



## **TRANSPORTATION EQUITY STATEMENT AND TITLE VI PLAN**

Greater Buffalo-Niagara Regional Transportation Council

December 2012

438 Main Street  
Buffalo, NY 14202  
716.856.2026  
staff@gbnrtc.org  
[www.gbnrtc.org](http://www.gbnrtc.org)



**GREATER BUFFALO-NIAGARA  
REGIONAL TRANSPORTATION COUNCIL**

City of Buffalo  
City of Niagara Falls  
County of Erie  
County of Niagara  
New York State Thruway Authority  
Niagara Frontier Transportation Authority  
New York State Department of Transportation

**Resolution 2012-22  
Transportation Equity Statement and Title VI Plan**

**WHEREAS**, the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) has been designated by the State of New York as the Metropolitan Planning Organization (MPO) for Erie and Niagara Counties; and

**WHEREAS**, the GBNRTC plans, coordinates and implements various transportation projects and programs financed with Federal funds in Erie and Niagara counties, and

**WHEREAS**, the purpose of Title VI of the United States Civil Rights Act of 1964 and subsequent legislation, regulations, statutes and orders, is to prohibit programs that receive Federal funds from discriminating against participants on the basis of race, color, sex, age, disability or national origin; and

**WHEREAS**, the development of written procedures that express the Greater Buffalo-Niagara Regional Transportation Council's commitment to ensuring nondiscrimination based on grounds of race, color, sex, age, disability or national origin, within any of its activities, programs or projects are a requirement of federal non-discrimination statutes, regulations, and orders; and

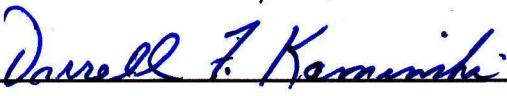
**WHEREAS**, the Greater Buffalo-Niagara Regional Transportation Council has developed a written nondiscrimination plan, entitled the *GBNRTC Transportation Equity Statement and Title VI Plan*, which integrates nondiscriminatory practices in its transportation planning, public participation, and decision making processes; and

**WHEREAS**, public review and comment on the nondiscrimination plan has been conducted.


**NOW, THEREFORE BE IT RESOLVED**, that the Greater Buffalo-Niagara Regional Transportation Council adopts the *Transportation Equity Statement and Title VI Plan* as provided, and

**BE IT FURTHER RESOLVED**, that the Greater Buffalo-Niagara Regional Transportation Council assures that no person shall on the grounds of race, color, sex, age, disability or national origin, as provided by Title VI of the United States Civil Rights Act of 1964 and subsequent legislation, regulations, statutes and orders, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any MPO program or activity.

Resolved this day, 12/14/2012.

BY:   
Chairman, GBNRTC Policy Committee

Recommended by the Greater Buffalo-Niagara Regional Transportation Council Planning and Coordinating Committee (GBNRTC-PCC) on December 5, 2012

BY:   
Chairman, GBNRTC-PCC



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### INTRODUCTION

The Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) is cooperative association of the elected and appointed officials, planning professionals, and the public working towards a shared vision of improving transportation, promoting sustainable development, protecting the environment, and enhancing the economy in the Buffalo-Niagara region. GBNRTC is the federally designated Metropolitan Planning Organization serving both Erie and Niagara Counties and as the MPO the GBNRTC performs a number of different functions, including:

- Establishing a fair and impartial setting for regional decision making that includes federal, state, and local agencies dealing with transportation issues
- Establishing an annual work program for regional transportation planning tasks
- Long-range planning and policy coordination
- Performing strategic analyses and technical modeling of the transportation system
- Prioritizing transportation projects and developing a Transportation Improvement Program
- Allocating state and federal funds for both capital and operating needs
- Preparing financial analysis and project programming
- Ensuring compliance with state and federal standards
- Providing opportunities for public involvement

### GOVERNANCE

The decision making body of the GBNRTC is the Policy Committee which is comprised of elected and appointed officials from the City of Buffalo, the City of Niagara Falls, Erie and Niagara Counties, the Niagara Frontier Transportation Authority, the New York State Department of Transportation and the New York State Thruway Authority.

The Planning and Coordinating Committee (PCC) contains staff-level participation from these various state and local governments and authorities within the MPO area, primarily transportation planners and engineers. The PCC conducts, under the direction of the Policy Committee, the technical portions of the transportation planning process and makes recommendations to the Policy Committee for approval of programs and plans.

The GBNRTC participates in advisory groups to involve the public and other interested stakeholders in regional transportation planning activities and to inform decision making in the MPO area. Existing independently of the GBNRTC structure, advisory groups may advise the Policy Committee about regional transportation planning issues including how to best involve the public, as well as make recommendations on key products of the GBNRTC, such as the Metropolitan Transportation Plan and the Transportation Improvement Program. Advisory group organizations include local citizens and stakeholder organizations that committed to representing a broad spectrum of geographical, social and economic interests.



### **AUTHORITIES**

Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients, sub recipients and contractors whether those programs and activities are federally funded or not.

The National Environmental Policy Act of 1969 (NEPA) addresses both social and economic impacts of environmental justice. NEPA stressed the importance of providing for “all Americans safe, healthful, productive and anesthetically pleasing surroundings” and provides a requirement for taking a “systematic, interdisciplinary approach” to aid in considering environmental and community factors in decision making.

On February 11, 1994, President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This piece of legislation directed every Federal agency to make Environmental Justice part of its mission by indentifying and addressing all programs, policies and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations.

In April 1997, as a reinforcement to Executive Order 12898, The United States Department of Transportation (DOT) issued an Order on Environmental Justice (DOT Order 5610.2), which summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs and other activities that are undertaken, funded or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) or other U.S. DOT components.

In December 1997, the FHWA issued the FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 6640.23), which mandated the FHWA and all its subsidiaries to implement the principles of Executive Order 12898 and U.S. DOT Order 5610.2 into all of its programs, policies and activities. On October 7, 1999, the FHWA and the FTA issued a memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning. This memorandum provides clarification for field offices on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally important during the planning stages as it is during the projects development stages. To certify compliance with Title VI and address environmental justice, MPOs need to:





- Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and – where necessary – improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

There are three fundamental environmental justice principles:

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

### **COMMUNITY OUTREACH AND PARTICIPATION**

The goal of GBNRTC's communications and public participation program is to ensure early and continuous public notification about, and participation in, major actions and decisions by GBNRTC. In seeking public comment and review, GBNRTC makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes.

Through effective public participation the GBNRTC is able to identify and understand the needs of the community as a whole, and incorporate those needs into transportation plans and programs. The GBNRTC Public Participation Plan outlines public participation policies and procedures the GBNRTC uses to develop transportation plans and programs and describes strategies for encouraging the public to participate in planning activities.

