



CITY OF BLOOMFIELD ADA TRANSITION PLAN

Prepared by:

Prudence Brady

Projects Coordinator

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August 10, 2023

1.0 Introduction

This report serves as the City of Bloomfield’s ADA Transition Plan (hereinafter referred to as the Plan) to identify the barriers within the City’s streets and facilities, describe the methods that will be used to make these facilities accessible, and present a schedule for taking the necessary steps to upgrade access in each year following the Plan. The Plan also identifies the person responsible for implementation of the Plan, describes public involvement, and presents the City’s ADA Policy.

The City’s ADA Self-Evaluation (hereinafter referred to as “the Evaluation”), dated August 10, 2023, was submitted to NMDOT on September 18, 2023, and is incorporated by reference. The Evaluation should not be considered all-inclusive, as the local streets and NMDOT highways were not evaluated. Further, the city-owned facilities that do not typically have public programming were not evaluated (i.e., Water Treatment Plant, Water Reclamation Facility, and the Municipal Operations Center). The Evaluation should be considered a “living document”, and will be updated and modified as needed. The preparer makes no warranty to the completeness of the Evaluation, or the Plan, as they are intended to serve as planning documents to assist in the prioritization and scheduling of needed ADA improvements.

2.0 Statement of Equal Employment Opportunity

The City of Bloomfield (“City”) is committed to a policy of acting affirmatively to attract and utilize the talents of all citizens. No agent of the City shall discriminate against any individual, employee, or applicant for employment on the basis of sex, race, color, religious belief, national origin, sexual orientation, political affiliation, marital status, age or disability unrelated to a person’s ability to perform the duties of a particular job or position, except where a bona-fide occupational qualification exists.

3.0 Identification of Physical Barriers

The Evaluation presented physical barriers on a total of 11 streets. These streets were selected due to their functionality as collector and arterial streets in the City’s right-of-way system, their proximity to Bloomfield Public School facilities, and their heavy use by pedestrian traffic. A total of seven facilities were also evaluated using the 2010 ADA Standards for Accessible Design, from the parking spaces to the main accessible exterior door. The facilities included City Hall, Fire Department, Cultural Center/Fitness Center, Senior Center, Police Headquarters, Motor Vehicle Division (MVD, the same building as Police, but with a separate entrance), and the Parks Building. The Evaluation provides a summary of findings for these streets and facilities.

4.0 Schedule of Improvements

Table 1 provides an updated summary of findings for the collector and arterial streets, as well as a schedule for completion of the needed upgrades. The highest ranked transportation project is the East Blanco Bridge Project. It is ranked on the ICIP as 2025-01. This project is partially funded with LGRF and MAP funds. The next highest-ranked transportation project is Bergin Lane. Bergin Lane is ranked on the ICIP as 2025-03. Notes are provided with each street segment. A planning horizon of 22 years was used. As the City has no current transportation bond, and current annual budgeting doesn’t cover a complete maintenance program, scheduling and funding for the street improvements will rely entirely on the availability of NMDOT funding.

Table 2 presents the same information for the facilities. Work on the upgrades for 2018 began this year, and images of completed work are included as Attachment 1. Priority of improvements was given to

facilities that experienced frequent high public use and polling places. It is anticipated that much of this work will be designed and performed with in-house staff, since all the work is located on city-owned property, and requires careful planning around on-going city operations. Additionally, performing this work in-house enables the City's Public Works Department to gain valuable knowledge in the geometry and finer elements of ADA compliance that will enable the City's work force to address specific improvements (i.e., ramps at certain intersections) that pop up throughout the City. These improvements are planned to be completed in a five-year period.

5.0 ADA Coordinator/Responsible Official

The person responsible for implementation of the ADA Transition Plan is the Projects Coordinator, Prudence Brady

6.0 Public Involvement

The ADA Transition Plan will be posted on the City's website, and a Notice of the Plan will be posted around the City at the City Clerk public notice areas. Questions, comments, and suggestions will be directed to the Responsible Official.

7.0 ADA Policy

The City of Bloomfield ADA Policy is included as Attachment 2.

