



Title VI Nondiscrimination Policy Statement

It is the policy of the **INCORPORATED VILLAGE OF OCEAN BEACH** to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Department, Divisions, Offices, and Bureaus will plan, develop and implement their programs 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 the **INCORPORATED VILLAGE OF OCEAN BEACH'S** operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

INCORPORATED VILLAGE OF OCEAN BEACH is committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential.

This policy will be placed on all **INCORPORATED VILLAGE OF OCEAN BEACH'S** bulletin boards and made available to all organizations and entities doing business with the **INCORPORATED VILLAGE OF OCEAN BEACH**. Any complaints involving allegations of discrimination should be sent to Steven W. Brautigam, *Title VI Coordinator*, 315 Cottage Walk, P.O. Box 457, Ocean Beach, NY 11770 (631)583-5940 or sbrautigam@villageofoceanbeach.org.

RELATED POLICY AND AUTHORITATIVE SOURCES

New York State Laws

New York State Human Rights Law Article 15 (1945) – Guarantees nondiscrimination in the State of New York on the basis of race, creed, color, national origin, sex, marital status, age, disability and or sexual orientation.

New York State Law Article 15-A (1988) - An act to amend the executive law and the state Finance law, in relation to participation by minority group members and women with respect to state contracts.

New York State Law Article 17-B (2014) – An Act to amend the executive law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises.

Sexual Orientation Non-Discrimination Act (2003) – This Act amends the Executive Law to include sexual orientation.

New York State Executive Orders

On January 1, 2011, Governor Cuomo issued Executive Order 2 that authorized the continuation of certain prior Executive Orders related to equal opportunity and nondiscrimination in all State programs.

Executive Order No. 6 (Governor Cuomo, 1983) – Insures equal employment opportunities for minorities, women, disabled persons and Vietnam era Veterans in State government. The order clarifies and expands the power of the President of the Civil Service Commission and the Governor’s Executive Committee for Affirmative Action to ensure that agencies develop and implement effective affirmative action plans.

Federal Laws and Executive Orders

Civil Rights Act of 1964 – Prevents discrimination in federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional right to vote. Title VI – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial

assistance. Title VII as amended by the Equal Employment Opportunity Act of 1972 – Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex, or national origin.

Section 503 of the Rehabilitation Act of 1973 – Prohibits discrimination on the basis of physical or mental disability in every federally assisted program or activity in the country.

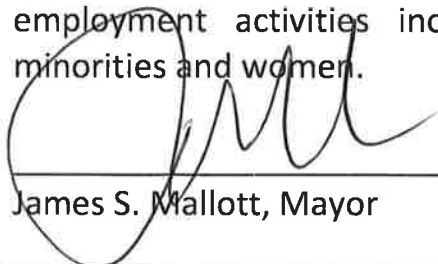
Age Discrimination Act of 1975 – Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

Civil Rights Restoration Act of 1988 – Specifies that recipients of federal funds must comply with civil rights laws in all areas, not just in a particular program or activity that receives federal funding. It applies to all federal laws.

Americans with Disabilities Act (ADA) of 1990 – Federal Law prohibiting discrimination against people with disabilities in employment, public access to services, transportation, public accommodations, and telecommunications services.

Civil Rights Act of 1991 – Provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace; codifies the concepts of “business necessity” and “job related”, confirms statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under Title VII of the Civil Rights Act of 1964; expands the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination. The Act provides for compensatory and punitive damages and jury trials in cases of sex, religious, and disability bias.

Executive Order No. 11246 – Prohibits employers doing business with the Federal Government from discriminating in employment because of race, color, religion, sex or national origin. Employers are required to take affirmative action in employment activities including hiring, promotion, transfers, training and minorities and women.


James S. Mallott, Mayor

4/21/2018
Date



Standard Title VI/Non-Discrimination Assurances

The *Incorporated Village of Ocean Beach* (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 ***DOT Ferry Basin Bulkhead Rehabilitation Project***:

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 ***DOT Ferry Basin Bulkhead Rehabilitation Project*** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Incorporated Village of Ocean Beach, 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, ***Incorporated Village of Ocean Beach*** 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 ***Incorporated Village of Ocean Beach*** 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 ***Incorporated Village of Ocean Beach***. You must keep records, reports, and submit the material for review upon request to ***Incorporated Village of Ocean Beach***, 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.

Incorporated Village of Ocean Beach 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 ***DOT Ferry Basin Bulkhead Rehabilitation Project***. 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 ***DOT Ferry Basin Bulkhead Rehabilitation Project***. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

(Incorporated Village of Ocean Beach)

By:


James S. Mallott, Mayor

DATED

4/21/2018

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 *Saint Lawrence Seaway Development Corporation (SLSDC)* 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 *Saint Lawrence Seaway Development Corporation (SLSDC)*, 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 *Saint Lawrence Seaway Development Corporation (SLSDC)* 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 *Saint Lawrence Seaway Development Corporation (SLSDC)* 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 ***Incorporated Village of Ocean Beach*** will accept title to the lands and maintain the project constructed thereon in accordance with ***(Inc. Village of Ocean Beach Board of Trustees***, the Regulations for the Administration of ***DOT Ferry Basin Bulkhead Rehabilitation Project*** and the policies and procedures prescribed by the ***Saint Lawrence Seaway Development Corporation (SLSDC)*** 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 ***Incorporated Village of Ocean Beach*** 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 ***Incorporated Village of Ocean Beach*** 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 ***Incorporated Village of Ocean Beach***, its successors and assigns.

