

MnDOT FHWA Subrecipient

Title VI Plan

for the Washington County Department of Public Works

July 2023



Contents

Title VI Plan Revision Log	2
I. Introduction	3
II. Legal Authorities	4
III. Non-Discrimination Policy Statement.....	5
IV. Title VI Assurances	6
V. Organization, Staffing, and Structure	6
VI. Training	8
VII. Program Areas	9
VIII. Data Collection.....	12
IX. Title VI Complaint Procedures	14
X. Environmental Justice	17
XI. Public Participation	19
XII. Limited English Proficiency (LEP) & Language Access.....	21
XIII. Notice of Rights.....	29

Title VI Plan Revision Log

DATE (YEAR-MONTH-DATE)	SECTION(S) REVISED	SUMMARY OF REVISIONS

I. Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Several other federal legal authorities supplement Title VI by extending protections based on age, sex, disability, limited English proficiency, and low-income status. In addition, the Civil Rights Restoration Act of 1987 clarified Title VI enforcement by mandating that Title VI requirements apply to *all* programs and activities of federal-aid recipients regardless of whether any particular program or activity involves federal funds. Taken together, these laws require recipients and subrecipients of federal funds to ensure all programs and services are delivered to the public without discrimination.

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

This plan explains the how Washington County Department of Public Works incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for the Washington County Department of Public Works and an informational resource for the public. The plan will be updated every five years to reflect changes in Title VI compliance operations.

II. Legal Authorities

The Washington County Department of Public Works Title VI compliance program is governed by many legal authorities, including, but not limited to, the list below.

Legal Authority	Summary
<u>Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.</u>	Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.
<u>Federal-Aid Highway Act of 1973, 23 U.S.C. § 324.</u>	Prohibits discrimination on the basis of sex in programs and activities receiving federal financial assistance.
<u>Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq.</u>	Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
<u>Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.</u>	Prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance.
<u>Uniform Relocation Act of 1970, 42 U.S.C. § 4601 et seq.</u>	Requires fair treatment of persons displaced by federal-aid programs and projects.
<u>Environmental Justice Executive Order (Exec. Order No. 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994).)</u>	Requires federal agencies and federal-aid recipients to identify and address “disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.”
<u>Limited English Proficiency Executive Order (Exec. Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000).)</u>	Recipients of federal financial assistance must provide meaningful access to limited English proficiency (LEP) applicants and beneficiaries.
<u>49 C.F.R. Part 21</u>	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
<u>23 C.F.R. Part 200</u>	Title VI Program and Related Statutes - Implementation and Review Procedures.

III. Non-Discrimination Policy Statement

It is the policy of the Washington County Department of Public Works that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the Washington County Department of Public Works as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

In addition, [Executive Order No. 12898, 59 Fed. Reg. 7629 \(Feb. 11, 1994\)](#) requires the Washington County Department of Public Works to ensure fair treatment and meaningful involvement of low income populations in all programs and activities, and [Executive Order No. 13166, 65 Fed. Reg. 50121 \(Aug. 11, 2000\)](#) requires agency programs to incorporate access for people with limited English proficiency.

This policy applies to all operations of the Washington County Department of Public Works, including its contractors and anyone who acts on behalf of the Washington County Department of Public Works. This policy also applies to the operations of any department or agency to which the Washington County Department of Public Works extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

The Minnesota Human Rights Act prohibits discrimination in the provision of public services on the basis of race, color, creed, religion, national origin, sex, marital status, disability, gender identity, sexual orientation, and status with regard to public assistance. Public services are defined to include any department or agency managed by the State of Minnesota.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; and Discrimination in any activities related to highway and infrastructure or facility built or repaired.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* and related statutes, and the requirements of 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

Wayne Sandberg

7/27/2023

Wayne Sandberg, P.E. | Public Works Director

Date

IV. Title VI Assurances

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the U.S. DOT provided an assurances agreement in U.S. DOT Order 1050.2A that federal fund recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language that the Washington County Department of Public Works is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The Washington County Department of Public Works is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, the Washington County Department of Public Works has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is attached as Appendix A.

