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# Title VI and Nondiscrimination Implementation Plan

Federal Fiscal Year 2021  
October 1, 2020  
Federal Highway Administration

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## TITLE VI PROGRAM POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 provides that no person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the grounds of race, color, or national origin under any program or activity receiving federal financial assistance.

Nondiscrimination laws are also found in other statutes, regulations, and Executive Orders. The Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. Disability was added as a protected class through Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Age was subsequently added in 1975 under the Age Discrimination Act. In addition, Executive Order 12898 (1994), also known as environmental justice, requires recipients of federal financial assistance to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. Executive Order 13166 (2000), limited English proficiency or LEP, was signed into effect which requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their programs and activities to LEP beneficiaries.

The Civil Rights Restoration Act of 1987 defined “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance. Thus, state and local government, corporations, partnerships, and other private organizations or sole proprietorships are covered in their entirety if such entity receives any federal financial assistance ([FHWA Notice N 4720.6](#), September 2, 1992).

MnDOT is committed to ensuring that no person in the State of Minnesota, on the basis of race, color, national origin, sex, age, disability, or income status, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any and all programs, services, or activities administered by the department, its recipients, subrecipients, and contractors. Additionally, MnDOT is committed to ensuring that its programs incorporate access for people with limited English proficiency.

MnDOT, as a recipient of federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 C.F.R. Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); 49 C.F.R. Part 21 and 49 C.F.R. Part 303; and related statutes and regulations. MnDOT acknowledges it is subject to and will comply with Federal Highway Administration and Federal Motor Carrier Safety Administration Title VI Assurances.

Title VI responsibilities are delegated to the Title VI Coordinator in the Office of Civil Rights. The Title VI Coordinator has direct access to the Commissioner of MnDOT for Title VI issues. The MnDOT Division Directors and District Engineers, in conjunction with the assigned Title VI Liaisons, are responsible for developing and implementing procedures and guidelines to adequately monitor and administer MnDOT programs in compliance with Title VI.

MnDOT recognizes the need for and provides Title VI training to MnDOT personnel. MnDOT also adequately staffs the Office of Civil Rights, which is charged with the overall management of the Title VI Program.

Any person who believes that they, individually, or as a member of any specific class of persons, have been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, or income status may file a discrimination complaint with MnDOT using the complaint form located on MnDOT's Title VI website. The complaint form and procedures are also available in hard copy, Spanish, Somali, Hmong, and additional languages upon request.

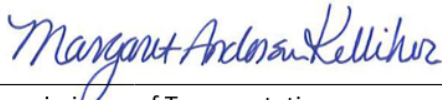
The MnDOT Title VI website is: <http://www.dot.state.mn.us/civilrights/titlevi.html>

For more information about the MnDOT Title VI Program, please contact Kim Collins, Director of the Office of Civil Rights:

Address: 395 John Ireland Blvd., MS 170, St. Paul, MN 55155

Email: [Kim.Collins@state.mn.us](mailto:Kim.Collins@state.mn.us)

Phone: 651-366-3150



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Commissioner of Transportation  
State of Minnesota (MnDOT)

9-10-2020

\_\_\_\_\_  
Date

## INTRODUCTION AND ASSURANCES

The Minnesota Department of Transportation (MnDOT) is a recipient of federal financial assistance. All recipients are required to comply with nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, which forbids discrimination against anyone in the United States because of race, color or national origin. The MnDOT Commissioner signs the Federal Highway Administration (FHWA) and Federal Motor Carrier Safety Administration (FMCSA) United States Department of Transportation Standard Title VI/Non-Discrimination Assurances (DOT Order No. 1050.2A) annually, which are attached as **Appendix A**.

The FHWA requires recipients of federal financial assistance to prepare an annual implementation plan to clarify roles, responsibilities and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964. This plan has been prepared in accordance with 23 C.F.R. § 200.9(b)(11).

## ACCESS TO RECORDS

MnDOT will make available all Title VI Program-related documentation to FHWA, Federal Transit Administration, FMCSA, and Minnesota Department of Public Safety upon request during normal business hours.

## ORGANIZATION AND STRUCTURE

MnDOT leadership consists of one Commissioner who is appointed by the Governor of Minnesota and a team of four executive leadership management staff who manage the Department. The MnDOT organizational chart is accessible [online](#) and attached as **Appendix B**.

Title VI requirements extend into every division, and therefore, each district and office are required to appoint a Title VI Liaison. The Office of Civil Rights is responsible for the overall management of the Title VI Program, detailed below.

### Office of Civil Rights

The Director of Civil Rights has the responsibility for the implementation of and compliance with the MnDOT Title VI Program and is the MnDOT Title VI Coordinator. The Title VI Coordinator, on behalf of the Department, is responsible for the overall management of the Title VI Program and the Office of Civil Rights staff. This position has direct access to the MnDOT Commissioner regarding Title VI issues. The Title VI Coordinator is under the direct supervision of the Chief of Staff.

The Title VI Specialist reports to the Title VI Coordinator and is responsible for ensuring compliance with Title VI of the Civil Rights Act, including preparing and submitting required reports, conducting compliance reviews and training, and complaint investigation and enforcement. The Title VI Specialist monitors each district office through the Title VI Program Area Review Survey. The Title VI Specialist distributes the Title VI Program Area Review Survey annually to all Title VI Liaisons. An overview of the Title VI Program Area Review Survey is within the *Program Area Review Procedures* section of this plan. A complete list of the Title VI Specialist responsibilities is at the end of this section and attached as **Appendix D**.

The MnDOT Office of Civil Rights is broken down into four teams: Small Business Contracting; Equal Employment Opportunity (EEO) and Contract Compliance; Business and Program Development; and Technology. Each team administers and manages portions of the MnDOT Civil Rights programs. Each team reports to a supervisor that provides oversight in the execution of the programs and professional staff that monitor and administer the day-to-day activities. The MnDOT Office of Civil Rights organizational chart is accessible [online](#) and attached as **Appendix E**.

### *Small Business Contracting*

The [Small Business Contracting](#) team monitors and enforces the Disadvantaged Business Enterprise (DBE), Targeted Group Business (TGB), and Veteran-Owned Small Business Programs. These programs ensure that the MnDOT construction and professional/technical contracting processes provide access to minority and women-owned businesses and work to eliminate discrimination in the contract letting process. Specialists review proposed projects prior to advertisement to determine whether a contract goal is applicable and set project specific goals in accordance with 49 C.F.R. Part 26 and various state requirements. The Specialist is also responsible for ensuring compliance with the program by reviewing small business project requirements prior to award and monitoring projects post award.

The team consists of nine professional staff that work to ensure compliance with 49 C.F.R. Part 26 and various state requirements within a specific geographic assignment.

### *Equal Employment Opportunity and Contract Compliance*

The [Contract Compliance](#) team monitors and enforces EEO, On-the-Job Training (OJT), and Tribal Employment.

The EEO Program requires contractors to actively recruit women and minority individuals for employment in accordance with federal and state EEO laws and MnDOT policies. The EEO program requires a workplace free from discrimination, harassment, and violence.

