



Minnesota Department of Transportation  
Title VI/Nondiscrimination  
Implementation Plan - FHWA

Federal Fiscal Year 2018  
October 1, 2017

---

## Contents

INTRODUCTION .....	1
POLICY STATEMENT .....	1
ORGANIZATION AND STRUCTURE .....	3
MnDOT Title VI Organization and Structure.....	3
MnDOT Office of Civil Rights .....	5
Title VI Specialist Responsibilities.....	6
Title VI Coordinator .....	6
PROGRAM AREA REVIEW PROCEDURES.....	7
Program Areas Impacted By Title VI.....	7
Communications Office .....	7
Public Engagement and Constituent Services .....	8
District Offices .....	8
Office of Land Management.....	8
MnDOT Planning and Programming.....	9
MnDOT Contract Management.....	9
SPECIAL EMPHASIS PROGRAM AREAS.....	10
Corrective Action .....	10
SUB-RECIPIENT REVIEWS .....	10
Procedures for Conducting Reviews of Sub-Recipients.....	10
Compliance Reviews.....	12
Corrective Action .....	12
DATA COLLECTION .....	12
TRAINING PROCEDURES .....	13
Title VI Specialist.....	13
Civil Rights Staff, Title VI Liaison and Other Employee Training.....	13
Sub-Recipients and Stakeholders .....	13
COMPLAINT PROCEDURES.....	13
Complaint Format.....	14
Timing .....	15
Review .....	15

Investigation .....	15
Complaint Retention .....	16
MnDOT Title VI Complaint Log .....	17
DISSEMINATION OF INFORMATION .....	18
Public Involvement .....	18
Public Involvement Plan .....	18
LIMITED ENGLISH PROFICIENCY (LEP) .....	19
Requirements to Provide Meaningful Access to LEP Persons .....	19
The Four Factor Analysis.....	19
Factor #1: Demography .....	19
Factor #2: Frequency .....	27
Factor #3: Importance .....	27
Factor #4: Resources .....	27
The Safe Harbor Provision .....	27
MnDOT LEP Commitment.....	28
ENVIRONMENTAL JUSTICE .....	28
Planning .....	29
REVIEW OF STATE TRANSPORTATION AGENCY (STA) DIRECTIVES.....	30

ATTACHMENTS.....appear after page 31

- 1 – MnDOT’s Organizational Chart as of July 2017*
- 2 – MnDOT Office of Civil Rights’ Organizational Chart as of September 2017*
- 3 – MnDOT Title VI Specialist Position Description – Responsibilities*
- 4 – MnDOT’s Title VI Program Area Review Survey FFY 2018*
- 5 – MnDOT’s Title VI and Other Discrimination Complaint Form*
- 6 – MnDOT Standard U.S. DOT Title VI Assurances*
- 7 – MnDOT Public Notice of Rights Under Title VI*

## INTRODUCTION

The Minnesota Department of Transportation (“MnDOT”) is a recipient of federal financial assistance. All recipients are required to comply with nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, which forbids discrimination against anyone in the United States because of race, color or national origin by any agency receiving federal funds. The Federal Highway Administration (“FHWA”) requires recipients of federal-aid funds to prepare an implementation plan to clarify roles, responsibilities and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

## POLICY STATEMENT

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

Nondiscrimination laws are also found in other statutes, regulations, and Executive Orders. The Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. Disability was added as a protected class through Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Age was subsequently added in 1975 under the Age Discrimination Act. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status. In 2000, Executive Order 13166 – Limited English Proficiency (LEP), was also signed into effect requiring federal agencies to assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.

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

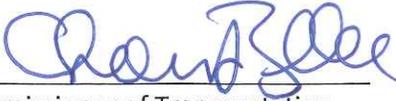
MnDOT is committed to ensuring that no person in the State of Minnesota, on the basis of race, color, national origin, sex, age, disability, or income status, is excluded from participation in, denied benefits of, or otherwise is subjected to discrimination under any and all programs, services, or activities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

MnDOT, as a recipient of Federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 CFR Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964); and related statutes and regulations.

Title VI responsibilities are delegated to the Title VI Coordinator in the Office of Civil Rights. The MnDOT Division Directors and District Engineers and are charged with the responsibilities to develop and implement procedures and guidelines to adequately monitor and administer MnDOT programs in compliance with Title VI.

MnDOT recognizes the need for and provides Title VI training for MnDOT personnel. MnDOT further recognizes the impetus to adequately staff Title VI programs.

Any person who believes that he or she has, individually, or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, or income status may file a confidential Title VI complaint with MnDOT. Complaints related to this policy should be directed to Kim Collins, Director of the Office of Civil Rights, 395 John Ireland Blvd., MS 170, St. Paul, MN 55155.



\_\_\_\_\_  
Commissioner of Transportation  
State of Minnesota (MnDOT)

9-29-17

\_\_\_\_\_  
Date

***Any questions related to this policy should be directed to Kim Collins, Director of the Office of Civil Rights, 395 John Ireland Blvd., MS 170, St. Paul, MN 55155, 651-366-3150 or kim.collins@state.mn.us***

## ORGANIZATION AND STRUCTURE

### MnDOT Title VI Organization and Structure

MnDOT leadership consists of one Commissioner who is appointed by the Governor and a team of five executive leadership management staff who manage the Department. The MnDOT organizational chart is accessible online and can be found here: <http://www.dot.state.mn.us/information/orgchart/index.html>. The MnDOT Organizational Chart is also attached as *Attachment 1*.

Title VI requirements necessarily touch and extend into every Division. Every office must comply with Title VI requirements, as is described throughout this plan.

MnDOT's Title VI Program requires the appointment of a Title VI Liaison for each District and Office. The Title VI Liaison is responsible for identifying Title VI issues, monitoring Title VI applications, supplying Title VI guidance or connecting to resources that can supply guidance, acting as a liaison to the Office of Civil Rights, and reporting on Title VI implementation. The Office of Civil Rights ensures that other divisions are in compliance through contact with Title VI Liaisons. The List of Title VI Liaisons is at the end of this section.