V. Organization, Staffing, and Structure

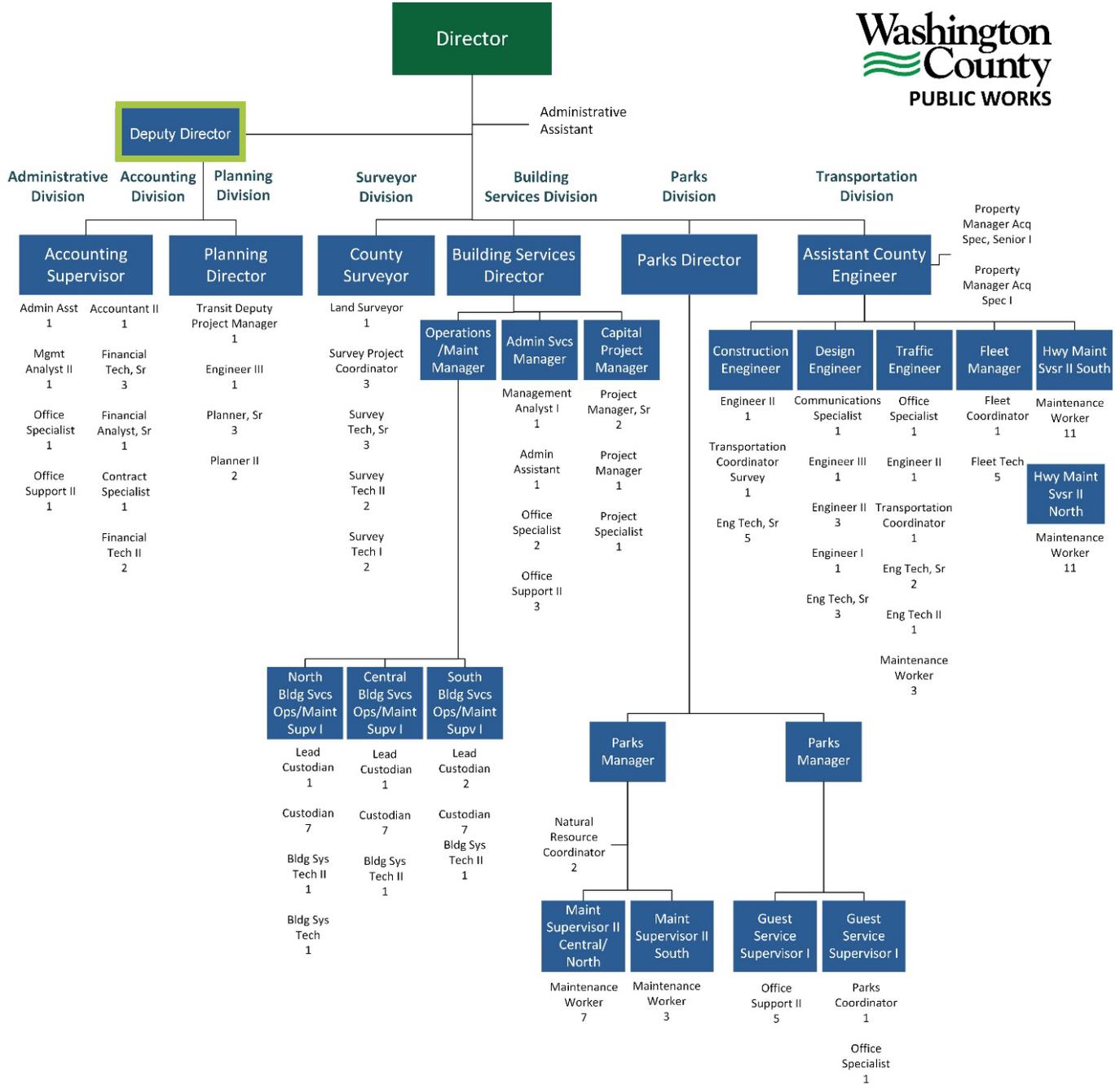
The Director of the Washington County Department of Public Works is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

The Washington County Department of Public Works has assigned the duties of Title VI Coordinator to the Deputy Director to ensure implementation of the Agency's Title VI program.

The Title VI Coordinator is responsible for:

- Maintaining and updating the Title VI plan on the agency's behalf;
- Ensuring relevant agency staff receive necessary Title VI training;
- Ensuring prompt processing of Title VI complaints and referral to Minnesota Department of Transportation;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas; and
- Developing Title VI information for dissemination internally and externally;

An organizational chart is attached as a supplement to this description with the Title VI Coordinator identified.



