



Title VI Goals and Accomplishments Report

Federal Fiscal Year 2023
October 1, 2022
FHWA

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NOTE: To request the appendices, please contact the MnDOT Data Practices Office at <https://www.dot.state.mn.us/information/datapractices/index.html>.

INTRODUCTION AND ASSURANCES

The Minnesota Department of Transportation (MnDOT) is a recipient of federal financial assistance. All such recipients are required to comply with federal nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, which forbids discrimination against any person in the United States on the basis of race, color, or national origin by any agency receiving federal funds.

The Federal Highway Administration (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. MnDOT submitted the Title VI and Nondiscrimination Implementation Plan for FFY 2023 to the FHWA in October 2022, and it is available on the [MnDOT Title VI website](#).

The Federal Transit Authority (FTA) requires recipients of federal financial assistance to prepare a Title VI implementation plan triennially. MnDOT submitted the FTA Title VI Program Plan to FTA in April 2021, and it is available on the [MnDOT Title VI website](#).

MnDOT's Office of Civil Rights (OCR) has prepared this Goals and Accomplishments Report to satisfy the requirements in 23 C.F.R. Part § 200.9(b)(10). The report covers five key areas:

1. Organization and Structure
2. Program Area Reviews
3. Subrecipient Reviews
4. Training
5. Title VI Complaints

Information on each area consists of a description of various programs and program areas, with FFY 2022 accomplishments bolded throughout the report, and a list goals or priorities for FFY 2023 provided for each program or activity.

MnDOT's Commissioner annually signs the United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances for the FHWA and Federal Motor Carrier Safety Administration, which are attached as **Appendix A and Appendix B**.

ORGANIZATION AND STRUCTURE

Title VI requirements extend to every MnDOT district and office. As such, MnDOT's Title VI Program requires the appointment of a Title VI Liaison for each district and office. Title VI Liaisons are 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 such guidance); collecting data and reporting on Title VI activities and implementation; assisting with Title VI monitoring and compliance activities; and reporting as necessary to OCR. Complete definitions of the roles and responsibilities of all key stakeholders under MnDOT's Title VI Program are located in the department's Title VI and Non-Discrimination Policy. The current Title VI Liaison list is located in the MnDOT Title VI Implementation Plan and shows 45 Title VI Liaisons

representing 8 districts and 27 offices. The MnDOT Title VI Implementation Plan is available on the [MnDOT Title VI webpage](#).

PROGRAM AREA REVIEWS & TRAINING

MnDOT utilizes a combination of surveys, periodic check-in meetings, compliance reviews, enforcement activities, outreach activities, educational initiatives, and policy reviews to ensure nondiscrimination across the department. The Title VI Specialist is responsible for coordinating the regular exchange of Title VI information between OCR and various program areas and stakeholders involved in Title VI-related activities. Through these exchanges, MnDOT continually improves its collective understanding of Title VI and its capacity to achieve comprehensive compliance.

Title VI Program Area Review Survey

MnDOT primarily monitors internal Title VI compliance via the Title VI Program Area Review Survey and Title VI Program Scorecard. If these tools uncover deficiencies or program gaps, the Title VI Specialist coordinates with the Title VI Liaison to achieve compliance.

The Title VI Program Area Review Survey gathers information about internal compliance with the various obligations and responsibilities required under MnDOT's Title VI policy. The surveys are completed by Title VI Liaisons who possess the necessary program area knowledge as it relates to their particular district or office. The Title VI Specialist monitors the progress of the surveys, which are conducted annually, to ensure timely completion and submission.

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

The Title VI Specialist reviews the survey each year and, when necessary, makes changes to improve its utility as a compliance tool. When conducting the review, the Title VI Specialist remains mindful of maintaining a survey comparable to prior years in order to facilitate year-over-year comparisons.

During FFY 2022, the survey was sent to 36 Title VI Liaisons representing 8 districts and 27 offices throughout MnDOT. The survey was completed by 27 out of 34 districts and offices, including all districts and key offices.

Title VI Program Scorecards

The Title VI Specialist creates Title VI Program Scorecards based on the responses received from the Title VI Program Area Review Surveys. These scorecards provide the survey respondents with feedback on their performance within the major themes of the MnDOT Title VI Program and allow the Title VI Specialist to share agency best practices and areas for improvement. The scorecard also establishes a baseline for measuring the

adequacy of the Title VI Program and captures historical data on MnDOT's overall compliance. Scorecards for FFY 2023 will be developed November 2022 – January 2023.

November 2021 throughout January 2022, individual meetings were held with Title VI Liaisons from all eight MnDOT district offices and multiples central office offices to review their FFY 2021 Title VI Program Scorecards. This allowed the Title VI Specialist to provide any necessary training. Title VI Liaisons have an opportunity to provide feedback on the scorecards and ask any questions related to compliance with MnDOT's Title VI Program.

Title VI Survey Results Summary

In November 2021, the Title VI Specialist distributed a summary of the Title VI survey results to Title VI Liaisons. The report provided a summary of the responses to key survey questions as a means of reporting back to Title VI Liaisons about the survey results. The report also identified environmental justice and continuous public engagement, limited English proficiency, accessibility, education and areas for improvement.