END OF DOCUMENT

TABLE 1
CITY OF BLOOMFIELD - ADA TRANSITION PLAN 08/10/2023
COLLECTOR AND ARTERIAL STREET SUMMARY

Street Segment	Compliant ADA Ramps	NC ADA Ramps	NC Driveways	NC Obstructions	NC Walk X-Slope >2%	NC Walk Width	Methods to Gain Compliance	Priority	Goal for Completion of Project	Notes
							(see notes)			
Blanco Blvd	2	45	74	12	Yes	Yes, 3' and 4' with no passing	R, D, I	1, 5	2024- e, 2024-East Blanco, 2028-West Blanco	Bridge ranked on ICIP 2025-01 (highest ranked transportation project)
Bergin Ln	0	8	1	3	Yes	Yes	R, D, I	2	2026	ICIP Ranked 2025-03, Mesa Alta Jr. High School
Ruth Ln	0	10	8	0	Yes	Yes, 4' with no passing	R, D	3	2026	Police Dept/MVD located on street. Least expensive segment.
W. Maple Ave	4	8	21	3	Yes	Yes, 5'	R, D, I	4	2028	Second least-expensive segment.
West Main St	0	14	25	5	Yes	Yes, 3'	R, D, I	6	2030	Possible Future Business District
South First St	0	12	25	0	Yes	Yes, 3'	R, D	7	2032	Cultural Center, Senior Center, Bus Stop, Sports Complex, River Park
Fifth St	1	2	12	0	Yes	Yes, 4' with no passing	R, D	8	2034	Central Primary School, Salmon Park, possible future skate park
N. Church St	0	2	N/A - limited walk	N/A		Yes, 3'	R, D	9	2038	Limited walk, poor road profile, large drainage crossing
Third St	1	22	52	0	Yes	No, all 5'	R, D	10	2040	Central Primary School
N. Frontier	0	2	12	0	Yes	Yes	R, D	11	2044	
Mustang Ln	0	9	35	2	Yes	Yes, 4' with no passing	R, D, I	12	2046	

Notes:

- R: Replace NC items with compliant items, including ramps, driveways, and walks, following NMDOT Standards
- D: Design AR around obstructions or relocate obstructions, following NMDOT Standards
- I: Use In-House Forces to replace certain items and remove obstructions

**TABLE 2
CITY OF BLOOMFIELD - ADA TRANSITION PLAN 08/10/2023
FACILITIES SUMMARY**

Facilities	No. Parking Spaces Provided	HC Parking Spaces	Stall and Aisle Widths in Compliance?	Striping and Symbol in Compliance?	Stall and Aisle Slope <2.08%?	Correct Signage?	Connectivity of Aisles to Entrance?	Curb Ramps in Compliance?	AR in Compliance?	Exterior Door Threshold <1/4", or beveled if <1/2"?	Exterior Door 32" Min. clear?	Priority	Methods to Gain Compliance (see notes)	Goal for Completion of Project	Notes
City Hall	24 (est.)	1	Yes	Yes, but faded.	Yes 1.5% max	Yes	Yes	Yes, 8.6% running slope	Yes. Door jam 1/2"	No. 1/2" and not beveled.	Yes.	1	Compliant	2018	Frequent High Public Use, Polling Place
Cultural Center/ Fitness Center	91 (est.)	6 provided, 4 req'd. No van.	Yes.	Striping and Symbol, but faded	No. 3.9% max.	No. No fine and <60" AFF, missing 2 signs	Yes	No. No domes, project into aisle., 9.5% running slope	No. 1.5" gap between conc. and asphalt. Sidewalk needed to Fitness Center Door	Main Door - Yes, 1/2" and beveled. Fitness Center - Yes, 1/2" and beveled	Main Door - Yes. Fitness Center - No: panic bar >4"	2	R, D, I	2018	Frequent High Public Use, Polling Place
Senior Center	20	3 and 1 van for a total of 4	No. Van stall 9', but van aisle OK. Car aisle 4.5', should be 5'	Yes, but faded.	No. Van aisle 2.2%, 2" gap in van aisle	No. Missing two, faded and all <60" AFF, not centered on space.	Yes	No ramp. All at-grade. No domes.	No. CIL of 0.5" between conc. And asphalt. 4.5% max. slope on walk.	Yes, 1/2" and beveled.	Yes.	3	R, D, I	2019	Frequent High Public Use
MVD	11	3 provided, 1 required, signed as van	No. Van stall 8', but van aisle OK.	Striping and symbol, but white	No. 3.4% max.	No. No fine and <60" AFF.	Yes	No. No domes, 11% running slope	Yes.	Yes	Yes.	4	R, D, I	2020	Frequent High Public Use
Police	36	2 provided, 3 required., signed as van	No. Van stall 8', but van aisle OK.	White, missing one symbol	No. 4.4% max.	No. No fine, and <60" AFF.	Yes	No. No domes, 10.7% running slope	Yes.	Yes, 1/2" and beveled	Yes.	5	R, D, I	2020	Frequent High Public Use
Fire Department	5	1, signed as van	9' stall, 9' aisle. Van should be 11'5'	White	No. 2.2%	No. No fine and <60" AFF	Yes	No. No domes, 2.9% turning space	No. Ramp cross slope is 2.5%, 2.3% on walk.	Yes, 3/8" and beveled.	Yes.	6	R, D, I	2021	
Parks Building	10	1 provided.	Yes. 8' stall, 8' aisle.	Striping and symbol, but not all blue	Yes. 1.5% max. slope.	No signage.	Yes	No ramp. All at-grade. No domes.	No. 1" CIL in aisle and 3/4" CIL at front stoop. 2.7% cross slope on walk.	Yes	Yes. 32" clear, panic bar <4"	7	R, D, I	2022	

