

City of Corning, New York

Title VI

Implementation Plan

Updated: April 2021



Mark L. Ryckman, City Manager, City of Corning

4/22/21

Date

CITY OF CORNING, NEW YORK
Title VI Implementation Plan

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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI 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 New York program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The City of Corning, New York is committed to ensuring that no person is excluded from participation in or denied the benefits of services provided at the Corning Transportation Center on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A.

The City of Corning has developed this Title VI Implementation Plan to ensure that LEP persons have meaningful access to their programs and activities by developing and carrying out a language implementation plan pursuant to the recommendations in Section VII of the DOT LEP Guidance that addresses the identified needs of the population it serves. The plan (1) identifies LEP individuals who need language assistance; (2) provides language assistance measures; (3) addresses staff training; (4) details how to provide notice to LEP persons; and (5) addresses procedures for monitoring implementation and updating the plan.

This plan was developed to guide the City of Corning, New York in its administration and management of Title VI-related activities. The Title VI Coordinator for the City of Corning is:

Director of Planning and Economic Development
City of Corning, New York
500 Nasser Civic Center Plaza
Corning, New York 14830
(607) 962-0340 ext. 1117

Title VI/Nondiscrimination Policy Statement

Accordingly, pursuant to Title VI of the Civil Rights Act of 1964, and other applicable state and federal law, it is the policy of the City of Corning, New York to prevent and to eliminate discrimination in all of its operations and services as well as all aspects of employment. All City of Corning, New York Bureaus, Divisions and Offices will plan, develop and implement their programs, services and activities so no person is subjected to unlawful discrimination based on race, color, gender, age, national origin, religion, disability, sexual orientation, marital status or Vietnam-era veteran status.

Policy Scope and Guidance

This policy fully incorporates throughout all of the City of Corning's operations the requirements of applicable State and Federal laws and executive orders to prohibit a New York discriminatory practices, procedures and policies. All administrators, managers, supervisors and employees are directed to comply with these laws and orders.

The City of Corning's Civil Rights Policy Statement directs that the requirements of Articles 15-A of New York State Executive Law, Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as well as the Americans with Disabilities act, and all other relevant laws and executive orders are full integrated into all of the City of Corning's and subrecipient' activities. State and Federal nondiscrimination laws are the cornerstones of the City of Corning's strategy to ensure fair and equitable programs and services to the public.

All employees must assist in the prevention and elimination of a New York discriminatory practices and are encouraged to report allegations of discrimination to the City of Corning Title VI Coordinator for review and appropriate action.

Any person who believes they have been harmed by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Corning, New York such complaint is preferably in writing and filed with the City of Corning's Title VI Coordinator. Title VI Discrimination Complaint Forms may be obtained from the City of Corning's Title VI Coordinator at no cost to the complainant by contacting the Coordinator at corningplanning@cityofcorning.com or phone at (607) 962-0340 ext. 1117. The Title VI Complaint Form (see Appendix D) shall be used to submit the complaint information.

This policy will be placed on all of the City of Corning bulletin boards, web page and made available to all organizations and entities doing business with the City of Corning, New York complaints involving allegations of discrimination should be submitted by mail, email, fax or in person to: City of Corning Title VI Coordinator, at:

Director of Planning and Economic Development
City of Corning, New York
500 Nasser Civic Center Plaza
Corning, New York 14830
Fax: 607-962-0678



Chief Executive Officer or Designee

4/22/21

Date

Title VI/Information Dissemination

Information about the City's Title VI plan is disseminated in the following ways.

- A legal notice was placed in the City of Corning's official publication, The Leader, on August 6, 2010.(Attachment 2)
- Title VI information posters are prominently and publicly displayed in the Corning City Hall and Corning Transportation Center facility. The name of the Title VI coordinator is available on the City of Corning website, at www.cityofcorning.com. Additional information relating to nondiscrimination obligation can be obtained from the City of Corning Title VI Coordinator.
- Title VI information is disseminated to City of Corning employees annually via the Employee Education form (Attachment 13) in payroll envelopes. This form reminds employees of the City of Corning's policy statement, and of their Title VI responsibilities in their daily work and duties.
- During New Employee Orientation, new employees are informed of the provisions of Title VI, and the City of Corning's expectations to perform their duties accordingly.
- All employees are provided a copy of the Title VI Plan and required to sign the Acknowledgement of Receipt (Attachment 14).

Title VI/Coordinator's Responsibilities

1. Process and investigate Title VI discrimination complaints received by the City of Corning, New York unless the complaint is against the subrecipient. A subrecipient may not investigate itself. A Title VI discrimination complaint filed against the subrecipient is required to be forwarded directly to the New York State Department of Transportation's Office of Civil Rights.
2. Collect statistical data of participants in, and beneficiaries of, state highway programs. Beneficiaries include:
 - a. Individuals and families who are required to move,
 - b. Businesses whose operations are disrupted or potentially disrupted by construction projects, and;
 - c. Other affected individuals and groups.
3. Review directives and operating manuals and where applicable, include Title VI language and related requirements.
4. Conduct Title VI reviews of construction contractors, consultant contractors,

5. suppliers, and other sub recipients of federal-aid highway funds administered through your organization.

6. Conduct Title VI training for employees and subrecipients.

7. Develop Title VI information for dissemination to the public and, where appropriate, in languages other than English. This includes providing interpretation services when requested.

