



Minnesota Department of Transportation

Title VI Implementation Plan

Prepared by the MnDOT Office of Civil Rights and Office of Chief Counsel

July 16, 2015



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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).

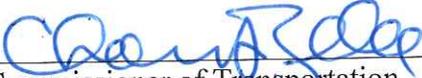
MnDOT is committed to ensuring that no person in the State of Minnesota, on the basis of race, color, national origin, sex, age, disability, or income status, is excluded from participation in, denied benefits of, or otherwise is subjected to discrimination under any and all programs, services, or activities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

MnDOT, as a recipient of Federal financial assistance, will ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 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 Specialist 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, or disability 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)

7-16-15

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 at: <http://www.dot.state.mn.us/information/orgchart/index.html>

Title VI requirements necessarily touch and extend into every Division. Every office must comply with Title VI requirements, as described in Section 3 of this plan with more specificity.

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 Civil Rights Office ensures that other divisions are in compliance through contact with Title VI Liaisons.

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 by utilizing the Title VI Report Form distributed annually to Title VI Liaisons. The Specialist ensures that the Department receives the proper assurances from subrecipients and reviews compliance with Title VI Laws and applicable laws. These reports are reviewed to determine which office/district or subrecipient may require a compliance review or further clarification on an issue.

TITLE VI LIAISONS¹

Linda Christen	Administration
Cassandra Isackson	Aeronautics
Lynette Geschwind	Affirmative Action
Vacant	Audit
Vacant	Bridges
Peter Zuniga	Chief Counsel
Kevin Gutknecht	Communications
Vacant	Controller/Financial Management
Tom Ravn	Construction and Innovative Contracting
Karla Rains	Customer Relations
Denise Baublitz	D1
Brad Scott	D2
Betty Jo Winterowd	D3
James Schmidt	D4
Patty Eckdahl	D6
Rebecca Arndt	D7
Brenda Wrobel	D8
Lynn Clarkowski	Environmental Stewardship
Ericca Erhard	Freight & Commercial Vehicle Operations
Scott Peterson	Government Affairs
Karen Van Dyck	Human Resources
Mike Moran	Land Management
Ernest Lloyd	Maintenance
Lisa Bilotta	Materials & Road Research
Keith Baker	Metro
Deb Ledvina	Ombudsman
Julie Carr	Passenger Rail
Steve Ryan	Project Management and Tech Support
Lynette Roshell	State Aid
Shane Chatleain	Statewide Radio Communications
John Peters	Traffic, Safety, & Technology
Sarah Lenz, Deborah Ellis	Transit
Peter Morey	Transportation System Management/OTSM

¹ In the absence of a named liaison, the office director or district engineer assumes the role.

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 team. This position has direct access to MnDOT's Commissioner on Title VI issues. The Coordinator is under the direct supervision of the Chief Counsel.

MnDOT's Office of Civil Rights ("OCR") is broken down into three sections – Small Business Contracting; EEO, Contract Compliance and Title VI; and Business Program and Development sections. 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, Veterans Preference and Targeted Business Group ("TBG") Programs. The team consists of seven professional DBE Specialists that work to ensure compliance with 49 CFR Part 26 by geographic area.

The EEO, Contract Compliance and Title VI section monitors and enforces the Title VI, On-the-Job Training ("OJT") The section consists of five professional Contract Compliance Specialists ("CCS"). Four specialists are responsible for monitoring and administering EEO contract compliance and OJT Programs within a specific geographic assignment. The fifth Specialist is responsible for compliance with Title VI of the Civil Rights Act, including conducting compliance reviews.

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 a civil rights outreach coordinator, program outreach and business development staff and a DBE Business Development Specialist.

TITLE VI SPECIALIST RESPONSIBILITIES

Responsibility I: Maintain and update a comprehensive Title VI compliance program for MnDOT and all affected subrecipients in order to keep the state in compliance with FHWA, FTA, and other federal and state funding agencies; conduct Annual Compliance Reviews of internal MnDOT program areas as well as subrecipients; collaborate with MnDOT Office of Affirmative Action to ensure the agency has a plan to address issues of discrimination as relates to Title VI.

Responsibility II: Evaluate Title VI compliance of MnDOT and all contractors and sub-contractors/subrecipients through evaluation of services, policies and practices, and the effects thereof to determine necessary modifications to achieve program accessibility and establish a system for periodically reviewing and updating the evaluation.

Responsibility III: Provide statewide training and presentations to both internal and external customers; draft reports; develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Engage in community outreach and public education to inform funding recipients of the obligations imposed on MnDOT by Title VI.

Responsibility IV: Process and resolve discrimination and harassment complaints received directly by MnDOT related to external subrecipients and contractors; engage in investigations; lead mediation and conciliation between complainants and respondents.

TITLE VI SUPERVISOR RESPONSIBILITIES

Responsibility I: Provide supervisory leadership and direction for the Contract Compliance and Program Innovation Section so that applicable labor agreements and plans are equitably administered and employees effectively perform assigned job duties to achieve the annual objectives of the section in the most efficient and effective manner.

Responsibility II: Provide leadership and direction in the identification, development and implementation of division and department strategies through participation on committees and task forces to effectively address constituent needs.

Responsibility III: Provide supervisory leadership in the design and administering of the Titles II, VI and VII programs to ensure that MnDOT programs, activities, services and benefits comply with federal regulations. This is necessary in order to maintain MnDOT's eligibility for federal highway funding.

Responsibility IV: Design and administer the Federal and State EEO and OJT programs and support services in accordance with Federal regulations and State law so that equal access to employment is provided and employment goals are attained on MnDOT construction projects.

Responsibility V: Conduct annual review of MnDOT's external Affirmative Action (AA) EEO programs relating to construction projects.

