

Title VI/ Non-Discrimination Program

ADOPTED NOVEMBER 17, 2022

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC)

RESOLUTION #552
NYMTC 2022 TITLE VI NON-DISCRIMINATION PROGRAM

WHEREAS, the New York Metropolitan Transportation Council (NYMTC) is a regional council of governments which is the metropolitan planning organization (MPO) for New York City, Long Island and the lower Hudson Valley; and

WHEREAS, Title VI of the 1964 Civil Rights Act and subsequent federal legislation direct the fair treatment and meaningful involvement of all people – regardless of race, color, national origin, disability, age, gender or income status – in programs and activities receiving Federal funds, including transportation funds; and

WHEREAS, Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice are integral to the metropolitan transportation planning process throughout the United States, particularly in urban regions; and

WHEREAS, the United States Department of Transportation (USDOT) requires public agencies, including metropolitan planning organizations, to develop a Title VI Program that addresses how an agency integrates nondiscrimination practices into its planning, public participation, and decision-making; and

WHEREAS, through the Federal Transit Administration's Title VI Circular C 4702.1B, USDOT provided additional guidance for the Title VI Programs of MPOs; and

WHEREAS, NYMTC is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and all related nondiscrimination statutes, rules, regulations and executive orders; and

WHEREAS, using this guidance, NYMTC prepared its initial Title VI Program, which PFAC adopted through Resolution #387 on September 4, 2014, and its subsequent update in 2018; and

WHEREAS, in conjunction with the adoption of its most recent Federal Fiscal Years 2022-2050 Regional Transportation Plan and 2021 Congestion Management Status Report, NYMTC has developed the attached 2022 Title VI Program to reflect new information from the Plan and Status Report.

NOW, THEREFORE, BE IT RESOLVED, that PFAC adopts the attached 2022 Title VI Program for NYMTC, which supersedes the earlier 2018 Title VI Program, and instructs NYMTC staff to implement its provisions.

This resolution shall take effect on the seventeenth day of November two thousand and twenty-two.

ADOPTED: November 17, 2022

"I hereby certify that the above is a true copy of Resolution #552, NYMTC 2022 Title VI Non-Discrimination Program, and was motioned by Jack Schmidt, representing New York City Transportation Coordinating Committee, and seconded by Kelly Sheehan, representing the Mid-Hudson South Transportation Coordinating Committee. This Resolution was adopted and passed unanimously."


Lynn Weiskopf, PFAC Chair

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INTRODUCTION

What is NYMTC?

The New York Metropolitan Transportation Council (NYMTC) is a regional council that is the designated federal Metropolitan Planning Organization (MPO) for New York City, Long Island and Lower Hudson Valley. NYMTC provides a collaborative planning forum to address transportation-related issues; develops regional plans; and makes decisions on the use of federal transportation funds based on a continuing, comprehensive and coordinated planning process.

NYMTC was created through a Memorandum of Understanding (MOU) between its nine voting members. This MOU also designated several advisory members. NYMTC's principal membership consists of the elected and appointed officials who represent the signatory agencies of the MOU and the advisory agencies. NYMTC's MOU also establishes three geographically-based transportation coordinating committees (TCCs) – one each for New York City, for the Long Island and the Lower Hudson Valley. Similarly, the principal membership of these three subregional TCC's consist of the elected and appointed officials of the constituent member agencies. NYMTC's fourth standing committee, the Program, Finance and Administration Committee (PFAC) is comprised of the designees of the principal members.

NYMTC's planning area consists of the five boroughs of New York City; the lower Hudson Valley counties of Putnam, Rockland, and Westchester; and the two suburban Long Island counties of Nassau and Suffolk.

NYMTC's nine voting principal members are:

- Commissioner, New York State Department of Transportation (NYSDOT)
- County Executives, Nassau and Suffolk counties
- County Executives, Putnam, Rockland, and Westchester counties
- Chief Executive Officer, Metropolitan Transportation Authority (MTA)
- Director, New York City Department of City Planning (NYCDCP)
- Commissioner, New York City Department of Transportation (NYC DOT)

NYMTC's seven advisory principal members are:

- Executive Director, Port Authority of New York & New Jersey (PANYNJ)
- Commissioner, New York State Department of Environmental Conservation (NYSDEC)
- Chief Executive Officer, New Jersey Transit (NJT)
- Executive Director, North Jersey Transportation Planning Authority (NJTPA)
- Regional Administrator, Federal Transit Administration (FTA)
- Regional Administrator, U.S. Environmental Protection Agency (USEPA)
- Division Administrator, Federal Highway Administration (FHWA)

Metropolitan Transportation Planning Process

The federal legislation which authorizes funding for transportation improvements in metropolitan regions with 50,000 residents or greater requires an MPO in those regions to plan for and make decisions on the use of federal transportation funding. MPOs ensure that existing and future federal expenditures for transportation improvements are based on a continuing, cooperative, and comprehensive ("3C") planning process.

Federal regulations mandate that MPOs produce three required products and two analyses, along with a Public Involvement Plan. These planning products together constitute the MPO's planning process.

PLANNING PRODUCTS

1. The Regional Transportation Plan (the Plan), which describes long-range goals, objectives, and needs, over a minimum 20-year horizon for the NYMTC planning area;
2. The Transportation Improvement Program (the TIP), which defines federal funding for specific transportation projects and actions, typically over a five-year period; and
3. The Unified Planning Work Program (the Work Program), which determines how federal funding for planning activities will be spent over the course of a program year.

PLANNING ANALYSES

1. Since NYMTC's planning area is part of a federally designated Transportation Management Area, NYMTC must maintain a Congestion Management Process (the CMP) to forecast traffic congestion and consider congestion reduction strategies.
2. NYMTC's Transportation Conformity Determinations (Conformity) quantitatively demonstrates how its Plan and TIP impact future mobile source emissions milestones set in response to federal air quality standards under the Clean Air Act Amendments of 1990.

TITLE VI/NON-DISCRIMINATION PROGRAM IMPLEMENTATION

Legislative and Regulatory Overview

NYMTC's Title VI/Non-Discrimination Program establishes a framework for compliance with Title VI of the Civil Rights Act of 1964. Additionally, the Title VI/Non-Discrimination Program considers the requirements of 49 U.S.C. Section 5332, Executive Order 12898 on Environmental Justice (EJ), and related statutes regarding the nondiscriminatory delivery of services and benefits.

The following is a compilation of the federal regulations, statutes, executive orders and circulars that together create the legal and practical requirements for nondiscrimination on the part of NYMTC:

FEDERAL LEGISLATION

Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq) - prohibits discrimination on the basis of race, color, and national origin in federally assisted programs and activities. The law specifically states that "No person in the United States shall on the ground of race, color, or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.

23 U.S.C. 324 - Prohibition of Discrimination on the Basis of Sex – prohibits sex/gender discrimination.

49 U.S.C. 5332 - Nondiscrimination - prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.

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

Uniform Act of 1970 (42 U.S.C. 4601) – prohibits unfair and inequitable treatment of persons displaced or property to be acquired as a result of federal-aid programs and projects.

Age Discrimination Act of 1975 (42 U.S.C. 6101) – prohibits discrimination based on age – prohibits discrimination based on age.

Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12101) - prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

ADA Amendments Act of 2008 (Public Law 110-325) - amended the Americans with Disabilities Act of 1990 (ADA) and other disability nondiscrimination laws at the Federal level of the United States..

Section 504 of the 1973 Rehabilitation Act (29 U.S.C.794) – prohibits discrimination on the basis of disability, physical or mental impairment in federally assisted programs or activities.

IMPLEMENTING REGULATIONS AND DIRECTIVES

49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964.

23 CFR Part 200 – Title VI/Non-Discrimination Program and related Statutes – Implementation and Review Procedures.

49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs - requires FTA funding recipients to comply with the DBE regulations (49 CFR Part 26).

28 CFR 42 Part 401 - direct agencies to “publish title VI guidelines for each type of program to which they extend financial assistance, where such guidelines would be appropriate to provide detailed information on the requirements of Title VI.”

23 USC 324, Federal-Aid Highway Act - prohibits the sexual discrimination in employment connected with Federal proposed projects

U.S. DOT Order 1000.12C – Implementation of DOT Title VI/Non-Discrimination Program

U.S. DOT Order 1050.2A – DOT Standard Title VI Assurances and Non-Discrimination Provisions

U.S. DOT Order 5610.2C – this order updates Environmental Justice Procedures, U.S. Department of Transportation actions to address environmental justice in minority populations and low-income-populations

28 CFR Part 41 - Implementation of Executive Order 12250, Nondiscrimination On The Basis Of Handicap In Federally Assisted Programs

FEDERAL EXECUTIVE ORDERS

Executive Order 12250 - Department of Justice coordination of enforcement of non-discrimination in federally assisted program.