8. Establish procedures for resolving Title VI deficiencies within 90 days.

Membership of Non-Elected Committees and Councils

The City of Corning does not have a non-elected transit related advisory council or committee at this time.

Service Standards

Background

FTA requires all fixed route transit providers of public transportation to develop quantitative standards for the following indicators. Individual public transportation will set these standards; therefore, these standards will apply to each individual agency rather than across the entire transit industry.

- Vehicle load for each mode: Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point.
- Vehicle headways for each mode: The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- On-time performance for each mode: A measure of runs completed as scheduled.
- Service availability for each mode: A general measure of the distribution of routes within an agency's service area.

Vehicle Load Standards

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which is a maximum load factor of 1.5 for each vehicle during both peak and off-peak times. Maximum loads are 25 passengers for regular small buses and 36 passengers for the bigger buses. Overcrowding and loading is not viewed as a major problem for the system, and passengers are rarely required to stand. Under-utilization is more likely a concern for the Corning transit service.

Vehicle Headway Standards

Fixed-route service operates between 5:00 a.m. and 7:45 p.m. Monday through Friday. Where ridership is relatively high, headways of 45 and 60 minutes appear appropriate for peak and base periods, respectively. Bus arrival and departure times should facilitate timed transfers at the Bath Transfer Station and Corning Transportation Center.

Scheduling involves the consideration of several factors which include ridership productivity, transit/pedestrian friendly streets, density of transit-dependent populations and activities, and relationship to locations of employers, retail establishments, colleges, and medical facilities.

On-Time Performance Standards

Adherence to a published schedule is critical to insure the reliability of service to the public. This is particularly important at transfer points, where dependable transfer connections are necessary. Adherence to the published schedule is also important during times when long headways are operated. A general guide for miles operated between service disruption road calls is 4,000 miles between road calls. For purposes of assessing the dependability of the Corning Erwin Area Transit System (CEATS), "on-time" is established at zero minutes early to five minutes late at the end of the route. As measured at the Transportation Center and the Transfer Station, the standard for CEATS schedule adherence is established at 95 percent at all times of the service day. Recognizing the different operating speeds of the local routes and that CEATS operates in a variety of settings, an average running speed of 19 miles per hour is chosen as a guideline.

Availability Standards

In population densities of over 5,000 persons per square miles, the service standard is route spacing of 3/8 mile. Activity centers that are end destinations for these routes include: employers (with 200 + employees), shopping centers, colleges/schools, hospitals/nursing homes, and social services/government centers. Since the surrounding area and Steuben County is rural in nature, bus service may not conform to the guide in all areas. Long, circuitous routing makes a route less desirable to the public, so CEATS attempts to make routes as direct as possible.

The Route Deviation service on local routes meet the ADA mandates. The following guidelines are to be met:

- Route Deviation must be provided to all riders who reside within $\frac{3}{4}$ of a mile of the existing fixed route bus system.
- Route Deviation must be made available for the same space of services as the existing fixed route bus system.
- Fare is not more than twice the fare on the fixed route bus system.

In addition, all trip requests are honored with no distinction made by trip purpose. Route deviation is curb- to -curb service. The minimum reservation time for advance reservations is the next day.

Service Policies

Vehicle Assignment Policy

All vehicles operate out of the Bath Transfer Station in Bath, NY with transfers also taking Place at the Corning Transportation Center. Fixed routes are serviced by smaller buses with air conditioning and one bigger bus for the longer route. Bus assignments take into consideration the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route.

CEATS should provide attractive and comfortable vehicles that are clearly and correctly marked as to the route on which they are operating. Noise, smoke, and odor should be kept to as low a level as possible through use of the latest equipment and maintenance procedures available. Bus exteriors should be washed at least every other day, preferably daily, and body damage and loose panels or door should be scheduled for immediate repair. Bus interiors are to be cleaned daily. The Operator is to achieve a 91% pass rate for NYSDOT inspections, a 98% on time for PM inspections, and have a 10% or less of the fleet out of service at one time.

Transit Amenities Policy

Although we are a flag stop system, installation of bus shelters and benches along bus routes are important aspect of user comfort and safety. The decision to install a shelter will be based upon the following factors:

1. At least 25 passengers a day must board or transfer at a specific site.
2. There must be no alternate shelter available (i.e. a building overhang, etc.)
3. There must be sufficient space and available right of way.
4. Higher priority will be given to locations known to have a high number of riders who are seniors/disabled.

The Corning Transportation Center provides a shelter for users as well as clean restroom facilities.

CEATS has made it a priority to include bike racks on new buses when they are ordered. The current fleet all have bike racks installed.

Title VI/Subcontracts and Vendors

All subcontractors and vendors who receive payments from the City of Corning where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts that are federally funded shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

Title VI/ Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the City of Corning's Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, records of correspondence to and from complainants, and Title VI

investigations.

Title VI/Complaint Procedure

How to file a Title VI Complaint?

The complainant may file a signed, written complaint up to thirty (30) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant.

Questions may be directed to the Title VI Coordinator via e-mail at corningplanning@cityofcorning.com or phone at (607)962-0340 x 1117. The Title VI Complaint Form (see Attachment 5) shall be used to submit the complaint information. The complaint may be filed via fax at (607) 962-0578 or in writing with the City of Corning at the following address:

Director of Planning and Economic Development
City of Corning, New York
500 Nasser Civic Center Plaza
Corning, New York 14830

NOTE: The City of Corning encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 30 days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the City of Corning will be directly addressed by the City of Corning. The City of Corning shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the City of Corning shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within thirty (30) days (Attachment 6). Note that in responding to requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

The Title VI Coordinator will rule on the complaint. The complainant may appeal to the City Manager who will sorule.

