Title VI
Nondiscrimination
Implementation Plan

GENESEE TRANSPORTATION COUNCIL
December 2012
GENESEE TRANSPORTATION COUNCIL

RESOLUTION

Resolution 12-139 Adopting the Genesee Transportation Council Title VI Nondiscrimination Implementation Plan

WHEREAS,

1. 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;

2. The United States Department of Transportation (USDOT) requires public agencies, including GTC, to develop a Title VI Plan that addresses how an agency integrates nondiscrimination practices in its planning, public participation, and decision making.

3. USDOT has provided additional guidance and clarity about what Metropolitan Planning Organizations, including GTC, must include in their Title VI Plans since GTC adopted its Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan in 2010;

4. GTC staff prepared the Title VI Nondiscrimination Implementation Plan in compliance with the most current Federal directives and guidance to avoid, minimize, or mitigate disproportionately adverse impacts of transportation projects and investments on persons not traditionally well-represented in the transportation policy, planning, and investment decision making processes; and

5. Said Plan has received the federally-required approval of the New York State Department of Transportation and has been reviewed by GTC staff and member agencies through the GTC committee process and found to be worthy of guiding activities conducted by or on behalf of GTC.

NOW, THEREFORE, BE IT RESOLVED

1. That the Genesee Transportation Council hereby adopts the Title VI Nondiscrimination Implementation Plan effective immediately; and

2. That this resolution takes effect immediately.
CERTIFICATION

The undersigned duly qualified Secretary of the Genesee Transportation Council certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Genesee Transportation Council held on December 13, 2012.

Date 12-14-12

Robert Traver

ROBERT A. TRAVER, Secretary
Genesee Transportation Council
October 16, 2012

Mr. Tony Favro, Program Manager
Community Transportation Planning
Genesee Transportation Council
50 West Main Street, Suite 8112
Rochester, New York 14614

Re: Title VI Nondiscrimination Implementation Plan

Dear Mr. Favro,

The New York State Department of Transportation’s (NYSDOT) Office of Civil Rights (OCR) has reviewed and approved the Title VI Nondiscrimination Implementation Plan submitted by your organization on April 5, 2012.

We would like to acknowledge the Genesee Transportation Council for your commitment and investment of resources dedicated to produce this report.

The OCR is appreciative for the effort in developing your Title VI Plan which demonstrates your organization embraces the spirit and intent of the requirements of Title VI of the Civil Rights Act of 1964. We look forward to working with your organization in the future. Please let me know if I can be of assistance to you in any way.

Again, congratulations on reaching this milestone.

Best Regards,

Emery Moore, Title VI Specialist
NYSDOT Office of Civil Rights
50 Wolf Road
Albany, NY 12232

RECEIVED
OCT 22 2012
Genesee Transportation Council

Cc: Mansour Aghili, Acting Director, Office of Civil Rights, NYSDOT
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TITLE VI PROGRAM OVERVIEW

Introduction

By federal law, every urbanized area of the country with over 50,000 people must have a formal planning organization for transportation. The Genesee Transportation Council (GTC) fills that role for the Genesee-Finger Lakes Region, which includes nine counties: Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates. GTC is authorized to conduct transportation planning and oversee transportation investment in the region and provides a forum for cooperative transportation decision making.

The United States Department of Transportation requires public agencies, such as GTC, to establish Title VI Programs.

Title VI is an abbreviated way of referring to the requirements of the federal Civil Rights Act of 1964 and other legislation that 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.

A Title VI Program is a set of policies and procedures which address how an agency is integrating nondiscrimination practices in its planning, public participation, and decision making. These policies and procedures must be included in a Title VI Plan.

The present Plan reflects GTC’s individual federal-aid transportation program structure. It is our guide to monitoring compliance with the law and eliminating any discrimination that may be found to exist.

GTC’s Commitment to the Public

The Genesee Transportation Council assures that no person shall, on the grounds of race, color, national origin, disability, age, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. GTC further assures every effort will be made to ensure nondiscrimination in all of its programs activities, whether those programs and activities are federally funded or not.

En Español

El Consejo Genesee del Transporte asegura completa implementación del Título VI de la Ley de Derechos Civiles de 1964, que prohíbe la discriminación por motivo de raza, color de piel, origen nacional edad, género, discapacidad, o estado de ingresos, en la provisión de beneficios y servicios que sean resultado de programas y actividades que reciban asistencia financiera federal.
Authorities and Citations

The following is a compilation of the federal regulations, statutes, and orders that together create the legal requirements for nondiscrimination within the Genesee Transportation Council:

- Title VI of the federal Civil Rights Act of 1964 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" (42 USC 2000d).

- The 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, subrecipients, and contractors, whether such programs and activities are federally-assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

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

- Section 504 of the 1973 Rehabilitation Act (29 USC 790) prohibits discrimination on the basis of physical or mental disability.


- The 1975 Age Discrimination Act (42 USC 6101) prohibits age discrimination.

- Executive Order 12898 on Environmental Justice prohibits discrimination on the basis of minority or income status.

- Executive Order 13166 on Limited English Proficiency prohibits discrimination on the basis of how well a person speaks English.

GTC’s Ongoing Activities to Reduce Barriers

It has been the Genesee Transportation Council’s long-standing practice to actively ensure nondiscrimination and to ensure that transportation decision making includes consideration of the unique needs of Title VI-protected populations.

GTC's overarching policies and actions increasingly focus on making environments usable for all people, as well as removing specific barriers.

Current examples include, but are not limited to:

- An emphasis on Context Sensitive Design and Complete Streets when planning for roadway reconstruction and rehabilitation to balance the needs of all users (through, for example, the use of sidewalks, high-visibility crosswalks, clear signage, and traffic signals timed for pedestrians, as appropriate).
Continuous redesign of the GTC website to make it easy to use for people with disabilities (employing, for example, easier to enlarge text, high-contrast color combinations, and text-only versions of multi-media policy documents).

Participation in the Finger Lakes Health Systems Agency’s Sage Commission to address the needs of the region’s senior population, including transportation access to health care and other needed services.