The Disadvantaged Business Enterprise (“DBE”) Program ensures that MnDOT’s construction contracting process provides access to minority and women owned businesses and works to eliminate discrimination in the contract letting process. DBE Specialists meet weekly to review proposed projects prior to advertisement to determine whether a DBE goal is applicable and to set the goal in accordance with 49 C.F.R. §26. The DBE Specialist is also responsible for ensuring compliance with the DBE program by monitoring projects post award.

OCR staff monitors the Communications, District Offices, Land Management, Planning and Programming, and Contract Management offices, amongst others, by utilizing the Title VI Program Area Review Survey that is distributed annually to all Title VI Liaisons. The Specialist ensures that the Department receives the proper assurances from sub-recipients and reviews compliance with Title VI and applicable laws. These reports are reviewed to determine which office/district or sub-recipient may require a compliance review or further clarification on an issue.

### Title VI Liaison List

<u>Name</u>	<u>Office</u>	<u>Name</u>	<u>Office</u>
Linda Christen	Administration	Jon Huseby	D8
Suzanne Thayer		Nancy Kulseth	
Kathy Vesely	Aeronautics	Lynn Clarkowski	Environmental Stewardship
Jean Wallace	Asset Management	Scott Bradley	
Dan Kahnke	Audit	Seema Desai	Equity and Diversity
Kevin Western	Bridge	Gina Kundan	
Tara Kalar	Chief Counsel	Ericca Erhard	Freight & Commercial Vehicle Operations
Wendy Surprise		Scott Peterson	Government Affairs
Jonica Carr	Civil Rights	Jennifer Witt	Human Resources
Kim Collins		Karin Van Dyck	
Kevin Gutknecht	Communications	Mike Moran	Land Management
Jackie Brown	Construction and Innovative Contracting	Ernest Lloyd	Maintenance
Tom Ravn		Lisa Bilotta	Materials & Road Research
Robin Sylvester	Controller/Financial Management	Glenn Engstrom	
Duane Hill	D1	Kristi Billiar	Operations Division
Michael Kalnbach		Amr Jabr	
Craig Collison	D2	Praveena Pidaparathi	Passenger Rail
Rod Starkey		Steve Ryan	Project Management and Tech Support
Brad Scott		Tom Styrbicki	
Dan Anderson	D3	Richard Davis	Public Engagement and Constituent Services
Betty Jo Winterowd		Lynnette Roshell	State Aid
Tori Nill	D4	Alice Robbins	Statewide Radio Communications
Doug Newman		Jocelyn Stein	Strategic Programs
Chris Krueger	Metro District	John Peters	Traffic, Safety, & Technology
Scott McBride		Laura Nehl- Trueman	Transit
Mary Schmidt		Michael Johnson	
Jeff Vlaminck	D6	Brian Gage	Transportation System Management
Patty Eckdahl		Roberta Retzlaff	
Greg Ous	D7	Linda Taylor	

## MnDOT Office of Civil Rights

The responsibility for the implementation of and compliance with MnDOT's Title VI Program is assigned to the Director of Civil Rights as the Title VI Coordinator. The Title VI Coordinator, on behalf of the Department, is responsible for the overall management of the Title VI Program and the Office of Civil Rights ("OCR") team. This position has direct access to MnDOT's Commissioner on Title VI issues. The Title VI Coordinator is under the direct supervision of the Chief Counsel. The Title VI Specialist reports to the Title VI Coordinator/Office Director and is responsible for ensuring compliance with Title VI of the Civil Rights Act, including conducting compliance reviews, training, and complaint investigation and enforcement.

MnDOT's Office of Civil Rights is broken down into three sections – Small Business Contracting; Equal Employment Opportunity ("EEO") and Contract Compliance; and Business Program and Development. Each section oversees portions of MnDOT's Civil Rights programs. Each section reports to a supervisor that provides oversight in the execution of the programs and professional staff that monitor and administer the day-to-day activities.

The Small Business Contracting section monitors and enforces the DBE, Targeted Group Business ("TGB") and Veteran-Owned Small Business Programs. The team consists of nine professional staff that work to ensure compliance with 49 CFR Part 26 and various state requirements within a specific geographic assignment.

The Contract Compliance section monitors and enforces EEO, On-the-Job Training ("OJT"), and the Tribal Employment Rights Ordinance ("TERO"). The section consists of five professional staff who are responsible for monitoring and administering the programs within a specific geographic assignment.

The Business Program and Development section provides socially and economically disadvantaged businesses with professional development opportunities and services and provides OJT Supportive Services programs. This section facilitates a mentor-protégé program, develops and executes trainings for small businesses, facilitates a working capital loan fund program and administers contracts and grants for construction career trainings. The team consists of six professional staff, including a civil rights outreach coordinator, program outreach and business development staff, and a grants and contractor coordinator.

## Title VI Specialist Responsibilities

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

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

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

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

**Responsibility V: Conduct Title VI Investigations.** Conduct investigations and resolve complaints of discrimination and harassment received by MnDOT related to external sub-recipients and contractors; convene appropriate MnDOT personnel in resolutions; refer conflicts of interest to FHWA/FTA; lead mediation and conciliation meetings.

## Title VI Coordinator

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

### *Attachments:*

- 1 – MnDOT's Organizational Chart as of July 2017*
- 2 – MnDOT Office of Civil Rights' Organizational Chart as of September 2017*
- 3 – MnDOT Title VI Specialist Position Description – Responsibilities*

## PROGRAM AREA REVIEW PROCEDURES

MnDOT monitors Title VI compliance by conducting program area reviews. MnDOT has developed a process to conduct Title VI reviews of program areas to determine the effectiveness of program activities. If trends or patterns of discrimination are identified, actions will be taken to correct the violations. Trends may be identified through reoccurring activities, practices, or complaints.