The ***Incorporated Village of Ocean Beach***, 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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, (*Incorporated Village of Ocean Beach*) 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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, *Incorporated Village of Ocean Beach* 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, *Incorporated Village of Ocean Beach* will there upon revert to and vest in and become the absolute property of *Incorporated Village of Ocean Beach* 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).

Incorporated Village of Ocean Beach



TITLE VI PLAN

**Prepared by:
Steven Brautigam**

Title VI Plan

Title VI/ Nondiscrimination Policy Statement

Authorities

Title VI Reporting Relationships

Organization and Staffing - General

Program Administration and Title VI Coordinator's Responsibilities

Complaint Procedures and Complaint Form

Special Emphasis Program Areas

Planning and Program Development

Consultant Services/Environmental

Engineering Services

Right-of-Way

Contract Compliance

Attachment 1 -- Title VI Notice to Public

Attachment 2 -- Title VI Assurances

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

Appendix A.....

Appendix B.....

Appendix C.....

Appendix D.....

Appendix E.....

Title VI/Nondiscrimination Policy Statement

The **Incorporated Village of Ocean Beach** assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The **Incorporated Village of Ocean Beach** further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that the **Incorporated Village of Ocean Beach** distributes federal aid funds to another governmental entity, the **Incorporated Village of Ocean Beach** will include Title VI language in all written agreements and will monitor for compliance. The **Incorporated Village of Ocean Beach's** Contract Compliance Office is responsible for initiating and monitoring Title VI activities, preparing required reports and other **Incorporated Village of Ocean Beach** responsibilities as required by 23 CFR 200 and 49 CFR 21.

Authorities

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

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

Additional Authorities and Citations Include:

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

Title VI Reporting

The **Incorporated Village of Ocean Beach** has appointed **Steven Brautigam**, as the **Incorporated Village of Ocean Beach** Title VI Coordinator.

The **Incorporated Village of Ocean Beach** is required to appoint a Title VI Coordinator who will have easy access to the agency's Board of Trustees.

The contact information for the **Incorporated Village of Ocean Beach's** Title VI Coordinator is as follows:

Steven Brautigam - Title VI Coordinator
315 Cottage Walk – P.O. Box 457
Ocean Beach, New York 11770
(631)583-5940
sbrautigam@villageofoceanbeach.org

Special Emphasis Program Areas

Appointment of Title VI Program Specialists

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

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

Planning:

Nick W. Weiss
(631)583-5940
nweiss@villageofoceanbeach.org

Construction:

Nick W. Weiss
(631)583-5940
nweiss@villageofoceanbeach.org

Environmental Services:

Kevin Schelling
(631)445-4589
kschelling@villageofoceanbeach.org

Maintenance:

Kevin Schelling
(631)445-4589
kschelling@villageofoceanbeach.org

Design:

Steven W. Brautigam
(631)678-2410
sbrautigam@villageofoceanbeach.org

Traffic Safety:

George Hesse
(631)445-4585
obpd@villageofoceanbeach.org

Research:

Steven W. Brautigam
(631)678-2410
sbrautigam@villageofoceanbeach.org

Right of Way:

George Hesse
(631)445-4585
obpd@villageofoceanbeach.org

Limited English Proficiency Strategies

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

- Applying the “four factor analysis” process provided as a guideline from the U.S. Department of Justice to determine LEP needs. This process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the nature and importance of the program to people’s lives, and the resources available to provide translation services. The results of this analysis will be used to outreach and engage LEP persons in the transportation planning process.
- Developing a demographic assessment for the impacted area to determine if there is a 5% or more minority population requiring special language assistance, and address the needs.
- Developing a written policy to ensure the implementation of LEP measures that identify and assess the language needs of its LEP population. Provide for a range of language assistance options, including notices to LEP persons in a language they can understand regarding their right to free language assistance.
- Training to ensure that staff are knowledgeable and aware of LEP policies and procedures, and are trained to work effectively in the facilitation of the process.
- Providing translation services for public documents and competent interpreters at public hearings.
- Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and local minority newspapers.
- Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.
- *See also the **Incorporated Village of Ocean Beach’s Language Access Plan**, available on the **Incorporated Village of Ocean Beach’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 to review the project impact.
- Disseminate to the public their right to call or write the department to view plans and discuss environmental problems.
- Ensure DBE goal attainment.
- Coordinate the gathering of environmental information for the Annual Title VI Update Report including awards to DBE firms.
- Notify protected group residents of public meetings or hearings regarding a proposed project. Ensure time and location for public meetings or hearings is accessible.
- Maintain mechanisms to identify population affected by a project.
- Ensure participation of all segments of the impacted population in the location selection process.
- Ensure that all federally funded consultant contracts administered by this section have the appropriate Title VI Appendix enclosed.
- Review guidelines and procedures to ensure Title VI compliance.
- Maintain and update necessary data and documentation, including demographic data mapping ethnicity by area as required for completion of the department's internal annual Title VI Annual Report.