How will the complainant be notified of the outcome of the complaint?

The City of Corning will send a final written response letter (Attachments 7 and 8) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Attachment 8), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from the City of Corning, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following office:

U.S. Department of Transportation
Federal Transit Administration
Office of Civil Rights
One Bowling Green, Room 429
New York, New York 10004-1415

Title VI/Data Collection

The City of Corning will collect data to ensure impacted communities and interested persons are provided equal access to public involvement. Data may come from the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys and from time to time through the request of voluntary identification of certain racial, ethnic or other data from those who participate in the City of Corning's public involvement events.

Data collection will be used to show those who are affected by a project or have an interest in the project have an opportunity to provide input throughout the planning process.

Purpose of data collection:

- To ensure compliance with 23 CFR 200.9 (b)(4).
- To evaluate the impact of agency programs and activities to ensure nondiscrimination.
- To identify and prioritize potential problem areas affected by transportation decisions.
- To evaluate the effectiveness of policies and programs to develop nondiscrimination strategies.
- To assess specific programs and beneficiaries to develop nondiscrimination strategies.
- To provide justification for funding continuation or the need for additional funding.

Self-identification of personal data submitted to the City of Corning will always be voluntary and anonymous and will not be released or otherwise used in any other manner inconsistent with federal regulations.

Title VI/Monitoring

The City of Corning will monitor program areas to ensure activities are conducted in a nondiscriminatory manner. Program areas throughout the City of Corning will be monitored to ensure compliance on an annual basis. Management and appropriate authorities are required to cooperate in these efforts. It is important that all City of Corning employees and subrecipients understand their role and responsibilities in Title VI compliance in order to ensure the continued receipt of federal assistance.

What Activities Are Monitored?

In accordance with 23 CFR 200.9 (b) (10) & (11), an annual report of the City of Corning Title VI accomplishments for each year and goals for the next year will be prepared and maintained. The annual report will include information used to evaluate the City of Corning's Title VI program. Major program areas (Planning, Environment, Design, Right-of-Way, Construction, Maintenance, Safety, and Research) are monitored by the Title VI Coordinator to ensure procedures and processes are in compliance with Title VI and data is collected for proper reporting to New York State DOT.

The following are examples of activities monitored in each program area, although some program areas may not be involved in every activity:

- Information related to studies conducted that provide data relative to minority persons, neighborhoods, income levels, physical environment and travel habits.

- The number of attendees, location and topic of public meetings and hearings held.
- Outreach efforts used to ensure citizen participation at public meetings and hearings.
- Agency Title VI training.
- Major annual accomplishments regarding Title VI. This includes instances where Title VI issues were identified and discrimination was prevented.
- Issues addressed in Environmental Impact Studies where minorities, women, elderly, disabled and low-income persons were adversely impacted.
- Whether to use bilingual or non-English advertisements, announcements, notices, etc., to meet Limited English Proficiency (LEP) needs.
- Whether interpreters were present when needed to assist with LEP needs.
- Whether negotiation reports related to real estate transactions indicated a disparity in negotiation procedures between minorities and non-minorities.
- The number of relocations during the reporting period.
- Procedures to monitor Title VI compliance as it relates to special emphasis programs (Planning, Environment, Design, Right-of-Way, Construction, Maintenance, Safety).
- The number of annual Title VI complaints received, status of complaints.

The City of Corning's Title VI Coordinator will annually review the agency's operations to ensure compliance with Title VI. In addition, all contracts with subrecipients, if any, will be reviewed by the Legal Department to ensure all contracts include nondiscrimination clauses.

All Title VI Discrimination Complaints received during the previous year will be reviewed again by the Title VI any repetitive issues are identified, the issues will be investigated again with attention given as to why there was a repetitive Issue and what can be done to correct the issue.

Public Participation

The City of Corning must have the input of its public in order to plan and develop efficient and effective projects. The City of Corning has staff and resources available to encourage public participation on all of its projects whether they fall under Title VI or not.

When the City of Corning accepts funding for and undertakes a Federally funded project, it complies 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. Records of such public participation on such projects shall be collected and recorded by the Title VI Coordinator (See Attachment 3).

The Title VI Coordinator shall disseminate Title VI Program information to the City of Corning's employees, contractors, subcontractors, consultants, and sub consultants as well as the general public, and, where appropriate, in languages other than English. Public dissemination will include posting of public statements and inclusion of required Title VI language in contracts. Title VI/Nondiscrimination information such as the Title VI/Nondiscrimination Policy Statement, Complaint Procedures and Complaint Form will be posted on the City of Corning's website.

Title VI Training

The City of Corning's Title VI Coordinator will conduct required Title VI Training. The training will provide comprehensive information on Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. The training will be provided to all new employees when they begin employment. All employees will then sign an acknowledgment of having received and understood the training. For current employees, the City of Corning will have each Department head present and disseminate the training to employees and subcontractors under their supervision and collect their signed acknowledgment of receipt and understanding. The Title VI coordinator or designee will be available to answer any questions and provide further training as needed.