Executive Order 12898 - **Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations.** Focuses federal attention on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities.

Executive Order 13166 - Limited English Proficiency (LEP). Prohibits discrimination on the basis of how well a person speaks, reads or writes English.

Executive Order 13175 – **Consultation and Coordination with Indian Tribal Governments.** It states that “in formulating or implementing policies that have tribal implications, agencies shall establish regular and meaningful consultation and collaboration with tribal officials to reduce the imposition of unfunded mandates upon Indian tribes.”

Executive Order 13985 - **Advancing Racial Equity and Support for Underserved Communities through the Federal Government.** Ensures nondiscrimination in all of its federally conducted programs, activities, and services.

GUIDANCE

Federal Transit Administration Circular 4702.1B of October 1, 2012. - provides guidance to grantees on how to comply with Title VI regulations, and ensures grantees provide meaningful language access to persons who are limited English proficient.

Federal Transit Administration Circular 4703.1 (FTA C. 4703.1) – environmental justice(EJ) policy guidance for recipients of Federal Transit Administration funds how to fully engage EJ populations in the public transportation decision-making process; determine whether EJ populations would be subjected to disproportionately high and adverse human health or environmental effects as a result of transportation plans, projects, or activities; and how to avoid, minimize, or mitigate these effects.

Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Person - USDOT LEP Guidance, Federal Register, December 14, 2005

NEW YORK STATE LEGISLATION

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) – requires State agencies to establish employment and business participation goals for minorities and women on State contracts.

New York State Law Article 17-B (2014) – an act to the Executive Law, in relation to expanding opportunities for service-disabled veteran-owned business enterprises.

Sexual Orientation Non- Discrimination Act (SONDA) (2003) - amends Executive Law to include sexual orientation

NYMTC's Organizational Approach to Title VI/Non-Discrimination

Title VI/Non-Discrimination Objectives and Policy Statement

As an organization, in the execution of the federally mandated metropolitan transportation planning process, NYMTC seeks to:

- Ensure that the quality of regional transportation planning is provided without regard to race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level;
- Facilitate the full and fair participation of all affected populations in its metropolitan transportation planning process;
- Prevent the denial, reduction, or delay in benefits resulting from the metropolitan transportation planning process based on race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level;
- Ensure that public events related to the planning process are scheduled at convenient times and convenient, transit-accessible locations; and
- Ensure meaningful access to the metropolitan transportation planning process by persons with limited English proficiency (LEP).

NON-DISCRIMINATION POLICY STATEMENT

The New York Metropolitan Transportation Council (NYMTC) is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 on Environmental Justice, Executive Order 13166 on Limited English Proficiency, and all other related nondiscrimination statutes, rules, regulations, and executive orders cited in its Title VI/Non-Discrimination Program.

NYMTC assures that no person or group(s) of persons shall, on the grounds of race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination through the federally mandated metropolitan transportation planning process undertaken by NYMTC, whether the activities are federally funded or not.

It is also the policy of NYMTC to ensure that its plans, programs, procedures, policies, and activities do not have disproportionate adverse effects based on race, creed, color, national

origin, sex, marital status, disability, age, sexual orientation or income level. Minority and low-income communities, as identified through the United States Census, will be engaged to facilitate their full and fair participation in the metropolitan transportation planning process. In addition, NYMTC will provide meaningful access to services for persons with limited English proficiency.

Regarding the distribution of federal-aid funds to eligible subrecipients, NYMTC will include Title VI/non-discrimination language in all written agreements entered into through its administrative host, the New York State Department of Transportation, and will monitor those agreements for compliance.

NYMTC is responsible for initiating and monitoring the organization's Title VI/Non-Discrimination Program, for preparing related reports, and for other requirements and responsibilities under Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

NYMTC will post the Title VI/Non-Discrimination Policy Statement which appears above on its website and in its written materials. The statement will be translated per NYMTC's adopted Language Access Operating Procedures (see Appendix 3). This statement will be made available to subrecipients, consultants, vendors or other parties under direct contract with NYMTC via NYSDOT as administrative host. Where space and costs are issues, NYMTC may use the abbreviated version of the notice presented in Appendix 2.

Title VI/Non-Discrimination Operational Arrangements

TITLE VI/NON-DISCRIMINATION COORDINATOR

NYMTC has designated a Title VI/Non-Discrimination Coordinator who is responsible for facilitating the implementation of this Title VI/Non-Discrimination Program. This responsibility includes overseeing compliance with the program in each area of organizational activity, with specific attention to the Special Emphasis Areas described below. Additionally, the Coordinator monitors the program's implementation and addresses any related compliance issues. The responsibilities of the coordinator also include the following:

- Ensuring all organizational activities comply with the Title VI/Non-Discrimination Program while monitoring the implementation of the program and addressing any related compliance issues.
- Ensuring the collection and analysis of relevant data related to the Title VI/Non-Discrimination Program, including statistical data (i.e., race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level) for use in compliance planning and monitoring by NYMTC, its member agencies, consultants, and the public.
- Ensuring and monitoring the dissemination of Title VI/Non-Discrimination Program information to NYMTC staff and member agencies, other participants in the metropolitan transportation planning process, and the public.
- Ensuring the inclusion of the Title VI/Non-Discrimination Policy Statement, necessary assurances in contracts and organizational materials, products and reports, and the Title VI/Non-Discrimination Program policies, provisions, and related requirements are provided, as applicable, to consultants, vendors or other parties under direct contract with NYMTC via NYSDOT as the administrative host.
- Providing appropriate Title VI/Non-Discrimination Program training for NYMTC members and staff.

- Identifying, investigating, and addressing discrimination and complaints of discrimination.
- Preparing an annual report which evaluates the effectiveness of NYMTC's Title VI/Non-Discrimination Program and related effort, documents related accomplishments over the past year establishes goals for the forthcoming year.
- Monitoring federal and state laws, rules, regulations, guidelines, and other resource information pertaining to NYMTC's Title VI/Non-Discrimination Program.

TITLE VI/NON-DISCRIMINATION COMPLAINT PROCEDURES

NYMTC's Title VI/Non-Discrimination Complaint Procedure is the process by which NYMTC receives and investigates complaints of discrimination while ensuring due process for complainants and respondents. The procedure does not preclude NYMTC from attempting to informally resolve complaints where possible. All complaints are routed to the Federal Highway Administration's (FHWA) Regional Office as FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

The Title VI/Non-Discrimination Complaint Procedure applies to all external complaints of discrimination relating to NYMTC's metropolitan transportation planning process, filed under Title VI of the Civil Rights Act of 1964 (including related Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO) provisions), as well as other related laws, regulations, executive orders and directives as specified in this Title VI/Non-Discrimination Program which prohibit discrimination on the basis of race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level.

The Complaint Procedure is an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Intimidation or retaliation of any kind is prohibited by 49 CFR Part 21.11(e).

Under this procedure, any individual (or their representative) who believes they have been subject to discrimination in NYMTC's metropolitan transportation planning process that is prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint within 180 calendar days of the alleged occurrence.

The complainant also has a right to forward the complaint to any of the below ensuring that the required information is included. Complaints must be in writing and transmitted by hard copy, fax or by email. The complainant may use NYMTC's complaint form (see Appendix 2 and/or www.nymtc.org) which should be signed by the complainant(s) or their representative:

Title VI/Non-Discrimination Coordinator
New York Metropolitan Transportation Council
25 Beaver Street, 2ND Floor
New York, NY 10004
Email: NYMTC-Web@dot.ny.gov
Phone: 212- 383-7200 Fax: 212-383-7287

Title VI Coordinator
Office of Civil Rights
New York State Department of Transportation
50 Wolf Road, 6th Floor Albany, NY 12232
Email: OCR-TitleVI@dot.ny.gov

Phone: (518) 457-1129 Fax: (518) 485-5517

Civil Rights Officer
U.S. Department of Transportation
Federal Transit Administration, Region II
One Bowling Green, Room 429
New York, NY 10004
Email: FTACivilRightsCommunications@dot.gov
Phone: (212) 668-2170 Fax: (212) 668-2136

Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
Email: FHWA.TitleVIcomplaints@dot.gov
Phone: (202) 366-0693 Fax: 202-366-1599

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Office of the Assistant Attorney General, Main
Washington, D.C. 20530
Phone # (202) 514-3847
Telephone Device for the Deaf (TDD) (202) 514-0716

All written complaints should include the following information:

- The Complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The date and time when the alleged discrimination became known to the complainant., In cases where there has been a continuing pattern of conduct, the date on which the latest instance of the conduct occurred.
- A written explanation of the alleged discriminatory actions. Complainants should present a detailed description of the issues, including the names, job titles, agency of those individuals perceived as parties in the complained-of incident;
- The basis of the complaint (e.g., race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level);
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred as part of NYMTC's programs or activities.