Participation in the regional Healthi Kids Coalition to create daily environments which encourage children to increase their levels of physical activity (such as new or repaired sidewalks and multi-use trails, bicycle facilities, and safe routes to school).

A series of analyses of the personal mobility needs of specific populations including the elderly, low-income persons, and minorities.

A forthcoming business plan for a regional mobility management program which connects individuals, especially seniors, persons with disabilities, low-income workers, and those without private motor vehicles, with transportation services to meet their mobility needs.

Advocacy of Universal Design, which incorporates products, building features, and site elements that, to the greatest extent possible, can be used by everyone whatever their condition in life: short or tall, physically-challenged or not, left- or right-handed, young or old, English-speaking or not, to give only a few examples.

Other ongoing practices derive from GTC’s 2007 Public Participation Plan and 2010 Environmental Justice, Title VI, and Americans with Disabilities Act Involvement Plan, including:

- Holding all meetings at convenient times in locations that are wheelchair accessible.
- Placing meeting materials and other public information on the GTC website.
- Creating an Environmental Justice information page on the GTC website.
- Providing website language translation.
- Arranging special accommodations with a 48-hour advance notice.
- Maintaining a database of organizations serving communities that may be traditionally underrepresented. These organizations and their clients are invited to participate in the development of various GTC-sponsored activities, most notably the Long Range Transportation Plan and the Transportation Improvement Program.
- Utilizing media outlets targeted to underrepresented populations to publicize GTC meetings and public review periods.
- Publicizing GTC meetings and public review periods on local cable access television.
- Gradually, but continually, increasing the number of Spanish-language publications.
Title VI Goals and Objectives

The Genesee Transportation Council is committed to the following goals and objectives to guide implementation of this Title VI program:

- Protect environmental quality and human health in all conditions.
- Avoid disproportionate adverse impacts on Title VI-protected populations.
- Enhance the public-involvement process to reach all segments of the population and ensure that all groups have a voice in the transportation planning process, regardless of race, color, national origin, gender, age, disability, and income status.
- Strengthen relationships with community organizations.
- Provide all communities with the opportunity to learn more about the transportation planning process.
- Provide all communities with opportunities to improve the quality and usefulness of transportation in their lives.
- Make sure all projects go through a formal Environmental and Title VI review and analysis to ensure environmental justice issues are considered and appropriate actions are followed.
- Promote and protect community members’ rights to participate meaningfully in decisions that may affect them.
- Make the process of filing Title VI/environmental justice complaints easy with forms readily available forms through the Genesee Transportation Council website, and by designating a GTC staff person as the Title VI Coordinator that citizens can contact.
- Comply with the requirements of Title VI and accompanying regulations and orders.
GTC Nondiscrimination Policy Statement

The following is the Genesee Transportation Council’s official nondiscrimination policy statement. It covers all GTC programs and activities:

The Genesee Transportation Council is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related rules and statutes.

The Genesee Transportation Council assures that no person or group(s) of persons shall, on the grounds of race, color, age, disability, national origin, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by GTC, whether those programs and activities are federally funded or not.

It is also the policy of the Genesee Transportation Council to ensure that all of its programs, polices, and other activities do not have disproportionate adverse effects on minority and low income populations. The Genesee Transportation Council identifies minority and low income communities through the use of Census data. The Genesee Transportation Council takes a proactive approach to engage these communities and ensures their full and fair participation in the transportation decision-making process.

In addition, GTC will provide meaningful access to services for persons with Limited English Proficiency.

In the event GTC distributes federal-aid funds to a subrecipient, GTC will include Title VI language in all written agreements and will monitor for compliance.

The Genesee Transportation Council’s Executive Director is responsible for initiating and monitoring Title VI activities, preparing reports, and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

Richard Perrin, Executive Director
Genesee Transportation Council

April 4, 2012
Date
TITLE VI PLAN IMPLEMENTATION AND PROGRAM ADMINISTRATION

GTC Organization and Reporting Structure

The Genesee Transportation Council is governed by a 27-member Board, which is supported by an Executive Committee, Planning Committee, and other committees authorized to monitor development of the GTC’s federally-required work products — Long Range Transportation Plan (LRTP), Unified Planning Work program (UPWP), and Transportation Improvement Program (TIP) — as well as temporary committees established to deal with specific issues.

A small staff provides professional and technical support to the Board and its committees. The staff’s Executive Director reports directly to the Board.

The Executive Director is responsible for overall implementation of GTC’s Title VI Nondiscrimination Program. The Executive Director designates a Title VI Coordinator. The Title VI Coordinator shall have a responsible position on the GTC staff and access to the Executive Director.

The Title VI Coordinator is responsible for Title VI Program administration.

Title VI Coordinator’s Responsibilities

The Title VI Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of GTC’s administration. As part of this responsibility, the Title VI Coordinator will:

1. Ensure all GTC program administration is in compliance with Title VI.

3. Collect data supporting GTC nondiscrimination activities, including statistical data (i.e., race, color, gender, age, disability, and language proficiency) for use in planning and monitoring by GTC, its member agencies, consultants, and the general public.

4. Disseminate Title VI program information to GTC employees and beneficiaries, as well as to the general public.

5. Include appropriate Title VI language in contracts and studies.

6. Provide Title VI language, provisions, and related requirements, as applicable, to any consultants under direct contract with GTC.

7. Conduct staff training programs on Title VI and other related statutes.

8. Identify, investigate, and eliminate discrimination when found to exist in connection with GTC program areas.

9. Prepare an annual Title VI report, which evaluates the effectiveness of GTC’s Title VI program and related efforts, by documenting accomplishments over the past year and establishing goals for the forthcoming year.

10. Stay current of federal and state laws, rules, regulations, guidelines, and other resource information pertaining to GTC’s Title VI Program.

11. Update the Title VI Plan as needed or required.

**Complaint Procedure**

Any person alleging discrimination may file a written or oral complaint with the Rochester Genesee Regional Transportation Authority (RGRTA), as the host agency of the Genesee Transportation Council. A copy of the RGRTA Title VI Complaint Form is included as Exhibit 2 of this Plan (pp. 31-32). Use of this Form is not mandatory; all complaints are accepted.