Title VII/Limited English Proficiency (LEP) Plan and Four-factor Analysis

The City of Corning Transportation Center opened for services in 2012. The City of Corning partnered with the Federal Transit Administration (FTA) and the New York State of Transportation (NYSDOT) for design and construction capital of the bus terminal facility. The City of Corning operates the facility.

The City of Corning is the largest populated area in Steuben County, with a population of 10,812 from which 93% are citizens according to the US Census Quick Facts Estimate July 2016. The ethnic composition of the population of Corning, New York is 92.3% White, 2.9% Two or more races, 2.0% Hispanic or Latino and 2.5% Black. 5.49% of the people in the City of Corning speak a non-English language, and 98% are U.S. citizens.

The surrounding area is made up mainly of small residential and agricultural communities in Southeast Steuben County and Western Chemung County, and include the municipalities of City of Corning, City of Elmira, Town of Bath, Town of Corning and Town of Erwin.

A Limited English Proficiency (LEP) assessment was conducted in the City of Corning and the Transportation Center service area by using the U.S. Census 2012-2016 American Community Survey, information from the Corning- Painted Post Schools and Bath Central School District, Visitor Information Center, Corning's Gaffer District, and a survey of the transit providers. This information is attached in Appendix I.

The City of Corning conducted the "four-factor analysis" per the U.S. Department of Transportation LEP guidance.

Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population Based on data provided by the US Census, 2012-2016 American Community Survey, the Corning Transportation Center's primary local service area is defined as the City of Corning, City of Elmira, Town of Bath, Town of Corning and Town of Erwin. This primary service area has a total population of 66,334, of which 61,212 are age 5+. An estimated 1,500 or 2.2 % of the total population are LEP. Of this number, the transit providers report that an estimated that 55-70 LEP persons annually utilize the Corning Transportation Center.

Municipality	Population	Population 5 Yrs+	Speak English Less Than Very Well
City of Corning	10,812	10,349	189
City of Elmira	28,583	26,640	674
Town of Bath	12,191	11,766	170
Town of Corning	6,294	5,937	78
Town of Erwin	8,454	6,520	389
Total	66,334	61,212	1,500

Factor 2. The frequency with which LEP persons come in contact with the program.

An estimated 2.2% of the total population and 2.4% over the age of 5 years who live in the service area are LEP. An estimated 2.0% of the population in the service area is Hispanic or Latino.

Of the ridership on local transit providers, an estimated 55-70 LEP persons living in the service area will utilize the Corning Transportation Center on an annual basis. The most common foreign language among this ridership is Spanish.

Annually, there are a combined 22,190 passengers traveling on the regional routes served by Trailways and Shortline/Coach USA that stop at the Corning Transportation Center. Of this number, there are an estimated 275 LEP passengers that predominantly speak Spanish. However, these are quite short stops and not all passengers disembark the buses for any reason. Of the total number of persons traveling on these inter-city bus routes, only 932 would be either embarking at Corning or disembarking Corning as a final destination. The transit providers further report that an estimated 35-40 passengers in this group would be LEP, and they predominantly speak Spanish.

To further assess the frequency by which translation services may be required, the City conducted a survey and determined there is not a demand based on information reported by the City Manager's Office, City Clerk, area Chamber of Commerce, City of Corning Visitor Center, and the downtown improvement district. There are no reports of requests for translation services.

The primary school districts serviced by the Corning Transportation Center are Corning Painted Post Schools and Bath Central Schools. Together these school districts report that approximately 53 households are LEP. The most common language spoken is Spanish; however, other household foreign languages spoken include French, German, Chinese, Hindi and Punjabi.

Therefore, it has been determined there is not a concentration of any type of LEP individuals in the City of Corning Transportation Center service area that requires a detailed language implementation plan.

Factor 3. The importance of the program, activity, or service to people's lives.

The majority of the ridership consists of those riding the local buses traveling between Corning, Erwin, Bath and Elmira, New York. They are traveling for community college, medical, work, shopping, social visits, day care, recreation and other similar transportation needs.

The City of Corning provides the bus terminal facility for use by various transit providers including both local providers and intercity buses (Trailways and Coach USA/Shortline). The patrons that will use the Corning Transportation Center facility include passengers of these various transit providers.

The potential percentage of local LEP residents utilizing the Corning Transportation Center is estimated at 2.2% of the total population of the service area. However, the local transit

providers report that 55-70 annual riders are LEP and this group is predominantly Spanish speaking.

Annually, there are an estimated 275 LEP passengers riding on Trailways and Shortline/Coach USA buses that will stop at the Corning Transportation Center. These are short stops and not all passengers embark or disembark the buses. According to these transit providers the most common foreign language is Spanish. Among those passengers who embark at Corning or disembark at Corning as a final destination, only 35-40 are LEP and they predominantly speak Spanish.

Of the 53 LEP households identified by the school districts, 30 consist of professional international employees of Corning Incorporated. It is not likely this population will use the Corning Transportation Center. Also, there is not a concentration of a single ethnic or cultural group in the area, and there are no identified migrant worker groups.

Factor 4. Determine the resources available and cost.

The following resources are available to respond to the need for translation services to LEP persons.

