



Title VI Goals and Accomplishments Report

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INTRODUCTION AND ASSURANCES

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 any person in the United States because 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 2021 to FHWA in October 2020, and it is available on the [MnDOT Title VI website](#).

The Federal Transit Authority (FTA) also requires recipients of federal financial assistance to prepare a Title VI implementation plan. FTA requires submittal of the plan triennially. MnDOT submitted the FTA Title VI Program Plan to FTA in April 2018, and it is available on the [MnDOT Title VI website](#).

MnDOT Office of Civil Rights 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 2020 accomplishments bolded throughout the report and a list goals or priorities for FFY 2021 provided for each program or activity.

In September 2020, MnDOT's Commissioner signed 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**.

ORGANIZATION AND STRUCTURE

Title VI requirements extend into every MnDOT district and office. Therefore, 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 MnDOT Title VI Program Roles and Responsibilities and current liaison list are attached as **Appendix B**. Currently, there are 50 Title VI Liaisons representing 8 districts and 28 offices.

Changes to Senior Leadership Team

The Senior Leadership Team (SLT) provides leadership, directs the [Strategic Operating Plan](#) implementation and makes decisions on other topics, both strategic and tactical, that require high level agency-wide approval. The SLT also recommends risk mitigation strategies to high level agency risks related to agency objectives and goals. Meetings are held at least twice per month.

In August 2020, MnDOT added the following office directors to the Senior Leadership Team:

- Levi Brown – Director, Office of Tribal Affairs
- Kim Collins – Director, Office of Civil Rights
- Seema Desai – Director, Office of Equity and Diversity
- Karin van Dyck – Director, Office of Human Resources

The change reflects MnDOT's commitment to ensure the agency is centering nondiscrimination, equity, diversity and inclusion in its decision-making.

New Office of Communications and Public Engagement

In August 2020, MnDOT formalized the merger of the former Office of Communications and the Office of Public Engagement and Constituent Services into one office, the new Office of Communications and Public Engagement. Jake Loesch, who also serves on the Senior Leadership Team, will continue as director of this office in the Chief of Staff Division. It is common in local and state governments to have one office that combines the work of public engagement and communications, and MnDOT believes that this merger better reflects the interconnected roles of their work to keep our internal and external audiences informed and engaged.

PROGRAM AREA REVIEWS & TRAINING

MnDOT utilizes a combination of surveys, periodic check-in meetings, compliance reviews and enforcement activities, outreach and education, 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 the Office of Civil Rights 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 monitors internal Title VI compliance by conducting annual reviews of program areas through the use of a Title VI Program Area Review Survey and Title VI Program Scorecards. If deficiencies or compliance gaps are discovered in a particular program areas, the Title VI Specialist will coordinate with the program area in question to ensure compliance.

The Title VI Specialist gathers information from Title VI Liaisons utilizing a Title VI Program Area Review Survey. The survey questions are grouped into major themes of MnDOT's Title VI Program, which include: general Title VI

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, document translation and the use of interpreters, contracts and agreements, employee Title VI awareness and training, and other related information. Each year, the Title VI Specialist reviews the survey and makes changes to continuously improve the survey as a compliance tool while remaining mindful of maintaining a survey comparable to prior years so Title VI compliance can be gauged year-over-year.

During FFY 2020, the survey was sent to 50 Title VI Liaisons representing 8 districts and 28 offices throughout MnDOT. The survey was completed by 31 out of 36 districts and offices, including all districts and key offices.

Title VI Program Scorecards

The Title VI Specialist creates a Title VI Program Scorecard for each district office. The scorecards are developed from the responses received in the Title VI Program Area Review Surveys. The scorecards provide the opportunity for the Title VI Specialist to report back to the districts on their performance within the major themes of the Title VI Program, share best practices, and identify areas that need improvement. The scorecards also establish a baseline for measuring the adequacy of the Title VI Program and capture historical data on MnDOT's compliance as an agency. A copy of a Title VI Program Scorecard from responses received in FFY 2020 is attached as **Appendix C**. Scorecards for FFY 2021 will be developed in November and December 2021.