Write: Rochester Genesee Regional Transportation Authority
1372 East Main Street
Rochester, New York 14609
Attention: Civil Rights

Phone: (585) 654-0200

TDD: (585) 224-8509

e-mail: customerservice.rts@rgtta.com

Should a complaint be received, the following procedure will be followed:

1. Any written or oral complaint alleging discrimination on the grounds covered by Title VI of the Civil Rights Act of 1964, as amended, should be promptly forwarded to the RGRTA General Counsel and recorded upon receipt on a log sheet maintained by the General Counsel. The log shall include the:
· Name of the complainant(s)
· Date complaint was received
· Nature of complaint
· Name of the RGRTA representative handling the complaint
· Action taken by RGRTA

2. Once the complaint is recorded on the log sheet, a letter shall be sent to the complainant to advise the complainant that the matter is being investigated and providing a date by which the complainant will receive a response.

3. RGRTA staff will provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.

4. In instances where additional information is needed for assessment or investigation of the complaint, the complainant will be contacted in writing within 15 business days. Failure to provide the requested information by a certain date may result in the administrative closure of the complaint.

5. RGRTA will process the complaint in accordance with the approved Title VI Complaint Processing Procedures. In addition to the complaint process stated above, a complainant may file a Title VI complaint with the U.S. Department of Transportation, Federal Transit Administration, Office of Civil Rights, Region II, One Bowling Green, Room 429, New York, New York 10004-1415.

**Consultant Contracts Activities**

GTC executes contracts with consultants for specific projects or activities. The standard language incorporated into these contracts requires that the consultants comply with all applicable federal, state, and local laws, rules, ordinance, and regulations at all times and in the performance of the work.

- The Genesee Transportation Council will include Title VI assurance and provision language in all federally-funded consultant contracts, including Appendix A of the USDOT Standard Assurance (USDOT Order 1050.2).
- GTC will follow 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).
- The technical assistance and guidance provided by the Title VI Coordinator and GTC staff is intended to support voluntary compliance by GTC consultants. When a consultant fails or refuses to voluntarily comply with GTC’s recommendations, GTC shall put the recommended remedial actions in a deficiency letter and provide a copy to the consultant.

Consultants placed in a deficiency status will be given a reasonable time, not to exceed 90 days after the receipt of the deficiency letter, to voluntarily correct deficiencies. If a consultant fails or refuses to comply voluntarily with requirements within the allotted time frame, GTC will submit to the New York State Department of Transportation and the Federal Highway Administration copies of the case and a recommendation that the consultant be found in noncompliance.
SPECIAL EMPHASIS PROGRAM AREAS

Public Involvement

The Genesee Transportation Council identifies four groups that are typically underrepresented in the transportation planning process:

- Minorities
- Persons with Low Incomes
- Persons with Disabilities
- Persons with Limited English Proficiency

Data are analyzed by census tracts to create demographic profiles and location maps for each group. A census tract is a geographic subdivision used by the U.S. Census Bureau. Census tracts can cross municipal borders, but not county borders. The boundaries of census tracts may change with each decennial census to reflect population shifts in the ten years since the previous census.

The analyses are regularly updated, using the most current Census information available.

Minorities

The 2010 U.S. Census defines minorities as people of African, Asian, Hispanic or Latino, Native Alaskan, or Native American origin.

In the nine-county Genesee-Finger Lakes Region, 85 of the 304 populated census tracts contain a proportion of minorities that is higher than the regional average of 20 percent. These census tracts are located almost exclusively in the City of Rochester and the adjacent suburbs of Brighton, Gates, and Henrietta, and in outer areas with correctional facilities or high concentrations of migrant agricultural workers.

The census tracts with an above-average minority population house 164,089 people who identified themselves as minorities in the 2010 Census, or 67.4 percent of the region’s total minority population of 243,329.

### 2010 Regional Demographic Profile by Race

<table>
<thead>
<tr>
<th>Race</th>
<th>Population</th>
<th>% of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>1,217,156</td>
<td>100.0</td>
</tr>
<tr>
<td>White (not Hispanic or Latino)</td>
<td>973,827</td>
<td>80.0</td>
</tr>
<tr>
<td>Black or African American alone</td>
<td>121,709</td>
<td>10.0</td>
</tr>
<tr>
<td>American Indian and Alaska Native alone</td>
<td>3,286</td>
<td>0.3</td>
</tr>
<tr>
<td>Asian alone</td>
<td>27,397</td>
<td>2.3</td>
</tr>
<tr>
<td>Native Hawaiian and Pacific Islander alone</td>
<td>252</td>
<td>0.0</td>
</tr>
<tr>
<td>Some other race (not Hispanic or Latino)</td>
<td>1,507</td>
<td>0.1</td>
</tr>
<tr>
<td>Two or more races (not Hispanic or Latino)</td>
<td>20,226</td>
<td>1.7</td>
</tr>
<tr>
<td>Hispanic or Latino (all races)</td>
<td>68,952</td>
<td>5.7</td>
</tr>
</tbody>
</table>

Source: 2010 U.S. Census
Persons with Low Incomes

For this analysis, persons with low incomes have an income at or below the federal poverty level. The federal government measures poverty according to a set of money income thresholds that vary by the size of a family and the age of family members.

The U.S. Census does not include people who are not part of households in the total population for whom poverty is determined, nor does the Census count individuals who reside in group quarters.

Data from the American Community Survey were used to calculate the number of people at or below the federal poverty level in each census tract in the region.

There were 148,275 individuals living at or below the poverty level in the region. This represents 12.8 percent of the total population for whom poverty was determined. There were 124 census tracts in 2010 with a poverty rate above the regional average. These census tracts contained 92,914 individuals with low incomes, or 62.7 percent of the region’s total low-income population.

Poverty in the urbanized area of the region is related to minority status. In Monroe County, 65 of the 80 census tracts with an above average low-income population in 2010 also had an above average minority population. Twenty-four census tracts in Monroe County had an above-average minority population and a below average low-income population, due primarily to the movement of middle-class African-Americans and Latinos to the suburbs.