- a. Language Identification flashcards will be available at the Transportation Center. They will be available to the drivers. Should another language besides Spanish be encountered it will be documented. The transit providers will be informed on what to do with the flashcards and how to contact the Title VI Coordinator if there is a need for translation services.
- b. Symbolic signs (pictographs) will be placed in the Transportation Center.
- c. A notice will be posted in the Transportation Center advising LEP persons of language assistance. The notice will be posted in Spanish.
- d. A notice will be posted in the Transportation Center advising LEP persons of their right to file a complaint and the procedures to follow. The notice will be posted in Spanish. See Appendix H.
- e. Translation services will be arranged by the City of Corning should a person wish to file a Title VI complaint. The City has several resources to utilize for translation services including:
 - Translators who are professional language teachers employed by the Corning-Painted Post School District, Bath Central School District, and Corning Community College
 - Corning Incorporated, which employs people from any countries throughout the world. These persons reside in the immediate Corning area, and there are formal social organizations made up of these international employees who are fluent in both their native language and English. These ethnic organizations include Asian, Indian, Hispanic and any other cultures. Corning Enterprises, which is the community development entity of Corning Incorporated, will be the contact point for securing translation services through the corporation and/or one of these social organizations.

Therefore, the City of Corning has selected not to prepare a language implementation plan based on the USDOT four-factor analysis. The City of Corning believes it has taken responsible steps to ensure quality access to the passenger transportation service program and the LEP needs.

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 Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract. **Nondiscrimination:** 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 as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
2. **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.
3. **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 **Federal Highway Administration** 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 **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
4. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** 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.
5. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** 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.

Attachment 1.

Standard Title VI/Nondiscrimination Assurances

DOT Order No. 1050.2A

The City of Corning, New York (hereinafter referred to as the "Sub-Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), Federal Highway Administration, from the State of New York, through the New York State Department of Transportation (**NYSDOT**) its Transportation/Highway Department (Recipient), it is subject to and must comply with the Statutory/Regulatory Authorities and requirements detailed in this document.

THIS ASSURANCE is given In consideration of and for the purpose of obtaining any and all 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 Department of Transportation under the **Federal Highway Program** and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Highway Programs**. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.

Chief Executive Officer

Date

APPENDIX B

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 Department of Transportation as authorized by law and upon the condition that the City of Corning, New York will accept title to the lands and maintain the project constructed thereon in accordance with **(Name of Appropriate Legislative Authority)**, the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 City of Corning, New York all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Corning, New York 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 City of Corning, New York, its successors and assigns.

The City of Corning, New York, 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 City of Corning, New York 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the 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 Department of Transportation and its assigns as such interest existed prior to this instruction.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Corning, New York pursuant to the provisions of Assurance 8(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 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 (equates to minority), color, national origin, sex, age,

- 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 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. 1681et seq).

APPENDIX D

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by the City of Corning, New York pursuant to the provisions of Assurance 8(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 (equates to minority), color, national origin, sex, age, disability, low-income, or LEP 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, sex, age, disability, low-income, or LEP 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 Non-discrimination covenants, the City of Corning, New York 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, the City of Corning, New York will there upon revert to and vest in and become the absolute property of the City of Corning, New York and its assigns.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

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:

- 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 § 471, 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.F.R. parts 37 and 38;

disability, low-income, or LEP 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, City of Corning, New York 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 Corning, New York 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 Corning, New York and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

Attachment 2.

Title VI Notice to Public

Published August 6, 2010

**City of Corning, New York
Title VI of the Civil Rights Act of 1964
FILING A TITLE VI COMPLAINT**

The City of Corning, New York is committed to providing non-discriminatory service to ensure that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of its services on the basis of race, color or national origin as protected by the Title VI of the Civil Rights Act of 1964 ("Title VI").

To request more information about Title VI or to submit a written complaint if you believe that you have been subjected to discrimination, contact: City of Corning, (Steve Dennis, Director Planning & Economic Development responsible for Civil Rights), 500 Nasser Civic Center Plaza, Corning, New York 14830.

In addition to your right to file a complaint with the City of Corning, New York, you have the right to file a Title VI complaint with the U.S. Department of Transportation, Office of Civil Rights. The regional office is located at One Bowling Green, Room 429, New York, New York 10004-1415.

Attachment 3.

Public Comment and Response Form

City of Corning, New York

Public Comment and Response Form

Date of Comment:

Project D Number:

Project Location:

***Name and Address:**

Comment:

Response:

** You are not required to provide contact information to have your comments reviewed.*

Attachment 4.

AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

This ADA Transition Plan reflects the City of Corning's commitment to ADA compliance, and details the stages of the plan and timeline for:

- (1) Evaluating accessibility by identifying structural barriers associated with public facilities;
- (2) Identifying accommodations or modifications that can be provided to make programs and services accessible; and
- (3) prioritizing the remediation of 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, the City of Corning has made a significant and long-term commitment to improving the accessibility of its public facilities. The purpose of this Plan is to ensure it 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 and contact information of the ADA Coordinator.

STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN FACILITIES

The first phase of the ADA Transition Plan is to evaluate the City of Corning's public facilities for accessibility. Officials from Planning, Public Works, and Human Resources 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 the Public Facilities ("the Survey") will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be 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 agency 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.

STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS

The second phase of the 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 during a public meeting of the Compliance Committee. It is the practice to provide public notice of the dates and agendas of Compliance Committee meetings on the City of Corning'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 the facilities will be incorporated into the ADA Transition Plan after completion of Step 1. Any improvements 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 to the City of Corning's 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 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 Code Enforcement Officer is that the 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. The City of Corning, New York 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 the City of Corning 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 ADA Transition Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect the City of Corning's commitment to ADA compliance.