The Title VI Specialist is required to conduct program area reviews on an annual basis. When possible, reviews are conducted prior to submission of the FHWA Title VI Annual Goals and Accomplishments Report. There are no pre-grant or post-grant approval reviews for MnDOT Divisions and Districts.

The Title VI Specialist gathers information from Title VI Liaisons utilizing a Title VI Program Area Review Survey that contains a set of questions about public access to Title VI information such as the Title VI Complaint Form, Instructions, Title VI Complaint Process, Americans with Disabilities (ADA) information, etc.; interactions with limited English proficiency (“LEP”) individuals; coordination with tribal governments; public outreach/involvement including women, minorities, LEP, and low-income populations; contracts and agreements; employee Title VI awareness and training; and other related information.

If areas of discriminatory practices or areas of concern are identified, the report must state how the discriminatory practice or concern will be corrected and a date when the corrections will be completed. Additionally, the report will identify the date(s) the review was conducted, name(s) of person(s) who wrote the process review report and date, and the Division Director’s or District Engineer’s signature along with the date reviewed and signed. For more information, see the *Special Emphasis Program Areas* section of this plan.

Program area review surveys are completed by the Title VI Liaison. The Title VI Specialist monitors the progress of the reviews for the applicable division and district to ensure timely completion and submission to the Director of Civil Rights for the Annual Goals and Accomplishments Report.

*Attachment:*

*4 – MnDOT Title VI Program Area Review Survey FFY 2018*

## Program Areas Impacted By Title VI

### Communications Office

The MnDOT Communication Office prepares and distributes Departmental information to the public, including public meetings and public hearings notices; submits letters to the editor and newspaper columns; coordinates appearances on local TV, radio talk shows, and media interviews; writes articles on MnDOT’s internal website; submits ads and notices in newspapers; prepares presentations to various civic and local government groups; sends news releases on key issues and events of public interest; drafts speeches; and produces videos. Additionally, the Communications Office has a Facebook and Twitter page which allows for another avenue to disseminate information out to the public. The Communications team ensures full and fair access to information disseminated intended for public consumption and can arrange for translation services, if requested.

### ***Assurance Activities***

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

## Public Engagement and Constituent Services

The MnDOT Office of Public Engagement and Constituent Services engages and involves the public through market research, customer response management and customer relations. MnDOT's customer relations team strives for timely, consistent and accurate responses to the public. This office uses CorrFlow to track external responses to external customers.

### ***Assurance Activities***

- Ensure that information is disseminated in alternative formats upon request consistent with the MnDOT LEP Commitment.
- Ensure that targeted populations are included as stakeholders, when applicable.
- Ensure statewide consistency for MnDOT's various public engagement activities.

## District Offices

The District Offices provide outreach specific to a project in the District and consistent with Environmental Justice and Limited English Proficiency requirements for public outreach during the development of MnDOT projects. The District Offices compile the demographic data in the project area, and detail the required public outreach and recommendations for community resources to aid in information dissemination. The District Office will coordinate translators for public hearings and document translation, upon request.

### ***Assurance Activities***

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

## Office of Land Management

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

### ***Assurance Activities***

- Make every reasonable effort to ensure clear communication when engaging in interactions with LEP, sight impaired or hearing impaired individuals. This includes the use of interpreters when necessary.

- Through cooperation with other offices, identify low-income and minority populations and take steps to appropriately address disproportionately high adverse effects to their health and environment.
- Ensure equitable treatment of all affected property owners, regardless of race, color, sex, age, disability, or national origin. This includes, among other impacts, appraisal values, relocation assistance and opportunities for purchase of excess property.
- Monitor and review the right-of-way activities of cities and counties to verify compliance with Title VI in their right-of-way processes.
- Ensure applicable nondiscrimination language and appendices are included in contracts and agreements.

## MnDOT Planning and Programming

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. Title VI factors into the planning phase and is addressed by ensuring effective public involvement processes are in place.

For more information about this department and the Title VI-related activities conducted in FFY 2017, see the *Title VI Goals & Accomplishments Report for FFY 2018*.

### **Assurance Activities**

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

## MnDOT Contract Management

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

### **Assurance Activities**

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

## **SPECIAL EMPHASIS PROGRAM AREAS**

A special emphasis program area is a program area that has an identified trend or pattern of discrimination by the Title VI Liaison or Title VI Specialist during a review of the program area. By identifying this program area as a special emphasis program area, MnDOT is able to track and report on the progress in the annual report.

Using the Title VI Program Area Review Survey completed by Title VI Liaisons, the Title VI Specialist will identify divisions or districts that have indicated a trend or pattern of discrimination, or have failed to comply with or participate in Title VI requirements.

Program areas scheduled for review will be notified in writing in advance to ensure the attendance of the Office Director/District Engineer and key personnel. The notification may include a compliance review questionnaire containing questions that are required to be answered in writing and returned within 30 days of receipt.

The Title VI Specialist will review the responses to the compliance review questionnaire during the desk review process in advance of the on-site review. The on-site review may consist of an entrance conference, review of files and documentation, interviews and an exit conference, as deemed necessary by the Title VI Specialist, and will allow sufficient time to thoroughly review the program area.

A compliance review report will be issued within 30 days following the exit conference. No action on the part of the program is required on findings of compliance, unless a condition of compliance is specified. However, if the review contains deficiencies, the program area, with the assistance of the Title VI Specialist, will be required to develop a Corrective Action Plan (“CAP”) to overcome any findings within a period not to exceed 90 days.

### **Corrective Action**

If a program area is found to have deficiencies, the program area and/or office, with the assistance of the Title VI Specialist, will create a remedial action plan to be implemented within 90 days. The Title VI Specialist will seek the cooperation of the program area and/or office in correcting deficiencies found during the review. The Title VI Specialist will also provide the technical assistance and guidance needed to aid the program area and/or office.

