



Michael P. Hein, County Executive  
UCTC Chairman

# TITLE VI PLAN

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## Ulster County Transportation Council

Approved March 16, 2017

*The Ulster County Transportation Council (UCTC) is the state designated Metropolitan Planning Organization (MPO) for Ulster County and a portion of the Poughkeepsie-Newburgh Urbanized Area. The UCTC was designated by the Governor of New York as the MPO for the Kingston Urbanized Planning Area on April 30, 2003. The UCTC was formally organized with the adoption of Operating Procedures on June 4, 2003. The purpose of the UCTC is to build a consensus on local and regionally significant transportation, transit and non-motorized improvements.*

**RESOLUTION 2017-04**

**ULSTER COUNTY TRANSPORTATION COUNCIL**

**Adoption of the Ulster County Transportation Council (UCTC)  
Title VI Civil Rights Plan.**

**WHEREAS**, the Ulster County Transportation Council (UCTC) has been officially designated as the Metropolitan Planning Organization for Ulster County and is authorized to amend the Transportation Improvement Program as needed to add or delete projects and modify costs, schedules and funding for Federally funded projects; and

**WHEREAS**, as a Metropolitan Planning Organization responsible for coordinating the regional transportation process, the Ulster County Transportation Council must ensure that all segments of the population have been involved with the planning process, and

**WHEREAS**, the goal of Title VI is to ensure that services and benefits are fairly distributed to all people regardless of race, national origin or income, and they have access to meaningful participation, and

**WHEREAS**, this Title VI (Civil Rights) Plan fulfills the necessary requirements for the Ulster County Transportation Council to address the Title VI requirements for a Metropolitan Planning Organization,

**THEREFORE BE IT RESOLVED**, that the Ulster County Transportation Council hereby adopts the Title VI (Civil Rights) Plan

**CERTIFICATE**, the undersigned, duly qualified Secretary of the Ulster County Transportation Council, certifies that the foregoing is a true and correct copy of a resolution adopted by a vote on March 16, 2017.

Date 3/16/17

By   
Todd Westhuis, P.E., Secretary,  
Ulster County Transportation Council



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### I. INTRODUCTION

Per the Agreement between the Ulster County Transportation Council (UCTC) and the New York State Department of Transportation (NYSDOT), the metropolitan planning organization (MPO) known as the UCTC was formed to conduct a continuing, cooperative and comprehensive countywide transportation planning process for Ulster County, New York. The Director of the Ulster County Planning Board also serves as the Director of the UCTC.

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states 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.” The use of the word “person” is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a State within the United States. In addition to Title VI, there are other Nondiscrimination statutes that afford legal protection. These statutes include the following: Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability). Taken together, these requirements define an over-arching Title VI/Nondiscrimination Program. It is important to also understand that Title VI and the additional Nondiscrimination requirements are applicable to Federal programs in addition to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

There are two Presidential Executive Orders that place further emphasis upon the Title VI protections of race and national origin. Executive Order #12898 (Environmental Justice) directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations. Executive Order # 13166 (Limited-English-Proficiency) directs federal agencies to evaluate services provided and implement a system that ensures that Limited English Proficiency persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency. Additionally, each federal agency shall ensure that recipients of federal financial assistance provide meaningful access to their Limited-English-Proficiency applicants and beneficiaries. Please note that while an Executive Order has the force of law, a lawsuit may not be brought under an Executive Order.

### II. STATEMENT OF POLICY

The Ulster County Transportation Council (UCTC) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its metropolitan transportation planning process on the basis of race, color, national origin, sex, age,



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disability, or economic status, as protected by Title VI of the Civil Rights Act of 1964 and related statutes and regulations. You may request additional information by contacting UCTC as described below. If you believe you have been subjected to discrimination under Title VI or related statutes or regulations, you may file a complaint to the UCTC by sending your written complaint to Attention: Executive Director, UCTC, P.O. Box 1800, Kingston, NY 12401, or by sending an e-mail to [uctc@co.ulster.ny.us](mailto:uctc@co.ulster.ny.us).

Complaints may also be filed directly with the Federal Highway Administration, at FHWA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590; the Federal Transit Administration, at Federal Transit Administration Office of Civil Rights, Attention Title VI Program Coordinator, East Building, 5th Floor –TCR, 1200 New Jersey Ave. SE, Washington D.C. 20590; or the New York State Department of Transportation, at Office of Civil Rights, New York State Department of Transportation, 50 Wolf Road 6th Floor, Albany New York 12232 or email at [OCR-TitleVI@dot.ny.gov](mailto:OCR-TitleVI@dot.ny.gov).

