

**TOWN OF AMHERST**

**TITLE VI**

**NONDISCRIMINATION PLAN**



**5583 Main Street**  
**Williamsville, NY 14221**  
**Phone: 716-631-7025**  
**Fax: 716-631-7065**  
**Website: [www.amherst.ny.us](http://www.amherst.ny.us)**

**Title VI Coordinator:**  
**Robert P. McCarthy, Esq.**  
**Director of Human Resources**  
**Phone: 716-631-7027**  
**Fax: 716-631-7065**  
**Email: [rmccarthy@amherst.ny.us](mailto:rmccarthy@amherst.ny.us)**

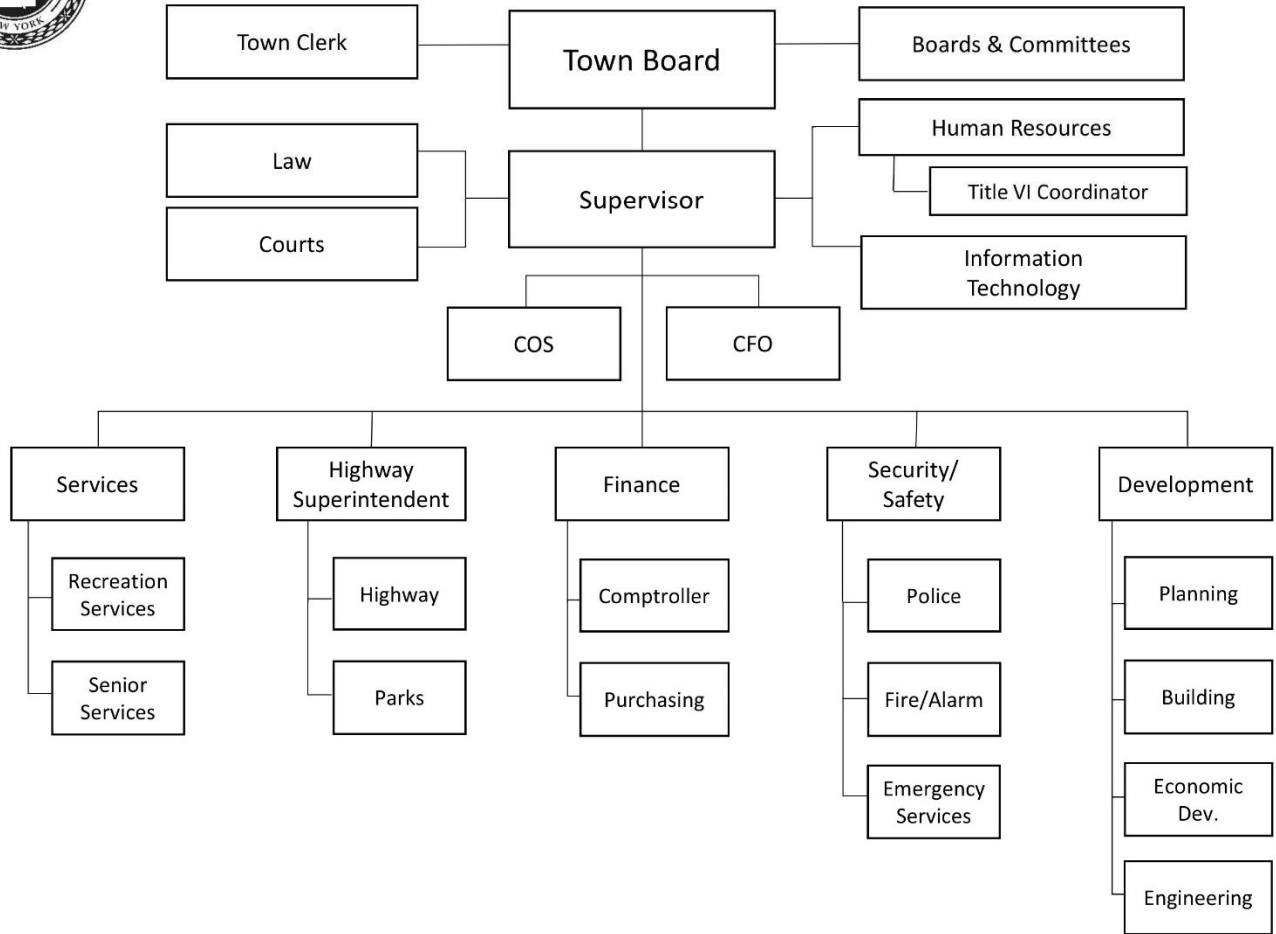
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**Brian J. Kulpa**  
**Town of Amherst Supervisor/ Chief Executive Officer**

3/28/19  
Date

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3/27/19

## INTRODUCTION

The Town of Amherst was established in 1818 and celebrated its 200<sup>th</sup> Anniversary in 2018. The town has a geographical area of 53.6 square miles and a population of greater than 122,000. The Town of Amherst serves all people of the Town, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the state of New York. The Town of Amherst recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the Town of Amherst must provide access to individuals with limited ability to speak, write, or understand the English language. The Town will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color

or national origin. Therefore, the primary goals and objectives of the Town of Amherst's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by Town programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the Town of Amherst programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the Town;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in Town services, programs or activities.

As the sub-recipient of federal transportation funds, the Town of Amherst must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The Town of Amherst shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The Town of Amherst, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the Town will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

## **DISCRIMINATION UNDER TITLE VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The Town of Amherst’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The Town of Amherst has developed this Title VI Plan to assure that services, programs, and activities of the Town are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances). Once this plan is reviewed and approved for full Title VI compliance by NYSDOT, the Amherst Town Board will formally adopt it by resolution at the earliest subsequent public Town Board meeting.

## Town of Amherst



### Title VI Nondiscrimination Policy Statement

The Town of Amherst reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the Town and its sub-recipients of federal funds will not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

It is the policy of the **TOWN OF AMHERST** to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All Department, Divisions, Offices, and Bureaus will plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status.


This policy fully incorporates throughout all of the **TOWN OF AMHERST's** operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

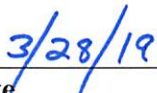
The **TOWN OF AMHERST** is committed to maintaining an agency which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach their own potential. The **TOWN OF AMHERST** Title VI program shall have the full support of staff and Department Heads. Additionally, all of the Town's partners, contractors and consultants, sub-recipients, community based organizations, faith based organizations and advocacy groups are urged to give the Town their full support and cooperation.

This policy shall be conspicuously placed on all Town bulletin boards, the Town website and is made available to all organizations and entities doing business with the **TOWN OF AMHERST**. A copy shall be provided to contractors at Town pre-construction and scope of service meetings.

**The Town of Amherst designates Robert P. McCarthy, Esq., Director of Human Resources as the Title VI Coordinator.** The Title VI Coordinator reports directly to the Town Supervisor on all matters regarding Title VI compliance and enforcement. The Coordinator will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the Town of Amherst complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations.

Inquiries concerning the Town of Amherst and Title VI, or any complaints involving allegations of discrimination, should be directed to: ***Robert P. McCarthy, Esq., Town of Amherst Affirmative Action Officer & Title VI Coordinator, Department of Human Resources, 5583 Main Street, Williamsville, NY 14221, Phone: 716-631-7025; Fax: 716-631-7065; email: rmccarthy@amherst.ny.us.***

  
\_\_\_\_\_  
**Brian J. Kulpa**  
**Town of Amherst Supervisor/ Chief Executive Officer**

  
\_\_\_\_\_  
**Date**



## RELATED POLICY AND AUTHORITATIVE SOURCES

### New York State Laws

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

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

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

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

### New York State Executive Orders

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

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

### Federal Laws and Executive Orders

**Civil Rights Act of 1964** – Prevents discrimination in federally assisted programs; provides relief against discrimination in public accommodations; protects constitutional rights in public facilities and public education; enforces the constitutional right to vote. Title VI – Prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving federal financial assistance. Title VII as amended by the Equal Employment Opportunity Act of 1972 – Makes it unlawful to discriminate in employment practices on the basis of race, color, religion, sex, or national origin.

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

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

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

**Americans with Disabilities Act (ADA) of 1990** – Federal Law prohibiting discrimination against

people with disabilities in employment, public access to services, transportation, public accommodations, and telecommunications services.

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

**USDOT Order 1050.2:** Standard Title VI Assurances.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

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

**Executive Order No. 12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**Executive Order No. 12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations.

**Executive Order No. 13166:** Improving Access to Services for Persons with Limited English Proficiency.

## Town of Amherst



### Standard Title VI/Non-Discrimination Assurances

The **Town of Amherst** (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *New York State Department of Transportation (NYSDOT)*, is subject to and will comply with the following:

#### **Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.P.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs of the Department Of Transportation-Effectuation of Title VI of the Civil Rights Act Of 1964*);
- 28 C.P.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the NYSDOT."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

#### **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally-assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with

all Federally-assisted programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Town of Amherst, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give

reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

By signing this ASSURANCE, the **Town of Amherst** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the NYSDOT, USDOT, FHWA or FTA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the NYSDOT, USDOT, FHWA or FTA. You must keep records, reports, and submit the material for review upon request to NYSDOT, USDOT, FHWA or FTA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The **Town of Amherst** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under any Federally-assisted programs. This ASSURANCE is binding on the State of New *York*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in Federally-assisted programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

The **Town of Amherst**



\_\_\_\_\_  
**Brian J. Kulpa**  
**Town of Amherst Supervisor/ Chief Executive Officer**

3/28/19  
\_\_\_\_\_  
Date

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA, FAA, FMCA, FTA or NYSDOT to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, FAA, FMCA, FTA or NYSDOT, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA, FAA, FMCA, FTA or NYSDOT may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA, FAA, FMCA, FTA or NYSDOT may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened

with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Town of Amherst will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of FHWA, FAA, FMCA, FTA or NYSDOT, and the policies and procedures prescribed by the FHWA, FAA, FMCA, FTA or NYSDOT of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Town of Amherst all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

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

The Town of Amherst, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that ( 1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Town of Amherst will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction.



## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Town of Amherst pursuant to the provisions of Assurance 7(a):

A. The LESSEE for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the LESSEE will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Town of Amherst will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Town of Amherst will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Town of Amherst and its assigns.