In May and June 2020, individual meetings were held with Title VI Liaisons from all eight MnDOT district offices to review their FFY 2020 Title VI Program Scorecards. This allowed the Title VI Specialist to provide any necessary training. Title VI Liaisons also have an opportunity to provide feedback on the scorecards and ask any questions related to the Title VI Program.

FFY 2021 Goals

- Complete FFY 2021 scorecards and meet with districts to review results.
- Review FFY 2020 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 2021.

Office of Civil Rights Activities

Annual Compliance Reviews

An Annual Compliance Review is the means for determining whether a contractor performing on Federal-Aid Highway contracts is in compliance with its Equal Employment Opportunity (EEO) program requirements.

A compliance review consists of two parts, a desk audit and an 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 will take place at the field office to interview the contractor's EEO Officer, review documentation submitted, ask additional questions, and discuss any areas of improvement. OCR also interviews prime and subcontractor

employees on the job-site. After the on-site visit, a report is completed and submitted to FHWA. If deficiencies were identified, the contractor will be placed on a voluntary corrective action plan until the deficiencies are corrected.

In FFY 2020, OCR conducted 14 Annual Compliance Reviews.

Tribal Employment Rights Ordinance Meetings

The American Indian Tribal Employment Rights Ordinance (TERO) is a tribally based employment rights initiative. The program seeks to maximize American Indian employment opportunities by establishing an employment preference for contractors who have construction projects on or near a reservation.

In FFY 2020, OCR held or attended 8 meetings with TERO officers present.

Pre-Bid & Pre-Construction Meetings

OCR meets with contractors to discuss female and minority goals on projects, EEO Special Provisions, required EEO posters, workforce reporting, On-the-Job Training (OJT) information, tribal employment, FHWA 1273 document, and other compliance -related activities. OCR attends meetings that have significant opportunities for employment.

In FFY 2020, OCR attended 4 pre-bid or pre-construction meetings and sent 75 pre-construction letters to project engineers.

Commercially Useful Function Reviews

A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a DBE is performing a commercially useful function, MnDOT evaluates the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and DBE credit claimed for its performance of the work, and other factors.

In FFY 2020, OCR conducted 15 Commercially Useful Function reviews.

MnDOT DBE and Workforce Collaborative

The MnDOT DBE and Workforce Collaborative is a group of stakeholders that is committed to having Disadvantaged Business Enterprise contractors and minority and female workforce participation in the construction industry reflect the demographics of the State of Minnesota. The Collaborative has several subcommittees focused on specific topics related to the group's overall mission.

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

Results and Transparency Workgroup

The Results and Transparency Workgroup is a subcommittee of the MnDOT DBE and Workforce Collaborative. The workgroup meets monthly to review and monitor projects, workforce goals, progress in hiring women and minorities on highway construction projects and provide consultation and support to contractors and MnDOT as needed when contractors are not meeting workforce goals.

Each year OCR selects a range of projects for inclusion on a Priority Project List. **In FFY 2020, there were approximately 70 projects statewide included on this list.** This means that workforce participation goals, current participation percentages on the project, and OJT goals and participation percentages were monitored on a monthly basis and reported to the community. General project information is also included within the reports, such as project location, prime contractor, percent complete, contract amount, etc.

Worksite Cooperation Workgroup

The Worksite Cooperation Group was formed in November 2018. The group's purpose is to determine how each stakeholder involved in highway construction can better ensure that all worksites are respectful and welcoming work environments. Representatives from unions, contractors, community organizations, and MnDOT attend the meetings, along with workers in the construction industry.

In February 2020, MnDOT OCR held a webinar titled "Strategies for Creating a Respectful Workplace." The webinar was intended to provide construction contractors with practical strategies to improve their workplace culture and create more welcoming environments on jobsites.