## **SUB-RECIPIENT REVIEWS**

Sub-recipients are local governmental entities or contractors/consultants that receive federal financial assistance through MnDOT. As a condition of receiving federal funds, the sub-recipient must sign an assurance of nondiscrimination and agree to carry out the requirements of the Title VI program.

### **Procedures for Conducting Reviews of Sub-Recipients**

MnDOT will perform a desk audit of select sub-recipients every year to ensure compliance with Title VI. The sub-recipients selected for review will be a combination of small, medium, and large entities and an effort will be made to include at least one sub-recipient from every MnDOT district. The compliance

review will focus on how effectively the sub-recipient has implemented its Title VI Plan by analyzing compliance with the elements of the Title VI plan below.

The results of the desk audits will be reported in MnDOT's Title VI Goals and Accomplishments Report to FHWA. MnDOT may also conduct a more in-depth review or conduct a site visit if the results of a desk audit indicate a pattern of non-compliance. Each sub-recipient must provide:

- A signed Title VI Program Assurance;
- Identification of a Title VI Program Coordinator;
- A Title VI Program Plan; and
- A Title VI Program Goals and Accomplishments Report.

The selected sub-recipient will be required to submit its Title VI Plan for review. The following is a summary of items that are required as part of the sub-recipient's Title VI Plan:

**Nondiscrimination Policy Statement:** The sub-recipient must provide a statement of its commitment to nondiscrimination and Title VI compliance that is signed by the top official and circulated throughout the organization and general public. The policy statement must define federal financial assistance and delineate specific forms of prohibited discrimination.

**Standard DOT Assurances:** A Title VI Plan must include the USDOT 1050.2 Standard Title VI Assurance in which the sub-recipient assures that its program will be conducted in a nondiscriminatory manner. The sub-recipient is also responsible for requiring each contractor on federally-assisted contracts to sign the applicable portion of the standard assurance.

**Title VI Coordinator:** The sub-recipient must designate a Title VI Coordinator who is responsible for managing and monitoring Title VI compliance on a daily basis.

**Primary Program Area Descriptions:** The Title VI Plan must describe the nature of the sub-recipient's primary program areas. The Plan should identify Title VI related responsibilities for each program area to ensure non-discrimination.

**Monitoring and Review Process:** The sub-recipient must develop procedures for identifying and addressing Title VI issues. The Title VI Plan should include a description of how the sub-recipient's program areas are reviewed for Title VI compliance and outline procedures to eliminate and address discrimination and resolve deficiencies when noncompliance occurs. Sub-recipients administering federal aid contracts are also required to monitor prime contractors and subcontractors for Title VI compliance.

**Complaint Procedures and Tracking:** Sub-recipients are required to investigate all Title VI discrimination complaints. The sub-recipient must develop, and include in the Title VI Plan, procedures for investigating and logging complaints pursuant to 23 CFR 200.9(b)(3). The complaint procedures must be disseminated internally and externally. At a minimum, the complaint procedures must be posted on the sub-recipients website.

**Data Collection and Analysis:** The sub-recipient is required to develop procedures for the collection of statistical data (race, color, sex, age, disability, and national origin) of participants in, and beneficiaries of the sub-recipient's programs. See 23 CFR 200.9(b)(4).

**Notice of Rights:** The Title VI Plan must provide procedures for and notifying the public of their rights under Title VI and related authorities. At a minimum, the complaint procedures must be posted on the sub-recipients website and in locations accessible to the public.

**Public Outreach and Participation:** The Title VI Plan must describe procedures for eliciting and soliciting participation by minority and limited English proficient communities to ensure participation by these traditionally underserved communities.

**Limited-English Proficiency (LEP):** Sub-recipients are required by Executive Order 13166 to ensure that LEP individuals have meaningful access to services. Sub-recipients are required to perform the required LEP analysis and develop a plan for providing language assistance and outreach to LEP populations. The sub-recipient must record requests for language assistance and measures taken to assist LEP individuals.

**Title VI/Nondiscrimination Understanding & Training:** The Title VI Plan must include training requirements that ensure that staff and contractors understand the basic principles of Title VI.

**Annual Work Plan and Accomplishment Report:** The sub-recipient is required to prepare an annual report describing its Title VI compliance efforts for each program area from the previous year. The report will also include the sub-recipients goals and work plan for the following year.

## Compliance Reviews

The compliance review will focus on how effectively the sub-recipient has implemented its Title VI Plan by analyzing compliance with the elements of the Title VI Plan as described in the *Sub-Recipient Reviews* section above.

A compliance review report will be issued within 15 calendar days following completion of an on-site review. If no on-site review is conducted, a compliance review report will be issued within 15 calendar days of the acceptance date of all necessary documents. No action on the part of the sub-recipient is required on findings of compliance, unless a condition of compliance is specified. However, if the audit determines deficiencies, the sub-recipient, with the assistance of the Title VI Specialist, will be required to develop a Corrective Action Plan (“CAP”) to overcome any findings within a period not to exceed 90 calendar days.

## Corrective Action

If a sub-recipient is found to have deficiencies, the sub-recipient must create a remedial action plan to be implemented within 90 calendar days. The Title VI Specialist will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. The Title VI Specialist will monitor implementation of the CAP.

## DATA COLLECTION

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

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

**Environmental Planning:** MnDOT collects and analyzes U.S. Census and other data regarding populations expected to be impacted by MnDOT projects. Race and income data is collected during the environmental review process. For more information on the FHWA environmental studies and NEPA studies, please visit: [http://www.environment.fhwa.dot.gov/projdev/env\\_just.asp](http://www.environment.fhwa.dot.gov/projdev/env_just.asp) and MnDOT's Office of Environmental Stewardship website: <http://www.dot.state.mn.us/environment/index.html>

**Statewide Planning:** As part of the Statewide Planning Process, MnDOT staff analyze demographic maps that include median income levels per county and racial/ethnic makeup at the U.S. Census tract level.

