

Martin County, FL
Board of Commissioners
Title VI and Other Nondiscrimination Policy and Plan

I. Title VI/Nondiscrimination Protection:

Policy Statement:

Martin County values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, Martin County believes that the best transportation systems and community services result from careful consideration of the needs of all of its communities and when those communities are involved in the decision making process. Thus, Martin County does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and related laws and regulations, Martin County will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.

Complaint Procedures:

Martin County has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, family or income status in any of Martin County's programs, services or activities may file a complaint with the Martin County Title VI Coordinator:

A complaint must be filed within one hundred eighty (180) days after the date of the alleged discrimination, unless the time for filing is extended by the FTA, FHWA or other federal or state authorities.

If possible, complaints should be in writing, signed by the complainant or his/her representative(s), and must include the complainant(s) name, address and telephone number, along with a description of the alleged discrimination and the date of the occurrence. Allegations of discrimination received via e-mail will be acknowledged and processed. Allegations received by telephone will be documented in writing and provided to the complainant(s) for review before processing. If complainant is hearing or speech impaired, call the Florida Relay Service (FRS) by dialing 711 or 1-800-955-8771 (TTY) or email the Title VI Coordinator for assistance.

Complaints should be submitted to:

Martin County Board of Commission

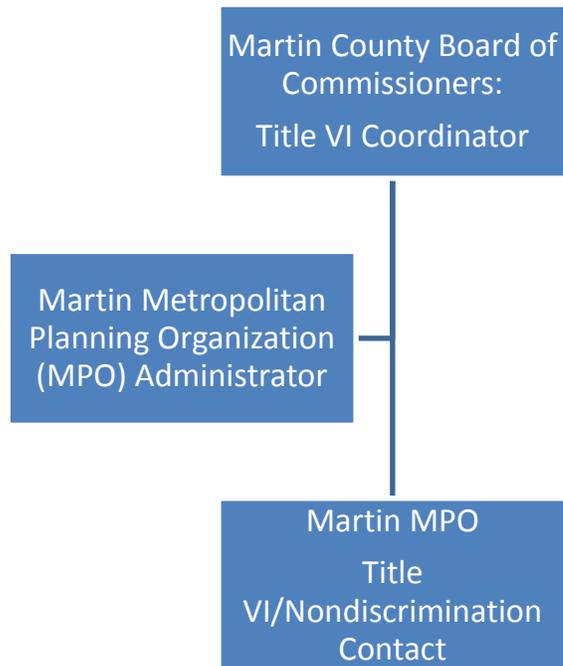
Human Resource Administrator (VACANT)
Title VI Coordinator
2401 SE Monterey Road and/or
Stuart, FL 34996
Email:
Phone: 772-221-1320

Martin MPO

Bolivar Gomez
Title VI/Nondiscrimination Contact
2401 SE Monterey Road
Stuart, FL 34996
Email: bgomez@martin.fl.us
Phone: 772-288-5412

Organization Structure

The following chart displays Martin County’s organizational structure for the Title VI/Nondiscrimination Program:



Complaint Investigation

Upon receipt of a signed complaint, the Title VI Coordinator will, within five (5) working days, provide the complainant or his/her representative with a written acknowledgement of the complaint.

The Title VI Coordinator will take reasonable steps to resolve the matter and respond to the complaint within thirty (30) days. The Title VI Coordinator has ‘easy access’ to the Martin County Administrator and is not required to obtain management or other approval to discuss discrimination with the County Administrator.

Regardless of whether Martin County is able to satisfactorily resolve the complaint, the Title VI Coordinator will provide a copy of the complaint, along with a record of its disposition, to the applicable federal or state agency, or oversight board, for further processing, if required.

Retaliation

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. It is the policy of Martin County that persons filing a complaint of discrimination should have the right to do so without interference, intimidation, coercion or fear of reprisal. Anyone who feels he/she has been subjected to retaliation should report such incident to the Title VI Coordinator.

II. ADA/504 Statement

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal aid recipients and other government entities to take affirmative steps to reasonably accommodate the disabled and ensure that their needs are equitably represented in transportation programs, services and activities.