Some of those outreach strategies include:

**Website** – GBNRTC maintains a website, [www.gbnrtc.org](http://www.gbnrtc.org), which is updated frequently to keep the public informed. The site contains information on the agency's responsibilities, programs, publications, meetings and events; contact information; a search function; Title VI information,



including complaint procedures; and a comment form so visitors may comment directly to GBNRTC on any subject.

**Email Blasts** – GBNRTC routinely uses email to keep the public informed of the agency’s programs, public comment periods, meetings, and publications. Information is disseminated to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in the region are represented and engaged in the planning process.

**Social Media** - GBNRTC uses social media outlets, such as facebook and twitter to share information, encourage discussion and post information on upcoming meetings and events.

**Partner With Community Based Organizations and Leaders** - GBNRTC actively participates in regional advisory groups and other organizations and agencies that are familiar with the needs of traditionally underserved populations.

**GBNRTC Committee Meetings** – All GBNRTC meetings are open to the public. Time for public comments is reserved at the beginning of all meetings. Meeting dates and times are posted in advance on the agency’s website and in frequent GBNRTC emails to which anyone can subscribe.

**MPO Events** - Workshops, open houses, and forums are held on an as-needed basis and are open to the public. Events are held in locations that are accessible by public transit and facilities are compliant with the Americans with Disabilities Act.

**Videos and other Visualizations techniques** – GBNRTC employs a variety of visualization techniques such as videos, PowerPoint presentations, photo simulations and traffic simulation models to draw attention and make material more understandable to a wider audience.

A link to the GBNRTC Public Participation Plan is included in Appendix B.

### **DEMOGRAPHIC PROFILES AND EQUITY ANALYSIS**

The GBNRTC uses GIS and other tools and data sources to aid in determining the needs of traditionally underserved communities and to assess how regional transportation programs and plans impact different population groups in the region. One technique used to minimize the potential adverse effects on affected populations is to identify and then create demographic profile maps of low-income and minority populations for the GBNRTC planning area. These maps help in understanding which communities are prone to environmental justice concerns and assists in targeting public outreach efforts to these groups.





## Identifying Communities of Potential EJ Concern

The methodology for identifying communities of potential EJ concern involved a three step process that included (1) determining the regional percentages of low-income and minority populations (2) using the regional percentages as thresholds for determining whether or not a particular Census tract is considered to be predominantly low-income or minority (3) mapping these thresholds (individually and together) to provide a visual representation of the spatial distribution of low-income and minority populations in the region. Demographic profile maps are included in Appendix C.

## Minority Population

Within the metropolitan planning area, 20.5 percent of the population belongs to a minority group. For this analysis, “minority” was defined to be all persons who identified themselves as non-white or Hispanic. The highest concentration of racial minority group members and Latino residents live in urbanized areas, including Buffalo, Niagara Falls, Lackawanna and also the Cattaraugus Indian Reservation.

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### CENSUS 2010 REGIONAL DEMOGRAPHIC PROFILE

Race	Population	% of Regional Population
Black or African American	134,427	11.8%
American Indian and Alaska Native	7,334	0.6%
Asian	25,428	2.2%
Native Hawaiian and Pacific Islander	220	0.0%
Some Other Race	1,208	0.1%
Two or More Races	17,404	1.5%
Hispanic or Latino	46,425	4.1%
<b>Total Minority Population</b>	<b>232,446</b>	<b>20.5%</b>
White	903,063	79.5%
<b>TOTAL REGIONAL POPULATION</b>	<b>1,135,509</b>	<b>100.0%</b>

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## Low-income Population

Within the metropolitan planning area, 13.8 percent of all households had an income below the poverty level. To determine this GBNRTC used the US Census American Community Survey data. The highest concentrations of low-income households also tends to be located in more urbanized areas including parts of Buffalo and Niagara Falls, Tonawanda (City), Lockport (City) and Lackawanna.



ACS 2006-2010 (S1701) REGIONAL LOW-INCOME POPULATION

Total Population for Whom Poverty is Determined	Total Low-income Population	%
1,107,000	152,456	13.8

**LIMITED ENGLISH PROFICIENCY**

Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency (LEP), and Executive Order 13166 - requires Federal departments and agencies to develop and make available guidance on how recipients of Federal funds should assess and address the needs of LEP individuals seeking assistance.

**Four Factor Analyses**

As a recipient of federal funding, the MPO is required to take reasonable steps to ensure meaningful access to the information and services it provides. The “reasonable” standard is based on the following four guidelines, as set forth by the federal government:

- **Factor 1:** The number and proportion of LEP persons in the eligible service area;
- **Factor 2:** The frequency with which LEP persons encounter MPO programs;
- **Factor 3:** The importance of the service provided by MPO programs;
- **Factor 4:** The resources available and overall cost to the MPO.

The DOT Policy Guidance gives recipients of federal funds substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above. The following is an assessment of need in the GBNRTC planning area in relation to the four factors and the transportation planning process.

**LEP Assessment for the GBNRTC MPO**

**Factor 1: The Number and Proportion of LEP Persons in the Eligible Service Area**

For analysis purposes, LEP persons were considered people that speak English less than “very well “.

The table below is derived from the 2008-2010 American Community Survey, and shows the number and percent of persons who are age five (5) and older, with regard to their English



language skills, for the MPO planning area. As indicated, 3% of the MPO area population is not proficient in English.

### Limited English Proficient Persons in the MPO Planning Area

Limited English Proficient Persons	Population 5 Years and Older	Number of LEP Persons	% of LEP Persons
<b>GBNRTC Planning Area (Erie and Niagara Counties)</b>	<b>1,076,368</b>	<b>32,377</b>	<b>3.0%</b>

Of the LEP persons within the MPO area, Spanish is the most dominant language spoken by LEP individuals in the MPO planning area. Second is Chinese followed by Polish, Arabic, and Italian.