Responsibility VI: Consult with contractors, labor organizations, professional and training schools, community based organizations, minority and women's organizations, the state minority councils and other similar organization to disseminate information about and provide the placement and

retention of minority and women employees in the construction trades and on MnDOT construction projects.

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 June 2015
- 2 MnDOT Office of Civil Rights' Organizational Chart as of June 2015
- 3 Title VI Specialist Position Description
- 4 Title VI Supervisor Position Description

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.

Program area reviews are conducted annually for all pertinent program areas. Pertinent program areas are defined below and have activities that involve Title VI, Limited English Proficiency (LEP), or Environmental Justice (EJ). There are no pre-grant or post-grant approval reviews for MnDOT Divisions and Districts.

Title VI Specialists are required to conduct program area reviews on an annual basis. Reviews are conducted prior to submission of the FHWA Title VI Annual Goals and Accomplishments Report.

Title VI Specialists gather information from Title VI Liaisons utilizing a Program Area Review Questionnaire 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, and Americans with Disabilities (ADA) information, etc.; interactions with limited English proficiency (LEP) individuals; coordination with tribal governments; public outreach/involvement including women, minorities, LEP, low-income populations; contracts and agreements; and 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.

Program area reviews 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.

TITLE VI PROGRAM AREA REVIEW FORM

PURPOSE

MnDOT, as a recipient of federal financial assistance, is required to comply with nondiscrimination laws and regulations that forbid discrimination on account of race, color, national origin, sex, age, disability or income status by any agency receiving federal funds. MnDOT monitors Title VI compliance by conducting program area reviews. The Office of Civil Rights is required to conduct Title VI reviews of program areas to determine the effectiveness of Title VI activities. If trends or patterns of discrimination are identified, actions will be taken to correct the violations. This form is intended to compile data used to confirm MnDOT's compliance with Title VI programs. **If you received this form from the Office of Civil Rights, you must complete this Review and return it within 30 days to:**

Maria M. Conley, JD
MnDOT Office of Civil Rights Contract Compliance/Title VI Supervisor
651-366-3320 or Maria.Conley@state.mn.us

<p>1. Does your division or district interface with members of the public? <input type="checkbox"/> No, go to question 2. <input type="checkbox"/> Yes. Please explain:</p>
<p>2. Is your division or district familiar with MnDOT's Title VI Complaint Form, Instructions, and Title VI Complaint Process? <input type="checkbox"/> No. <input type="checkbox"/> Yes.</p>
<p>3. The Americans with Disabilities Act (ADA) protects qualified individuals with disabilities from discrimination in services, programs and activities provided by state government entities. How does your division or district provide accommodations for individuals with disabilities?</p>
<p>4. Does your District or Office encounter individuals who may have Limited English Proficiency? <input type="checkbox"/> No, skip to question 5. <input type="checkbox"/> Yes. How do employees identify the language encountered? How do you provide or plan to provide translation services when needed? Please list instances/meetings occurring in the last year and costs incurred for any translation services.</p>
<p>5. Does your division or district interact with tribal members or governments? <input type="checkbox"/> No, go to question 6. <input type="checkbox"/> Yes. Please explain:</p>

6. Please identify all employees of your District/Office who use Title VI policies and procedures to ensure non-discrimination? Please list individuals who are responsible for Contracting, Public Affairs, Pre-design, Planning, Right of Way (if applicable).

7. Does your office utilize Context Sensitive Design (CSD) to ensure community values in project development? Context Sensitive Design (CSD) is an approach that places preservation of historic, scenic, natural environment and other community values on an equal basis with mobility, safety and economics.

No, go to question 8.

Yes.

How are demographics obtained and/ or documented to reflect the areas affected?

Please list projects where CSD has been applied and the outcomes (if applicable). Please attach documentation (if applicable).

8. Has your division or district encountered any issues or concerns in the past year related to ensuring public access to schools, workplaces, churches, businesses, etc.?

No, go to question 9.

Yes. Please describe.

How do you ensure access is acceptable/functional?

9. Does your division or district manage Right of Way/Relocations?

No, skip to question 10.

Yes.

How many relocations were conducted in the last year?

Did your division or district engage minorities, women, elderly, disabled and low-income citizens? How?

If applicable, explain concerns raised by minorities or women, elderly, disabled and low-income citizens about their options in the negotiation phase or with the final outcome of their relocation and attach documentation (if applicable).

Please list and explain how your division or district provided Right-of-Way and/or Relocating services for general public and businesses.

10. Does your office participate in purchasing or contracting? (excluding highway projects)
_____No, skip to question 11.
_____Yes.

In the past year, how has your District or Office actively identified new minority/women owned businesses for participation in MnDOT contracting opportunities?

How has your District/Office ensured non-discrimination in purchasing & contracting decisions?

11. Does your office prepare Environmental Impact Statements or similar environmental documents?
_____No, skip to question 12.
_____Yes

How many environmental documents were prepared?

Summarize comments provided on environmental documents where minorities, women, disabled and low-income individuals were adversely impacted under environmental justice analysis.

12. Describe any Title VI training that was provided to your staff, how many participants attended, and the job titles of the attendees. Describe any other kind of civil rights or diversity training provided to your staff and how many participants attended.

13. Please provide example of any training/tools developed within your area that address Title VI issues/awareness (i.e. translated program descriptions, forms, public information notices, know your rights fact sheets, etc.)

14. How can the Office of Civil Rights further assist in supporting your District/Office in Title VI efforts?

Please include relevant attachments including, but not limited to:

- file reviews,
- public participation documentation,
- environmental document reviews,
- contracts and/or subcontracts,
- any other documentation you deem relevant to Title VI activities.

Name and Title of Person completing this Report:

Division or District Supervisor Signature: Date Review Conducted:

X

Thank you for your time in completing this report.

