Martin County Board of County Commissioners

Program to Meet
Title VI Requirements
of the Civil Rights Act of 1964

June1, 2024 – May 31, 2027

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Martin County Board of County Commissioners
Program to Meet Title VI Requirements of the
Civil Rights Act of 1964 as a Recipient and Sub-Recipient of Federal Funding

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1. Title VI 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 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, or national origin.

Martin County's Title VI Notice to the Public is posted in both English and Spanish on the Martin County, FL website (www.martin.fl.us) and in all Martin County transit vehicles. The Title VI Notices to the Public that are posted in all Martin County transit vehicles have been attached to this program as Appendix A.

2. Title VI 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, or national origin 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 in writing. 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. The Title VI Complaint Forms have been attached to this program as Appendix B (English version) and Appendix C (Spanish version).

Complaints should be submitted to any/all below:

Tanyi Grimm Title VI Coordinator 2401 SE Monterey Road Stuart, FL 34996 Email: tgrimm@martin.fl.us Phone: 772-221-1320	Florida Department of Equal Opportunity Office Attention: Title VI Complaint Processing 605 Suwanee Street Tallahassee, FL 33299	Federal Transit Administration Office of Civil Rights Attention: Complaint Team East Building, 5th Floor- TCR 1200 New Jersey Ave. SE Washington, DC, 20590

3. Title VI Complaint Investigation and Retaliation

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. The Title VI Coordinator will maintain a copy of the complaint, along with a record of its disposition. 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.

Pursuant to FTA C 4702.1B, Martin County maintains a list (Table 1) of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active Investigations conducted by FTA and entities other than FTA
- Lawsuits
- Complaints naming the recipient

This list includes the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken in response, or final findings related to the investigation., lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years.

Table 1 List of Title VI Investigations, Lawsuits, and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations	N/A			
1.				
2.				
Lawsuits	N/A			
1.				
2.				
Complaints	N/A			
1.				
2.				

Martin County's compliance with FTA General Reporting Requirements has been included as Appendix H of this program.

4. Limited English Proficiency (LEP) Plan

4A. Introduction

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals based on race, color and 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.

4B. 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.

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. 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 2018 through 2022.

Data collected for Martin County indicated that 13.8% of the population had LEP. Further analysis shows that of the LEP population 71.5% speaks Spanish; 21.4%

speaks an Indo-European language; 6.1% speaks an Asian or Pacific Islander language; and 1.0% speaks another language (see Table 2). This information led staff to review the Spanish speaking LEP group to identify whether this population was concentrated into specific communities.

Table 2: 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-Euro Languages	% of LEP Persons who speak Asian or Pacific Islander Languages	% of LEP Persons who speak Other Languages
153,089	21,133	13.8%	71.5%	21.4%	6.1%	1.0%

Source: U.S. Census Bureau, 2018-2022 American Community Survey 5-Year Estimates

English is spoken "very well" by 95.1% of the population. 4.9% of the population speaks English "less than very well."

Factor 1 as it relates to FTA transit Title VI requirements:

Assess the number and proportion of LEP Persons served or encountered in the eligible service population

a. The number of LEP Persons that have been in contact with Martin County's transit system benefits, services and information is determined through the following means:
    i. Contact with transit vehicle operators
    ii. Calls to the transit system's customer service department
    iii. Visits to the County's facilities
    iv. Access to the County's, and providers' websites
    v. Attendance to community meetings and public hearings

b. Identify concentrations of LEP Persons within the County by using census data and analyze data, identifying specific areas where the proportions of LEP persons exceeds the proportion of LEP Persons in the County, as a whole

c. Contact and meet with relevant community organizations to gather relevant information and discuss services that the County's transit system provides.

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 2 as it relates to FTA transit Title VI requirements:

Frequency in which LEP Persons come into contact with the programs, activities, and services of the County's transit system will be determined through the following ways:

a. A review should be conducted of the County's transit system's programs, activities, and services with which LEP Persons most frequently come in contact.

b. Meeting with the community organization representatives to become informed on how frequently LEP persons use transit service, and what service is used most frequently.

c. Hold a meeting that is convenient and accessible to the LEP Persons or conduct a survey of LEP Persons to obtain relevant information.