Notes:

- R: Replace NC items with compliant items, including ramps, driveways, and walks, following 2010 ADA Standards for Accessible Design
- D: Design AR following 2010 ADA Standards for Accessible Design
- I: Use In-House Forces for design and construction

CITY OF BLOOMFIELD ∞ ADA TRANSITION PLAN

ATTACHMENT 1

ADA POLICY STATEMENT



CITY OF BLOOMFIELD

ADA POLICY STATEMENT

ADA Coordinator:

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Bloomfield, NM 87413
505-333-7816
pbrady@bloomfieldnm.gov**

August 10, 2023

1.0 POLICY STATEMENT

The City of Bloomfield (City) is committed to full compliance with Title II of the Americans with Disabilities Act of 1990 as amended (ADA), Section 504 of the Rehabilitation Act of 1973 as amended (Section 504), and all related regulations, laws, executive orders, and directives.

The purpose of the City ADA Policy is to provide guidance for requesting modifications to ensure safe access to the City's programs, services, and activities; and submitting a grievance when the possibility of discrimination may have occurred due to a disability.

2.0 REFERENCES

[Title II of the Americans with Disabilities Act of 1990, as Amended](#)
[Section 504 of the Rehabilitation Act of 1973, as Amended](#)
[Code of Federal Regulations Title 23](#)
[Code of Federal Regulations Title 28, Part 35](#)
[Code of Federal Regulations Title 36](#)
[Code of Federal Regulations Title 49](#)
[NMDOT Standard Drawings for Sidewalks, Drive Pads, and Concrete Median Pavement Pedestrian Access Details \(ADA\)](#)
City Website: www.bloomfieldnm.gov/public-works

3.0 POLICY REVIEW

This Policy discusses non-discrimination on the basis of disability in City programs, services, or activities under ADA and Section 504. Within this Policy, a program, service, or activity is any City function administered, operated, or contracted with the City.

The ADA Coordinator is responsible for administering city-wide compliance with ADA and Section 504, and other state and federal Disability discrimination laws. The ADA Coordinator's contact information is provided on the front cover of this policy.

When multiple Policies exist, the City ADA Coordinator will evaluate the discrepancies and provide a determination as to which Policy will govern within a reasonable timeframe. This Policy does not address the obligation of City's programs to comply with ADA in terms and conditions of employment or the hiring process.

4.0 PUBLIC FACILITIES

The various Department Heads are responsible for ADA accessibility of public their respective facilities. The Department Heads collaborate with the ADA Coordinator to prioritize evaluation of public facilities and corrective actions. Public facilities include:

- Pedestrian facilities within the City Right of Way.
- Facilities where City programs, services, or activities are delivered.

