

Warren County Board of Supervisors

RESOLUTION No. 379 OF 2025

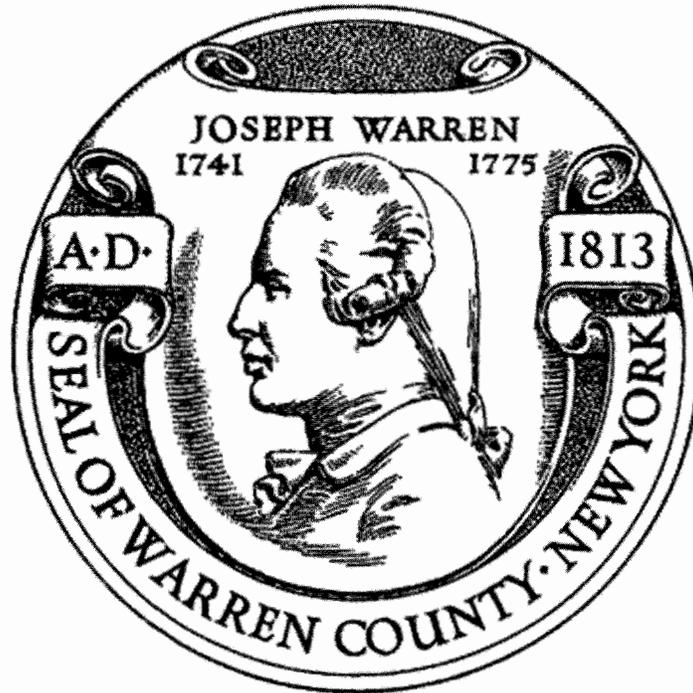
RESOLUTION INTRODUCED BY SUPERVISORS WILD, DRISCOLL, ETU, MADAY, BEAN, PATCHETT AND MERLINO

ADOPTING THE WARREN COUNTY NYS DOT TITLE VI PLAN

WHEREAS, the County Attorney requested, and the Personnel, Administration & Higher Education Committee agreed, to adopt the Warren County NYS DOT Title VI Plan, and recommended that the same be advanced to the Board of Supervisors for consideration and approval, now, therefore, be it

RESOLVED, that the Warren County NYS DOT Title VI Plan, annexed hereto as Schedule "A," be and the same is hereby adopted as the official plan and procedure for Warren County.

WARREN COUNTY NYS DOT TITLE VI PLAN



Date Adopted: Month, Day, Year

Kevin Geraghty, Chairman
Warren County Board of Supervisors

Date _____

INTRODUCTION

Warren County is a recipient of federal funds from the New York State Department of Transportation (NYSDOT) and is required to comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities. This Plan describes how Warren County accomplishes nondiscrimination in the delivery of its federally assisted programs, services, and activities with regard to the Department of Transportation (DOT) funding it receives. The Plan includes the structure of Warren County's NYSDOT Title VI Program as well as the policies, procedures, and practices Warren County uses to comply with nondiscrimination requirements for NYSDOT projects. The Plan is intended to be a living document, regularly monitored, and updated by Warren County to meaningfully reflect the program as it changes and grows. Anyone wishing to provide input into Warren County's NYSDOT Title VI Program Implementation Plan is encouraged to contact Warren County's Title VI Coordinator, the Warren County Attorney, by calling (518) 761-6463, by emailing at countyattorney@warrencountyny.gov, or by mail at the Warren County Attorney's Office, 1340 State Route 9, Lake George, New York 12845.

The foundation of Warren County's NYSDOT Title VI Program is the uncompromising belief that no person on the grounds of race, color, and national origin will be discriminated against under any program administered by Warren County. Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. Programs that receive Federal funds cannot distinguish among individuals on the basis of race, color or national origin, either directly or indirectly, in the types, quantity, quality or timeliness of program services, aids or benefits that they provide or the manner in which they provide them. This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin. Policies and practices that have such an effect shall be eliminated unless a recipient can show that they were necessary to achieve a legitimate nondiscriminatory objective. Even if there is such a reason the practice cannot continue if there are alternatives that would achieve the same objectives but that would exclude fewer minorities. Persons with limited English proficiency shall be afforded a meaningful opportunity to participate in programs that receive Federal funds. Policies and practices may not deny or have the effect of denying persons with limited English proficiency equal access to Federally funded programs for which such persons qualify.