If information is needed in another language, contact 845-340-3340.

The Director of the UCTC or his/her designee shall implement the UCTC Title VI Plan for the UCTC Transportation Area as documented by the U.S. Bureau of the Census through the methods and procedures outlined below under Section IV.

### III. DELEGATED AUTHORITY

The UCTC Director and his/her designee shall be responsible for monitoring the implementation of UCTC Title VI Plan, but not necessarily limited to the following:

1. Receiving and, if necessary, assisting with the writing of discrimination complaints which are filed by users of UCTC plans, programs, or services.
2. Upon request, providing UCTC users with copies of the UCTC Title VI Plan.

### IV. COMPLAINT POLICY AND PROCEDURE

The UCTC shall have in effect the complaint process noted below which incorporates the elements of due process. These procedures cover all complaints regarding UCTC programs or activities filed under Title VI of the Civil Rights Act of 1964 or 49 CFR 21, "Nondiscrimination in the Federally-Assisted Programs of the United States Department of Transportation." The process follows the steps identified below:

- i. Title VI says "that no person in the United States shall, on the grounds of race, color or national origin, be denied the benefits of or be subject to discrimination under any program or activity receiving Federal financial assistance." Written complaints recorded on the "Complaint Form" are to be date stamped by the person who



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received the complaint and entered into a “Complaint Log.” Documented receipts are to be provided to complainants who hand deliver complaints.

- ii. Persons who believe they have been excluded from participation in, or denied the benefits of, the Ulster County Transportation Council’s metropolitan transportation planning process on the basis of race, color, national origin, sex, age, disability, or economic status, as protected by Title VI of the Civil Rights Act of 1964 and related statutes and regulations, may file a complaint to the UCTC by sending a written complaint to Executive Director, UCTC, P.O. Box 1800, Kingston, NY 12401, or by sending an e-mail to [uctc@co.ulster.ny.us](mailto:uctc@co.ulster.ny.us).
- iii. If information is needed in another language, contact 845-340-3340.
- iv. A person can, if desired, seek an informal (oral) resolution directly with the Executive Director, who is the Title VI Coordinator. The complainant should note that an informal meeting does not count toward the 30 calendar day deadline for initiating a complaint. Only submission of a formal written complaint within the 30 calendar day deadline will meet the UCTC deadline for initiation of a complaint.
- v. The complaint shall be submitted on the “Complaint Form” and should be as complete as possible, but must include the person’s name and contact information, the date of the incident, the identity of the person, program or service that caused the complaint, the basis of the discrimination, and the signature of the person complaining. Upon request, complaints may be received in alternate formats by persons with disabilities.
- vi. All complaints against UCTC will not be investigated by UCTC, but will be forwarded to NYSDOT within 10 business days.
- vii. A written finding of the merits of the complaint, and remedial actions will be sent to the complainant within 30 calendar days of the filing of the complaint.
- viii. In addition to or instead of the UCTC procedure, complaints may also be filed directly with the Federal Highway Administration, at FHWA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590; the Federal Transit Administration, at Federal Transit Administration Office of Civil Rights, Attention Title VI Program Coordinator, East Building, 5th Floor –TCR, 1200 New Jersey Ave., SE, Washington, D.C. 20590; or the New York State Department of Transportation, at Office of Civil Rights, New York State Department of Transportation, 50 Wolf Road, 6th Floor, Albany, New York 12232 or email at [OCR-TitleVI@dot.ny.gov](mailto:OCR-TitleVI@dot.ny.gov).
- ix. The complainant has the right to appeal the finding. The appeal is sent to the Chairperson of the UCTC Policy Committee. The appeal should include the original complaint as well as an explanation of why the finding and any recommended remedial actions are unsatisfactory.



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- x. The Chairperson of the Policy Committee will appoint a committee, composed of at least three (3) UCTC members, to investigate the appeal. The committee will report its findings and recommendations to the full UCTC Policy Committee within sixty (60) calendar days of receiving the appeal. The committee will then render its decision.
- xi. This decision is the final decision within the UCTC structure. Any further action on the complaint must be through the Federal Highway Administration, at FHWA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington DC 20590; the Federal Transit Administration, at Federal Transit Administration Office of Civil Rights, Attention Title VI Program Coordinator, East Building, 5th Floor -TCR, 1200 New Jersey Ave., SE, Washington, D.C. 20590; or the New York State Department of Transportation, at Office of Civil Rights, New York State Department of Transportation, 50 Wolf Road, 6th Floor, Albany, New York 12232 or email at OCR-TitleVI@dot.ny.gov.
- xii. No person who has filed a complaint, testified, assisted or participated in any manner in an investigation shall be intimidated, threatened, coerced or retaliated against.

