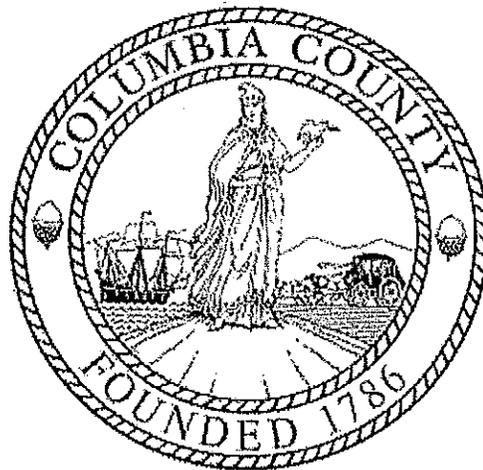


COLUMBIA COUNTY



TITLE VI PLAN

November 14, 2012

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Patrick Grattan, Chairman – Board of Supervisors
Columbia County

Prepared by: Columbia County Director of Human Resources
and the Columbia County Attorney's Office

Title VI Plan

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Title VI Plan

Policy Statement

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

In the event Columbia County distributes federal aid funds to another governmental entity, Columbia County will include Title VI language in all written agreements and will monitor for compliance. The Columbia County Director of Human Resources is responsible for initiating and monitoring Title VI activities, preparing required reports and other Columbia County responsibilities as required by 23 CFR 200 and 49 CFR 21.

Authorities

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

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

Additional Authorities and Citations Include:

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

Columbia County Organizational Chart Title VI Reporting Relationships

Organization and Staffing – General

The Chairman of the Board of Supervisors is responsible for ensuring the implementation of the County's Title VI program. The Director of Human Resources on behalf of the Chairman of the Board of Supervisors is responsible for the management of the Title VI program. The day-to-day administration of the Title VI program lies with the Director of Human Resources/Title VI Coordinator under the direct supervision of the Chairman of the Board of Supervisors.

In addition to the Title VI Coordinator, each of the special emphasis program areas listed below will have a designated Title VI Liaison. The liaison will be responsible for ensuring compliance, program monitoring, reporting, and training within their respective programs.

- Planning
- Research
- Environmental Services
- Engineering Services
- Right-of-Way

Program Administration and Title VI Coordinators Responsibilities

As authorized by the Chairman of the Board of Supervisors, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring the County's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the County in accordance with Complaint Procedures. If any individual believes they or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin, or sex, they may file a complaint with the County. It is the goal of the County to resolve complaints informally at the lowest County managerial level.
2. Collect statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatee's, impacted citizens, and affected communities. Each of the Title VI special emphasis program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.
3. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition to the day to day monitoring, all special emphasis program areas will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator and program liaisons will coordinate efforts to ensure equal participation in their program areas and activities at all levels.
4. Conduct Title VI reviews when necessary of contractors and other recipients of federal aid highway funds.

5. Work with special emphasis program staff to ensure the fundamental principles of Environmental Justice outlined below:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

6. Develop Title VI information for Public Dissemination and Limited English Proficiency. Ensure dissemination to the general public and, where appropriate, in languages other than English. The County will disseminate Title VI Program information to County employees, contractors, subcontractors, consultants, and sub-consultants as well as the general public. Public dissemination will include posting of public statements and inclusion of Title VI language in contracts. The Title VI Policy Statement will be published in newspapers having a general circulation in the vicinity of proposed projects and announcements of hearings and meetings in minority publications.

7. Conduct pre-grant and post-grant approval reviews of County programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the County.

8. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.

9. Schedule training for Title VI related statutes for County employees. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. All directives providing operational guidelines to all sub-recipients, and special emphasis program areas will be reviewed annually to include Title VI language and provisions and related requirements, where applicable.

10. Identify and eliminate discrimination when found to exist. Work with all county offices and Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.

11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period not to exceed 90 days. The County will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period not to exceed 90 days.

Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

The County will seek the cooperation of the sub-recipient in correcting deficiencies found during the Title VI compliance reviews. The County will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the County will submit a copy of the case file to NYSDOT's External Office of Civil Rights or the FHWA and a recommendation that the sub-recipient be found in noncompliance.