## APPENDIX D

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Town of Amherst pursuant to the provisions of Assurance 7(b):

A. The LESSEE for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that ( 1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, Town of Amherst will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Town of Amherst will there upon revert to and vest in and become the absolute property of Town of Amherst and its assigns.

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed.

Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person's businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the Town programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the Town.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines.

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed Town program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

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

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations

– An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## **Program Administration and Title VI Coordinator's Responsibilities**

The Town of Amherst designates Robert P. McCarthy, Esq., Director of Human Resources as the Title VI Coordinator (hereinafter referred to the "Title VI Coordinator"). Mr. McCarthy shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances, and is responsible for initiating, monitoring, and ensuring the Town of Amherst's compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the Town of Amherst in accordance with the Town's Complaint Procedures. If any individual believes they or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin, or gender, they may file a complaint with the Town of Amherst. It is the goal of the Town of Amherst to resolve complaints informally at the lowest managerial level.

2. Collect statistical data (race, color, income, gender, and national origin) of participants in and beneficiaries of, Town of Amherst highway programs (i.e., relocatee's, impacted citizens, and affected communities). Each of the Title VI special emphasis program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is sufficient in meeting the Title VI program administration requirements.

3. Review special emphasis program areas to determine the effectiveness of program area activities at all levels. In addition to the day-to-day monitoring, all special emphasis program areas will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator and Title VI Program Specialists will coordinate efforts to ensure equal participation in their program areas and activities at all levels.

4. Conduct Title VI reviews when necessary of contractors and other recipients of federal aid highway funds.

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

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.

- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

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

7. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and



changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.

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

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

10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. The Town of Amherst will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days. Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. The Town of Amherst will seek the cooperation of the subrecipient in correcting deficiencies found during the Title VI compliance reviews. The Town of Amherst will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily. When a subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, the Town of Amherst will submit a copy of the case file to NYSDOT's Office of Civil Rights or the FHWA and a recommendation that the subrecipient be found in noncompliance. A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

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

## Town of Amherst



### Limited English Proficiency (LEP) Plan

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

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

#### **Plan Summary**

The **Town of Amherst** has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance. For detailed guidance regarding LEP, see NYSDOT's LEP Plan at:

[https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP\\_Plan.pdf](https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP_Plan.pdf).

In order to prepare this plan, the **Town of Amherst** used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

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

## MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

### 1. The number or proportion of LEP persons in the service area who may be served or are likely to require Town of Amherst services.

The table below is derived from the *2013-2017 American Community Survey*, and shows the number and percent of persons who are age five (5) and older, with regard to their English language skills, for the both the Town of Amherst and Village of Williamsville, which is situated in the Town of Amherst. As indicated, 4.4% of the population in the Town of Amherst and 2.2% in the Village of Williamsville are not proficient in English.

	Language Spoken at Home for Population 5 Years and Older	Number of LEP Person	% of LEP Persons
Limited English Proficient Persons Town of Amherst	119,198	5,233	4.4%
Limited English Proficient Persons Village of Williamsville	5,069	109	2.2%

Of the LEP persons within the Town of Amherst, other Indo-European languages are the most reported languages spoken by LEP individuals. These languages according to the *2013-2017 American Community Survey* may include Albanian, Lithuanian, Pashto (Pushto), Romanian, and Swedish. A close second is Chinese. In the Village of Williamsville, Chinese is the primary language spoken by LEP individuals.

#### Town of Amherst

Language Spoken by LEP Persons	Number of LEP Persons	% of all LEP Persons
Chinese (incl. Mandarin, Cantonese)	1,189	1.00%
Other Indo-European languages	1,407	1.20%
Russian, Polish, or other Slavic languages	647	0.50%
Korean	472	0.40%
Spanish	468	0.40%
Other Asian and Pacific Island languages	382	0.30%
Arabic	341	0.30%
German or other West Germanic languages	133	0.10%
Other and unspecified languages	79	0.10%
French, Haitian, or Cajun	74	0.10%
Tagalog (incl. Filipino)	34	0.00%
Vietnamese	7	0.00%

**Village of Williamsville**

Language Spoken by LEP Persons	Number of LEP Persons	% of all LEP Persons
--------------------------------	-----------------------	----------------------

Chinese (incl. Mandarin, Cantonese)	58	1.10%
Other Indo-European languages	27	0.50%
French, Haitian, or Cajun	11	0.20%
Spanish	7	0.10%
Vietnamese	6	0.10%

Note: The tables above are derived from *2013-2017 American Community Survey*. Because of restrictions in place to protect data privacy for the speakers of smaller languages, detailed 42 non-English languages are no longer available. Instead we are limited to 12 non-English languages. The detailed 42 languages is only available for larger geographies.

**2. The frequency with which LEP persons come in contact with Town of Amherst services**

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

- a. To date, the **Town of Amherst** has not received any requests for interpreters or for translated program documents, and
- b. the **Town of Amherst** staff have had very little or no contact with LEP persons.

**3. The nature and importance of services provided by the Town of Amherst to the LEP population**

There is no large geographic concentration of any type of LEP individuals in the service area for the **Town of Amherst**. The overwhelming majority of the population, 95.6%, speaks English. As a result, there are few social, service, or professional and leadership organizations within the **Town of Amherst** service area that focuses on outreach to LEP individuals. While contact with LEP individuals is at a significant minimum in the **Town of Amherst**, staff would most likely encounter LEP individuals through office visits, phone conversations, and notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

**4. The resources available to the Town of Amherst, and overall cost to provide LEP assistance**

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

The **Town of Amherst** contacted local citizens and organizations willing to provide voluntary language translation and interpretation services if needed within a reasonable time period.

Other language translation options could be provided by bilingual staff or by telephone from a professional interpretation service for which the Town of Amherst would pay a fee.

## LANGUAGE ASSISTANCE

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

How the Town of Amherst staff can identify an LEP person in need of language assistance:

- Post notices of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Providing Town of **Amherst** staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying **Town of Amherst** staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Greeting participants at the **Town of Amherst** sponsored informational meeting or event. Conversational interaction with participants can help determine LEP needs for future events.

### Language Assistance Measures

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

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

## STAFF TRAINING

The information below will be disseminated to staff, and training opportunities on these topics will be also be provided:

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

All contractors or subcontractors performing work for the **Town of Amherst** are required to follow the Title VI/LEP guidelines.

## TRANSLATION OF DOCUMENTS

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

Due to the very small LEP population, the **Town of Amherst** does not have a formal outreach procedure in place as of 2019. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, the **Town of Amherst** will consider the following options:

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

## MONITORING

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

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

## DISSEMINATION OF THE TOWN OF AMHERST LEP PLAN

In order to ensure maximum compliance with all LEP requirements, the **Town of Amherst** will engage in the following actions:

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

## Town of Amherst



### Environmental Justice Plan

“Environmental justice” is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level with respect to the development, implementation and enforcement of environmental laws, regulations and policies. For the purpose of this Town of Amherst Plan, fair treatment means that no population is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decisions, programs and policies made, implemented and enforced at the Federal, State or local level.

**Guiding Principles:** The Town of Amherst Environmental Justice Plan is guided by the following 3 principles:

- **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.**

To ensure compliance with these Guiding Principles, the Town of Amherst will:

- Continuously monitor its programs, policies, and activities to ensure that disproportionately high and adverse effects on minority populations and low-income populations are avoided, minimized or mitigated in a manner consistent with these principles.
- Actively administer and monitor its operations and decision-making to assure that nondiscrimination and the prevention of disproportionately high and adverse effects are an integral part of its programs, policies, and activities.
- Train staff to identify and report incidences of observed service denial or reduction of any capacity in the day to day activities of all Town departments.
- Make efforts to ensure services are equally available to all populations regardless of race, age, socioeconomic status, and other factors, and indicate so on publications and our website as necessary.
- Revisit the Town’s Equal Employment Opportunity Policy Statement from time to time and update as necessary.
- Immediately investigate and rectify any complaints received (from all populations which include minorities and those of low-income) from the public as they relate to the denial or reduction in services received.

In addition, Public Involvement in the area of Environmental Justice in the Town of Amherst will be achieved through outreach measures that assure meaningful involvement of minority and



low-income populations. This will be accomplished through a variety of measures, including but not limited to:

- Inviting a cross section of the populace from social, economic, and ethnic groups in the planning process through written information on the Town's website, in local newspapers and where possible, minority news media. Notices will be created to attract attention that are in layperson's terms.
- Holding meetings at a variety of times during the day and providing various locations to facilitate accessible access and participation by target populations.
- Where practical, obtaining demographic data at applicable community meetings and public hearings. Data may be gathered through the use of voluntary self-reporting forms which include race, gender and national origin. If applicable, copies of these forms will be sent to the Title VI Coordinator after each meeting.
- Documenting all evidence to support conclusions regarding Environmental Justice issues, and detailing all efforts taken to identify minority or low-income populations affected by project planning activities.

## Town of Amherst



### Title VI Complaint Procedures

#### **Title VI Complaint Procedures**

49 CFR 21.1, provides that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation."

#### **Who may file a Title VI complaint?**

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

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

#### **How and where is a discrimination complaint filed?**

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

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

The complaint will be reviewed by Title VI Coordinator, or his/her designee. Where practicable, the complainant shall be notified, in writing, of the findings and remedial action, if any, within a period not to exceed 60 days.

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

**Robert P. McCarthy, Esq.,  
Town of Amherst Affirmative Action Officer & Title VI Coordinator  
Department of Human Resources  
5583 Main Street, Williamsville, NY 14221  
Phone: 716-631-7025, Fax: 716-631-7065  
Email: rmccarthy@amherst.ny.us**

#### **Retaliation:**

The laws enforced by this Town prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact the Title VI Coordinator.

**Town of Amherst**



**Title VI Complaint Form**

Name\_\_\_\_\_

Address\_\_\_\_\_City\_\_\_\_\_Zip\_\_\_\_\_

Telephone: Home\_\_\_\_\_Work\_\_\_\_\_Cell\_\_\_\_\_

**Basis of Complaint**

Race

Color

Sex

National Origin

Age

Disability(ADA)

Low-Income

Limited English Proficiency

Who allegedly discriminated against you?

Name\_\_\_\_\_

Address\_\_\_\_\_City\_\_\_\_\_Zip\_\_\_\_\_

Telephone\_\_\_\_\_

If an organization, what is its name?