Forty-four of the 113 populated census tracts in the eight counties surrounding Monroe County had an above-average low-income population, including more than half of the census tracts in Seneca and Yates counties. Over 87 percent of the residents of census tracts with an above-average low-income population in the eight outer counties are non-Hispanic white.

<table>
<thead>
<tr>
<th>2010 Profile of Regional Low Income Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population for Whom Poverty is Determined</td>
</tr>
<tr>
<td>Region</td>
</tr>
<tr>
<td>Genesee County</td>
</tr>
<tr>
<td>Livingston County</td>
</tr>
<tr>
<td>Monroe County</td>
</tr>
<tr>
<td>Ontario County</td>
</tr>
<tr>
<td>Orleans County</td>
</tr>
<tr>
<td>Seneca County</td>
</tr>
<tr>
<td>Wayne County</td>
</tr>
<tr>
<td>Wyoming County</td>
</tr>
<tr>
<td>Yates County</td>
</tr>
</tbody>
</table>

Source: American Community Survey 2006-2010
Persons with Disabilities

Approximately one in eight residents of our region reports having at least one disability, according to the American Community Survey.

The Survey, administered by the U.S. Census Bureau, asks people if they have a disability in six categories:

- **Hearing** (asked of all ages): Is this person deaf or does he/she have serious difficulty hearing?
- **Visual** (asked of all ages): Is this person blind or does he/she have serious difficulty seeing even when wearing glasses?
- **Cognitive** (asked of persons ages 5 or older): Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
- **Ambulatory** (asked of persons ages 5 or older): Does this person have serious difficulty walking or climbing stairs?
- **Self-Care** (asked of persons ages 5 or older): Does this person have difficulty dressing or bathing?
- **Independent Living Disability** (asked of persons ages 15 or older): Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor's office or shopping?

All of the nine counties in our region have proportions of persons with one or more disabilities that are comparable the national average across all age groups.

As noted previously, the Genesee Transportation Council incorporates a number of ongoing practices into its standard operating procedures to remove barriers to participation for all groups, including the disabled.

### 2010 Profile of Regional Noninstitutionalized Population with Disabilities

<table>
<thead>
<tr>
<th>Region</th>
<th>Total Population for Whom Disability Status is Determined</th>
<th>Total Persons with Any Disability(ies)</th>
<th>% of Total Population</th>
<th>With Any Disability(ies) Age 18</th>
<th>% of Total Population</th>
<th>With Any Disability(ies) Ages 18-64</th>
<th>% of Total Population</th>
<th>With Any Disability(ies) Ages 65+</th>
<th>% of Total Population</th>
<th>With Any Disability(ies) Ages 65+</th>
<th>% of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGION</td>
<td>1,191,989</td>
<td>147,039</td>
<td>12.3</td>
<td>12,880</td>
<td>1.1</td>
<td>79,530</td>
<td>6.7</td>
<td>54,629</td>
<td>4.6</td>
<td>54,629</td>
<td>4.6</td>
</tr>
<tr>
<td>Genesee</td>
<td>59,178</td>
<td>7,844</td>
<td>13.3</td>
<td>591</td>
<td>1.0</td>
<td>3,916</td>
<td>6.6</td>
<td>3,337</td>
<td>5.6</td>
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<tr>
<td>Livingston</td>
<td>62,814</td>
<td>7,107</td>
<td>11.3</td>
<td>524</td>
<td>0.8</td>
<td>3,653</td>
<td>5.8</td>
<td>2,930</td>
<td>4.7</td>
<td>2,930</td>
<td>4.7</td>
</tr>
<tr>
<td>Monroe</td>
<td>735,866</td>
<td>89,275</td>
<td>12.1</td>
<td>7,530</td>
<td>1.0</td>
<td>50,023</td>
<td>6.8</td>
<td>31,722</td>
<td>4.3</td>
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<td>4.3</td>
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<tr>
<td>Ontario</td>
<td>106,177</td>
<td>12,863</td>
<td>12.1</td>
<td>1,396</td>
<td>1.3</td>
<td>6,158</td>
<td>5.8</td>
<td>5,309</td>
<td>5.0</td>
<td>5,309</td>
<td>5.0</td>
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<tr>
<td>Orleans</td>
<td>40,004</td>
<td>5,402</td>
<td>13.5</td>
<td>532</td>
<td>1.3</td>
<td>2,976</td>
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<td>1,894</td>
<td>4.7</td>
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<tr>
<td>Seneca</td>
<td>32,458</td>
<td>4,847</td>
<td>14.9</td>
<td>394</td>
<td>1.2</td>
<td>2,364</td>
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<td>2,089</td>
<td>6.4</td>
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<td>6.4</td>
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<td>Wayne</td>
<td>92,832</td>
<td>12,036</td>
<td>13.0</td>
<td>1,170</td>
<td>1.3</td>
<td>6,496</td>
<td>7.0</td>
<td>4,370</td>
<td>4.7</td>
<td>4,370</td>
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<tr>
<td>Wyoming</td>
<td>37,891</td>
<td>4,768</td>
<td>12.6</td>
<td>504</td>
<td>1.3</td>
<td>2,557</td>
<td>6.7</td>
<td>1,707</td>
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<td>4.5</td>
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<tr>
<td>Yates</td>
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<td>11.7</td>
<td>239</td>
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<td>5.6</td>
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<td>5.1</td>
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<td>36,180,124</td>
<td>12.0</td>
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<td>18,984,266</td>
<td>6.3</td>
<td>14,247,365</td>
<td>4.7</td>
<td>14,247,365</td>
<td>4.7</td>
</tr>
</tbody>
</table>

Source: American Community Survey 2008-2010
Limited English Proficiency Plan

Background

The Genesee Transportation Council is committed to quality, inclusive planning that involves all residents of the Genesee-Finger Lakes Region who wish to participate, including those who do not speak English as their primary language and who have a limited ability to speak, read, write, or understand English.