A team of Contract Compliance Specialists manage the EEO program. They perform in-depth EEO project reviews as required by federal regulation, monitor the implementation of EEO requirements, and investigate, and resolve EEO concerns on projects. The team also manages the OJT Program, which aims to recruit, train and place minority and women individuals with highway construction contractors. The Contract Compliance Specialists also work with Tribal Employment Rights Offices, contractors, and MnDOT districts to ensure appropriate application of Tribal sovereignty when highway contracting occurs on or near Tribal reservations.

The team consists of six professional staff who are responsible for monitoring and administering the EEO program.

### *Business and Program Development*

The [Business and Program Development](#) team develops programs, services, and tools to support small business development and OJT supportive services. The OCR Small Business Development program provides training and technical assistance, along with access to business and financial resources that help small businesses compete more effectively on MnDOT projects/contracts. Further, OCR delivers outreach and support activities to increase the number of certified DBE firms and grow Minnesota's skilled

construction workforce. The OJT supportive services program develops projects and services that will enhance the state's administration of the federal OJT program and assist to increase the pool of qualified minorities, women and disadvantaged individuals in the highway heavy construction trades.

The team consists of four professional staff that administer the small business development and OJT supportive services.

### *Business Coordinator*

The Business Coordinator is responsible for developing and implementing the technology plan. This includes achieving full functionality of the AASHTOWare Suite, specifically the Civil Rights and Labor (CRL) module. The team also provides ongoing support and ensures system stability and data integrity of critical information in the Contracts Agreements Audit Tracking System. This includes assisting in implementing any new functionality requirements to meet state and federal mandates and business process changes.

### *Title VI Specialist Responsibilities*

**Responsibility I: Development of MnDOT's Title VI Program, Policies, and Practices.** Evaluate MnDOT's programs and activities to assess compliance with the Title VI Implementation Plan; collaborate across functions to include a Title VI perspective in the Department's multi-modal planning activities; develop tools to enhance the understanding and application of Title VI principles for MnDOT program areas, staff and subrecipients. Develop solutions to address special emphasis program area compliance. Provide information and input to decision-making regarding MnDOT's Title VI policy. Provide MnDOT management with a comprehensive review of MnDOT's Title VI Program compliance.

**Responsibility II: Title VI Program Administration and Reporting.** Administer and maintain a comprehensive Title VI compliance program for MnDOT to ensure its Title VI policy is fully integrated in MnDOT's programs, activities, and policies. Ensure that MnDOT is performing key elements of the Title VI Implementation Plan for the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA); Title VI functions identified in FHWA Stewardship Agreement are conducted. Coordinate Title VI planning and compliance activities with Title VI Liaisons statewide to ensure all understand their roles. Collaborate with MnDOT Offices such as Land Management/Right of Way, Environmental Stewardship, Communications and Public Engagement, and Equity and Diversity to ensure the agency has an internal plan to address its responsibilities pursuant to Title VI.

**Responsibility III: Compliance Reviews, Monitoring and Tracking.** Assess subrecipients through an evaluation of services, policies and practices, and the effects thereof to identify program deficiencies; partner with subrecipients to assess their compliance with Title VI, provide guidance and notices of identified insufficiencies; advise offices/districts about necessary modifications, and establish a system for periodically reviewing and updating the evaluation and corrective action.

**Responsibility IV: Title VI Training.** Provide statewide training and workshops to internal and external stakeholders; draft reports; develop Title VI information for dissemination to the general public and ensure language translation resources are identified; engage in community outreach and public education with subrecipients; inform other offices in MnDOT about Title VI in public engagement.

**Responsibility V: Conduct Title VI Investigations.** Conduct investigations and resolve complaints of discrimination and harassment received by MnDOT related to external subrecipients and contractors;



convene appropriate MnDOT personnel in resolutions; refer conflicts of interest to FHWA/FTA; lead mediation and conciliation meetings.

### *Title VI Coordinator*

The Director of the Office of Civil Rights operates as the Title VI Coordinator. This position has a broad position description not included here.

## **Public Engagement Personnel**

Beginning in late 2017, MnDOT created additional district-based public engagement-oriented positions in recognition of the fact that engagement is local and should be performed primarily by MnDOT employees at our district offices (in addition to Central Office staff who also conduct engagement activities within modal offices). The nature of engagement varies from traditional communications activities because it solicits feedback and acknowledges public input when decisions are being made. District engagement staff currently assist in a wide range of matters from project-related dialogue with the public and interactions with elected officials to internal policy development and documentation of best practices regarding how and when MnDOT engages with the people of Minnesota.

## **Title VI Liaisons**

The MnDOT Title VI Program requires the appointment of a Title VI Liaison for each district and office. The Title VI Liaison is responsible for understanding and identifying Title VI issues, requirements, policies, and procedures; supplying Title VI guidance to internal and external stakeholders (or connecting to resources that can supply guidance); collecting data and reporting on Title VI activities and implementation; assisting with Title VI monitoring and compliance activities; and acting as a liaison to the Office of Civil Rights. The Office of Civil Rights ensures that other divisions are in compliance through contact with Title VI Liaisons. The current Title VI Liaison List is provided below.

The Title VI Program Roles and Responsibilities are outlined and attached as **Appendix C**.

## Title VI Liaison List – Offices

<b>Title VI Liaison</b>	<b>Office</b>
Suzanne Thayer	<i>Administration</i>
Linda Christen	
Ryan Gaug	<i>Aeronautics</i>
Dave Solsrud	<i>Asset Management</i>
Jean Wallace	
Dan Kahnke	<i>Audit</i>
Kevin Western	<i>Bridge</i>
Kristin White	<i>CAV-X</i>
Tara Olds	
Fatema Haji-Taki	<i>Chief Counsel</i>
Kim Collins	<i>Civil Rights</i>
Jacob Loesch	<i>Communications and Public Engagement</i>
Tom Ravn	<i>Construction &amp; Innovative Contracting</i>
Robin Sylvester	<i>Controller/Financial Management</i>
Marni Karnowski	<i>Environmental Stewardship</i>
Seema Desai	<i>Equity &amp; Diversity</i>
Laura Roads	<i>Freight &amp; Commercial Vehicle Operations</i>
Jennifer Witt	<i>Government Affairs</i>
Karin Van Dyck	<i>Human Resources</i>
Mike Moran	<i>Land Management</i>
Ann McLellan	<i>Maintenance</i>
Glenn Engstrom	<i>Materials &amp; Road Research</i>
Lisa Bilotta	
Kristi Billiar	<i>Operations Division</i>
Janet Cherney	<i>Organizational Planning &amp; Management</i>
Tom Styrbicki	<i>Project Management &amp; Tech Support</i>
Katie Fleming-Vogl	<i>Research and Innovation</i>
Chelsey Palmateer	<i>State Aid</i>
Lynnette Roshell	
Alice Robbins	<i>Statewide Radio Communications</i>
John Peters	<i>Traffic Engineering</i>
Jean Meyer	<i>Transit and Active Transportation</i>
Brian Gage	<i>Transportation System Management</i>
Philip Schaffner	