### Language Spoken by LEP Persons in the MPO Planning Area

Language Spoken by LEP Persons	Number of LEP Persons	Percent of all LEP Persons
<b>Spanish or Spanish Creole</b>	9160	28.29%
<b>Chinese</b>	2656	8.20%
<b>Polish</b>	2323	7.17%
<b>Arabic</b>	2194	6.78%
<b>Italian</b>	2044	6.31%
<b>Russian</b>	1603	4.95%
<b>African languages</b>	1354	4.18%
<b>French (incl. Patois, Cajun)</b>	1134	3.50%
<b>Vietnamese:</b>	1112	3.43%
<b>Other Asian languages</b>	1093	3.38%
<b>Other Slavic languages</b>	1010	3.12%
<b>Korean:</b>	865	2.67%
<b>Other Indic languages:</b>	807	2.49%
<b>German:</b>	772	2.38%
<b>Serbo-Croatian:</b>	678	2.09%
<b>Other Indo-European languages:</b>	485	1.50%
<b>Greek:</b>	336	1.04%
<b>Thai:</b>	313	0.97%
<b>Tagalog:</b>	291	0.90%
<b>French Creole:</b>	259	0.80%
<b>Urdu:</b>	253	0.78%



<b>Japanese:</b>	236	0.73%
<b>Portuguese or Portuguese Creole:</b>	226	0.70%
<b>Hungarian:</b>	202	0.62%
<b>Persian:</b>	191	0.59%
<b>Other Native North American languages:</b>	149	0.46%
<b>Hindi:</b>	122	0.38%
<b>Yiddish:</b>	122	0.38%
<b>Laotian:</b>	88	0.27%
<b>Other West Germanic languages:</b>	81	0.25%
<b>Gujarati:</b>	54	0.17%
<b>Armenian:</b>	38	0.12%
<b>Other Pacific Island languages:</b>	35	0.11%
<b>Hebrew:</b>	29	0.09%
<b>Scandinavian languages:</b>	26	0.08%
<b>Mon-Khmer, Cambodian:</b>	19	0.06%
<b>Other and unspecified languages:</b>	17	0.05%

**Factor 2: The Frequency in which LEP Persons Encounter MPO Programs**

The small, but growing size of the LEP population in this region will likely increase the probability of future contact with the MPO. However, to date, no requests have been made by either individuals or groups directly to the MPO for language interpreters or publications.

**Factor 3: The Importance of the Service Provided by the MPO Program**

GBNRTC programs use Federal funds to plan for future transportation projects, and therefore do not include any service or program that requires vital, immediate, or emergency assistance such as medical treatment or services for basic needs (food, housing, education, etc).

Further, the GBNRTC does not conduct compulsory activities (applications, interviews, or other activities prior to participation in our programs and/or events). Involvement with the GBNRTC is entirely on a voluntary basis.

The GBNRTC does provide opportunities for the public to comment on the use of Federal funds in three major areas: a Unified Planning Work Program, a Transportation Improvement Program, and a Metropolitan Transportation Plan.

The impacts of transportation improvements resulting from these actions may have an impact on all residents and efforts are made to encourage an understanding of the process



and opportunities to comment. As a result, the GBNRTC is concerned with input from all stakeholders and every effort is made to make the planning process as inclusive as possible.

As a result of the regional transportation planning process, selected projects receive approval for Federal funding and progress toward project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies in place to ensure opportunities for LEP individuals to participate in the process that shapes where, how and when a specific project is implemented.

#### **Factor 4: The Resources Available and Overall MPO Cost**

Because the LEP population in the region is not of a significant proportion at this time and current financial constraints, full language translations of plan documents is not considered warranted or cost feasible at this time. The GBNRTC will continually evaluate its programs and activities to ensure that persons who may be LEP are always provided with meaningful access. The GBNRTC will provide verbal and written translation if requested within a reasonable time and if within the available resources. Activities will include:

- Continue to make the free online translation service, Google translate, available on the GBNRTC web site. The use of this will allow users to view content in multiple languages. It is understood this is not a perfect system but it will provide enough information for an LEP individual or group to make contact to the MPO for comments or questions.
- Provide Spanish language outreach materials from other organizations including federal, state and local transportation agencies when possible.
- Identify, by language spoken, employees who fluently speak and/or write a language other than English. Detail which of these employees are also able to act as interpreters.
- Create a list of outside sources, included cost of such services that can provide oral translation services.
- Develop a list of paid and unpaid translation services.
- Make efforts to partner with state and local agencies to provide language translation and interpretation services within the scope of the funding available.
- Include the following statement on public meeting notices for significant updates to MPO products, such as the Metropolitan Transportation Plan, Transportation Improvement Program and the Coordinated Human Services Transportation Plan:  
*Persons interested in attending a GBNRTC public meeting who have special communication or accommodation needs, or require language interpreters, are encouraged to contact the GBNRTC office at (716) 856-2026 at least one week prior to the meeting. GBNRTC will make every reasonable effort to accommodate those needs.*



### **Safe Harbor Stipulation**

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A safe harbor means that as long as a recipient (in GBNRTC’s case, the MPO) has created a plan for the provision of written translations under a specific set of circumstances; such action will be considered strong evidence of compliance with written translation obligations under Title VI.

However, failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis. Evidence of compliance with the recipient’s written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less of eligible persons served or likely to be affected. Translation can also be provided orally.

The safe harbor provision applies only to the translation of written documents. It does not affect the requirement to provide meaningful access to LEP individuals through oral interpreters, where oral language services are needed and reasonable to provide.

### **Monitoring and Updating the LEP Plan**

At a minimum, the GBNRTC will review and evaluate the plan annually to ensure compliance of federal laws and various nondiscrimination regulations. The GBNRTC will make appropriate changes, as needed.

### **COORDINATED HUMAN SERVICES TRANSPORTATION PLAN (HSTP)**

The GBNRTC Coordinated Human Services Transportation Plan (HSTP) identifies transportation barriers and needs along with strategies and actions for addressing transportation gaps affecting seniors, persons with disabilities and low-income individuals in the Buffalo-Niagara region. Specific components of the plan include:

- An inventory and assessment of available services that identifies current transportation providers from the public, private, and nonprofit sectors;
- An assessment of transportation needs for individuals with disabilities, older adults, and persons with limited means
- Strategies to address identified gaps in service and achieve efficiencies in service delivery and eliminate or reduce duplication in services for more efficient utilization
- of resources;





## Transportation Equity Statement and Title VI Plan

- Priorities and/or projects based on resources, time, and feasibility for implementing the specific strategies/activities identified.

The plan provides a framework for the development of projects that will address identified transportation needs by ensuring that the two-county area and its human service agencies coordinate transportation resources offered through multiple Federal Transit Administration (FTA) programs. These include the Elderly and Individuals with Disabilities (Section 5310); Job Access and Reverse Commute (JARC, Section 5316); and New Freedom (Section 5317) programs.

Demographic profiles and maps included in the HSTP and used for analysis purposes include:

- Geographic distribution of population of low-income individuals
- Geographic distribution of population of older adults and individuals with disabilities
- Geographic distribution of employment centers/employment support services
- Geographic distribution of medical centers/support services and/or human service related activities

A link to the GBNRTC Coordinated Human Services Transportation Plan is included in Appendix D.

### **CONSULTANT CONTRACTS AND PROCEDURES**

Consultant contracts are administered by the Niagara Frontier Transportation Authority, the host agency of GBNRTC. All consultant contracts include Title VI (Civil Rights Act) provisions.