FFY 2023 Goals

- Complete FFY 2022 scorecards and survey summary report and meet with districts to review results.
- Review FFY 2022 Title VI Survey Results and meet with offices to address identified issues as needed.
- Provide training to Title VI Liaisons.
- Review and update the Title VI survey as needed and send to Title VI Liaisons in August 2023.

Office of Civil Rights Activities

Annual Compliance Reviews

Annual compliance reviews are the means for determining whether contractors on federal Aid highway projects are compliant with equal employment opportunity (EEO) requirements. Annual compliance reviews consist of two parts: a desk audit and on-site visit. A desk audit is a review of the contractor's policies, practices, and procedures related to EEO compliance and workforce information. An on-site visit, which occurs at the project field office or the contractor's headquarters, is a meeting with the contractor's EEO Officer and/or staff member tasked with personnel decisions to review documentation, make additional inquiries, and discuss areas for improvement. OCR also interviews prime and subcontractor employees on the jobsite during peak employment time to learn more about worksite conditions, identify potential pay issues, and ensure fair treatment.

Upon completion of the on-site visit, a voluntary correction action plan (VCAP) outlining both the deficiencies uncovered during the annual compliance review and the timeframes for implementing corrective measures is completed and submitted to the FHWA. Failure to correct deficiencies and/or implement corrective measures by their respective due dates results in the project contract being placed in non-compliance. This is significant, as it could result in the imposition of sanctions, including withholding of the payment in the amount of the monthly estimate or the issuance of a show cause notice.

In FFY 2022, OCR conducted 11 annual compliance reviews.

Tribal Employment

Minnesota is home to 11 American Indian reservations and 12 federally recognized tribal nations. Each tribe is a separate sovereign nation — unique unto itself and distinct from all other federally recognized tribes.

MnDOT recognizes the unique sovereign status and cultural values of these federally recognized tribal nations, and promotes and Indian employment on MnDOT highway heavy construction projects. This commitment to maximizing employment opportunities for American Indians is authorized by federal regulations and expressed in the [Special Provisions Relating to Indian Employment](#).

For its part, OCR works collaboratively with tribal governments, private highway contractors, local governments, and other stakeholders to eliminate obstacles and maximize American Indian employment on highway construction projects.

Pre-Bid & Pre-Construction Meetings

Project engineers from MnDOT and local public agencies throughout the state extend invitations to pre-construction meetings to OCR. If OCR is unable to attend these meetings in-person, it sends the project engineer and the prime contractor's representative a pre-construction memorandum outlining expectations concerning the following (where applicable): EEO (workforce participation goals, on-the-job training (OJT) goals), labor compliance (payroll submission, poster board obligations), tribal employment (reporting requirements, communication expectations), and federal reporting requirements (FHWA- 1273 Required Contract Provisions Federal-Aid Construction Contracts, Federal-Aid Highway Construction Contractors Annual EEO Report (1392)).

When a project – state and/or federal funded - presents significant opportunities for employment by virtue of its size, scope, location, and/or duration, OCR will meet with a pre-determined group of qualifying prime contractors prior to the letting to discuss the issues covered in the pre-construction memorandum in greater detail.

MnDOT DBE and Workforce Collaborative

The DBE and Workforce Collaborative is an advisory group to MnDOT. The group's mission is to increase the diversity of firms and people working on MnDOT highway projects. The Collaborative has several subcommittees. The subcommittees focus on different strategies to develop and support Disadvantaged Business Enterprises (DBEs) and BIPOC and women workers.

OCR's Contract Compliance Team partners with two of the MnDOT DBE and Workforce Collaborative subcommittees: One monitors workforce participation goals, and the other works to ensure respectful worksites on all MnDOT projects.

Results and Transparency Committee

The Results and Transparency Committee meets monthly to review projects, workforce participation goals, and progress in hiring women and people of color on highway construction projects. It also provides consultation and support to contractors and MnDOT (as needed) when the workforce participation goals are not being met. Various stakeholders attend, including representatives of community-based organizations, contractors, employment advocacy groups, government agencies, training programs, unions, and tribal employment offices.

When selecting projects to review at the monthly meeting, OCR looks for those with the greatest potential for employment, locations in areas with significant people of color and women workforces, high dollar values, high public profiles, and/or some combination thereof. All projects with OJT goals, located on tribal lands, and/or \$5 million or more are automatically included.

OCR then gathers project payroll/workforce data every month and populates a comprehensive [workforce report](#) showing the selected projects. At its core, the workforce report provides a summary of contractor performance toward applicable workforce participation goals over the preceding three-months, as well as general project information (e.g., project location, prime contractor, percent complete, contract amount, etc.).

In FFY 2022, OCR reviewed and monitored at least 90 projects across the state via meetings of the Results and Transparency Committee.

Worksite Cooperation Committee

The Worksite Cooperation Committee meets every other month to identify issues related to workforce diversity and develop recommendations to ensure highway construction worksites are respectful and welcoming environments. Various stakeholders attend, including construction industry workers, and representatives of community-based organizations, contractors, government agencies, and unions.

Small Business Development and Workforce Supportive Services

The Office of Civil Rights provides training and technical assistance, along with access to business and financial resources that help small businesses compete more effectively on MnDOT projects/contracts. In addition, OCR develops projects and services that will enhance the state's administration of the federal OJT program and to increase the pool of qualified minorities, women and disadvantaged individuals in the highway heavy construction trades. OCR delivers outreach and support activities to increase the number of certified DBE firms and grow Minnesota's skilled construction workforce. Below is an overview of activities conducted in FFY 2022.