Factor 3: Assessing the Importance of County Programs

All 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 3 as it relates to FTA transit Title VI requirements:

Determine the nature or importance of the program, activities, and services of the County's transit system to LEP Persons in the following ways:

a. Establish what activities or services would have serious consequences to individuals if language barriers prevent a person from benefiting from the activity, including security awareness or emergency preparedness and evacuation. Determine if the consequences to these individuals could be life threatening, if the information is not accessible to people with limited English proficiency or if language services in these areas are delayed.

b. Information on the importance of types of services and activities that are provided to LEP populations will be provided by community organizations that serve LEP Persons, as well as contact with LEP persons themselves.

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. Given the size of the Spanish LEP population

and current financial constraints, full language translations of plan documents are not considered warranted or cost feasible at this time. However, Martin County is fortunate to employ bi-lingual individuals and to house within its jurisdiction several institutions of higher education and community organizations that offer competent language services. The County will continually evaluate its programs, services, and activities to ensure that persons who may be LEP are always provided with meaningful access.

The analyses of these four factors suggest that, although the costs for providing access are reasonable, the need is limited and extensive LEP services are not required at this time. Nevertheless, the County believes that Spanish language assistance is necessary for certain activities to provide broad access by members of the public.

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 local agencies, colleges/universities and community partners 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.
- Conduct an annual employee training session on the procedures of communication with LEP persons.

Martin County's Administrative Directed Policy and Procedures for Communication with Persons with Limited English Proficiency (LEP) has been included as Appendix D of this program.

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

Factor 4 as it relates to FTA transit Title VI requirements:

Resources available to the transit system and costs are listed below:

a. Record current and planned services of language assistance, including marketing, customer relations, and other language assistance measures that the transit system is taking or plans to implement. The costs of these efforts will be determined, as well as whether these costs have increased in recent years or are expected to increase. Additionally, an estimate of the number of staff and percentage of staff time that is associated with providing language assistance will be determined.

b. Cost effective practices for providing language services will be considered, including language assistance products that have been developed and paid for by local, regional, or state government agencies that may also have bilingual staff that could provide language assistance on an ad hoc or regular basis.

c. Information related to an equity analysis is not applicable as a facility has not been constructed.

5. 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. Martin County holds a number of meetings, workshops and other events designed to gather public input on project planning and construction. Further, Martin County official and employees attend and participate in other community events to promote its services to the public. Finally, 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.

Public Involvement as it relates to FTA transit Title VI requirements:

The County informs all communities of service changes through public meetings, notices on buses, presentations, social agencies, website, and marketing efforts. The public has been involved with the Transit Development Plan, 2024 -2033 Major Update as well as the following events hosted by the Transit Division:

Manned booth at Martin County Fairgrounds (provided transit information in English & Spanish)

- February 2022
- February 2023
- February 2024

Manned booth at Dr. Martin Luther King Jr. Event

- January 2022

- January 2023
- January 2024

Manned booth at Music and Movement (Golden Gate Community)

- April 2024

Manned booth at City of Stuart Juneteenth Celebration

- Jun 2021
- June 2022

Provided Travel Training to the following organizations various times throughout the years

- LAHIA (Love and Hope in Action)
- Mary's Home
- Volunteers in Medicine
- Girl Scout Troops
- Veteran's Affairs
- Hobe Sound Boys and Girls Club

Public Hearings were held on the following dates in the Martin County Commission Chambers:

- May 9, 2023
- April 30, 2024

Per FTA Circular C4702.1B grant recipients are required to comply with the public participation requirements of 49 U.S.C. Sections 5307 (b) (requires program of projects to be developed with public participation) and 5307 (c)(1)(I) (requires a locally developed process to consider public input). The Martin Metropolitan Planning Agency (MPO) takes the transit Program of Projects (POP) through its established public participation program which includes, the Technical Advisory Committee, Citizen Advisory Committee, Bicycle –Pedestrian Advisory Committee, and the MPO Board for comment and approval. Ultimately, the POP is included in the State Transportation Improvement Program (STIP/TIP) allowing Martin County to continue to apply, accept and manage the transit grant projects.