### **TRAINING**

All Title VI conferences, seminars, trainings and classes presented by FHWA, FTA, and NYSDOT will be considered for staff attendance.



**APPENDICES**

## Appendix A Title VI Assurance


**GREATER BUFFALO-NIAGARA  
REGIONAL TRANSPORTATION COUNCIL**

City of Buffalo  
City of Niagara Falls  
County of Erie  
County of Niagara  
New York State Thruway Authority  
Niagara Frontier Transportation Authority  
New York State Department of Transportation

**RESOLUTION  
TITLE VI ASSURANCE**

WHEREAS, the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) is the designated Metropolitan Planning Organization (MPO) for the Buffalo-Niagara region, and

WHEREAS, GBNRTC in cooperation with the New York State Department of Transportation (NYSDOT) has reviewed and documented compliance of the GBNRTC operations and planning process with all existing required federal rules and regulations, and

WHEREAS, GBNRTC recognizes federal Title VI provisions of the 1964 Civil Rights Act and related Executive Orders and regulations which state 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 subjected to discrimination under any program or activity receiving Federal financial assistance, and

WHEREAS, GBNRTC recognizes that Environmental Justice (EJ) Executive Order 12898 of 1994 further amplify Title VI provisions by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations", and

WHEREAS, GBNRTC recognizes that in carrying out the cooperative transportation planning and programming process the federal Title VI provisions apply to activities involving the GBNRTC Staff, contracts for service, supplies and consultants, as well as applying to all project, programming and planning activities undertaken by the GBNRTC, and

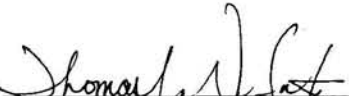
WHEREAS, by Agreement between the State of New York and the NFTA dated December 26, 1973, as amended and further recognized by subsequent GBNRTC Memorandum of Understandings, last endorsed by the GBNRTC Policy Committee on November 19, 1999, the Niagara Frontier Transportation Authority (NFTA) serves as the administrative host agency for the GBNRTC, and

WHEREAS, said agreement requirements compliance with the Title VI provisions of the Civil Rights Act of 1964 and subsequent Presidential Executive Orders 11246 and 11375, and

WHEREAS, NFTA has adopted a Title VI program to serve that agency, and

WHEREAS, as part of the annual federal self-certification review, GBNRTC has certified that it complies with certain Civil Rights regulations by following the adopted plans of the administrative host agency (NFTA), and

NOW, THEREFORE BE IT RESOLVED, that the GBNRTC-Planning and Coordinating Committee does hereby adopt and certifies to agree and abide by the TITLE VI Assurance and Provisions currently in place and adopted by the NFTA.

By:   
Thomas DeSantis  
Chairperson, GBNRTC - PCC

Date: 10/11/2000

438 Main Street, suite 503, Buffalo, New York 14202-3207  
716-856-2026 Fax 716-856-3203 e mail: staff@gbnrtc.org web site: www.gbnrtc.org



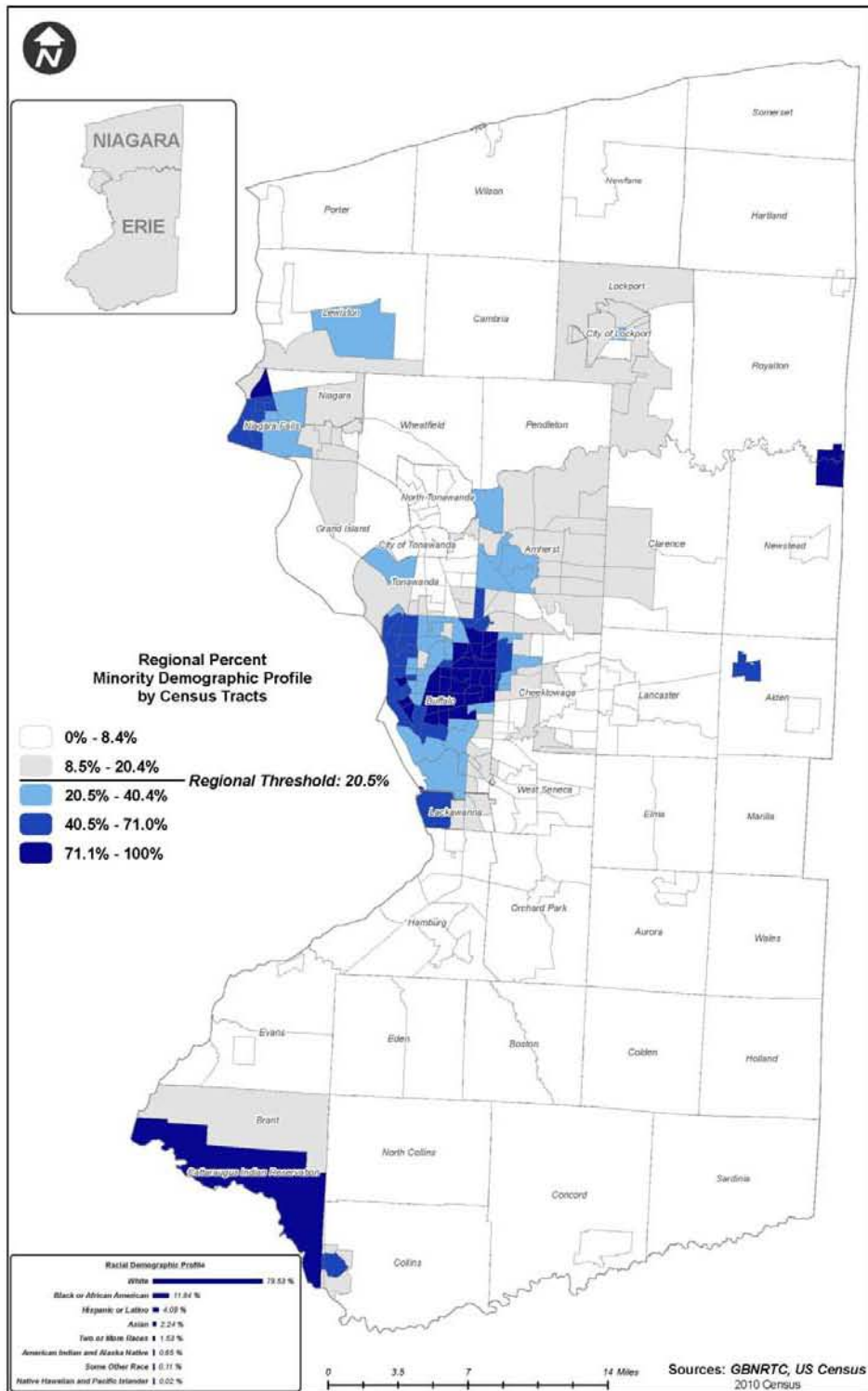
**Appendix B Public Participation Plan**