## Title VI Liaison List – Districts

Title VI Liaison	District
Duane Hill	<i>D1</i>
Michael Kalnbach	
J.T. Anderson	<i>D2</i>
Brad Scott	
Michael Ginnaty	<i>D3</i>
Betty Jo Winterowd	
Shiloh Wahl	<i>D4</i>
Doug Newman	
Michael Barnes	<i>Metro District</i>
Mary Schmidt	
Mark Schoenfelder	<i>D6</i>
Mike Dougherty	
Peter Harff	<i>D7</i>
Greg Ous	
Jon Huseby	<i>D8</i>
Craig Gertsema	

## SPECIFIC DISCRIMINATION PROHIBITED

As stated in [49 C.F.R. § 21.5](#), MnDOT will not, directly or through contractual or other arrangements, on the grounds of a protected class\*:

- Deny a person any service, financial aid, or other benefit provided under the program;
- Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;
- Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
- Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
- Treat a person differently from others in determining whether they satisfy any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;
- Deny a person an opportunity to participate in the program through the provision of services or otherwise afford them an opportunity to do so which is different from that afforded others under the program;
- Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program;
- Utilize criteria or methods of administration which have the effect of defeating or substantially impairing the accomplishment of effective nondiscrimination;
- Discriminate in any activities related to highway and infrastructure or facilities built or repaired in whole or in part with Federal funds;
- Discriminate in any employment resulting from a program, the primary purpose of which is to provide employment.

\*See [49 C.F.R. § 21.5\(b\)\(7\)](#) for information on when consideration of protected classes is permissible.

## PROGRAM AREA REVIEW PROCEDURES

MnDOT monitors internal Title VI compliance by conducting annual reviews of program areas through the use of a Title VI Program Area Review Survey and a Title VI Program Scorecard. If deficiencies or compliance gaps are discovered in a particular program areas, the Title VI Specialist will coordinate with the program in question to ensure compliance. For more information, see *Special Emphasis Program Areas* below.

There are no pre-grant or post-grant approval reviews for MnDOT offices and districts.

### Title VI Program Area Review Survey

The Title VI Specialist utilizes the Title VI Program Area Review Survey to assist in gathering information about MnDOT's compliance with the various obligations and responsibilities required by MnDOT's Title VI policy. The surveys are completed by Title VI Liaisons who supply the program area knowledge as it relates to what is happening in their particular district and office. The Title VI Specialist monitors the progress of the reviews to ensure timely completion and submission. These reviews are conducted on an annual basis.

The survey questions are grouped into major themes of the MnDOT Title VI Program, which include: general administrative information, environmental justice and continuous public engagement, limited English proficiency, accessibility, and internal education. Some specific questions within the major themes relate to complaints received, required postings, Title VI-related goals, the collection of demographic data, public outreach and involvement to historically underserved groups, documenting translation and the use of interpreters, contracts and agreements, employee Title VI awareness and training, and other related information.

The MnDOT Title VI Program Area Review Survey sent out in FFY 2020 is attached as **Appendix F**.

## **Title VI Program Scorecards**

The Title VI Specialist creates the Title VI Program Scorecards based off of the responses received within the Title VI Program Area Review Surveys. The scorecard provides the opportunity to report back to the offices and districts on their performance within the major themes of the MnDOT Title VI Program. The scorecards allow the Title VI Specialist to share best practices across the agency as well as the identification of areas that need improvement. Finally, the scorecard establishes a baseline for measuring the adequacy of the Title VI Program and captures historical data on MnDOT's compliance as an agency.

## **Program Areas Impacted By Title VI**

### *Office of Communications and Public Engagement*

The MnDOT Office of Communications and Public Engagement prepares and distributes Departmental information to the public and engages and involves the public through market research, customer response management, and customer and stakeholder relations.

Some activities of the office include: maintaining MnDOT's internal and external websites and social media pages; providing public meeting and public hearing notices; broadcasting news releases on key issues and events of public interest; responding to media requests; coordinating news media appearances and interviews; preparing presentations to various civic and local government groups; and, for internal customers, providing public engagement planning and strategy, training and support, and statewide coordination.

A key responsibility of the office is to ensure statewide quality and consistency of public engagement programs and practices across MnDOT districts, in specialty offices and in functional areas such as multimodal programs and state highway planning and project development. To most effectively engage with the public, it's important to understand what the traveling public and other transportation system user's value, need, and believe. MnDOT's Market Research team provides various services to gather this information. The Customer Relations team strives for timely, consistent, and accurate responses to the public. The office also ensures full and fair access to information that is disseminated for public consumption and can arrange for translation services, if requested.

CorrFlow software is used to track internal responses to external customers.

### **Assurance Activities**

- Ensure that information is disseminated in alternative languages upon request consistent with the MnDOT LEP Commitment.

- Ensure that targeted populations are included as stakeholders, when applicable.
- Ensure statewide consistency for various MnDOT public engagement activities.
- Ensure agency compliance with MnDOT [Public Engagement](#) and [Website Development and Management](#) policies.

### *District Offices*

There are eight MnDOT district offices located throughout the state. The district offices provide a local point of contact on programs, projects, and activities happening within their geographic location. Each district office conducts project-specific public engagement that is consistent with environmental justice and limited English proficiency requirements for public outreach during the development of MnDOT projects within their district. Each district office compiles the demographic data in the project area, and details the required public outreach and recommendations for community resources to aid in information dissemination. The district offices coordinate translators for public hearings and document translation requests. The district offices also pledge continuous public engagement and relationship-building with the public to earn trust and mutual understanding.

### *Assurance Activities*

- Compile demographic data on each project to ensure that public outreach is targeted to the identified populations.
- Through cooperation with other offices, identify low-income and minority populations and take steps to appropriately address disproportionately high and adverse effects to their health and environment.
- Ensure meaningful participation opportunities exist for LEP individuals and underserved communities.
- Ensure that information is disseminated in alternative formats upon request consistent with the MnDOT LEP Commitment.

### *Office of Land Management*

The Office of Land Management provides surveying, mapping, utility agreements, valuation, acquisition and disposition of property for program delivery clientele to assure legal, timely, and standardized land management services.

### *Assurance Activities*

- Make every reasonable effort to ensure clear communication when engaging in interactions with LEP, sight impaired or hearing impaired individuals. This includes the use of interpreters when necessary.
- Through cooperation with other offices, identify low-income and minority populations and take steps to appropriately address disproportionately high and adverse effects to their health and environment.
- Ensure equitable treatment of all affected property owners, regardless of race, color, national origin, sex, age, disability, and income status. This includes, among other impacts, appraisal values, relocation assistance and opportunities for purchase of excess property.
- Monitor and review the right-of-way activities of cities and counties to verify compliance with Title VI in their right-of-way processes.

- Ensure applicable nondiscrimination language and appendices are included in contracts and agreements.