VI. Training

The Washington County Department of Public Works will ensure that its staff understand Title VI of the Civil Rights Act of 1964 and how it may apply to their work. The following options are available for providing training:

- Review of the Washington County Department of Public Works Title VI Plan
- Attendance at any available Title VI trainings provided by the Minnesota Department of Transportation, U.S. Department of Transportation or its applicable operating administrations, or the U.S. Department of Justice
- Viewing the video [Understanding and Abiding by Title VI of the Civil Rights Act of 1964](#) produced by the U.S. Department of Justice

The Washington County Department of Public Works will maintain records indicating that staff have received sufficient training on a periodic basis.

VII. Program Areas

The Washington County Department of Public Works engages in the following program areas:

Program Area	General Description	Title VI/Non-Discrimination Concerns, Responsibilities, and Evaluation Procedures
Consultant Contracts & Procurement	<p>Consultant Contract and Procurement team responsibilities include:</p> <ul style="list-style-type: none"> • Process all contracts and procurement requests. • Ensure all contracts include latest County, State, and Federal requirements and provisions. 	<p>Consultant Selection Process Concerns, Responsibilities, and Evaluation Procedures include:</p> <p>A. <u>Concern:</u> Ensuring Title VI language is included in all appropriate contract and procurement documents</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> • Title VI text is included in all Requests for Proposals (RFP), Requests for Quotes (RFQ), Requests for Bids (RFB), and contracts. • Include Title VI Assurance and Provision language in all federally funded consultant contracts. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> • Periodically review contract and procurement documents and language to ensure compliance with current laws and regulations, and that Title VI language is updated. • Provide a copy of the contract form to the Title VI Coordinator, and any amendments or updates that may occur over time.
Design & Planning Engagement	<p><u>Design</u></p> <p>Design responsibilities include:</p> <ul style="list-style-type: none"> • Develop and advance County goals of maintaining and improving a safe and efficient transportation system. • Management of the Capital Improvement Program (CIP), and the projects therein. • Coordinate the delivery of transportation projects through community engagement, preliminary design, environmental documentation, and final engineering. <p><u>Planning</u></p> <p>Planning responsibilities include:</p> <ul style="list-style-type: none"> • Develop and advance County goals of maintaining and improving a safe and efficient transportation system. • Leading short-term and long-term planning of transportation and transit projects. • Pursue grants and secure funding for transportation and transit projects. • Conduct community engagement; coordinate the delivery of transportation studies and plans. 	<p>Design and Planning Concerns, Responsibilities, and Evaluation Procedures related to Title VI include:</p> <p>A. <u>Concern:</u> Ensuring public has information pertaining to their rights, and information on how to report Title VI concerns.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> • Title VI information will be incorporated into project engagement activities and available upon inquiry. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> • Review relevant engagement materials prior to distributing to ensure Title VI information is included and accurate. • Periodically review County resources to ensure Title VI information is accessible and up to date. <p>B. <u>Concern:</u> Ensuring equitable dissemination and distribution of project information to all affected populations including the translation of project materials and presentations for Limited English Proficiency (LEP) community members.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> • Create web-based engagement opportunities, when possible. • Offer in-person and/or virtual engagement activities at accessible locations, times, and dates. • Share Public Notices in applicable media, including media that targets vulnerable and historically marginalized communities. • Arrange for translation services (materials and in-person interpretation) as needed – particularly in projects impacting vulnerable and historically marginalized communities. <ul style="list-style-type: none"> ○ Written translation services of vital documents will be provided for each LEP language group that constitutes 5% or 1,000 people of the population of individuals eligible to be served or likely to be affected or encountered. Any communities with less than 5% or 1,000 people will be assessed on a case by case basis for translation services. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> • Monitor online engagement opportunities and web traffic; adjust promotion accordingly • Consider feedback on meeting locations and times from in-person participants; adjust planned locations accordingly. • Gather feedback on how a participant heard about a meeting or project. • Document language access requests. <p>C. <u>Concern:</u> Strive to ensure a cross section of populations including those identified as protected classes in Title VI and the Minnesota Human Rights Act have opportunity to participate in the planning and design process.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> • Review project prior to design to determine appropriate level of environmental assessment (CATEX, Project Memorandum, NEPA, etc.). • Utilize Four-Factor LEP Process (see Chapter XII) to determine appropriate level of language assistance