A copy of the Public Participation Plan can be accessed via the following link:  
<http://www.gbnrtc.org/get-involved/>

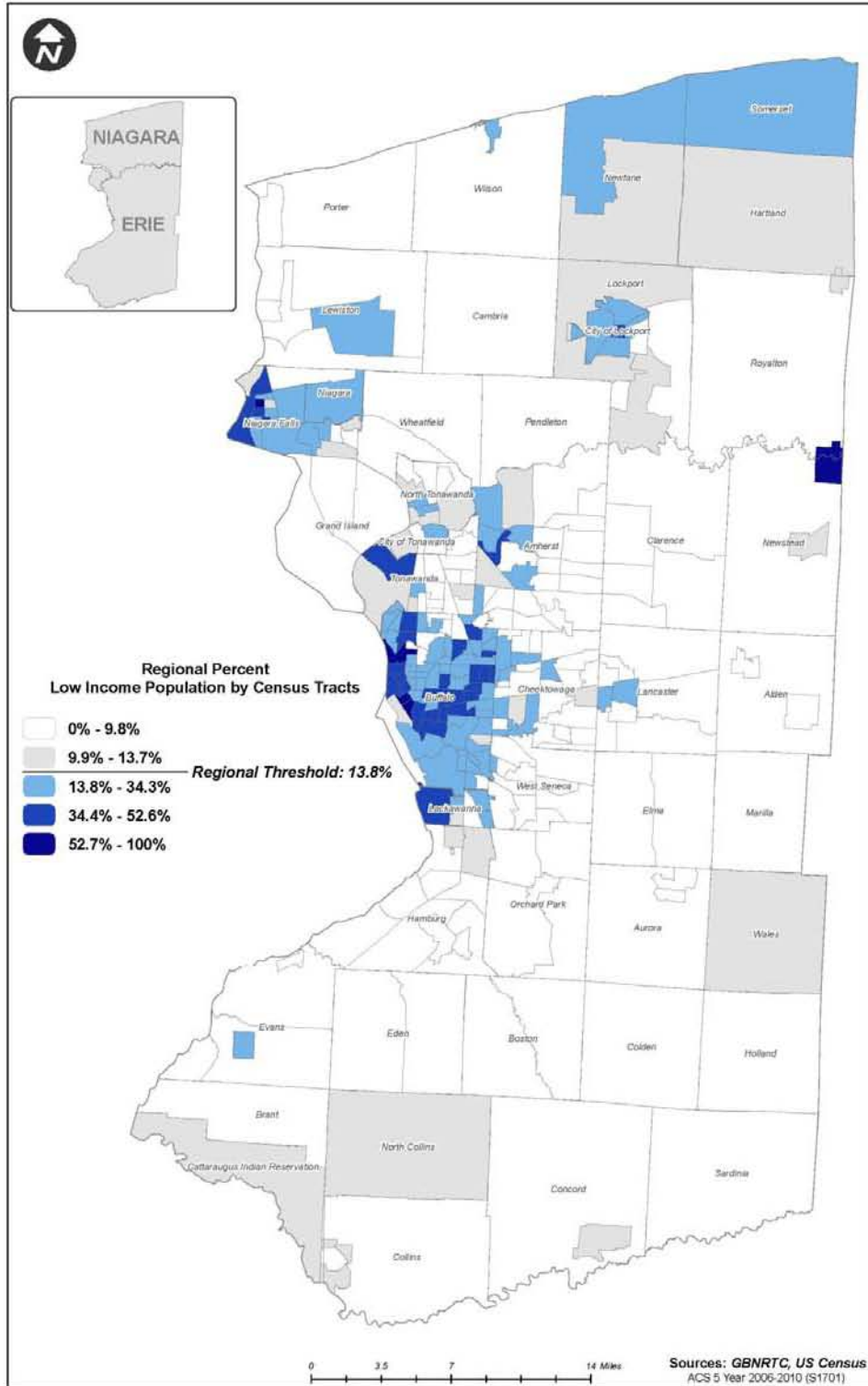


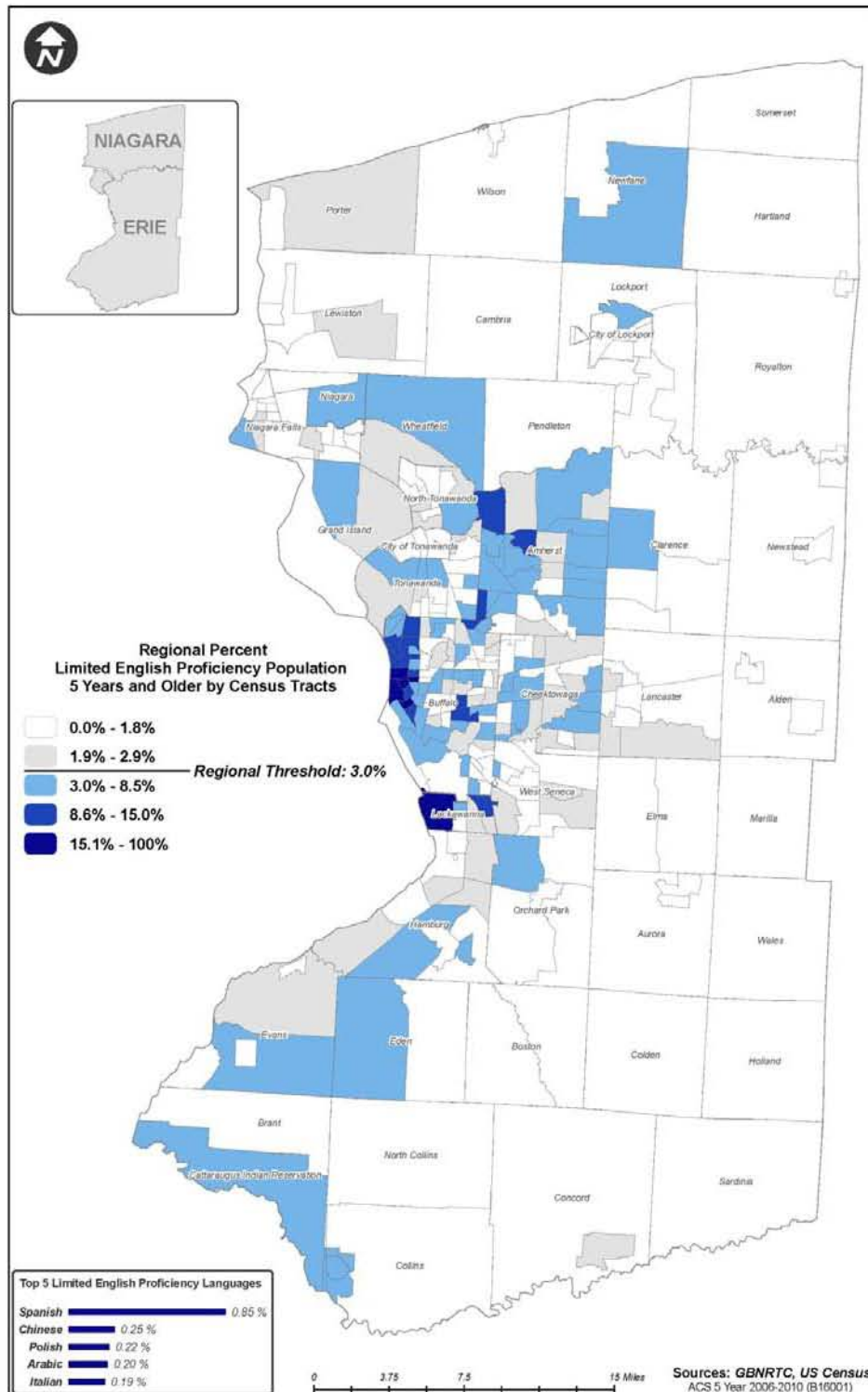
## Appendix C Demographic Profile Maps

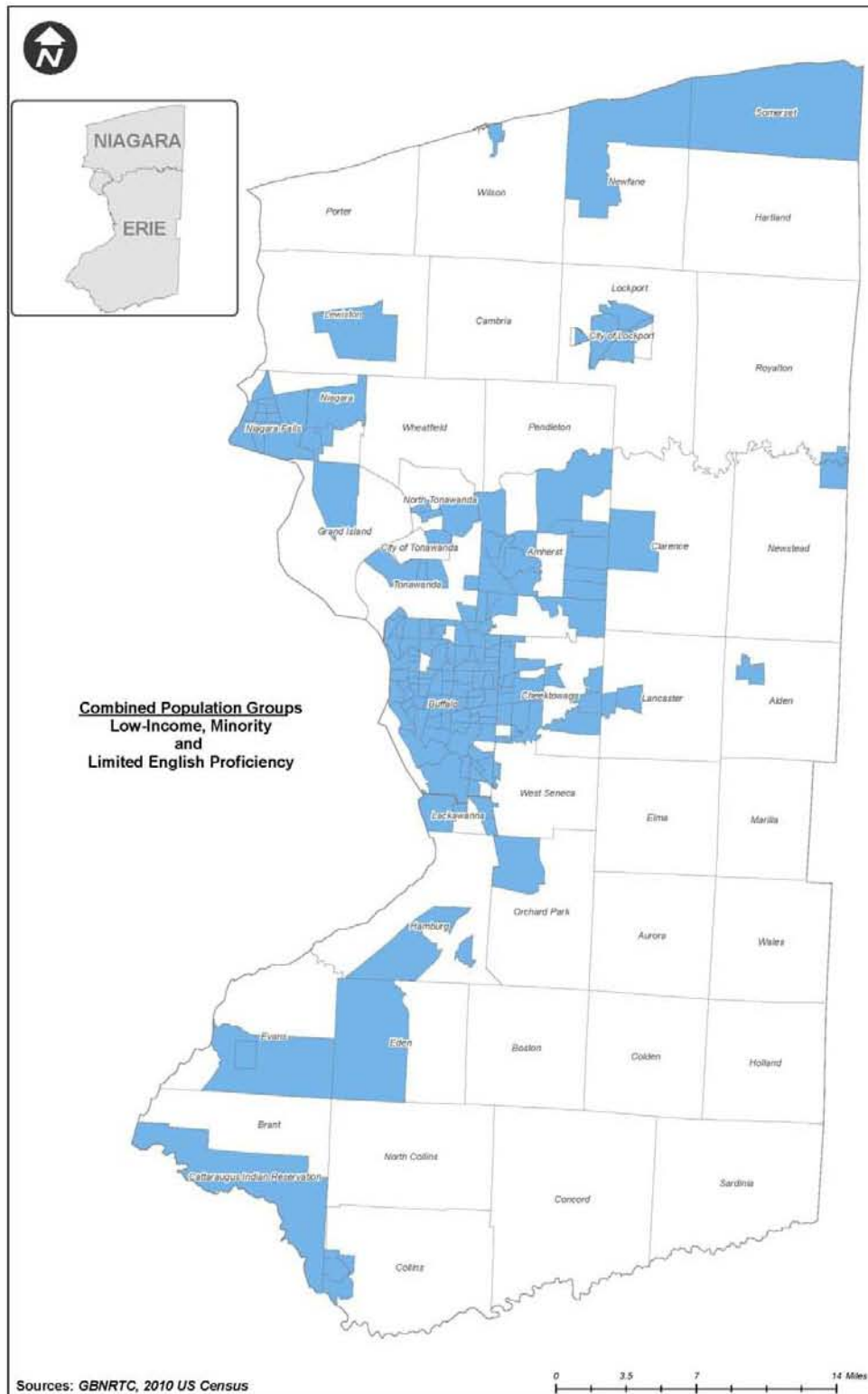
The following maps illustrate the areas of the region where percent minority and LEP populations and families below the poverty line exceed the regional percentage thresholds. The last map illustrates the highest concentrations of all three of these variables combined which represent areas most vulnerable to environmental justice issues. Maps can also be viewed online at <http://gbnrtc.org/index.php/planning/environmental-justice>.













### **Appendix D Coordinated Human Services Transportation Plan (HSTP)**

A copy of the HSTP can be accessed via the following link:

<http://www.gbnrtc.org/index.php/planning/human-services-transportation-plan/>



### Appendix E Title VI Notice to the Public

The paragraph below is to be inserted in all significant publications that are distributed to the public, such as future versions and updates of the Metropolitan Transportation Plan and Transportation Improvement Program for the GBNRTC region. The text will remain permanently on the agency's website, [www.gbnrtc.org](http://www.gbnrtc.org) and available to all employees.

*The Greater Buffalo-Niagara Regional Transportation Council assures that no person shall on the grounds of race, color, sex, age, disability or national origin, as provided by Title VI of the United States Civil Rights Act of 1964 and subsequent legislation, regulations, statutes and orders, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any MPO program or activity.*



### **Appendix E GBNRTC Policy for Meeting ADA Requirements**

Per the GBNRTC Public Participation Plan and in accordance with ADA guidelines, all meetings conducted by the GBNRTC take place in locations that are accessible to persons with mobility limitations. Also, auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result, are furnished to allow a person with a disability to participate.