## TRAINING PROCEDURES

### Title VI Specialist

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

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

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

The training provided by the Title VI Specialist provides comprehensive information on Title VI and related nondiscrimination provisions, its application to program operations, identification of Title VI issues, and resolution of complaints. Scheduled training events are recorded documenting the training topic, date, time, hours, location, and participants.

### Sub-Recipients and Stakeholders

MnDOT provides guidance and one-on-one training to applicants for federal financial assistance and sub-recipients in developing and updating their Title VI Program as requested or needed.

## COMPLAINT PROCEDURES

Any person who believes that he or she, 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* below and available on the Office of Civil Rights website, located here:

<http://www.dot.state.mn.us/civilrights/titlevi-complaint-form.html>

The complaint form is also available in Spanish, Somali, Hmong, and additional languages upon request.

The Title VI discrimination complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination. Any investigation or inquiry into Title VI discrimination complaints are a part of an administrative process and do not provide legal remedies. These procedures do not deny or limit the right of a complainant to file a formal complaint with an outside enforcement agency or to seek private counsel for complaints alleging discrimination. Further, FHWA and FTA, respectively, have delegated authority for all final decisions, dismissals, and Letters of Findings. Letters of Findings issued by FHWA and FTA are administratively final.

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

*Attachment:*

*5 – MnDOT Title VI and Other Discrimination Complaint Form*

## Complaint Format

All Title VI complaints are considered formal. Complaints must be in writing and contain at least the following information, listed below. The *MnDOT Title VI and Other Discrimination Complaint Form* contains all of the required information.

Complaints must be in writing and contain at least the following information:

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

MnDOT will accept complaints in alternative formats from persons with disabilities, upon request. The complainant may also call the agency and provide the allegations by telephone. The agency will write the allegations of the complainant as provided over the telephone and send a written complaint to the complainant for signature. This exchange is also available in person.

Complaints should be directed to:

Minnesota Department of Transportation  
Office of Civil Rights  
Attn: Title VI Coordinator

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

## Timing

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

## Review

The complaint will be reviewed within **10 calendar days** of receipt to determine whether MnDOT has jurisdiction (are we the appropriate office to receive and investigate?) and whether the complaint contains all the necessary information required for acceptance.

If it is determined that MnDOT does not have jurisdiction, MnDOT will administratively close the complaint.

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

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

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

## Investigation

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

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

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

Within **90 calendar days** of the date of acceptance, the Commissioner of MnDOT will notify the parties in writing of the final decision reached, including the proposed disposition of the matter. The notification will also advise the parties of their appeal rights with the U.S. Department of Transportation, FHWA, or FTA if they choose that alternative.

If the investigation must go longer than the 90 day timeframe, both parties will be notified in writing of the decision and reasoning for extending the timeframe.

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

For more information on the external complaint process, please visit the Office of Civil Rights website linked above.

## Complaint Retention

MnDOT retains a complaint log that includes the investigative plan, investigative report, investigative findings and remedial action taken. A copy of the elements that are tracked within the complaint log are below.



## DISSEMINATION OF INFORMATION

### Public Involvement

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

- [Area Transportation Partnerships](#)
- [MinnesotaGo](#)
- [Minnesota Statewide Transportation Improvement Plan](#)
- [Intelligent Transportation System ITS Safety Plan](#)
- [Freight](#), [transit](#), [bicycle](#) and [pedestrian](#) multimodal plans

For more information, visit: <http://www.dot.state.mn.us/publicinvolvement/hearings.html>

### Public Involvement Plan

MnDOT utilizes a model for public participation based upon the International Association for Public Participation that identifies a five-pronged approach to public involvement:

- Informing

MnDOT informs by providing the public with balanced and objective information to assist the public in understanding the problem, alternatives, opportunities and/or solutions. MnDOT's promise to the public is to keep the public informed. Example techniques are using fact sheets, web sites, and open houses.

- Consulting

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

- Involving

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

- Collaborating

MnDOT collaborates by partnering with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. MnDOT's promise to the public is to look to the public for advice and innovation in formulating solutions and incorporating the

public's advice and recommendations into the decisions to the maximum extent possible. Example techniques are citizen advisory committees, consensus building, and participatory decision making.

- Empowering

MnDOT empowers the public to engage through multiple formats of input. MnDOT's promise to the public is to consider the needs of the public. Example of input include citizen juries, ballots, and delegated decision making.

*\*adapted from International Association for Public Participation, ©2007*

MnDOT also encourages public involvement through public service announcements of proposed projects, hearings, meetings or through the media, including social media. Interpreters or translation services are available by request.

More information regarding MnDOT's public involvement efforts can be found here: <http://www.dot.state.mn.us/publicinvolvement/index.html>

## LIMITED ENGLISH PROFICIENCY (LEP)

It is MnDOT's intent to have a fully functional language access plan that will satisfy federal requirements. MnDOT conducted a four factor analysis, which is outlined below. The results of the four factor analysis will assist MnDOT in the development of a language access implementation plan which will address the identified needs of the LEP populations served. MnDOT will be developing a comprehensive language access implementation plan in FFY 2018.

### Requirements to Provide Meaningful Access to LEP Persons

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

Each of the following factors will be examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to public services within the scope of MnDOT's multi-modal transportation services.

### The Four Factor Analysis

**Factor #1: Demography: The number or proportion of LEP persons eligible to be served or likely to be encountered by a MnDOT program, activity, or service.**

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

### *Limited English Proficiency Data*

#### Minnesota State Demographic Center

Background information was gathered from the Minnesota State Demographic Center. According to the website, per the most recent data available by the US Census Bureau, the largest groups of foreign-born Minnesotans originated in Mexico (about 67,300); Somalia (31,400); India (30,500); Laos, including Hmong (23,300); Vietnam (20,200); China, excluding Hong Kong and Taiwan (19,900); Ethiopia (19,300); and Thailand, including Hmong (16,800). Further, 11.5% of Minnesotans (age 5 and older) spoke a language other than English at home. Behind English, the most common languages spoken are Spanish (about 193,600 speakers) and Hmong (56,200 speakers).