### *MnDOT Planning and Programming*

The MnDOT Planning and Programming responsibilities consist of a range of activities. These include writing plans, conducting data analysis, reviewing performance outcomes, and managing the capital program. Planning and programming happens both at the district-level and the statewide level. Title VI factors into the planning phase and is addressed by ensuring effective public involvement processes are in place.

#### Assurance Activities

- Ensure that environmental justice considerations are addressed during route and project selection.
- Ensure full and fair participation of minority, low-income, LEP, elderly and disabled individuals in public involvement opportunities during project development activities.
- Demonstrate a consistent application of design standards to eliminate, minimize or mitigate adverse impacts among affected groups, and to provide equitable levels of service to those groups.
- Provide opportunities for DBE firms on consultant contracts.
- Ensure ADA compliance.

### *MnDOT Contract Management*

The Contract Management Section serves two main purposes. First, contract management provides technical assistance to MnDOT project managers and others involved in contracting for services. Second, contract management provides oversight of all MnDOT contracts to assure that all contracts and contract processes comply with law and policy and promote and protect the public interest.

#### Assurance Activities

- Include Required Contract Provision FHWA-1273 as it relates to letting and awarding of contract documents.
- Ensure bidding and contract award procedures are consistent with nondiscrimination and Equal Opportunity requirements.
- Ensure Appendix A and Appendix E of the Standard Assurances are included in all contracts let through the Office of Contracts.

## **SPECIAL EMPHASIS PROGRAM AREAS**

During the annual review conducted by the Title VI Specialist, program areas are deemed special emphasis program areas if they have been found to have a trend or pattern of discrimination, or have failed to comply with or participate in Title VI requirements. By identifying a program area as such, MnDOT is able to track and report on the progress in the annual report.

Program areas identified for review will be notified in writing in advance to ensure the attendance of the Office Director or District Engineer and other key personnel. The notification may include a compliance

review questionnaire containing questions that are required to be answered in writing and returned within 30 days of receipt.

The Title VI Specialist will review the responses to the compliance review questionnaire during the desk review process to determine if an on-site review of the program area is required. The on-site review may consist of an entrance conference, review of files and documentation, interviews, and an exit conference, as deemed necessary by the Title VI Specialist.

A compliance review report will be issued within 30 days following the exit conference. No action on the part of the program is required on findings of compliance although recommendations may be provided that should be considered. If the review contains deficiencies, the program area, with the assistance of the Title VI Specialist, will be required to develop a Corrective Action Plan to overcome any findings within a period not to exceed 90 days.

### **Corrective Action**

If a program area is found to have deficiencies, the program area or office, with the assistance of the Title VI Specialist, will develop a Corrective Action Plan to be implemented within 90 days. The report will state how the discriminatory practice or concern will be corrected and a date when the corrections will be completed. The report will also include: the date(s) the review was conducted, name(s) of person(s) involved in developing the Corrective Action Plan, and the Division Director's or District Engineer's signature along with the date reviewed and signed.

The Title VI Specialist will seek the cooperation of the program area in correcting deficiencies found during the review. The Title VI Specialist will also provide the technical assistance and guidance needed to aid the program area.

## **SUBRECIPIENT REVIEWS**

A subrecipient may include, but is not limited to, counties, cities, townships, colleges, universities, planning organizations, transit agencies, consultants, non-construction contractors, and non-construction subcontractors. As a condition of receiving federal funds, the subrecipient must sign an assurance of nondiscrimination and agree to carry out the requirements of the Title VI Program.

### **Subrecipient Self-Assessment**

MnDOT will enhance its subrecipient oversight beginning in calendar year 2021 by circulating a Title VI self-assessment to its city and county subrecipients. The assessment will address all important elements of Title VI compliance, including Title VI assurances, public notices, designation of Title VI coordinator, complaint processes and forms, limited English proficiency accommodations, environmental justice, public engagement, data collection and analysis, and goals for improving Title VI compliance. Similar to its internal Title VI survey, the assessment will result in an overall score to establish a baseline for current subrecipient compliance. Assessment responses will inform MnDOT's subrecipient review selections, development of training, and creation of resources and tools for subrecipients.



## Procedures for Conducting Reviews of Subrecipients

In accordance with 23 C.F.R. § 200.9(b)(7), OCR conducts periodic reviews of subrecipients to monitor Title VI compliance. The compliance review will focus on how effectively the subrecipient has implemented its Title VI program by analyzing each of the elements required to ensure compliance. MnDOT reserves the right to conduct a subrecipient review of any subrecipient. However, generally MnDOT will prioritize subrecipients for review based on a number of factors including: (1) pre-existing areas of deficiency in its Title VI program, (2) receipt of a Title VI complaint involving the subrecipient, (3) feedback from local community, and (4) amount of federal funding received by the subrecipient in recent years.

These reviews ensure Title VI compliance and an opportunity to provide technical assistance to subrecipients. Subrecipients selected for review can expect the process to follow the steps laid out below.

### 1. Notification

The subrecipient receives a notification letter stating it has been selected for review. The letter includes an itemized list of information and documentation to be submitted to OCR within thirty calendar days. The following is a summary of items requested to be submitted as evidence of the subrecipient's Title VI compliance:

**Nondiscrimination Policy Statement:** Provide a statement of its commitment to nondiscrimination on the basis of race, color, national origin, sex, age, and disability as a recipient of federal financial assistance that is signed by the top agency official and circulated throughout the organization and general public.

**Public Notice of Rights:** Public must be informed of their rights against discrimination under Title VI and how to file a Title VI complaint. At a minimum, the notice must be posted on the subrecipient's website and in locations accessible to the public.

**Standard DOT Assurances:** Maintain a signed version of the U.S. DOT 1050.2A Standard Title VI/Non-Discrimination Assurances in which the subrecipient assures that its programs will be conducted in a nondiscriminatory manner. The subrecipient is also responsible for ensuring the disadvantaged business enterprise solicitation language and various appendices included in the Title VI Assurances are inserted into contracts as required.

**Title VI Coordinator:** Designate a Title VI Coordinator who has sufficient training, authority, and access to the subrecipient's leadership to carry out the necessary Title VI responsibilities and oversight.

**Complaint Procedures and Tracking:** Document and investigate all Title VI discrimination complaints. Subrecipients must develop procedures and forms for investigating and tracking complaints pursuant to 23 C.F.R. § 200.9(b)(3). The complaint procedures and forms must be disseminated internally and externally. At a minimum, the complaint procedures and forms must be posted on the subrecipient's website.

**Limited English Proficiency (LEP):** Ensure that LEP individuals have meaningful access to services, pursuant to Executive Order 13166. Subrecipients are required to perform an LEP four-factor analysis and develop a procedures for providing language assistance and outreach to LEP populations. The subrecipient must record requests for language assistance and measures taken to assist LEP individuals.

**Environmental Justice:** Describe how environmental justice principles explained in Executive Order 12898 are included in all stages of program planning, development, and implementation. Ensure low-income populations are included in the subrecipient's demographic data analysis.