Name of Organization\_\_\_\_\_

Address\_\_\_\_\_City\_\_\_\_\_Zip\_\_\_\_\_

Telephone\_\_\_\_\_

How were you discriminated against?

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Where did the alleged discrimination occur?

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Date/s and times discrimination occurred?

First time \_\_\_\_\_

Second time \_\_\_\_\_

Thirdtime \_\_\_\_\_

Were there any other witnesses to the discrimination?

<b>Name</b>	<b>Title</b>	<b>Work Telephone</b>	<b>Home Telephone</b>

What can the Town of Amherst do to resolve the complaint?

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Have you filed your complaint with anyone else?

---

Who \_\_\_\_\_

When \_\_\_\_\_

Do you have an Attorney in this matter? \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

*If you need assistance completing this form due to a physical impairment, please contact:*

**Robert P. McCarthy, Esq., Title VI Coordinator**  
**Department of Human Resources**  
**5583 Main Street, Williamsville, NY 14221**  
**Phone: 716-631-7025, Fax: 716-631-7065**  
**Email: [rmccarthy@amherst.ny.us](mailto:rmccarthy@amherst.ny.us)**

# **DBE/MWBE Contracting**

## **I. POLICY STATEMENT**

It is the policy of the Town of Amherst to ensure that Disadvantaged Business Enterprises (DBE) as defined in Title 49, Code of Federal Regulations, Part 26 (49 CFR Part 26) have equal opportunity to receive and participate in U.S. Department of Transportation (USDOT) assisted contracts.

## **II. POLICY SCOPE AND GUIDANCE**

The Town of Amherst has established a DBE Program in accordance with requirements prescribed by USDOT regulations (49 CFR Part 26) for highway, transit and airport financial assistance programs. This Program seeks to:

- ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
- create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
- ensure that the Town of Amherst's DBE program is narrowly tailored in accordance with applicable law;
- ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- help remove barriers to the participation of DBEs in USDOT-assisted contracts;
- assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
- provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

The Town of Amherst prohibits discrimination during all phases of work, whether directly or through their consultants and contractors, by monitoring and managing the work for compliance.

This DBE policy statement shall be disseminated to all Town of Amherst managers throughout the Town and shall be made available on the Town of Amherst's website.

The Town of Amherst's DBE Program shall enable small businesses, including those owned and controlled by minorities, women and other disadvantaged individuals, an equal opportunity to compete for contract funds on federally aided transportation projects. The DBE Program requirements apply to all parts of the Town of Amherst and all subrecipients.

The Town of Amherst shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. In administering the DBE Program, the Town of Amherst will not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex or national origin.

The Town of Amherst utilizes the Equitable Business Opportunity Solution (EBO) to help monitor its DBE program and civil rights compliance with participating contractors (see Paragraph III below). NYSDOT has implemented this web-based management and control system to help government agencies develop, implement and monitor programs to ensure Title VI compliance.

The Town of Amherst has also adopted procedures to provide additional opportunities to promote prospects for Minority and Women Owned Businesses (MWBE) in the Town. Every year at its organizational meeting in the beginning of January, the Amherst Town Board adopts a resolution appointing a Minority and Women Owned Businesses Officer. The current Officer is Town Councilmember Deborah Bruch Bucki. The Town has also established a Committee dedicated to advancing the goals of the program.

The goals of the Town's Minority and Women Owned Businesses initiative are to empower minority and women owned business owners to advance economically, encourage the growth and expansion of Minority/Women Owned Business in Amherst, provide business development assistance, promote equality of economic opportunities for minorities and women owned businesses and eliminate barriers to the participation of minorities and women in State contracts. Commitment to accomplishing these goals is reflected in the following Town Code:

### **Chapter 32. Minority and Women-Owned Business Utilization Commitment**

[HISTORY: Adopted by the Town Board of the Town of Amherst 7-18-2005 by L.L. No. 5-2005; amended in its entirety 7-21-2014 by L.L. No. 31-2014. Subsequent amendments noted where applicable.]

#### **§ 32-1. Title.**

This Chapter shall be known as the "Town of Amherst MBE/WBE Utilization Commitment Act."

#### **§ 32-2. Intent.**

The Town Board hereby finds, declares and determines that Town of Amherst residents comprise a diverse workforce, consisting of many local residents employed by businesses owned by minorities or women. The Town Board further finds that the existing local policy concerning MBE/WBE utilization has not been successful toward the goal of equality of opportunity for minority-owned and women-owned businesses, as it relates to contracts for the provision of goods and services to the Town of Amherst.

#### **§ 32-3. Definitions.**

For the purposes of this Chapter, the following terms shall have the following meanings:

#### **MINORITY BUSINESS ENTERPRISE**

A business which performs a commercially useful function, at least 51% of which is owned by minority group members or, in the case of a publicly owned business, at least 51% of all stock is owned by minority group members, with such ownership certified by the Erie County Office of Equal Employment Opportunity or by a state or federal agency. For the purposes of this definition, "minority group members" are citizens of the United States who are African-American, Hispanic-American, Asian-American, and Native American (American Indian).

#### **SUPPLIER**

Any person, business, company, entity, or independent contractor seeking to enter into contractual agreements with the Town of Amherst or an entity acting as an agent for the Town of Amherst for the provision of supplies, materials, equipment, insurance, professional, technical or other consultant services, in accordance with the Town's competitive procurement procedures, local, state and federal laws governing such agreements.

## **WOMEN-OWNED BUSINESS ENTERPRISE**

A business which performs a commercially useful function, at least 51% of which is owned by a woman or women or, in the case of a publicly owned business, at least 51% of all stock is owned by a woman or women, with such ownership certified by the Erie County Office of Equal Employment Opportunity or so certified by a state or federal agency.

### **§ 32-4. Provisions and conditions of bid specifications.**

**II.** The following provisions shall be inserted in and made a condition of all bid specifications prepared by the Town of Amherst or its agents as follows:

- All public works contracts in excess of \$100,000.00;
- All purchase contracts in excess of \$50,000.00; and
- The provisions of this Chapter shall not be applicable to any contracts which are excepted or exempted from the bidding requirements of New York State General Municipal Law § 103, including emergency, "piggybacking" and professional contracts.

**III.** Minority- and women-owned business utilization commitment.

- The supplier of all which are subject to the requirements of this Chapter, shall take reasonable steps to provide equal opportunity to such firms and organizations to contract with the Town of Amherst through the utilization of a bona fide minority business enterprise (MBE) and women business enterprise (WBE) on all contracts, including entering into subcontracts with MBE/WBE firms. Reasonable action shall include, but not be limited to:
  - Utilizing a source list of MBEs and WBEs;
  - Solicitation of bids, RFQs and RFPs from MBEs and WBEs;
  - Providing MBEs and WBEs sufficient time to submit proposals in response to solicitations;
  - Maintaining records showing utilization of MBEs and/or WBEs as well as the specific efforts taken to identify and utilize these companies;
  - A policy goal of awarding at least 10% of the total dollar value of the Town's contribution to a contract to MBEs and/or WBEs and at least 2% of the total dollar value of the Town's contribution to regulations with respect to MBE and/or WBE hiring, the prevailing percentage set forth therein, whichever is higher, subject to a waiver as provided below; and
  - Entering into subcontracts with MBE/WBE firms, if appropriate and feasible, to effectuate the policy goal set forth herein.
- All bidders or proposers on each contract subject to this chapter shall submit to the Purchasing Department a list of all MBEs and WBEs from which the supplier has solicited bids or proposals, or with which the supplier has signed a binding contractual agreement, or with which the contractor is presently negotiating an agreement, for the purposes of meeting



the MBE and WBE utilization goals provided in Subsection **B (1)(e)** above.

A supplier's bid or proposal shall not be considered where the supplier fails to submit a list of MBEs and WBEs as provided for herein. A supplier's bid or proposal shall not be considered where examination of said list of MBEs and WBEs evidences failure by the supplier to comply with the requirements provided herein, except that the Town Board may grant a complete or partial waiver of the provisions of Subsection **B(1)(e)** herein, in accordance with § **32-5** of this chapter.

- As evidence of reasonable compliance with the policy goals set forth in Subsection **B(1)(e)** above, the supplier shall submit to the representative of the Purchasing Department at the time of the bid a schedule for MBE and WBE participation, listing the MBEs and WBEs which the supplier intends to utilize; specifying the agreed-upon price to be paid for such goods or services and identifying in detail the contract intent or items to be supplied or performed by each MBE and WBE. Contingent upon a contract award, a letter of intent to enter into a purchase agreement, signed by both the supplier and the MBE and/or WBE, indicating the agreed-upon price and scope of work, shall be provided.

### **III. IMPLEMENTATION AND MONITORING**

The Town of Amherst's Title VI Coordinator is designated as the DBE Liaison Officer. In that capacity, the Title VI Coordinator is responsible for the day-to-day implementation of all aspects of the Town of Amherst's DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with other legal obligations incurred by the Town of Amherst in its financial assistance agreements with USDOT.

All Town of Amherst employees are required to adhere to the DBE Program requirements. The Town of Amherst's Title VI Coordinator/DBE Officer is responsible for monitoring compliance with these requirements.

On each of the Town's awarded Locally Administered Federal Aid (LAFAs) projects, a State-Local Agreement (SLA) contractually obligates the Town of Amherst, as the sponsor, ensure that civil rights laws, rules, regulations and federal executive orders are adhered to in contracts with its consultants and contractors.

While the Town Supervisor is typically assigned the role of Responsible Local Official (RLO), the Project Manager (PM) in conjunction with the Town's Title VI Coordinator is responsible to implement and monitor EEO provisions in all their federal aid construction contracts. A Town PM typically working out of the Engineering Department is assigned the responsibility of identifying DBE goals and commitments during the design and pre-award phase. Further, the PM is responsible for completing the award package and certifications detailed in Chapter 14 of the Procedures for Locally Administered Federal Aid Projects (PLAFAP). Subsequently, the Town of Amherst submits minority contracting information to the Regional Local Project Liaison (RLPL) prior to awarding any contract and works directly with NYSDOT staff to assure data and process quality throughout the project delivery and construction processes.