To utilize an interactive map to explore which locations have higher percentages of residents (age 5 and older) that speak English less than very well, to download reports on immigration and language data, view Frequently Asked Questions, etc., visit the Minnesota State Demographer's website at: <https://mn.gov/admin/demography/data-by-topic/immigration-language/>

#### American Community Survey

According to the United States Census Bureau, language use, English-speaking ability, and data on limited English-speaking households are currently collected in the American Community Survey (ACS).

For purposes of this analysis, MnDOT reviewed four data tables generated from the ACS:

1. Table 1: 2015 ACS Data which identifies Minnesotans of all ages (5 years and older) who indicated that they speak English "less than very well";
2. Table 2: 2015 ACS Data which identifies the top 3 languages spoken in Minnesota by those who identified as speaking English "less than very well" and who are 5 years and older;
3. Table 3: 2016 ACS Data which identifies Minnesotans who are in "Limited English Speaking Households" (as defined by the US Census Bureau); and
4. Table 4: 2015 ACS Data which identifies Minnesota counties with the highest percent/number of "Limited English Speaking Households" (as defined by the US Census Bureau).

**Identified as "Speaking English Less than Very Well":** Based on the most current available data, an estimated 11% (or 559,681) of Minnesotans speak a language other than English. Of that number, 40.2% (or 224, 803) of Minnesotans indicated they speak English "less than very well". Of those Minnesotans, 46.7% (or 76,116) speak an Asian or Pacific Island language and 43.2% (or 83,771) speak Spanish. See Table 1 below for detailed information.

The top 3 languages spoken in Minnesota by those who identified as speaking English "less than very well" and who are 5 years and older are: Spanish (83,771), African Languages (33,133), and Hmong (25,470). See Table 2 below for detailed information.

**Identified in "Limited English Speaking Households" (as defined by the US Census Bureau):** In 2013, the US census released data on "limited English speaking households." As defined by the US Census Bureau,

a "limited English speaking household" is one in which **no member 14 years old and over** either: (1) speaks only English, or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English. By definition, English-only households cannot belong to this group.

Based on the most current data available (2016), an estimated 2.4% (or 52,641) of Minnesotans as defined above live in a limited English speaking household. Of those Minnesotans, 21.7% (or 14,283) speak an Asian or Pacific Island language and 20.5% (or 16,522) speak Spanish. See Table 3 below for detailed information.

There are four Minnesotan counties with individuals who identified as living in a "Limited English Speaking Household" and represent more than 5% or 1,000 people (whichever is less) within the county. Those counties are: Hennepin (4.2% or 20,440), Ramsey (5.2% or 10,842), Nobles (9.4% or 739), and Dakota (2.5% or 3,907). Both Ramsey and Hennepin are metropolitan counties inclusive of the two most populous cities in the state of Minnesota, St. Paul and Minneapolis. See Table 4 below for detailed information.

Table 1. 2015 LEP ACS Data Table – Minnesotans who indicated that they speak English “less than very well” (5 Years and Older).

Subject	Minnesota											
	Total		Percent		Percent of specified language speakers							
					Speak English only or speak English "very well"		Percent speak English only or speak English "very well"		Speak English less than "very well"		Percent speak English less than "very well"	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
<b>Population 5 years and over</b>	5,069,910	+/-340	(X)	(X)	4,845,107	+/-3,649	95.6%	+/-0.1	224,803	+/-3,542	4.4%	+/-0.1
<b>Speak only English</b>	4,510,229	+/-5,612	89.0%	+/-0.1	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
<b>Speak a language other than English</b>	559,681	+/-5,523	11.0%	+/-0.1	334,878	+/-4,485	59.8%	+/-0.5	224,803	+/-3,542	40.2%	+/-0.5
<b>SPEAK A LANGUAGE OTHER THAN ENGLISH</b>												
<b>Spanish</b>	194,121	+/-2,894	3.8%	+/-0.1	110,350	+/-2,381	56.8%	+/-0.9	83,771	+/-2,074	43.2%	+/-0.9
5 to 17 years old	54,476	+/-1,345	1.1%	+/-0.1	42,300	+/-1,340	77.6%	+/-1.5	12,176	+/-860	22.4%	+/-1.5
18 to 64 years old	132,987	+/-1,991	2.6%	+/-0.1	64,566	+/-1,821	48.6%	+/-1.1	68,421	+/-1,790	51.4%	+/-1.1
65 years old and over	6,658	+/-380	0.1%	+/-0.1	3,484	+/-299	52.3%	+/-3.5	3,174	+/-302	47.7%	+/-3.5
<b>Other Indo-European languages</b>	104,654	+/-2,606	2.1%	+/-0.1	78,625	+/-2,309	75.1%	+/-1.0	26,029	+/-1,156	24.9%	+/-1.0
5 to 17 years old	15,596	+/-856	0.3%	+/-0.1	12,731	+/-857	81.6%	+/-2.2	2,865	+/-343	18.4%	+/-2.2