If you have any questions, contact Maria M. Conley, JD
MnDOT Office of Civil Rights Contract Compliance/Title VI Supervisor at
651-366-3320 or Maria.Conley@state.mn.us

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 Web site; 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

Customer Relations

The MnDOT Customer Relations Office engages and involves the public through market research, customer response management and customer relations. The Customer Relations team strives for timely, consistent and accurate responses to the public. This office uses CoreFlow to track external responses to external customers. The newly formed Statewide Public Engagement Environmental Justice Implementation Team examines how MnDOT can achieve effective outreach to EJ populations.

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

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 demographics
- Ensure that information is disseminated in alternative formats upon request consistent with the 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 persons with limited English proficiency, sight impaired or hearing impaired. 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.

When MnDOT begins planning construction projects, Title VI factors into the planning process, as far out as twenty years. Please refer to the 20-Year State Highway Investment Plan (MnSHIP) completed December 2013 that includes public involvement (summarized in Appendix G) and an environmental analysis of the federal and state requirements. This plan is accessible online here:

<http://www.dot.state.mn.us/planning/mnship/appendices.html>

and here, on page 8:

<http://www.dot.state.mn.us/planning/mnship/pdf/finalplan/federal-state-legislativerequirements.pdf>

Additional information regarding plan development guidelines specifically referencing Environmental Justice and Title VI can be found here: Plan Development Guidelines:

http://ihub/planner-resources/docs/09_2014/Final%20Plan%20Development%20Guidelines%20Aug%202014.pdf

Assurance Activities

- Ensure that Environmental Justice considerations are addressed during route and project selection.
- Ensure full and fair participation of minority, low income, elderly and disabled people in public involvement activities for 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 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 form 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.

The following criteria may be used in selecting the program areas and offices for review:

1. Deficiencies or observations made during the most recent FHWA Title VI process review; and/or
2. Concerns or questions regarding Title VI complaints/history of deficiencies or observations during review of the Title VI Accomplishment and Goals report.

Program areas scheduled for review will be notified in writing at least 60 days 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 Specialists, 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 Specialists, will create a remedial action plan to be implemented within 90 days. The Title VI Specialists 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.

SUBRECIPIENT REVIEWS

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

Procedures for Conducting Reviews of Subrecipients

MnDOT has developed new procedures for subrecipient oversight that will be implemented in federal fiscal year 2016. MnDOT will perform a desk audit of 5-10 subrecipients every year to ensure compliance with Title VI. The subrecipients selected for review will be a combination of small, medium, large entities and will include at least one subrecipient from every MnDOT district. The compliance review will focus on how effectively the subrecipient 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 Annual Report to FWA. 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 subrecipient 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 report.

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

Nondiscrimination Policy Statement: A subrecipient must provide a statement of its commitment to nondiscrimination and Title VI compliance that is signed by the its 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 subrecipient assures that its program will be conducted in a nondiscriminatory manner. The subrecipient is also responsible for requiring each contractor on federally-assisted contracts sign the applicable portion of the standard assurance.

Title VI Coordinator: The subrecipient 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 subrecipient's primary program areas. The Plan should identify Title VI related responsibilities for each program area.

Annual Work Plan and Accomplishment Report: The subrecipient 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 subrecipients goals and work plan for the following year.

Complaint Procedures: Subrecipients are required to investigate all Title VI discrimination complaints. The subrecipient 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.

Data Collection and Analysis: The Subrecipient 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 subrecipient's programs. *See* 23 CFR 200.9(b)(4).

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

Public Outreach and Notice of Rights: The Title VI Plan must provide procedures for ensuring participation by traditionally underserved communities and notifying the public of its rights under Title VI and related authorities.

Limited-English Proficiency (LEP): Subrecipients are required by Executive Order 13166 to ensure that LEP individuals have meaningful access to services. Subrecipients are required to perform the required LEP analysis and develop a plan for providing language assistance and outreach to LEP populations.

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.

Compliance Reviews

The compliance review will focus on how effectively the subrecipient has implemented its Title VI Plan by analyzing compliance with the elements of the Title VI plan as described in the Subrecipient Review section above.

A compliance review report will be issued within a 30 days following completion of the desk audit. No action on the part of the subrecipient is required on findings of compliance, unless a condition of compliance is specified. However, if the audit determines deficiencies, the subrecipient, with the assistance of the Title VI Specialists, 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 subrecipient is found to have deficiencies, the subrecipient must create a remedial action plan to be implemented within 90 days. The Title VI Specialists will seek the cooperation of the

subrecipient in correcting deficiencies found during the review. The Title VI Specialist will monitor implementation of the Corrective Action Plan.

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

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 training both internal and external related to Title VI. Any training hosted by the Specialist includes a pre- and post- test knowledge survey to determine the usefulness of the training as well as identify other areas of training need and interest. The Title VI Coordinator attends 40 hours of 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 issues. This training may be offered on more than one day to accommodate work schedules. Title VI liaisons in each division and districts are responsible to conduct Title VI training for new employees.

The training provided by the 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.

Subrecipients and Stakeholders

MnDOT provides guidance and one-on-one training to applicants for federal financial assistance and subrecipients in developing and updating their Title VI Program as requested or needed. External Civil Rights training includes a segment on Title VI and is provided to consultants, cities, and counties.

COMPLAINT PROCEDURES

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 using the Complaint form below. Complaints should be directed to Kim Collins, Director of the Office of Civil Rights, 395 John Ireland Blvd., MS 170, St. Paul, MN 55155.

Complaint Format

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 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.

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 it contains all the necessary information required for acceptance. 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. 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.