Should additional information be needed for assessment of or investigation of the complaint, the Title VI/Non-Discrimination Coordinator will contact the complainant within fifteen business days of the postmark or stamp time of the acknowledgement of the complaint. The complainant's failure to provide the requested additional information by the date specified by the Title VI/Non-Discrimination Coordinator could result in the administrative closure of the complaint.

Complaints received by telephone will be reduced to writing with the assistance of the Title VI/Non-Discrimination Coordinator or designated staff and provided to the complainant for confirmation or revision

before processing. A complaint form will be forwarded to the complainant for them to complete, sign, and return to NYMTC for processing.

Once received, complaints will be recorded by NYMTC in a Title VI/Non-Discrimination Complaint Log. The Log will include the following information --

- Name and contact information of the complainant(s);
- Date complaint was received;
- Nature of the complaint;
- Name of the NYMTC Title VI/Non-Discrimination Coordinator or other NYMTC representative handling the complaint;
- Disposition of the complaint.

The Title VI/Non-Discrimination Coordinator will acknowledge receipt of the complaint by letter sent to the complainant(s) and postmarked within ten business days of receipt of the complaint. The letter will advise the complainant(s) that the complaint is being investigated. Since the last Title VI/Non-Discrimination Program submission there have been no complaints, investigations or lawsuits that pertain to allegations of discrimination as a result of NYMTC's programs or activities.

Special Emphasis Areas

This Title VI/Non-Discrimination Program places special emphasis on the following areas of NYMTC's organizational activity undertaken as part of the metropolitan transportation planning process. These areas involve public access to the planning process, outcomes of the planning process in terms of funding programmed for projects, programs and studies, and the use of professional services to assist in the execution of the planning process.

PUBLIC OUTREACH & INVOLVEMENT

This emphasis area impacts all aspects of NYMTC's metropolitan transportation planning process and the development of the federally required planning products and analyses. In its Public Involvement Plan, NYMTC has identified the following strategies for its public outreach and involvement activities:

1. Provide a robust, creative, multi-pronged, and inclusive outreach process for all populations within the region, including employers, local municipalities, and tribal nations, with opportunities to engage in meaningful discussions between NYMTC and the public about transportation planning issues and activities.
2. Educate all populations within the region, including employers, local municipalities, and tribal nations, so they can purposefully participate, know how to provide input, and be encouraged to do so by:
 - Adopting strategic techniques to involve different audiences; and
 - Developing a greater understanding of how NYMTC functions as an organization and the roles and responsibilities of Council members and staff.
3. Evaluate current and ongoing public involvement activities on a periodic basis to identify successes and areas for improvement.
4. Provide a robust, creative, multi-pronged, and inclusive outreach process for all populations within the region, including employers, local municipalities, and tribal nations, with opportunities to engage in

meaningful discussions between NYMTC and the public about transportation planning issues and activities.

Public involvement is a required element of the development of NYMTC's federally required planning products and analyses. NYMTC's Public Involvement Plan and related Public Outreach Operating Procedures define public outreach and involvement at regional; sub-regional; and local levels.

In a region of over 12 million people, NYMTC's public involvement approach is necessarily multifaceted and embedded within every layer of the organizational structure. NYMTC's approach also involves educational outreach and community-based interactions designed to expand on the various tools used to interact with the public. NYMTC's Public Involvement Plan is available at:

https://www.nymtc.org/Portals/0/Pdf/PIP/PIP%202022/NYMTC_PIP2022.pdf?ver=fmkW3virSNMiUn

NYMTC also maintains Language Access Operating Procedures to ensure Individuals with limited English proficiency can access programs and services. These procedures, which are included in this Title VI/Non-Discrimination Program as **Appendix 3**, apply to two distinct levels of its activities:

- The general distribution or availability of public information related to federally mandated regional planning products and analyses; and
- The spatially specific distribution or availability of public information related to the federally funded studies and planning projects undertaken by NYMTC or by its member agencies that affect specific parts of NYMTC's planning area.

PLANNING & PROGRAMMING

NYMTC is responsible for developing a long-range Plan, medium-range TIP, and annual Work Program so that federal transportation funding can be used for both planning activities and transportation improvements within the NYMTC planning area. As part of this emphasis area, the Title VI/Non-Discrimination Program is a consideration in NYMTC's planning and programming activities, as outlined below:

- Part of the planning and programming process involves collecting, analyzing and reporting on data for the NYMTC planning area, including information on population, employment, income, transportation service and usage, mobility and growth. This aspect of the process will be explored in greater detail in the following section on planning process outcomes.
- Additionally, statistical data on race, color, national origin, sex, age and disability of residents in NYMTC's planning area is gathered and analyzed to measure transportation investment benefits and burdens to protected population, including minority and low-income populations. Data gathering procedures are reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI/Non-Discrimination Program.
- An Environmental Justice and Title VI Assessment is undertaken for each of NYMTC's regional transportation plans to assess the distribution of burdens and benefits of transportation plans and programs. The Environmental Justice and Title VI/ Assessment undertaken for NYMTC's current Federal Fiscal Years 2022-2050 Regional Transportation Plan can be found here: <https://www.nymtc.org/Required-Planning-Products/Regional-Transportation-Plan-RTP>

CONTRACTUAL SERVICES

NYMTC relies on its administrative hosting arrangement with NYSDOT to retain professional services in support of its programs and activities. Standard language incorporated into contracts executed for this

purpose requires that contractors comply with all applicable federal, state, and local laws, rules, ordinance, and regulations always and in the performance of the work. NYMTC staff works closely with NYSDOT in the execution of all contracts and to ensure that all Title VI/Non-Discrimination Program provisions are met. Specifically, the contracting process includes the following:

- Title VI/Non-Discrimination assurances and provision language in all federally funded consultant contracts, including Appendix A of the USDOT Standard Assurance (USDOT Order 1050.2). This language appears in **Appendix 5**.
- Applicable Disadvantaged Business Enterprise (DBE) and Small Business Enterprise goals in designated projects and proactively seek to achieve those goals (23 USC 304 and 49 CFR 26).
- Technical assistance and guidance to support voluntary compliance by NYMTC consultants. When a consultant fails or refuses to voluntarily comply with NYMTC's recommendations, NYMTC recommends remedial actions. Should these recommendations not be met, consultants may be found in noncompliance.

ASSESSMENT OF PLANNING PROCESS OUTCOMES

There are no specific federal standards for conducting a Title VI/non-discrimination-related assessment of an MPO's planning process outcomes. For this purpose, NYMTC has developed the approach outlined below to assess the impacts of the planning process on minority populations and low-income communities for which geo-spatial information can be accessed.

Defining Communities of Concern and Relevant Characteristics

For this analysis, the following U.S. Department of Transportation definitions of *minority* and *low-income* have been used for a shared understanding of the terms.

Minority refers to a person's racial or ethnic identity, including the following:

- Black: a person having origins in any of the black racial groups of Africa;
- Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
- Native Hawaiian and Other Pacific Islander: people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Low-income refers to median household income that is at or below the U.S. Department of Health and Human Services poverty thresholds, which are derived each year by the U.S. Census Bureau for statistical purposes (e.g., preparing estimates of the number of Americans in poverty each year).

NYMTC defines *Communities of Concern* (CofCs) based on census tracts that meet both of the following-two conditions related to minority and lower income populations.

- Census tracts within the boundaries of the NYMTC planning area that meet the following parameters:
 - Minority population of more than 57 percent (the NYMTC planning area average) of the tract population; and
 - More than 14 percent (the NYMTC planning area average) of the tract population living in low-income households at or below the poverty level.

Table 1 presents the proportions of minority and low-income populations in each of NYMTC's counties/boroughs and subareas. In addition, this table shows the results when this information is applied to the above parameters to identify CofCs based on the prevalence of minority and low-income populations within census tracts.

The NYMTC planning area's minority population totaled 7.3 million, which represents 57 percent of the planning area's total population. New York City had the largest percentage of minority population, with 62 percent or nearly 5.7 million people. Long Island's minority population totaled 1 million people or 33 percent of its total population, and the Lower Hudson Valley had a minority population of 585,000, approximately 34 percent of its total population.