Martin County will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. Martin County will make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by the disabled community and disability service groups.

Martin encourages the public to report any facility, program, service or activity that appears inaccessible to the disabled. Furthermore, Martin County will provide reasonable accommodation to disabled individuals who wish to participate in public involvement events or who require special assistance to access facilities, programs, services or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, Martin County asks that requests be made at least five (5) calendar days prior to the need for accommodation.

Questions, concerns, comments or requests for accommodation should be made to the Martin County's ADA Officer:

Judy Lamb
ADA Coordinator
2401 SE Monterey Road
Stuart, FL 34990
Email: jlamb@martin.fl.us
Phone: 772-221-1396
Fax: 772-221-1383
Hearing or speech impaired: 711 or 1-800-955-8771

Martin County has an informative ADA webpage that describes the County's accessibility program as well as provides certain resources to the community that is disabled. All website information is available in alternative formats. For more information, contact the Accessibility Coordinator.

In addition, Martin County has a Transit ADA plan specific to transit services. That plan is included in Section VII of this plan.

III. Limited English Proficiency (LEP) Plan

Introduction

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities. It has been recognized that one form of discrimination occurs through an inability to communicate due to a limited proficiency in the English language. Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and US Department of Transportation (DOT) require federal aid recipients to take reasonable steps to ensure meaningful access to programs, services and activities by those who do not speak English proficiently.

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the County's programs, services or activities.
2. The frequency with which LEP individuals come in contact with these programs, services or activities.
3. The nature and importance of the program, service, or activity to people's lives.
4. The resources available and the overall cost to the County.

The goal of the *Martin County Limited English Proficiency (LEP) Access Plan* is to ensure that the County recognizes the needs of limited English proficient (LEP)

members of the community and implements a plan to communicate effectively and ensure reasonable access to our processes, information and decision-making.

Martin County Four Factor Analysis

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors. The following sections address each of these with respect to the Martin County planning area.

Factor 1: Review of LEP Populations

Understanding the needs of the community begins with identifying the number of Limited English Proficiency (LEP) persons eligible to be served, likely to be served or likely to be encountered by the County through its programs, services or activities. In an effort to determine potential LEP needs in the County planning area, staff reviewed data available through the U.S. Census Bureau American Community Survey for the period of 2011 through 2015.

Data collected for Martin County indicated that 6.7% of the total population 5 years and older speak English less than “very well”. Further analysis shows that 81.9% of the same population speaks Spanish; 11.4% speaks an Indo-European language; 3.3% speaks an Asian or Pacific Islander language; and 3.4% speaks another language (see Table 1). This information led staff to review the Spanish speaking LEP group to identify whether this population was concentrated into specific communities.

Table 1: The Top Languages Spoken at Home in Martin County

Population 5 years and older	No. of LEP Persons	% of LEP Persons	% of LEP Persons who speak Spanish	% of LEP Persons who speak Indo-European Languages	% of LEP Persons who speak Asian or Pacific Islander Languages	% of LEP Persons who speak Other Languages
145,332	9,791	6.7%	81.9%	11.4%	3.3%	3.4%

Source: US Census Bureau’s 2011-2015 American Community Survey

Spanish (81.9%) was reported to be the most prevalent language spoken by persons that speak English less than “very well.” After reviewing the data in GIS, it appears that a high concentration of LEP persons live in the Indiantown and Port Salerno areas.

Factor 2: Assessing Frequency of Contact with LEP Persons

The results of the census data indicate that Spanish is the most prevalent language spoken by the LEP population in Martin County. To date, the County has not received any requests for translation or interpretation of its programs, services or activities into Spanish or any other language.

Factor 3: Assessing the Importance of County Programs

All of the County programs are important; however, those related to safety, public transit, right-of-way, the environment, nondiscrimination and public involvement are among the most important. The County must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in the planning processes to be consistent with its nondiscrimination goals.