Title VI Coordinator's Responsibilities

As authorized by the **Inc. Village of Ocean Beach Board of Trustees**, the Title VI Coordinator and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the **Incorporated Village of Ocean Beach's** compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the **Incorporated Village of Ocean Beach** in accordance with the **Incorporated Village of Ocean Beach'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 **Incorporated Village of Ocean Beach**. It is the goal of the **Incorporated Village of Ocean Beach** 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, **Incorporated Village of Ocean Beach** highway programs (i.e., relocatee's, impacted citizens, and affected communities). Each of the Title VI special emphasis program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.
3. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition to the day-to-day monitoring, all special emphasis program areas will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator and Title VI Program Specialists will coordinate efforts to ensure equal participation in their program areas and activities at all levels.
4. Conduct Title VI reviews when necessary of contractors and other recipients of federal aid highway funds.
5. Work with special emphasis program staff to ensure the fundamental principles of Environmental Justice outlined below:
 - Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
 - Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
 - Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.
6. Develop Title VI and Limited English Proficiency information for Public Dissemination. Ensure dissemination to the general public and, where appropriate, in languages other than English. The 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 **Incorporated Village of Ocean Beach** employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all subrecipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.
9. Identify and eliminate discrimination when found to exist. Work with all **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach** will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. The **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach** will submit a copy of the case file to NYSDOT's Office of Civil Rights or the FHWA and a recommendation that the subrecipient be found in noncompliance.

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

11. Maintain updated legislative and procedural information regarding the **Incorporated Village of Ocean Beach's** Title VI Program. This will include federal laws, rules and regulations, NYSDOT guidelines, the **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach**.

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

In cases where the **Incorporated Village of Ocean Beach** assumes investigation of the complaint, the **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach**'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 **Incorporated Village of Ocean Beach** or NYSDOT investigator will prepare an investigative report for the **Incorporated Village of Ocean Beach's** Title VI Coordinator and the **Board of Trustees**. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The **Incorporated Village of Ocean Beach's** Title VI Coordinator and **Board of Trustees** 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 **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach** Law Department will be reviewed by the **Board of Trustees**. There will be a period of 10 calendar days for the **Board of Trustees** to discuss the report and any recommendations with the **Incorporated Village of Ocean Beach'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 **Incorporated Village of Ocean Beach'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 **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach** will notify all parties involved about such determination. USDOT's final determination is not subject to an appeal.

Title VI Complaint Form



Incorporated Village of Ocean Beach
Steven Brautigam - Title VI Coordinator
315 Cottage Walk – P.O. Box 457
Ocean Beach, New York 11770

(631)583-5940 villageofoceanbeach.org (631)583-7597 - Fax

Name _____
Address _____ City _____ Zip _____
Telephone: Home _____ Work _____ Cell _____

Basis of Complaint

- Race
- Color
- Sex
- National Origin
- Age
- Disability (ADA)
- Low-Income
- Limited English Proficiency

Who allegedly discriminated against you?

Name _____
Address _____ City _____ Zip _____
Telephone _____

If an organization, what is its name?

Name of Organization _____
Address _____ City _____ Zip _____
Telephone _____

How were you discriminated against?

Where did the alleged discrimination occur?

Date/s and times discrimination occurred?

First time _____

Second time _____

Third time _____

Were there any other witnesses to the discrimination?

Name	Title	Work Telephone	Home Telephone

What can NYSDOT do to resolve the complaint?

Have you filed your complaint with anyone else?

Who _____

When _____

Complaint number, if known _____

Do you have an Attorney in this matter?

Name _____

Address _____ City _____ Zip _____

When did you acquire _____

Signed _____ Date _____

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

Attachment 1

Title VI Notice to Public

The **Incorporated Village of Ocean Beach** hereby gives public notice that it is the **Incorporated Village of Ocean Beach'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 **Incorporated Village of Ocean Beach** 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 **Incorporated Village of Ocean Beach**. 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.gov or by calling (123) 456-7890.

Attachment 2

Standard Title VI/Non-Discrimination Assurances

The *Incorporated Village of Ocean Beach* (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 ***DOT Ferry Basin Bulkhead Rehabilitation Project***:

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 ***DOT Ferry Basin Bulkhead Rehabilitation Project*** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
"The Incorporated Village of Ocean Beach, 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.

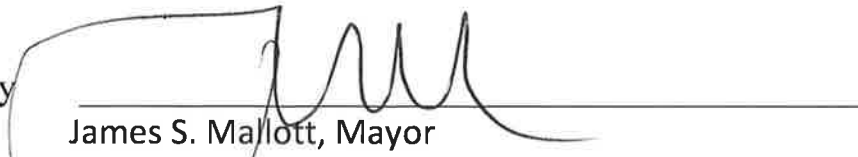
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, ***Incorporated Village of Ocean Beach*** 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 ***Incorporated Village of Ocean Beach*** 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 ***Incorporated Village of Ocean Beach***. You must keep records, reports, and submit the material for review upon request to ***Incorporated Village of Ocean Beach***, 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.