Building DBE capacity and increasing the number of certified DBEs:

- 156 small business representatives participated in workshops relating to marketing, bidding opportunities, prevailing wage, AASHTOWare requirements, succession planning and DBE Program Overview.
- 87 DBEs took classes in the DBE Academy, a three-level program with five different focus areas where businesses learn about topics such as contracting with the state, finances, and legal issues.
- 3 native owned small businesses from Leech Lake Band of Ojibwe and Red Lake Nation were trained in Americans with Disability Act (ADA) concrete construction and inspection. all training took place on tribal lands and that training resulted in upgraded tribal infrastructure.
- 20 certified small businesses received financial assistance through the Micro-Grant program.
- 17 DBEs, along with representatives from 3 prime contractors, attended one project-based meet and greet event.
- Hosted 2 virtual small business networking sessions in northern and southern MN.
- Hosted 1 virtual MnUCP Mentor Protégé events. 9 DBEs showcased their business to 9 contractors.

- DBEs received working capital loan funds.

Job Training Programs-Growing Minnesota's highway heavy construction workforce:

- 14 participants completed career orientation. The program also helped participants remove barriers to participation in other MnDOT training programs by earning a diploma or a driver's license.
- 6 participants completed CDL training.
- 8 participants completed laborer training.
- 22 participants completed cement masons training.
- 12 participants completed operating engineers training.
- 7 participants completed operating engineers or ironworks training.
- 7 people completed carpentry, pile driving, welding, and safety training.
- 31 tribal members from Leech Lake, Red Lake and Boise Forte completed an Americans with Disability Act (ADA) concrete construction and inspection training.

Youth camps:

- 15 students participated in the Karen Organization Construction Career Pathway Program. Students learned about job skills, highway heavy trades and tools.
- 27 students participated in the National Summer Transportation Institute to improve STEM skills, provide awareness to middle and high school students about transportation career and encourage transportation-related fields.
- 18 students learned about connected and automated vehicle (CAV) technology such as self-driving cars and automated shuttles.
- 8 students participated in the Red Lake National Summer Transportation Institute to learn about transportation careers. Participants went on field trips, toured colleges, and heard from speakers about transportation-related education and career opportunities.

Alternative Contracting Methods

OCR utilized several alternative contracting methods on various projects throughout the state to work toward increasing workforce participation and small business contracting FFY 2022.

Workforce strategies included:

- Contractor participation in monthly public meetings to review workforce participation progress
- Online updates showing progress toward workforce participation and OJT goals
- Reimbursement incentives for recruiting OJT trainees from Minnesota tribal government employment contacts

Small business contracting strategies included:

- Small Business outreach prior to project start date
- Contractors creating a Small Business Inclusion Plan at time of bid

- Regular meetings with contractors and project team to achieve small business participation, prompt pay, and address compliance issues timely
- Online small business contracting participation project progress updates
- Participating in small business contracting supportive services trainings
- Appointing a small business liaison throughout the duration of a project
- Mentor a small business

Publications and Emails

in FFY 2022, MnDOT published various resources to promote its Title VI activities to both internal and external audiences

Newsline Articles

Newsline is MnDOT's biweekly online employee newsletter highlighting key agency and transportation news. Below is a list of the articles related to nondiscrimination and equity published in FFY 2022.

- New Title VI and Non-Discrimination Policy approved (Oct. 2021)
- Annual Walk to School Day encourages activity, safety (Oct. 2021)
- Meeting the engineers of the future at STEAM Summit (Nov. 2021)
- 2021 projects improved safety, mobility and accessibility statewide (Nov. 2021)
- New signs acknowledge 1854 tribal treaty boundaries (Nov. 2021)
- New language plan helps ensure accessibility (Dec. 2021)
- Seeds program seeks sponsors (Dec. 2021)
- New on the web: Offices incorporate users' perspectives into websites redesigns (Jan. 2022)
- Minnesotans are invited to join 2022 MLK Celebration (Jan. 2022)
- Series of online events mark Black History Month (Feb. 2022)
- MnDOT exceeds 2021 On-the-Job Training program goal (Feb. 2022)
- New online resources aim to improve equity, engagement (May 2022)
- Global Accessibility Awareness Day events highlight best practices for digital inclusion (May 2022)
- AASHTO's Innovation Initiative Awards honor agency's work with unsheltered populations (May 2022)
- Employee Resource Groups offer support, connection (May 2022)
- Indigenous Employee Resource Group members attend career fair (May 2022)
- On the Job: Byron Millea works to ensure MnDOT treats people fairly (June 2022)
- ERG members learn about the human toll of I-35W (July 2022)
- Veterans ERG hosts speakers, provides connection (July 2022)
- Limited English Proficiency addendum reports now complete (Aug. 2022)

GovDelivery Emails

GovDelivery is an email platform used by MnDOT and other government agencies to send subject-specific updates to subscribing audiences. OCR sends GovDelivery emails about its programs, activities, events, and various other updates. Below is a list of emails sent on behalf of OCR in FFY 2022.

