

# Lee County Metropolitan Planning Organization

## Title VI/Nondiscrimination Program Implementation Plan

### Introduction

Lee County Metropolitan Planning Organization (MPO) is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). All Recipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations and authorities. This Implementation Plan describes how the Department effectuates nondiscrimination in the delivery of its federally assisted programs, services and activities. The Plan includes the structure of the Department's Title VI/Nondiscrimination program as well as the policies, procedures and practices that the Department uses to comply with nondiscrimination requirements. The Plan is intended to be a living document, regularly policed and updated by the Department to meaningfully reflect the program as it changes and grows. Anyone wishing to provide input into the Department's Title VI/Nondiscrimination Implementation Plan is encouraged to contact the Title VI/Nondiscrimination Program Coordinator, Calandra Barraco at [cbarraco@leempo.com](mailto:cbarraco@leempo.com) or 239-330-2243 or in writing at P.O Box 150045, Cape Coral, FL 33915

### Policy Statement

It is the policy of the MPO to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). The MPO does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, national origin, sex, age, disability or income. In addition, the MPO complies with the Florida Civil Rights Act, and does not permit discrimination on the basis of religion or family status in its programs, services or activities.

**The Lee MPO has adopted the Florida Department of Transportation's (Department) Title VI/Nondiscrimination policy and ADA policy. By reference Topic No.: 275-010-010-f – Title VI Program and Related Statutes - Implementation and Review Procedures.**

The Department's Title VI/Nondiscrimination policy and ADA policy statement may be found at:

<http://www.dot.state.fl.us/equalopportunityoffice/TitleVI/TITLE%20VI%20NONDISCRIMINATION%20POLICY.pdf>

Those requiring information in alternative formats or in a language subject to the Department's Limited English Proficiency (LEP) Plan, should contact the Title VI/Nondiscrimination Coordinator.

# Lee County Metropolitan Planning Organization

## Title VI/Nondiscrimination Program

### Complaint Procedures

1. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation prohibited by the Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint. All written complaints received by the Lee County MPO shall be referred immediately by the Lee County Metropolitan Planning Organization (MPO) Title VI Specialist to the FDOT's District One Title VI Coordinator for processing in accordance with approved State procedures.
2. Verbal and non-written complaints received by the recipient shall be resolved informally by the Lee County MPO Title VI Specialist. If the issue has not been satisfactorily resolved through informal means, or if at any time the person(s) request(s) to file a formal written complaint, the Lee County MPO Title VI Specialist shall refer the Complainant to the FDOT's District One Title VI Coordinator for processing in accordance with approved State procedures
3. The Lee County MPO Title VI Specialist will advise the FDOT's District One Title VI Coordinator within five (5) calendar days of receipt of the allegations. The following information will be included in every notification to the FDOT's District One Title VI Coordinator:
  - (a) Name, address, and phone number of the Complainant.
  - (b) Name(s) and address(es) of Respondent.
  - (c) Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation).
  - (d) Date of alleged discriminatory act(s).
  - (e) Date of complaint received by the recipient.
  - (f) A statement of the complaint.
  - (g) Other agencies (state, local or Federal) where the complaint has been filed.
  - (h) An explanation of the actions the recipient has taken or proposed to resolve the allegation(s) raised in the complaint.
4. Within ten (10) calendar days, the Lee County MPO Title VI Specialist will acknowledge receipt of the allegation(s), inform the Complainant of action taken or proposed action to process the allegation(s), and advise the Complainant of other avenues of redress available, such as the FDOT's Equal Opportunity Office (EOO).
5. Within sixty (60) calendar days, the Lee County MPO Title VI Specialist will conduct and complete a review of the verbal or non-written allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the Staff director of the MPO.