AUTHORITIES

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. See, 23 CFR 200.9; 49 CFR 21.

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

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

TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is Warren County's policy to prevent and eliminate discrimination in all of its operations and services as well as all aspects of employment. All departments, divisions, and offices will plan, develop and implement their programs and activities so that no person is subjected to unlawful discrimination based on race, creed, color, gender, age, national origin, religion, disability, sexual orientation, marital status, or Vietnam era veteran status.

This policy fully incorporates throughout all of Warren County's operations the requirements of applicable State and Federal laws and executive orders to prohibit any discriminatory practices, procedures and policies. All public officials, officers, department heads, administrators, managers, supervisors, and employees (hereafter, "Warren County Personnel") are directed to comply with these laws and orders. All Warren County Personnel shall assist in the prevention and elimination of any discriminatory practices and are encouraged to report allegations of discrimination.

Warren County will publish this policy and make available this policy to all organizations and entities doing business with Warren County. Any complaints involving allegations of discrimination should be sent to the Title VI Coordinator, the Warren County Attorney by calling (518) 761-6463, by emailing at countyattorney@warrencountyny.gov, or by mail at the Warren County Attorney's Office, 1340 State Route 9, Lake George, New York 12845.

Kevin Geraghty, Chairman
Board of Supervisors

Date

I. TITLE VI STANDARD DOT ASSURANCES

Warren County is committed to comply with Title VI of the Civil Rights Act of 1964, as amended, and Warren County's policy to ensure equal opportunity and to prevent and eliminate discrimination. A copy of Warren County's Title VI Standard DOT Assurances Statement is attached as Attachment "1" as it pertains to this NYSDOT Title VI Plan.

II. LIMITED ENGLISH PROFICIENCY STRAGETIES

Title VI and its implementing regulations require FTA DOT sub-recipients take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are Limited English Proficient (hereafter, "LEP") by developing a LEP plan.

LEP populations are people for whom English is not their primary language or who have a limited ability to speak, understand, read, or write English. LEP populations include both people who report to the U.S. Bureau of Census that they do not speak English well and people who report that they do not speak English at all. A copy of Warren County's NYSDOT Title VI LEP plan is attached as Attachment "2" as it pertains to this NYSDOT Title VI Plan.

III. PUBLIC PARTICIPATION PLAN

All applicants for FTA financial assistance are required to ensure that their programs, policies, and activities comply with Title VI of the Civil Rights Act of 1964. In order to comply with Title VI, Warren County shall develop and submit a Public Participation Plan which includes information about outreach efforts to engage minority and LEP populations.

The goal of the Public Participant Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. A copy of Warren County's Public Participation Plan is attached as Attachment "3" as it pertains to this NYSDOT Title VI Plan.

IV. ENVIRONMENTAL JUSTICE PLAN

Environmental justice is the unfair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level with respect to development, implementation and enforcement of environmental laws, regulations, and policies. A copy of Warren County's Environmental Justice Plan is attached as Attachment "4" as it pertains to this NYSDOT Title VI Plan.

V. TITLE VI NOTICE TO THE PUBLIC

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

Any person who believes they have been aggrieved by an unlawful discrimination practice under Title VI has a right to file a formal complaint with Warren County. Any such complaint must be in writing and filed

with the Warren County Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from Warren County at no cost to the complainant on our website at <https://www.warrencountyny.gov/> or by calling (518) 761-6463. A complaint may also be filed directly with the Federal Transit Administration Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Avenue, SE Washington, DC 20590.

VI. ORGANIZATION AND STAFFING

It is the collective responsibility of the Warren County Board of Supervisors, elected officials, departments heads, staff, contractors, sub-recipients and public in general to create and foster an environment of equality. Discrimination is strictly prohibited by law.