Regarding household income, approximately 14 percent (1.8 million people) of the planning area's population was living in households at or below the defined poverty level. Long Island had the lowest proportion of population at or below the poverty level with 6 percent (approximately 180,000 people), followed by the Lower Hudson Valley with 9 percent (approximately 138,000) and New York City with 17 percent (approximately 1.6 million).

Table 1: Minority Population and Population Below Poverty Level

County/Borough	Minority Population	Percent Minority	Population Below Poverty Level	% Below Poverty Level
Bronx	1,303,998	87%	407,528	27%
Brooklyn	1,659,988	62%	544,622	19%
Manhattan	866,916	51%	263,413	16%
Queens	1,717,140	72%	295,165	12%
Staten Island	181,741	40%	60,026	13%
New York City Subtotal	5,729,783	62%	1,570,754	17%
Nassau	532,139	37%	76,461	5%
Suffolk	474,510	29%	103,887	7%
Long Island Subtotal	1,006,649	33%	180,348	6%
Putnam	20,325	20%	5,191	5%
Rockland	118,844	36%	45,613	13%
Westchester	445,341	47%	87,214	9%
Lower Hudson Valley Subtotal	584,510	34%	138,018	9%
NYMTC Planning Area Total	7,320,942	57%	1,889,120	14%
Source: U.S. Census Bureau; 2014 – 2018 American Community Survey (ACS)				

RACE AND ETHNICITY

As shown in Table 2, approximately 42 percent of the residents of NYMTC's planning area are non-Hispanic white, 26 percent are Hispanic or Latino, 18 percent are non-Hispanic Black or African American, and 11 percent are non-Hispanic Asian. The remaining 3 percent are American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, and other or mixed race.

Table 2 – Populations by Race/Ethnicity in the NYMTC Planning Area

Race/Ethnicity	Group Population in the NYMTC Region	% of Population in the NYMTC Region
Hispanic or Latino	3,269,854	25.79%
White (not Hispanic or Latino)	5,358,807	42.26%
Black or African American alone (not Hispanic or Latino)	2,282,510	18.00%
American Indian and Alaska Native alone (Not Hispanic or Latino)	20,617	0.16%
Asian alone (Not Hispanic or Latino)	1,427,211	11.26%
Native Hawaiian and Other Pacific Islander alone	3,515	0.03%
Some other race alone (Not Hispanic or Latino)	90,571	0.71%
Two or more races (Not Hispanic or Latino)	226,664	1.79%
Total	12,679,749	100%

Source: 2014 – 2018 American Community Survey (ACS)

An interactive map displaying the CofCs and racial/ethnic concentrations in the NYMTC planning area has been prepared as part of this assessment and can be accessed through the following link: <https://arcg.is/1PSXvy0>. This map illustrates the communities of concern identified in the NYMTC planning area; and visualizes population distribution by race and ethnicity as added layers. The map also visualizes the spatial relationship of the communities of concern to projects, programs and studies that appear in NYMTC's Plan and TIP.

MOBILITY CHARACTERISTICS

The tables below present the mobility characteristics of CofCs relative to all other communities in the NYMTC planning area. Tables 3 and 4 show the transportation modes people in CofCs and the remainder of the population in NYMTC's planning area use to get to work. Across the planning area, people living in CofCs are more likely to take transit than people living in other communities. In CofCs, 60 percent of workers use public transportation to commute to work, compared to 34 percent of workers in other communities. Conversely, workers in CofCs are less likely than those in other communities to use an auto, van, truck, or carpool to travel to work; 26 percent of workers in CofCs travel by one of these modes compared to 52 percent of commuters in other communities.

Table 3: Means of Transportation to Work for Communities of Concern

County	Total Workers (over 16) in CofCs	Primary Modes of Travel											
		Car, Trucks, Vans, and Carpool		Public Transit (excluding taxi)		Bicycle		Walking		Taxi, Motorcycle or Other Means		Work at Home	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bronx	439,363	98,997	23%	283,187	64%	1,899	0%	35,108	8%	7,095	2%	13,075	3%
Kings (Brooklyn)	544,801	102,534	19%	364,813	67%	10,243	2%	40,087	7%	6,790	1%	20,356	4%
New York (Manhattan)	299,800	28,414	9%	203,033	68%	4,957	2%	41,447	14%	5,401	2%	16,554	6%
Queens	333,953	107,091	32%	184,578	55%	2,100	1%	28,628	9%	4,098	1%	7,426	2%
Richmond (Staten Island)	35,868	17,473	49%	15,128	42%	155,916	0%	1,586	4%	638,527	2%	890,759	2%
New York City Subtotal	1,653,785	354,509	21%	1,050,739	64%	19,354	1%	146,856	9%	24,022	1%	58,302	4%
Nassau	42,084	30,102	72%	7,753	18%	331,858	1%	2,193	5%	381.59	1%	1,322	3%
Suffolk	27,051	22,616	84%	2,634	10%	218,744	1%	502,846	2%	360.97	1%	718,509	3%
Long Island Subtotal	69,135	52,719	76%	10,387	15%	551	1%	2,696	4%	743	1%	2,041	3%
Putnam	-	-	-	-	-	-	-	-	-	-	-	-	-
Rockland	18,274	13,506	74%	2,290	13%	32.28	0%	897,619	5%	978,258	5%	562.67	3%
Westchester	84,362	48,443	57%	24,037	28%	254.15	0%	7,574	9%	1,787	2%	2,264	3%
Lower Hudson Valley Subtotal	102,636	61,950	60%	26,327	26%	286	0%	8,471	8%	2,766	3%	2,827	3%
NYMTC Planning Area Total	1,825,556	469,177	26%	1,087,453	60%	20,191	1%	158,023	9%	27,530	2%	63,170	3%

Source: 2015-2019 ACS 5-year Estimates

Table 4: Means of Transportation to Work for Other Communities

County	Total Workers (over 16) in Other Communities	Primary Modes of Travel											
		Car, Trucks, Vans, and Carpool		Public Transit (excluding taxi)		Bicycle		Walking		Taxi, Motorcycle or Other Means		Work at Home	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Bronx	143,191	63,204	44%	64,906	45%	422	0%	7,885	6%	2,305	2%	4,445	3%
Kings (Brooklyn)	653,134	166,785	26%	368,856	56%	11,207	2%	63,746	10%	8,181	1%	34,364	5%
New York (Manhattan)	587,391	41,539	7%	318,522	54%	15,043	3%	139,750	24%	25,276	4%	47,285	8%
Queens	767,794	319,521	42%	378,913	49%	3,905	1%	35,204	5%	7,714	1%	22,534	3%
Richmond (Staten Island)	175,303	117,626	67%	47,526	27%	302,102	0%	3,902	2%	1212.16	1%	4742.833	3%
New York City Subtotal	2,326,813	708,675	30%	1,178,723	51%	30,880	1%	250,487	11%	44,689	2%	113,370	5%
Nassau	633,618	478,494	76%	108,016	17%	1270,692	0%	13,240	2%	5348.53	1%	27,222	4%
Suffolk	712,390	623,371	88%	44,305	6%	1430,351	0%	9170,441	1%	6828,701	1%	27266,881	4%
Long Island Subtotal	1,346,008	1,101,865	82%	152,320	11%	2,701	0%	22,411	2%	12,177	1%	54,488	4%
Putnam	49793	42883,659	86%	3679,512	7%	102,922	0%	628,079	1%	232,911	0%	2263,874	5%
Rockland	126,045	103,702	82%	9,398	7%	49,846	0%	3919,696	3%	1764,628	1%	7230,811	6%
Westchester	387,363	259,724	67%	84,535	22%	815.17	0%	14,670	4%	4,169	1%	23,461	6%
Lower Hudson Valley Subtotal	563,201	406,310	72%	97,612	17%	968	0%	19,218	3%	6,166	1%	32,956	6%
NYMTC Planning Area Total	4,236,022	2,216,850	52%	1,428,655	34%	34,549	1%	292,116	7%	63,032	1%	200,815	5%

Source: 2015-2019 ACS 5-year Estimates

Another meaningful mobility characteristic is travel time to work. The national average commuting time of 23 minutes falls within the 15–29-minute category used by the U.S. Census Bureau in the American Community Survey (ACS). In the NYMTC planning area, 37 percent of CofC workers travelled for more than one hour to work, while 30 percent of residents of other communities had a commute time of more than one hour. When looking at short commutes (less than 30 minutes), CofC workers are less likely to have shorter commutes than those in other communities; 24 percent of workers in CofCs had commutes of less than 30 minutes, whereas this figure was 30 percent for those in other communities.

