



**CITY OF LONG BEACH
NASSAU COUNTY, NEW YORK**

TITLE VI PLAN

ADOPTED BY THE CITY COUNCIL

Resolution: _____

Date: _____

Daniel Creighton, City Manager

**CITY OF LONG BEACH
NASSAU COUNTY, NEW YORK**

TITLE VI PLAN

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TITLE VI NONDISCRIMINATION POLICY STATEMENT

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

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

AUTHORITIES

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color 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 (please refer to 23 CFR 200.9 and 49 CFR 21).

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

Additional Policy, Authorities and Citations

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

A copy of the City's Americans with Disabilities Act Policy is attached as Appendix – E of this Plan.

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.

SUBRECIPIENTS

The **City of Long Beach** presently has no subrecipients.

Assistance to Sub-Recipients

The **City of Long Beach** presently has no subrecipients.

TITLE VI REPORTING RELATIONSHIPS

The **City of Long Beach** has appointed **Brendan Costello**, as the **City of Long Beach** Title VI Compliance Officer.

The **City of Long Beach** is required to appoint a Compliance Officer under 23 CFR 200.9(b)(1) with easy access to the head of the agency.

The contact information for the **City of Long Beach's** Title VI Compliance Officer is as follows:

Name:	Brendan Costello
Title:	Title VI Compliance Officer
Address:	1 West Chester Street Long Beach, NY 11561
Phone:	(516) 431-4445
Email:	bcostello@longbeachny.gov

Appointment of Title VI Program Specialists

In addition to appointing a Title VI Compliance Officer, the **City of Long Beach** may appoint Title VI Program Specialists to annually monitor the City of Long Beach program areas. Such program areas include, but are not limited to, planning, environment, design, right-of-way, construction, contract compliance and maintenance. The appointment of Title VI Program Specialists will be made by the City Manager on the basis of knowledge and experience except Corporation Counsel and the Public Relations Director are appointed Title VI program Specialists for the purposes set forth below.

In addition to the Title VI Compliance Officer, the **City of Long Beach** shall designate its Corporation Counsel to: process, review and investigate Title VI complaints, identify and eliminate discrimination when and if found to exist within the City of Long Beach, and to maintain updated legislative and procedural information regarding the **City of Long Beach's** Title VI Program.

Corporation Counsel Contact information is as follows:

Office of the Corporation Counsel
1 West Chester Street
Long Beach, NY 11561
(516) 431-1003
Corp@longbeachny.gov

With respect to the Development of Title VI Information for Public Dissemination the **City of Long Beach** designates its Public Relations Director. Public Relations Contact Information is as follows:

Public Relations Department
Attn: John McNally
1 West Chester Street
Long Beach, NY 11561
(516) 431-1003
jmcnally@longbeachny.gov

All other Title VI compliance responsibilities shall be performed by the Compliance Officer.

PROGRAM ADMINISTRATION AND TITLE VI COMPLIANCE OFFICERS RESPONSIBILITIES

As authorized by the **City Council**, the Title VI Compliance Officer and Title VI Program Specialists are responsible for initiating, monitoring, and ensuring the **City of Long Beach's** compliance with Title VI requirements as follows:

1. Process, review and investigate Title VI complaints received by the **City of Long Beach** in accordance with the **City of Long Beach's** Complaint Procedures. If any individual believes they or any other program beneficiaries have been subject to unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, or national origin, they may file a complaint with the **City of Long Beach**. It is the goal of the **City of Long Beach** to resolve complaints informally at the lowest managerial level. See Appendix 5 for a copy of the Title VI Complaint Form
2. Collect statistical data (race, color, income and national origin) of participants in and beneficiaries of, **City of Long Beach** highway programs (i.e., relocate's, impacted citizens, and affected communities). Each of the Title VI program area will maintain data to be incorporated in the Title VI updates. Procedures will be reviewed regularly to ensure the data is enough in meeting the Title VI program administration requirements.
3. Review program areas to determine the effectiveness of program area activities at all levels. In addition to the day-to-day monitoring, all program areas will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Compliance Officer 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 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 information for Public Dissemination. Ensure dissemination to the public and, where appropriate, in languages other than English. The City of Long Beach

will disseminate Title VI Program information to City employees, contractors, subcontractors, consultants, and subconsultants as well as the 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 near proposed projects and announcements of hearings and meetings in minority publications.

7. Conduct pre-grant and post-grant approval reviews of **City of Long Beach** programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the **City of Long Beach**.
8. Prepare an Annual Title VI Update Report. The update will report on any accomplishments and changes to the program occurring during the preceding year. The update will include goals and objectives for the upcoming year.
9. Identify and eliminate discrimination when found to exist. Work with all **City of Long Beach** Offices and Departments to establish procedures for promptly resolving deficiencies. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to utilization of disadvantaged business enterprises, public involvement and property acquisition.
10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary within a period of 90 days. The **City of Long Beach** will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, procedures will be implemented to resolve Title VI issues, and reducing to writing remedial action agreed necessary within a period of 90 days.