		<ul style="list-style-type: none"> • Offer in-person and/or virtual engagement activities at accessible locations, times, and dates. • Ensuring data is collected during public engagement activities that meets Title VI reporting guidelines <ul style="list-style-type: none"> ○ Data may be gathered through use of a voluntary form which includes race, gender, public assistance participation, and national origin. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> • Review public engagement activities throughout project process to determine whether engagement opportunities were offered to all impacted communities: <ul style="list-style-type: none"> ○ Provide copies of the voluntary self-reporting forms to the Title VI Coordinator. ○ Compare self-reported data to census community data to determine proportional impact. ○ Address disparities identified through public engagement activities review.
<p>Right of Way Activities</p>	<p>Right-of-Way (ROW) team responsibilities include:</p> <ul style="list-style-type: none"> • Manage Public Works property, ROW, and utilities. • Coordinate with Surveyors to verify existing ROW and assist with legal descriptions for new easements and/or ROW acquisition. • Manage and coordinate the appraisal and acquisition of real property, including negotiation of terms and conditions for acquisition. • Assist in the relocation of displaced individuals, businesses, farm operations, or nonprofit organizations for public works projects • Ensure Public Works compliance with federal and state statutes regarding sale, acquisition, and management of real property. • Coordinate the preparation of deeds, permits, and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances. 	<p>A. <u>Concern:</u> Ensure equal opportunity in all aspects of procuring real estate services, contracting, and appraisal agreements.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> • Follow guidelines in the Right of Way Manual for property acquisition as well as applicable laws and regulations, including Title VI, Section 504 of 1973 Rehabilitation Act, FHWA Code of Federal Regulations (CFR) 22 and 49. • Utilize latest MnDOT list of certified fee-appraiser organizations when seeking services. • Adhere to adopted Washington County Public Works vendor procurement policies in the acquisition of contracted services. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> • Periodically review ROW documents and property agreements to ensure compliance with current laws and regulations and ensure current Title VI language. <p>B. <u>Concern:</u> Ensure that appraised values and communications associated with the appraisal and negotiations result in equitable treatment.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> • Maintain an up-to-date ROW brochure informing affected property owners, tenants, and others involved in right-of-way acquisition, of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Ensure brochure includes Title VI language notifying property owners of their rights. • Include Title VI notice with initial letter to property owner. • Document and file project files for ROW Acquisition process. • Conduct an internal review of appraisals for locally funded projects. • Hire an independent appraiser for review of appraisals on federally funded projects. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> • Periodic review of projects to identify differentials between settled and unsettled parcels <p>C. <u>Concern:</u> Ensure transparent and equitable approach to relocation services.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> • Hire an independent consultant to manage and facilitate the relocation process • Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process. • Provide copies of relocation assistance literature produced by MnDOT to all consultants and affected parties. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> • Explore and identify procedure to maintain statistical data including race, color, national origin, and sex on relocations, and provide demographic data to the Title VI Coordinator in the Right-of-Way meeting.
<p>Construction & Maintenance Activities</p>	<p><u>Construction Team</u> Construction Team responsibilities include:</p>	<p>Construction and Maintenance Concerns, Responsibilities, and Evaluation Procedures include:</p> <p>A. <u>Concern:</u> Ensure non-discrimination in the award of construction and maintenance contracts.</p>