Factor 4: Determining Available Resources

When planning any activity, it is imperative that an organization assess the resources available to conduct the activity in a way that is meaningful and balances those efforts with the overall cost to the organization. To that end, Martin MPO contracted with Language Line in October 2013 to assure speakers of other languages may effectively participate in the transportation planning process. Language Line offers over the phone and face to face translation to more than 200 languages, 24 hours a day, 7 days a week. This professional translation service also provides translation of written documents to assure the most accurate translation of all written materials provided to the public. For meetings located in areas with a large percentage of LEP citizens, the Martin MPO has an on-site translator available. The Martin MPO will review and update this plan as needed.

Language access implementation plan and procedures

Martin County will:

- Maintain a list of employees who competently speak Spanish and other languages and who are willing to provide translation and/or interpretation services and distribute this list to staff that regularly have contact with the public.
- Provide meeting, program and services availability notifications in English and Spanish, where appropriate, particularly where programs or activities are located in Indiantown, Port Salerno or any other area identified as having higher LEP populations.
- Develop agreements with agencies to provide oral and written LEP services with reasonable notification.
- Identify events and activities that may require a translator to ensure meaningful access by LEP persons.
- State in outreach documents that language services are available free of charge in a language LEP persons can understand.
- Provide Spanish language outreach materials from other organizations including federal, state and local transportation agencies when possible.
- Provide Spanish language format in informational materials that assist in the accessibility of Martin County services.

For questions or concerns regarding Martin County's commitment to nondiscrimination or to request LEP services, contact the Title VI Coordinator.

IV. Public Involvement:

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, and other county services, Martin County must have the input of its public. Martin County spends substantial staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The Local Coordinating Board for the Transportation Disadvantaged (LCB-TD) is composed of disabled representatives, persons over the age of 65, Veterans Service Office and the Florida Division of Vocational Rehabilitation or Division of Blind Services. The LCB-TD provides information, advice, direction and support to the Community Transportation Coordinator (CTC) of Martin County for the delivery of transportation disadvantaged services. Representatives of underserved populations will also serve on other MPO advisory committees. Further, Martin County holds a number of meetings, workshops and other events designed to gather public input on project planning and construction. Martin County officials and employees attend and participate in other community events to promote its services to the public.

Martin County is constantly seeking ways of measuring the effectiveness of its public involvement. Persons wishing to request special presentations by Martin County; volunteer in any of its activities or offer suggestions for improvement of Martin County's public involvement should contact the Title VI Coordinator or any other County department or official. For additional information about Martin MPO Public Involvement, please visit our website:

http://www.martinmpo.com/wp-content/uploads/2014/03/FY2014_Martin_PIP.pdf .

Nondiscrimination Program Achievements & Goals:

Identified during the completion of the Public Involvement Plan – Annual Report 2016, the following were accomplished in the Nondiscrimination program: Public involvement activities were geographically dispersed throughout the county (including various focus groups during the development of the 2040 Long Range Transportation Plan [LRTP]), all meeting notices and information were sent at least 7 days prior to the meeting, all meetings were held in ADA accessible locations, and various age groups were targeted such as children grades K-5. Various programs and planning products such as the LRTP, TIP and UPWP went through the advisory committees prior to being adopted to ensure nondiscrimination. The Citizens Advisory Committee (CAC) for instance, is made up of Citizen-At-Large – Racial Minority Person and Citizen-At-Large – Disabled Person or over 65. Two achievable goals for the Nondiscrimination Program are to conduct a survey to evaluate the effectiveness of public outreach techniques and efforts, and to use the updated Community Characteristics Report specified below (V. Data Collection) to assist in future project selection and assist in equity analysis.

V. Data Collection:

FHWA regulations require federal-aid recipients to collect and analyze racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. Martin County accomplishes this through the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, its Community Development Department and other methods. From time to time, Martin County may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in its public involvement events. This information assists Martin County with improving its targeted outreach and measures of effectiveness. Self-identification of personal data to Martin County will always be voluntary and anonymous. Moreover, Martin County will not release or otherwise use this data in any manner inconsistent with the federal regulations. The Martin MPO is updating the Community Characteristics Report using the 2015 American Community Survey 5-year data (2011-2015). The report will include minority, age, poverty, mobility, and Limited English Proficiency data, as well as additional demographic information that is vital in identifying diverse groups and incorporating their needs into the transportation decision-making process.