Over the last three years, at least one annual Public Hearing regarding transit has been held annually. These meetings are attended by citizens who are directly affected and by those who represent people that are currently utilizing the transit system or wish to in the future. A Public Hearing was held on May 9, 2023 at the Board of Martin County Commission Meetings conducted in the Commission Chambers located at 2401 SE Monterey Road, Stuart, televised on Martin County Television (MCTV) and available for viewing at the Martin County website www.martin.fl.us, This meeting was advertised in the Treasure Coast Newspaper. Individuals who were unable to attend were provided the opportunity to mail in comments and concerns via US mail or electronic mail prior to the event to ensure their issues were recognized.

Martin County committee and council member vacancies are advertised through a variety of avenues, including the Martin County website, information releases, and publicly posted notices. By approving the Title VI program, the County acknowledges the desirability of encouraging the participation of minorities on all boards, committees, and councils.

Pursuant to the Bipartisan Infrastructure Law, 49 U.S.C. 53.29(d)(Section 5329(d) the Martin County Transit Joint Safety Committee was established in October of 2022. The Martin County Transit Safety Committee is a formal, joint labor-management committee. The responsibility of the Committee includes:

- Approving Public Transportation Agency Safety Plan (PTASP) updates
- Reviewing the PTASP before the agency's Board of Directors approves it
- Establishing a process and timeline for conducting an annual review and update of the safety plan

5. Subrecipients

Subrecipients as it relates to FTA transit Title VI requirements:

Martin County has no Public Transit related subrecipients.

6. FTA Title VI Service Standards and Policies

To ensure compliance with the Title VI Program, the Martin County Board of County Commissioners (the COUNTY) has implemented eight service indicators to maintain service consistency throughout Martin County to all participants of public transportation.

a. Vehicle Load or Load Factor - is a ratio of the number of seats on a vehicle to the number of passengers. The COUNTY's Demand Response System will not permit any passenger to stand. All seats are reserved by advance reservation assuring a seat for each passenger. The COUNTY's Fixed Route will not exceed the manufacturer's recommended seating and standing capacity per vehicle. A vehicle inventory list is shown in Table 3 indicating the seating and standing capacity per vehicle. If the fixed route exceeds the manufacturer's recommended seating and standing capacity on a recurring basis, plans must be made to decrease headway times during these peak times.

Table 3: Vehicle Load or Load Factor

	Seats and w/c positions	Standing	Total	Maximum Load Factor
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0
Gillig 30'Bus	26 or 20/2	10	36	1.0

b. Vehicle Assignment - refers to the process by which transit vehicles are assigned to routes throughout the system due to variations among vehicles (age, type, size, amenities), type of service offered (express or local), timing of vehicle assignment (time of day, day of week) and other factors. The main area serviced by Martin County Public Transit (MARTY) is the US 1 Corridor, City of Stuart, Hobe Sound and Indiantown. Vehicles are distributed equally for each area by age, type, size and amenities. The fixed route service uses seven (7) heavy duty buses in maximum service These buses are about the same age and are interchanged in routes for servicing or breakdowns.

c. Vehicle Headway - is a measurement of the time interval between two vehicles traveling in the same direction on the same route. Vehicle headways are determined according to the route length, passenger demand and the availability of funding. The driving force for decreasing headways on a fixed route is passenger demand. An evaluation will be performed every six (6) months to ascertain demand on the fixed route and whether frequency of headways, at peak times or throughout the overall route need to be adjusted. Buses should arrive at consistent intervals within 5 minutes of scheduled time.

d. On-time Performance – is a measure of the percentage of runs that are completed as scheduled. The criterion first must define what is considered to be “on-time”. The measurement of on-time performance is no later than 5 minutes of appointment times/time points. On-time performance is achieved when 90% of all trips/runs are completed as scheduled.

e. Distribution of Transit Amenities - refer to items of comfort and convenience available to the general riding public such as benches, shelters and transfer facilities. In working with the Florida Department of Transportation benchmarks were established as criteria for the consideration of benches and shelters. These criteria are as follows:

    1. A stop served by a single route with 10 to 25 daily boarding's will be considered for a bench.
    2. A stop served by a single route with 25 to 50 daily boarding's will be considered for a shelter.
    3. A stop enhanced by a bus bay will be considered for a bench and shelter.
    4. Transfer stops served by more than one route with a daily boarding of 10 to 25 persons will be considered for a bench and shelter.
    5. A Hub served by more than two (2) routes will be considered for a bench, shelter and restroom facilities.