Incorporated Village of Ocean Beach 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 ***DOT Ferry Basin Bulkhead Rehabilitation Project***. 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 ***DOT Ferry Basin Bulkhead Rehabilitation Project***. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Incorporated Village of Ocean Beach

By 
James S. Mallott, Mayor

DATED 4/21/2018

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 *Saint Lawrence Seaway Development Corporation (SLSDC)* 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 *Saint Lawrence Seaway Development Corporation (SLSDC)*, 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 *Saint Lawrence Seaway Development Corporation (SLSDC)* 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 *Saint Lawrence Seaway Development Corporation (SLSDC)* 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 *Incorporated Village of Ocean Beach* will accept title to the lands and maintain the project constructed thereon in accordance with *the State of New York*, the Regulations for the Administration of *DOT Ferry Basin Bulkhead Rehabilitation Project*, and the policies and procedures prescribed by the *Saint Lawrence Seaway Development Corporation (SLSDC)* 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach*, its successors and assignees.

The *Incorporated Village of Ocean Beach*, 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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, *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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, *Incorporated Village of Ocean Beach* 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, *Incorporated Village of Ocean Beach* will there upon revert to and vest in and become the absolute property of *Incorporated Village of Ocean Beach* 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).

Limited English Proficiency (LEP) Plan

INCORPORATED VILLAGE OF OCEAN BEACH



Signed by:

Steve Brautigam - Title VI Coordinator or Designee

Date: April 21, 2018

E-Mail Address: sbrautigam@villageofoceanbeach.org

(631)583-5940

INTRODUCTION

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

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

Plan Summary

The **Incorporated Village of Ocean Beach** has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance. For detailed guidance regarding LEP, see NYSDOT's LEP Plan at: [https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP Plan.pdf](https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP%20Plan.pdf).

In order to prepare this plan, the **Incorporated Village of Ocean Beach** used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

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

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require Incorporated Village of Ocean Beach services

The **Incorporated Village of Ocean Beach** staff reviewed the American Community Survey 5-Year Estimates for New York State and determined that:

- a. 10 individuals in **Incorporated Village of Ocean Beach**] service area comprising 1 % of the population] speak a language other than English;
- b. Of those, 5 individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only .05 % of the overall population in the service area;
- c. In **Incorporated Village of Ocean Beach** service area, of those persons with limited English proficiency:
 - 0 % speak German
 - 1 % speak Spanish
 - 0 % speak African languages
 - 0 % speak Chinese
 - 0 % speak Serbo-Croatian
 - 0 % speak Scandinavian
 - 0 % speak Japanese
 - 0 % speak Russian
 - 0 % speak other Indic languages
 - 0 % speak Vietnamese
 - 0 % speak French
 - 0 % speak Tagalog
 - 0 % speak other Slavic languages
 - 0 % speak Arabic, Indo-European languages
 - 0 % speak Native North American Languages

2. The frequency with which LEP persons come in contact with Incorporated Village of Ocean Beach services

The **Incorporated Village of Ocean Beach** reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

- a. To date, the **Incorporated Village of Ocean Beach** has had 0 requests for interpreters and 0 requests for translated program documents as follows:
[provide details here] OR
- b. the **Incorporated Village of Ocean Beach**] other staff have had very little contact with LEP persons.

3. The nature and importance of services provided by the Incorporated Village of Ocean Beach to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for the **Incorporated Village of Ocean Beach**. The overwhelming majority of the population, 99%, speaks only English. As a result, there are few social, service, or professional and leadership organizations within the **Incorporated Village of Ocean Beach**] service area that focuses on outreach to LEP individuals. The **Incorporated Village of Ocean Beach** staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

4. The resources available to the Incorporated Village of Ocean Beach, and overall cost to provide LEP assistance

The **Incorporated Village of Ocean Beach** reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises.

The Incorporated Village of Ocean Beach contacted local citizens and organizations willing to provide voluntary language translation and interpretation services if needed within a reasonable time period. Other language translation options could be provided by bilingual staff or by telephone from a professional interpretation service for which the Incorporated Village of Ocean Beach would pay a fee.

LANGUAGE ASSISTANCE

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

How the Incorporated Village of Ocean Beach staff can identify an LEP person in need of language assistance:

- Post notices of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Providing **Incorporated Village of Ocean Beach** staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying **Incorporated Village of Ocean Beach** staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).

- Greeting participants at the **Incorporated Village of Ocean Beach** sponsored informational meeting or event. Conversational interaction with participants can help determine LEP needs for future events.

Language Assistance Measures

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

1. The **Incorporated Village of Ocean Beach** staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Volunteer Spanish language interpreters will be provided within a reasonable time period.
 - Language interpretation services for all other languages will be accessed through a professional telephone interpretation service.

STAFF TRAINING

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

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

All contractors or subcontractors performing work for the **Incorporated Village of Ocean Beach** are required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

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

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

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

MONITORING

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

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

DISSEMINATION OF THE Incorporated Village of Ocean Beach LEP PLAN

Choose from below the actions that **Incorporated Village of Ocean Beach** will take:

- Post signs in **Incorporated Village of Ocean Beach** public areas informing LEP persons of the LEP Plan and how to access language services.
- Notify LEP persons of the availability, upon request of documents in other languages. This should be placed on agendas and public notices and in the language that LEP persons would understand.
- On **Incorporated Village of Ocean Beach]** website, post the LEP Plan and procedure to access language services.
- Prepare and post Press Release in non-English languages as necessary.
- Distribute copies of press release to advocacy groups and other organizations serving LEP populations.