5.0 MODIFICATION REQUEST

Individuals have a right to request modifications to ensure safe access to programs, services, and activities. A modification request may be made to the ADA Coordinator, as referenced in Section 3 Policy Overview. Requests may be made by letter, e-mail, phone call, or by completing the ADA Modification Request Form included on the City Website.

6.0 GRIEVANCE

An individual who is dissatisfied with the outcome of their modification request, or feels discriminated against in violation of ADA or Section 504, may file a grievance with the City Manager for further investigation and resolution. Grievances can be submitted by letter, email, phone call, or by completing the ADA Grievance Form included on the City Website.

END OF DOCUMENT

CITY OF BLOOMFIELD ∞ ADA SELF-EVALUATION

ATTACHMENT 2

TITLE VI PLAN

CITY OF BLOOMFIELD Title VI Plan

I. Nondiscrimination Statement of Policy

Title VI Policy Statement

The **City of Bloomfield** is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The **City of Bloomfield** assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any **City of Bloomfield** program, activity or service.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quantity, quality, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Environmental Justice/Limited English Proficiency Policy Statement

The **City of Bloomfield** is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, the **City of Bloomfield** also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal financial assistance and recipients affected

Federal financial assistance is defined as any Federal dollars that are assigned to the **City of Bloomfield** to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty.

Specific Forms of Discrimination Prohibited

The **City of Bloomfield's** efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

City of Bloomfield programs and services covered by Title VI

The **City of Bloomfield** Title VI Plan applies to all of the **City of Bloomfield's** programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA funded programs).

Authorities

1. 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);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability)
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964*);
9. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
10. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation*);

- 11.49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 12.23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 13.28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 14.28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

II. FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

The **City of Bloomfield** (hereafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

- 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 Act, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measure 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 Recipient receives Federal financial assistance from the DOT, including the FHWA."

Specific Assurances

More specifically and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs and activities:

1. The Recipient agrees 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 Recipient shall insert the following notification in all solicitations for bids, Request For Proposals for work, or material subject to the Acts and the Regulations and made in connection with the Federal Aid Highway Program, and in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The **City of Bloomfield** in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.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 Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Act and Regulations.
4. The Recipient shall 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 a Recipient.
5. That where the Recipient 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 Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend the right to space on, over, or under such property.
7. That the Recipient 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 Recipient 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 Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients,

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 Act, the Regulations and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

By signing this Assurance, the **City of Bloomfield** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration 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 Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, 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.

The **City of Bloomfield** 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 recipients by the U.S. Department of Transportation under Federal-Aid Highway Program. This ASSURANCE is binding on it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

By 

Dated: 08/10/2023

Prudence Brady, Projects Coordinator

Appendix A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time-to-time, (hereinafter referred to as the “Regulations”), which are herein incorporated by reference and made a part of this contract.
2. **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 either 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 the 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 New Mexico Department of Transportation 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 this information, the contractor shall so certify to the **City of Bloomfield** 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 the contractor’s non-compliance with the nondiscrimination provisions of this contract, the **City of Bloomfield** will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating or suspending the 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 shall take such action with respect to any subcontract or procurement as the **City of Bloomfield** or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the **City of Bloomfield** to enter into any litigation to protect the interests of the **City of Bloomfield**. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

Covenant Running with the Land Assurance

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the State of New Mexico will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and 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, 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 unto the State of New Mexico 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 the State of New Mexico and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the State of New Mexico, its successors and assigns.

The State of New Mexico, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that the State of New Mexico will use the 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, Non-discrimination 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 Department shall have a right to enter or re-enter said lands and facilities on said land, and the 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].*

(*Reverter clause and related language to be used only when it is determined that such clause is necessary in order to Make clear the purposes of Title VI of the Civil Rights Act of 1964.)