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 2020.**

Building DBE capacity and increasing the number of certified DBEs:

- 46 newly certified DBE firms learned virtually about the benefits of certification and how to access information about contracting opportunities through New DBE Orientation.
- 8 DBEs & 5 Prime Contractors attended the rules of engagement (mentor protégé) event.
- 22 DBEs, 2 TGB, 1 vet owned business have got an opportunity to network with shortlisted prime contractors to learn about potential projects description through the meet & greet events.
- 87 certified and 105 non-certified small businesses have utilized the services offered at the DBE Small Business Resource Center.
- Working Capital Loan Fund: Two DBEs received one-on-one technical assistance.
- 43 DBEs received one-on-one technical assistance on a project specific assistance such as job costing, bidding and estimating and break down bid packages.

- 17 Newly certified highway heavy related DBEs received one-on-one counselling through the Small Business Pathway to Success Program.
- 15 certified DBEs received financial assistance through the Micro-Grant program.
- Held two project based meet and greet events and 22 DBEs, 2 primes attended.

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

- 2 completed CDL training by Riverland Community College and received their license form.

NOTE: All other training programs have been postponed due to COVID-19.

Alternative Contracting Methods

MnDOT Office of Civil Rights utilized alternative contracting methods on various projects throughout the state to work toward increasing workforce participation and small business contracting.

Workforce strategies included:

- Bi-weekly or monthly phone conferences to monitor contractors’ workforce participation progress
- Project tours to inspire middle and high school students to pursue a highway heavy construction career
- Annual contractor total workforce analysis
- Contractor participation in monthly public meetings to review workforce participation progress
- Online workforce participation project progress updates
- Career fairs along project corridor
- Annual meetings with community based organizations along project corridor
- On-site racial bias training

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

During FFY 2020, MnDOT published various resources to promote Title VI to both internal and external audiences related to MnDOT activities. Below is an outline of the internal news articles and links to the GovDelivery emails sent out to both internal and external audiences.

Newsline Articles

Newsline is MnDOT's online employee newsletter published biweekly to highlight key agency and transportation news. **Below is a list of the articles related to nondiscrimination and equity that were published in FFY 2020.**

- Strategic Women Advancing Transportation event highlights partnerships (October 2019)
- Asian ERG participates in Hmong Resource Fair (October 2019)
- New case studies look at challenges, solutions in engaging the public (November 2019)
- Indigenous ERG sponsors 'Building Pathways at MnDOT' (November 2019)
- Indigenous, Latino-American employee resource groups co-host 'Honoring our Ancestors' (December 2019)
- Public Engagement finding new ways to connect (April 2020)
- Tribal-state relations training adapts to COVID-19 challenges (July 2020)
- Senior Leadership Team Update (September 2020)
- On the Job: Shanna Williams helps bring Office of Civil Rights' services to small businesses, workforce (September 2020)

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 OCR programs, activities, events, and various other updates. **Below is a list of emails sent on behalf of OCR in FFY 2020.**

- MnDOT's Small Business Resource Center is hosting a grand re-opening event (November 2019)
- MnDOT's Office of Civil Rights invites you to a free webinars (January 2020)
- COVID-19 Financial Assistance (March 2020)
- COVID-19: DBE Certification Process Change (April 2020)
- COVID-19 Small Business Support Information Session (April 2020)
- Follow up to April 9, 2020 COVID - 19 Small Business Support Information Session (April 2020)
- Minnesota Department of Transportation Partners with Minnesota Department of Human Rights to Build a Thriving Minnesota (April 2020)
- Certified small business training and development financial assistance (August 2020)

Training Activities of the Title VI Specialist and Title VI Coordinator

Below is a list of trainings attended or provided by the Title VI Specialist and/or the Title VI Coordinator in FFY 2020.

- Attended monthly *Commissioner's Staff Diversity and Inclusion Committee Meetings* (throughout FFY 2020).
- Attended Center for Transportation Studies **Transportation Research Conference**, included "Transportation Equity and Access: A Lightning Round" and "From Local Perspective to National Public Opinion Data: Public Engagement Fits into your Project."
- Attended the *MnDOT Annual Communicators Workshop* (October 11, 2018).