f. Service Availability – is a general measure of the distribution of routes within a transit district. Every five years a study of Martin County's transportation system is reviewed and a Transit Development Plan (TDP) is written. Each year this plan is reviewed and updated accordingly. The TDP considers all aspects of Martin County including minority areas, transit dependent individuals, transit attractors, and recommendations of transit amenities. A major part of the process of the TDP is public involvement. The COUNTY develops their system according to the TDP and funding availability. Service availability for all routes should be between 8 a.m. and 5 p.m. as a minimum requirement.

g. When routes are developed, stops are placed within one mile of each other if feasible.

h. Transit Security – refers to measures taken to protect a recipient's employees and the public against any intentional act or threat of violence or personal harm, either from a criminal or terrorist act. The COUNTY has an approved security plan in place and provides annual training and random checks on the procedures set forth in its plan with all transit employees.

The following tools will be in place to insure service consistency in all areas of Martin County. These tools will be used as a measurement of the system to make decisions on service changes as well as placing capital equipment.

<u>Demand Response System</u>
Any denied transportation trips will be recorded by the Reservationist and the reason why the trip was denied. The Customer Service Call Center will schedule appointments, not to exceed vehicle load capacity by assignment of the proper vehicle size, assigning a vehicle according to accessibility needs. Each driver will be provided a printed manifest to obtain client signature upon boarding. Pick up and drop off times

are recorded in the on-board electronic computer system and is monitored in real-time by a dispatcher. Reports are reviewed by management for decision making purposes.

Fixed Route/Deviated Fixed Route System:
Manifests shall be created for the fixed route/deviated fixed route system indicating all stops. Fixed route/deviated fixed route drivers shall record on the manifest the time they arrived at the stops, passenger boarding, any driving delays and if vehicle load was exceeded. These manifests will be reviewed, and reports will be forwarded to management for decision making purposes. The Customer Service Representative will receive any comments from passengers and forward to management.

Demand Response and Fixed Route/Deviated Fixed Route vehicles shall be inspected before and after each driver's shift, recording any deficiencies. These records will be reviewed daily and actions taken accordingly. Vehicles shall follow a preventive maintenance plan. Vehicle breakdowns, accidents, incidents and complaints on the system will be recorded and forwarded.

6. Data Collection

Federal 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 using 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.

7. 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 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.

Assurances as it relates to FTA transit Title VI requirements:

The Martin County Board of County Commissioners (herein referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial

assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as 'the Act'), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as 'the Regulations') and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directive, no person in the United States shall, on the grounds of race, color and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discriminate under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(a) and 21.32(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with Section 9 and, in adopted form in all proposals for negotiated agreements.

   The Martin County Board of County Commissioners, in accordance with Title VI of the Civil rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000D-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color and national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix E of this assurance in every contract subject to this Act and the Regulations.

4. That the Recipient shall insert the clauses Appendix F of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall 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 shall extend to right to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix's F & G of this assurance, as a covenant running with the land, in any future deeds and leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Section and (b) for the construction of use of or access to space on, over or under real property acquired, or improved under section 9.

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, 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 regarding any matter arising under the Act, the Regulations and this assurance.

11. The Recipient ensures that LEP persons have meaningful access to their programs and activities, in accordance to FTA Circular 4702.1B.

12. The Recipient ensures that in all applicable solicitations for contractors, including Procurement of Materials and Equipment, either by competitive bidding or negotiation made by the Recipient for work to be performed under a contract, including procurement of materials or leases of equipment, each potential contractor or subcontractor or supplier shall be notified by the Recipient on the

Regulations relative to nondiscrimination on the grounds of race, color and national origin.

13. The Recipient shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts and other sources of information, and its facilities as may be determined by the Federal Transit 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 Recipient shall so certify to the Federal Transit Administration as appropriate and shall set forth what efforts it has made to obtain the information.

ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Section 9 and is binding on it, other recipients, sub grantees, contractors, subcontractors, transferees, successor in interest and other participants in the Section 9. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Approved by:

_____

Don Donaldson, County Administrator

Approved as to Form and Legal Sufficiency:

_____

Sarah Woods, County Attorney

APPENDIX A
TITLE VI NOTICE TO THE PUBLIC

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

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

To file a discrimination complaint with Martin County, Attn: ADA Coordinator 2401 SE Monterey Road Stuart, Florida, 34996 or directly with the Federal Transit Administration: Office of Civil Rights, Attention: Complaint Team, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. To obtain more information on Martin County's nondiscrimination requirements, access the Martin County website (www.martin.fl.us/transit) or call 772-221-1320.