- A. Warren County Board of Supervisors:** Consistent with applicable laws, rules, regulations, Executive/Emergency Orders, the Warren County Board of Supervisors shall be responsible for the achievement of equal opportunity in Warren County operations.
- B. Warren County Administrator:** The County Administrator is charged with oversight responsibility for ensuring non-elected department heads are in compliance with Title VI requirements; distribution of the Title VI plan to Warren County departments; and publication of the Title VI plan on the Warren County website and as otherwise required pursuant to 28 CFR 42.405.
- C. Department Heads and Elected Officials:** All department heads and/or elected officials within Warren County are charged with the oversight responsibility for ensuring department and staff compliance with Title VI requirements, including but not limited to distribution of this NYSDOT Title VI Plan to employees.
- D. Risk and Safety Committee:** The County Risk and Safety Committee shall be responsible for: assisting the County Attorney's Office in the investigation of complaints; annual review and updates to Warren County's NYSDOT Title VI Plan and policies; and planning, developing, monitoring, and enforcing standards for compliance in Warren County's programs, services and benefits.
- E. Warren County Attorney:** The Warren County Attorney is designated as the Title VI Coordinator who is responsible for naming an investigator to investigate complaints submitted under this policy; providing leadership, direction and policy to ensure compliance with Title VI of the Civil Rights Act of 1964. The Title VI Coordinator has easy access to the Chairman of the Warren County Board of Supervisors. The contact information for the Title VI Coordinated is as follows:

Warren County Attorney
Warren County Attorney's Office
1340 State Route 9
Lake George, New York 12845
Telephone: (518) 761-6463
Email: countyattorney@warrencountyny.gov

VII. PROGRAM AREA REVIEWS

Each year Warren County shall outline specific NYSDOT Title VI aspects of program areas for conducting annual compliance reviews. These aspects shall include a) public outreach and participation, b) data collection d) Limited English Proficiency, and e) training. Program areas shall be required to document their compliance through a desk audit review that includes an evaluation of how they implement Federal Title VI requirements.

Warren County may also schedule teleconferences and webinars for educational and training purposes and perform site visits to ensure program areas are compliant with all Federal requirements. Annual compliance reviews shall examine, at a minimum, program areas that have direct engagement with the public as they pertain to this Warren County NYSDOT Title VI Plan.

A. Procedures

Warren County has developed program specific questions to help Warren County better understand the respective efforts towards compliance for its NYSDOT Title VI Plan.

The program area review process shall require program areas to respond to survey questions pertaining to their program's activities. Steps in the review process shall include the following:

1. An instructional email with survey shall be sent to the program area's Department Head. The email shall include a time to submit the survey and who to contact for questions.
2. The Department Head shall be required to complete the survey for their program area and submit it to the County's Title VI Coordinator.
3. The Title VI Coordinator shall submit the completed surveys to the County's Risk and Safety Committee for review and remediation as needed.
4. The County's Risk and Safety Committee shall provide a report of annual NYSDOT Title VI recommendations and remediation to the County Title VI Coordinator for report to the County's BOS.
5. Reports may include findings, recommendations, and corrective action plans to address Title VI, and LEP deficiencies, thereby improving Title VI compliance.

If there is a finding or recommendation for a corrective action plan, the Risk and Safety Committee in coordination with the Title VI Coordinator shall monitor the implementation of corrective action plans.

B. Data Collection and Analysis

Data collection and utilization practices shall be examined during program area reviews as needed on an ongoing basis, but not less than annually. Examining data collection and utilization practices shall allow the County to better understand the populations served, demographics, spoken languages, and how proposed changes to transportation will impact the minority and underserved communities for its NYSDOT Title VI Plan and its funding.

The County shall work with its NYSDOT Title VI Plan program areas to determine if its program areas are capturing the necessary information to fully support the requirements of its NYSDOT Title VI Plan program area decisions and to ensure that its plan functions are being performed in a fair and equitable manner.

VIII. TITLE VI TRAINING

Warren County shall provide annual training on Warren County's NYSDOT Title VI Plan for employees that interact with members of the public as it pertains to this NYSDOT Title VI Plan. Title VI compliance information shall be disseminated to all new employees at the time of hire through the new hire orientation process as needed. This training Title VI Plan and its compliance programming shall be provided to all County employees responsible for transportation and public works projects funded by the NYSDOT. All contractors and subcontractors providing work for Warren County shall be required to follow the Title VI/LEP guidelines outlined within this NYSDOT Title VI Plan.