Employee Training Plan

Title VI of the Civil Rights Act of 1964



INC. VILLAGE OF OCEAN BEACH

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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 *Incorporated Village of Ocean Beach* responsibility to provide Title VI training to all of its current employees.

Title VI and ADA Nondiscrimination Statement

The *Incorporated Village of Ocean Beach* adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. The *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* Title VI Civil Rights Coordinator, at (123) 456-7890.

The *Incorporated Village of Ocean Beach* also follows the New York State Department of Transportation's Americans with Disabilities Act Grievance Procedure. The *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* will accommodate anyone who may need special requests with adequate notification, preferably 48 hours before a scheduled meeting or open house.

The *Incorporated Village of Ocean Beach* is committed to a policy of non-discrimination in conducting its business, including its Title VI responsibilities. The *Incorporated Village of Ocean Beach*

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 *Board of Trustees* shall be responsible for advising *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* staff. All employees are encouraged to participate in professional development training within and outside of the *Incorporated Village of Ocean Beach*.

Internally, the *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach* 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 *Incorporated Village of Ocean Beach*.

In an effort to continuously improve the *Incorporated Village of Ocean Beach'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 *Incorporated Village of Ocean Beach* staff on an ongoing basis to ensure up to date knowledge of Title VI and other nondiscrimination statutes.

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 ***Incorporated Village of Ocean Beach***. 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 ***Incorporated Village of Ocean Beach'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:

Steven W. Brautigam – Title VI Coordinator
Incorporated Village of Ocean Beach
315 Cottage Walk – P.O. Box 457
Ocean Beach, New York 11770

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 ***Incorporated Village of Ocean Beach'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 ***Incorporated Village of Ocean Beach***. 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 ***Incorporated Village of Ocean Beach*** Title VI Appeals Committee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ***Incorporated Village of Ocean Beach***'s Title VI Appeals Committee will respond in writing.

All complaints received by the Title VI Coordinator or their, 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.



Incorporated Village of Ocean Beach
Steven Brautigam - Title VI Coordinator
315 Cottage Walk – P.O. Box 457
Ocean Beach, New York 11770

(631)583-5940 villageofoceanbeach.org (631)583-7597 - Fax

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



Incorporated Village of Ocean Beach
TITLE VI DATA COLLECTION AND ANALYSIS POLICY

I. POLICY STATEMENT

In accordance with Federal Title VI/Nondiscrimination regulations, the Department is required to have a policy in place to collect and analyze statistical Title VI data on participants and beneficiaries of its programs. Specifically, Title VI data includes information on Environmental Justice (EJ), Limited English Proficiency (LEP) and the Americans with Disabilities Act (ADA).

The Department must collect and analyze Title VI data for the purpose of:

- Measuring and monitoring the Department's delivery of programs consistent with Title VI;
- Aiding in community outreach as part of the transportation planning and project development process;
- Analyzing programmatic trends and impacts; and
- Identifying opportunities to avoid and mitigate unlawful discrimination in project planning, project design and project construction.

II. POLICY SCOPE AND GUIDANCE

Title VI of the Civil Rights Act of 1964 and subsequent statutes, regulations and executive orders require recipients of Federal financial assistance to ensure that no person shall be excluded from participation in, denied the benefits of, or be subject to unlawful discrimination in, the operation, implementation, access and use of the recipients' programs, activities and facilities based on race, color, national origin, sex, age, disability, or low income or limited-English proficiency.

The purpose of this Policy is to inform Department staff, whose primary responsibilities include public outreach during the different phases of project development (i.e., planning, scoping, design, and construction), to be aware of how their projects comply with Title VI (nondiscrimination) regulations.

The program areas primarily responsible for collecting and analyzing Title VI Data are the Policy and Planning Division, Engineering Division (Office of Construction, Office of Design, Office of Environment, and Office of Structures), the Operating Division, and the Office of Right of Way. The OCR will provide policy direction, oversight and coordination and will be responsible for and evaluating the performance of program areas and regions based on collected information. The Department's demonstrated use of Title VI data is an important component of its annual Title VI Plan report to Federal Highway Administration (FHWA) and the Federal Transit Agency (FTA).

The type and extent of Title VI data collected and utilized may differ depending on the special emphasis program area. Nonetheless, the Department is mandated to, at a minimum, collect and analyze Title VI data to understand community demographics and facilitate the equitable distribution of the beneficial effects of transportation planning and project development activities, and minimize the adverse impacts.