- Held 8 **Skype Meetings with District Title VI Liaisons** to ensure they are up to date on Title VI-related topics, information, and trends, and to review and receive feedback on their Title VI Program Scorecards (May and June 2020)
- Attended **meetings with the Public Engagement and Constituent Services Office** to update the Public Engagement Policy to include MnDOT’s commitment to continuous public engagement and other necessary elements of Title VI compliance (throughout FFY 2020).
- Attended **Discussing Public Engagement** monthly meeting, which is an agency-wide meeting for MnDOT staff involved in public engagement to discuss current trends and public engagement developments within the agency (throughout FFY 2020).
- Attended **Meaningful Engagement for Environmental Justice without Public Meetings** webinar (August 5, 2020).
- Attended **A Public History of I-35W**, a preliminary history about opposition to the freeway, its impacts on communities of color, and concerns about equity and environmental justice (August 19, 2020).
- In lieu of any available trainings, the **Title VI Specialist has spent significant time researching Title VI**, including review FHWA resources and other State DOT Title VI programs.
- Title VI Specialist provided **Title VI Overview to Office of Civil Rights** (August 17, 2020)

FFY 2021 Goals

- Provide business-related technical training to help small businesses successfully participate on MnDOT contracts.
- Provide construction training opportunities to women and people of color to the extent practicable as soon as practicable after the cessation of the COVID-19 pandemic.
- Provide compliance oversight, outreach, and education to construction contractors.
- Assist in establishing business partnerships between Prime contractors and Disadvantaged Business Enterprise (DBE) firms.
- Ensure all programs are marketed to underserved communities in Minnesota.
- Provide access to capital for DBE’s working as prime contractors or subcontractors on MnDOT-eligible projects.

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 a Community Conversations project and a Research Roadmap project. 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. **In FFY 2020, Community Conversations reports were completed for District 2, District 4, and District 8.**

Through the Research Roadmap project, MnDOT explored and evaluated existing programs and initiatives addressing transportation equity. Working in partnership with the University of Minnesota's Center for Transportation Studies, the objective of the Research Roadmap project was to conduct a literature and program review on the topic of transportation equity. Understanding the current state of practice and research helps form recommendations for future transportation strategies that will meaningfully reduce disparities and identify areas where additional research is needed.

FFY 2021 Goals

- Complete Community Conversations project for District 1, District 3, District 6 and District 7.
- 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 adopted a Public Engagement Policy in September 2016. 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.

MnDOT is in the process of updating the Public Engagement Policy to include a pledge of ongoing and continuous engagement and relationship building with the public to earn trust and mutual understanding. The updated policy will also include an improved description of public engagement responsibilities that MnDOT offices and districts must incorporate in their organization structure. **Policy development is in its final stages, and the policy is expected to be finalized in early FFY 2021.**

The Office of Communication and Public Engagement also developed a new set of demographic survey questions for participants in online and in-person public engagement activities. The survey will help MnDOT better understand who is attending its public engagement activities and communities where it may need to improve its engagement efforts. See **Appendix D** for a copy of the survey.

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

FFY 2021 Goals

- Complete update of Public Engagement Policy and Public Engagement Guidance.
- Ensure demographic survey is used widely across MnDOT's public engagement activities and that data is aggregated and analyzed to improve future public engagement.

Limited English Proficiency (LEP)

MnDOT has identified LEP as a significant area for improvement and will make it a priority to create a language access plan by April 2021. MnDOT understands that LEP compliance involves taking reasonable steps to ensure access to LEP populations by providing oral and written translations as needed and requested. **LEP requirements were discussed during FFY 2020 scorecard reviews with district offices that are responsible for providing language access in each of MnDOT's eight districts.**

MnDOT's Central Office is responsible for maintaining necessary resources via translation and interpretation vendors. MnDOT remains contracted with Language Line Solutions, which provides telephone-based, on-demand access to language interpreters 24 hours a day, 7 days a week, year-round. The goal of this service is to assist MnDOT staff in communicating effectively with limited English proficient individuals throughout Minnesota. MnDOT also remains contracted with various written translation providers, and the most recent contract extension added providers for several additional languages. See **Appendix E** for a list of translation and interpretation services provided during FFY 2020.