Attachment 5.

Title VI Discrimination Complaint Form

Title VI of the 1964 Civil Rights Act requires 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." If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and sent it to:

Provide address here. Please print clearly.

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____(home) _____:(cell) _____(message)

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

--- race or color

--- national origin

___ income

--- other

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please describe the circumstances as you saw it: _____

Please list any and all witnesses' names and phone numbers:

What type of corrective action would you like to see taken?

Please attach any documents you have which support the allegation. Then date and sign this form and send to the Title VI Coordinator at:

**Director of Planning and Economic Development
City of Corning
500 Nasser Civic Center Plaza
Corning, New York 14830**

Your signature

Print your name

Date

Attachment 6.

Sample Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville, Tennessee 37040

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against the City of Corning, New York alleging

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 607-962-0340 x 117 or write to me at this address.

Sincerely,

Name
Title VI Coordinator
Director of Planning and Economic Development
City of Corning
500 Nasser Civic Center Plaza
Corning, New York 14830

Attachment 7.

Sample Letter Notifying Complainant That The Complaint Is Substantiated

Date

Ms. Jo Doe
1234 Main St.
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against the City of Corning, NEW YORK alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. ***{If a hearing is requested, the following sentence may be appropriate.}*** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Name
Title VI Coordinator
Director of Planning and Economic Development
City of Corning
500 Nasser Civic Center Plaza
Corning, New York 14830

Attachment 8.
Sample Letter Notifying Complainant that
The Complaint Is Not Substantiated

Date

Ms. Jo Doe
1234 Main St.
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your complaint of _____(date) against the City of Corning alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in program receiving federal financial assistance.

The City of Corning has analyzed the materials and facts pertaining to your case for evidence of the city's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from City of Corning, New York, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration (FTA) at U.S. Department of Transportation, Office of Civil Rights. The FTA regional office is located at One Bowling Green, Room 429, New York, New York 10004-1415.

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Name
Title VI Coordinator
Director of Planning and Economic Development
City of Corning
500 Nasser Civic Center Plaza
Corning, New York 14830

Attachment 9.

TITLE VI COMPLAINT LOG

Date Received	Date Review Began	Name of Complainant	Address and Telephone	Race/Gender	Nature of Complaint	Final Disposition

Attachment 10.

ENVIRONMENTAL JUSTICE STRATEGY

While the City of Corning, New York realizes the minority or low-income population may be small, this does not eliminate the possibility of a disproportionately high and adverse effect of a proposed action.

The City of Corning, New York understands population size is not the basis for EJ intervention. Disproportionately high and adverse effects, not size, are the bases for EJ. A small minority or low-income population does not eliminate the possibility of a disproportionately high and adverse effect on these populations.

The City of Corning, New York ensures the three fundamental Environmental Justice principles will be considered in its planning activities:

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

Title VI and Environmental Justice applies to all of the City of Corning, New York planning and project development programs, policies and activities. During project development, EJ will be considered in all decisions that require Environmental Impact Statements, Environmental Assessments, Categorical Exclusions, or Records of Decision. Impacts to the natural and human environment will be given equal consideration during the transportation decision making process.

Executive Order 12898 states that, *"...each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations..."*

This order, signed by President Clinton in 1994, was followed by several United States Department of Transportation (USDOT) and FHWA Orders that established procedures for implementation. In May 2012, USDOT issued an update to the Final Environmental Justice Order, DOT Order

5610.2(a). <https://www.transportation.gov/po1icv/transportation-policy/environmental-justice-strategy>

When It Is Required

This order applies to all federal actions, including projects that receive federal permits or federal funding.

Permit or Approval Process

There is no application or permit process for EO 12898. Typically, demonstration of compliance with EO 12898 is included as part of a NEPA document. FHWA has provided guidance for implementing the updated Environmental Justice Order (June, 2012) on their website (EJ at DOT) and states there that additional guidance is forthcoming. Under the current guidance, the process should include:

- Identifying minority and low-income populations. The US Census [FactFinder](#) both provide US Census information for this purpose.
- Providing opportunities for participation and comment by potentially affected communities.
- Assessing if there are Environmental Justice adverse effects, i.e., if there are disproportionately high impacts to minority and low income populations. Adverse effects are defined in [DOT Order 5610.2/a](#) as:
 - bodily impairment, infirmity, illness or death;
 - air, noise, and water pollution and soil contamination;
 - destruction or disruption of man-made or natural resources;
 - destruction or diminution of aesthetic values;
 - destruction or disruption of community cohesion or a community's economic vitality;
 - destruction or disruption of the availability of public and private facilities and services;
 - vibration;
 - adverse employment effects;
 - displacement of persons, businesses, farms, or nonprofit organizations;
 - increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community

Attachment 11.

Nondiscrimination Authorities

Federal Laws

- 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}.

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 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 Nondiscrimination 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 action plans.

Attachment 12.

Sanctions

SANCTIONS

In the event the City of Corning, New York fails or refuses to comply with the terms described in the referenced authorities, NYSDOT may take any or all of the following sanctions:

- A. Cancel, terminate, or suspend the Local Sponsor Agreement in whole or in part;
- B. Refrain from extending any further assistance to the Local Sponsor with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Local Sponsor;
- C. Take such other action that may be deemed appropriate under the circumstances, including but not limited to Certification termination, until compliance or remedial action has been accomplished by the Local Sponsor;
- D. Refer the case to the U.S. Department of Transportation for appropriate legal proceedings.