6. Within ninety (90) calendar days of the verbal or non-written allegation(s) receipt, the Staff director of the Lee MPO will notify the Complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the Complainant of his/her right to file a formal complaint with the FDOT's EEO, if they are dissatisfied with the final decision rendered by the recipient. The Lee County MPO Title VI Specialist will also provide the FDOT's District One Title VI Coordinator with a copy of this decision and summary of findings.
7. The Lee County MPO Title VI Specialist will maintain a log of all verbal and non-written complaints received by the recipient. The log will include the following information:
  - a. Name of Complainant.
  - b. Name of Respondent.
  - c. Basis of Complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation)
  - d. Date verbal or non-written complaint was received by the Lee County MPO.
  - e. Date Lee County MPO notified the FDOT's District One Title VI Coordinator of the verbal or non-written complaint.
  - f. Explanation of the actions the Lee County MPO has taken or proposed to resolve the issued in the complaint.

**The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. Any person or beneficiary who believes they have been discriminated against because of race, color, religion, sex, age, national origin, disability, or familial status may file a complaint with the Lee County MPO Title VI Coordinator Calandra Barraco at (239) 330-2243 or in writing at P.O. Box 150045, Cape Coral, Florida 33915-0045. or by email at [cbarraco@leempo.com](mailto:cbarraco@leempo.com). If you are hearing or speech impaired call (800) 955-8770 Voice / (800) 955-8771 TDD.**

## **Annual Certification Compliance**

Title VI of the Civil Rights Act of 1964 provides that: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from, participation in, or be denied the benefits of, or be subjected to discrimination under any program, or activity receiving Federal financial assistance." Other federal legislation extended the protections under Title VI of the Civil Rights Act of 1964 to prohibit discrimination based on sex, disability, and age.

Federal rule, 23 CFR 450.316(b)(2), requires that the metropolitan transportation planning process "[b]e consistent with Title VI of Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits, or be otherwise subjected to discrimination under any program receiving Federal assistance from the United States Department of Transportation." An effective public involvement process is integral to providing assurances that the MPO's planning process is consistent with Title VI.

Each MPO must annually certify to the FHWA that the MPO planning process is being conducted in accordance with Title VI of the Civil Rights Act of 1964. No specific federal guidance exists regarding what an MPO must do to demonstrate that its planning process is consistent with Title VI. Thus, each MPO has flexibility regarding how it will ensure consistency with Title VI.

The Lee MPO uses a variety of strategies to demonstrate that their planning process is consistent with Title VI. These strategies include but are not limited to the following:

- Developing and updating a Title VI plan;
- Designing the MPO public involvement plan with specific Title VI strategies;
- Evaluating any existing public involvement Title VI strategies;
- Reviewing projects for socioeconomic and culture evaluation in the EDTM process; and,
- maintaining documentation of its Title VI strategies.

The Title VI Coordinator for the Lee County MPO is Calandra Barraco, Admin/Title VI Coordinator. If you would like to file a complaint you may reach her by email at [cbarraco@leempo.com](mailto:cbarraco@leempo.com), by mail at Lee County MPO, P.O. Box 150045, Cape Coral, Florida 33915-0045; or by phone at (239) 330-2243. If you are hearing or speech impaired call (800) 955-8770 Voice/ (800) 955-8771 TDD.

As part of the annual Federal Planning Certification process, the FDOT Department staff will review the MPO activities ensuring that its planning process is consistent with Title VI. In addition, records may be requested and reviewed that documented the MPO's Title VI strategy and implementation. Such records could include:

- Specific mention of Title VI issues in various plan documents (e.g., Title VI plan, public involvement plan, long range transportation plan);
- Records pertaining to public involvement strategies (e.g., public notice, sign-in sheets, minutes of public meetings/hearing); and
- Records of comments received on the MPO plans and how the MPO considered those comments in the development of transportation plans.

FDOT Department staff should certify that an MPO's planning process is consistent with Title VI if the MPO: (1) has a documented process or strategy for ensuring Title VI consistency; and (2) can document implementation of this strategy.