The Town of Amherst identifies employment goals for each specific LAFAs contract utilizing NYSDOT's website that establishes goals and provides instruction. Goals are expressed as a percentage of the total award amount and are stated in the bid proposal remaining in effect throughout the life of the contract. Failure to commit to the established contract goal or to demonstrate good-faith efforts may be grounds for rejection of the bid. Goals are provided in the special notes, *goals for equal employment opportunity participation*, in the contract proposal. EEO provisions are contained in the EEO section

of Appendix 12–1 Construction Contract Proposal Package within the Town’s bidding documents. Lastly, Form FHWA 1273, *Required Contract Provisions Federal aid Construction Contracts*, is incorporated in contract proposals.

EEO goals and attainments are monitored by the Town of Amherst PM and the hired engineering firm. NYSDOT requires software reporting, currently in EBO, or equitable business opportunity software, to monitor construction contract payments and DBE goals, commitments, and ensure Title VI compliance. Contractors are required to submit workforce data to the Town’s Project Manager during the performance of their construction contracts.

The contractor shall submit complete, accurate, electronic data to the sponsor each month, not later than the 15<sup>th</sup> of the following month. Data shall be current through the end of the last full payroll week for that month, or as otherwise approved by the project manager to coordinate with contract payment submittals. As soon as practicable, but not later than prior to the first contract payment, the contractor shall enter all current utilization data into the EBO reporting software. The Town’s PM and hired design consultant reviews the EEO reporting and compares to certified payroll. The Town of Amherst ensures that all required civil-rights data is in EBO prior to contract closeout.

For other granted funds such as NYSEFC and NYSDEC grants (WIIA, GIGP and WQIP) the compliance goals for the project are set by the granting agency and with the acceptance of the grant funds, town is required to follow the following procedures as set forth by New York State.

**DESIGNATION OF AN MBO:**

The project manager for a project shall be designated as a Minority Business Officer (MBO). The designated individual must possess the necessary operational resources and authority to effectively administer the Minority and Women-Owned Business Enterprise (MWBE), Disadvantaged Business Enterprise (DBE), Service Disabled Veteran Owned Business Enterprise (SDVOB), and Equal Employment Opportunity (EEO) requirements.

The MBO will be responsible for conducting good faith efforts to seek MWBE and SDVOB prime contractors, help contractors include certified MBEs, WBEs, and SDVOBs on their contracts, and monitor, track and enforce compliance with the MWBE, SDVOB, DBE and EEO requirements for the town.

**MBO RESPONSIBILITIES:**

**SERVE AS PRIMARY POINT OF CONTACT AND MWBE, SDVOB, DBE AND EEO PROGRAM LIASON:**

The MBO will serve as the primary point of contact for prime contractors, service providers, and subcontractors on all MWBE, SDVOB, DBE and EEO issues during the life of the project.

The MBO must inform prospective contractors and service providers of their MWBE, SDVOB, DBE and EEO obligations as part of the pre-bid or pre-selection process.

The MBO must also keep a list of qualified MWBE & SDVOB firms that are interested in working on the project and provide the list to potential bidders and/or prime contractors. The MBO must encourage joint ventures, teaming agreements, partnerships, or other similar arrangements between prime contractors and MWBE or SDVOB certified businesses.

**SERVE AS MWBE, SDVOB, DBE AND EEO PROGRAM SPECIALIST:**

The MBO must anticipate and keep abreast of issues that may arise, such as changes in MWBE, SDVOB, DBE and EEO rules and regulations or updates to forms that may affect the project.

The MBO will maintain familiarity with NYS Empire State Development's (ESD) Division of Minority and Women Business website at (<http://ny.newnycontracts.com>, then click on MWBE Directory) in order to assist contractors and service providers in their good faith efforts and arrange project progress meetings to provide MWBE program guidance to contractors and service providers.

The MBO will maintain familiarity with NYS Office of General Service's (OGS) Division of Service Disabled Veterans' Owned Business Development website at <https://ogs.ny.gov/Veterans/> in order to assist contractors and service providers in their good faith efforts and arrange project progress meetings to provide SDVOB guidance to contractors and service providers.

#### HELP CONTRACTORS TO DEVELOP AND MAINTAIN UTILIZATION PLANS:

A firm that is both a certified MWBE and a certified SDVOB may take credit for both.

Utilization Plans (UPs) and/or Waiver Requests are required to be submitted to the MBO no later than the day of execution of the contract. The MBO ensures that the UPs are developed correctly by the contractors, that good faith effort (GFE) documentation is developed, that contractors certify that all MWBE and SDVOB subcontractors will perform a commercially useful function, that suppliers and brokers are credited properly on the UP. They work with consultants and contractors to remove any deficiencies and problematic areas in the UP.

Once the UP is accepted, the MBO sends a letter of approval to the contractor. This approval letter details the contractor's MWBE and SDVOB responsibilities once the UP or waiver is approved.

If the status of a contract changes through change orders or amendments, or addition, loss or modification of subcontractors or subcontract amounts, the UP must be revised to reflect the impact on the contract value or MWBE (or SDVOB) participation. The MBO must know when change orders or amendments are executed.

#### PROGRAM ACCOUNTABILITY:

The MBO must maintain a Project File for each project or contract. Records must be saved in the file for a period of 5 years after completion of the project.

Minimal records kept in project files include:

- DBE forms,
- good faith effort documentation for MWBE and SDVOB,
- meeting minutes,
- all signed contracts and subcontracts,
- legally signed purchase orders, and
- copies of proof of payments to MWBE and SDVOB firms, such as both sides of canceled checks or other payment verifications.

The MBO must make necessary information available for compliance reviews and audits of projects and contracts.

Once the bid is awarded, the MBO must make sure the prime contractor provides the EPA 6100-2, DBE Subcontractor Participation Form to MWBE subcontractors for their use.

## COMPLIANCE REPORTING:

1. MWBE and SDVOB Payment Reports: The MBO is responsible for receiving monthly payment reports from prime contractors and service providers detailing payments made to MWBE and SDVOB subcontractors along with proof of payment documentation. Payments must not be discounted for suppliers and brokers; full payments must be reported. The monthly reports are to be reviewed by the MBO to determine whether the MBEs, WBEs, and SDVOBs listed on the utilization plan are used on the contract and are paid appropriately or whether any changes necessitating a revised UP have occurred. Any changes to the contract value due to change orders or amendments must be reflected on the monthly report and payments made to the prime contractor must be up-to-date. The MBO is also responsible for reviewing the information submitted by contractors and service providers to ensure the reported payments match the proof of payments the contractor submitted.
2. MWBE-SDVOB Closeout of Contracts: The MBO is responsible for reviewing proof of payments made to MWBEs and SDVOBs at the close of a contract and preparing a report over the term of the project against the projected payments on the Utilization Plan. Proof of payments must be maintained in the file.

## Town of Amherst



### Public Involvement Plan

The Town of Amherst promotes full and fair participation by all segments of the population including minority, low-income communities and populations that are limited English proficient. Title VI, one of the primary federal nondiscrimination laws, prohibits discrimination on the basis of race or national origin in the provision of any services that are supported with federal funds.

The Town believes Title VI is a valuable tool not only to redress past discrimination, but also to monitor ongoing practices. Title VI provides a legal foundation for the collection of racial, ethnic and primary language data from recipients of federal financial assistance even when a specific statutory requirement to collect this data does not exist.

Public meetings are held in ADA accessible locations.

Minutes to all public meetings are available on the Town's website ([www.amherst.ny.us](http://www.amherst.ny.us)).

If a member of the public requests assistance with reading the minutes, understanding the content of the meeting or providing information for project planning and development, the individual should be referred to the Title VI Coordinator who will then make the necessary arrangements.

Whenever there is a Federally-assisted project, planning and designing services will be provided by qualified consultants who are required to review and analyze demographic data including but not limited to race, color, national origin, sex, and low income. Projects designed must be in compliance with all ADA and Title VI regulations. These project designs will be reviewed and approved by state and federal agencies prior to construction.

When the Town of Amherst accepts funding for and undertakes a Federally-assisted project, we comply with all Federal and State requirements with regard to Public Participation. All required environmental permits are applied for through a joint permitting process. Public information about the proposed action is distributed and posted, if required. Likewise, a Public Information Meeting is held if required by the proposed action.

The Public Involvement Plan provides a philosophy around which to build Town wide participation programs that will accomplish the following goals:

- Communicate effectively with appropriate audiences. The Town will disseminate information about programs and projects through a variety of conduits. Information will be presented in a manner that is clear and tailored to each of the Town's constituencies.
- Provide clear and open access to information and participation opportunities. The Town will work to improve access to technical and planning documents and, where appropriate, tailor these documents to be accessible to more constituencies. Opportunities for participation in Town meetings and in committee meetings will be clearly defined and provided for at each meeting.

- Gather input from diverse perspectives. The Town will continue to encourage participation from diverse constituencies and to provide forums for discussion about transportation issues that are responsive to the interests of different constituencies.
- Respond meaningfully to public comment and feedback. The Town will provide information on how comments will be considered in the planning process.
- Promote a regional perspective. The Town will communicate how regional transportation planning plays a vital role in coordinating planning activities on many levels.

Additionally, the following communication and publication procedures will be adhered to regarding dissemination of Title VI policies:

### **Internally**

A. Department Heads and other departmental contacts shall be informed by:

- Written communications from the Supervisor and/or Title VI Coordinator.
- The Title VI Plan shall be posted on The Town's Website.
- Department Head meetings as appropriate.
- Distribution of educational materials.
- Training sessions/seminars.

B. All employees are informed by:

- Bulletin board or memoranda from Title VI Coordinator.
- Including Title VI information in employee orientation.
- Copies of Title VI Plan available on The Town Website. Title VI Coordinator shall email a link to the policy to all users with Internet access.
- Title VI/Nondiscrimination posters will be posted on general information bulletin boards throughout the Town Hall and offices.
- Title VI and related nondiscrimination training shall be provided to all employees a minimum of every three years. All new employees will receive Title VI and related nondiscrimination training within 45 days of employment.

C. Sub-recipients shall be informed of the Title VI provisions on the Town of Amherst website.

### **Externally**

Title VI posters will be displayed as required by 23 CFR 200.9(b) (12); and 28 CFR 42.405(c).

Nondiscrimination clauses are included in contracts and agreements between outside vendors and The Town.

The Town will enlist the assistance and support of recruiting sources such as:

- The local veterans' employment representative or his or her designee in the State Employment Service Office nearest to the Town, and any other offices of national and local veterans' groups active in the Town.
- Organizations who are likely to assist the Town in identifying qualified individuals with disabilities for consideration in filling any vacancies which may arise.
- Other organizations or agencies likely to refer qualified women, minorities, individuals with disabilities, disabled veterans and veterans of the Vietnam area for consideration in filling any vacancies which may arise.