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

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

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

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

11. Maintain updated legislative and procedural information regarding the **City of Long Beach's** Title VI Program. This will include federal laws, rules and regulations,

NYSDOT guidelines, the **City of Long Beach** Plan and updates, and other resource information pertaining to Title VI issues.

COMPLAINT PROCEDURES FOR FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

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, or national origin, they may file a complaint with the **City of Long Beach**. It is the goal of the **City of Long Beach** to resolve complaints informally at the lowest managerial level. See Appendix 5 for a copy of the Title VI Complaint Form

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, relating to any transportation or Public Works program or activity administered by the City, as well as to sub recipients, consultants, and contractors. These procedures apply to complaints filed against a program or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or the Federal Aviation Administration (FAA).

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

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

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

Complaint Procedures

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

Time Limits for Filing

A formal complaint must be filed within 180 days after:

- The date of the alleged act of discrimination; or

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

Form of Complaints

A formal complaint must meet the following requirements:

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

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

Acceptance or Dismissal of a Complaint

Acceptance of a complaint will be determined by:

- Whether the complaint is timely filed;
- Whether the allegations involve a covered basis such as race, color, or national origin;
- Whether the allegations involve a program or activity of a Federal-aid recipient;
- The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority;

A complaint may be dismissed for the following reasons:

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

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

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

Within 40 calendar days of the acceptance of the complaint, the **City of Long Beach** or NYSDOT investigator will prepare an investigative report for the **City of Long Beach**'s Title VI Compliance Officer and the **City Manager**. The report will include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The **City of Long Beach**'s Title VI Compliance Officer and **City Manager** will have 10 calendar days to review and provide comments to the investigator. The personal contact information for each is as follows:

Title	Name	Email
Title VI Compliance Officer	Brendan Costello	bcostello@longbeachny.gov
City Manager	Daniel Creighton	dcreighton@longbeachny.gov

The mailing address for all such contacts is 1 West Chester Street, Long Beach, NY, 11561.

Once the investigator addresses any comments to the preliminary investigative report, the report and its findings will be forwarded to the **City of Long Beach** Corporation Council for review unless the Corporation Counsel conducted the initial investigation. The Corporation Council will review the report and associated documentation and will provide input within 10 calendar days.

Any comments or recommendations from the **City of Long Beach** Corporation Council will be reviewed by the **City Manager**. There will be a period of 10 calendar days for the **City Manager** to discuss the report and any recommendations with the **City of Long Beach**'s Title VI Compliance Officer, and to have the Title VI Compliance Officer address any modifications before the report's release to the corresponding United States Department of Transportation (USDOT) modality (FHWA, FTA, FAA).

The **City of Long Beach**'s final investigative report and a copy of the complaint will be forwarded to either NYSDOT, FHWA, FTA, or FAA, within 60 calendar days of the acceptance of the complaint.

The **City of Long Beach** will notify the parties of its preliminary findings which are subject to the corresponding USDOT modality's concurrence.

The corresponding USDOT modality will issue the final decision to the City of Long Beach based on the investigative report.

PUBLIC PARTICIPATION PLAN

Purpose

To increase public involvement in the transportation planning process that is carried out by the City of Long Beach. Public participation efforts will be used to educate the public about major transportation issues, solicit information, assist in achieving consensus, and provide a way for citizens to share their perspectives with the City of Long Beach.

General Public Participation Activities

The City of Long Beach, its committees and staff, will continue to expand its outreach efforts to various individuals and public interest groups in the region.

- The City of Long Beach will notify the mailing list and distribute a press release to the area media outlets about any applicable public meetings 10 calendar days prior to the event. The notice will include date, time, location, and purpose or topic of the meeting.
- All City of Long Beach transportation related meetings will be held in facilities that comply with Americans with Disabilities Act standards for accessibility. Any related meetings shall be posted on the City of Long Beach website. Efforts will be made to ensure that other project-related meetings where the public is invited to attend will also be held in accessible locations. Meetings will be held at either City Council Meetings, or separate public comment meeting.
- Title VI, LAP, and Public Participation Plans shall be posted in the lobbies of all City buildings and buses.
- At public meetings there will generally be a three-minute limit for each individual speaker.
- A summary of the major written or verbal comments resulting from the public meeting or other activity, and the proposed responses will be prepared and will be available upon written request.
- Documentation and summaries of all public meetings will be prepared and retained by the City of Long Beach staff and will be available upon request.
- Technical and policy information and data will be available from the City of Long Beach and the New York State Department of Transportation. Data requests of significant size will be made available within a reasonable period of time.