## Attachments

Lee MPO Title VI/Nondiscrimination Policy Statement 2016  
FTA Certifications and Assurances 2016  
Disadvantaged Business Enterprise Utilization Policy 2016  
Title VI Complaint Form (English)  
Title VI Complaint Form (Spanish)


## Title VI / Non-Discrimination Policy Statement

The Lee County MPO assures the Florida Department of Transportation 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 and the Florida Civil Rights Act of 1992 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The Lee County MPO further agrees to the following responsibilities 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 subrecipient'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 subrecipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of Appendix A of this agreement in every contract subject to the Acts and Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against subrecipients. Complaints against the Florida Department of Transportation (FDOT) shall immediately be forward 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 the United States Department of Transportation, 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 the subrecipient'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 subrecipient.

  
\_\_\_\_\_  
Signature of Presiding Officer for the MPO/TPO

5/20/16  
\_\_\_\_\_  
Date of Signature

**FTA FISCAL YEAR 2016 CERTIFICATIONS AND ASSURANCES**

**FEDERAL FISCAL YEAR 2016 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**  
**(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)**

**AFFIRMATION OF APPLICANT**

Name of the Applicant: Lee County Metropolitan Planning Organization

Name and Relationship of the Authorized Representative: \_\_\_\_\_

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2015, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2015.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature \_\_\_\_\_ Date: 5/20/16

Name Mike Flanders  
Authorized Representative of Applicant

**AFFIRMATION OF APPLICANT'S ATTORNEY**

For (Name of Applicant): Lee County Metropolitan Planning Organization

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature \_\_\_\_\_ Date: 5/20/16

Name Derek Rooney, Gray Robinson  
Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

# Disadvantaged Business Enterprise Utilization

It is the policy of the Lee County MPO that disadvantaged businesses, as defined by 49 Code of Federal Regulations, Part 26, shall have an opportunity to participate in the performance of Lee County MPO contracts in a nondiscriminatory environment. The objects of the Disadvantaged Business Enterprise Program are to ensure non-discrimination in the award and administration of contracts, ensure firms fully meet eligibility standards, help remove barrier to participation, create a level playing field, assist in development of a firm so it can compete successfully outside of the program, provide flexibility, and ensure narrow tailoring of the program.

The Lee County MPO, and its consultants shall take all necessary and reasonable steps to ensure that disadvantaged businesses have an opportunity to compete for and perform the work of the Lee County MPO in a non-discriminatory environment.

The Lee County MPO shall require its consultants to not discriminate on the bases of race, color, national origin, sex, age handicap/disability, or income status in the award and performance of its contracts. This policy covers in part the applicable federal regulations and the applicable statutory references contained therein for the Disadvantaged Business Enterprise Program Plan, Chapters 337 and 339, Florida Statutes, and Rule Chapter 14-78, Florida Administrative Code.

  
\_\_\_\_\_  
Signature of Presiding Officer for the MPO/TPO

5/20/10  
\_\_\_\_\_  
Date of Signature

**Title VI / Nondiscrimination Complaint**

04/14

Complainant(s) Name:

Complainant(s) Address:

Complainant(s) Phone Number:

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:

- Race                       Color                       National Origin  
 Sex                               Age                               Handicap/Disability  
 Income Status               Retaliation               Other

Date of Alleged Discrimination:

Please list the name(s) and phone number(s) of any person, if known, that the Florida Department of Transportation 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) Representatives Signature:

Date of Signature:



**Título VI / Denuncia de Discriminación**

04/14

Nombre del querellante:

Dirección:

Número de teléfono:

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 (naron) Contra Usted Si lo(s) Conoce:

Razón de la discriminación:

Raza                       Color                       Origen Nacional

Sexo                       Edad                       Incapacidad/Impedimento Físico

Status de Ingreso       Represalia       Otro

Fecha de la alegada discriminación.

Favor de indicar el nombre (s) y número(s) de teléfono(s) de alguna persona(s) y el Departamento de Transporte 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: