (518) 457-1129

Federal Highway Administration, Albany Division
Leo W. O'Brien Bldg. – Room 719
11A Clinton Ave.
Albany, NY 12207
Phone: (518) 431-4127

What happens after a complaint is filed?

Title VI complaints must be investigated within sixty days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties. You may specify if there is a particular individual or individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

In some cases, complaints will be forwarded to either the New York State Department of Transportation or the Federal Highway Administration for investigation. If your complaint is forwarded to one of these agencies, you will be provided the name and contact information of the employee handling your complaint.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Appendix E

Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact the Town of Malta Comptroller, the Town's Title VI Coordinator.

Name _____

Address _____ City _____ Zip _____

Phone: Home _____ Work _____ Mobile _____

Email: _____

Basis of Complaint (circle all that apply):

Race	Color
National Origin	Sex/Gender
Age	Disability
Retaliation	Other:

Who discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

How were you discriminated against? (Attach additional pages if more space is needed)

Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

How would you like to see this situation resolved?

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who _____ When _____

Status (pending, resolved, etc.) _____ Result, if known _____

Complaint number, if known _____

Do you have an attorney in this matter?

Name _____ Phone _____

Address _____ City _____ Zip _____

Signed _____ Date _____

Appendix F

Title VI Data Collection Tool Kit for Transportation Programs

New York State DOT is required to "develop procedures for the collection of statistical data (race, color, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocates, impacted citizens and affected communities." (23 CFR 200.9 (b)(4)) and 49 CFR 21.9 (b) and (c). Data collection is a critical step in the analysis process and a very integral part of an effective Title VI Program. Data collection provides measurable evidence of performance related to Title VI for reports and demonstrated efforts to ensure compliance with Title VI. Both NYSDOT and subrecipients are required to maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.

The Town will consider collecting data from the following sources when necessary:

1. U.S Census Data
2. New York State Department of Transportation
3. Capital Regional Planning Commission Data
4. Capital District Transportation Authority Data
5. Schools Districts
6. Traffic Management Systems
7. Land Use Plans
8. Geographic Information Systems
9. Transportation Models
10. Other Committees and Groups

Data collection will be performed dependent upon available time and resources available as well as known dates for implementing the proposed project and/or reporting schedule.

Data collection may be performed by using sampling techniques.

Surveys, questionnaires, studies, interviews, observations and research might also be used in data collection.

Data collection will be documented, reported and retained as required.