- Get a Loan Up to \$25,000 for Your MnDOT Contract (Oct. 2021)
- MnDOT to host DOT Peer Exchange Conference on DBE and workforce program best practices (Oct. 2021)
- I494 Airport to Highway 169 project: Virtual Design-build process informational event (Oct. 2021)
- Financial assistance available for certified small businesses (Oct. 2021)
- Up to \$25,000 Working Capital Loan available for your MnDOT contract (Nov. 2021)
- December small business trainings (Nov. 2021)
- Duluth ironworker and operating engineer pre-apprenticeship training starting soon (Dec. 2021)
- January small business trainings (Dec. 2021)
- Small business preference cap applied on state-funded transportation contracts raised to \$2 million (Jan. 2022)
- How to request a small business preference (Jan. 2022)
- February small business training (Jan. 2022)
- Request for proposals for Highway 252/I94 highway heavy workforce development (Feb. 2022)
- MnDOT exceeds 2021 On-the-Job Training program goal (Feb. 2022)
- March small business training – free and online! (Feb. 2022)
- Request for proposals for Highway 252/I94 highway heavy workforce development (Feb. 2022)
- MnDOT offers free highway heavy construction training (Feb. 2022)
- CORRECTED March small business training – free and online! (Feb. 2022)
- Participate in the DBE and Workforce Collaborative! (March 2022)
- Request for proposals for Highway 252/I94 highway heavy workforce development (March 2022)
- April small business training – free and online (March 2022)
- Free class: AASHTOWare requirements for contracts with MnDOT (March 2022)
- This Wednesday! AASHTOWare requirements for contracts with MnDOT (March 2022)
- MnDOT offers free highway heavy construction training (March 2022)
- MnDOT Working Capital Loans available (April 2022)
- May small business training – free and online (April 2022)
- MnDOT offers free highway heavy construction training (April 2022)
- Submit AASHTOWare Vendor Form (May 2022)
- Worker survey (June 2022)
- Student spots open for CAV Career Pathways Camp (June 2022)
- Second reminder: Submit AASHTOWare Vendor Form (June 2022)
- Reminder: Worker Survey (June 2022)

- Student spots open for CAV Career Pathways Camp (July 2022)
- MnDOT three-year Disadvantaged Business Enterprise goals approved (July 2022)
- MnDOT DBE Commitment Notification (Aug. 2022)
- Request for proposals for Northern Minnesota Highway Heavy Construction Training Program (Aug. 2022)
- Deadline Extended! Worker Survey (Aug. 2022)
- Notice: Form FHWA-1273 Revised (Aug. 2022)
- FFY 2023 National Summer Transportation Institute: Notice of available grant for educational institution to participate as a NSTI host site (Sept. 2022)
- Request for proposals for SFY 2023 Certified Small Business Micro Grant Program (Sept. 2022)
- MnDOT youth camps help build tomorrow's workforce (Sept. 2022)
- On-the-Job Spotlight: Marissa Goodsky, cement finisher (Sept. 2022)
- Request for proposals for Commercial Driver's License Training Program (Sept. 2022)
- Learn about the benefits of being DBE-certified in highway heavy construction (Sept. 2022)

Training Activities of the Title VI Specialist and Title VI Coordinator

MnDOT's Title VI Coordinator and Title VI Specialist each make an effort to periodically attend trainings related to Title VI and the advancement of equity in transportation.

The Title VI Specialist provides annual training to MnDOT Title VI Liaisons, and individual offices upon request or as needed. Training is also provided externally to subrecipients, including cities, counties, and metropolitan planning organizations. These external trainings are intended to keep MnDOT's partners aware of their responsibilities under Title VI, and provide guidance and resources to support Title VI compliance activities.

For trainings received by the Title VI Coordinator or Title VI specialist in FFY 2021, please see **Appendix C**.

For trainings provided by the Title VI Specialist in FFY 2021, please see **Appendix D**.

Planning and Programming

MnDOT's 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. MnDOT begins planning construction projects as far as twenty years in advance. Title VI factors into the planning phase and is addressed by ensuring effective public involvement processes are in place.

[Click here to visit MnDOT's Family of Plans](#) which are a part of Minnesota GO, MnDOT's 50-year statewide vision for all the ways people and goods move throughout Minnesota — individually for each mode and together as a multimodal system.

Advancing Transportation Equity Initiative

Beginning in 2017, MnDOT undertook the Advancing Transportation Equity initiative to better understand how the transportation system, services and decision-making processes impact the lives of people in underserved and underrepresented communities in Minnesota. Specifically, MnDOT wants to identify key actions that the transportation agency can take to make meaningful change.

The overarching objectives for the Advancing Transportation Equity initiative are (1) to learn about the transportation experiences of underserved and underrepresented communities in Minnesota; (2) identify possible solutions to address challenges faced by these communities; and (3) initiate partnerships with others working to advance equity in the state. The overall initiative includes a few different components including the Community Conversations project, Transportation Equity Research, Transportation Equity Training, Transportation Equity Labs and development of a Transportation Equity Statement of Commitment. Additional work includes a programs and processes review and a research project on equity-related performance measures.