A copy of the complaint, together with a copy of the state's report of investigation, shall be forwarded to the FHWA division office within 60 days of the date the complaint was received by MnDOT. Generally, the following information will be included in every notification to FHWA's Office of Civil Rights, FTA and/or US DOT:

- Name address and phone number of the complainant;
- Names and address (es) of alleged discriminating official(s);
- Basis of complaint (i.e., race, color, national origin, sex, age, disability, income status);
- Date of alleged discriminatory act(s);
- Date of complaint received by MnDOT;
- A statement of the complainant;
- Other agencies (State, local or Federal) where the complaint has been filed; and
- An explanation of the actions MnDOT has taken or proposed to resolve the issue raised in the complaint.

Investigation

Within 60 days of the receipt of the complaint, the Title VI Specialist will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a "Report of Findings" to the Commissioner of the Minnesota Department of Transportation. The investigation will be conducted by personnel trained in compliance investigations. 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 days of receipt of the complaint, the Commissioner of MnDOT will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the U.S. Department of Transportation, or FHWA, if they are dissatisfied with the final decision rendered by MnDOT.

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

Complaint Retention

MnDOT retains a complaint log that includes the investigative plan, investigative report, investigative findings and remedial action taken.

MnDOT DISCRIMINATION COMPLAINT FORM

Part I – Contact Information *(Print all items legibly)*

Name:		Telephone:
Mailing Address:		
City:	State:	Zip Code:

Part II – Basis of the Discrimination

I was discriminated against based on my... *(please check all that apply)*

- | | |
|--|---|
| <input type="checkbox"/> Race/Color/National Origin
<input type="checkbox"/> Age
<input type="checkbox"/> Disability
<input type="checkbox"/> Other <i>(please explain)</i> _____ | <input type="checkbox"/> Sex
<input type="checkbox"/> Religion
<input type="checkbox"/> Income Status |
|--|---|

Part III – Information of Allegedly Offending Individual(s) *(Please provide information to the best of your knowledge)*

Company Name (under which alleged discrimination occurred):		Telephone:
Company Mailing Address:		
City:	State:	Zip Code:

Name(s) of Individual(s) who Allegedly Discriminated	Job title



DISSEMINATION OF INFORMATION

Public Involvement

MnDOT's public involvement policy is based on an over-arching [strategic plan](#) that sets the direction for subsequent plans. Its focus is on priority transportation improvements and investments that result in a system that helps area residents travel safer, smarter and more efficiently. Other initiatives include:

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

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

It is MnDOT’s intent to have a fully functional language access plan that will satisfy federal requirements. MnDOT has conducted a four factor analysis (below).

Promoting Inclusive Public Participation

MnDOT serves a broad geographic area and has a diverse population across the state. Thus, MnDOT uses a variety of methods to promote public participation in MnDOT projects. 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. These meetings are coordinated with assistance from the MnDOT Affirmative Action Office to ensure that interpreters and accessible meeting spaces are provided. MnDOT Affirmative Action Office also provides ASL and deaf/blind interpreters, including information in Braille. Notices for meetings are sent with invitations to the public to request foreign language interpreters with the intention to reach underserved populations including minorities and those with Limited English Proficiency. Staff who interact with the public on a regular basis such as administrative assistants and reception staff are provided with Language Line information in order to assist callers and with translation services, as well as Language Identification Flashcards that include 38 languages indicating “Mark this box if you speak...” so that the appropriate interpreter can be summoned.

Requirements to Provide Meaningful Access to LEP Persons

In addition to the Affirmative Action Office, the Office of Civil Rights retains data regarding the changing demographics of Minnesota’s immigrant population. This data is used to prioritize services such as linguistic translation of vital documents, website information, signage and diversifying the availability of interpreters. In the past year, the Discrimination Complaint Form, Discrimination Complaint Procedure, Notice of Rights under Title VI, and notices advising persons with limited English proficiency of free language assistance services have been translated into Spanish, Somali, and Hmong under the Safe Harbor Provision.

The Four Factor Analysis

Factor #1: Demography: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

- a. How LEP persons interact with MnDOT

Persons with Limited English Proficiency interact in several ways with MnDOT: through public meetings, through the website, via walk-in requests for information, and via telephonic inquiries.

- b. Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group

Based on data from the 2013 American Community Survey, MnDOT has determined that four counties in Minnesota have foreign born populations in excess of 10%: Nobles County (17.9%), Ramsey County (14.65%), Hennepin County (13.2%), and Watonwan County (11.5%). Both Ramsey and Hennepin are metropolitan counties inclusive of the two most populous cities in the state of Minnesota, St. Paul and Minneapolis.

The American Community Survey also found that 4.2% (or 213,109) of Minnesota residents indicated that they speak English “less than very well”. Of those residents who indicate that they speak English “less than very well” 45.7% (or 72,151) speak an Asian or Pacific Island language and 43% (or 83,069) speak Spanish. See table below.

Prevalence of Foreign Language in Minnesota Based on the American Community Survey 2013

Subject	Minnesota					
	Total		Percent of specified language speakers			
			Speak English "very well"		Speak English less than "very well"	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	5,074,032	+/-1,826	95.8%	+/-0.2	4.2%	+/-0.2
Speak only English	89.4%	+/-0.2	(X)	(X)	(X)	(X)
Speak a language other than English	10.6%	+/-0.2	60.6%	+/-1.3	39.4%	+/-1.3
Spanish or Spanish Creole	3.8%	+/-0.1	57.0%	+/-2.2	43.0%	+/-2.2
Other Indo-European languages	1.9%	+/-0.1	74.5%	+/-2.5	25.5%	+/-2.5
Asian and Pacific Island languages	3.1%	+/-0.1	54.3%	+/-2.1	45.7%	+/-2.1
Other languages	1.8%	+/-0.1	64.4%	+/-3.1	35.6%	+/-3.1
SPEAK A LANGUAGE OTHER THAN ENGLISH						
Spanish or Spanish Creole	193,185	+/-6,493	57.0%	+/-2.2	43.0%	+/-2.2
Other Indo-European languages	95,684	+/-7,206	74.5%	+/-2.5	25.5%	+/-2.5
Asian and Pacific Island languages	157,880	+/-6,067	54.3%	+/-2.1	45.7%	+/-2.1
Other languages	89,456	+/-6,659	64.4%	+/-3.1	35.6%	+/-3.1

To identify the most predominant foreign languages spoken in Minnesota, information was gathered from the US Department of Education, 2012-2013 Consolidated State Performance Reports. According to the report, the five top foreign languages in Minnesota are Spanish, Hmong, Somali, Karen languages, and Vietnamese. Those five languages encompass 89 % of all foreign language learners in Minnesota.