The following table as well as Appendix A (page 5) summarizes the types of Title VI data required (not all data types may be required) by special emphasis program areas for analytical purposes:

Statistical Data	Analysis of:
Population	<ul style="list-style-type: none"> • Regional population and growth rates • Regional ethnic composition • Age distribution by race • Number of households by income group • Median household by income •^p Percent of persons below poverty line • Percent of persons by age group with mobility limitations • Percent of elderly persons • Language(s) spoken • Percent of disabled by types of disability
Mode Choice	<ul style="list-style-type: none"> • Number of trips per capita • Percent of households with no automobiles • Percent of households by income groups using various modes of transportation (e.g., bus, carpool, automobile, etc.)
Transportation Systems	<ul style="list-style-type: none"> • Transportation system congestion • Delay as percentage of travel time • Travel time • Exposure to transportation hazards (environmental, safety, crime) • Access to jobs, churches, synagogues, mosques, medical care, schools, emergency services, grocery stores, family
Employment	<ul style="list-style-type: none"> • Present and future location of jobs
	<ul style="list-style-type: none"> • Present and future location of housing • Present and future location of low-income communities
Other	<ul style="list-style-type: none"> • Public investment per capita (federal, state, and local)

Potential sources of data and analysis tools include but are not limited to:

1. Census Data
2. School Districts
3. Transit Ridership Surveys
4. Management Systems (Pavement and Congestion)
5. Land Use Plans
6. Geographic Information Systems
7. Transportation Models
8. Metropolitan Planning Organization Committees (e.g., Citizen Advisory Committees)

The data collected should be refreshed as new and updated data becomes available from data sources and used to support the Department's policies, programs and activities. At a minimum, data should be updated yearly.

Additional tools such as demographic maps and charts may be necessary or appropriate to better understand and apply the considerations above to everyday program activities.

III. RELATED POLICY AND AUTHORITATIVE SOURCES

- **NYSDOT Policy 1.1-4 (Civil Rights Policy Statement)**
- **NYSDOT Official Order 1715**
- **NYSDOT Public Involvement for Transportation Manual**
- **NYSDOT Project Development Manual (PDM)**
- **NYSDOT Title VI Plan and Accomplishments Report**
- **NYSDOT ADA Management Plan/ADA Transition Plan**
- **NYSDOT LEP Plan/NYSDOT LEP Guide**
- **Civil Rights Act of 1964**
- **Americans with Disabilities Act (ADA) of 1990**
- **Executive Order No. 12898 (Environmental Justice)**
- **Executive Order No. 13166 (Limited English Proficiency)**
- **FHWA Title VI Regulations (23 CFR Part 200)**
- **NYS Executive Order # 26**

VI. APPENDICES

Appendix A – Title VI Data Definitions

Appendix B – Title VI Data Resources

Appendix A - Title VI Data Definitions

For the purposes of this policy, Title VI data includes data and information captured on any of the eight protected groups associated with Title VI/Nondiscrimination. The protected groups include:

- 1. Race:** Generally refers to broad division of people based on their biological characteristics such as color of skin, color of hair and their facial features. The Federal government requires five minimum categories: White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander
 - 2. Color:** Refers to a person's pigmentation, complexion, or skin shade or tone. Thus, color discrimination occurs when a person is discriminated against based on the lightness, darkness, or other color characteristic of the person.
 - 3. National Origin:** Relates to person's birthplace, ancestry, culture or language.
 - 4. Sex:** Refers to a person's biological sex.
 - 5. Age:** Defined by the Census Bureau as the length of time in completed years that a person has lived.
 - 6. Disability:** A condition that involves a physical or mental impairment which substantially limits a person's major life activity.
 - 7. Low Income Population -** Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed FHWA program, policy, or activity. **Low Income:** The Federal Highway Administration has defined "low-income" as a family of four whose household income is at or below the Department of Health and Human Services poverty guidelines (i.e., currently \$23,550 for a family of four).
 - 8. Limited English Proficiency:** An individual who does not speak English as a primary language and has a limited ability to read, speak, write or understand English is considered Limited English Proficient, or LEP. In the census, this is defined as any person who does not speak English "Very Well", and includes people who speak English "Well, Not Well, or Not At All". In accordance with Federal and State mandates, the Department must work to ensure LEP populations have meaningful access to programs and services, which may include the translation of vital documents/materials and providing interpreter services when necessary.
- Environmental Justice (EJ):** Includes efforts to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations. The Department and FHWA (see V. Related Policy and Authoritative Sources) define five (5) minority groups including Black; Hispanic or Latino; Asian American; American Indian and Alaskan Native; and Native Hawaiian or Other Pacific Islander.

Appendix B – Title VI Data Resources

There are a variety of resources that can be utilized to gather Title VI-related data. When gathering data it is best to leverage many resources and to always work with the relevant stakeholder groups to gather and validate the information to the degree possible.

US Census Data: Serves as the largest and most comprehensive set of data resources, to include demographic and community data. The census is conducted every ten years.

<http://www.census.gov/>

American Community Survey (ACS): The ACS is a continuous survey (samples taken every year) unlike the census data which is collected once every ten years. ACS data has a much smaller sample size than census data, creating larger margins of error. However, the ACS contains additional and more current information. The 2007-11 ACS Disability data will be the first data in 11 years on the subject when it is published, due to a change in the ACS.

School District Data: The NYS Department of Education has Limited English Proficiency data available for each school district and charter school by county. Whereas the census data is self-reported, the NYS Department of Education data is acquired through examination. This means students are given a test to determine how well they speak English rather than census participants reporting for themselves how well they speak English. However, School District data may not reflect actual residence, particularly in NYC, and caution must be exercised.

<https://reportcards.nysed.gov/index.php>

Government/ Community Partner Information: Information from other agencies, planning bodies (e.g. MPOs) and community groups.

