

Title VI/Nondiscrimination Policy and Plan For Sub-Recipients in the FDOT Local Agency Program (LAP)

I. Policy Statement:

The Town of Fort Myers Beach, Florida, a Florida municipality, (hereinafter the “Agency”) values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the Agency believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the transportation decision-making process. Thus, the Agency does not tolerate discrimination in any of its programs, services or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Agency 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 or family status.

II. Nondiscrimination Assurances:

Every three years, or commensurate with a change in executive leadership, the Agency must certify to the Federal Highway Administration (FHWA) and the Florida Department of Transportation (FDOT) 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 Agency commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally enforceable agreement by which the Agency may be held liable for breach. Those wishing to view the Agency’s Nondiscrimination Assurance may do so by visiting the Agency website or administration offices.

III. Complaint Procedures:

The Agency 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 or family status in any program, service or activity may file a complaint with the Agency
TitleVI/Nondiscrimination Coordinator:

Name: Amy Baker

Address: 2525 Estero Blvd
Fort Myers Beach, Florida 33931

Email: Amy@fmbgov.com

Phone: 239-765-0202

Hearing Impaired: Michelle Mayher: Michelle@fmbgov.com

If possible, the complaint should be submitted in writing and contain the identity of the complainant; the basis for the allegations (*i.e.* race, color, national origin, sex, religion, age, disability or family status); and, a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, the complainant should contact the TitleVI/Nondiscrimination Coordinator for assistance.

The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) calendar days and will take reasonable steps to resolve the matter. Should the Agency be unable to satisfactorily resolve a complaint, the Agency will forward the complaint, along with a record of its disposition to the appropriate FDOT District Office.

The Agency TitleVI/Coordinator has “easy access” to the Agency Chief Executive Officer (CEO, *i.e.* the Town Manager) and is not required to obtain management or other approval to discuss discrimination issues with the CEO/Town Manager. However, should the complainant be unable or unwilling to complain to the Agency, the written complaint may be submitted directly to the Florida Department of Transportation (FDOT). FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:

Florida Department of Transportation
Equal Opportunity Office
Attn: Title VI Complaint Processing
605 Suwannee Street MS 65
Tallahassee, FL 32399

IV. ADA/504 Posted 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 those with disabilities and ensure that their needs are equitably represented in transportation programs, services and activities.

The Agency will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Agency will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Agency encourages the public to report any facility, program, service or activity that appears inaccessible to those who are disabled. Furthermore, the Agency will provide reasonable accommodations to individuals with disabilities 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, the Agency asks that requests be made at least three (3) calendar days prior to the need for accommodation.

Question, concerns, comments or requests for accommodation should be made to the Agency ADA Officer:

Name: Michelle Mayher

Address: 2525 Estero Blvd
Fort Myers Beach, FL 33931

Email: Michelle@fmbgov.com

Phone: 239-765-0202

Hearing Impaired: Same as above

V. Limited English Proficiency (LEP) Guidance:

Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation 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:

- a. The number or proportion of LEP persons eligible to be served or likely to be encountered by the City/County's programs, services or activities;
- b. The frequency with which LEP individuals come in contact with these programs, services or activities;
- c. The nature and importance of the program, service, or activity to people's lives and;
- d. The resources available to the City/County and likely costs of the LEP services.

1. Using census data, the Agency has determined that LEP individuals speaking less than well represent approximately 5.5% of the community. The agency realizes that such statistical data can become outdated or inaccurate. Therefore, the Agency contacted local law enforcement, social services agencies and the school board to validate the proportion of LEP served by those entities. Spanish was reported be the prevalent LEP language with an estimate of 5.5% eligible to be served.

2. Since 2013, the Agency has received no requests for translation or interpretation of its programs, services or activities into Spanish or other languages. During that time, the Agency has sponsored community outreach programs or public events and conferences attended by non-significant numbers of LEP speakers. Thus, the Agency estimates its contact with LEP individuals to be limited.

3. The Agency, nonetheless, believes that transportation is of critical importance to its public, as access to health care, emergency services, employment, and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the Agency defines as essential any document that advises the public of how to access nondiscrimination and public involvement policies, as

well as those that impact public safety, health and welfare and emergency services. A full list of translated documents is available on the Agency website or by contacting the Agency TitleVI/Nondiscrimination Coordinator.

4. The Agency is fortunate to house within its jurisdiction one or more institutions of higher education which have extensive language resources. Further, the Agency maintains cordial relationships with faith-based and community organizations that offer competent language services at low or no cost to the Agency. Finally, the Agency employs several Spanish proficient speakers who are able to interpret or translate.

The analyses of these factors suggest that limited LEP services are required at this time. However, at a minimum, the Agency commits to:

- a. maintain a list of employees who competently speak the LEP language and who are willing to provide translation or interpretation services.
- b. distribute this list to staff that regularly have contact with the public.
- c. provide public notification in the LEP language of the availability of language assistance, free of charge.

The Agency understands that its community characteristics change and that the four-factor analysis may reveal the need for more or varied LEP services in the future. As such, the Agency will triennially examine its LEP Plan to ensure that it remains reflective of the community's needs.

Persons requiring special language services should contact the Agency's TitleVI/Nondiscrimination Coordinator.

VI. Public Involvement:

In order to plan for efficient, effective safe, equitable and reliable transportation systems, the Agency must have the input of its public. The Agency spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The Agency also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the Agency sponsors, attends and participates in other community events to promote its services to the public. Finally, the Agency is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentations by the Agency; its volunteer in any of its activities; offer suggestions for improvement; or, to simply learn more about Agency programs and services should visit the Agency's website or contact:

Michelle Mayher, Town Clerk
2525 Estero Blvd
Fort Myers Beach, FL 33931
239-765-0202
Michelle@fmbgov.com

Hearing Impaired: (same)

VII. Data Collection:

FHWA regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. The Agency 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, the Agency may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in Agency programs, services or activities. This information assists the Agency with improving service equity and ensuring effective outreach. Self-identification of personal data to the Agency will *always* be voluntary and anonymous. Moreover, the Agency will not release or otherwise use this data in any manner inconsistent with the FHWA regulation.