IX. TITLE VI COMPLAINT PROCEDURES

These procedures shall work towards covering complaints filed in accordance with Title VI of the Civil Rights Act of 1964 as amended, section 504 of the Rehabilitation Act of 1973, and the Civil Restoration Act of 1987, relating to any transportation or Public Works program and their activity administered by Warren County, as well as to its sub-recipients, consultants, and contractors. These procedures shall apply to complaints filed against a program or activity funded by either the Federal Highway Administration ("FHWA"), the Federal Transit Administration ("FTA") or the Federal Aviation Administration ("FAA"). Intimidation or retaliation of any kind is prohibited per 49 CFR, Part 21.11(e). The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

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

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities prohibited under this NYSDOT Title VI Plan based upon race, color, sex, age, national origin or disability may file a written complaint with Warren County with the specifics previously stated.

A. Time Limit for Filing:

A formal written complaint must be filed within one hundred eighty (180) days after: (1) the date of the alleged act of discrimination; (2) the date when the person became aware of the alleged discrimination; or (3) there has been continuing instances of discriminatory conduct, the latest of which is within the last one hundred eighty (180) days as it pertains to this NYSDOT Title VI Plan.

B. Form of Complaints:

A formal complaint must meet the following requirements:

1. The complaint must be written and signed by the person or their representative and include the complainant's name, address, and telephone number.
2. The complaint must include a detailed description of the issues, detailed information about the alleged discrimination, date(s) and location(s) of all alleged discrimination, names and job titles of witnesses or those individuals perceived as parties in alleged incident(s) of discrimination as it pertains to this NYSDOT Title VI Plan.
3. If a complainant cannot submit a written complaint due to the nature of their disability, a complainant may be received by telephone, which will be written down by Warren County and provided back to the complainant for review before processing.
4. A Warren County NYSDOT Title VI Grievance Form is published to assist a complainant in satisfying the requirements of this policy as attached hereto as Attachment "5."
5. Questions as to form and submission can be made by contacting the Warren County Attorney at (518) 761-6463.

C. Submission of a Complaint:

All NYSDOT Title VI complaints outlined within this Plan must be submitted by mail, fax or email to:

The Warren County Attorney
Warren County Attorney's Office
1340 State Route 9
Lake George, New York 12845
Email: countyattorney@warrencountyny.gov
Fax: (518) 761-6377

D. Acceptance of a Complaint will be Determined by:

1. Whether the complaint is timely filed;
2. Whether the allegations involve a covered basis such as race, color, national origin, gender, disability or retaliation as it relates to this NYSDOT Title VI Plan;
3. Whether the allegations involve a program or activity of a Federal-aid recipient as it relates to this NYSDOT Title VI Plan; and
4. The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority as it relates to this NYSDOT Title VI Plan.

E. Dismissal of a Complaint:

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

F. Procedure:

1. Warren County has sole authority for accepting complaints as they may relate to this NYSDOT Title VI Plan for investigation. Once Warren County decides to proceed with an investigation, the complainant and the respondent shall be notified in writing of Warren County's determination to accept the complaint within ten (10) calendar days. The

complaint as it relates to this NYSDOT Title VI Plan will receive a case number and be logged into Warren County's records identifying its basis, alleged harm, the race, color, national origin and gender of the complainants.

2. In cases where Warren County assumes investigation of the complaint, Warren County will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of Warren County's written notification of acceptance of the complaint to furnish their response to the allegations.
3. Within forty (40) calendar days of Warren County's acceptance of the complaint, the County Attorney shall submit the complaint to the County Risk and Safety Committee who shall investigate and prepare an advisory investigative report for Warren County's Title VI Coordinator and the Chairman of the Warren County Board of Supervisors. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. Both the Title VI Coordinator and Chairman of the Personnel, Administration and Higher Education Committee shall have ten (10) calendar days to review the report and provide comments.
4. The County Attorney as the County's Title VI Coordinator shall have ten (10) calendar days to provide a final report to the Warren County Board of Supervisors to discuss the report and make any recommendations or modifications before the report's release to the corresponding USDOT modality (FHWA, FTA, FAA).
5. Warren County's final investigative report and a copy of the complaint may be forwarded to either NYSDOT, FHWA, FTA, or FAA.
6. Warren County will notify the parties of its preliminary findings which may be subject to the corresponding USDOT modality's concurrence.
7. The corresponding USDOT modality may issue the final decision to Warren County based on the investigative report.

X. AMERICANS WITH DISABILITIES ACT TRANSITION PLAN

The Americans with Disabilities Act (also referred to as "ADA") Transition NYSDOT Title VI Plan reflects the County's long-term commitment to ADA compliance and details the stages of Warren County's NYSDOT Title VI Plan and timeline for: (1) evaluating accessibility by identifying any structural barriers associated with public facilities; (2) identifying accommodations and/or modifications that can be provided to make programs and services accessible; and (3) prioritizing the remediation of any deficiencies and formulating a budget and schedule for those improvements. A copy of Warren County's NYSDOT Title VI ADA Transition Plan is attached as Attachment "6."

**ATTACHMENT 1
WARREN COUNTY TITLE VI/ NON-DISCRIMINATION ASSURANCES**

Warren County (also referred to as the "Recipient"), hereby agrees that, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (hereafter, "DOT"), through the New York State Department of Transportation (hereafter, "NYSDOT"), is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the County agrees with and gives the following Assurances with respect to its Federally assisted Transportation Program:

1. The County that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The County will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Transportation Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

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

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the County retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other Departments, sub- Departments, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The County agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

Date: _____
Kevin Geraghty, Chairman
Board of Supervisors

By: _____

APPENDIX A

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

- 1. Compliance with Regulations:** The contractor, including consultants, will comply with the Acts and the Regulations to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- 2. Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
- 4. Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **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.
- 5. Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **New York State Department of Transportation** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
- 6. Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will act with respect to any subcontract or procurement as the Recipient or the **New York State Department of Transportation** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

**APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

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

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

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Warren County 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 Warren County, its successors and assigns.

Warren County, 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 Warren County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the County will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction.

**APPENDIX C
CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR
IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM**

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

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

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

- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the County of Warren 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 County of Warren 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 County of Warren and its assigns.

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

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

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

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

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

**APPENDIX E
COUNTY CONTRACT ATTACHMENT TO ALL CONTRACTS**

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures 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); and
- 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.*).

**ATTACHMENT 2
LIMITED ENGLISH PROFICIENCY PLAN**

INTRODUCTION

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

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

PLAN SUMMARY

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

In order to prepare this plan, Warren County used the Federal Highway Administration (also referred to as “FHWA”) Four-Factors LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by Warren County;
2. The frequency with which LEP persons come in contact with Warren County services;
3. The nature and importance of services provided by Warren County to LEP populations;
4. The interpretation services available to Warren County and overall cost to provide LEP assistance.

A summary of the results of the four-factor analysis is found in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require Warren County services:

Warren County has reviewed the American Community Survey 5-Year Estimates for New York State and determined that:

- a. 3,026 individuals over the age of 5 in Warren County’s service area comprising of 4.9% of the population speak a language other than English;
- b. Of those, 888 individuals have limited English proficiency; that is, they speak English less than “very well” or “not at all.” This is only 1.4% of the overall population in the service area;
2. The frequency with which LEP persons come in contact with Warren County services:
 - a. Warren County staff have very little contact with LEP persons.

3. The nature and importance of services provided by Warren County to the LEP population:
 - a. There is a very low concentration of LEP individuals in the geographic service area for Warren County. The overwhelming majority of the population, 95.1%, speaks only English. Accordingly, few social service or professional and leadership organizations exist within Warren County's geographic area because a sizeable LEP population does not exist. Warren County staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from Department staff regarding public issues and concerns and at public meetings.
4. The resources available to Warren County, and overall cost to provide LEP assistance:
 - a. Warren County reviewed its resource capability for LEP assistance and inventoried its documents to determine those suitable for translation; and
 - b. Warren County contacted local citizens and organizations willing to provide voluntary language translation and interpretation services if needed within a reasonable time period. Other language interpretation options include the use of bilingual or multilingual staff and fee-based professional interpretation and translation services.

LANGUAGE ASSISTANCE

A person who does not speak English as her primary language and who has a limited ability to read, write, speak or understand English may be a LEP person and may be eligible for language assistance services from Warren County. Language assistance can include interpretation (oral or spoken transfer of a message from one language into another language) and translation (written transfer of a message or text from one language to another).

How Warren County staff can identify a LEP person in need of language assistance:

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

LANGUAGE ASSISTANCE MEASURES

Although there is a very low percentage of LEP individuals in Warren County 's service area, (i.e., persons who speak English less than "very well" or "not at all",) Warren County will take the following actions:

1. Warren County staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English; and
2. Warren County will provide the following resources to accommodate LEP persons:
 - a. Volunteer Spanish language interpreters will be provided within a reasonable period; and
 - b. Language interpretation services for all other languages will be accessed through a professional interpretation service.

STAFF TRAINING

Warren County will provide staff with appropriate training that may include one or more of the following topics:

1. Title VI Policy and LEP responsibilities;
2. Description of language assistance services offered to the public;
3. How to correctly access service provider language interpretation services;
4. Documentation of language assistance requests; and
5. Handling of Title VI/LEP complaints.

All contractors or subcontractors performing work for Warren County are required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

Warren County weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of document translations, the likelihood of frequent changes in documents and other relevant factors, Warren County has determined that it is an unreasonable burden to translate documents at this time. However, Warren County will pursue free or low-cost alternatives to address LEP needs.

Due to the very small LEP population, Warren County does not have a formal outreach procedure in place as 2025. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, Warren County will, in addition to the above, examine the following options:

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

MONITORING

Monitoring and Updating the LEP Plan – Warren County will update the LEP Plan as required. The Plan will be revised when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in Warren County's service area. Updates to the LEP Plan will include the following:

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

DISSEMINATION OF WARREN COUNTY'S LEP PLAN

Warren County will disseminate the LEP plan as follows:

1. Post signs in Warren County's public areas informing LEP persons of the LEP Plan and how to access language services;
2. Notify LEP persons of the availability, upon request, of documents in other languages. Notifications should be placed on agendas and public notices and in the language that LEP persons can understand;
3. Post the LEP Plan and the procedures to access language services on Warren County's website;
4. Prepare and post press release in non-English languages as necessary; and
5. Distribute copies of press releases to advocacy groups and other organizations serving LEP populations.

**ATTACHMENT 3
WARREN COUNTY PUBLIC PARTICIPATION PLAN**

INTRODUCTION

The Public Participation Plan (hereafter, "PPP") is designed to provide an explanation of the steps that Warren County will take in outreach efforts to the general public prior to making decisions on significant issues affecting Warren County's public transportation system. The purpose of the PPP is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

Public participation shall take place prior to major public transportation decisions that generally consist of proposed actions that may have a profound impact on access to public transportation. Even when major public transportation decisions are not being considered, there will be an opportunity for the general public to contact Warren County officials to ask questions or express concerns or ideas for consideration. Warren County public participation goal is to encourage citizens to participate in the public process. Public participation provides a feeling of being valued and promotes transparency.

PUBLIC PARTICIPATION PRACTICES AND TECHNIQUES

1. Accessibility to public meetings and hearings:
 - a. All Warren County meetings and hearings are held in locations accessible to persons with disabilities;
 - b. All Warren County meetings and hearings are broadcasted online for public viewing;
 - c. Warren County can provide accommodations upon request by notifying the Clerk of the Warren County Board of Supervisors at least 48 hours in advance of the meeting or hearing;
 - d. Scheduling of consistent meeting times and at least one evening time to expand public participation;
 - e. Welcoming public discussion and comment at public meetings and hearings.
2. Opportunity to provide written comments:
 - a. Comments can be provided to the Clerk of the Board of Supervisors and read on the record at a public meeting or hearing;
 - b. Written comments can be made directly on Warren County social media and online platforms.
3. Use of social media and online platforms:
 - a. Warren County maintains a website with updated content, interactive surveys and comment opportunity;
 - b. Warren County maintains social media platforms with updated content, interactive surveys and comment opportunity; and
 - c. Warren County utilizes tourism-related media to reach a larger audience.
4. Use of the local media:
 - a. New releases;
 - b. Local reporters and news briefings on site;
 - c. Engagement in opinion pieces and commentary;
 - d. Ability to purchase display ads; and
 - e. Public service announcements on radio and TV.
5. Use of community and minority media outlets to announce participation opportunities.
6. Translation capabilities to LEP populations upon request.

**ATTACHMENT 4
WARREN COUNTY ENVIRONMENTAL JUSTICE PLAN**

Environmental justice is the unfair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin, or educational level with respect to development, implementation and enforcement of environmental laws, regulations, and policies. No population is forced to bear a disproportionate burden of the negative human health and environmental impacts, including social and economic effects, resulting from transportation decisions, programs and policies made, implemented and enforced at the Federal, State, local or tribal level.

GUIDING PRINCIPLES

Warren County ensures the following three environmental justice principles will be considered in its planning activities:

1. Avoiding, minimizing, or mitigating disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income population;
2. Ensuring the full and fair participation by all potentially affected communities in the transportation decision-making process; and
3. Preventing the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

COMPLIANCE WITH GUIDING PRINCIPLES

To ensure compliance with the guiding principles, Warren County will:

1. Continuously monitor all programs, policies, and activities to ensure that disproportionately high and adverse effects on minority populations and low-income populations are avoided, minimized, or mitigated;
2. Actively administer and monitor its operations and decision-making to assure that nondiscrimination and the prevention of disproportionately high and adverse effects are an integral part of its programs, policies, and activities;
3. Train staff to identify and report incidences of observed service denial or reduction of any capacity in the day to day activities of all Warren County departments;
4. Make efforts to ensure services are equally available to all populations regardless of race, age, socioeconomic status, ethnicity, national origin, or education level; and
5. Immediately investigate and rectify any complaints received from the public as they relate to the denial or reduction in services received.

**County of Warren, New York
Title VI Complaint Form**

Name:			
Address:			
Home Phone:	Cell Phone:	Work Phone:	
Email Address:			
Accessible Format Required? (Please specify)			
Basis of Complaint (check all that apply):			
<input type="checkbox"/> Race	<input type="checkbox"/> Age	<input type="checkbox"/> Disability (ADA)	<input type="checkbox"/> Color
<input type="checkbox"/> Sex	<input type="checkbox"/> Income	<input type="checkbox"/> LIMITED English Proficiency	
<input type="checkbox"/> National Origin			
Who allegedly discriminated against you? (Person's name and information)			
Name:			
Address:			
Phone Number:			
Email:			
What organization allegedly discriminated against you?			
Organization's Name:			
Address:			
Phone Number:			
Website:			
Explain as clearly as possible what happened and why you believe you were discriminated against:			
(Please attach any documentation you feel is relevant to your complaint.)			
Location, Date and time the alleged discrimination occurred?			
Were there any witnesses to the discrimination?			
<input type="checkbox"/> Yes (Please provide the contact details of the witnesses below)		<input type="checkbox"/> No	
Witness Name	Witness Address	Work Phone Number	Home Phone Number
What do you believe Warren County can do to correct the issue?			
Have you filed your complaint with anyone else? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes:			
Who did you file the complaint with?			
When did you file the complaint?			
Complaint number?			
Are you represented by an attorney with regard to this complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes: Name of your attorney:			
Address of your attorney:			
Your signature/Date:			

Please email or mail the completed and signed complaint to:
 Title VI Complaint Officer, County Attorney
 Warren County, 1340 State Route 9, Lake George, NY 12845
 Countyattorney@warrencountyny.gov

**ATTACHMENT 6
WARREN COUNTY ADA TRANSITION PLAN**

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

II. ADA TRANSITION PLAN

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

The ADA Transition Plan for Warren County (hereafter, "the Plan") will be revised and updated as each of the steps for the Plan are completed. The Warren County Risk and Safety Committee is authorized to approve future revisions and updates to the Plan as deemed appropriate by a majority vote of the committee members.