- Public participation strategies will be considered on a project-by-project basis that will effectively engage minority and low-income populations and reduce participation barriers for such populations.
- Upon request (preferably two weeks in advance of a meeting), effort will be made to provide accommodations such as assistive listening devices, materials in accessible formats and in languages other than English, and interpreters of American Sign Language and other languages.
- If requested, the City of Long Beach will provide verbal and written translation or digital conversations to facilitate accessibility of key documents or key portions of them within a reasonable time and within available resources.

General Public Participation Activities

It should be noted that despite the challenges posed in conducting public outreach due to the ongoing health crisis posed by the COVID-19 pandemic, the City of Long Beach, engaged the public as detailed below:

- Throughout the Pandemic, the City of Long Beach provided bilingual robo-calls that informed the public of any relevant changes to public transportation, scheduling, and/or safety procedures and requirements.
- Any and all changes to the City's public transportation system were posted on its website, which is available for immediate translation to more than 100 languages.
- Enhancements to the City's Public Transportation Infrastructure and assets have been a significant element in the City's efforts to update its Comprehensive Plan. Numerous public meetings have taken place as a part of this effort, as well as a robust online multi-lingual survey.

ADDITIONAL PROGRAM CONSIDERATIONS

Minority Representation on Planning and Advisory Panels

The City of Long Beach does not have a transit related, non-elected planning board or advisory panels at this time.

Equity Analysis to Determine Site or Location of Facilities

The City of Long Beach has not experienced a change in services or engaged in projects requiring land acquisition.

System-Wide, Fixed-Route Service Standards, Policies and Definitions

- *Vehicle Load*: This is the ratio of the number of passengers on a vehicle to the number of seats. Vehicle load is monitored regularly to determine compliance with the standard load as follows: 1.25 passengers/seat during peak periods and 1.00 during off peak periods.
- *Vehicle Headway*: This is calculated as the time difference between two vehicles traveling in the same direction on the same route (or how often the vehicle travels the route.) The standard is a maximum of 60-minutes between trips during peak periods and 120-minutes during off-peak periods.
- *On-Time Performance*: This is calculated as a percentage of randomly sampled bus runs that pass predetermined time points along a route that occur no more than 2- minutes earlier or more than 6-minutes later than the time published in the transit system timetables. The standard minimum is an on-time rate of 75%.
- *Service Availability*: This is the percentage of the City's population within one-half (1/2) mile of a Bus route. The standard is 50%.
 - **NOTE**: The City of Long Beach operated its Bus network of fixed-route buses are scheduled in cooperation with routes operated by Nassau County Transit. This significantly increases the usefulness of the system to riders and the number of destinations accessed by Bus riders.
- *Vehicle Assignment Policy*: This is the process by which vehicles are placed in service on routes throughout the system. City of Long Beach Buses offer the same level of amenities to all riders. The City of Long Beach applies strict maintenance standards to all buses in service regardless of age. The City of Long Beach has undertaken a critical fleet replacement regimen to ensure all riders have access to the newest possible equipment. In addition, buses are assigned based on needs of the route, not the location of the route.

APPENDIX - 1
CITY OF LONG BEACH
TITLE VI NOTICE TO PUBLIC

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

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the **City of Long Beach**. Any such complaint must be in writing and filed with the Office of the Corporation Counsel within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms and list of procedures may be obtained at no cost to the complainant on the City website (<https://www.longbeachny.gov>) or by calling (516) 431-4445.

The Title VI Notice will be posted at City Hall and may also be made available by request of the Title VI Compliance Officer. The contact information for the **City of Long Beach**'s Title VI Compliance Officer is as follows:

Name:	Office of the Corporation Counsel
Title:	Corporation Counsel
Address:	1 West Chester Street Long Beach, NY 11561
Phone:	(516) 431-1003
Email:	Corp@longbeachny.gov
Web Address 1	https://www.longbeachny.gov/transparency
Web Address 2	https://www.longbeachny.gov/transportation

APPENDIX - 2
CITY OF LONG BEACH
TITLE VI ASSURANCES

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

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

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:
 - The **City of Long Beach**, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-d4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.
3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith. identification of a site or location for a new facility
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom she/he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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

APPENDIX - 3
FOR CONTRACTORS, SUBCONTRACTORS,
SUPPLIERS AND MANUFACTURERS

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

1. Compliance with Regulations

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

2. Nondiscrimination

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

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

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

4. Information and Reports

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

5. Sanctions for Noncompliance

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

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

6. Incorporation of Provisions

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

APPENDIX – 4
CITY OF LONG BEACH
LANGUAGE ASSISTANCE PLAN (LAP)

Introduction

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

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

Plan Summary

The City of Long Beach has developed this Language Assistance 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 LAP, see NYSDOT’s LAP at:

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 City of Long Beach used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by the City of Long Beach.
2. The frequency with which LEP persons come in contact with City of Long Beach services.
3. The nature and importance of services provided by the City of Long Beach to the LEP population.