During its annual survey of Offices, OCR gauges the level of service provided to LEP communities.

Each office within MnDOT has an assigned Title VI representative who is tasked with serving as a liaison to the Office of Civil Rights (see table on page 28). 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 asked how the office systematically captures data regarding minorities, women, elderly, disabled, and low income citizens, as well as limited English proficiency residents.

- c. Identification of the literacy skills of LEP persons in their native languages, in order to determine whether translation of documents will be an effective practice.

In order to accommodate persons who are not literate in their native language, MnDOT is obligated to provide oral interpretation services.

- d. Whether LEP persons are underserved by the recipient due to language barriers. MnDOT is working to continually identify and direct services to citizens with language barriers to ensure that LEP persons are not further marginalized due to a language barrier.

Factor #2: Frequency: The frequency with which LEP persons come into contact with MnDOT

- a. Use of bus and rail service--MnDOT does not operate a bus or rail service.
 - i. Purchase of passes and tickets through vending machines, outlets, websites, and over the phone--Not applicable, as MnDOT does not operate a bus or rail service.
- b. Participation in public meetings--Persons of limited English proficiency may regularly participate in public meetings with MnDOT.
- c. Customer service interactions--Customer service interactions also regularly occur, including both via phone and in person.
- d. Ridership surveys--Not applicable, as MnDOT does not operate a bus or rail service.
- e. Operator surveys--Not applicable, as MnDOT does not operate a bus or rail service.

Factor #3: Importance: The nature and importance of the program, activity, or service provided by the program to people's lives.

Given that MnDOT's activities affect transportation systems that include all modes, the impact on limited English proficiency persons cannot be overstated. Additionally, the activities of MnDOT at times include eminent domain actions.

Factor #4: Resources: The resources available to MnDOT for LEP outreach, as well as the costs associated with that outreach.

The importance of information to be provided and potential impact on the daily lives of residents with limited English proficiency has led MnDOT to staff a full time Language Services Program Manager through the Affirmative Action Office. MnDOT has assigned the LEP plan expansion to this staff person who assists district offices with identifying their roles and responsibilities in facilitating services for limited English proficiency residents. MnDOT anticipates that this will be a growth area for the Department, and the current focus is on expanding awareness of the needs of LEP community members as well as the legal obligations of the Department as well.

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 Garden & Associates, a market leader in providing top quality comprehensive language services.
- 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 us 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 here <http://www.dot.state.mn.us/policy/hr/hr006.html> , as well as on the Discrimination Complaint Form, Discrimination Complaint Procedures, and Notices of Rights under Title VI. In addition, public meeting and open house notices are available on MnDOT's external website with instruction on how to request language assistance.

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

The Safe Harbor Provision requires that when persons speaking English "less than well" are represented as either 5% or 1,000 persons to be served or likely to be affected or encountered per project, then documents which are considered to be vital are to be translated into those languages. This applies only to written documents and not to oral interpreters. However, when it is determined that persons in the affected Safe Harbor Provision groups lack literacy in their native written language of origin, oral interpretation may be provided.

ENVIRONMENTAL JUSTICE

In accordance with Executive Order 12898 (Environmental Justice), every federal agency must make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on “minority populations and low-income populations.” In order to comply with this order, MnDOT must consider the effects of its programs on minority and low income populations.

MnDOT supports Environmental Justice through every stage of the planning, construction and maintenance processes. 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.

MnDOT accomplishes this by:

- 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;
- Perform periodic review 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.

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.

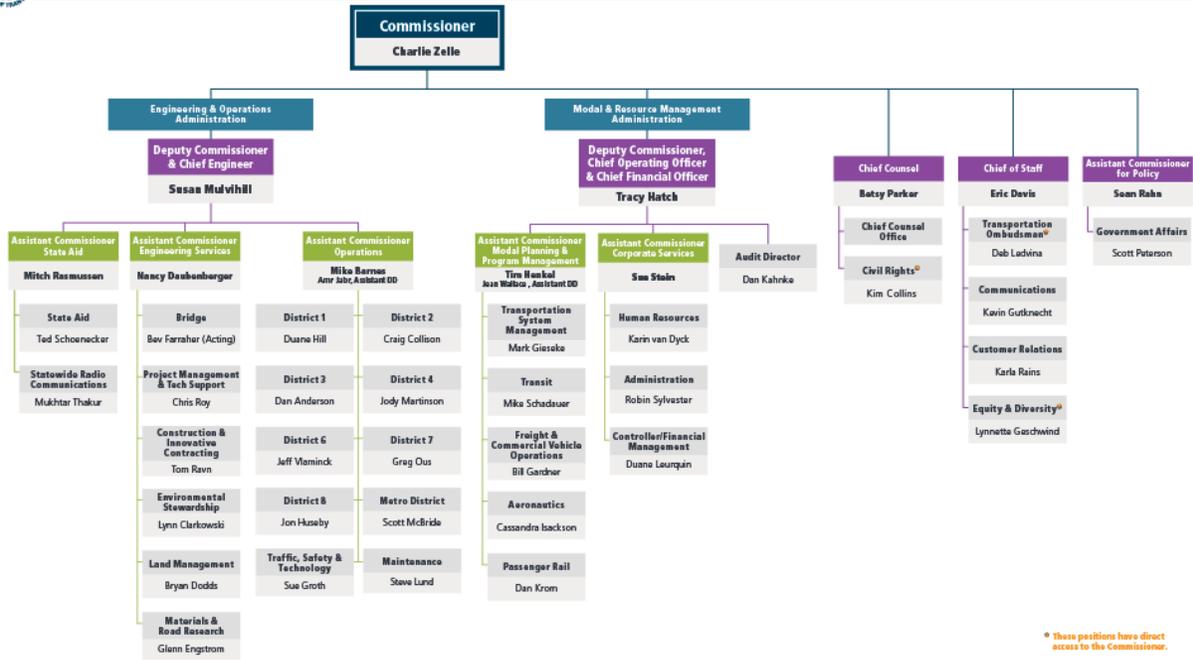
In the development phase the policy subject matter expert and Policy Manager prepare a draft of the initial policy or updates to the existing policy. During this development phase relevant offices that may be affected by the policy update are identified so that consultation can take place during this 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.