Attachment 13.

Employee Annual Education Form

Title VI Policy

No person 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.

All employees of the City of Corning, New York are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to the Director of Planning and Economic Development, who is the Title VI Coordinator.

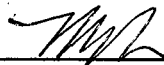
Attachment 1.

Standard Title VI/Nondiscrimination Assurances

DOT Order No. 1050.2A

The City of Corning, New York (hereinafter referred to as the "Sub-Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), Federal Highway Administration, from the State of New York, through the New York State Department of Transportation (**NYSDOT**) its Transportation/Highway Department (Recipient), it is subject to and must comply with the Statutory/Regulatory Authorities and requirements detailed in this document.

THIS ASSURANCE is given In consideration of and for the purpose of obtaining any and all 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 Department of Transportation under the **Federal Highway Program** and is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Highway Programs**. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Sub-Recipient.



Chief Executive Officer

4/22/21

Date

Attachment 15.

LEP Assessment: May 2018

**City of Corning, New York
Population Fact Sheet
2012 - 2016 US Census Data
American Community Survey**

Population	
Population estimates, July 1, 2016, (V2016)	10,812
Population, Census, April 1, 2010	11,183
Age and Sex	
Persons under 5 years, percent	7.0%
Persons under 18 years, percent	21.4%
Persons 65 years and over, percent	14.8%
Female persons, percent	49.7%
Race and Hispanic Origin	
White alone, percent(a)	92.3%
Black or African American alone, percent(a)	2.5%
American Indian and Alaska Native alone, percent(a)	0.1%
Asian alone, percent(a)	1.8%
Native Hawaiian and Other Pacific Islander alone, percent(a)	0.0%
Two or More Races, percent	2.9%
Hispanic or Latino, percent(b)	2.0%
White alone, not Hispanic or Latino, percent	91.1%
Population Characteristics	
Veterans, 2012-2016	796
Foreign born persons, percent, 2012-2016	3.9%
Housing	
Owner-occupied housing unit rate, 2012-2016	51.0%
Median value of owner-occupied housing units, 2012-2016	\$105,100
Median selected monthly owner costs -with a mortgage, 2012-2016	\$1,123
Median selected monthly owner costs -without a mortgage, 2012-2016	\$527
Median gross rent, 2012-2016	\$722
Families & Living Arrangements	
Households, 2012-2016	5,033

Persons per household, 2012-2016	2.15
Living in same house 1 year ago, percent of persons age 1 year+, 2012-2016	84.2%
Language other than English spoken at home, percent of persons age 5 years+, 2012-2016	5.5%

Education

High school graduate or higher, percent of persons age 25 years+, 2012-2016	94.3%
Bachelor's degree or higher, percent of persons age 25 years+, 2012-2016	35.3%

Transportation

Mean travel time to work (minutes), workers age 16 years+, 2012-2016	15.2
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Income & Poverty

Median household income (in 2016 dollars), 2012-2016	\$50,410
Per capita income in past 12 months (in 2016 dollars), 2012-2016	\$30,764
Persons in poverty, percent	16.5%

Limited English Proficiency by Language Spoken by Residents of Municipalities 2012 - 2016 US Census Data American Community Survey

Geography	Total:	Speak only English	Spanish or Spanish Creole:	Speak English "less than very well"
Bath town	11766	11365	173	117
Corning town	5937	5694	30	30
Erwin town	7963	6928	173	162
Corning city	10349	9771	80	52
Elmira city	26640	25512	735	616

Geography	French:	Speak English less than "very well"	French Creole:	Speak English less than "very well"
Bath town	25	0	0	0
Corning town	3	3	0	0
Erwin town	80	0	0	0
Corning city	146	69	0	0
Elmira city	57	0	14	0

Geography	Italian:	Speak English less than "very well"	Portuguese or Portuguese Creole:	Speak English less than "very well"
Bath town	18	0	0	0
Corning town	11	9	0	0
Erwin town	8	0	0	0
Corning city	93	11	14	0
Elmira city	27	0	7	7

Geography	German:	Speak English less than "very well"	Other West Germanic languages:	Speak English less than "very well"
Bath town	62	27	18	0
Corning town	27	0	36	0
Erwin town	0	0	0	0
Corning city	24	0	0	0
Elmira city	66	0	0	0

Geography	Scandinavian languages:	Speak English less than "very well"	Greek:	Speak English less than "very well"
Bath town	0	0	0	0
Corning town	0	0	0	0
Erwin town	8	8	0	0
Corning city	7	0	0	0
Elmira city	0	0	0	0

Geography	Russian:	Speak English less than "very well"	Polish:	Speak English less than "very well"
Bath town	34	11	0	0
Corning town	0	0	9	0
Erwin town	26	26	0	0
Corning city	1	0	0	0
Elmira city	28	13	39	1

Geography	Other Slavic languages:	Speak English less than "very well"	Persian:	Speak English less than "very well"
Bath town	0	0	0	0
Corning town	0	0	0	0
Erwin town	0	0	0	0
Corning city	0	0	0	0
Elmira city	8	0	4	0

Geography	Gujarati:	Speak English less than "very well"	Hindi:	Speak English less than "very well"
Bath town	23	0	0	0
Corning town	35	24	0	0
Erwin town	0	0	171	0
Corning city	0	0	17	0
Elmira city	0	0	0	0