18 to 64 years old	70,446	+/-1,890	1.4%	+/-0.1	53,517	+/-1,692	76.0%	+/-1.2	16,929	+/-946	24.0%	+/-1.2
65 years old and over	18,612	+/-860	0.4%	+/-0.1	12,377	+/-675	66.5%	+/-2.3	6,235	+/-533	33.5%	+/-2.3
<b>Asian and Pacific Island languages</b>	162,850	+/-2,083	3.2%	+/-0.1	86,734	+/-2,138	53.3%	+/-1.1	76,116	+/-1,966	46.7%	+/-1.1
5 to 17 years old	34,738	+/-999	0.7%	+/-0.1	21,964	+/-997	63.2%	+/-2.0	12,774	+/-746	36.8%	+/-2.0
18 to 64 years old	118,116	+/-1,592	2.3%	+/-0.1	62,689	+/-1,740	53.1%	+/-1.2	55,427	+/-1,562	46.9%	+/-1.2
65 years old and over	9,996	+/-391	0.2%	+/-0.1	2,081	+/-336	20.8%	+/-3.1	7,915	+/-400	79.2%	+/-3.1
<b>Other languages</b>	98,056	+/-3,445	1.9%	+/-0.1	59,169	+/-2,631	60.3%	+/-1.5	38,887	+/-1,880	39.7%	+/-1.5
5 to 17 years old	23,047	+/-1,319	0.5%	+/-0.1	18,189	+/-1,168	78.9%	+/-2.7	4,858	+/-692	21.1%	+/-2.7
18 to 64 years old	68,026	+/-2,478	1.3%	+/-0.1	37,927	+/-1,878	55.8%	+/-1.8	30,099	+/-1,575	44.2%	+/-1.8
65 years old and over	6,983	+/-475	0.1%	+/-0.1	3,053	+/-327	43.7%	+/-3.8	3,930	+/-380	56.3%	+/-3.8
<b>CITIZENS 18 YEARS AND OVER</b>												
<b>All citizens 18 years old and over</b>	3,950,807	+/-3,318	(X)	(X)	3,861,008	+/-3,228	97.7%	+/-0.1	89,799	+/-2,057	2.3%	+/-0.1
Speak only English	3,680,747	+/-4,166	93.2%	+/-0.1	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak a language other than English	270,060	+/-3,587	6.8%	+/-0.1	180,261	+/-3,216	66.7%	+/-0.7	89,799	+/-2,057	33.3%	+/-0.7
Spanish	71,737	+/-1,832	1.8%	+/-0.1	53,252	+/-1,594	74.2%	+/-1.2	18,485	+/-1,028	25.8%	+/-1.2
Other languages	198,323	+/-3,387	5.0%	+/-0.1	127,009	+/-3,047	64.0%	+/-0.9	71,314	+/-1,989	36.0%	+/-0.9

Source: U.S. Census Bureau, 2016 American Community Survey 1-Year Estimates

Table 2. 2015 LEP ACS Data Table – The top 3 languages spoken in Minnesota by those who identified as speaking English “less than very well” (5 Years and Older).

	<b>United States</b>	<b>Minnesota</b>
	Estimate	Estimate
<b>Total:</b>	296,603,003	5,069,910
<b>Spanish or Spanish Creole:</b>	38,694,150	194,121
Speak English less than "very well"	16,305,893	83,771
<b>Hmong:</b>	222,805	58,833
Speak English less than "very well"	94,102	25,470
<b>African languages:</b>	991,557	75,095
Speak English less than "very well"	315,638	33,133
<i>Source: 2011-2015 American Community Survey 5-Year Estimates</i>		

Table 3. 2016 LEP ACS Data Table – LEP Households (14 Years and Older).

Subject	Minnesota							
	Total		Percent		Limited English-speaking households		Percent limited English-speaking households	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
<b>All households</b>	2,148,725	+/-7,378	(X)	(X)	52,641	+/-3,692	2.4%	+/-0.2
<b>Households speaking --</b>								
Spanish	80,444	+/-3,470	3.7%	+/-0.2	16,522	+/-1,979	20.5%	+/-2.4
Other Indo-European languages	55,183	+/-3,277	2.6%	+/-0.2	7,077	+/-1,330	12.8%	+/-2.2
Asian and Pacific Island languages	65,933	+/-2,453	3.1%	+/-0.1	14,283	+/-1,635	21.7%	+/-2.4
Other languages	48,722	+/-3,103	2.3%	+/-0.1	14,759	+/-2,364	30.3%	+/-4.2
<i>Source: U.S. Census Bureau, 2016 American Community Survey 1-Year Estimates</i>								

Table 4. 2015 LEP ACS Data Table – Minnesota Counties with Highest Percent/Number of LEP Households.

Subject	Dakota County Households		Hennepin County Households		Mower County Households		Nobles County Households		Ramsey County Households	
	LEP	%	LEP	%	LEP	%	LEP	%	LEP	%
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
<b>All households</b>	3,907	2.5%	20,440	4.2%	411	2.7%	739	9.4%	10,842	5.2%
<b>Households speaking --</b>										
Spanish	1,696	22.5%	6,417	25.7%	273	24.7%	441	40.2%	2,822	27.5%
Other Indo-European languages	645	12.6%	3,067	14.8%	4	1.4%	2	3.0%	929	14.4%
Asian and Pacific Island languages	827	18.5%	4,734	24.0%	85	45.7%	143	37.7%	4,824	31.3%
Other languages	739	25.9%	6,222	34.9%	49	34.3%	153	54.3%	2,267	31.1%
<i>Source: 2011-2015 American Community Survey 5-Year</i>										

**Factor #2: Frequency: The frequency with which LEP persons come into contact with the MnDOT program or activity.**

MnDOT serves a broad geographic area and has a diverse population across the state. There are 8 MnDOT district offices located throughout the state. The district offices provide a local point of contact on projects as well as coordination in public interest meetings regarding MnDOT projects in each district. Further, each district/office within MnDOT has an assigned Title VI representative who is tasked with serving as a liaison to the Office of Civil Rights (see Title VI Liaison List on page 4). When offices are reviewed for Title VI compliance they are asked to explain how their employees are informed about their specific responsibilities under Title VI and how the office systematically captures data regarding minorities, women, elderly, disabled, low income, and LEP residents. During its annual survey of offices, OCR gauges the level of service provided to LEP communities.