# **Title VI Training Plan**

## **Introduction**

Title VI of the 1964 Civil Rights Act provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Sec. 601)."

The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

This Title VI Employee Training Plan has been prepared to address the Town of Amherst's responsibility to provide Title VI training to all of its current employees.

## **Title VI and ADA Nondiscrimination Statement**

The Town of Amherst adheres to the Title VI of the Civil Rights Act of 1964 Compliance Plan. The Town carries out its planning processes without regard to race, color, or national origin.

The Town of Amherst hosts its public meetings and open houses in facilities allowing access for those who may be mobility impaired, sight impaired, hearing impaired or mentally impaired. The Town will accommodate anyone who may need special requests with adequate notification, preferably 48 hours before a scheduled meeting or open house.

The Town of Amherst is committed to a policy of non-discrimination in conducting its business, including its Title VI responsibilities. It recognizes its responsibilities to the citizens for whom it carries out its planning processes and to the society it serves.

## **Education and Training**

The Title VI Coordinator is responsible for advising Town of Amherst staff about available training in support of Title VI. It is the responsibility of the Title VI Coordinator to schedule training in such a way that appropriate notices and announcements are made to all Town staff. All employees are encouraged to participate in professional development training within and outside of the Town of Amherst.

The Town of Amherst's Director of Human Resources, Robert P. McCarthy, is the Town's Title VI Coordinator. Mr. McCarthy also serves as the Town's Affirmative Action Officer and as one of two Town ADA Coordinators. Mr. McCarthy is a licensed, practicing Labor and Employment Law attorney, and has undergone over twenty hours of specialized "Town Hall Training," a unique type of Disability Awareness Training focusing on Title VI, Title VII and ADA compliance. This customized curriculum is designed to train and educate individuals to work



with their town or village representatives to respond to the needs of people with disabilities and ensure awareness, acceptance and accessibility. It educates municipal employees on how to properly respond and work with the disability community while providing the necessary tools for both inclusion and compliance. Among other topics the training addressed:

- Town of Amherst Committee on Disabilities structure and development
- Disability Awareness Training
- ADA Coordinator role within a municipality
- Discrimination Avoidance
- Effecting change to address needs
- Accessibility/Inclusivity in a municipality
- Specific department roles and responsibilities

Internally, the Town of Amherst will continue to offer Title VI and ADA training put on by the Title VI Coordinator in accordance to Title VI and ADA requirements. Going forward, this training will be video recorded to allow for any staff to watch and review Title VI and ADA requirements. This training is reviewed and updated as necessary by the Title VI Coordinator. It is also a requirement for appropriate Town staff to participate and refresh themselves in the Title VI training periodically. The Title VI training can be put on by the Title VI Coordinator, or will be able to be accomplished by watching a Title VI training video.

Town of Amherst employees have been provided with training on the requirements of the Americans with Disabilities Act, Title VI and appropriate ways of serving persons with disabilities. The training is provided by David V. Whalen, Project Director for Niagara University's First Responder Disability Awareness Training program, the Chair for the Town of Amherst's Committee on Disabilities and a member of the Erie County Disability Advisory Board. The training was tailored for the Town of Amherst, and designed to train and educate town employees on how to properly respond and work with the disability community. Attendees were provided with information, strategies, resources, and techniques that addressed:

- The Americans with Disabilities Act/ Title VI
- Accessibility/Inclusivity in a municipality
- Understanding characteristics of disabilities
- Proper etiquette and interaction skills
- Social Inclusion and your role as a town employee
- Person First Language

This training was last held on March 2 and 3 of 2017, where 147 Town employees from the Assessor's Office, Human Resources Office, Town Court, Youth & Recreation Department, Supervisor's Office, Emergency Services Office, Town Clerk's Office, Information Technology Office, Councilmember's Office, Town Attorney's Office, Senior Center, Purchasing Department, Engineering Department, Central Alarm Office, Planning Department, Comptroller's Office, Building Department, Building Maintenance Division and Highway Department were in attendance. Previously, 109 Town employees were provided with this training on January 22 and 29, 2014.

On April 4 and April 11 of 2019, the Town's Chief of Staff, Director of Human Resources, Town Engineer, Planning Director, Highway Superintendent, Deputy Highway Superintendent, Chief Financial Officer, Commissioner of Buildings, Assistant Chief of Police, two Town Councilmembers, Town Attorney, Fire Control Supervisor, Emergency Services Director, Contract Compliance Director, Director of Youth and Recreation, Director of Senior Services, Deputy Comptroller, Building Maintenance Supervisor, Principal Engineer Assistant and various other Town staff participated in a NYSDOT Civil Rights Training webinar.

In addition, in June and July of this year (final dates still to be determined), all Town of Amherst employees will be required to participate in mandatory Sexual Harassment Training as required by New York State. As part of this initiative, the Town will add a component of Title VI training which will also be mandatory for all Town employees.

In an effort to continuously improve the Town's overall Title VI compliance requirement, nondiscrimination training will be coordinated with the New York State Department of Transportation (NYSDOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The training will be made available to Town of Amherst staff on an ongoing basis to ensure up to date knowledge of Title VI, ADA and other nondiscrimination statutes.

# Town of Amherst



## Title VI Notice to the Public

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

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

If you believe you have been discriminated against because of your race, color, sex, national origin, age, disability or other unlawful basis, you may file a complaint with the Town of Amherst or with the Federal Highway Administration (FHWA). A complaint must be filed within 180 days from the date of the alleged act of discrimination.

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

**Robert P. McCarthy, Esq., Title VI Coordinator**  
**Town of Amherst Department of Human Resources**  
**5583 Main Street, Williamsville, NY 14221**  
**Phone: 716-631-7025, Fax: 716-631-7065**  
**[www.amherst.ny.us](http://www.amherst.ny.us)**

# Town of Amherst



## Americans with Disabilities (ADA) Transition Plan

### ADA TRANSITION PLAN

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

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

### INTRODUCTION

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

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

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

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

### STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN TOWN OF AMHERST'S FACILITIES

The first phase of the ADA Transition Plan is to evaluate the Town of Amherst's public facilities for accessibility. Officials from Planning, Engineering, Highway, and Building Departments will coordinate to conduct accessibility evaluations of the following facilities:

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

For each facility evaluated, a Survey of Town of Amherst Public Facilities (“the Survey”) will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey.

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

### Evaluation of Sidewalks, Crosswalks, and Curb Ramps

The Survey will contain the following ratings to assess the condition of each Town of Amherst sidewalk, crosswalk, and curb ramp:

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

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

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

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

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

### Evaluation of Parking Lots and Publicly Accessible Buildings

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

### Schedule for Completion

Town of Amherst officials from its Planning, Engineering, Highway, and Building Departments will be coordinating over the next several months to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. Numerous facilities will be subject to this evaluation, and consequently this will be a substantial undertaking for the reviewing officials. The evaluations will be scheduled so as to evaluate outdoor facilities prior to the winter months (to avoid snow cover that may impede a thorough review), with any remaining evaluations of outdoor facilities to be completed by 2020. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 will be completed by 2020.

## **STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS**

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

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

### **A. Nature of Improvements and Structural Feasibility**

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

### **B. Priority of Improvements**

#### Sidewalks; Crosswalks; Curb Ramps

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

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

- 1) Those serving publicly accessible Town of Amherst facilities;
- 2) Those serving commercial and employment centers; and
- 3) Those serving other areas.

#### Parking Lots and Publicly Accessible Buildings

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

## **STEP 3: SCHEDULE FOR COMPLETION OF NECESSARY IMPROVEMENTS**

Once the Inventory of Public Facilities has been completed, and necessary improvements have been prioritized as provided above, the Town of Amherst will formulate an estimated budget for

the improvements. The schedule for improvements will depend heavily upon the number and severity of the deficiencies identified during the accessibility evaluation, and the costs associated with the improvements. The Town of Amherst however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. The Town of Amherst's ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect the Town of Amherst's commitment to ADA compliance.

The aforementioned processes have been underway for some time, and are reflected, in part, in **Attachment 1 - Townwide Intersection ADA Improvements** and **ADA Curb Ramp Replacement** which follow this section.

## **ADA COORDINATOR**

The *Town of Amherst* has two Co-ADA Coordinators:

**Mark Berke, Commissioner of Buildings**

**ADA Coordinator**

*Town of Amherst*

*5583 Main Street, Williamsville, NY14221*

*Telephone Number: (716) 631-7100*

*Email Address: [mberke@amherst.ny.us](mailto:mberke@amherst.ny.us)*

**Robert P. McCarthy, Director of Human Resources**

**ADA Coordinator**

*Town of Amherst*

*5583 Main Street, Williamsville, NY14221*

*Telephone Number: (716) 631-7025*

*Email Address: [rmccarthy@amherst.ny.us](mailto:rmccarthy@amherst.ny.us)*



# **Town of Amherst Engineering Department**

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## **Townwide Intersection ADA Improvements**

*2016 – 2021 C.I.P. Project E-58*

*Town of Amherst Job # 2016.059*

### **Map, Plan & Report**

November 2016

#### **Contents:**

- Introduction
- Proposed Improvements
- Project Schedule
- Financial Summary
- Taxation Summary
- TOA Planning Dept. SEQR Determination

#### **Appendices:**

- A. Town-owned signalized intersections in need of ramp upgrades
- B. Town streets on the Highway Dept. paving list that have curb ramps
- C. Town-owned signalized intersections in need of various pedestrian upgrades



## **INTRODUCTION:**

According to the 2010 census, 21 percent of the U.S. Population over the age of 15 has a disability (approximately 52 million). The Americans with Disabilities Act (ADA), passed in 1990, is a landmark law that prohibits discrimination based on disability. This comprehensive civil rights protection for individuals with disabilities extends not only to physical access government facilities, programs, and events – but also to pedestrian facilities in public rights-of-way.

Title II (28 CFR 35.1 33(a)) of the ADA requires that state and local governments ensure that persons with disabilities have access to pedestrian routes in the public right-of-way. This subject project is intended to replace, repair, or install facilities in the right-of-way to enable people with disabilities to reach their desired destination safely.