**Public Outreach and Participation:** Describe procedures for proactively eliciting and soliciting participation from underserved communities to ensure their participation. Ensure staff is trained to provide language access resources as needed during public outreach.

**Data Collection and Analysis:** Develop procedures for the collection of statistical data (race, color, sex, age, disability, and national origin) of participants in, and beneficiaries of the subrecipient's programs. *See 23 C.F.R. § 200.9(b)(4).* Periodically conduct data analysis to inform public outreach strategies.

## **2. Desk Audit**

OCR reviews submitted material. The Title VI Specialist prepares an initial report of findings, including deficiencies requiring corrective action and non-mandatory recommendations to strengthen the subrecipient's Title VI program.

## **3. On-Site Review**

Depending on the findings of the desk audit, OCR may request an on-site review, including inspection of the subrecipient's facilities and interviews with relevant personnel. If an on-site review is necessary, the subrecipient will be notified within 15 calendar days of the acceptance date of all necessary documents.

## **4. Compliance Review Report**

A Compliance Review Report will be issued within 15 calendar days following completion of an on-site review. If no on-site review is conducted, a compliance review report will be issued to the subrecipient within 15 calendar days of the acceptance date of all necessary documents. The report will detail any identified deficiencies in the subrecipients Title VI program, including a proposed Corrective Action Plan.

Subrecipients will be encouraged, but not required, to create a Title VI Plan and a Title VI Goals and Accomplishments Report. MnDOT will provide templates for each document, as well as copies of its own documents online as models. Subrecipients will be encouraged to work with MnDOT's Title VI Specialist to ensure plans and reports are drafted accurately and comprehensively.

## **5. Corrective Action Review Meeting**

The Title VI Specialist will schedule a meeting to review the report and proposed Corrective Action Plan. Subrecipient will have an opportunity to provide input and suggestions regarding the proposed

corrective action timeline. However, the proposed corrective actions must be completed within 90 calendar days.

If there are no deficiencies, the Title VI Specialist will determine whether a review meeting is necessary. The Compliance Review Report may provide recommendations for improving the subrecipient's Title VI Program.

The results of the subrecipient compliance reviews will be reported in the FHWA MnDOT Title VI Goals and Accomplishments Report.

## **6. Follow-Up Monitoring**

OCR will determine whether any follow-up monitoring is necessary to ensure on-going Title VI compliance.

## **DATA COLLECTION**

MnDOT is required to collect statistical data of participants in and beneficiaries of its programs. See 23 C.F.R. § 200.9(b)(4). MnDOT civil rights staff work with program area staff (environmental, planning, right-of-way, district offices, etc.) to collect and analyze data. The following is a brief description of data collection efforts conducted by MnDOT:

**Market Research:** MnDOT's Communications and Public Engagement Office houses the Market Research unit, which conducts quantitative and qualitative research for MnDOT to ensure the voices of our customers are used to inform and improve MnDOT's planning, programs, and decisions.

**Public Engagement:** Demographic information of participants in public engagement information is collected via an exit survey provided during in-person or online engagement activities. District and offices review exit survey data to determine whether engagement is reaching all necessary demographics.

**Right of Way:** MnDOT mails out a demographic form to track the race, ethnicity, and gender of residents and business owners who have been relocated through the MnDOT Right of Way Program.

**Environmental Planning:** MnDOT collects and analyzes U.S. Census and other data regarding populations expected to be impacted by MnDOT projects. Race and income data is collected during the environmental review process. [Click here for more information on MnDOT's environmental planning process.](#)

**Statewide Planning:** As part of the Statewide Planning Process, MnDOT staff analyze demographic maps that include median income levels per county and racial/ethnic makeup at the U.S. Census tract level. [Click here for more information on MnDOT's statewide planning efforts.](#)

## TRAINING PROCEDURES

### Title VI Specialist

It is the responsibility of the Title VI Specialist to provide internal and external training related to Title VI. Both the Title VI Coordinator and Specialist attend continuing education on Title VI topics annually in order to stay current with Title VI issues and trends.

### Civil Rights Staff, Title VI Liaison and Other Employee Training

On an annual basis, the Title VI Specialist provides training to the MnDOT Office of Civil Rights Staff, Title VI Liaisons and other employees that details program requirements, responsibilities, compliance, enforcement, and updates, among other topics. This training may be offered on more than one day to accommodate work schedules. Title VI Liaisons in each district and office are responsible for ensuring training on Title VI-related roles and responsibilities for new employees.

The training provided by the Title VI Specialist provides comprehensive information on Title VI and related nondiscrimination provisions, its application to program operations, identification of Title VI issues, the discrimination complaint procedures and process, etc.

### Subrecipients and Stakeholders

MnDOT provides guidance and training to applicants for federal financial assistance and subrecipients in developing and updating their Title VI Program as needed or requested.

## COMPLAINT PROCEDURES

Any person who believes that they, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, national origin (including limited English proficiency), sex, age, disability or income status<sup>1</sup> may file a Title VI complaint with MnDOT. The available ways to file a complaint are outlined within the *Complaint Format and Submission* section of this plan.

The Title VI discrimination complaint process provides aggrieved persons an avenue to raise complaints of discrimination and asks an agency to take action concerning these allegations. The complaint process allows MnDOT to investigate allegations of discrimination and develop corrective action as necessary. Corrective action aims to remedy the situation while improving the Title VI Program and overall compliance.

Any investigation or inquiry into Title VI discrimination complaints are part of an administrative process and do not provide legal remedies. These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside enforcement agency or to seek private counsel for complaints

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<sup>1</sup> *Income status is afforded protection under the umbrella of environmental justice and will be reviewed and processed accordingly.*

alleging discrimination. Further, FHWA and FTA, respectively, have delegated authority for all final decisions, dismissals, and Letters of Findings. Letters of Findings issued by FHWA and FTA are administratively final.

Prior to taking formal action to effect compliance, MnDOT will attempt to resolve noncompliance informally.

## Complaint Format and Submission

All Title VI complaints are considered formal and prompt the start of a prescribed process. Complaints must be in writing and, at a minimum, contain the following information:

- A written explanation of the events supporting the complaint;
- Contact information of the complainant;
- Identification of the protected class claimed, for example, race, color, national origin, sex, age, disability or income status;
- Identification of the agency or organization alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred;
- The date(s) of the alleged discriminatory act(s) or, in the case of a continuing act, the date the act was discontinued;
- Signature of the complainant and/or complainant's representative; and
- A letter of representation, if represented by an attorney.

The "MnDOT Title VI and Other Discrimination Complaint Form" (complaint form) contains all of the required information in order for MnDOT to process a complaint. The complaint form is available in English, Spanish, Somali, Hmong, and additional languages upon request. The complaint form can be completed and submitted in several ways which are outlined below. MnDOT will accept complaints in alternative formats from persons with disabilities upon request. A copy of the complaint form is attached as **Appendix G**.