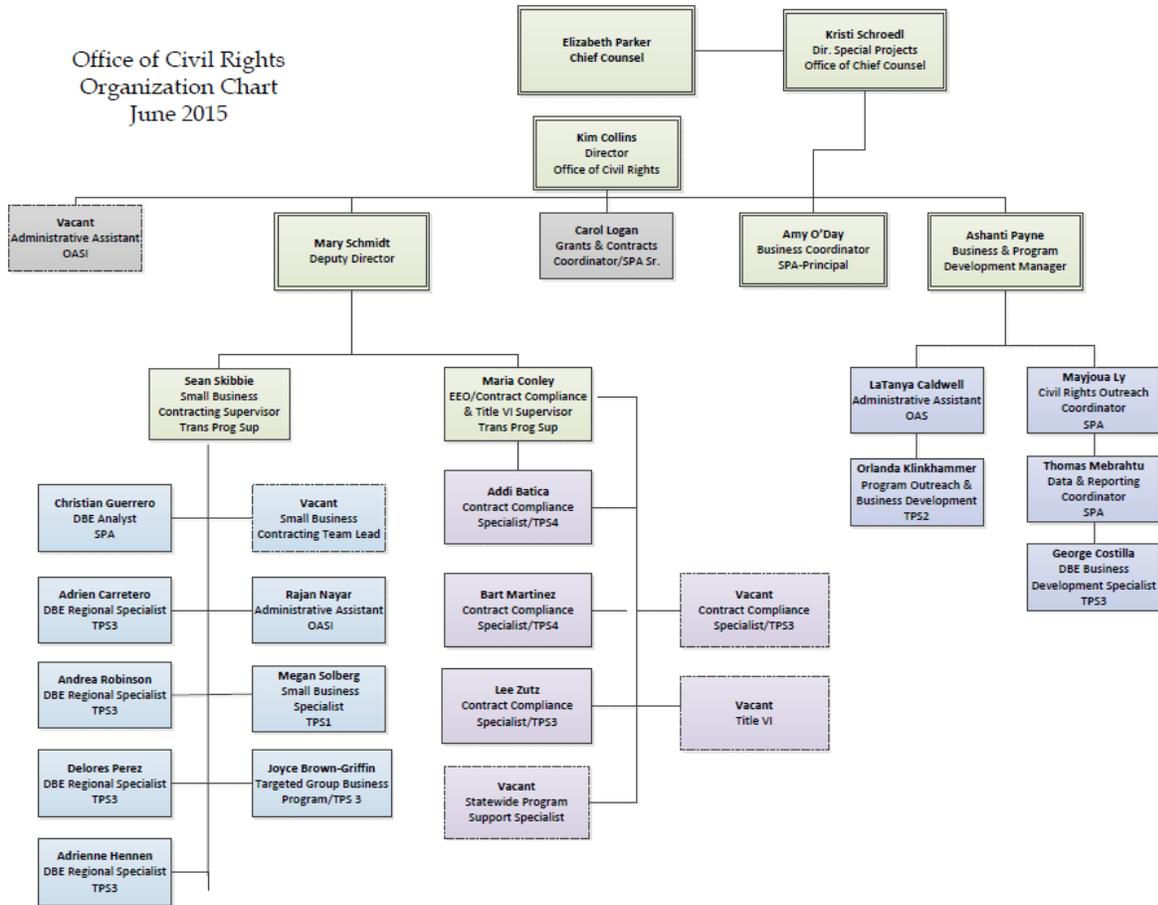
Subsequent to the review and recommendation for approval by the Governance Council, the Policy Manager prepares for presentation to the Governance Council and upon approval the policy is communicated to target groups. The Policy Manager monitors and maintains the policy throughout its lifecycle.

ATTACHMENT 1: MNDOT ORGANIZATIONAL CHART



* These positions have direct access to the Commissioner.
June 1, 2015

ATTACHMENT 2: MNDOT OFFICE OF CIVIL RIGHTS ORGANIZATIONAL CHART



ATTACHMENT 3: TITLE VI SPECIALIST POSITION DESCRIPTION

RESPONSIBILITY I: Maintain and update a comprehensive Title VI compliance program for MnDOT and all affected subrecipients in order to keep the state in compliance with FHWA, FTA, and other federal and state funding agencies; conduct Annual Compliance Reviews of internal MnDOT program areas as well as subrecipients; collaborate with MnDOT Office of Affirmative Action to ensure the agency has a plan to address issues of discrimination as relates to Title VI.