According to the U.S. Department of Transportation’s (USDOT) Policy Guidance Document Concerning Recipients’ Responsibilities to Limited English Proficiency (LEP) Persons, “Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use USDOT guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to benefits, services, information, and other important portions of their programs and activities for persons who are LEP.”

LEP requirements extend to all GTC programs and activities, even those that may not receive federal assistance.

<table>
<thead>
<tr>
<th>County</th>
<th>Total Population 5 Years and Over</th>
<th>Speak English Less Than “Very Well”</th>
<th>% of Total Pop.</th>
<th>Language Other Than English Spoken at Home</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Spanish</td>
</tr>
<tr>
<td>Genesee</td>
<td>56,609</td>
<td>752</td>
<td>1.3</td>
<td>1,238</td>
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<tr>
<td>Livingston</td>
<td>62,273</td>
<td>779</td>
<td>1.3</td>
<td>1,513</td>
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<tr>
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<td>699,282</td>
<td>31,601</td>
<td>4.5</td>
<td>33,719</td>
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<td>Ontario</td>
<td>100,534</td>
<td>2,089</td>
<td>2.1</td>
<td>2,597</td>
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<tr>
<td>Orleans</td>
<td>49,736</td>
<td>610</td>
<td>1.5</td>
<td>1,452</td>
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<td>Seneca</td>
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<td>531</td>
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<td>701</td>
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<td>Wayne</td>
<td>83,330</td>
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<td>Yates</td>
<td>23,743</td>
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<td>5.1</td>
<td>336</td>
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<tr>
<td>REGION</td>
<td>1,143,979</td>
<td>40,059</td>
<td>3.5</td>
<td>45,491</td>
</tr>
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</table>

Source: 2006-2010 American Community Survey
Analysis

The U.S. Department of Transportation recommends a specific method of analysis by an agency receiving federal funds. After conducting the analysis, the agency will be in a better position to both determine the extent of proactive language-assistance measures required and target resources appropriately. The USDOT recommends that four factors be analyzed:

1. The number or proportion of persons with Limited English Proficiency served or encountered by the agency in the eligible service population.
2. The frequency that LEP individuals come into contact with the agency’s programs, activities, and services.
3. The importance of the agency’s programs, activities, and services to LEP persons.
4. Resources available to the agency and their costs.

Here is a summary of GTC’s four-factor analysis for the Genesee-Finger Lakes Region:

1. The number or proportion of LEP persons eligible to be served or likely to encounter a program, activity, or service of the Genesee Transportation Council.

According to data from the American Community Survey, 9.8 percent of the region’s population age 5 and older, or 111,635 residents, spoke a language other than English at home, and 3.5 percent, or 40,059, reported that they do not speak English “very well”.

Most of the region’s LEP population is in Monroe County, where 12.3 percent of residents age 5 and older, or 96,057 individuals, spoke a language other than English at home, and 4.5 percent (31,601 residents) reported not speaking English “very well”. In Monroe County, Latinos/Hispanics comprised the largest non-English speaking language group. There were 33,719 Latinos who spoke a language other than English at home, 32.4 percent of whom, or 10,933 individuals, said that they do not speak English “very well.” Outside of Monroe County, 13 of the 113 census tracts have a proportion of persons that do not speak English very well that is above the regional average. These census tracts tend to contain correctional facilities or concentrations of migrant labor, and most LEP individuals speak Spanish as their primary language. The exception is Yates County, with its sizable number of Amish and Mennonite families, where 8.9 percent of the county’s population speaks German or West Germanic languages at home, 42 percent of whom report speaking English less than “very well.”
2. The frequency with which LEP persons come in contact with Genesee Transportation Council programs, activities, and services.

To date, no requests for language-assistance have been made of GTC by LEP individuals. The region’s LEP population is small — 3.5 percent of the region’s 1.14 million residents over the age of 5 — and contact with GTC is infrequent and generally not predictable. However, Spanish is the most prevalent language spoken by LEP individuals in the region, and Latinos are the region’s fastest-growing population group. The small size of the LEP population in the region will likely grow, increasing the probability of future contact with the Genesee Transportation Council.

3. The nature and importance of services provided by the Genesee Transportation Council to the LEP population.

GTC’s programs use federal funds to plan for future transportation projects, but do not include any direct service or program that requires vital, immediate, or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Nor does GTC require “screening” activities, such as applications or interviews, prior to participation in its programs or events. Involvement by any citizen with GTC or its committees is strictly voluntary.

GTC does, however, ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the transportation planning process. Moreover, the impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in three major areas for GTC:

- Long Range Transportation Plan (a 20-plus year planning and investment strategy)
- Transportation Improvement Program (a four-year capital improvement program)
- Unified Planning Work Program (an annual project planning program)

Inclusive public participation is a priority consideration in other GTC-sponsored plans, studies, and programs as well. Transportation improvements resulting from these planning activities have an impact on all residents. Understanding and involvement are encouraged throughout the process. GTC encourages input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible.

While GTC engages in planning, local jurisdictions or state transportation agencies are responsible for the design and construction of approved federal-aid projects. These state and local organizations have their own policies to ensure LEP individuals can participate in the processes that shape where, how, and when specific transportation projects are implemented.
4. The resources available to the Genesee Transportation Council, and overall costs to provide LEP assistance.

GTC typically budgets about $8,500 annually for printing documents and other public participation materials in English. Estimated costs for full translation services of important documents range from $15,000 to $20,000 per language, based on a translation rate of $0.15 to $0.20 per word. Translation costs do not include printing costs.

<table>
<thead>
<tr>
<th>Document</th>
<th>UPWP</th>
<th>LRTP</th>
<th>TIP</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Words</td>
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<td>$4,400</td>
<td>$7,000</td>
<td>$2,800</td>
</tr>
</tbody>
</table>

Source: Document Translation Services, 2012 estimate

Given the size of the LEP population in the nine-county region served by GTC and current financial constraints, full multi-language translations of large transportation planning documents and maps are not warranted at this time. GTC puts important documents, all studies, meeting materials, and other resources on its website. Visitors to the website can utilize a free service to translate web content into various languages.