### **Appendix F Discrimination Complaint Procedures**

Anyone who believes they have been subjected to discrimination under Title VI may file a complaint with the Niagara Frontier Transportation Authority, the host agency of GBNRTC. Complaints may be mailed to:

Niagara Frontier Transportation Authority  
Equal Employment Opportunity Office  
181 Ellicott Street, Buffalo, NY 14203



### Civil Rights Complaint Procedure

Management recognizes the right of every employee and customer to file an external complaint, independent of any action the complainant may wish to take or not take, with the Director of Equal Employment Opportunity/Diversity Development or designated representative.

However, to insure prompt, fair and impartial internal processing of complaints alleging discrimination;

A complainant is urged to use the opportunity for internal discussion of grievances and to consult with the Director of EEO/Diversity Development or designated representative prior to filing a formal complaint of discrimination with State of New York Division of Human Rights, the U.S. Equal Opportunity Commission and/or appropriate federal department(s).

Such consultation should be made within 10 calendar days from the date of alleged discriminatory act unless the discrimination is continuing in which case the complainant should consult with the Director of EEO/Diversity Development or designated representative as soon as convenient. Any employee or customer who is of the belief that he/she has been discriminated against because race, color, religion, national or ethnic origin, age, alienage, citizenship, ancestry, gender, genetic disposition, or carrier status, sexual orientation, marital status, liability for service in the Armed Forces of the United States, arrest/conviction record, or disability should consult with the Director of EEO/Diversity Development or designated representative in an effort to resolve the matter informally.

The Director of EEO/Diversity Development or designated representative will:

1. Make necessary inquiries to seek a resolution of the matter on an informal basis.
2. Have access to officials at all levels when looking into an equal employment opportunity matter in an attempt to resolve/conciliate it.
3. Discuss with an appropriate official the findings and his/her recommendations for a resolution of the problem.
4. Process the complaint to informal resolution within 45 days after the matter is brought to his/her attention.
5. Supervisors at all levels shall insure that the Director of EEO/Diversity Development or designated representative receives full cooperation at all levels when handling equal opportunity complaints.
6. Assure that a complainant may file written complaints with the Director of EEO/Diversity Development and these will be investigated by same.
7. The Director of EEO/Diversity Development will have access to all records, documents, memoranda, etc. necessary to conduct a review of the complaint.
8. The Director of EEO/Diversity Development will respond to formal written complaints with a written report of findings and recommendations for resolving same.
9. Assure appropriate follow-up is conducted after complaints are settled to forestall and correct harassment or retaliatory actions against the employee.
10. Make periodic checks to assure that agreed upon corrective action is continuing or has been taken.
11. Analyze employee complaints, formal or informal, in order to identify conditions and circumstances that may exist beyond the individual case which require further investigation.
12. Recommend corrective action where an investigation reveals discriminatory action by a supervisor to the Executive Director.
13. Assure the "Complaint Procedures" are posted on all employee bulletin boards, together with information as to where and with whom complainants should file their civil rights complaints.



**Title VI Complaint Form  
Niagara Frontier Transportation Authority (NFTA)**

*"NFTA is committed to ensuring that no person is excluded from participation in or denied the benefits of, or be subject to discrimination in the receipt of its services on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended."*  
**Title VI complaints must be filed within 180 days from the date of the alleged discrimination.**

Section I	
Name:	_____
Address:	_____
City:	_____ State: _____ Zip Code: _____
Telephone (Home):	_____ Telephone (Work): _____
Section II	
Are you filing this complaint on your own behalf?	<input type="checkbox"/> Yes* <input type="checkbox"/> No
*If you answered "Yes" to this question, go to Section III	
If not, please supply the name and relationship of the person for whom you are complaining: _____	
Please explain what you have filed for a third party: _____	
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Section III	
Were you discriminated against because of (check all that apply)	
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin	
Date of Alleged Incident: _____	
Explain as clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include the names and contact information of any witnesses. If more space is needed, please use the back of the form.	
_____	
_____	
_____	
_____	
Section IV	
Have you previously filed a Title VI complaint with this agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Section V	
Have you filed this complaint with any other federal, state, or local agency; or with any federal or	



## Transportation Equity Statement and Title VI Plan

state court? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, check all that apply: <input type="checkbox"/> Federal agency <input type="checkbox"/> Federal court <input type="checkbox"/> State agency <input type="checkbox"/> State court <input type="checkbox"/> Local agency
Please provide information about a contact person at the agency/court where the complaint was filed. Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Number: _____

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature \_\_\_\_\_ Date \_\_\_\_\_  
If you have any questions or need assistance completing this form, please contact EEO/Diversity Development office at (716) 855-7486.

The completed form must be returned to:  
Linda Seay, Director  
EEO/Diversity Development  
Niagara Frontier Transportation Authority  
181 Ellicott Street  
Buffalo, New York 14203



# Transportation Equity Statement and Title VI Plan

Comment from Citizens for Regional Transit (CRT) concerning the draft document Transportation Equity Statement and Title VI Plan issued by the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC), December, 2012

The CRT appreciates the opportunity to comment on this document. This document is a valuable tool, to remind member agencies of the GBNRTC concerning their responsibilities to observe Title VI and environmental justice standards as they develop and implement their plans. However, the document lacks one important element: enforcement.

The Federal transportation act which created Metropolitan Planning Organizations did not give them any jurisdictional authority, just advisory. Therefore, the GBNRTC may offer to member agencies data and research in support of compliance with equity and justice standards, but may not enforce compliance by those member agencies.

Who is available to judge compliance?

Not the member agencies of the GBNRTC.

Will the public?

The CRT has a long history of speaking out on public transit issues before the GBNRTC. Yet when a major project with clear environmental justice and Title VI compliance issues was developed (Cars Sharing Main Street, via NFTA and City of Buffalo), our voice was simply brushed aside. The CRT took this issue to the Federal Transit Administration (FTA), whose response was that the NFTA had followed the rules in allowing the project to proceed.

The goals of environmental justice and Title VI are clearly stated in this document by the GBNRTC. Yet the Cars Sharing Main Street project violated these stated goals of the GBNRTC, and was allowed to proceed despite the failure of the project sponsors to do the following (see p. 5 of the document):

- 1 "Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed."
- 2 "Evaluate and – where necessary – improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making."

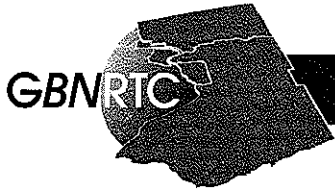
- 3 "... In seeking public comment and review, GBNRTC makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes."