TASKS

- a) Develop a schedule to conduct Title VI reviews of program areas so that each MnDOT department is reviewed at least once every three years.
- b) Conduct annual Title VI reviews of major program areas to determine the effectiveness of program area affirmative action activities at all levels.
- c) Partner with MnDOT Departments, Districts, and other agencies to ensure annual Title VI reviews of subrecipients (cities, counties, consultants, contractors, colleges, universities and other recipients of Federal-aid highway funds).
- d) Conduct onsite compliance reviews to identify discriminatory practices along with OCR/CCS staff.
- e) Establish a procedure to identify and investigate complaints of discriminatory practices and recommend appropriate corrective action when found.
- f) Identify procedures to collect and analyze statistical data of participants and beneficiaries of State Transportation Agency programs (persons relocated, impacted citizens and affected communities) and coordinate with other MnDOT offices to collaborate on this work.

RESPONSIBILITY II: Evaluate Title VI/Title VII/Title II/ADA/504 compliance of MnDOT and all contractors and sub-contractors/subrecipients through evaluation of services, policies and practices, and the effects thereof to determine necessary modifications to achieve program accessibility and establish a system for periodically reviewing and updating the evaluation.

TASKS

- a) Ensure the drafting and dissemination to participants, applicants, employees, unions, and contractors/consultants a non-discrimination policy statement. Must include name, title, office address and office telephone number of Title VI Specialist and 504/ADA Coordinator.
- b) Ensure MnDOT has a plan for maintaining accessibility for those that are required to be readily accessible to and usable by persons with disabilities (including STA buildings, public rights of way facilities such as sidewalks, curb ramps and accessible pedestrians signal). Periodically review status of MnDOT ADA transition plan that outlines which structural modifications must be made to those programs and services that are not accessible.
- c) Monitor to ensure MnDOT has a process to provide opportunity to interested persons, including individuals in protected classes with limited English proficiency and with disabilities or organizations representing individuals as such to participate in the transition plan process by submitting comments and ensure the ADA transition plan is available for public inspection.

- d) Develop a process to analyze existing programs for determination of undue burden that meets the criteria in 28 CFR 35.150 (a)(3) and 28 CFR 35.164.

RESPONSIBILITY III: Provide statewide training and presentations to both internal and external customers; draft reports; develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Engage in community outreach and public education to inform funding recipients of the obligations imposed on MnDOT by Title IV.

TASKS

- a) Coordinate Title VI trainings statewide to both internal and external customers.
- b) Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- c) Engage in community outreach and public education to inform funding recipients of the obligations imposed on MnDOT by Title IV.
- d) Ensure that auxiliary aids are available upon request (sign language interpreters, written material readers, Braille, large print text) to individuals with disabilities.
- e) Ensure notification to the public and other interested parties that auxiliary aids will be provided upon request via public meeting announcements.
- f) Ensure the website and all of its contents are accessible to individuals with hearing or visual impairments as well as for those with Limited English Proficiency.
- g) Ensure availability of TTD/TTY phone line or an equally effective telecommunications system such as a relay service.
- h) Partner in the development of a Language Access Program in coordination with community stakeholders and MnDOT Departments.
- i) Take a lead role in preparation of the required Federal reporting:
 - a. Annual Title VI Implementation Plan, Accomplishment Report and Goals, due October 1 (23 CFR 200.9(b) (11)).

RESPONSIBILITY IV: Process and resolve discrimination and harassment complaints received directly by MnDOT related to external subrecipients and contractors; engage in investigations; lead mediation and conciliation between complainants and respondents.

TASKS

- a) Update and maintain a Discrimination Complaint log that identifies each complainant by race, color, sex, national origin, age, disability, nature of complaint, date the complaint was received and date the investigation was completed, disposition, and other pertinent information.
- b) Ensure that complaint filing instructions and information is accessible to individuals with Limited English Proficiency and/or other disabilities including arranging the translation of forms and instructions.
- c) Coordinate with Office of Affirmative Action to ensure a grievance procedure for complaints related to ADA is in place and that allows for prompt solutions.
- d) Ensure that complaints and a copy of the report of investigation are forwarded to FHWA Division Office within 60 days of the date the complaint was received by MnDOT.

ATTACHMENT 4: TITLE VI SUPERVISOR POSITION DESCRIPTION

RESPONSIBILITY I: To provide supervisory leadership and direction for the Contract Compliance and Program Innovation Section so that applicable labor agreements and plans are equitably administered and employees effectively perform assigned job duties to achieve the annual objectives of the section in the most efficient and effective manner.

TASKS

- a) Assess the qualifications of candidates and hire employees to perform job duties to achieve section objectives.
- b) Assign employees to work units to meet program objectives.
- c) Evaluate employee performance, rewards or discipline employees and promote, suspend, discharge or change their status according to their performance.
- d) Assign job duties, train and direct employees in the execution of job responsibilities to achieve annual work plan objectives.
- e) Mediate and adjust grievances of employees according to the requirements of the appropriate contract or plan.
- f) Direct the writing of employee position descriptions and approves the establishment of assigned work tasks.
- g) Administer applicable labor contracts and/or plans fairly and equitably and in accordance with statewide employer policy.
- h) Perform all supervisory tasks in accordance with established equal opportunity/ Affirmative Action, non-harassment, and employee safety policies and procedures.
- i) Administer personnel related functions such as approval of time records, vacation and sick leave requests, FMLA, and training requests.
- j) Direct the development and implementation of performance targets and measures for the section to ensure efficient operations, and to monitor the effectiveness and impact on the workforce development programs.

RESPONSIBILITY II: To provide leadership and direction in the identification, development and implementation of division and department strategies through participation on committees and task forces to effectively address constituent needs.

TASKS

- a) Participate actively as a member of the DBE and Workforce Development Group to identify and address external civil rights issues and recommend solutions and improvements.
- b) Represent the Office of Civil Rights on departmental and interagency committees on developing strategic policy and initiatives.
- c) Provide technical leadership and perspective in Title II, VI, VII, workforce development, investigations, equal employment opportunity compliance, on the job training, goal setting, and external partnerships.