## **PROPOSED IMPROVEMENTS:**

This project is broken down into three (3) components: 1) ADA Ramps at Town-owned traffic signals, 2) ADA Ramps along Town roadways on the Highway Department list to be paved in 2017 or beyond, and 3) Signal improvements that address ADA needs. These components are further detailed by the following:

### *1) ADA Ramps at Town-owned traffic signals*

The Town of Amherst owns and operates 62 Traffic Signals, which are maintained by the Town's Highway Department. Forty (40) signalized intersections have sidewalk and sidewalk ramps at least at one corner. Of those forty locations, 46% of the ramps reviewed appear to be ADA-compliant (62 ramps) with the remaining 54% ramps being non-compliant (72 ramps). This project will begin the replacement of non-compliant curb ramps with ADA-compliant curb ramps. See Appendix 'A' for a list of Town-owned traffic signals locations in need of ramp upgrade.

### *2) ADA Ramps along Town Roadways on the Highway List to be paved*

A Technical Assistance (TA) memorandum was issued in 2013 from the US Department of Transportation (DOT) and the Department of Justice (DOJ). This TA mandates that curb ramps are required when streets, roads, or highways are altered through resurfacing. Title II within ADA identifies that new construction and altered facilities must be designed and constructed to be accessible to and usable by persons with disabilities (28 CFR 35.151). Under the 1990 ADA, actions considered alterations were reconstruction, rehabilitation, resurfacing, and widening. Where alternations occur adjacent to the Town's sidewalk network, the project is required to add or upgrade pedestrian curb access points where sidewalk is present at the corners.

The list of roadways planned for re-paving by the Highway Department was reviewed and narrowed to those locations that require ADA ramp upgrades. A total of 31 local roadways have been identified. A list of those streets can be found in Appendix 'B'.

3) *Signal improvements that address ADA needs*

Similar to component #1, Town-owned signals require ADA upgrades specific to the pedestrian push-button function and location, as well as making the sidewalks in the vicinity of the push-button station compliant. Specifically, the signal replacement project at Maple & Maplemere Roads and the signal installation at Maple and Culpepper Roads have pedestrian components that require upgrades. Upgrades include sidewalk, sidewalk landings, push-button equipment and signage, push-button poles and/or stations, pedestrian heads, countdown counters, and crosswalk striping. A list of town-owned signals that have pedestrian push-button stations that are in need of various pedestrian upgrades is attached as Appendix 'C'.

The Town will develop a priority list from the locations found in the appendices and make the necessary ADA improvements as funding permits.

**PROJECT SCHEDULE:**

Bond Action:	December 2016
Design:	February 2017
Bidding:	April 2017
Construction:	June-July 2017

**FINANCIAL SUMMARY:**

By amendment, the Town of Amherst appropriated funds in the approved 2016-2021 Capital Improvement Program under Project E-58, Townwide Intersection ADA Improvements. The funds have been identified as a Highway District Bond.

Estimated Construction Costs	\$ 85,000
Legal / Administrative	\$ 1,000
Interest during construction	\$ 1,000
Contingencies	\$ 3,000
<b>Total Cost and Bond Amount:</b>	<b>\$ 90,000</b>

<b>Bond Amount:</b>	<b>\$ 90,000</b>
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**TAXATION SUMMARY:**

**Total Amount to be bonded:       \$ 90,000.00**  
**Bond Term:                               10 Years**

Tax Impact (mileage) total:                       \$0.0013 cost per \$1,000 of assessed value  
Annual Impact on Property with AV of \$100,000:   \$0.1280



Barry A. Weinstein, MD  
Supervisor

Eric W. Gillert, AICP  
Planning Director

Gary Black, AICP  
Assistant Planning Director

MEMORANDUM

November 15, 2016

TO: Chris Schregel, LSIT, Principal Engineer Assistant

FROM: Ellen M. Kost, AICP, Associate Planner *EMK*

RE: SEQR Determination – Townwide Intersection ADA Improvements  
TOA Project No. 2016.059

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be a Type II action under the provisions of SEQR according to Part 617.5. Therefore, no further environmental work is required.

Please contact our office if you have any questions.

X/Special Projects/SEQR Engineering/Type II Projects/Intersection ADA Imp

cc: Jeffrey Burroughs, PE, Town Engineer  
Stanley J. Sliwa, Esq., Town Attorney  
Darlene Carroll, Comptroller  
Eric W. Gillert, Planning Director  
Gary Black, Assistant Planning Director

## **Appendix 'A'**

### **Town-Owned Signalized Intersections in need of Ramp Upgrades**

### Town-owned Signalized Intersections in need of Ramp Upgrades

Signal Number	Location	Southeast Corner	Southwest Corner	Northwest Corner	Northeast Corner
1	Alberta/Wegmans	Non-compliant	No Ramp Present	No Ramp Present	Non-compliant
2	Alberta/Henel	Non-compliant	Non-compliant	Non-compliant	Non-compliant
4	Bailey/Eggert	Non-compliant	Non-compliant	Non-compliant	Non-compliant
3	Bailey/Maple	ADA	ADA	ADA	ADA
49	Bailey/Meyer	ADA	ADA	ADA	No Ramp Present
7	Eggert/Alberta	Non-compliant	Non-compliant	Non-compliant	no
9	Eggert/Lebrun	Non-compliant	No Ramp Present	No Ramp Present	Non-compliant
10	Eggert/Rosedale/Sweet Home	Non-compliant	Non-compliant	Non-compliant	Non-compliant
56	Evans/Essjay	Non-compliant	No Ramp Present	Non-compliant	Non-compliant
42	Hopkins/Dodge	Non-compliant	Non-compliant	Non-compliant	Non-compliant
13	Hopkins/Klein	Non-compliant	Non-compliant	Non-compliant	Non-compliant
16	Kensington/Walton	Non-compliant	Non-compliant	Non-compliant	Non-compliant
60	Klein/Paradise	ADA	ADA	No Ramp Present	Non-compliant
53	Maple - Tops/Marshalls	ADA	ADA	ADA	ADA
18	Maple/Alberta	ADA	ADA	ADA	ADA
19	Maple/Ayer	Non-compliant	Non-compliant	Non-compliant	Non-compliant
44	Maple/Corporate Parkway	ADA	ADA	ADA	No Ramp Present
20	Maple/Flint	ADA	No Ramp Present	ADA	ADA
21	Maple/Hillcrest	ADA	ADA	ADA	ADA
22	Maple/Hopkins	ADA	ADA	ADA	ADA
23	Maple/MacArthur	Non-compliant	Non-compliant	ADA	ADA
24	Maple/Maplemere	Non-compliant	Non-compliant	Non-compliant	Non-compliant
25	Maple/North Forest	ADA	ADA	ADA	ADA
26	Maple/Old Lyme	Non-compliant	Non-compliant	Non-compliant	Non-compliant
28	Maple/ Youngs	Non-compliant	Non-compliant	Non-compliant	Non-compliant
50	North Forest/Heim	Non-compliant	No Ramp Present	No Ramp Present	Non-compliant
66	North Forest/Stahl	No Ramp Present	No Ramp Present	Non-compliant	Non-compliant
54	North Forest/West Klein	ADA	No Ramp Present	No Ramp Present	Non-compliant
57	North French/East Robinson/Sundridge	No Ramp Present	No Ramp Present	No Ramp Present	Non-compliant
41	Sweet Home/Dodge/Commerce	Non-compliant	Non-compliant	Non-compliant	Non-compliant
30	Sweet Home/Emerson	ADA	ADA	ADA	No Ramp Present
31	Sweet Home/French	Non-compliant	Non-compliant	Non-compliant	Non-compliant
33	Wehrle/Garrison/Lehn Springs	ADA	ADA	ADA	ADA
58	Wehrle/Ingram Micro/College Way	ADA	ADA	ADA	ADA
34	Wehrle/South Lamarck	Non-compliant	Non-compliant	Non-compliant	Non-compliant
35	Wehrle/South Forest	No Ramp Present	No Ramp Present	Non-compliant	No Ramp Present
55	Wehrle/Spindrift/Earhart	ADA	ADA	ADA	ADA
36	Wehrle/Youngs	ADA	ADA	ADA	ADA
40	Youngs/Klein	Non-compliant	No Ramp Present	ADA	No Ramp Present
#	Maple/Culpepper	ADA	ADA	ADA	ADA

## **Appendix 'B'**

**Town-Owned Streets on the Highway Dept.  
Paving List that have Curb Ramps**

Town Streets on the Highway Dept. Paving List that have Curb Ramps

<b>Town Roadway to be Paved</b>	<b>Ramp Present</b>
Rana Court	Yes
Contessa Court	Yes
Ayer (Klein to Maple)	Yes
Regents Park	Yes
Paradise Road	Yes
Berryman (Saratoga to Dead End)	Yes
Burbank Drive	Yes
High Court	Yes
Charlestown Road	Yes
Yorktown Road	Yes
Mount Vernon Road	Yes
Haussauer Road	Yes
Londonderry Lane	Yes
Carolilly Court	Yes
Greenboro Court	Yes
Stony Creek Drive	Yes
Wood Acres Drive	Yes
Sundown Trail	Yes
Southwind Trail	Yes
Ranch Trail West	Yes
Rosedale Boulevard	Yes
Maynard Drive	Yes
Hendricks Boulevard	Yes
Gray Birch Court	Yes
Snowberry Lane	Yes
Old Oak Post Road	Yes
Bramhill Court	Yes
Sunshine Drive	Yes
Bloor Drive	Yes
Bondon Lane	Yes
Flint Road	Yes

## **Appendix ‘C’**

**Town-Owned Signalized Intersections in need  
of various Pedestrian Upgrades**



## Town-owned Signalized Intersections in need of various Pedestrian Upgrades

Signal Number	Location	Pedestrian Push Button
1	Alberta/Wegmans	Partial
4	Bailey/Eggert	Full
3	Bailey/Maple	Full
49	Bailey/Meyer	Full
7	Eggert/Alberta	Partial
56	Evans/Essjay	Partial
11	French/Dodge	Full
42	Hopkins/Dodge	Full
13	Hopkins/Klein	Full
60	Klein/Paradise	Full
53	Maple - Tops/Marshalls	Full
18	Maple/Alberta	Full
44	Maple/Corporate Parkway	Full
20	Maple/Flint	Full
21	Maple/Hillcrest	Full
22	Maple/Hopkins	Full
23	Maple/MacArthur	Full
24	Maple/Maplemere	Full
25	Maple/North Forest	Full
26	Maple/Old Lyme	Full
41	Sweet Home/Dodge/Commerce	Full
30	Sweet Home/Emerson	Full
31	Sweet Home/French	Full
33	Wehrle/Garrison/Lehn Springs	Full
58	Wehrle/Ingram Micro/College Way	Full
55	Wehrle/Spindrift/Earhart	Full
36	Wehrle/Youngs	Full
40	Youngs/Klein	Full
#	Maple/Culpepper	Full

Full = Push-Button Accommodations to Cross **Both directions**  
 Partial = Push-Button Accommodations to Cross **one direction only**

**Town of Amherst**  
Community Development Block Grant (CDBG)  
Request for Funds for Program Year 2019

**Department:** Engineering Department

**Contact Person:** Christopher P. Schregel

**Funding requests must be for projects and activities to be completed within the 2019 Program Year.**

**Proposed Project:**

ADA Accessible Curb Ramp Replacements in Various Locations

**Project Location:** (Please be specific & use cross streets or exact address)

South Forest Road, Kings Place, Queens Place, Royal Parkway East, Coventry Road, Harvard Court, Longmeadow Road, & Capen Blvd.