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

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

Complaint Procedures for Federally Assisted Programs and Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, (including its Disadvantaged Business Enterprises (DBE), Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) Program components) Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any transportation or Public Works program or activity administered by the County, as well as to sub-recipients, consultants, and contractors. These procedures apply to complaints filed against a program or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA).

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

These procedures are part of an administrative process, which do not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest managerial/administrative level possible. The option of informal mediation meeting(s) between the affected parties and the investigator may be used for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under Title VI based upon race, color, sex, age, national origin or disability may file a written complaint with Columbia County.

Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person became aware of the alleged discrimination; or
- There has been a continuing or the latest instance of the discriminatory conduct.

Form of Complaints

A formal complaint must meet the following requirements:

- must be in writing and signed by the person or their representative and include the complainant's name, address and telephone number. A formal complaint of discrimination will also be acknowledged and processed if received by fax or e-mail.
 - A formal complaint of discrimination received by telephone will be written down and provided to the complainant for confirmation or revision before processing.
- must provide a detailed description of the issues including names, dates, and job titles of witnesses or those individuals perceived as parties in the complained of incident.

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

Acceptance of a complaint will be determined by

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

A complaint may be dismissed for the following reasons

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

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

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

Within 40 calendar days of the acceptance of the complaint, the County or NYSDOT investigator will prepare an investigative report for the County's Title VI Coordinator and the Chairman of the Board of Supervisors. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The County's Title VI Coordinator and Chairman of the Board of Supervisors will have 10 calendar days to review and provide comments to the investigator.

Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the County Attorney's Office for review. The County Attorney's Office will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the County's Attorney's Office will be reviewed by the Chairman of the Board of Supervisors. There will be a period of 10 calendar days for the Chairman of the Board of Supervisors to discuss the report and any recommendations with the County's Title VI Coordinator and have the Title VI Coordinator address any modifications as needed and made final for its release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

Columbia County's final investigative report and a copy of the complaint will be forwarded to either FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

Columbia County will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's concurrence.

The corresponding USDOT modality will issue the final decision to Columbia County based on the County's investigative report.

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

Special Emphasis Program Areas

Planning and Program Development

A comprehensive transportation planning process is used which incorporates input from the public in coordination with the various Metropolitan Planning Organizations (MPOs). *Columbia County does not have an MPO.* The process further entails the monitoring and collection of varied data pertaining to transportation issues.

Title VI Responsibilities

- Ensure that all aspects of the transportation planning process comply with Title VI.
- Ensure participation of a cross section of various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic organizations and participating in roundtable meetings in minority and low-income communities when applicable.
- Assist the Title VI Coordinator in gathering and organizing information for internal annual Title VI Update Reports.
- Review the Program Development work program and other directives to ensure compliance with Title VI program requirements.
- Ensure equal participation on Citizens Advisory Committees (CAC) by requesting the CAC provide information regarding their selection process for members and to furnish information on membership make up (race, gender, and position within the organization) for evaluation.
- Visit CAC and public meetings to verify the level of participation of Title VI protected group members when offered in predominantly minority or low-income communities.
- Gather statistical data on program participation regarding race, color and national origin.

Consultant Services/Environmental

Authorities:

48 CFR 31; 23 CFR 172

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

23 CFR Part 771

40 CFR Part 1500

49 CFR Part 622

EO 12898

Consultant Selection/Administration of Consultant Contracts

The Office of Tourism, Planning & Economic Development, in conjunction with the County Attorney is responsible for consultant selection, negotiation, and the administration of consultant contracts.

Environmental Process

A systematic process is used to study and evaluate all necessary environmental aspects of a proposed project, including social and economic. Depending on the scope, complexity, and impacts of the project, a National Environmental Policy Act (NEPA) Categorical Exclusion (CE), NEPA Environmental Assessment (EA), State Environmental Policy Act (SEPA) checklist, SEPA Determination of Non-significance (DNS), or NEPA

and/or SEPA Environmental Impact Statement will be completed.

Environmental Justice Outreach

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

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

Limited English Proficiency Strategies

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

- Applying the "four factor analysis" process provided as a guideline from the U.S. Department of Justice to determine LEP needs. This process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the nature and importance of the program to people's lives, and the resources available to provide translation services. The results of this analysis will be used to outreach and engage LEP persons in the transportation planning process.