VI. ASSURANCES:

Every three (3) years, or commensurate with a change in Martin County executive leadership, Martin County must certify to US DOT and other applicable federal and state agencies that its programs, services and activities are being conducted in a nondiscriminatory manner. These certifications are termed 'assurances' and serve two important purposes. First, they document the Martin County's commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which Martin County may be held liable for breach. The public may view assurances on Martin County's website or by visiting Martin County offices.

TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the _____ assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The _____ further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendices A and E* of this agreement in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.

Dated

June 15, 2015

by

Troy McDonald , MPO Chair

APPENDICES A and E

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 shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") 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 Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3.) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders 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 *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.
- (6.) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the

Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (7.) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

NOTICE TO THE PUBLIC

Please be advised that the Martin County Board of County Commissioners' services operate according to the Title VI Regulation, 49 CFR, Part 21 which states:

NO PERSON OR GROUP OF PERSON SHALL BE DISCRIMINATED AGAINST WITH REGARD TO ANY OF ITS PROGRAMS, SERVICES, OR ACTIVITIES ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN.

If you feel you have been discriminated against in reference to above and would like to register a complaint, please call: **772 -221-1320**

**Martin County Board of Commissioners
Title VI / Nondiscrimination Program
Complaint of Discrimination**

Complainant(s) Name:	Complainant(s) Address:
Complainant(s) Phone Number:	E-mail Address:

Complainant's Representative's Name, Address, Phone Number and Relationship (e.g. friend, attorney, parent, etc.):

Name and Address of Agency, Institution, or Department Whom You Allege Discriminated Against You:

Names of the Individual(s) Whom You Allege Discriminated Against You (If Known):

Discrimination Because of: <input type="checkbox"/> Race <input type="checkbox"/> Origin <input type="checkbox"/> Sex <input type="checkbox"/> Color <input type="checkbox"/> Age <input type="checkbox"/> National <input type="checkbox"/>	Date of Alleged Discrimination:
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Please list the name(s) and phone number(s) of any person, if known, that the Volusia Transportation Planning Organization could contact for additional information to support or clarify your allegation(s).

Please explain as clearly as possible **how, why, when** and **where** you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Additional pages may be attached if needed.

Complainant(s) or Complainant(s) Representative(s) Signature:	Date of Signature:
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Junta de comisionados del Condado de Martin
Titulo VI / Programa Antidiscriminatorio
Querrela de Discriminación

Nombre del querellante:	Dirección:
Número de teléfono:	Dirección de correo electrónico:

Nombre, dirección, teléfono y relación (ej. amigo, abogado, pariente, etc.) del Representante del querellante:

Nombre y dirección de la Agencia, Institución, o Departamento que usted alega discrimino en su contra:

Nombre(s) del Individuo(s) Quien(es) Usted Alega Discrimino Contra Usted Si lo(s) Conoce:

Razón de la discriminación:	<input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional <input type="checkbox"/> Incapacidad/Impedimento Físico <input type="checkbox"/> Edad <input type="checkbox"/> Sexo <input type="checkbox"/> Represalia <input type="checkbox"/> Status de Ingreso <input type="checkbox"/> Otro	Fecha de la alegada discriminación:
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Favor de indicar el nombre (s) y número(s) de teléfono(s) de alguna persona(s) que del Condado de Martin puede comunicarse para información adicional que clarifique o respalde su alegación o alegaciones.

Favor de explicar tan claro como sea posible, **como, porque, cuando y donde** usted cree que fue discriminado. Incluya suficiente información acerca de los antecedentes según le sea posible, de los alegados actos de discrimen. Puede añadir paginas adicionales, si es necesario.

Firma del Querellante(s) o su Representante:	Fecha:
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**Martin MPO
Title VI/Nondiscrimination
Activity Log**

Date	Activity	Additional Comment(s)
August 4, 2016	FHWA/FDOT Title VI & ADA Training	Held at Broward MPO office
December 15, 2016	Civil Rights Roundtable (Pre-Certification)	Held at St. Lucie TPO office
February 28, 2017	Environmental Justice Analysis Tools and Approaches	Webinar Workshop