**Estimated Budget: CDBG funds:** \$ 75,000

**Other: (specify)** \_\_\_\_\_

**Period of anticipated expenditure:** July 2019 – November 2019

**Units of Product:** (e.g., for public services, number of people served; for public works, linear feet of street, sewers, sidewalks, number of street lights)

Replacement of 62 ADA Curb Ramps

**Outcomes** (Outcomes are benefits that result from a program). Outcomes typically relate to a change in conditions, status, attitudes, skills, knowledge, or behavior. Common outcomes could include improved quality of life for program participants, improved quality of local housing stock, or revitalization of a neighborhood.

Improve pedestrian mobility by safety by replacing intersection curb ramps that do not meet ADA Standards for Accessible Design. Title II of the ADA requires local governments make pedestrian crossings accessible to people with disabilities by providing curb ramps that meet the minimum standards. Further, Dept. of Justice's 2010 ADA Standards require curb ramps at newly constructed or altered streets, highways, and street-level pedestrian walkways to provide an accessible route for pedestrians at intersections.

**Proposed project must benefit one of the following (please indicate):**

Residents of eligible neighborhood (per map provided by the Community Development Division of the Planning Department)

Special population

Senior Citizens

Disabled Adults

Victims of Domestic Abuse

Other

Income-qualified households on an individual basis

Eliminates a blighting condition

Addresses historic preservation

## **NEEDS CATEGORIES**

### **Public Facility Needs**

- Senior Centers
- Youth Centers
- Neighborhood Facilities
- Child Care Centers
- Parks and/or Recreation Facilities
- Health Facilities
- Parking Facilities
- Other Public Facilities

### **Infrastructure Improvement** [these activities are not currently undertaken under CDBG]

- Street Lights
- Flood Drain Improvements
- Water Improvements
- Street Improvements
- Sidewalk Improvements
- Storm/Sanitary Sewer Improvements
- Asbestos Removal
- Other Infrastructure Improvements Needs

### **Public Service Needs**

- Senior Services
- Handicapped Services
- Youth Services
- Transportation Services
- Substance Abuse Services
- Crime Awareness
- Fair Housing Counseling
- Tenant/Landlord Counseling
- Child Care Services
- Health services
- Other Public Service Needs

## **Accessibility Needs**

## **Residential Historic Preservation Needs**

## **Non-Residential Historic Preservation Needs**

### **Economic Development Needs**

- Commercial-Industrial Needs
- Commercial-Industrial Infrastructure
- Other Commercial-Industrial Improvements
- Micro-Business
- Other Business
- Technical Assistance
- Other Economic Development Needs

### **Other Community Development Needs**

- Energy Efficiency Improvements
- Lead Based Paint / Hazards
- Code Enforcement

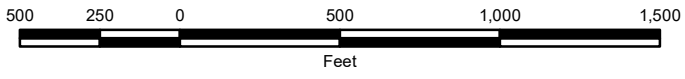
## **Planning**

# TOWN OF AMHERST

Erie County, New York

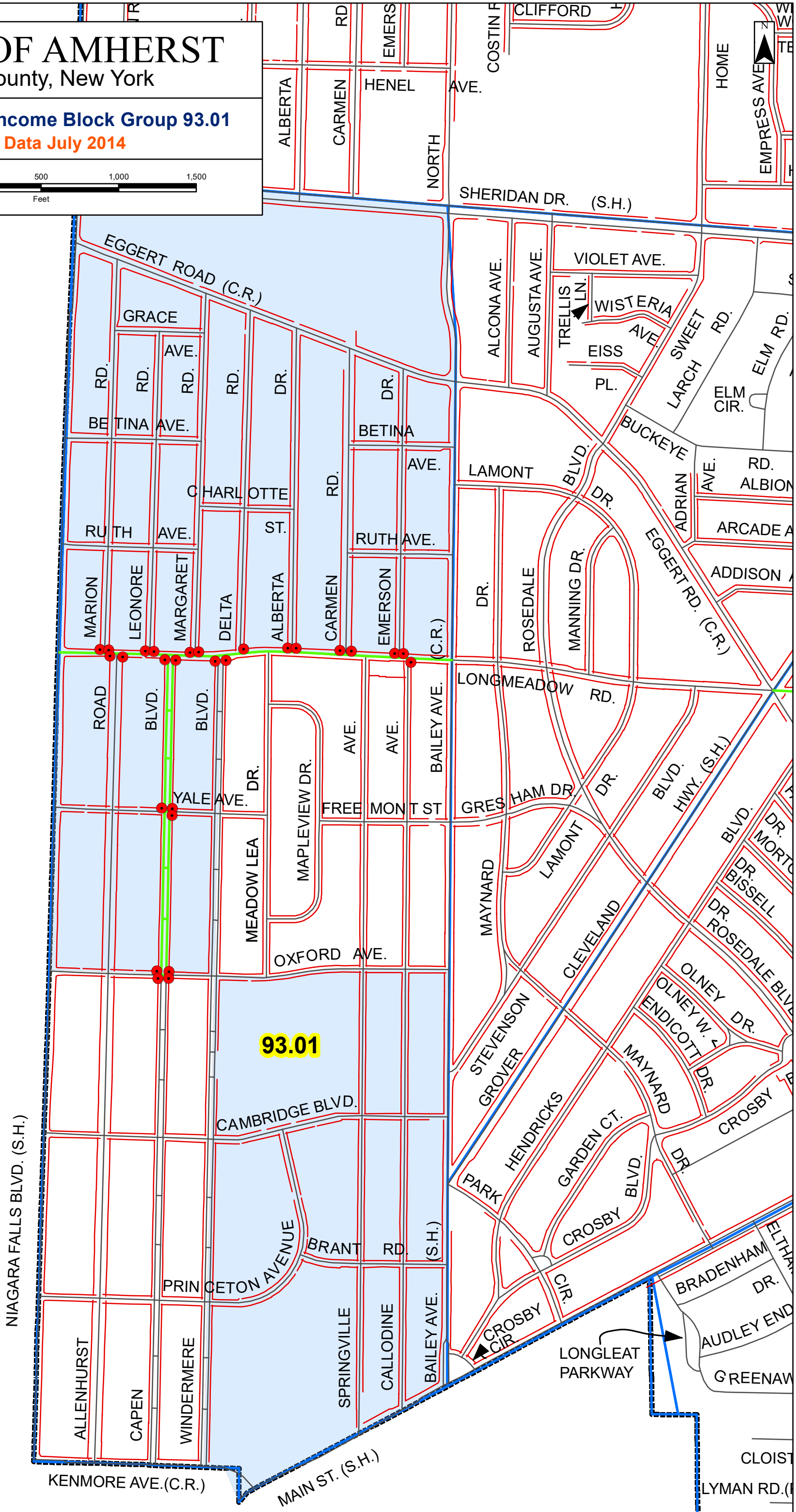
Low/Moderate Income Block Group 93.01

HUD Data July 2014



## Legend

- Non-ADA Ramp
- Roads
- Sidewalks
- Road Paving
- Possible Road Paving
- Census Tracts
- ▭ Town Boundary