The purpose of the Community Conversations project is to help MnDOT better understand existing transportation-related issues that may negatively impact traditionally underserved and underrepresented communities in Minnesota. Working in partnership with Management Analysis and Development (a division of Minnesota Management and Budget), MnDOT gathers information by conducting about 30 one-on-one, in-depth conversations with identified community groups in each MnDOT District. After the information gathering phase, a summary report highlighting the project findings and key themes will be created. The summary report will help MnDOT and its partners create specific and actionable next steps towards advancing transportation equity. The Community Conversations project takes approximately a year to complete in each district, with several districts working on this project concurrently each year.

As of September 15, 2022, Community Conversations reports were completed in all of greater Minnesota's MnDOT districts with the exception of District 3 in which interviews are currently underway. After completion of District 3 Community Conversations, the project team will start visioning and planning this work to begin in the Metro District, which will conclude MnDOT's Community Conversations project.

Transportation Equity Research

Equity is one of MnDOT's five research strategic priorities and funding for equity-oriented research projects is increasing each year. Some highlights of recently completed and currently underway research include:

- [Centering the Margins](#). MnDOT is partnering with researchers from the University of Minnesota to conduct in-depth qualitative interviews with individuals representing over fifteen underserved communities throughout Minnesota. The research project's objective is to understand the covert, indirect, and cumulative nature of the effects of structural discrimination on the lives of socially marginalized groups in various aspects related to transportation. The project will highlight some of the coping and survival strategies that community members use to overcome these barriers.
- [Equity Research Roadmap](#). MnDOT identified and evaluated existing programs and initiatives addressing transportation equity. The objective of the Research Roadmap project was to understand the current

state of practice and form recommendations for future transportation strategies that will meaningfully reduce disparities and identify areas where additional research is needed.

- [Gender and Travel](#). The project will examine whether the psychological, socially constructed gender may lead to distinct activity-travel patterns using survey data collected at individual levels. The findings are expected to provide novel insights toward understanding gender differences in transport needs and behavior patterns and support effective transportation planning and policy to promote equity.
- [Qualitative and Quantitative Performance Measures for Equity](#). MnDOT and the Texas Transportation Institute are developing an assessment method to enhance equity in performance measurement through revising existing and adding new measures to advance transportation equity. The project aims to identify or develop assessment methods and equity-focused strategic actions that will improve the likelihood that transportation equity in Minnesota is assessed in a manner that achieves context-sensitive outcomes representative of the communities served.
- [Enhancing Managed Lane Equity Analysis](#). The project will evaluate methods for improving equity and environmental justice analysis during planning and environmental studies that involve managed lane alternatives.
- [Transportation Equity Training](#). This project will create a training on transportation equity issues for MnDOT employees that is focused on decisions and conditions faced by Departments of Transportation. The training is meant to provide foundational information about transportation equity and the connections between equity and transportation policy, planning, design, and engineering in Minnesota. This will include definitions, concepts, and case studies demonstrating transportation equity principles and conditions in action for MnDOT staff to consider and foster in its own processes to produce equitable outcomes in and for the communities it serves.
- [Transportation Equity Labs](#). This is an effective collaborative process to build internal staff capacity to incorporate equity into the different state plans, programs, and policies. In 2020, MnDOT hosted the Transportation Equity Lab for Safe Routes to School Strategic Plan, which led to the creation of the STEPP tool discussed below. In 2021, MnDOT hosted two other Transportation Equity Labs; one on District Safety Plans and another on Complete Streets Policy.

Transportation Equity Statement of Commitment

MnDOT recently completed a two-year long process to develop a shared definition of transportation equity. The definition has been developed with significant consultation, collaboration and intentional engagement with agency leadership, employees, and community partners. The robust conversations and engagement about the agency's transportation equity definition led to MnDOT developing the following acknowledgement and statement of commitment to transportation equity.

ACKNOWLEDGMENT OF PAST HARMS

MnDOT acknowledges the transportation system and agency decisions have underserved, excluded, harmed and overburdened some communities. We understand some of our past decisions denied Black and Indigenous communities as well as people with disabilities the full participation of transportation benefits. These and other underserved communities have historically carried disproportionate burdens of transportation decisions.

WHAT TRANSPORTATION EQUITY MEANS TO MNDOT

MnDOT is committed to creating an equitable transportation system. Transportation equity means the benefits and burdens of transportation systems, services and spending are fair and just, which historically has not been the case. Transportation equity requires ensuring underserved communities, especially Black, Indigenous and People of Color, share in the power of decision making.

We will not transform our transportation systems, services, and decision-making processes overnight, nor will we always get it right on the first try. Transportation equity is an ongoing journey of listening, learning, changing, implementing, and adapting.

Everyone in our agency regardless of position or work assignment has a role to advance transportation equity. We will partner with community members, community-based organizations, transportation service providers, Tribal Nations and government institutions to evolve our work and to change outcomes for our communities.

FFY 2023 Goals

- Complete Community Conversations project for District 3.
- Start visioning and planning of Community Conversations in Metro District
- Focus on transportation equity implementation ideas based on the transportation equity commitment and findings of Community Conversations
- Complete transportation equity training development and start providing training for MnDOT staff.
- Continue planning for Metro Advancing Transportation Equity Report, which will require a separate and unique process reflecting the area's multiple equity-based initiatives already in place and wide variety of organizations and communities where engagement may be necessary.
- Title VI Specialist will meet quarterly with the Advancing Transportation Equity team to remain informed on the team's activities and provide consultation as needed.