This Plan has been developed and designed in accordance with guidelines and procedures as enumerated in the preceding paragraphs.

The UCTC's Title VI Plan was adopted by the Ulster County Transportation Council on March 16, 2017, per Resolution 2017-04.



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Dennis Doyle, Director  
Ulster County Transportation Council



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**Ulster County Transportation Council Title VI Complaint Form**

**Name**

**Phone**

**Home Address (street #, city, state, zip)**

**Email**

**If applicable, name of person(s) and position(s) who allegedly discriminated against you:**

**Location where alleged incident took place (if known/applicable)**

**Date of alleged incident**

**Alleged discrimination because of (check all that apply)**

- Race**
- Color**
- National Origin**
- Sex**
- Age**
- Disability**
- Economic Status**
- Other**



**Ulster County Transportation Council Title VI Complaint Form**

**Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also attach any written material pertaining to your case.**

**Why do you believe these events occurred?**

**What other information do you think is relevant to the investigation?**

**How can this/these issue(s) be resolved to your satisfaction?**

**May we release your identity and a copy of your complaint to the entity against whom you are complaining? Note: We may be unable to investigate your allegations without permission to release your identity and complaint.**

**Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses, fellow employees, supervisors, others):**

**Signature**



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### V. UCTC Public Participation Procedures<sup>1</sup>

**Purpose:** To increase public involvement in the transportation planning process that is carried out by the Ulster County Transportation Council (UCTC) and its committees. 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 UCTC members.

**Federal Requirements:** The Metropolitan Planning Organization's purpose is to carry out the Metropolitan Transportation Planning and Programming Processes as defined within the provisions of 23 CFR Section 450 and the Fixing America's Surface Transportation Act (FAST) or the most current Federal Surface Transportation Authorization Act. Public participation requirements for states and MPOs include providing timely information, reasonable public access to technical and policy information, adequate notice of public involvement activities, explicit consideration and response to public input, and consideration of needs of those traditionally under served by the transportation system.

Ensuring compliance with Title VI of the 1964 Civil Rights Act as well as Environmental Justice Executive Orders will be considered at all applicable stages of the planning process. The UCTC remains committed to supporting Federal Title VI/Environmental Justice requirements. Furthermore, the UCTC assures that no person shall on the grounds of race, color, national origin, or gender, as provided in Title VI of the Civil Rights Act of 1964 and related statutes be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which UCTC receives Federal financial assistance. Examples of UCTC compliance include evaluation measures built into the TIP project evaluation and selection process, and the development of mapping to illustrate the relationship between transportation investments programmed and areas with concentrated low-income, minority, age 65 and older, and mobility disability populations.

**General Public Participation Activities:** The UCTC, its committees and staff, will continue to expand its outreach efforts to various individuals and public interest groups in the region.

1. The UCTC Public Information mailing list will be maintained by the Ulster County Planning Department and updated regularly by UCTC staff agencies.

The UCTC Staff will continue its efforts to identify and include citizens and groups that are traditionally under served by the transportation system.

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<sup>1</sup> Excerpt from UCTC Operating Procedures, last updated May 26, 2015. Available online at <http://ulstercountyny.gov/planning/transportation>.



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The mailing list will be periodically updated based on interest expressed. The individuals and groups on the mailing list will be periodically surveyed to determine their continued interest in the UCTC and its activities.

2. UCTC will notify the mailing list and distribute a press release to the area media outlets about any public meetings 10 calendar days prior to the event. The notice will include date, time, location, and purpose or topic of the meeting.
3. All UCTC Technical and Policy Committee meetings will be held in facilities that comply with Americans with Disabilities Act standards for accessibility. 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.
4. At public meetings there will generally be a five-minute limit for each individual speaker.
5. 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.
6. Documentation and summaries of all public meetings will be prepared and retained by the Ulster County Transportation Council staff, and will be available upon request.
7. Technical and policy information and data will be available from the two UCTC staff agencies, Ulster County Planning Department and the New York State Department of Transportation – Region 8. Data requests of significant size will be made available within a reasonable period of time.
8. 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.
9. 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.
10. If requested, the MPO 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.

**Long Range Transportation Plan (LRTP):** In addition to the activities discussed under General Public Participation, the following procedures apply to the preparation and update of the Long Range Transportation Plan.