Opinion Surveys: Used to assess how a person or group feels about a particular issue/project.

Questionnaires: That ask specific questions about a given topic can be effective way to reach a large number of people or a geographically diverse group.

Case Studies: That detail experiences and characteristics of selected persons utilizing a particular program, service, or activity.

Group Interviews: With small group responses, opinions and views.

Information abstracted: From records, files or receipts.

Ideas and viewpoints: From selected persons from Advisory Committees and/or Advocate teams.

Web Blogs: Blogs provided for the public to post comments during the public comment period for project reviews.



Incorporated Village of Ocean Beach **Title VI Complaint Procedures**

Title VI applies to any program for which Federal financial assistance is authorized under a law administered by the United States Department of Transportation. Federal financial assistance includes grants and loans of Federal loans; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or in recognition of the public interest to be served by such sale or lease to the recipient and any Federal agreement, arrangement or other contract which has as one of its purposes the provision of assistance.

What is discrimination under Title VI?

Discrimination under Title VI of the Civil Rights Act of 1964, as amended, is an act (action or inaction), whether intentional or unintentional, through which a person, solely because of race, color, national origin, creed, sex, age or disability, has been otherwise subjected to unequal treatment or impact under any program or activity receiving Federal financial assistance from the United States Department of Transportation.

Who may file a Title VI complaint?

A complaint may be filed by any person who believes they or any specific class of persons has been subjected to discrimination.

Title VI Complaint Procedures

49 CFR 21.1, 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 from the Department of Transportation."

In order to comply with Title VI and all of the regulations of 49 CFR Part 21, the ***Incorporated Village of Ocean Beach***, acting by and through its Planning Department provides the following complaint procedures for those persons who believe that they have been subjected to discrimination under any program or activity receiving Federal financial assistance from the United States Department of Transportation. These procedures do not deny the right of the complainant to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

Who do these Title VI procedures apply to?

Title VI applies to any program for which Federal financial assistance is authorized under a law administered by the United States Department of Transportation. Federal financial assistance

includes grants and loans of Federal loans; the grant or donation of Federal property and interests in property; the detail of Federal personnel; the sale and lease of and the permission to use Federal property or any interest in such property without consideration or at a nominal consideration, or in recognition of the public interest to be served by such sale or lease to the recipient and any Federal agreement, arrangement or other contract which has as one of its purposes the provision of assistance

How and where is a discrimination complaint filed?

A complaint must be in writing, signed by the person(s) or their representative(s) and must include the complainant(s) name, address and telephone number. Attached is a Discrimination Complaint Form that may be used, however, a complaint may also be filed by sending the complaint by facsimile or electronic mail.

How long will it take for my complaint to be resolved?

The complaint will be reviewed by *Steven Brautigam – Title VI Coordinator*. Where practicable, the complainant shall be notified, in writing, of the findings and remedial action, if any, within a period not to exceed 60 days.

A signed written complaint must be filed within 180 days of the date of the alleged discrimination. The signed complaint must be sent to:

Contact Person for Title VI/Discrimination Complaints
Incorporated Village of Ocean Beach
Attention: Steven Brautigam
315 Cottage Walk – P.O. Box 457
Ocean Beach, NY 11770

**New York State - Department of Transportation
Title VI Complaint Form**



*Incorporated Village of Ocean Beach
Steven Brautigam - Title VI Coordinator
315 Cottage Walk – P.O. Box 457
Ocean Beach, New York 11770*

(631)583-5940 villageofoceanbeach.org (631)583-7597 - Fax

Name _____
Address _____ City _____ Zip _____
Telephone: Home _____ Work _____ Cell _____

Basis of Complaint

- Race
- Color
- Sex
- National Origin
- Age
- Disability (ADA)
- Low-Income
- Limited English Proficiency

Who allegedly discriminated against you?

Name _____
Address _____ City _____ Zip _____
Telephone _____

If an organization, what is its name?

Name of Organization _____
Address _____ City _____ Zip _____
Telephone _____
Name of Contact _____

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



INCORPORATED VILLAGE OF OCEAN BEACH

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

ADA Transition Plan

This ADA Transition Plan reflects ***Incorporated Village of Ocean Beach*** long-term commitment to ADA compliance, and details the stages of ***Incorporated Village of Ocean Beach*** plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements.

This Draft ADA Transition Plan will be revised and updated as the steps of the Plan are completed.

INTRODUCTION

ADA regulations prohibit discrimination against individuals on the basis of disability and require state and local governments to make their programs and services accessible to persons with disabilities. These requirements focus on providing accessibility by addressing and eliminating structural barriers associated with public facilities.

As detailed below, ***Incorporated Village of Ocean Beach*** has made a significant and long-term commitment to improving the accessibility of its public facilities. The purpose of this Plan is to ensure that ***Incorporated Village of Ocean Beach*** identifies prohibited structural barriers to its public facilities, and, where structurally feasible, schedules and implements ADA-required improvements in order to remove those barriers.

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

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

STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN *INCORPORATED VILLAGE OF OCEAN BEACH'S* FACILITIES

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

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

For each facility evaluated, a Survey of *Incorporated Village of Ocean Beach* Public Facilities ("the Survey") will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey.