Public Engagement Policy

MnDOT updated its Public Engagement Policy in February 2021 and published a new [Public Engagement Guidance document](#). MnDOT is committed to increasing transparency and collaboration and ensuring everyone has the opportunity to participate in public engagement. The Public Engagement Policy focuses on internal duties and responsibilities related to plans, projects, programs, services and activities. The policy also serves as a foundation for MnDOT's commitment to public engagement by its employees. It is scheduled to be reviewed in February 2023.

[Click here to view MnDOT's current Public Engagement Policy.](#)

FFY 2023 Goals

- Evaluate virtual engagement platform options via a workgroup, including the Title VI Specialist, and recommend a preferred platform to MnDOT leadership.
- Continue to improve collection of public engagement data across all MnDOT districts.

Limited English Proficiency (LEP)

MnDOT published a [Language Assistance Plan](#) in September 2021. The plan provides guidance to MnDOT staff who may interact directly with LEP individuals or whose work involves providing information or services to the public. The plan also provides protocols for identifying LEP individuals, language assistance measures, and staff responsibilities related to ensuring meaningful access for LEP individuals.

In August 2021, the Office of Equity and Diversity implemented new online forms to request translation and interpretation services. The forms are intended to streamline language service requests from MnDOT offices and districts and improve recordkeeping.

In FFY 2022, MnDOT released the [Limited English Proficiency Data Tool](#). This resource assists the department's federal-aid subrecipients with completion of the four-factor analysis used to determine how to provide sufficient language assistance.

FFY 2023 Goals

- Continue to provide training to support the rollout of the Language Assistance Plan and related resources.
- Title VI Specialist will continue to coordinate with the Office of Equity and Diversity to ensure all translations and interpretation requests are fulfilled.
- Title VI Specialist will continue to highlight language access during scorecard reviews and annual trainings.

Environmental Justice

MnDOT supports environmental justice through every stage of its planning, construction and maintenance processes. This ensures MnDOT gains input from the community that will help shape how the agency builds and maintains roads, bridges, regional airports, rail lines, ports and trails. MnDOT pursues this goal by working to:

- Avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Environmental Justice includes a focus on continuous and strategic public engagement. The following actions were taken over the past year to improve MnDOT's ability to achieve comprehensive engagement with environmental justice populations:

- Title VI Specialist presented to MnDOT leadership groups about the importance of collecting demographic information from public engagement participants.
- Title VI Specialist is working on a long-term basis with the Office of Transportation System management to continue to improve annual environmental justice reports for all CHIP and STIP projects. New LEP addendums were added to the 2022-2031 CHIP reports.
- Title VI Specialist is helping lead efforts to utilize more community-based organizations in public engagement efforts to improve community relationship building, particularly with environmental justice populations.

FFY 2023 Goals

- Provide environmental justice training opportunities to staff.
- Continue to improve MnDOT's processes and capacity for ensuring full and fair participation from all affected communities in transportation decision-making.

State Transportation Agency Directives

State Transportation Agencies are required to periodically review directives to determine if a given directive has Title VI implications. If it is determined to have Title VI implications, then the State Transportation Agency needs to interpret how the directive impacts each program area from a Title VI perspective.

MnDOT's comprehensive review process for all new and updated departmental policies includes a review by the Policy Coordinator within the Office of Chief Counsel who identifies legal risks and concerns, including any potential Title VI issues. In FFY 2021, MnDOT approved a new formal [Title VI and Non-Discrimination Policy](#). In FFY 2022, MnDOT reviewed the policy and added Federal Motor Carrier Safety Administration required language.

FFY 2023 Goals

- Ensure Policy Coordinator in Office of Chief Counsel works with Title VI Specialist when necessary to conduct nondiscrimination analysis in policy proposals and updates.

Title VI Program Policy Statement & Public Notice

MnDOT's Title VI and Non-Discrimination and Public Notice of Rights under Title VI document are signed annually by the Commissioner. 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 previous Title VI Program Policy Statement was elevated to a formal agency-wide policy in FFY 2021. In September 2022, the MnDOT Commissioner reviewed and signed the updated [Title VI and Non-Discrimination Policy](#), as well as the updated Public Notice of Rights Under Title VI. The Public Notice of Rights Under Title VI is attached as **Appendix E**.

FFY 2023 Goals

- Title VI Coordinator will review policy statement and public notice and update if necessary. Both documents will be provided to the MnDOT Commissioner for review and signature.

Negotiated Contracts

MnDOT utilizes state funds for maintenance and small construction contracts well-suited to be performed by small businesses using a contracting method authorized under state statute. State statute 161.32 subd. 2, "Direct Negotiation" allows MnDOT to award a maintenance or construction contract without advertisement, as long as MnDOT obtains a minimum of 2 quotes and the amount does not exceed \$250,000 per contract. Now referred to as "Negotiated Maintenance and Construction Contracts" or "NMCs", MnDOT has awarded hundreds of these contracts since 2015, many of which have been won by small businesses owned by women and Black, Indigenous and People of Color (BIPOC), with whom MnDOT has a documented contracting disparity.

From July 1, 2021 to June 30, 2022 (FY22), MnDOT awarded approximately \$11.8 million through NMCs. Approximately \$4.9 million was won by Target Group Businesses, Disadvantaged Business Enterprises, Veteran businesses and other small businesses owned by women and People of Color.