TITULO VI
NOTICIA PARA EL PUBLICO

La junta de comisionados del condado de Martin cumple y sus servicios operan de acuerdo con el Reglamento del Título VI, 49 CFR, Parte 21, que establece:

NINGUNA PERSONA O GRUPO DE PERSONAS SERÁ DISCRIMINADA CONTRA CUALQUIERA DE SUS PROGRAMAS, SERVICIOS O ACTIVIDADES EN BASE DE RAZA, COLOR U ORIGEN NACIONAL.

Para presentar una queja de discriminación ante el condado de Martin, a la atención de: coordinador de ADA, 2401 SE Monterey Road Stuart, Florida, 34996 o directamente con la ad- ministración federal de tránsito: oficina de derechos civiles, atención: Equipo de quejas, edificio este, 5to piso-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. Para obtener más información sobre los requisitos de imparcialidad del condado de Martin, acceda al sitio web del condado de Martin (www.martin.fl.us/transit) o llame al 772-221-1320.

APPENDIX B

Martin County Board of Commissioners

Title VI / Nondiscrimination Program

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:	☐ 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 Martin County 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:

APPENDIX C

Junta de Comisionados del Condado de Martin

Title VI / Programa Antidiscriminatorio

Querella 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 Allega Discrimino 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) 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:

APPENDIX D
ADMINISTRATIVE DIRECTED POLICY

To: BCC Employees **From:** Don Donaldson, County Administrator

Subject: Limited English Proficiency (LEP) Policy

Effective Date: April 23, 2024 **Created by:** Tanyi Grimm, Deputy Director of HR and Risk

PURPOSE:

The purpose of this policy is to ensure meaningful access to programs, services and activities by those who do not speak English proficiently.

POLICY:

The County will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. The policy of Martin County is to ensure meaningful communication with LEP patients/clients and their authorized representatives involving their medical conditions and treatment. The policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights, consent to treatment forms, financial and insurance benefit forms, etc. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served.

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

The County will conduct a regular review of the language access needs of Martin County's population, as well as update and monitor the implementation of this

policy and these procedures, as necessary.

PROCEDURE:

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

Martin County will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or "I speak cards," available online at www.lep.gov) or posters to determine the language. In addition, when records are kept of past interactions with residents or customers, the language used to communicate with the LEP person will be included as part of the record.

2. OBTAINING A QUALIFIED INTEPRETER

The Human Resources and Risk Management Director or designee and Human Resources Division is responsible for:

(a) Maintaining an accurate and current list showing the name, language, phone number and hours of availability of bilingual staff;

(b) Contacting the appropriate bilingual staff member to interpret, if an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;

(c) Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

ADMINISTRATIVE DIRECTED POLICY

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and residents/citizens will not be used to interpret, in order to ensure confidentiality of information and accurate communication.

3. PROVIDING WRITTEN TRANSLATIONS

(a) When translation of vital documents is needed, each unit in Martin County will submit documents for translation into frequently encountered languages to the Human Resources Division. Original documents being submitted for translation will be in final, approved form with updated and accurate legal and medical information.

(b) Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

(c) Martin County will set benchmarks for translation of vital documents into additional languages over time.

3. PROVIDING NOTICE TO LEP PERSONS

Martin County will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the Administration Reception Desk, Community Services Building, and any other County facilities that have direct contact with customers. Notification will also be provided through one or more of the following: The County website, public meeting notices and outreach information.

4. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the County will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the County will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from patients and community organizations.

Don Donaldson, P.E., County Administrator

Suppression History:
None

APPENDIX E
To FTA Title VI Assurance Pursuant to 49 C.F.R. § 21.7(b)(2)

1. The MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS is an Equal Opportunity Employer. As such, the MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS agrees to comply with all applicable Federal civil rights laws and implementing regulations. Apart from inconsistent requirements imposed by Federal laws or regulations, the MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS agrees to comply with the requirements of 49 U.S.C. § 5323(h) (3) by not using any Federal assistance awarded by FTA to support procurements using exclusionary or discriminatory specifications. Under this Agreement, the Contractor shall at all times comply with the following requirements and shall include these requirements in each subcontract entered into as part thereof. 1. Nondiscrimination. In accordance with Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

2. Sanctions for Noncompliance. In the event of the Contractor's noncompliance with the nondiscrimination provisions of this Contract, the COUNTY shall impose such contract sanctions as it, the FTA, FDOT or the U.S. DOT may determine to be appropriate, including, but not limited to: withholding of payments to the Contractor under the Contract until the Contractor complies and/or cancellation, termination or suspension of the Contract, in whole or in part.