### *Online Complaint Form*

If completed and submitted via the online complaint form, the completed complaint form will automatically submit to the Title VI Specialist via email.

[Click here to view the online complaint form.](#)

### *Printed Hard Copy Complaint Form*

Click the links to access hard copy versions of the complaint form in [English](#), [Spanish](#), [Hmong](#), and [Somali](#).

If completed and submitted on a hard copy version of the complaint, the completed and signed complaint form must then be mailed, faxed, or sent via email to any of the addresses outlined below.

*Email:*

[OCRFormSubmissions.DOT@state.mn.us](mailto:OCRFormSubmissions.DOT@state.mn.us)

*Mail:*

Minnesota Department of Transportation  
Office of Civil Rights  
Attn: Title VI Coordinator  
395 John Ireland Blvd, MS 170  
St. Paul, MN 55155

*Fax:*

651-366-3129  
Attn: Title VI Coordinator

*Allegations Provided Over the Telephone*

A complainant has the option to call MnDOT and provide complaint allegations over the telephone. MnDOT will write the allegations within the complaint form as provided and send the complaint form to the complainant for approval and signature. This exchange is also available in person.

*Phone:*

651-366-3073  
If you need relay assistance, please call 711.

## **Timing**

Complaints must be filed within **180 calendar days** of the date(s) of the alleged discriminatory act(s) or, in the case of a continuing act, the date the act was discontinued. MnDOT may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

## **Respondents**

*Complaints Filed Against MnDOT*

Complaints filed with MnDOT in which MnDOT is named as the respondent will be forwarded to FHWA or FTA for processing and possible investigation. MnDOT's Title VI Specialist may conduct an independent inquiry into the allegations and may direct that actions be taken within the agency to address any policy deficiencies.

*Complaints Filed Against a Subrecipient*

Complaints filed with MnDOT in which a subrecipient is named as the respondent will be processed and investigated by the MnDOT Title VI Specialist.

## **Review**

Complaints will be reviewed within **10 calendar days** of receipt to determine whether MnDOT has jurisdiction to investigate the complaint and if the complaint provides all the necessary information required for acceptance. The complainant will receive correspondence from MnDOT within this timeframe. If it is determined that MnDOT does not have jurisdiction, MnDOT will administratively close the complaint.

If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the *Complaint Consent/Release* form. The *Complaint Consent/Release* form must be signed by the complainant and returned to the MnDOT Office of Civil Rights.

If the complaint is incomplete, the complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given **15 calendar days** to respond to the request for additional information. If the investigator is not contacted by the complainant or provided with the additional information within the timeframe, MnDOT may administratively close the complaint.

Only complete complaints in which MnDOT has jurisdiction will be processed and investigated. If a complaint is rejected for any of the reasons described above, the Title VI Coordinator or Specialist will issue a letter to the complainant within **10 calendar days** of the date of the complaint or the date in which additional information was received notifying the complainant of the decision and reason for not accepting the complaint.

## Investigation

If the complaint is accepted as complete, MnDOT's Title VI Specialist will conduct and complete an appropriate inquiry into the allegations within **60 calendar days**. MnDOT's Title VI Specialist is trained in compliance investigations. A recommendation for action will be rendered and documented in a "Report of Findings" and sent to the Commissioner of MnDOT within the 60 day timeframe. A copy of the complaint, together with a copy of the state's Report of Findings, will be forwarded to the FHWA or FTA division office within this timeframe.

The respondent will receive a copy of the complaint, or an issue statement of the allegations in the complaint. The respondent will be given an opportunity to respond to the complaint and questions stemming from the complaint in writing.

The investigation is confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues. A future compliance review of the respondent may be appropriate when issues identified during the investigation cannot be covered within the scope of the investigation. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the Report of Findings.

Within **90 calendar days** of the date of acceptance, the MnDOT Commissioner will notify the parties in writing of the final decision, including the proposed disposition of the matter. The notification will also advise the parties of their appeal rights with USDOT, FHWA, or FTA. If the investigation must go longer than the 90 day timeframe, both parties will be notified in writing of the decision and reasoning for extending the timeframe.

MnDOT will make a recommendation of finding to FHWA or FTA; however, FHWA and FTA have delegated authority for all final decisions, dismissals, and Letters of Findings. Letters of Findings issued by FHWA or FTA are administratively final.

Retaliation is prohibited against any individual because they have made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VI.

### **Complaint Retention**

MnDOT retains complaint information in accordance with the MnDOT retention schedule. The record may include the investigative plan, report, findings and any remedial action taken. MnDOT also maintains a complaint log, the elements of which are provided below.



*MnDOT Title VI Complaint Log (Elements)*

<b>Date Complaint Filed</b>	<b>SP#</b>	<b>Complainant</b>	<b>Respondent</b>	<b>Protected Class</b>	<b>Investigated By</b>	<b>Intake/ Investigative Actions</b>	<b>Date Closed (internally)</b>	<b>Disposition, Finding of Probable Cause or No Probable Cause</b>	<b>Notes/ Recommendations</b>
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## DISSEMINATION OF INFORMATION

### Public Notice of Rights under Title VI

MnDOT's Public Notice of Rights under Title VI document is signed annually by the Commissioner. The notice is available in English, Spanish, Somali, and Hmong. All versions are attached as **Appendix H**. At a minimum, the notice is posted within public entrances at the information centers in the MnDOT Central Office and district office locations throughout the state. [The notice can also be found on MnDOT's public website linked here.](#)

### Public Engagement

MnDOT's approach to public engagement is to meet people where they are, identify what is important to them, and make the most of participation opportunities. MnDOT's approach focuses on priority transportation improvements and investments that result in a system that helps area residents travel safer, smarter, and more efficiently. Initiatives include:

- [Transportation Planning Partners](#)
- [MinnesotaGo Family of Plans](#)
- [Minnesota State Highway Investment Plan](#)
- [Minnesota Strategic Highway Safety Plan](#)
- [Minnesota Statewide Transportation Improvement Plan](#)
- [Minnesota Statewide Multimodal Transportation Plan](#)
- [Aviation, Freight & Rail](#), [Transit](#), [Bicycle](#) and [Pedestrian](#) multimodal plans

#### *MnDOT's Public Engagement Policy*

MnDOT adopted a Public Engagement Policy in September 2016. The agency is committed to transparency and collaboration and in implementing meaningful engagement opportunities in its transportation decision-making processes. MnDOT staff are responsible for informing and engaging with communities, stakeholders and transportation partners (as appropriate) when undertaking long-term planning to develop the [Family of Plans](#), conducting corridor studies, scoping for and completing construction projects within the [State Transportation Improvement Plan \(STIP\)](#), conducting operations and maintenance activities, and when delivering core programs and services. Engaging early allows sufficient advance time for local partners to assess, plan, and budget for the associated impacts and opportunities. MnDOT will keep the public informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input can influence decisions.

The Public Engagement Policy is currently being updated and supplemented by a Public Engagement Guidance Document to further assist districts and offices in their engagement planning. Those updates are expected to be completed in early FFY 2021.