Table 5: Travel Time to Work for Communities of Concern

County/Borough	Total # of Workers in CofCs	< 15 Minutes		15-29 Minutes		30-44 Minutes		45-59 Minutes		>59 Minutes	
		No.	%	No.	%	No.	%	No.	%	No.	%
Bronx	419,926	36,455	9%	66,904	16%	97,878	23%	71,966	17%	184,509	44%
Brooklyn	519,116	33,699	6%	76,387	15%	151,870	29%	108,320	21%	187,174	36%
Manhattan	280,725	24,379	9%	61,770	22%	94,091	34%	50,849	18%	60,730	22%
Queens	324,727	28,092	9%	50,606	16%	86,586	27%	56,864	18%	132,008	41%
Staten Island	34,386	4,144	12%	8,466	25%	5,858	17%	3,353	10%	18,203	53%
New York City Subtotal	1,578,880	126,769	8%	264,133	17%	436,283	28%	291,352	18%	582,624	37%
Nassau	40,781	7,910	19%	14,008	34%	10,558	26%	2,552	6%	7,436	18%
Suffolk	26,103	6,000	23%	10,037	38%	4,993	19%	1,481	6%	5,272	20%
Long Island Subtotal	66,884	13,910	21%	24,045	36%	15,551	23%	4,033	6%	12,708	19%
Putnam	-	-	-	-	-	-	-	-	-	-	-
Rockland	17,784	4,330	24%	6,947	39%	3,611	20%	928	5%	21,489	121%
Westchester	79,412	16,442	21%	22,184	28%	18,262	23%	7,240	9%	20,216	25%
Lower Hudson Valley Subtotal	97,196	20,772	21%	29,131	30%	21,873	23%	8,168	8%	41,705	43%
NYMTC Planning Area Total	1,742,960	161,451	9%	317,309	18%	473,707	27%	303,553	17%	637,037	37%

Source: 2014–2018 ACS Five-Year Estimates

Table 6: Travel Time to Work for Other Communities

County/Borough	Total # of Workers in CofCs	< 15 Minutes		15-29 Minutes		30-44 Minutes		45-59 Minutes		>59 Minutes	
		No.	%	No.	%	No.	%	No.	%	No.	%
Bronx	139,916	15,053	11%	27,684	20%	26,142	19%	19,273	14%	65,820	47%
Brooklyn	618,027	57,839	9%	110,254	18%	170,221	28%	111,154	18%	210,336	34%
Manhattan	538,662	73,127	14%	200,146	37%	171,527	32%	52,198	10%	54,262	10%
Queens	744,928	53,517	7%	135,671	18%	201,141	27%	126,175	17%	297,173	40%
Staten Island	168,525	22,380	13%	39,438	23%	30,232	18%	16,663	10%	84,067	50%
New York City Subtotal	2,210,058	221,916	10%	513,193	23%	599,263	27%	325,463	15%	711,658	32%
Nassau	603,614	109,427	18%	167,124	28%	124,985	21%	54,884	9%	197,064	33%
Suffolk	678,247	145,428	21%	226,350	33%	144,860	21%	56,396	8%	158,030	23%
Long Island Subtotal	1,281,861	254,855	20%	393,474	31%	269,845	21%	111,280	9%	355,094	28%
Putnam	47,148	7,968	17%	10,278	22%	10,571	22%	7,416	16%	15,326	33%
Rockland	119,782	30,729	26%	35,644	30%	19,981	17%	10,997	9%	31,019	26%
Westchester	363,886	70,996	20%	104,953	29%	71,138	20%	36,322	10%	104,299	29%
Lower Hudson Valley Subtotal	530,816	109,693	21%	150,875	28%	101,690	19%	54,735	10%	150,644	28%
NYMTC Planning Area Total	4,022,735	586,464	15%	1,057,542	26%	970,798	24%	491,478	12%	1,217,396	30%

Source: 2014–2018 ACS Five-Year Estimates

Table 7 presents comparisons between CofCs and all other communities. Roughly one-third of the residents in NYMTC’s planning area live in CofCs, while CofCs account for only five percent of the total land area. Therefore, population density in CofCs is ten times greater than in all other communities.

Forecasted 2050 peak period vehicle miles of travel (VMT) per capita in CofCs is significantly less than in all other communities, and the forecasted 2050 VMT per square mile in CofCs is nearly five times as great as in all other communities. However, the lower rate of forecasted VMT per capita in CofCs is consistent with the higher rate of transit trips per capita identified in Table 3.

Table 7 - Community Comparisons				
Characteristic		Communities of Concern	All Other Communities	Totals
Population	No.	4,215,456	8,464,293	12,679,749
	%	33%	67%	100%
Land Area (square miles)	No.	127	2,250	2,377
	%	5%	95%	100%
Population per square mile		33,301	3,761	5,334
2050 Vehicle Miles of Travel (weekday peak period)	No.	9,686,641	36,742,383	46,429,024
	%	21%	79%	100%
VMT per Capita		2.3	4.3	3.66
VMT per Square Mile		76,522	16,327	19,533

Source 1- 2014-2018 ACS

Assessing Planning Process Outcomes

The distribution of planned transportation projects, programs and studies in NYMTC's Plan and TIP has been assessed in relation to CofCs and all other communities as a measure of the outcomes of NYMTC's planning process. One component of this geospatial assessment displays the location of these projects, proposals and studies relative to the CofCs (see Appendix 4).

A second component assesses the projected funds programmed for transportation projects, as well as the locations of the projects themselves, in relation to the CofCs. Funding is considered "programmed" when it is included within the anticipated envelope of available resources. This analysis is described below.

Table 8 indicates that the NYMTC planning area encompasses 3,074 census tracts. Of those census tracts, 962 (31 percent) are within CofCs and 2,112 (69 percent) are in the remainder of the region. Of the 962 CofC census tracts, 532 census tracts (55 percent) contain programmed transportation projects. The remainder of the NYMTC planning area census tracts (2,112) include 692 census tracts (33 percent) containing programmed transportation projects. Table 8 below also presents an assessment of programmed funding and projects.

Total programmed funding is at similar levels for projects solely in CofCs in comparison with projects solely in all other communities. However, roughly three-quarters of the programmed funding is for projects that impact both categories of communities at the same time. When that funding is added to the amounts for projects located solely within each of the categories of areas, the per capita funding programmed that impact CofCs is almost twice as high as the per capita funding programmed for projects impacting all other communities.

Table 8 - Assessment of Programmed Funding and Projects

		Project Locations			Totals
		Communities of Concern	All Other Communities	Both Categories	
Population	No.	4,215,456	8,464,293	n/a	12,679,749
	%	33%	67%	n/a	100%
Programmed Funding for Projects	\$ in millions	\$4,682	\$4,975	\$27,253	\$36,910
	% of total programmed funds	13%	13%	74%	100%
Programmed Funding per 100,000 Residents (in millions and including funding in both categories)		\$758	\$381	n/a	n/a
Census Tracts	No.	962	2,112	n/a	3,074
	% of total tracts	31%	69%	n/a	100%
Census Tracts Containing Programmed Projects	No.	532	692	n/a	1,224
	% of tracts in category	55%	33%	n/a	40%

Source 2- 2014-2018 ACS and FFYs 2023-27 TIP

CONTINUOUS IMPROVEMENT

Through benchmarking research conducted on 28 MPOs across the country, possible improvements to the Title VI/Non-Discrimination Program were revealed. Thus, this research illustrated areas of continued improvement for NYMTC's Title VI/Non-Discrimination Program, including the following:

- Measuring performance in public participation through benchmarks.
- Improving information for LEP communities and those individuals who may need special accommodations to participate in the planning process.
- Diversifying outreach techniques and improving the involvement of CofCs through stronger relationships with these communities and their representatives.
- Further researching the transportation patterns of low-income, minority, and LEP populations.
- Monitoring and incorporating new initiatives and legislative/regulatory requirements.

In the development of this Title VI/Non-Discrimination Program, special efforts at engagement with community-based organizations representing CofCs and other protected classes were undertaken through a focus group-style survey online. Ten organizations registered for the online focus group and eight organizations participated. The feedback from these organization touched upon areas that can be avenues of continued improvement, including:

- Improving engagement with seniors and people with disabilities.
- Educating the public on the metropolitan transportation planning process and its local impacts.
- Establishing better collaborations with CofCs and their representatives.
- Improving coordination with NYMTC member agencies' and community organizations' public outreach activities.
- Incorporating new and emerging technologies with which to engage the public in an interactive way.
- Strengthening coordination with Tribal governments to improve their involvement in the planning processes.
- Exploring new ways to involve the Tribal Nations, community organizations, and other stakeholders in NYMTC's working groups and committees.