However, continued growth of the region’s Spanish-speaking population makes offering Spanish translations a sound community investment. To date, GTC has created Spanish versions of its Citizen’s Guide to Transportation Planning, Title VI information brochure (Fair Treatment for Everyone: Your Rights Under the Civil Rights Act of 1964), and Title VI Public Notice. The citizen’s guide and information brochure are available at www.gtcmpo.org. A copy of the public notice is posted at GTC’s office and included as Exhibit 3 of this Plan (p. 33).

Safe Harbor

Federal law provides a “safe harbor” so that a recipient of federal funds, like GTC, can ensure with greater certainty that it is in compliance with its Title VI obligation to provide translations of its documents in languages other than English to LEP persons. A safe harbor means that as long as the recipient has provisions for providing written translations in certain circumstances, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations under Title VI.

Strong evidence of compliance with Title VI under the safe harbor provision involves providing written translations of vital documents for each language group of LEP persons that constitutes 5 percent of the population or 1,000 persons, whichever is less, that are eligible to be served or likely to be affected or encountered by the recipient. Also, under the safe harbor provision, oral translation of non-vital documents can be provided.
The failure to provide written translations, however, does not necessarily signal noncompliance. If, for example, the written translation of certain documents would be so burdensome as to defeat the legitimate objectives of the program, then written translation will not be required. In such cases, other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, may be adequate to meet the requirements of Title VI.

Five non-English-speaking populations in the Genesee-Finger Lakes Region would be covered by the safe harbor provision. However, based on their minimal contact with GTC and their lack of requests for assistance to date — as indicated by the preceding four-factor analysis — a full LEP plan is not warranted at this time.

**Implementation**

Involving the region’s diverse population in transportation planning is, and always will be, crucial for an effective and efficient transportation system, and so GTC commits to the following activities for providing limited language assistance services to the region’s LEP population.

All language assistance activities detailed below will be coordinated by the Genesee Transportation Council’s Title VI Coordinator in collaboration with other GTC staff.

*Identifying LEP Individuals Who Need Language Assistance:*

GTC staff will use Language Identification Flashcards when encountering a LEP individual to identify that person’s primary language. These cards, developed by the U.S. Census Bureau and widely used by federal and other agencies, bear the phrase “Mark this box if you read or speak [name of language]” translated into 38 different languages. The Language Identification Flashcards are free and available online at http://www.lep.gov/ISpeakCards2004.pdf.

GTC will make the Language Identification Flashcards available at public meetings and on its website.

Once a LEP person’s primary language is identified by means of the flashcards, GTC staff will assess the feasibility of providing translation and/or interpretation assistance.

*Language Assistance Measures:*

Language assistance will be provided for LEP individuals through the translation of selected key documents, as well as oral interpretation when necessary and possible.

Given its small staff, lack of in-house translation capacity, and financial constraints, GTC can assist LEP persons, but cannot accurately assess or guarantee the accuracy of translation services provided by others. However, GTC reiterates that, to the best of its abilities, it will ensure that LEP persons have a meaningful opportunity to participate in the transportation planning and decision making process.
Translation of Written Documents:

Translation of all GTC written documents and visual materials is not possible due to cost restrictions, nor is it warranted by current LEP population levels. However, GTC will provide Spanish translations of the following vital documents:

- “Citizens’ Guide to Transportation Planning”
- Title VI Information Brochure (“Fair Treatment for Everyone: Your Rights Under the Civil Rights Act of 1964”)
- Title VI Public Notice
- Executive Summaries of:
  - Long Range Transportation Plan
  - Transportation Improvement Program
  - Unified Planning Work Program

For other documents, and for languages other than Spanish, GTC staff will use a free online written translation service.

The GTC website may be translated into many different languages using free online translation services such as Google Translate. In this way, meeting agendas and minutes, notices of official actions, public comment requests, and other online documents may be translated.

GTC will continue to notify local newspapers that target Spanish speakers of opportunities for the public to comment on revisions to the Long Range Transportation Plan, Transportation Improvement Program, Unified Planning Work Program, and Public Participation Plan.

Oral Interpretation:

If formal interpretation is required and a volunteer interpreter is not available, GTC staff will use the telephone interpreter service, Language Line, at 1-800-752-6096.

Monitoring and Updating the LEP Plan:

GTC continuously monitors the Genesee-Finger Lakes Region’s changing demographics and the needs of persons with limited English proficiency. An annual review and update of this LEP plan will be a part of the federally-required annual report on GTC’s Title VI Nondiscrimination Implementation Program. The annual report will be publicly available.

Staff Training:

GTC staff will be briefed on this LEP Plan and how to assist LEP individuals as part of ongoing Title VI training.
Complaints:

If you have been discriminated against or excluded from a federally-funded program, activity, or service on the basis of LEP, you may send your complaint to the Rochester Genesee Regional Transportation Authority, which is the host agency of GTC:

Rochester Genesee Regional Transportation Authority  
1372 East Main Street  
Rochester, New York 14609  
Attention: Civil Rights

Tel: 585-654-0200  
TDD: 585-224-8509  
E-mail: customerservice.rts@rgrta.com.

More information on filing an LEP complaint with the Department of Justice can be found at http://www.justice.gov/crt/about/cor/complaint.php.

Contact:

To request assistance from GTC or to discuss LEP issues, please contact:

Genesee Transportation Council  
Title VI Coordinator  
50 W. Main Street  
Suite 8112  
Rochester, New York 14614

Tel: 585-232-6240  
Fax: 585-262-3106  
E-mail: contactgtc@gtcmpo.org
**Project Impact**

The demographic profiles were used to evaluate the impact of projects included in the current Transportation Improvement Program (TIP) on three underrepresented groups: minority, low-income, and limited English proficiency. (A profile for the disabled community was not available at the time the TIP was adopted.) The current TIP lists specific transportation projects that likely will be implemented between federal fiscal years 2011 and 2014, utilizing approximately $460 million in federal funds.