[Click here to view the MnDOT Public Engagement Policy.](#)

### Public Engagement Method

MnDOT utilizes a model for public engagement based upon guidance from the *International Association for Public Participation* (IAP2) that identifies a spectrum-like approach to public involvement. Each project, plan or phase of

project development determines which approach is most appropriate for the stakeholders and outcome of the project.

IAP2 identifies five levels of public participation (or **engagement**). The further to the right on the **Spectrum**, the more influence the community has over decisions, and each level can be appropriate depending on the context. It is important to recognize they are levels; not steps.

<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
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**1-Informing:** MnDOT informs by providing the public with balanced and objective information to assist the public in understanding the problem, alternatives, opportunities and/or solutions. MnDOT’s promise to the public is to keep the public informed. Example techniques are using fact sheets, websites, and open houses.

**2-Consulting:** MnDOT consults by obtaining public feedback on analyses, alternatives and/or decisions. MnDOT’s promise to the public is to keep the public informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. Example techniques are public comment sessions, focus groups, surveys and public meetings.

**3-Involving:** MnDOT involves by working directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. MnDOT’s promise to the public is to work with the public to ensure that their concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. Example techniques are workshops and deliberative polling.

**4-Collaborating:** MnDOT collaborates by partnering with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution. MnDOT’s promise to the public is to look to the public for advice and innovation in formulating solutions and incorporating the public’s advice and recommendations into the decisions to the maximum extent possible. Example techniques are citizen advisory committees, consensus building and participatory decision-making.

**5-Empowering:** MnDOT empowers through placing final decision-making in the hands of the public. MnDOT’s promise to the public is to implement what the public decides. Example techniques are citizen juries, ballots, and delegated decision-making.

*\*adapted from [International Association for Public Participation](#), ©2007*

MnDOT encourages public involvement using multiple channels and platforms to engage, including public service announcements of proposed projects, hearings, traditional public meetings and online events or through the media, including social media. Interpreters or translation services are available by request from the Office of Equity and Diversity as further explained in the Limited English Proficiency section below.

[Click here for more information about MnDOT's public engagement efforts.](#)

## LIMITED ENGLISH PROFICIENCY (LEP)

It is MnDOT’s intent to have a fully functional language access plan that will satisfy federal requirements. MnDOT is currently in the planning phase of developing a language access plan and expects to have a plan

finalized by April 2021. Language access guidance is currently provided as needed by the Title VI Specialist, the Office of Equity and Diversity, and the Office of Communications and Public Engagement, and further guidance is being incorporated into the Public Engagement Guidance document noted above.

MnDOT conducted a LEP four factor analysis, which is outlined below. The results of the LEP four factor analysis will assist MnDOT in the development of a language access plan which will address the identified needs of the LEP populations served.

## **Requirements to Provide Meaningful Access to LEP Persons**

The USDOT published Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons in December 2005. According to this guidance, recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. This is designed to be a flexible and fact-dependent standard, with the starting point being an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the recipient to people's lives; and (4) the resources available to the recipient and associated costs. Each of the factors will be examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to public services within the scope of MnDOT's multi-modal transportation services.

### **The LEP Four Factor Analysis**

#### *Factor #1: Demography*

The demographic information outlined below was collected for statewide purposes. For each applicable program, project, service, or activity, a separate and specific analysis must be done to determine the number of LEP, minority, and low-income populations that may be affected.

#### Minnesota State Demographic Center

Background information was gathered from the Minnesota State Demographic Center. In 2018, the largest groups of foreign-born Minnesotans were born in Mexico (about 64,500); Somalia (33,500); India (30,200); Laos, including Hmong (24,400); Vietnam (18,600); China, excluding Hong Kong and Taiwan (18,600); Ethiopia (21,900); and Thailand, including Hmong (18,500). These estimates do not include U.S.-born children of these immigrants. They also likely underestimate the size of Minnesota's immigrant populations because trust and language issues reduce response rates to Census surveys. Further, approximately 11.7% of Minnesotans (age 5+) speak a language other than English at home.

For further information about immigration and language visit the [Minnesota State Demographer's website](#).

#### American Community Survey

The U.S. Census Bureau provides data regarding language use, English-speaking ability, and limited English speaking households, which is collected in the American Community Survey (ACS).

For purposes of this analysis, MnDOT reviewed four data tables generated from the ACS. See **Appendix I** to view the data tables. Below is an overview of the data within the tables.

### ***Languages Spoken***

In 2013, the U.S. Census Bureau released data on limited English speaking households, which are defined as households in which no member age 14+ either: (1) speaks only English, or (2) speaks a non-English language and speaks English "very well." In other words, all members age 14+ have at least some difficulty with English. By definition, English-only households cannot belong to this group.

Based on the most current data available<sup>2</sup>, an estimated 2.2% (or 48,498) of Minnesotans live in a limited English speaking household. See Table 1 in Appendix I for detailed information. The most common non-English languages spoken are Spanish (about 211,571 speakers) and Hmong (67,116 speakers). 93,919 Minnesotans speak Amharic, Somali, or other Afro-Asiatic languages not de-aggregated in the data. The top 3 language categories spoken in Minnesota within limited English speaking households are "other and unspecified languages," including African languages (14,437), Spanish (13,981), and Asian and Pacific Island languages (7,439). See Table 2 in **Appendix I** for detailed information.

For a de-aggregated and more comprehensive breakdown of languages spoken within Minnesota, MnDOT reviewed the top 3 languages spoken in Minnesota by those who identified as speaking English "less than very well" (age 5+). Those languages are Spanish (78,803); Amharic, Somali, or other Afro-Asiatic languages (44,785); and Hmong (29,884). See Table 3 in **Appendix I** for detailed information.

### ***County Information***

There are twelve Minnesotan counties with individuals who live in limited English speaking households and represent more than 5% or 1,000 people (whichever is less) within the county, including those counties whose LEP population is within the margin of error. These counties are: Hennepin (4% or 20,047), Ramsey (5.3% or 11,067), Dakota (2.6% or 4,119), Anoka (2.1% or 2,649), Olmsted (2.6% or 1,592), Stearns (2.5% or 1,375), Scott (2.3% or 1,138), Washington (0.9% or 871), Nobles (10.9% or 863), Mower (5.2% or 802), Wagonwheel Gap (5.0% or 218), and Pipestone (4.7% or 187). Hennepin and Ramsey are metropolitan counties inclusive of the two most populous cities in the state of Minnesota, Minneapolis and St. Paul. See Table 4 in **Appendix I** for detailed information.

### ***Factor #2: Frequency***

MnDOT is committed to assessing, as accurately as possible, the frequency with which LEP persons from different language groups come into contact with MnDOT programs and activities. MnDOT serves a broad geographic area and has a diverse population across the state. There are 8 MnDOT district offices located throughout the state. The district offices provide a local point of contact regarding programs, projects, and activities happening within each district. Each district and office within MnDOT has an assigned Title VI liaison to the Office of Civil Rights (see Title VI Liaison List on page 7). When the Title VI Specialist reviews districts and offices, information on how the

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<sup>2</sup> ACS 2018 1-Year Estimate

district or office systematically captures data regarding LEP persons is gauged and assessed, including how frequently LEP persons come into contact with the various programs and activities in their areas.