MnDOT completed a statewide LEP four factor analysis which is located within the FFY 2020 Title VI and Nondiscrimination Implementation Plan submitted to FHWA and is available on the [MnDOT Title VI website.](#)

FFY 2021 Goals

- Develop a comprehensive Language Access Plan for MnDOT that establishes guidelines consistent with USDOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. The Language Access Plan will meet the requirements of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.
- Title VI Specialist will coordinate with the Office of Equity and Diversity to ensure all translations and interpretation requests are fulfilled.
- Title VI Specialist will 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:**

- Created exit survey for agency-wide online and in-person public engagement activities to better track MnDOT's success in connecting with environmental justice populations.
- Disseminated invitation across agency to free online environmental justice training conducted by MetroQuest in collaboration with EPA, FHWA, Department of Energy.
- Concluding updates of public engagement policy and cost guidance to help MnDOT staff better connect with and accommodate environmental justice populations.
- Title VI Specialist became integrated into monthly agency-wide public engagement meetings where environmental justice topics are discussed.

FFY 2021 Goals

- Provide environmental justice training opportunities to staff.
- Create environmental justice inventory to illustrate all areas of the department in which environmental justice is integrated into the department's operations and oversight.

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 2020, MnDOT completed the majority of the process to comprehensively update its public engagement policy.** The Title VI Coordinator and Title VI Specialist are involved in this process to ensure the updated policy includes necessary Title VI considerations.

FFY 2021 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 Program Public Policy Statement 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 policy statement and notices are also available on the [MnDOT Title VI website](#). These documents are provided to the FHWA as part of MnDOT's Title VI Implementation Plan. **In September 2020, the MnDOT Commissioner reviewed and signed the policy statement and public notice.** Those documents can be found attached to the FHWA FFY 2021 MnDOT Title VI and Nondiscrimination Implementation Plan.

FFY 2021 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 proposed and a statutory provision passed to increase the department's negotiated maintenance contract (NMC) limit from \$150,000 to \$250,000. A NMC is an alternative contracting method that saves time by simplifying the normal competitive bidding process. The statute allows MnDOT to award highway construction and maintenance contracts under \$250,000 by obtaining at least two quotes for the work. MnDOT is targeting solicitations to small businesses and other contractors to perform the work.

NMCs increase the viability and provide development opportunities for small businesses. This can be seen in the ADA Small Business Opportunity Pilot where small construction projects using NMCs provide hands-on experience for businesses seeking to gain experience in concrete flatwork.

MnDOT has successfully administered NMCs to provide qualified small businesses the opportunity to bid and ultimately be awarded prime contracts. **During FFY 2020, MnDOT awarded approximately \$7.9 million through NMCs, which is approximately \$2.3 million more than was awarded via NMCs in FFY 2019. Approximately \$4.1 million in NMCs went to registered small businesses including Target Group Businesses and Disadvantaged Group Enterprise, which is approximately \$1 million more than was awarded to registered small businesses in FFY 2019.**

FFY 2021 Goals

- Continue to increase negotiated maintenance contracting opportunities.
- Analyze awarded NMCs to ensure contracting opportunities are being provided equitably.

ADA Construction and Inspection Training

Since 2018, MnDOT has conducted ADA construction and inspection training to provide 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. Full day trainings were scheduled for March 16 and April 2, 2020. Unfortunately, MnDOT canceled those training opportunities due to COVID-19 restrictions.

FFY 2021 Goal

- Offer ADA construction and inspection training to small businesses to continue to expand contracting opportunities for those businesses.

SUBRECIPIENT REVIEWS

In June 2020, MnDOT and FHWA identified MnDOT's Title VI subrecipient review program as an area for improvement in its annual risk assessment. To address this area for improvement, MnDOT is in the process of establishing an enhanced subrecipient oversight program across its metropolitan planning organization and local public agency partners. With that in mind, MnDOT's subrecipient review program has focused less on conducting reviews during FFY 2020 and more on updating procedures and creating resources for subrecipients.