In addition to these areas, NYMTC will also continue to:

- Improve the organization of the NYMTC website to assist speakers of Safe Harbor LEP languages in using available on-line translation resources (see Appendix 3)
- Maintain and effectively implement the Title VI/Non-Discrimination Program requirements, Language Access Operating Procedures, and Public Involvement Plan.
- Work with the members, other government agencies, and community partners to enhance CofC outreach and involve CofCs in the planning process.
- Improve the methodologies used for assessing the impacts of the metropolitan transportation planning process on underrepresented and disadvantaged groups in the NYMTC planning area.
- Expand relevant staff operations and training opportunities.

APPENDICES

APPENDIX 1 - NYMTC TITLE VI/ Non-Discrimination Notice to the
Public

TITLE VI/NON-DISCRIMINATION NOTICE TO THE PUBLIC

The New York Metropolitan Transportation Council (NYMTC) gives public notice of its non-discrimination policy to ensure compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, Executive Order 13166 on Limited English Proficiency and all other related non-discrimination statutes, rules, regulations, and executive orders identified in the NYMTC Title VI/Non-Discrimination Program.

NYMTC assures that no person or group(s) of persons shall, on the grounds of race, creed, color, national origin, sex, marital status, disability, age, sexual orientation or income level, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination through the federally mandated metropolitan transportation planning process undertaken by NYMTC, whether the activities are federally funded or not.

It is also the policy of NYMTC to ensure that all its plans, programs, procedures, policies, and activities do not have disproportionate adverse effects on minority and low-income populations. Minority and low-income communities, as identified through the United States Census, will be engaged to facilitate their full and fair participation in the metropolitan transportation planning process. In addition, NYMTC will provide meaningful access to services for persons with limited English proficiency.

Any individual (or their representative) who believes they have been subject to discrimination in NYMTC's metropolitan transportation planning process that is prohibited by Title VI and other non-discrimination provisions, has a right to file a complaint within 180 calendar days of the alleged occurrence. The complainant may submit a complaint directly to NYMTC by using the provided complaint form on NYMTC's website, or by written statement with information found on the form and procedures or by contacting NYMTC by phone.

Regarding the distribution of federal-aid funds to eligible subrecipients, NYMTC will include Title VI/Non-Discrimination language in all written agreements entered into through its administrative host, the New York State Department of Transportation, and will monitor those agreements for compliance.

NYMTC is responsible for initiating and monitoring the organization's Title VI/Non-Discrimination Program, for preparing related reports, and for other requirements and responsibilities under Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

Marie Therese Dominguez, NYMTC Co-Chair

Dan Garodnick, NYMTC Co-Chair

Date

ABBREVIATED TITLE VI/NON-DISCRIMINATION NOTICE TO THE PUBLIC

Where space and costs are issues NYMTC may use the following shortened version of the above notice:

NYMTC fully complies with Title VI of the Civil Rights Act of 1964 and other related non-discrimination statutes, rules, regulations, and executive orders identified in the NYMTC Title VI/Non-Discrimination Program. For more information, or to obtain a Title VI/Non-Discrimination Complaint Form, see www.nymtc.org , call 212-383-7200 or by email at NYMTC-Web@dot.ny.gov .

APPENDIX 2 -- NYMTC TITLE VI/NON-DISCRIMINATION
COMPLAINT FORM

TITLE VI/NON-DISCRIMINATION COMPLAINT FORM

(to be completed by complainant or their designated representative)

Please provide the information requested below, which is necessary to process your complaint.

COMPLAINANT INFORMATION

Complainant's Name (last name, first name, middle initial): Click or tap here to enter text.

Complainant's Street Address: Click or tap here to enter text.

Municipality/Borough: Click or tap here to enter text.

State: Click or tap here to enter text.

ZIP Code: Click or tap here to enter text.

Complainant's Primary Phone Number: Click or tap here to enter text.

Other Phone Number: Click or tap here to enter text.

E-mail Address: Click or tap here to enter text.

ARE YOU FILING THIS COMPLAINT ON YOUR OWN BEHALF? ☐ YES ☐ NO

IF NOT PLEASE PROVIDE YOUR NAME, CONTACT INFORMATION, AND RELATIONSHIP TO THE COMPLAINANT Click or tap here to enter text.

INFORMATION ON PERSON CHARGING DISCRIMINATION UNDER TITLE VI/NON-DISCRIMINATION (IF NOT THE COMPLAINANT)

Name of Person: Click or tap here to enter text.

Street Address: Click or tap here to enter text.

Municipality/Borough: Click or tap here to enter text.

State: Click or tap here to enter text.

ZIP Code: Click or tap here to enter text.

Primary Phone Number: Click or tap here to enter text.

E-mail Address: Click or tap here to enter text.

NATURE OF THE COMPLAINT

Please describe, as clearly and concisely as possible, the nature of this complaint under Title VI of the 1964 Civil Rights Act. Please indicate the names of any people involved, if known. You may attach any written materials or other information you think relevant: Click or tap here to enter text.

Does this complaint involve a specific incident of discrimination? ☐ YES ☐ NO

If yes, what was the date and time of that incident? Click or tap here to enter text.

Were there witnesses to the incident? ☐ YES ☐ NO

If yes, please provide the name and contact information of any witness(es) to the incident: [Click or tap here to enter text.](#)

Please explain why you have filed on behalf of the Third Party and whether you have obtained permission from the Third Party to file on their behalf: [Click or tap here to enter text.](#)

I believe the discrimination I experienced was based on (check all that apply):

☐ Race ☐ Color ☐ Ethnicity ☐ National Origin ☐ Other [Click or tap here to enter text.](#)

Please complete the electronic form or submit a written statement including all the information requested above and send a signed copy with all the requested information the address below, email or fax.

TITLE VI/NON-DISCRIMINATION COORDINATOR
NEW YORK METROPOLITAN TRANSPORTATION COUNCIL
25 BEAVER STREET, SUITE 201
NEW YORK, NY 10004
Email: NYMTC-Web@dot.ny.gov
Phone: (212)- 383-7200, FAX (212)-383-7287

Note that you may also receive assistance with your Title VI/Non-Discrimination Complaint via phone by contacting 212.383.7200.

COMPLAINT FILING

Have you filed this complaint with any of the agencies listed below:

☐ YES ☐ NO

TITLE VI/NON-DISCRIMINATION COORDINATOR
OFFICE OF CIVIL RIGHTS
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
50 WOLF ROAD, 6TH FLOOR ALBANY, NY 12232
EMAIL: OCR-TITLEVI@DOT.NY.GOV
PHONE (518) 457-1129, FAX (518) 485-5517

☐ YES ☐ NO

CIVIL RIGHTS OFFICER
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION, REGION II
ONE BOWLING GREEN, ROOM 429
NEW YORK, NY 10004
PHONE (212) 668-2170, FAX (212) 668-2136

☐ YES ☐ NO

FEDERAL HIGHWAY ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION OFFICE OF CIVIL RIGHTS
1200 NEW JERSEY AVENUE, SE
8TH FLOOR E81-105
WASHINGTON, DC 20590
EMAIL: FHWA.TITLEVICOMPLAINTS@DOT.GOV

PHONE: (202) 366-0693 FAX: 202-366-1599

Please indicate the name(s) of any other agency(ies) or court(s) that have received this complaint:

Click or tap here to enter text.

If information is needed in another language, contact (212) 383-7200, or visit <https://www.nymtc.org/ABOUT-US/federal-regulations/>

SIGNATURE: _____ **Date:** _____

APPENDIX 3 -- NYMTC LANGUAGE ACCESS OPERATING PROCEDURES

OVERVIEW

Executive Order 13166 on Improving Access to Services for Persons with Limited English Proficiency (LEP), directs federal agencies and recipients of federal funding to provide meaningful language access to their services. Agencies receiving federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with limited English proficiency.

In compliance with guidance and rules issued by United States Department of Transportation (USDOT) to its recipients, the New York Metropolitan Transportation Council (NYMTC) has developed these Language Access Operating Procedures to identify reasonable steps to provide meaningful access and language assistance for LEP persons to its programs and activities at no additional cost. In developing these procedures, we have understood Limited English Proficiency individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. In addition, NYMTC reassesses its language needs frequently in an as needed basis.

NYMTC's Language Access Operating Procedures apply to two distinct levels of its programs and activities:

- 1) The general distribution or availability of public information related to federally mandated regional planning products and analyses that affect the entire NYMTC planning area; or
- 2) The spatially specific distribution or availability of public information related to federally funded studies and planning projects undertaken by NYMTC or by its member agencies that affect specific parts of NYMTC's planning area.