- Developing a demographic assessment for the impacted area to determine if there is a 5% or more minority population requiring special language assistance, and address the needs.
- Developing a written policy to ensure the implementation of LEP measures that identify and assess the language needs of its LEP population. Provide for a range of language assistance options, including notices to LEP persons in a language they can understand regarding their right to free language assistance.
- Training to ensure that staff are knowledgeable and aware of LEP policies and procedures, and are trained to work effectively in the facilitation of the process
- Providing translation services for public documents and competent interpreters at public hearings.
- Increasing opportunities for public involvement, particularly by historically underserved populations including LEP individuals by advertising in local and local minority newspapers.
- Monitoring the program to ensure that LEP persons have meaningful access to the transportation planning and implementation process.

Title VI Responsibilities

- Monitor compliance with Title VI requirements in all aspects of the environmental process, including Environmental Justice and Limited English Proficiency requirements.
- Conduct meetings to review the project impact.
- Disseminate to the public their right to call or write the department to view plans and discuss environmental problems.
- Ensure DBE goal attainment.
- Coordinate the gathering of environmental information for the Annual Title VI Update Report including awards to DBE firms.
- Notify protected group residents of public meetings or hearings regarding a proposed project. Ensure time and location for public meetings or hearings is accessible.
- Maintain mechanisms to identify population affected by a project.
- Ensure participation of all segments of the impacted population in the location selection process.
- Ensure that all federally funded consultant contracts administered by this section have the appropriate Title VI Appendix enclosed.
- Review guidelines and procedures to ensure Title VI compliance.
- Maintain and update necessary data and documentation, including demographic data mapping ethnicity by area as required for completion of the department's internal annual Title VI Update Report.

Engineering Services

Authorities

Title 23, U.S.C 109(d), 14(a), 217, 315 and 402(a)
 23 CFR 1204.4; 23 CFR 771; EO 12898
 49 CFR 1.48(b)(33) and 1.48(c)(2)

Design Process

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

Construction Engineering

The Department of Public Works, with assistance from the Director of Tourism, Planning & Economic Development, sets policy and provides guidance and oversight for the decentralized administration of transportation construction projects by the County's project engineers.

Construction Process

Construction Engineering is responsible for new construction and maintaining County roads and bridges by using the resources of contractors, equipment, and materials in the most economic way. Construction Engineering provides guidance and oversight for the administration of transportation construction projects.

Title VI Responsibilities

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

Right-of-Way

Together with the County Attorney's Office, the Department of Tourism, Planning and Economic Development manages and coordinates the appraisal and acquisition of real property for transportation needs, the management of excess properties, and Relocation Assistance Services. Please identify the county office where Right-of-Way is located.

Authorities:

Right of Way Manual;
23 CFR 130; 49 CFR 24;

Acquisition Process

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

Title VI Responsibilities

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

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

Contract Compliance

The Columbia County Attorney's Office will ensure that each contract entered into is done so in full compliance with Title VI and all applicable Federal, State, and local laws, policies and procedures.

Authorities:

GML Article 5

Columbia County Expenditure Policy

Title VI Responsibilities

- Review all projects for application of DBE goals. Gather statistical data on DBE utilization.
- Include DBE general special provisions in those projects with goals.
- Include Title VI language in contract award letters to encourage utilization of DBE firms.
- Award of construction contracts shall be granted on the basis of the lowest responsive bidder including DBE requirements.

- Ensure through reviews that prime contractors with DBE requirements award previously committed work to proper DBEs and that DBEs actually perform commercially useful functions on contracts.
- Review activities to ensure maintenance and construction efforts and resources are applied uniformly and fairly.
- Maintain program documentation necessary for internal annual Title VI updates.

Appendix 1 - Columbia County Title VI Notice to Public

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

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the County. Any such complaint must be in writing and filed with the County Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant by calling 518-828-8561.

Appendix 2 – Columbia County Title VI Assurances

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

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

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

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

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

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

therewith.

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

7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.

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

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

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

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

Columbia County Chairman of the Board

Date

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

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

1. Compliance With Regulations

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

2. Nondiscrimination

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

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

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

4. Information and Reports

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

5. Sanctions for Noncompliance

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

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

6. Incorporation of Provisions

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

Appendix A

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

GRANTING CLAUSE

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

HABENDUM CLAUSE

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

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

Appendix B

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

The LESSEE, or their heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the County shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

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

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

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