4. The interpretation services available to the City of Long Beach and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is found in the following section.

Meaningful Access: Four-Factor Analysis

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

The City of Long Beach staff reviewed the American Community Survey 5-Year Estimates (2019) for New York State and determined that:

- a) 5,457 individuals in the City of Long Beach’s service area comprising 17.1% of the population (5 years and older) speak a language other than English;
- b) Of those, 1,698 individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only 5.31 % of the overall population (5 years and older) in the service area;
- c) In City of Long Beach service area, of those persons with limited English proficiency:
 - a. 60.5% Spanish
 - b. 25.8% Indo European Languages
 - c. 12.4% Asian Pacific island Languages
 - d. 1.3% Other Languages

2. The frequency with which LEP persons come in contact with City of Long Beach services

The City of Long Beach reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or in person visits.

- a) The City of Long Beach’s other staff have had very little contact with LEP persons.

3. The nature and importance of services provided by the City of Long Beach to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for the City of Long Beach. The overwhelming majority of the population, 82.9%, speaks only English. As a result, there are few social, service, or professional and leadership organizations within the City of Long Beach’s service area that focuses on outreach to LEP individuals. The City of Long Beach’s staff is most likely to encounter LEP individuals through in person visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

4. The resources available to the City of Long Beach, and overall cost to provide LEP assistance

The City of Long Beach reviewed its available resources that could be used to provide LAP assistance and inventoried its documents to determine which are suitable for translation if the need arises.

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

Language Assistance

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

How the City of Long Beach staff can identify an LEP person in need of language assistance:

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

Language Assistance Measures

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

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

Staff Training

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

1. Title VI Policy and LAP responsibilities
2. Description of language assistance services offered to the public
3. Proper use of interpreter service provider’s language identification cards
4. Documentation of language assistance requests
5. Handling of Title VI/LAP complaints

All contractors or subcontractors performing work for the City of Long Beach are required to follow the Title VI/LAP guidelines.

Translation of Documents

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

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

1. When staff prepares documents or schedules public meeting whose audience is expected to include LEP individuals, the City of Long Beach will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).

2. City of Long Beach will assess requests for the translation of documents based on the potential effect and known LEP population.

Monitoring

Monitoring and Updating the LAP– The City of Long Beach will update the LAP 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 City of Long Beach’s service area. Updates to the LAP will include the following:

1. The number of documented LEP contacts encountered annually.
2. How the needs of LEP persons have been addressed.
3. Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources).
4. Determination as to whether the need for translation services has changed.
5. Determination of the effectiveness of language assistance efforts
6. Determination of the adequacy of the City of Long Beach financial resources to fund language assistance resources.
7. Determination of the City of Long Beach full compliance with the goals of the LAP.
8. Determination of the City of Long Beach processing of LAP complaints

Dissemination of the City of Long Beach LAP

The City of Long Beach shall:

- Post signs in City of Long Beach public areas informing LEP persons of the LAP and how to access language services.
- On the City of Long Beach’s website, post the LAP and procedure to access language services.

APPENDIX – 5
CITY OF LONG BEACH
TITLE VI COMPLAINT FORM

Information:

Name: _____ Address _____ : _____
City: _____ Zip: _____
Home Phone: _____ Mobile Phone: _____
Work Phone: _____ Email: _____

Basis of Complaint (Check One)

Race	
Color	
National Origin	

Who allegedly discriminated against you?

Name: _____ Address _____ : _____
City: _____ Zip: _____
Phone: _____

If an organization, what is its name?

Name: _____ Address _____ : _____
City: _____ Zip: _____
Phone: _____

APPENDIX A

The following clauses shall be included in all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States pursuant to the provisions of Assurance 4.

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

HABENDUM CLAUSE

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

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

APPENDIX B

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 **City of Long Beach** pursuant to the provisions of Assurance 7(a):

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

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

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

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

APPENDIX C

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 **City of Long Beach** pursuant to the provisions of Assurance 7(b):

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

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

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

APPENDIX D

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, or national origin);
- 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 and national origin);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-

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).
- **The City of Long Beach has no LEP populations that exceed the safe harbor threshold of 5% of the service area population.**

APPENDIX G
CITY OF LONG BEACH COUNCIL APPROVING RESOLUTION