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

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

**Factor #3: Importance: The nature and importance of the MnDOT program or activity to people's lives.**

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

**Factor #4: Resources: The resources available to MnDOT and costs.**

MnDOT serves the entire state of Minnesota and is committed to ensuring LEP communities have meaningful access to MnDOT programs and activities. Costs and resource expenses to provide adequate language services to those individuals most in need because of the nature and importance of the program or activity will be prioritized.

**The Safe Harbor Provision**

In order to ensure with greater certainty that recipients comply with the obligations to provide written translations in languages other than English, USDOT's LEP policy guidance outlines the circumstances in which providing a "safe harbor" can be utilized. A "safe harbor" means that if a recipient provides written

translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The Safe Harbor Provision requires that MnDOT:

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

## MnDOT LEP Commitment

Because the four factor analysis demonstrates a need for meaningful access to engage LEP populations, MnDOT contracts with various vendors to provide the language services necessary to the agency's achievement of its statutory responsibilities. MnDOT remains committed to providing the following language services:

- Foreign Language Interpreting/Translation: As Minnesota's population becomes more diverse, the need for quality interpretation and/or translation in other languages continues to grow. The State of Minnesota contracts with Betmar Languages, a full-service language agency that offers translation products in all world languages.
- Sign Language Interpreting: MnDOT is dedicated to providing quality communication services for the hearing impaired. The State of Minnesota contracts with Dynamic Communications working together to provide interpreters who are ethical and professional, allowing MnDOT to meet the communication preferences of each hearing impaired person that MnDOT encounters in its work.

The availability of language services is communicated through MnDOT's Affirmative Action Plan which is available on both MnDOT's internal and external website, located here:

<http://www.dot.state.mn.us/policy/hr/hr006.html>.

Some examples of interpreting services include but are not limited to:

- Interpreter for MnDOT Open House – Cantonese.
- Phone conference with Business Owner – Mandarin.
- Interpreters to translate information to homeowners – Spanish, Vietnamese, Cantonese, Karen.
- Walk-in request by LEP individual at MnDOT information Desk – Language Identification (“I Speak”) Flashcards utilized to ensure appropriate interpreting service is requested and visitor's request is properly addressed.

## ENVIRONMENTAL JUSTICE

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, requires federal agencies to make achieving environmental justice a part of its mission by identifying and addressing disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority and/or low-income

populations. The requirements are to be carried out to the greatest extent practicable and permitted by law.

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

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

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

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

Some ways in which MnDOT accomplishes this:

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

## Planning

The Office of Environmental Services (OES) utilizes Context Sensitive Solutions (CSS) initiative leadership and support. OES also provides co-leadership and co-support for MnDOT’s Complete Streets initiative.

Both efforts embrace and advocate the needs of and provision of accessibility for all modes and transportation users of all ages and abilities. MnDOT's CSS Director (within OES) also participates in monthly ADA leadership team meetings.

CSS is a comprehensive framework to address all stakeholders in the context of planning and project development. The OES Environmental Planning and Design Unit provide both CSS and Complete Streets technical support to MnDOT Central Office and District programs and project managers and teams.

For more on the Complete Streets initiative, visit the website here:

<http://www.dot.state.mn.us/planning/completestreets/index.html>

## **REVIEW OF STATE TRANSPORTATION AGENCY (STA) DIRECTIVES**

MnDOT has a comprehensive review process for all new and updated Departmental policies. Within the Office of the Chief Counsel one staff member is designated in the role of Policy Manager. This is a full time permanent position within the Department. This individual is responsible for the leadership, analysis, design, development, and management of the Administrative Policy Program within MnDOT. The staff provides technical expertise on policies department-wide, serves as staff to the Governance Council for policy review and approval, provides oversight and management of the policy creation and updating process by working with policy owners to ensure accountability for the quality, accuracy, and timeliness of policy. The staff researches law, regulations, and existing policies for currency and accuracy, writes, edits, and publishes administrative policies, ensures that MnDOT policies are relevant and contemporary with the intent and applicability of today's business practices and procedures and with external guidance and direction.

Each policy is assigned a Policy Owner, who is responsible for the operational administration of policies and their related procedures, processes, and instructions. In addition each policy is assigned a Policy Contact, who is the subject matter expert designated by the Owner as the first point of contact to answer questions and assist with policy interpretation. The Contact works with the Policy Owner to provide business-based expertise in the drafting and review of policies.

The Administrative Policy Development Process begins with initiation by the Policy Owner for enactment of a new policy or change to an existing policy. Upon an initial discussion with MnDOT's Policy Manager, the Policy Owner provides their Division Director with advance notice that the given policy is being recommended for change or update. The role of the Division Director is to initiate or sponsor new policies to address organizational or programmatic risks. MnDOT's Policy Manager reviews all existing policies to identify others that may be incorporated or superseded by the proposed Policy.

In the development phase the policy subject matter expert and Policy Manager prepare a draft of the initial policy or updates to the existing policy. During this development phase relevant offices that may be affected by the policy update are identified so that consultation can take place during this critical phase. Once an internal review has taken place a final draft is prepared by the Policy Manager and the comment period begins.

During the comment period, stakeholder engagement and review takes place. Stakeholders are identified by the Policy Owner, Policy Contact, Policy Manager and Division Director. The Policy Manager distributes and presents policies to stakeholder groups, prepares a summary of the feedback gained as well as a list

of all stakeholder group members, and provides a process for evaluating the feedback. The Policy Manager then presents the policy recommendation and feedback to the Chief Counsel for a legal review.

The review by MnDOT Chief Counsel ensures all appropriate legal concerns have been identified and resolved prior to referral to the Governance Council. This would include a review of Title VI implications in any new or updated MnDOT policy.

Subsequent to the review and recommendation for approval by the Governance Council, the Policy Manager prepares for presentation to the Governance Council and upon approval the policy is communicated to target groups. The Policy Manager monitors and maintains the policy throughout its lifecycle.