Appendix C

Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program

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

- A. The (grantee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the said 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 State of New Mexico 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.) and 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 State of New Mexico 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 State of New Mexico and its assigns.*

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

Appendix D

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 State of New Mexico 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 otherwise be 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 grounds 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 Non-discrimination covenants, the State of New Mexico 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 the deeds, in the event of breach of any of the above Non-discrimination covenants, the State of New Mexico will there upon revert to and vest in and become the absolute property of the State of New Mexico 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

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, (29 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 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the program or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure

compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your program (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (U.S.C. 1681 *et seq.*)

III. Public Participation Plan (PPP)

The City of Bloomfield utilizes the following process to conduct public outreach:

- The City uses City Staff and Elected Officials to identify minority populations for outreach.
- The City uses public meetings, workshops, a community newsletter mailed out with water bills (“Bits & Pieces”), and press releases to conduct outreach to minority populations.
- The City uses several of its bilingual employees to communicate with Limited English Proficient individuals.
- The City considers input from all minority populations for decision making within all its program areas.

IV. Organization/Staff Responsibilities

Organizational Overview: The City of Bloomfield Organizational Chart is included by reference. The Title VI Coordinator is asterisked.

Title VI Coordinator Responsibilities: The Title VI Coordinator is responsible for the development and implementation of the Title VI plan. The Coordinator must also ensure that all entities of the **City of Bloomfield** are compliant with Title VI requirements. The Title VI Coordinator is also responsible for:

- Submitting a Title VI plan and annual reports for the **City of Bloomfield**
- Developing procedures for receiving, processing, investigating and reporting Title VI complaints.
- Maintaining a Title VI complaint log, and report to NMDOT on a periodic basis.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews or program areas.
- Conducting annual assessments of identified Title VI program areas.
- Developing Title VI information for dissemination.
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

V. Primary Program Area & Review Procedures

The **City of Bloomfield** engages in the following program areas: Program Management.

VI. Title VI Complaint Procedures

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any transportation service, program or activity (whether Federally funded or not) due to that person's race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a complaint.

An individual, group of individuals or entity may file a formal Title VI complaint. Complaints must be submitted to the NMDOT Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Attn: Title VI Coordinator
Construction and Civil Right Bureau
1570 Pacheco St.
Suite 110
Santa Fe, NM 87505

The complaint should include the name, address, phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180 day period of the alleged discriminatory act (or latest occurrence).

Title VI complaints must be investigated within 60 days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also require relevant information. The **City of Bloomfield** may specify if there is a particular individual(s) that the **City of Bloomfield** should not investigate the complaint due to conflict of interest or other reasons.

Title VI complaints may be forwarded to either the New Mexico Department of Transportation or the Federal Highway Administration for investigation, If the complaint is forwarded to one of these agencies. The **City of Bloomfield** will provide the name and contact information for the person handling the Title VI complaint to the complainant.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Title VI complaints may also be files directly with the following agencies:

New Mexico Department of Transportation
Construction and Civil rights Bureau
1570 Pacheco St. Suite A10
Santa Fe, NM 87505
Phone: (505) 629-9890

Federal Highway Administration, New Mexico
4001 Office Court Dr.
Suite 801
Santa Fe, NM
Phone: (505) 820-2021

Sample Title VI Compliant Form

Section I

Name:

Address:

Telephone (Home/Cell):

Telephone (Work):

Email Address:

Section II

Are you filing this complaint on your own behalf: Yes No

*If you answered "yes" to this question, go to Section III.

If you answered "no" please enter the name and relationship of the person you are filing the complaint against:

Name:

Relationship:

If you are filing a complaint as a third party, please explain why in the space below:

Have you have obtained permission of the aggrieved party if you are filing on behalf of a third party: Yes No

Section III

I believe the discrimination I experienced was based on (check all that apply):

Race

Color

National Origin

Date of Alleged Discrimination
(Month, Day, Year):

Date:

Explain, as clearly as possible, that happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses. If more space is needed please attach additional sheets to this form:

Section IV

Have you previously filed a Title VI complaint)? Yes No

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes No

If yes, please check and name all that apply:

Federal Agency: _____

Federal Court: _____

State Agency: _____

State Court: _____

Local Agency: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

Signature: _____

Date: _____

Please submit this form in person at the address below, or mail form to:

**City of Bloomfield
Attn: City Manager
915 N. First Street
Bloomfield, NM 87413**

VII. Title VI Program Management Procedures

The City of Bloomfield's public participation plan includes all of its citizens, including low-income and minority populations. Several City staff members are fluent in Spanish, and readily accommodate requests and provide information for people that are Limited English Proficient.