Approved by:

_____

Don Donaldson, County Administrator

Approved as to Form and Legal Sufficiency:

_____

Sarah Woods, County Attorney

APPENDIX F

To FTA Title VI Assurance Pursuant to 49 C.F.R. § 21.7(a)(2)

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the COUNTY will accept title to the lands and maintain the project constructed thereon, in accordance with the Federal Transit Administration (FTA), the Regulations for the Administration of the FTA and the policies and procedures prescribed by the FTA of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), does hereby remise, release, quitclaim and convey unto the 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 COUNTY, 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 shall be binding on the COUNTY, its successors and assigns.

The COUNTY, 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 shall on the grounds of race, color and 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 [description of land]*, (2) that the COUNTY shall use the lands and interests in lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said lands,

and the above described lands and facilities shall thereon revert to and vest in and become the absolute property of the 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 a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

Approved by:

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Don Donaldson, County Administrator

Approved as to Form and Legal Sufficiency:

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Sarah Woods, County Attorney

APPENDIX G

To FTA Title VI Assurance Pursuant to 49 C.F.R. § 21.7 (a)(2)

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

The grantee, licensee, lessee, permittee, etc., as appropriate for herself/himself, 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 lands") that in the event facilities are constructed, maintained or otherwise operated on the said property described in this (deed, license, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Program of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

<u>Language to be included in licenses, permits, etc.</u>

That in the event of breach of any of the above nondiscrimination covenants, the COUNTY shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said lands and the facilities thereon, and hold the same as if said (licenses, lease, permit, etc.) had never been made or issued.

Language to be included in deeds*

That in the event of breach of any of the above nondiscrimination covenants, the COUNTY shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the COUNTY and its assigns.

The following shall be included in all deeds, licenses, leases permits or similar agreements entered into by the COUNTY pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the lands") that (1) no person on the

grounds of race, color and national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities and (2) that in the construction of any improvements on, over, or under such lands, and the furnishing services thereon, no person on the grounds of race, color and national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise be subjected premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federal-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

Language to be included in (licenses, leases, permits, etc.) *

That in the event of breach of any of the above nondiscrimination covenants, the COUNTY shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said lands and the facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the COUNTY and its assigns.

* Reverter clause and related languages to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

Approved by:

_____

Don Donaldson, County Administrator

Approved as to Form and Legal Sufficiency:

_____

Sarah Woods, County Attorney

APPENDIX H
FTA GENERAL REPORTING REQUIREMENTS

Title VI of the Civil Rights Act of 1964 (Title VI), states the following: "No person in the United States shall, on the grounds of race, color and national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The Department of Justice and the Department of Transportation regulations implementing Title VI, require Federal agencies to collect data and other information to enforce Title VI. In this regard, Martin County Board of County Commissioners, as an applicant, and/or recipient, or sub recipient receiving Federal funding, hereby provides to FTA the following information:

A. There are NO active lawsuits or complaints naming Martin County Board of County Commissioners, nor were there any investigations, complaints, or lawsuits in the past three years, which allege discrimination on the basis of race, color and national origin, with respect to service or other transit benefits.

B. Martin County Board of County Commissioners applies for Federal financial assistance for service programs funded through applications for Sections 5307, 5311, and 5339.

C. Martin County Board of County Commissioners to date has not been subject to any civil rights compliance review activities.

D. A signed FTA/Department of Transportation Title VI is hereby submitted to FTA and will be maintained by the Martin County Board of County Commissioners.

E. Martin County Board of County Commissioners has not utilized any FTA funds for construction projects during the past three years.

F. Martin County Board of County Commissioners has implemented DOT's policy guidance concerning recipients' responsibilities to Limited English Proficient (LEP) persons to overcome barriers to public participation.

Submitted by:
James Gorton.
Public Works Director

Approved by:

_____
Don Donaldson, County Administrator