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 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. Of the eight MPOs, five are bi-state MPOs. MnDOT is the lead oversight state for five MPOs and administers grants with federal funds for six MPOs. North Dakota (NDDOT) is the lead oversight state for the Fargo-Moorhead Metropolitan Council of Governments and Grand Forks/East Grand Forks MPO. The federal funds for the two North Dakota MPOs are transferred to the North Dakota Department of Transportation for administration. Wisconsin (WisDOT) is lead oversight state for the La Crosse Area Planning Committee. 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.

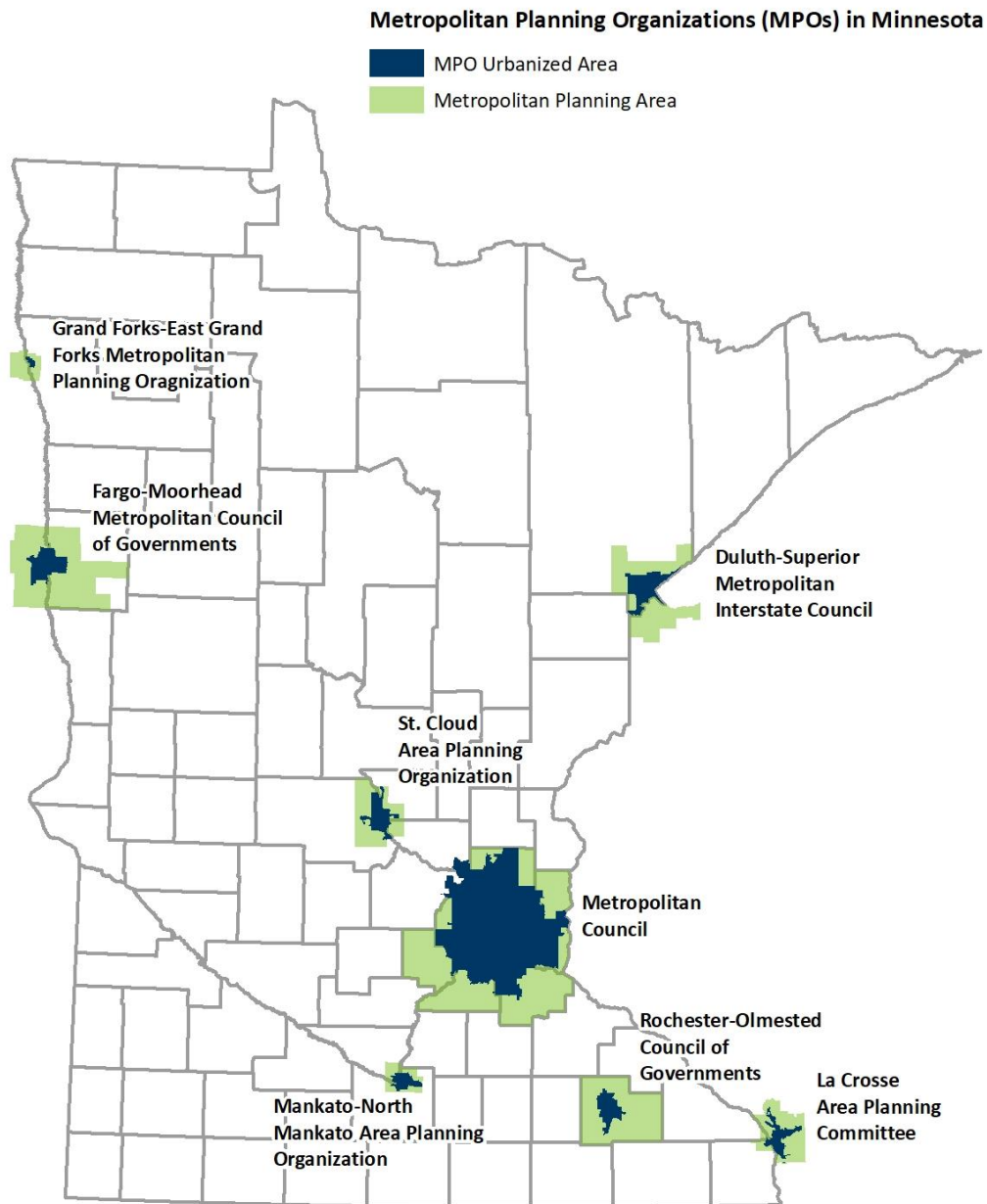
MnDOT has a full-time, permanent, MPO Coordinator who has primary responsibility for MPO oversight. The MPO Coordinator and Title VI Specialist work collaboratively to ensure Title VI compliance. Oversight is conducted annually including Title VI Plan reviews, delivering training or providing notice 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. Beginning in FFY 2021, the Title VI Specialist will be present at the review meetings to cover any identified areas of concern, request corrective action, and provide guidance as needed.