An Inventory of Public Facilities ("the Inventory") will also be created, and will serve as the central database for identified structural barriers, suggested improvements, and comments relating to structural feasibility of improvements.

Evaluation of Sidewalks, Crosswalks, and Curb Ramps

The Survey will contain the following ratings to assess the condition of each *Incorporated Village of Ocean Beach* sidewalk, crosswalk, and curb ramp:

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

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

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

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

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

Evaluation of Parking Lots and Publicly Accessible Buildings

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

Schedule for Completion

Incorporated Village of Ocean Beach officials from its Planning, Public Works, and Human Resources Departments will be coordinating over the next several months to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. Numerous facilities will be subject to this evaluation, and consequently this will be a substantial undertaking for the reviewing officials. The evaluations will be scheduled so as to evaluate outdoor facilities prior to the winter months (to avoid snow cover that may impede a thorough review), with any remaining evaluations of outdoor facilities to be completed in **May 15, 2018**. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 will be completed by **May 15, 2018**.

STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS

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

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

A. Nature of Improvements and Structural Feasibility

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

B. Priority of Improvements

Sidewalks; Crosswalks; Curb Ramps

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

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

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

Parking Lots and Publicly Accessible Buildings

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

STEP 3: SCHEDULE FOR COMPLETION OF NECESSARY IMPROVEMENTS

Once the Inventory of Public Facilities has been completed, and necessary improvements have been prioritized as provided above, the ***Incorporated Village of Ocean Beach*** will formulate an estimated budget for the improvements. The schedule for improvements will depend heavily upon the number and severity of the deficiencies identified during the accessibility evaluation, and the costs associated with the improvements. The ***Incorporated Village of Ocean Beach*** however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. The ***Incorporated Village of Ocean Beach***'s ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect the ***Incorporated Village of Ocean Beach***'s commitment to ADA compliance.

ADA COORDINATOR

The *Incorporated Village of Ocean Beach* ADA Coordinator is **Steve Brautigam, ADA Coordinator, Coordinator's Title. Provide ADA Coordinators contact information:**

Steve Brautigam

ADA Coordinator

Incorporated Village of Ocean Beach

315 Cottage Walk – P.O. Box 457

Ocean Beach, New York 11770

Telephone Number: (631)583-5940

Email Address: sbrautigam@villageofoceanbeach.org



INCORPORATED VILLAGE OF OCEAN BEACH

Disadvantaged Business Enterprise Policy Statement

Federally Funded Disadvantaged Business Enterprise (DBE)

The Disadvantaged Business Enterprise is driven by grant opportunities, when capital projects are approved and accepted by the Board of Trustees, the details of DBE are reviewed and are put into contact by Clerk/Treasurer. At that time project goals are established with Engineering Firm.

Bidding process requires vendors to identify DBE participation based on the correspondence at contract award and is reviewed by Clerk/Treasurer and Engineering firm. Awarded contracts are monitored and tabulated on a monthly basis by the Clerk/Treasurer.



INCORPORATED VILLAGE OF OCEAN BEACH

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT M/WBE

State Funded Minority and Women Owned Business Enterprise (MWBE)

The Minority and Women Owned Business Enterprise is driven by grant opportunities, when capital projects are approved and accepted by the Board of Trustees, the details of MWBE are reviewed and are put into contact by Clerk/Treasurer. At that time project goals are established with Engineering Firm.

Bidding process requires vendors to identify MWBE participation based on the correspondence at contract award and is reviewed by Clerk/Treasurer and Engineering firm. Awarded contracts are monitored and tabulated on a monthly basis by the Clerk/Treasurer.



INCORPORATED VILLAGE OF OCEAN BEACH

STATE AND FEDERAL PROGRAM/CONTRACT MONITORING TEMPLATE

We select our projects based on the needs of community oversight area. The Board of Trustees and/or staff person , organize a list of projects that need to be addressed. We then search available grants. Goals are set according to the funding source. State or Federal agencies have set requirements on the D/M/WBE contracts and we utilize that framework. State and Federal contacts are monitored using the Equitable Business Opportunities system, or (EBO). We report monthly on D/M/WBE activity, and update the Equal Employment Opportunity staffing plan.

Title VI

Notice To The Public

The *Incorporated Village of Ocean Beach* gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964 as amended, the Civil Rights Restoration Act of 1987, Executive Order 12898, Executive Order 13166 and related statutes and regulations in all *Incorporated Village of Ocean Beach* programs and activities.

Title VI of the Civil Rights Act of 1964 and related statutes and regulations, as amended, require that no person in the United States shall, on the grounds of race, color, sex, national origin, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which *Incorporated Village of Ocean Beach* receives Federal financial assistance.

If you believe you have been discriminated against because of your race, color, sex, national origin, age, disability or other unlawful basis, you may file a

complaint with the *Incorporated Village of Ocean Beach* or with the Federal Highway Administration (FHWA). A complaint must be filed within 180 days from the date of the alleged act of discrimination.

For more information, to obtain a Title VI Complaint Form, and instructions on how to file a discrimination complaint, contact:



Incorporated Village of Ocean Beach
Steven Brautigam - Title VI Coordinator
315 Cottage Walk – P.O. Box 457
Ocean Beach, New York 11770
(631)583-5940
(631)583-7597 - Fax
villageofoceanbeach.org