The scope of the Language Access Operating Procedures is determined in large part through a "four-factor analysis", which includes the following:

- 1) The number and proportion of LEP persons in the planning area or spatially specific study area;
- 2) The frequency with which LEP individuals come in contact with NYMTC's programs and activities;
- 3) The nature and importance of the programs and activities provided by NYMTC to people's lives.
- 4) The resources to be employed by the NYMTC for language access services.

LEP PERSONS IN THE NYMTC PLANNING AREA

The USDOT LEP guidance states that recipients must provide "meaningful access" to LEP individuals where oral language services are needed and are reasonable. For translations, the guidance provides "safe harbor" rules to help recipients make good decisions.¹

USDOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if an organization provides written translation of vital documents for each eligible LEP language group that constitutes five percent, or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the organization's written translation obligations.

The U.S. Census Bureau's American Community Survey (ACS) identifies the size and proportion of LEP populations in the NYMTC planning area. The ACS defines people five years and older who identified themselves as speaking English less than "very well" as LEP individuals.

¹ Title VI limited English proficiency data collection walkthrough - Civil rights | Federal highway administration. (2022, January 26). Federal Highway Administration. https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm

Table 1 below presents Safe Harbor languages and LEP populations in NYMTC's planning area categorized by language spoken of individuals older than age five years and over who speak another language at home. The data reveal an estimated 2.2 million LEP persons in the NYMTC planning area, of which just over 98% speak Safe Harbor languages.

Table 1: Safe Harbor Languages in the NYMTC Planning Area

Language Spoken	LEP Speakers	% Total LEP	Language Spoken	LEP Speakers	% Total LEP
Spanish	1,118,785	50.56%	Gujarati	4,832	0.22%
Chinese	253,326	11.45%	Nepali	4,656	0.21%
Russian	112,891	5.10%	Min Nan Chinese	4,504	0.20%
Bengali	61,935	2.80%	Thai	4,330	0.20%
Cantonese	60,047	2.71%	Burmese	4,089	0.18%
Haitian	53,477	2.42%	Romanian	3,612	0.16%
Korean	50,792	2.30%	German	3,377	0.15%
Yiddish	49,711	2.25%	Tibetan	3,362	0.15%
Mandarin	41,114	1.86%	Croatian	2,710	0.12%
Italian	37,944	1.71%	Fulah	2,439	0.11%
Arabic	31,898	1.44%	Hungarian	2,392	0.11%
Polish	30,205	1.36%	Pashto	2,359	0.11%
Urdu	26,751	1.21%	Yoruba	2,293	0.10%
French	26,240	1.19%	Pakistan N.E.C.	2,133	0.10%
Albanian	16,551	0.75%	Serbian	2,092	0.09%
Greek	15,508	0.70%	Jamaican Creole	2,072	0.09%
Hindi	15,220	0.69%	Armenian	2,065	0.09%
Japanese	14,076	0.64%	Tamil	1,984	0.09%
Punjabi	14,009	0.63%	Bosnian	1,720	0.08%
Tagalog	12,839	0.58%	India N.E.C.	1,672	0.08%
Portuguese	11,638	0.53%	Indonesian	1,595	0.07%
Hebrew	9,488	0.43%	Igbo	1,481	0.07%
Vietnamese	7,988	0.36%	Serbocroatian	1,431	0.06%
Malayalam	7,474	0.34%	Khmer	1,380	0.06%
Ukrainian	7,297	0.33%	Sinhala	1,335	0.06%
Akan (incl. Twi)	6,261	0.28%	Bulgarian	1,245	0.06%
Turkish	6,180	0.28%	Telugu	1,117	0.05%
Filipino	6,135	0.28%	Wolof	1,060	0.05%
Farsi	6,073	0.27%	TOTAL ALL LEP	2,212,889	98.57%

Source: U.S. Census, 2015-2019 5 Year American Community Survey (ACS) and Public Use Microdata Sample (PUMS)

Under the Safe Harbor Provision, NYMTC provides translation of written materials related to its planning products and analyses into languages that meet or exceed the established five percent or 1,000-person threshold. As seen in Table 1, 57 Safe Harbor languages meet or exceed this threshold in the NYMTC planning area, while roughly 67 percent of the total LEP population speaks one of three languages: Spanish, Chinese, or Russian. These languages each exceed five percent of the total LEP population and therefore, for purposes of these operating procedures, these three languages are considered primary LEP languages in NYMTC's planning area, while the remaining LEP languages are regarded as secondary LEP languages.

Federal regulations mandate that Metropolitan Planning Organizations (MPOs) such as NYMTC produce three required products and two analyses, along with a Public Involvement Plan. These products guide the long-, medium- and short-term transportation planning activities of the region and confer eligibility for federal transportation funding. NYMTC's planning area includes people that are LEP and may require additional services to participate fully in the planning process. Public input is an important consideration for NYMTC as it undertakes its planning responsibilities.

PROVISION OF LANGUAGE ASSISTANCE

NYMTC will provide ongoing language assistance for LEP populations in the planning area as a whole and in specific study areas for planning studies. Instructions explaining the language assistance will be publicly available and accessible to the LEP populations.

Written Translation of Vital Documents

NYMTC identifies the following as vital documents for translation:

- Title VI/ Non-Discrimination Notice to the Public (Appendix 1);
- Title VI/Non-Discrimination Complaint Form (Appendix 2);
- Display ads in ethnic newspapers and media;
- Public hearing/meeting notices with information on free language assistance;
- Other documents and media that allow LEP persons to participate in NYMTC's programs and activities, including public notices, surveys, and polls; and
- The Title VI/Non-Discrimination Program document.
- Summaries of NYMTC's federally mandated regional planning products and analyses; specifically:
 - Regional Transportation Plan;
 - Transportation Improvement Program and related Annual Listing of Obligated Projects;
 - Unified Planning Work Program;
 - Congestion Management Process Status Report;
 - Transportation Conformity Determination; and
 - Public Involvement Plan.

Summaries of the regional planning products and analyses, along with the other vital documents previously listed in their entirety, will be translated to the languages that meet or exceed the established five percent or 1,000-person threshold as defined in Table 1, in the following manner:

- Drafts and final versions of executive summaries and final versions of the other vital documents that

are released publicly will be issued in English and the three primary LEP languages as shown in Table 1.

- For the secondary LEP language that total more than 1,000 speakers but less than 5% of the total LEP population, the vital documents as described above can be translated on demand, as practical, into the secondary LEP languages using online open-source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.
- Other NYMTC documents will be translated in whole or in part on demand for all LEP languages, as practical, using the online open-source translation programs provided on the NYMTC website or upon written or verbal request to NYMTC.

Website Language Assistance

Translation services are provided on the NYMTC website through online open-source translation programs, which can translate all the constituent website pages as well as the vital documents identified above. The translation program provides translation for the primary LEP languages and as many of the secondary languages as are provided through the program. Instructions on the use of the online open-source translation program will also be provided on the website.

Oral Interpretation Language Assistance

Designated public facing staff are provided language assistance training and tools to be prepared for potential encounters with LEP speakers, either in person, on the phone or online. Tools provided include Language Identification Tool signs and "I Speak" cards. Over the phone interpretation is provided on demand.

For meetings related to the regional transportation planning process and NYMTC's mandated planning products, NYMTC will advertise the availability of translation services prior to the meeting. Meeting announcements can be translated upon request or using the online open-source translation program available on the website.

Upon request at least 72 hours in advance, oral interpretation services in the primary LEP languages will be provided for NYMTC's public meetings. Requests American Sign Language (ASL) must be made five days in advance of the meeting.

The need to conduct public engagement virtually during the COVID-19 pandemic has resulted in expanded opportunities for virtual or hybrid virtual/in person public meetings and workshops. NYMTC meetings are held virtually on the online meeting platforms such as WebEx. Virtual attendees may request oral interpretation services or close captioning translation 72 hours in advance of the meeting.

The 7-1-1 N.Y. Relay Service is another service the public is notified about. Persons with a hearing or speech disability may use the Telecommunications Relay Service, via Telephone Text (TTY) or a or voice carry-over (VCO) phone may contact the 7-1-1 N.Y. Relay Service by dialing Dial 7-1-1 or 1-800-421-1220.

Public Notice of Availability of Language Assistance

NYMTC will provide public notice of availability of language assistance on an on-going basis through the following mechanisms:

- Information on the availability of language assistance will be maintained on the NYMTC website, along with instructions on how the assistance may be accessed.
- Brochures containing language assistance instructions will be made available at each public meeting offered by the organization and will be available in public areas of NYMTC's main offices.