Projects within or adjacent to areas with above-average proportions of the three groups were identified, and a rating system was established to determine the projects’ effects on accessibility, mobility, congestion, safety, and recreational opportunities.

The analysis identified 136 projects in the current TIP that will be implemented in areas with above-average concentrations of these populations. The projects will receive a combined $342 million in federal funds, or 74 percent of the region’s total federal transportation funds.

These projects will provide balanced benefits to all segments of the population. A detailed description of the analysis and results can be found in the published 2011-2014 Transportation Improvement Program, a summary of which is provided below.

Although a demographic profile for the disabled community was not available for the current Transportation Improvement Program, GTC routinely works to ensure that the accessibility and mobility requirements of Title VI are met throughout the project planning process.

Many more projects are proposed for the TIP than can be included because of funding constraints. Proposed projects are rated according to numerous criteria including how well they improve accessibility and expand mobility options for “seniors, people with disabilities, and others traditionally not well-served by the transportation system” (2011-2014 Transportation Improvement Program, p. A3 - available at www.gtcmpo.org).

![Transportation Improvement Program Title VI Analysis](source.png)
It should be noted that only about 20 percent of the federal funds programmed by the Genesee Transportation Council for implementation of projects and programs are dedicated to new construction. Eighty percent are devoted to public transit, pedestrian and bicycle improvements (such as trails and sidewalks), and maintaining existing transportation facilities within existing rights-of-way. Public transit, bicycle facilities, and urban trails are exceedingly beneficial to many of the populations considered in this Title VI Plan. They provide safe and affordable means of transportation to services and recreation. Repair and maintenance work (GTC emphasizes context sensitive solutions) generally does not increase road capacity — and, therefore, traffic, air pollution, and environmental and economic disruption — nearly to the extent that new construction may.

The demographic profiles of the region are also available to those who propose concept-level planning projects for the Unified Planning Work Program (UPWP) and to the GTC staff that evaluate these proposals. The UPWP represents GTC’s planning activities for the upcoming year. Each planning project in the UPWP must convene at least two public meetings. The demographic profiles help planners avoid undesirable impacts at the initial stage of project development, as well as identify and encourage participation by underrepresented groups in the planning process. The demographic profiles also assist in evaluating the impacts of past projects.

PROPOSED STRATEGIES
FOR FURTHER CONTINUOUS IMPROVEMENT

The Genesee Transportation Council realizes that concerted efforts are necessary to better meet the needs of underrepresented groups and increase their participation in transportation planning.

A two-step process is proposed.

1. Develop and implement reasonable organizational changes that would benefit all underrepresented groups (as soon as possible).

   - Enhance and expand the existing database of relevant community (including faith-based) organizations that would receive information on GTC’s activities, including upcoming meetings and public review periods, for distribution to their clients, constituents, staff, and other stakeholders.

   - Create an ad hoc advisory committee with direct representation from underrepresented communities for consultation on and evaluation of GTC’s performance regarding Title VI and public participation.

   - Review all GTC public presentations to make sure they: avoid jargon; are direct and specific; limit key points to three to five; repeat key points; illustrate points with real examples and anecdotes; use pictures; avoid complex diagrams.
Include Title VI language in GTC-sponsored studies, informational publications, and relevant website postings.

- Publish GTC’s Title VI Policy Statement annually in a local general circulation newspaper.

2. Convene focus groups representing each underrepresented community (including community leaders) as necessary to find out what specific needs each community may have; implement recommendations as practical (not later than March 31, 2013).

CONTACT GTC

If you have any questions or comments regarding this document, please contact the Genesee Transportation Council:

City Place  
50 West Main Street  
Suite 8112  
Rochester, New York 14614

Telephone: (585) 232-6240  
Fax: (585) 262-3106  
e-mail: contactgtc@gtcmpo.org.

Financial assistance for the preparation of this plan was provided by the United States Department of Transportation. The Genesee Transportation Council is solely responsible for its content.
Exhibit 1

Genesee Transportation Council Standard Title VI Assurance

The Genesee Transportation Council 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 U.S.C. 2000d-42 U.S.C. 2000d-4 (“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 gender, 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 Genesee Transportation Council receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration and the Federal Transit 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 Genesee Transportation Council hereby gives the following specific assurances with respect to its programs and activities receiving Federal financial assistance:

1. 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 Genesee Transportation Council shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form, in all proposals for negotiated agreements:

   The Genesee Transportation Council, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4 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 insure that in 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 gender, disability, race, color, or national origin in consideration for an award.

3. That the Genesee Transportation Council shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Genesee Transportation Council shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Genesee Transportation Council 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 Genesee Transportation Council receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

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

8. That this assurance obligates the Genesee Transportation Council 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 Genesee Transportation Council 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 Genesee Transportation Council retains ownership or possession of the property.

9. The Genesee Transportation Council shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom (s)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. That the Genesee Transportation Council agrees that the United States has a right to seek judicial enforcement 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 Genesee Transportation Council and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Genesee Transportation Council.

Dated: June 7, 2011

Richard Perrin, Executive Director
Genesee Transportation Council
Appendices to Standard Title VI Assurance

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 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 by it during the contract, shall not discriminate on the grounds of race, color, national origin in the selection and retention of subcontractors, including procurements 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) **Solicitation for Subcontractors, 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 shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, 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 the Genesee Transportation Council or the (Name of the Appropriate Administration) as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Genesee Transportation Council shall impose such contract sanctions as it or the (Name of the Appropriate Administration) may determine to be appropriate, including but not limited to:

   (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
   (b) 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 procurements 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 subcontract or procurement as Genesee Transportation Council or the (Name of the Appropriate Administration) may direct.
as a means of enforcing such provisions including sanctions for non-compliance: 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 directions, the contractor may request Genesee Transportation Council to enter into such litigation to protect Genesee Transportation Council, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix B

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

**GRANTING CLAUSE**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Genesee Transportation Council will accept title to the lands and maintain the project constructed thereon, in accordance with *(Name of the Appropriate Legislative Authority)*, the Regulations for the Administration of *(Name of the Appropriate Program)* and the policies and procedures prescribed by the *(Name of the Appropriate 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 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Genesee Transportation Council all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

**HABEDUM CLAUSE**

TO HAVE AND TO HOLD said lands and interests therein unto the Genesee Transportation Council, and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Genesee Transportation Council, its successors and assigns.