Geography	Urdu:	Speak English less than "very well"	Other Indic languages:	Speak English less than "very well"
Bath town	0	0	6	0
Corning town	0	0	40	0
Erwin town	31	15	37	0
Corning city	11	11	0	0
Elmira city	11	7	0	0

Geography	Other Indo-European languages:	Speak English less than "very well"	Chinese:	Speak English less than "very well"
Bath town	0	0	0	0
Corning town	0	0	42	10
Erwin town	0	0	134	61
Corning city	18	9	78	10
Elmira city	0	0	47	8

Geography	Japanese:	Speak English less than "very well"	Korean:	Speak English less than "very well"
Bath town	0	0	0	0
Corning town	0	0	0	0
Erwin town	0	0	0	0
Corning city	0	0	0	0
Elmira city	12	12	0	0

Geography	Thai:	Speak English less than "very well"	Vietnamese:	Speak English less than "very well"
Bath town	0	0	0	0
Corning town	0	0	0	0
Erwin town	0	0	0	0
Corning city	12	12	0	0
Elmira city	0	0	5	5

Geography	Other Asian languages:	Speak English less than "very well"	Tagalog:	Speak English less than "very well"
Bath town	25	0	4	4
Corning town	2	2	5	0
Erwin town	226	56	128	61
Corning city	0	0	73	0
Elmira city	16	0	0	0

Geography	Other Pacific Island languages:	Speak English less than "very well"	Hungarian:	Speak English less than "very well"
Bath town	0	0	7	7
Corning town	0	0	0	0
Erwin town	0	0	0	0
Corning city	4	4	0	0
Elmira city	11	0	0	0

Geography	Hebrew:	Speak English less than "very well"	African languages:	Speak English less than "very well"
Bath town	0	0	6	4
Corning town	0	0	0	0
Erwin town	0	0	13	0
Corning city	0	0	0	0
Elmira city	6	5	22	0

Geography	Other and unspecified languages:	Speak English less than "very well"
Bath town	0	0
Corning town	3	0
Erwin town	0	0
Corning city	0	0
Elmira city	0	0

School District Data

A survey of school districts in the service area was conducted to determine the number of LEP students and households. Following is data regarding the concentration of LEP households based on school district data.

Corning Painted Post Schools: 60 students representing 52 households. No dominant foreign language because there are no migrant workers or pockets of ethnic populations. Languages include French, German, Dutch, Chinese, Hindu, etc., etc because of the international employees at Corning Incorporated

Bath Central Schools: 1 student representing 1 household; Punjabi language.

City of Corning
Title VI
Ridership Survey: 2018

An assessment was undertaken to estimate the annual ridership of the transit services that use the Corning Transportation Center and the most common foreign language spoken.

Transit Provider	Service Area	Estimated Annual Ridership	Estimated LEP Persons Annually	Most Common Foreign Languages
CEATS	Corning and Town of Erwin	55,895	20-25	Spanish
Chemung County Transit	Elmira-Corning Community College Route	37,625	15.-20	Spanish
Steuben County Transit	City of Corning to Town of Bath Route	34,161	10-15	Spanish
Steuben Area Rides	Steuben County	2,970	10	Spanish
Trailways	Corning, New York	3,590 passengers on buses stopping at Corning Transportation Center 145 passengers purchasing tickets and/or departing bus as destination	100 passengers on all buses 10-15among passenger embarking or departing	Spanish
Shortline/Coach USA	Corning, New York	18,600 passengers on buses stopping at Corning Transportation Center 787 passengers purchasing tickets and/or disembarking buses as destination	175 passengers on all buses stopping at Corning 20-25among passenger embarking or departing	Spanish

Also, a survey was conducted to assess the potential demand for translation services. The following results indicate that there is not a demand for translation by area residents or visitors to the community.

Source of Information	Annual Requests for Translation Services
Corning's Gaffer District (downtown business improvement district)	0
Corning Area Chamber of Commerce	0
Visitor Information Center	0
City Manager: Requests for website translation 2012-2017	0
City Clerk: Requests for translation services at public meetings 2012-2017	0
City Manager: Number of visitors to City Hall on an annual basis who request translation services 2012-2017	0

**APPENDIX I: NYSDOT Public Transportation Programs
Title VI Investigations, Complaints & Lawsuits Log**

AGENCY: City of Corning- CEATS

TITLE VI OFFICER: Jennifer Miller, Director of Planning and Economic Development

E-MAIL: corningplanning@cityofcorning.com

CONTACT: (607) 962-0340 ext. 1117

FISCAL YEAR FY: 2021

REPORTING PERIOD (check appropriate box):

1ST Half
(July-December)

2ND Half
(January-June)

Complete Fiscal Year
(July-June)

1. Were any investigations, lawsuits or complaints filed during this time period? No, there were no investigations, lawsuits, or complaints filed during this time period.
2. If YES, please provide the following information for each investigation, lawsuit or complaint received during this time period:

Date the investigation, lawsuit or complaint was filed, and Summary of the allegation(s) and status if resolved.
3. Based on the investigations, lawsuits or complaints filed during the Fiscal Year, please provide a status of each allegation. **(Report on separate paper at the end of the Fiscal Year).**
4. Please indicate if or what actions were taken by the sub recipient in response to the investigation, lawsuit or complaint. **(Report on separate paper at the end of the Fiscal Year).**