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1. The Long Range Transportation Plan will be reviewed and updated at least every five years. The UCTC Technical Committee working with UCTC staff will have primary responsibility for developing the Transportation Plan.
2. There will be a minimum of two forums held in different areas of the County with the express purpose of soliciting public comment, discussing current transportation issues and goals, and potential actions and recommendations. Notice of the public meetings and relevant support material will be mailed to all those listed on the MPO Public Information mailing list.
3. All significant written or verbal comments and the responses will be summarized and included in the final Long Range Transportation Plan.
4. If the final Long Range Transportation Plan differs significantly from the one discussed at the open forums, an additional public meeting will be held prior to the consideration of the Plan by the UCTC Council.
5. A demographic profile will be developed in each iteration of the Long Range Transportation Plan that will identify the locations of socio-economic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI provisions, that can be used to inform the public involvement process and strategy for all subsequent planning materials developed by the MPO during the 5-year life cycle of the LRTP.

**Transportation Improvement Program (TIP):** In general, the TIP will be updated bi-annually or as otherwise directed by the Federal Highway Administration, Federal Transit Administration or NYSDOT. In addition to the activities discussed under General Public Participation, the following procedures apply to the preparation and update of the TIP.

1. A “call letter” will be sent to municipalities, participating agencies, the UCTC Public Information Mailing list, and other interested parties announcing the beginning of the TIP update process. This letter will be signed by the Ulster County Executive and distributed by UCTC staff. The call letter will include information on how municipalities and agencies can request a specific transportation project be considered for federal, state, or local funding and information on how to participate in the transportation planning process. In addition, a schedule of the proposed TIP and any other pertinent information will be included in the call letter.

The UCTC staff will review all project proposals received in conjunction with the UCTC Technical Committee or a subcommittee thereof. Proposals for projects on the State system will be directed to the NYSDOT, projects off the State system



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will be referred to the appropriate jurisdiction, and any other transit project will be referred to the appropriate transportation agency for review and comment.

2. During the TIP update process (generally every 2-3 years), in instances where federal transportation aid is less than the program of projects in the current TIP, in an effort to maintain fiscal constraint on the updated TIP, a process for reduction, postponement or removal of programmed projects will be pursued. In such instances, call letters will be substituted with “notice letters” explaining new fiscal targets, the proposed TIP revision and review process, and how municipalities and agencies can participate in that process.
3. A public meeting will be held by the UCTC staff to solicit public input and discuss the TIP development process, projects on the existing TIP, and proposed projects being considered for addition to or removal from the TIP, and other analyses as necessary.
4. There will be a minimum 15-calendar day comment period before final approval of the TIP by the UCTC Council.
5. A summary of all significant written or verbal comments and the responses will be prepared and included as part of the final TIP.
6. After the final TIP and associated required analyses are approved by the Council, the TIP document will be distributed to all council members and the Technical committee. The UCTC Public Information mailing list will be notified. The TIP is available upon request. Any person or agency requesting a final TIP will receive a copy and will be placed on the mailing list.

**TIP Amendments:** All TIP Amendments will be subject to public review prior to UCTC Council action. Notice of the Amendment including project description and impact on the current, approved TIP will be mailed to those listed on the MPO Public Information mailing list. There will be a minimum 15-day comment period before Council action.

**Unified Planning Work Program (UPWP):** The Council shall make the Draft UPWP available for public review and comment at least fifteen (15) days prior to taking action on adoption. The Draft UPWP will also be posted on the Council’s website during the comment period. The Council may solicit for planning projects as necessary. All significant written or verbal comments or questions made during the fifteen (15) day public comment period, along with Council responses, will be provided to the Council prior to action. . An Amendment to the UPWP requires a fifteen (15) day public comment period.

#### **Public Participation at UCTC Council Meetings:**

The following procedures will be followed at all UCTC Council meetings.



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1. All persons attending a UCTC Council meeting, including UCTC members and the general public, will be asked to record their name, address, and what interest or group they represent.
2. The general public will be given the opportunity to speak at each UCTC Council meeting under the public participation section of the agenda on any item pertinent to the agenda or the transportation planning process. This does not preclude the general public from commenting on any agenda item as it is being discussed, time permitting.
3. The Chairperson shall be the official spokesperson for the Council to inform the public of the work of the transportation planning program and to maintain good relations with the press and media. Upon request, any Council member can make a public statement or issue a press release on behalf of their organization. Any public statement issued on behalf of the UCTC must receive prior approval by the Council.