III. THREE STEPS FOR ADA TRANSITION PLAN

The ADA requires that a Transition Plan include each of 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; and
3. A schedule for completion of the necessary steps to achieve accessibility in public facilities.

STEP 1: IDENTIFICATION OF PHYSICAL BARRIERS IN COUNTY'S FACILITIES

The first phase of the ADA Transition Plan is to evaluate Warren County's public facilities for accessibility. The department head or their designee from the Department of Public Works, Planning Department, and the County Attorney's Office, as well as the co-chairs for the Warren County Risk and Safety Committee, will coordinate their experience and their resources to conduct accessibility evaluations of the following types of facilities:

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

For each facility evaluated, a Survey of Warren County Public Facilities (“the Survey”) will be completed. Any deficiencies, suggested improvements, and observations relating to structural feasibility of improvements will be noted and recorded on the Survey. An Inventory of Public Facilities (“the Inventory”) will also be created, and will serve as the central database for identified structural barriers, suggested improvements, and comments relating to structural feasibility of improvements.

1. Evaluation of Sidewalks, Crosswalks, and Curb Ramps

The Survey will contain the following ratings to assess the condition of each Warren County 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.

2. 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.

3. Schedule for Completion of Step 1

Warren County department head or their designee from the Department of Public Works, Planning Department and County Attorney’s Office, as well as the co-chairs for the Warren County Risk and Safety Committee shall coordinate over the next several months to evaluate public buildings, parking lots, sidewalks, crosswalks, and curb ramps. Numerous facilities will be subject to this evaluation, and consequently this will be a substantial undertaking for the reviewing officials. The evaluations will be scheduled so as to evaluate outdoor facilities prior to the winter months (to avoid snow cover that may impede a thorough review), with any remaining evaluations of outdoor facilities to be completed within a five (5) year compliance period. Evaluations of indoor facilities will continue during the winter months. Therefore, it is estimated that Step 1 shall be completed by December 30, 2025.

STEP 2: IDENTIFICATION OF METHODS TO REMOVE BARRIERS

The second phase of the Plan is to develop a method to remove barriers. This includes identification of the nature of needed improvements and a determination regarding structural feasibility of improvements under the ADA standards, and prioritization of necessary improvements. Once the necessary improvements have been identified and prioritized, this information, along with a list of any improvements determined to be physically unfeasible, will be presented at a public meeting of the Warren County’s Risk and Safety Committee for approval and public notice of the dates and agendas for any such meeting shall be posted on Warren

County's website. This will provide the general public with an opportunity to participate in the formulation of the Plan.

1. Nature of Improvements and Structural Feasibility

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

2. Priority of Improvements

A. Sidewalks; Crosswalks; Curb Ramps:

With respect to sidewalks, crosswalks and curb ramps, the primary focus of the 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: i. Those serving publicly accessible Warren County facilities; ii. Those serving commercial and employment centers; and iii. Those serving other areas.

B. Parking Lots and Publicly Accessible Buildings:

The priority of improvements to parking lots and publicly accessible spaces in Warren County 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 Warren County Building and Code Enforcement Officer is that Warren County facilities where public meetings take place are in substantial compliance with the ADA. All new construction or renovations to existing facilities have complied with ADA standards. As such, the Warren County 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 approved by the Risk and Safety Committee, and necessary improvements have been prioritized as provided above, Warren County 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. Warren County however, reiterates its commitment to making its public facilities accessible to all persons, regardless of disability. The Plan will outline a specific schedule for improvements after Completion of Step 2, and this schedule will reflect Warren County's commitment to ADA compliance.

IV. ASSIGNMENT OF WARREN COUNTY ADA COORDINATOR

The Warren County ADA Coordinator shall be the Warren County Attorney:

Lawrence Elmen, Esq., ADA Coordinator
Warren County Attorney's Office
Warren County Municipal Center
1340 State Route 9, Lake George, NY 12845
Telephone Number: 518.761.6463
Email Address: elmenl@warrencountyny.gov