The Genesee Transportation Council, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that: (1) no person shall on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed, (2) that the Genesee Transportation Council shall use the lands and interests in lands so conveyed, 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 [], and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns as such interest existed prior to the deed.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Genesee Transportation Council, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) 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 (grantee, licensee, lessee, permittee, etc.) 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, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

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

[Include in deed]*

That in the event of breach of any of the above nondiscrimination covenants, the Genesee Transportation Council, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Genesee Transportation Council and its assigns.

The following shall be included in all deeds, licenses, leases permits, or similar instruments entered into by the Genesee Transportation Council, pursuant to the provisions of Assurance 6(b).
The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant 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.

[Include in licenses, leases, permits, etc.]*

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

[Include in deed]*

That in the event of breach of any of the above nondiscrimination covenants, the Genesee Transportation Council, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Genesee Transportation Council and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.
Exhibit 2

Rochester Genesee Regional Transportation Authority

TITLE VI COMPLAINT FORM

Name: ____________________________________________

Address: _________________________________________

City: ___________________ State: ________ Zip Code: ________

Telephone: ______________ (home) _______________ (cell) ______________(work)

Basis for Discrimination Complaint:

[ ] National Origin  [ ] Race

[ ] Color  [ ] Other ___________________________ (specify)

Date of Alleged Incident: _________________________

Explain as clearly as possible what happened and why or how you feel discriminated against. Be sure to indicate who was involved as well as the names and contact information of any witnesses. If more space is needed, please use the back of this form or attach another sheet of paper.

_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
_________________________________________________________________________________
Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? ___________YES ___________ NO

If YES, check all that apply:

_____ Federal Agency _____ Federal Court _____ State Agency

_____ State Court _____ Local Agency

Please provide information for a contact person at the agency/court where the complaint was filed:

Name: ____________________________________________

Address: __________________________________________

City, State and Zip Code ______________________________

Please sign and date below. You may attach any written materials or other information that you think is relevant to your complaint to this form.

__________________________________________________ signature ___________________________ date

Please mail this form to: RGRTA
Title VI/Legal Affairs Dept.
1372 East Main Street
Rochester, NY 14609
Exhibit 3

Notifying the Public of Rights Under Title VI
GENESEE TRANSPORTATION COUNCIL

- The Genesee Transportation Council assures that all of its services, programs, and activities are administered fairly, without regard to race, color, national origin, gender, age, disability, or economic status. If you believe that you have been treated unfairly, you may file a complaint.

- Any person alleging discrimination may file a written or oral complaint, within 180 days of the alleged discrimination, with the Rochester Genesee Regional Transportation Authority, as the host agency of the Genesee Transportation Council:

  Rochester Genesee Regional Transportation Authority
  1372 East Main Street
  Rochester, New York 14609
  Attention: Civil Rights
  585-654-0200
  585-224-8509 (TDD)
  customerservice.rts@rgmtra.com

- With advanced notice, special accommodations for the disabled can be arranged.

- To request special accommodations or with any questions about Title VI, please contact the Genesee Transportation Council:

  Genesee Transportation Council
  50 West Main Street
  Suite 8112
  Rochester, New York 14614
  585-232-6240
  585-262-3106 (Fax)
  contactgtc@gtcpmo.org

Sus Derechos Según el Título VI
CONSEJO GENESEE DEL TRANSPORTE

- La política de el Consejo Genesee del Transporte es asegurarse que todos sus servicios, programas y actividades sean administrados en una forma justa, sin tomar en consideración la raza, color, origen de nacionalidad, sexo, edad, discapacidad, o estado económico. Si usted cree que ha sido tratado injustamente, usted puede poner una queja.

- Toda persona que crea haber sido excluida, que se la negaron los beneficios, o que fue discriminada puede presentar una queja, dentro de los 180 días de la supuesta discriminación, a la Rochester Genesee Regional Transportation Authority, como patrón del Consejo Genesee del Transporte:

  Rochester Genesee Regional Transportation Authority
  1372 East Main Street
  Rochester, New York 14609
  Attention: Civil Rights
  585-654-0200
  585-224-8509 (TDD)
  customerservice.rts@rgmtra.com

- Con previo aviso, se pueden hacer ajustes para personas con necesidades especiales relacionadas con habla, vista o audición.

- Envíen su petición respecto a una necesidad especial o sus preguntas sobre el Título VI a:

  Genesee Transportation Council
  50 West Main Street
  Suite 8112
  Rochester, New York 14614
  585-232-6240
  585-262-3106 (Fax)
  contactgtc@gtcpmo.org
Exhibit 4

Maps

Map 1—GTC Planning Region and Rochester Transportation Management Area
Map 2—Above Average Minority Population

Above Average Minority Population by Census Tract, 2010*

*Census 2010 (CPS-1, GT-6, QT-PO) data was used to calculate the percentage of minority/main-verse and/or Hispanic population within each census tract in the region. Tracts with a percentage of minority population higher than the regional average are considered to have an above average concentration for this population.
Map 3—Above Average Low Income Population

Above Average Low-Income Population by Census Tract, 2010*

* 5-year (2006–2010) American Community Survey (Table S550E) data; see Table 5 in Technical Notes for detail. Above average concentration of low-income population is defined as the percentage of this population 1.5 times higher than the regional average. Tracts with an above average concentration are indicated in green.
Map 4—Above Average Limited English Proficiency Population

Above Average Limited English Proficiency Population by Census Tract, 2010*

* 5 - year (2006 - 2010) American Community Survey (Table DP4CZ) data was used to calculate the percentage of Limited English Proficiency population within each census tract in the region. Tracts with a percentage of the population higher than the regional average are considered to have an above average concentration.

COUNTIES
Municipalities
Above Average Concentration of LEP Population