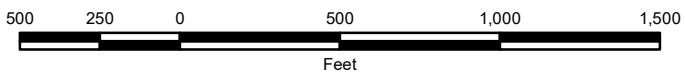


# TOWN OF AMHERST

Erie County, New York

## Low/Moderate Income Block Group 94.01

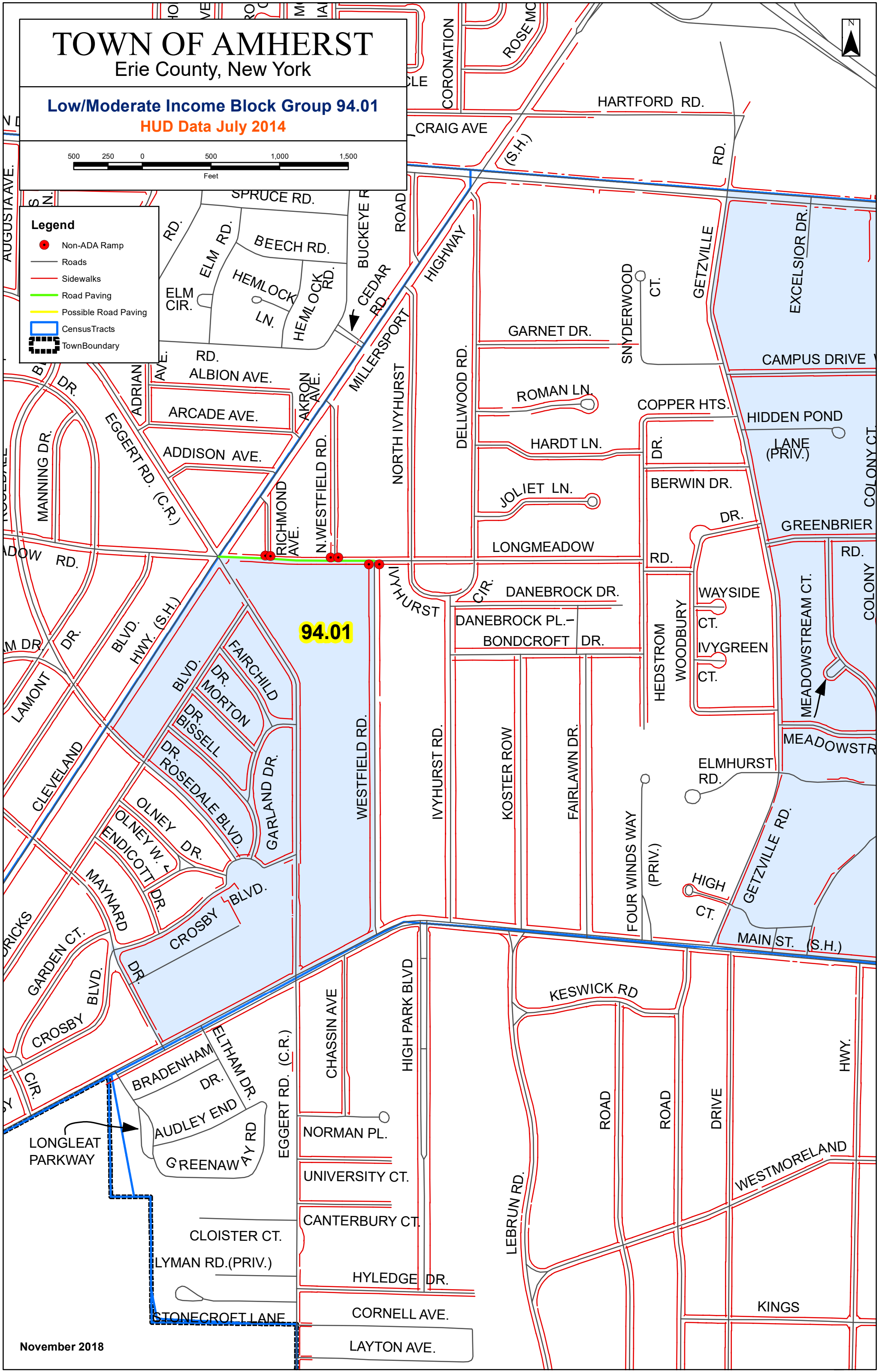
HUD Data July 2014



### Legend

- Non-ADA Ramp
- Roads
- Sidewalks
- Road Paving
- Possible Road Paving
- Census Tracts
- ▭ Town Boundary

**94.01**

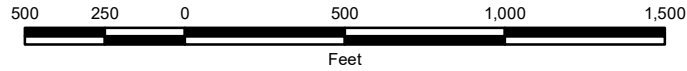


# TOWN OF AMHERST

Erie County, New York

**Low/Moderate Income Block Group 95.02**

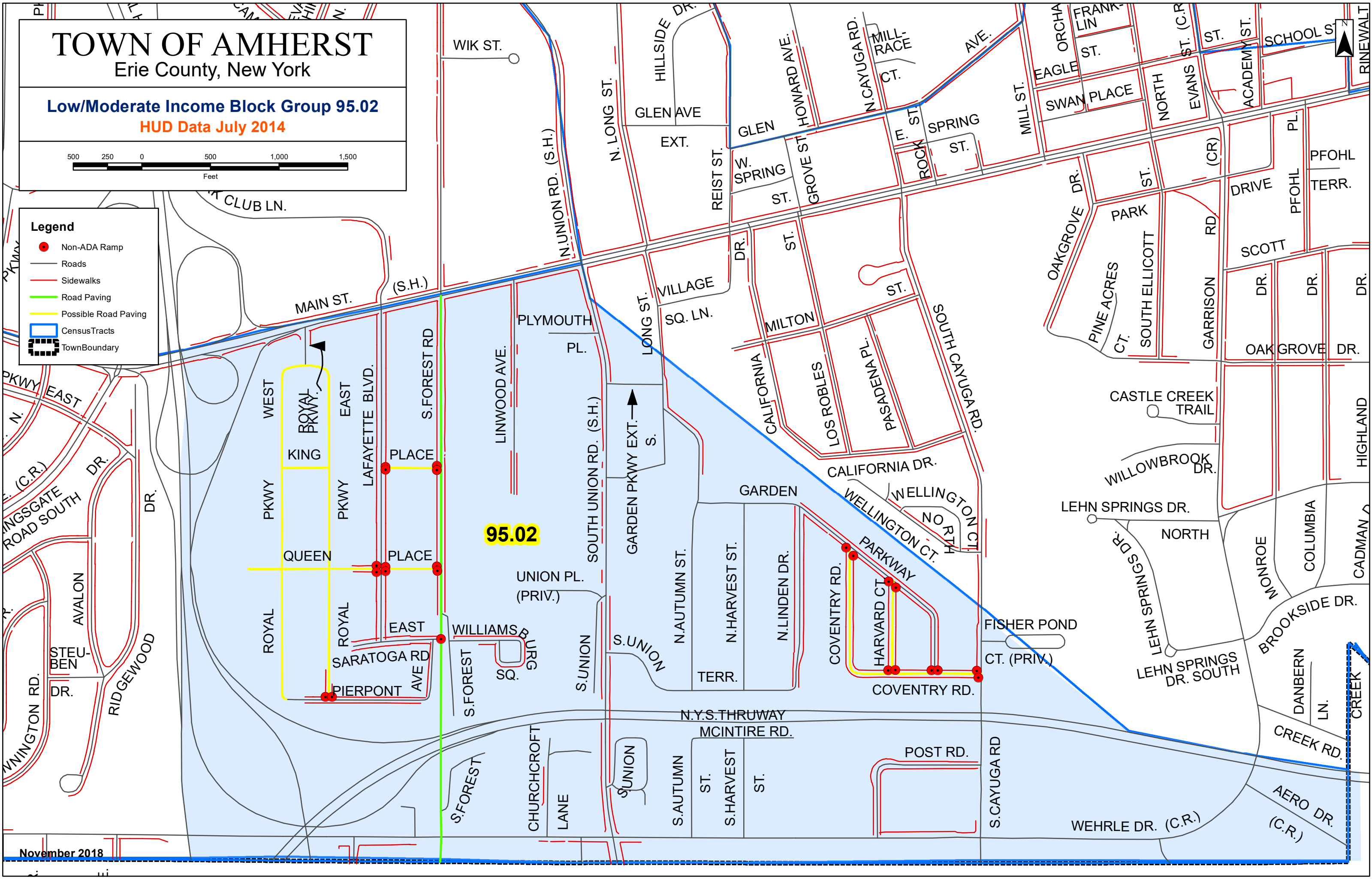
HUD Data July 2014



### Legend

- Non-ADA Ramp
- Roads
- Sidewalks
- Road Paving
- Possible Road Paving
- Census Tracts
- Town Boundary

**95.02**



**COST ESTIMATE - ADA RAMP REPLACEMENT**  
**2019 Community Development Block Grant (CDBG) Fund Request**

ITEM	DESCRIPTION	TARGET AREA	RAMPS	UNIT PRICE	AMOUNT
<b>1</b>	<b>SOUTH FOREST ROAD</b>				
1.1	@ King Place Intersection	95.02	2	\$1,200.00	\$2,400.00
1.2	@ Queen Place Intesection	95.02	2	\$1,200.00	\$2,400.00
1.3	@ East Saratoga Road Intesection	95.02	1	\$1,200.00	\$1,200.00
<b>2</b>	<b>KINGS PLACE</b>				
2.1	@ Lafayette Blvd. Intersection	95.02	2	\$1,200.00	\$2,400.00
<b>3</b>	<b>QUEENS PLACE</b>				
3.1	@ Lafayette Blvd. Intersection	95.02	4	\$1,200.00	\$4,800.00
<b>4</b>	<b>ROYAL PARKWAY EAST</b>				
4.1	@ Pierpont Ave.	95.02	2	\$1,200.00	\$2,400.00
<b>5</b>	<b>COVENTRY ROAD</b>				
5.1	@ S Cayuga Road Intersection	95.02	2	\$1,200.00	\$2,400.00
5.2	@ Garden Pkwy. Intersection; South	95.02	2	\$1,200.00	\$2,400.00
5.3	@ Harvard Ct. Intersection	95.02	2	\$1,200.00	\$2,400.00
5.4	@ Garden Pkwy. Intersection; North	95.02	2	\$1,200.00	\$2,400.00
<b>6</b>	<b>HARVARD COURT</b>				
6.1	@ Garden Pkwy. Intersection; North	95.02	2	\$1,200.00	\$2,400.00
<b>7</b>	<b>LONGMEADOW ROAD</b>				
7.1	@ Westfield Road Intersection	94.01	2	\$1,200.00	\$2,400.00
7.2	@ Westfield Road North Intersection	94.01	2	\$1,200.00	\$2,400.00
7.3	@ Richmond Road Intersection	94.01	2	\$1,200.00	\$2,400.00
7.4	@ Callodine Ave.	93.01	1	\$1,200.00	\$1,200.00
7.5	@ Emerson Drive intersection	93.01	2	\$1,200.00	\$2,400.00
7.6	@ Springville Ave.	93.01	2	\$1,200.00	\$2,400.00
7.7	@ Carmen Road, Replacement	93.01	2	\$1,200.00	\$2,400.00
7.8	@ Carmen Road, Removal + Upright Curb	93.01	2	\$1,500.00	\$3,000.00
7.9	@ Alberta Drive	93.01	2	\$1,200.00	\$2,400.00
7.10	@ Meadow Lea Drive	93.01	2	\$1,200.00	\$2,400.00
7.11	@ Delta Road	93.01	1	\$1,200.00	\$1,200.00
7.12	@ Windermere Blvd.	93.01	2	\$1,200.00	\$2,400.00
7.13	@ Margaret Road	93.01	2	\$1,200.00	\$2,400.00
7.14	@ Capen Blvd.	93.01	2	\$1,200.00	\$2,400.00
7.15	@ Leonore Road	93.01	2	\$1,200.00	\$2,400.00
7.16	@ Allenhurst Road	93.01	2	\$1,200.00	\$2,400.00
7.17	@ Marion Road	93.01	2	\$1,200.00	\$2,400.00
<b>8</b>	<b>CAPEN BLVD.</b>				
8.1	@ Oxford Ave.	93.01	4	\$1,200.00	\$4,800.00
8.2	@ Yale Ave.	93.01	3	\$1,200.00	\$3,600.00

**PROJECT TOTAL \$75,000.00**