LEP persons interact in several ways with MnDOT, including but not limited to:

- Public meetings;
- Community events and partnerships;
- Project-specific meetings, events, and discussions;
- Career Fairs;
- Online engagement;
- Walk-in requests for information;
- Phone communications;
- Customer service interactions;
- Surveys for information;
- Real estate transactions, relocations, eminent domain proceedings;
- Requests for certification/licenses.

### *Factor #3: Importance*

As provided in USDOT's LEP policy guidance, the more important the activity, information, service, or program, or the greater the possible consequences of the contact to LEP persons, the more likely language services are needed. MnDOT programs and activities affect transportation systems across all modes. Therefore, MnDOT is committed to assessing the services provided by each program area or activity to determine the implications for an LEP person or community in order to ensure meaningful access.

### *Factor #4: Resources*

MnDOT serves the entire state of Minnesota. For each applicable program, project, service, or activity, a separate and specific analysis must be done to determine the most cost-effective means of delivering competent and accurate language services to LEP populations that are affected.

### *The Safe Harbor Provision*

In order to ensure with greater certainty that recipients comply with the obligations to provide written translations in languages other than English, USDOT's LEP policy guidance outlines the circumstances in which providing a "safe harbor" can be utilized. A "safe harbor" means that if a recipient provides written translations under these circumstances, this will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The Safe Harbor Provision for translation provides that MnDOT can show strong evidence of compliance by:

- Providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered, or
- Not translating vital written materials if there are fewer than 50 persons in a language group that reaches the 5% trigger, but providing written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

## MnDOT Language Access Services

Because the LEP four factor analysis demonstrates a need for meaningful access to engage LEP populations, MnDOT contracts with various vendors to provide the language services necessary to the agency's achievement of its statutory responsibilities. The Office of Equity & Diversity (OED) contracts with professional language service providers statewide, both internal and external to MnDOT, to provide:

- Sign Language Interpretation
- Foreign Language Interpretation (spoken word)
- Foreign Language Translation (written word)

[Click here for Frequently Asked Questions on the MnDOT Title VI Program: Limited English Proficiency.](#)

## ENVIRONMENTAL JUSTICE

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires federal agencies to make achieving environmental justice a part of its mission by identifying and addressing disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority and low-income populations. The requirements are to be carried out to the greatest extent practicable and permitted by law.

In May 2012, USDOT issued an update to DOT Order 5610.2(a), DOT Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which was originally published in April 1997. The revised Order continues to be a key component of DOT's environmental justice strategy. It updates and clarifies certain aspects of the original Order while maintaining its general framework and procedures and DOT's commitment to promote the principles of environmental justice in all DOT programs, policies, and activities.

DOT Order 5610.2(a) outlines actions to address environmental justice. The following factors within the Order are directives to state transportation agencies in order to identify and avoid discrimination and disproportionality high and adverse effects on minority and low-income populations:

1. Identify and evaluate environmental, public health, and interrelated social and economic effects of DOT programs, policies, and activities;
2. Propose measures to avoid, minimize, and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and provide offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by DOT programs, policies, and activities, where permitted by law and consistent with Executive Order 12898;
3. Consider alternatives to proposed programs, policies, and activities where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts, consistent with Executive Order 12898; and
4. Elicit public involvement opportunities and consider the results thereof, including soliciting input from affected minority populations and low-income populations in considering alternatives.

MnDOT supports environmental justice through every stage of the planning, construction and maintenance processes, consistent with the factors outlined above. This ensures MnDOT gains input from the community that will help shape how MnDOT builds and maintains roads, bridges, regional airports, rail lines, ports and trails.

Some ways in which MnDOT accomplishes this are:

- Ensuring the full and fair participation by all potentially affected communities in the transportation decision-making process;
- Avoiding, minimizing or mitigating disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- Providing timely information to area residents and businesses affected by transportation plans and projects;
- Performing periodic reviews of public involvement process to gauge effectiveness, making revisions as necessary; and
- Preventing the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

[Click here for Frequently Asked Questions on the MnDOT Title VI Program: Environmental Justice.](#)

## Planning

The Office of Environmental Stewardship (OES) utilizes Context Sensitive Solutions (CSS) initiative leadership and support. CSS is a comprehensive framework to address all stakeholders in the context of planning and project development. OES also provides co-leadership and co-support for the MnDOT Complete Streets initiative. Complete Streets is an approach to road planning and design that considers and balances the needs of all transportation users. The OES Environmental Planning and Design Unit provide both CSS and Complete Streets technical support to MnDOT Central Office and District programs, project managers and teams. Further, both efforts embrace and advocate the needs of and provision of accessibility for all modes and transportation users of all ages and abilities.

Click on the links for more information on [CSS](#) and the [Complete Streets initiative](#).

## REVIEW OF STATE TRANSPORTATION AGENCY DIRECTIVES

MnDOT has a comprehensive process to develop policies and ensure that policies remain current. A full-time permanent staff member in the Office of Chief Counsel is designated in the role of Policy Coordinator. This individual is responsible for coordinating new policy development, policy revision, and policy retirement. The Policy Coordinator provides technical expertise on department policies and also serves as staff to the Governance Committee for policy review and approval. The Policy Coordinator researches, writes, edits, and publishes policies, and ensures that MnDOT policies are up-to-date.

MnDOT assigns each policy to a “Policy Owner”, who is responsible for the operational administration of the assigned policy and its related procedures and processes. MnDOT also assigns a “Policy Contact” for each policy. The Policy Contact is the subject matter expert and is the first point of contact to answer questions and assist with interpreting and applying the policy.

The Policy Development Process begins when a Policy Owner or the Policy Coordinator recognizes a need to develop a new policy or revise an existing policy. The request goes through a vetting process to ensure management support for policy development or revision.

After management authorizes policy development or revision, the Policy Coordinator leads an effort with three general phases, as follows:



- Development Phase: The Policy Coordinator brings together stakeholder representatives to develop and draft the new or revised policy.
- Review and Comment Phase: Draft policy documents are broadly distributed to stakeholder groups within (and sometimes outside of) MnDOT. Comments are collected, reviewed, and analyzed, and the draft documents may be revised as a result of stakeholder comments.
- Management Review and Approval Phase: The Office of Chief Counsel reviews the policy documents to identify legal risks and concerns, including any potential Title VI concerns. The Policy Coordinator may revise the policy documents as a result of this legal review. The Policy Coordinator then places the policy item on the Governance Committee agenda, along with a request for action. The Governance Committee considers the policy documents, along with any legal advice from the Office of Chief Counsel, and takes official action on policy adoption.

The Policy Coordinator is also responsible for publishing new and revised policies on the MnDOT website, and for communicating new and revised policies.