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

In FFY 2020, mid-year reviews of MPOs were conducted by the MPO Coordinator, including a Title VI component. The MnDOT Title VI Specialist also conducted a review of St. Cloud MPO's updated Title VI and Stakeholder Engagement Plan in July 2020. Plan modification requests were issued in coordination with the FHWA, MnDOT's MPO Coordinator, and the FTA. St. Cloud MPO revised the plan as requested, and it is set for board approval this fall. The MnDOT Title VI Specialist also conduct a similar review of the LaCrosse Area Planning Commission Title VI Plan and forwarded the review to WisDOT, which is the agency with primary oversight.

Figure 1: Metropolitan Planning Organizations in Minnesota



FFY 2021 Goals

- Title VI Specialist will attend all MPO mid-year reviews.
- Title VI Specialist and MPO Coordinator will establish consistent procedures for Title VI MPO oversight.

Local Public Agencies (LPAs)

In lieu of conducting LPA reviews, MnDOT has invested significant time preparing its updated subrecipient oversight program. The program will include the following elements:

- New subrecipient webpage with resources and guidance.
- Title VI Self-Assessment distributed to LPAs in February 2021 and returned to MnDOT in March 2021. See **Appendix F** for a draft of the assessment.
- Updated subrecipient review process and forms, including request for information notice, compliance report, and corrective action plan. See **Appendix G** for a draft of the compliance report and corrective action plan.
- Title VI presentations in January at Minnesota County Engineer's Association (MCEA) and City Engineers Association of Minnesota (CEAM) conferences by the Title VI Specialist.

The [subrecipient webpage](#) was completed and announced in a [newsletter](#) to LPAs in September 2020.

MnDOT's State Aid Office is responsible for providing federal-aid to LPAs. In FFY 2020, 59 LPAs received federal-aid for 119 projects as of September 15th, 2020, with an additional 9 local public agencies expected to be awarded federal-aid by the end of September. Please see **Appendix H** for an itemized report of funding recipients. According to Appendix H, MnDOT has provided a total of \$156,750,041.41 in FHWA federal-aid to LPAs.

FY 2021 Goals

- Draft and distribute Title VI Self-Assessment to LPAs in February 2021 and evaluate responses in March 2021.
- Finalize drafts of necessary subrecipient review forms, including request for information notice, compliance report, and corrective action plan.
- Provide Title VI training to LPAs at Minnesota County Engineer's Association (MCEA) and City Engineers Association of Minnesota (CEAM) conferences.
- Conduct 5-8 subrecipient reviews of LPAs.

COMPLAINT IDENTIFICATION AND INVESTIGATION

During FFY 2020, the MnDOT Office of Civil Rights did not receive nor investigate any Title VI Program complaints of discrimination. However, MnDOT's Title VI Specialist did receive complaints that were determined to not fall under the purview of Title VI after inquiry into the allegations received. Even in instances where the complaint was not determined to be a Title VI complaint, the Title VI specialist worked to coordinate an investigation by the correct office and ensure a sufficient response by the department to the extent necessary.

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 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). The complaint form is available in English, Spanish, Somali, and Hmong on the website and additional languages upon request. MnDOT will accept complaints in alternative formats from persons with disabilities upon request. A complainant also has the option to call MnDOT and provide complaint allegations over the telephone. More information on complaint format and complaint submission is available in the FHWA FFY 2021 MnDOT Title VI and Nondiscrimination Implementation Plan.

In FFY 2020, the Title VI Specialist updated the Complaint Consent Release Form with assistance from the Office of Chief Counsel.

FFY 2021 Goals

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