FFY 2023 Goals

- Increase work types suitable for negotiated maintenance and construction contracting.
- Increase outreach/advertisements for negotiated maintenance and construction contracting opportunities to small businesses through diverse media outlets and community organizations.
- Develop a pipeline and a sustainable program model for small businesses to progress from NMCs to larger contracting opportunities within the Department.

ADA Construction and Inspection Training

In FFY 2022, MnDOT delivered 5 ADA construction and inspection trainings on the Tribal lands of Leech Lake, Red Lake and Bois Forte to provide Tribal members and small businesses with an understanding of how to construct pedestrian facilities that provide accessibility in the public right-of-way from initial surveys and layout through the final documentation of Compliance Checklists and testing for the MnDOT ADA Construction Certificate.

FFY 2023 Goal

- Continue to offer ADA construction and inspection training to Tribal members and small businesses in 2023 to expand employment and contracting opportunities.

SUBRECIPIENT REVIEWS

MnDOT regularly passes federal-aid received from the FHWA to local government agencies, non-profit agencies, and private entities to carry out authorized programs and activities. Agencies and entities receiving federal-aid are referred to as “subrecipients” and must comply with regulatory requirements enacted to ensure compliance with Title VI of the Civil Rights Act of 1964 and related legal authorities. As part of its oversight responsibilities, MnDOT conducts periodic reviews of subrecipients to ensure compliance with those regulatory requirements. These compliance checks are called “subrecipient reviews.”

Metropolitan Planning Organizations (MPOs)

MPOs are entities designated by federal legislation with the lead responsibility for the metropolitan planning area's continuing, cooperative, and comprehensive (3-C) performance-based multimodal transportation planning process. A MPO shall be designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Decennial Census Bureau). MPOs are federal funded under 23 U.S.C. 104(d), 49 U.S.C. 5305(d), and 49 U.S.C. 5307.

Minnesota has eight urbanized areas designated as MPOs as shown in Figure 1. MnDOT is the lead oversight state department of transportation for the five MPOs which are entirely, or the majority of which, is located in Minnesota. MnDOT administers federal fund grants for those five MPOs and La Crosse Area Planning Committee (LAPC). North Dakota (NDDOT) is the lead oversight state for the Fargo-Moorhead Metropolitan Council of Governments and Grand Forks/East Grand Forks MPO. As such, NDDOT administers their federal fund grants. The Minnesota portion of federal funds for the two North Dakota MPOs are transferred to NDDOT for administration. Wisconsin (WisDOT) is lead oversight state department of transportation for the LAPC, but MnDOT still administers the Minnesota portion of federal fund grants. Despite MnDOT not having primary oversight over these three MPOs, MnDOT coordinates with those MPOs, NDDOT, and WisDOT to ensure Title VI compliance.

As a recipient of federal funds, each MPO is required to certify at least every five years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements, including Title VI and other statutes and regulations that prohibit discrimination in federally-funded programs and activities.

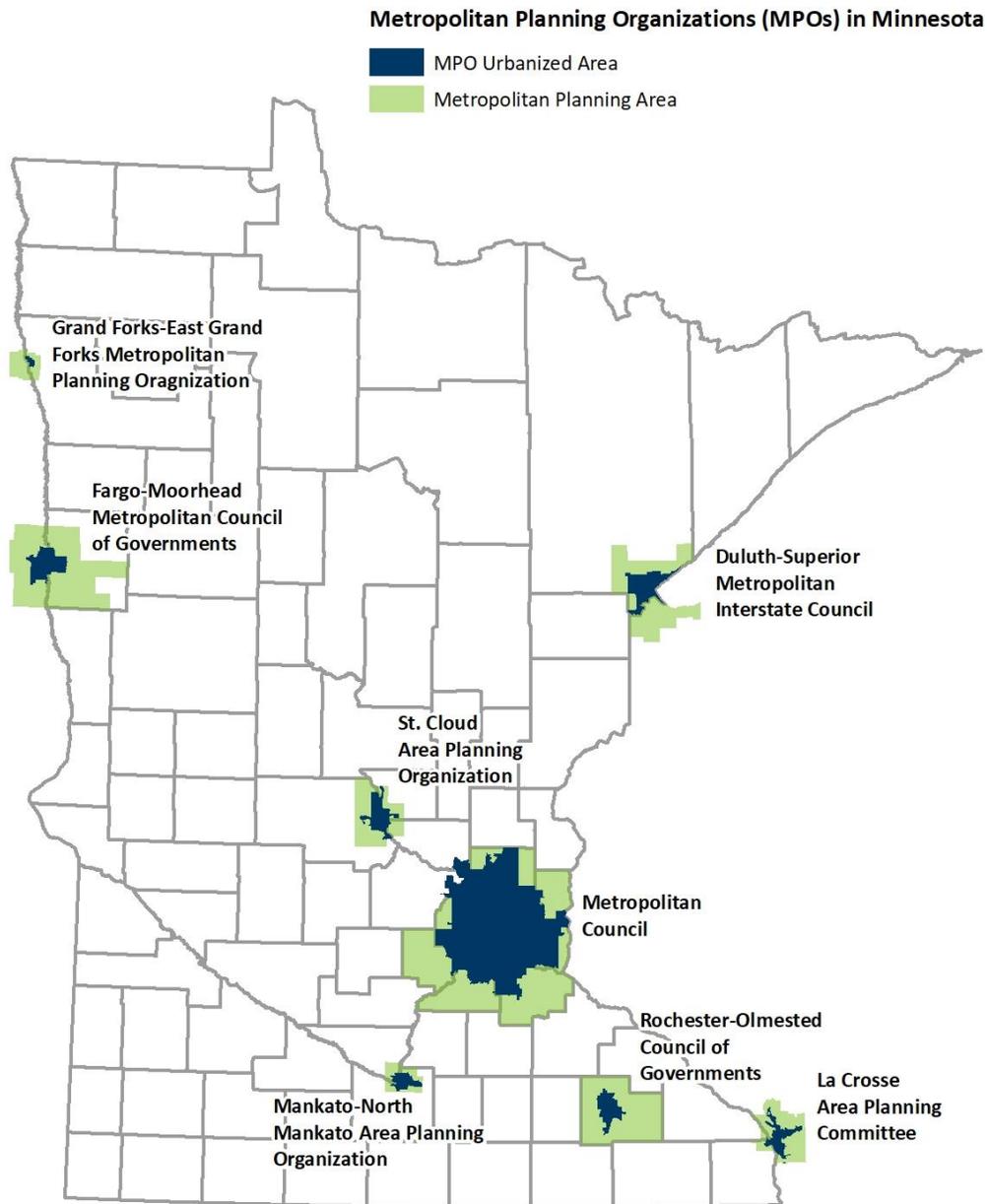
MnDOT has a full-time, permanent, MPO Coordinator who has primary responsibility for MPO oversight. The MPO Coordinator and Title VI Specialist work collaboratively to ensure Title VI compliance. Oversight is conducted annually including Title VI Plan reviews, delivering training or providing notice of external training opportunities related to Title VI, and identifying areas for Title VI improvements across the MPOs.