The **City of Bloomfield** Title VI Coordinator shall:

- The transportation planning process fully complies with the requirements of Title VI.
- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensure the planning organizational membership attempts to reflect the makeup of the population served. This would include periodically reporting the MPO/RPO racial, ethnic, and gender composition of public involvement organizations or groups.
- Ensure the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants in public information settings. Also reporting any follow-up and conclusions to issues communicated throughout the planning process.
- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.

VIII. Title VI Related Training

The **City of Bloomfield** Title VI Coordinator shall ensure that staff is trained and familiar with the **City of Bloomfield's** related policies and procedures. The City conducts periodic refresher anti-discrimination seminars for its employees

IX. Limited English Proficiency (LEP) Plan

Recipients of federal funding should conduct a Four Factor Analysis to prevent discrimination of the basis on limited English Proficiency.

U.S. DOT "Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient persons" dated December 14, 2005 is a useful resource when performing the Four Factor Analysis.

The Four Factor Analysis includes the following factors:

- **Number or Proportion of LEP Individuals:** This factor should describe your efforts to provide meaningful opportunities to your Limited English Proficient population. Your organization should ask "*What number or proportion of individuals will be excluded from benefits or services absent efforts to remove language barriers?*"
- **Frequency of Contact with the Program:** If LEP persons must access your program/activity daily; the recipient has a greater responsibility to tailor their services to the needs of LEP persons. This factor should be data driven and decisions should be in direct correlation through whatever data gathering exercises your organization uses.
- **Nature and Importance of the Program:** The need LEP individuals have access to benefits and services amplify with programs where the denial or delay of access may have life or death implications. Recipients should identify programs of this type of importance and describe the process to ensure LEP persons are not denied or delayed in the service or benefit of that service.
- **Resources Available:** Your organization's may have limited resources may not have to take the same steps as a larger organization to provide LEP assistance in programs that have a limited number of LEP persons (e.g., where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to a person's day to day existence.) Claims of limited resources will need to be well-substantiated.

In addition, your organization should address the appropriate mix of written and oral language assistance. Your organization should identify the following:

- Documents should be translated
- Process to identify when oral translation is needed
- When services should be immediately available

X. External Communication (Notification to public beneficiaries)

Your organization should provide information to members of the public detailing their Title VI obligation and notify members of the public of the protections against discrimination afforded to them by Title VI. Requirements including:

- Dissemination of Information: Your organization should disseminate this information to members of the public via accessible printed and electronic media, including posting on the entities' website.
- Contents of Notification: At a minimum, the notification should include the following:
 1. Statement that your organization operates the Federal Program(s) without regard to race, color, national origin, sex, age, or disability.
 2. Identify procedures to be followed by members of the public to request additional information regarding your organizations Title VI obligation.
 3. Identify procedures to be followed by members of the public to file a discrimination complaint against your organization.

X. Data Collection

The City of Bloomfield uses Census data and first-hand knowledge from Elected Officials and City Staff for collecting and analyzing data on the race, color, national origin, and sex of participants and beneficiaries of the City's your organizations programs and activities. The City currently has no programs where residents are relocated through a right of way program. Race/ethnicity can be tracked at public meetings through the use of sign-in sheets. The City currently uses 2010 US Census data for various purposes.

XI. Notice of Rights

The City of Bloomfield's Notice of Rights is posted at City Hall, on the City's website, and on any City transportation project signs. The Notice is provided below:

Your Rights Against Discrimination Under Title VI of the Civil Rights Act of 1964

The City of Bloomfield operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any City of Bloomfield program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with the City of Bloomfield or the New Mexico Department of Transportation.

To file a Title VI discrimination complaint, please contact:

**City of Bloomfield
Attn: City Manager
915 N. First Street
Bloomfield, NM 87413
505-632-6300**