

*Lee MPO's Title VI complaint procedures
March 2006 Edition
and the
Overview of the Lee MPO Title VI Policies for Annual Certification Compliance
March 2006 Edition*

**LEE COUNTY MPO TITLE VI DISCRIMINATION
COMPLAINT PROCEDURE
March 2006 Edition**

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 Lee 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 EOO, 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 issue raised in the complaint.

Overview of the Lee MPO Title VI Policies

For annual certification compliance -- March 2006 Edition

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 rules, 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 Ms. Meghan Marion, Planning Technician/Title VI Coordinator. If you would like to file a complaint you may reach her by email at mmarion@swfrpc.org, by mail at Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901; or by phone at (239) 338-2550 ext. 219. If you are hearing or speech impaired call (800) 955-8770 Voice/ (800) 955-8771 TDD.

As part the annual certification process, the FDOT Department staff may ask what is the MPO's strategy for 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.

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