Each year, MnDOT conducts reviews of the MPOs located entirely or partially within Minnesota. Review meetings are led by MnDOT's MPO Coordinator, and the reviews can include a Title VI component. The Title VI Specialist presents at the review meetings to cover any identified areas of concern, request corrective action, and provide guidance as needed.

In FFY 2022, the Title VI Specialist participated and included a Title VI component in MPO mid-year reviews that were conducted by the MPO Coordinator. The Title VI Specialist also conducted a Title VI compliance review of Rochester-Olmsted Council of Governments and the Saint Cloud Area Planning Organization.

[Click here for more information about MPOs and MnDOT's other transportation planning partners.](#)

Figure 1: Metropolitan Planning Organizations in Minnesota



FFY 2023 Goals

- Title VI Specialist will attend as many MPO mid-year reviews as their schedule permits.
- Title VI Specialist and MPO Coordinator will conduct compliance reviews of two MPOs.

Local Public Agencies (LPAs)

MnDOT reviews Title VI plans completed by local governments and continues to plan future forums and trainings to improve understanding of Title VI and overall compliance in local highway programs across the state.

In April and May 2022, MnDOT hosted two hands-on workshops to help cities and counties that receive FHWA funds ensure compliance with Title VI and related nondiscrimination legal authorities.

- Limited English Proficiency Workshop: Participants received guidance for completing LEP data analysis and identifying language assistance services. The session included a presentation from the Minnesota State Demographic Center.
- Title VI Plan and Administrative Compliance Workshop: Participants received guidance for completing all sections of the Title VI Plan template, including a Title VI policy statement, public notice of rights, complaint procedure and form, and assurances.

FY 2023 Goals

- Review and update subrecipient resources and templates
- Review and update subrecipient compliance review documents and process prior to initiating FFY 2023 subrecipient reviews
- Provide at least one hour of Title VI training to local public agencies
- Conduct at least 1 LPA subrecipient review
- Plan for next Title VI assessment of local public agencies.

COMPLAINT IDENTIFICATION AND INVESTIGATION

During FFY 2022, complainants filed 8 Title VI complaints of discrimination with the MnDOT Office of Civil Rights. However, MnDOT's Title VI Specialist determined the alleged complaints did not fall under the purview of the MnDOT Title VI program. In these instances, the Title VI specialist either referred the complainant to another agency or worked to coordinate an investigation by the correct MnDOT office.

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, sex, age, disability, low-income status, creed, religion, marital status, sexual orientation, gender identity, and status with regard to public assistance may file a Title VI complaint with MnDOT using the "MnDOT Title VI and Other Discrimination Complaint Form" which is available on [MnDOT's website](#) (in web form and printed hard copy).

MnDOT has hard copy complaint forms available in [Spanish](#), [Somali](#), and [Hmong](#), while other languages can be accommodated as needed. The department also accepts complaints in alternative formats from persons with disabilities upon request. A complainant also has the option to provide MnDOT with complaint allegations over

the telephone. More information on complaint format and submission is available in the FHWA FFY 2022 MnDOT Title VI and Nondiscrimination Implementation Plan.

FFY 2023 Goals

- The Office of Civil Rights, the Office of Equity and Diversity, Chief Counsel, and the Ombudsman’s Office will continue to work collaboratively throughout the year to review complaints received by the department and resolve them appropriately.
- Ensure information on identification of Title VI complaints is included in training sessions.