Many people, chiefly low-income and disabled and elderly, will now be affected by removal of the Theater Station and the impacts of vehicles driving on the Metro Rail tracks in downtown Buffalo. Will public outcry be effective only after the Theater Station is removed?

The CRT and our allies will continue to speak out for enforcement of equity and environmental justice, advocating for effective enforcement of these standards during the planning of projects. The disabled and disadvantaged must have their voices heard.

Comments presented on behalf of Citizens for Regional Transit by Gladys Gifford, President.





**GREATER *BUFFALO-NIAGARA***  
**REGIONAL TRANSPORTATION COUNCIL**

City of Buffalo  
City of Niagara Falls  
County of Erie  
County of Niagara  
New York State Thruway Authority  
Niagara Frontier Transportation Authority  
New York State Department of Transportation

**January 11, 2013**

Gladys Gifford  
174 Capen Blvd.  
Buffalo, NY 14226

Re: Comments on the proposed GBNRTC Equity Statement and Title VI Plan

Mrs. Gifford:

Thank you for your comments regarding the GBNRTC Equity Statement and Title VI Plan.

The GBNRTC is guided by federal Title VI and environmental justice mandates and strives to not only meet these mandates, but to create an overall transparent, inclusive planning process. As the metropolitan planning organization (MPO) for the two county region, GBNRTC is committed to making Title VI and environmental justice a part of our planning process, integrated in all our programs and plans, and a guide for our public participation efforts.

The GBNRTC Equity Statement and Title VI Plan guide GBNRTC practices to ensure that the planning process complies with federal non-discrimination statutes, regulations, and orders. Selected projects, such as the referenced Cars Sharing Main Street, that receive approval for Federal funding and progress toward project planning and construction are under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies in place to ensure Title VI compliance.

As the MPO, the GBNRTC is responsible for;

- Enhancing the analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with Title VI.
- Identifying residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluating and – where necessary – improving the public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

As always, we appreciate your continued participation in the planning process. Your comments will be incorporated as a formal part of the public record and included in the final plan document. If you would like to discuss further, please call.

Sincerely,

Hal Morse

GBNRTC Executive Director

212 Travers Circle

Amherst, New York 14228

December 11, 2012

Greater Buffalo Niagara Regional Transportation Council

438 Main Street, Suite 503

Buffalo, New York 14202

Dear Council;

Thank you for the opportunity to comment on the Transportation Equity Statement and Title VI Plan as the Metropolitan Planning Organization(MPO) for Erie and Niagara Counties. The MPO for our region serves in a key role and influences transportation funding and services for a broad and varied market across the Niagara Region.

This submission is provided by me as a private citizen and is in no way a reflection or promotion of the philosophy of my employer or any organization I am personally or professionally affiliated with.

I will address a few very minor issues I see in the plan.

Although the plan appears very well organized and gives a comprehensive explanation of all of the various factors in developing such a plan and related documents necessary in understanding the plan, the main items of the plan are buried and it is difficult to determine the specific actions such a plan would guide.

The pdf of this year's plan along with other plan-related documents on the GBNRTC website are not fully accessible to individuals using visual accessibility software such as screen readers due to the nature of jpeg file format usage in some very key documents. This information is therefore not available to someone who is blind to access the information. The ADA clearly states in relation to Covered Public Entities:

*SEC. 202. DISCRIMINATION. 42 USC 12132.*

Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

While I realize that the inclusion of pictures into a text document may have been an oversight, it serves as a simple example of the lack of a consistent effort to reduce or eliminate all aspects of potential discriminatory practices throughout all areas of activity. This is missing the mark when it comes to including (not excluding) all citizens in the planning of major transportation activities by the organization.

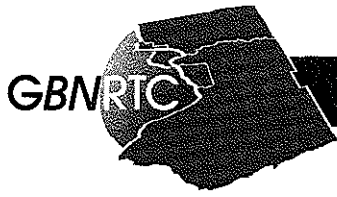
I do not see how the MPO is overseeing/coordinating with other entities in compliance with non-discriminatory practices but have noted that this activity is deferred to the outside entities as it is currently identified in the plan under Limited English Proficiency **Factor 3**: The importance of the service provided by MPO programs;

There does not appear to be a breakdown in the plan of demographics of ridership of NFTA public transit programs, only a breakdown of the demographics of the community at large. I would like to see how those demographics are represented under ridership or specific GBNRTC funded programs to get a better understanding of how many actually do encounter MPO financed programs. This may provide for a better understanding of “reasonable steps to ensure meaningful access”.

Again, I thank the GBNRTC for the opportunity to give comment on the Transportation Equity Statement and Title VI plan.

Concerned Citizen,

Melissa Golpl



**GREATER BUFFALO-NIAGARA  
REGIONAL TRANSPORTATION COUNCIL**

City of Buffalo  
City of Niagara Falls  
County of Erie  
County of Niagara  
New York State Thruway Authority  
Niagara Frontier Transportation Authority  
New York State Department of Transportation

**January 11, 2013**

Melissa Golpl  
212 Travers Circle  
Amherst, New York 14228

Re: Comments on the proposed GBNRTC Equity Statement and Title VI Plan

Dear Ms Golpl:

Thank you for your comments regarding the GBNRTC Equity Statement and Title VI Plan.

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The GBNRTC Equity Statement and Title VI Plan guide GBNRTC practices to ensure that the planning process complies with federal non-discrimination statutes, regulations, and orders. Selected projects that receive approval for Federal funding and progress toward project planning and construction are under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies in place to ensure Title VI compliance.

Some specific GBNRTC actions are summarized below:

- Utilize range of public involvement strategies to engage Title VI protected populations in transportation decision-making and reduce participation barriers.
- Development of a demographic profile of the metropolitan planning area that includes identification of 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.
- Development of a framework to select projects that address identified transportation needs of Title VI protected groups such as the Humans Services Transportation Plan.

Your comments regarding our websites compatibility with accessibility software, such as screen readers are greatly appreciated. We have referred to [www.section508.gov](http://www.section508.gov) and other available resources and are considering the following strategies to improve the usability of our website; test major planning documents for online accessibility, add alternative, or ALT, text to images used in online documents and use an Optical Character Recognition (OCR) feature to add text to scanned PDFs.

To your point on NFTA ridership demographic data, the GBNRTC in partnership with the NFTA recently completed an onboard passenger survey that will provide us and our regional partners with the most current ridership demographic information. The results of the survey will help the region plan for improved transit infrastructure and service and better understand the travel patterns and choices of transit riders. Survey results are expected early 2013.

Again, I thank you for your participation and look for your continued involvement in the planning process. Your comments will be incorporated as a formal part of the public record and included in the final plan document. If you would like to discuss further, please call.

Hal Morse  
Executive Director