- d) Participate on various committees and task forces to evaluate issues and programs and provide meaningful input to department-wide decision making. Some examples are: construction and pre-construction managers group, diversity committee, construction 101 project team, journey-person project team, etc.
- e) Identify and propose legislation and continuous process improvement priorities and programs so that critical issues can be resolved.

RESPONSIBILITY III: To provide supervisory leadership in the design and administering of the Titles II, VI and VII programs to ensure that MnDOT programs, activities, services and benefits comply with federal regulations. This is necessary in order to maintain MnDOT's eligibility for federal highway funding.

TASKS

- a) Lead investigations and provide resolution of allegations of discrimination on MnDOT projects.
- b) Liaison with FHWA Title VI administrators and other local, regional and national Title VI personnel providing on-going consultation and recommendations for Title VI enforcement.
- c) Ensure submission of program proposals annually to FHWA for approval and every three years to FTA for approval.
- d) Coordinate receipt of annual reports for FTA and FHWA ensuring that requirements for each program are met.
- e) Coordinate receipt of annual reports from each MnDOT office and districts to compile annual reports.
- f) Ensure that MnDOT's FTA and FHWA Title programs are updated as amendments to Federal regulations and guidelines occur.

RESPONSIBILITY IV: Design and administer the Federal and State EEO and OJT programs and support services in accordance with Federal regulations and State legislation so that equal access to employment is provided and employment goals are attained on MnDOT construction projects.

TASKS

- a) Proactively work with community organizations, persons, and companies to activity promote programs.
- b) Ensure these programs do not conflict with TERO programs through negotiation and representatives/officers of the various tribal governments located within the boundaries of the State of Minnesota.
- c) Update and improve programs and services annually to comply with amendments to Federal regulations and state laws.
- d) Lead contract compliance specialists to proactively coordinate programs by regions/districts.

RESPONSIBILITY V: Conduct annual review of MnDOT's external Affirmative Action (AA) EEO programs regarding construction projects.

TASKS

- a) Lead the preparation of periodic reports for the state legislature and federal agencies.
- b) Review and analyze federal and state statutes and regulations governing minority and women employment issues, EEO, AA issues, civil rights developments, employment trends and relevant community issues.
- c) Assure MnDOT is acting in accordance with the Memorandum of Understanding and interagency agreement between MnDOT and MN Department of Human Rights concerning the enforcement of state employment goals, performance of construction site reviews based on state law, preliminary discrimination investigations and training requirements

RESPONSIBILITY VI: Consult with contractors, labor organizations, professional and training schools, community based organizations, minority and women's organizations, the state minority councils and other similar organization to disseminate information about and provide the placement and retention of minority and women employees in the construction trades and on MnDOT construction projects.

TASKS

- a) Program orientation and training to contractors, outside agencies and community organizations.
- b) Develop sustainable relationships.
- c) Using the concepts of Servant Leadership assist with changing the paradigm in the areas of building trust, putting people first, enhanced communication, compassionate collaborator, program and community foresight, systems thinking and lead with moral authority.

ATTACHMENT 5: MNDOT STANDARD U.S. DOT TITLE VI ASSURANCES

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Minnesota Department of Transportation (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FHWA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above General Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FHWA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The **Minnesota Department of Transportation**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) other nondiscrimination requirements and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement will be awarded without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.”;*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;

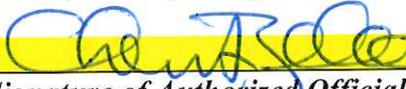
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Minnesota Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FHWA**. You must keep records, reports, and submit the material for review upon request to **FHWA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other

reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Minnesota Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the Department of Transportation. This ASSURANCE is binding on the Minnesota Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in its programs. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Charles A. Zelle
(Name of Recipient)

by 
(Signature of Authorized Official)

DATED 7-16-15

ASSURANCE APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the

Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

ASSURANCE APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the Minnesota Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of **FHWA**, and the policies and procedures prescribed by the **FHWA** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (title of recipient) all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Minnesota Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Minnesota Department of Transportation, its successors and assigns.

The Minnesota Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Minnesota Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI.)

ASSURANCE APPENDIX C
CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER
THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Minnesota Department of Transportation* pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, *Minnesota Department of Transportation* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the *Minnesota Department of Transportation* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *Minnesota Department of Transportation* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

ASSURANCE APPENDIX D
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED
UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by *Minnesota Department of Transportation* pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, *Minnesota Department of Transportation* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, *Minnesota Department of Transportation* will there upon revert to and vest in and become the absolute property of *Minnesota Department of Transportation* and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

ASSURANCE APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

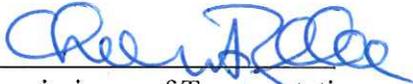
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. § 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (102 Stat. 28.), (“...which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*), as implemented by 49 C.F.R. § 25.1 *et seq.*

PUBLIC NOTICE OF RIGHTS UNDER TITLE VI

YOUR RIGHTS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The Minnesota Department of Transportation (MnDOT) operates its programs and services without regard to race, color, disability, sex, age, income and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes MnDOT has violated Title VI protections should contact Kim Collins, Director of the Office of Civil Rights, 395 John Ireland Blvd., MS 170, St. Paul, MN 55155, kim.collins@state.mn.us. A complaint may be directly filed with the Federal Highway Administration by mailing a complaint to the Division Office, 380 Jackson Street, Suite 500, St. Paul, MN, 55101.

MnDOT has also developed a plan to assist individuals who are Limited English Proficient (LEP). Translation and interpreting services for LEP individuals are available upon request. MnDOT's Title VI policy, complaint procedures and LEP Plan in alternative formats are available upon request by contacting Kim Collins, Director of the Office of Civil Rights, 395 John Ireland Blvd., MS 170, St. Paul, MN 55155, kim.collins@state.mn.us.



Commissioner of Transportation
State of Minnesota (MnDOT)

7-16-15

Date