- Language assistance brochures will also be distributed generally through NYMTC's distribution lists and through the distribution lists of other related organizations.
- Language assistance notices will be placed with local, non-English language media directed at LEP individuals and their languages.
- Language assistance information and instructions will be provided when contacting NYMTC's main phone number.

Frequency of Contact with LEP Populations

Contact with LEP populations most often occurs through online communications, such as through the website, emails, surveys, polls, and social media and media outlets geared towards LEP communities. NYMTC staff and members conduct outreach activities in communities with significant LEP populations and with organizations that involve LEP persons. This outreach is usually undertaken in the context of spatially specific planning studies.

Need for Services and Cost

NYMTC assessed its available resources that could be used for providing LEP assistance by reviewing the four-factor analysis. This included identifying the staff and volunteer language interpreters are readily available, how much a professional interpreter and translation service would cost, LEP contact with NYMTC programs and services, LEP Population in the NYMTC Planning area, and potential contact with the LEP Population in a study or project area, to determine which documents should be translated, examining which financial sources and free language sources could be used to provide assistance, and determine what level of staff training is needed.

MONITORING PROGRAM IMPLEMENTATION

NYMTC will monitor and update the Language Access Operating Procedures through the following information:

- Language access assistance provided through website downloads, use of online translation programs, requests for translated documents, retained translation services, calls to translation services and meetings at which translation services are provided.
- Complaints received regarding language acting as a barrier to accessing information and/or services.
- Consultation with NYMTC staff and members on encounters with LEP persons.
- Surveys and focus groups with LEP persons to evaluate the scale and effectiveness of language access services.

A Language Access Coordinator is designated to oversee NYMTCs Language Access Procedures. The coordinator will maintain:

- A list of oral interpreting and translation resources available to staff.
- Procedures for accessing each interpretation or translation service.
- A list of Professional Vendors.
- A list of Bilingual Volunteer Staff who are self-assessed in their language competency and when they are used.
- A record of oral interpreting services provided to LEP individuals at each encounter.
- A record of translated documents by Professional Vendors.

- Relevant new data for the planning area.

LANGUAGE ASSISTANCE FOR SPATIALLY SPECIFIC PROJECTS AND STUDIES

For spatially specific planning projects and studies funded through NYMTC's planning process, the project managers of these projects and studies will identify the LEP populations within the spatial boundaries of the project or study, define the Safe Harbor LEP languages of the area, identify vital documents for the project or study, and provide language services consistent with the procedures for the regional planning products and analyses, with the following customizations:

- Project managers will perform a Census analysis to identify the LEP populations within the spatially specific boundaries of the project as well as thresholds for language assistance. Oral, written, and website language assistance will be provided for the primary and secondary languages identified.
- Project managers will identify the vital documents related to the spatially specific project or study.
- Brochures or flyers about language assistance services (posted in public areas of the member's office as well as elsewhere in the member's service area).
- Signs posted about language assistance services (in public areas of the member's office as well as elsewhere in the member's service area).
- Local, non-English language media directed at LEP individuals and their languages.
- Community outreach informational handouts will be provided at public hearings.
- Notice of the language access services will be provided on the project or study website.

Project managers of spatially specific planning projects or studies that are funded through NYMTC's planning process must provide notice of availability of language assistance services under the Safe Harbor Provision.

For spatially specific planning projects and studies funded through NYMTC's planning process but managed by a NYMTC member agency, the member agency's Language Access policies will take precedence over NYMTC's Language Access Operating Procedures.

Meetings For Spatially Specific Planning Projects

The procedures for public meetings will be followed for public meetings related to spatially specific planning projects and studies funded through NYMTC's planning process.

APPENDIX 4 -- GEOSPATIAL ANALYSIS OF NYMTC PLANNING PROCESS OUTCOMES

NYMTC COMMUNITIES OF CONCERN AND RACIAL/ETHNICITY CONCENTRATIONS

Link to interactive map: <https://arcq.is/GCfrO>

This map demonstrates the communities of concern zones/areas in the NYMTC region along with the current TIP and Plan projects. The CofCs are defined by two variables, population below poverty and minority population. The thresholds for each variable are calculated by taking the average of the variable across all the ten NYMTC counties.

APPENDIX 5 – NYMTC STANDARD ASSURANCES

NEW YORK METROPOLITAN TRANSPORTATION COUNCIL STANDARD ASSURANCE

The New York Metropolitan Transportation Council (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 Federal Highway Administration and Federal Transit Administration, 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.F.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.F.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 Federal Highway Administration and Federal Transit Administration.

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 non-discrimination 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 programs and activities.

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 and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The New York Metropolitan Transportation Council in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.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, New York Metropolitan Transportation Council 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 New York Metropolitan Transportation Council 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 You must keep records, reports, and submit the material for review upon request to New York Metropolitan Transportation Council, 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.

New York Metropolitan Transportation Council 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 programs and activities. This ASSURANCE is binding on New York, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the programs and activities. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

New York Metropolitan Transportation Council

by _____
(*Signature of Authorized Official*)

DATED _____

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration 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 be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the ***Federal Highway Administration and Federal Transit Administration of the U.S. Department of Transportation***, 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 Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration and Federal Transit Administration of the U.S. Department of Transportation may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The

contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration and Federal Transit Administration of the U.S. Department of Transportation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX 6 – ACRONYMS & GLOSSARY

ACRONYMS

ACS – American Community Survey

ADA – Americans with Disabilities Act of 1990

ASL – American Sign Language

CFR – Code of Federal Regulations

CMP – Congestion Management Process

CofC - Communities of Concern

DBE – Disadvantaged Business Enterprise

EEO – Equal Employment Opportunity

EJ – Environmental Justice

FAST Act – Fixing America’s Surface Transportation Act

FHWA – Federal Highway Administration

FTA – Federal Transit Administration

GIS – Geographic Information Systems

LEP – Limited English Proficiency

MPO – Metropolitan Planning Organization

NYMTC - New York Metropolitan Transportation Council

NYSDOT – New York State Department of Transportation

PIP – Public Involvement Plan

PFAC – Program, Finance and Administration Committee

RTP – Regional Transportation Plan (the Plan)

TAC – Technical Advisory Committee

TCC – Transportation Coordinating Committee

TIP – Transportation Improvement Program

UPWP – Unified Planning Work Program

USDOT – United States Department of Transportation

VMT – Vehicle Miles Traveled

GLOSSARY

Adverse effects - the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities. (DOT 5610.2C)

Compliance- means that a recipient has correctly implemented the requirements of this part.

Contract - means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Disproportionately high or adverse effect -

Whether an adverse effect is “disproportionately high” on minority and low-income populations depends on whether that effect is (1) predominantly borne by an EJ population, or (2) will be suffered by the EJ population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-EJ population. It is important to note that determinations of disproportionately high and adverse effects take into consideration the mitigation and enhancement measures that are planned for the proposed action. (U.S.DOT)

Disadvantaged Business Enterprise (DBE): *Disadvantaged business enterprise* or *DBE* means a for-profit small business concern -

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Discrimination - any action or inaction, whether intentional or unintentional, in any program or activity of a federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin. (FTA C. 4702.1b)

Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin. (FTA C. 4702.1b)

Equality: Distributing costs and benefits in a manner that benefits all people to the same extent. This can refer to equality of opportunity, whereby all people have the same chances, or equality of outcome, whereby all people end up with the same opportunities.

Equal Employment Opportunity (EEO): prohibits discrimination toward an employee or job applicant based on race, color, religion, national origin, sex, age or disability. FTA investigates systemic charges of discrimination involving a transit agency’s employment policies and practices.

Equitable: Meeting a normative standard of fairness.

Equity: A measure of "fairness" in terms of the distribution of costs and benefits among members of society. Such benefits and costs—whether monetary or nonmonetary—can be distributed in ways that people may see as reasonable or unreasonable.

Environmental justice - the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level, with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Fair Treatment - for the purpose of DOT's Environmental Justice Strategy, means that no population, due to policy or economic disempowerment, is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decisions, programs and policies made, implemented and enforced at the Federal, State, local or tribal level. (DOT 5610.2C)

Limited English Proficient (LEP) persons - refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English.

Low-Income Person- a person whose median household income is at or below the U.S. Department of Health and Human Service poverty guidelines. (per FTA C. 4702.1b and DOT 5610.2C)

Low-Income Population: a low-income population as 1) any readily identifiable group of low-income persons who live in geographic proximity, or 2) geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

Minority Population - means any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

National origin - means the particular nation in which a person was born, or where the person's parents or ancestors were born.

Transportation improvement program (TIP) - means a prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53. ii.

Transportation Management Area (TMA) - means an urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of Transportation, or any additional area where TMA designation is requested by.