	<ul style="list-style-type: none"> Oversight and administration of all construction contracts, including but not limited to highway construction and annual bridge inspections <p><u>Maintenance Team</u> Maintenance Team responsibilities include:</p> <ul style="list-style-type: none"> Operating and maintaining County ROW including roads, trails, and bridges Executing and administering maintenance agreements 	<p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> Include Title VI language in bid announcements and applicable construction documents as determined by the County’s Title VI Policy document. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> Periodically review bid announcement criteria to ensure inclusion of Title VI articles in contracts and announcements. <p>B. <u>Concern:</u> Ensure non-discrimination in the oversight and administration of transportation construction projects.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> Review Title VI language with contractors prior to project. Monitor contractor and subcontractor compliance with Equal Employment Opportunity (EEO) requirements as stipulated in the contract. <ul style="list-style-type: none"> Review contractor EEO policy. Ensure MnDOT EEO posters are posted at job sites. Meet requirements for Disadvantaged Business Enterprises (DBE) on federally funded projects. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> Periodic review of construction administration practices and Title VI materials to share with Contractor. <p>C. <u>Concern:</u> Ensure non-discrimination in the oversight and administration of maintenance operations.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> Monitor all maintenance operations to ensure nondiscrimination throughout all operations. <ul style="list-style-type: none"> Potential for disparate maintenance impacts on Title VI communities <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> Periodic review of maintenance operations for potential disparate impacts on Title VI communities.
<p>Permitting & Regulatory Enforcement</p>	<p>Permitting and Regulatory Enforcement Team responsibilities include:</p> <ul style="list-style-type: none"> Administer regulatory compliance of statutes, ordinance, and comprehensive plan guidance related to right of way uses. Issue permits for the following uses in County Rights of Way (ROW): <ul style="list-style-type: none"> Transportation Permit: Transportation uses as required to operate on County Roads, including overweight and over dimension loads ROW Permit: Events, utilities, and other obstructions Access Permit: Street, driveway, and field access permits 	<p>Permitting and Regulatory Enforcement Team Concerns, Responsibilities, and Evaluation Procedures include:</p> <p>A. <u>Concern:</u> Ensure permitting and enforcement activities are conducted fairly and do not create unfair burdens for vulnerable and historically marginalized communities.</p> <p><u>Responsibilities:</u></p> <ul style="list-style-type: none"> Offer online and paper options for permitting and enforcement materials. Administer regulatory compliance of statutes, ordinance, and comprehensive plan guidance. <ul style="list-style-type: none"> Follow MnDOT process for Oversize/Overweight Permitting and enforcement activities should be available to Limited English Proficient (LEP) persons. Record justification for approval/denial decisions. Record justification for citations and enforcement. <p><u>Evaluation Procedures:</u></p> <ul style="list-style-type: none"> Periodically review and update online and paper permitting and enforcement materials. Take reasonable steps to reduce language barriers for LEP persons, including listing opportunity for translation and interpretation services on permitting webpages. Periodically review justifications for approval/denial decisions for potential disparate impacts on Title VI communities. Periodically review justifications for citations and enforcement for disparate impacts on Title VI communities.

VIII. Data Collection

The Washington County Department of Public Works program areas collect and analyze data on the race, color, national origin, low-income status, disability, age, and sex of participants and beneficiaries in the following ways:

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
Consultant Contracts & Procurement	<p>Requests for proposals are publicly available and open to all qualified applicants. Demographic data is not collected or considered when selecting and awarding contracts.</p> <p>Documentation of Disadvantaged Business Enterprise (DBE) qualification required for projects utilizing federal funds.</p>	Ensuring equal opportunity in contracting to all individuals and groups.
Design & Planning Engagement	<p>Collect and review demographic data (U.S. Census/American Community Survey) from credible sources in project area of influence to identify affected populations.</p> <p>Include optional demographic questions on public surveys for participants to self-report demographics.</p>	<p>Ensure design and planning activities and decisions consider needs of and do not disproportionately impact any individuals or group based on protected class status.</p> <p>Ensure design and planning activities identify engagement strategies to best reach underrepresented populations present in area of influence.</p> <p>Utilize self-reported demographic data to understand who engagement activities are reaching and guide recalibration of engagement approach if needed.</p>
Right of Way Activities	Provide opportunity to self-report language assistance needs on initial contact letter.	<p>Language assistance is provided as needed and as requested by the property owner.</p> <p>Support understanding of right of way process to all impacted property owners, regardless of primary language.</p>

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
Construction and Maintenance Activities	<p>Demographic data is not collected or as part of routine construction and maintenance activities.</p> <p>Construction activities follow project planning and design processes – demographic data collected during design activities informs construction process.</p>	<p>Translate vital construction notices as needed based on project area demographics.</p>
Permitting and Regulatory Enforcement	<p>Provide opportunity to self-report language assistance needs on permit application webpages/forms.</p>	<p>Language assistance is provided as needed and as requested by the applicant.</p> <p>Support understanding of permitting process to all applicants, regardless of primary language.</p>

IX. Title VI Complaint Procedures

Scope of Title VI Complaints

No person or groups of persons shall, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by Washington County Department of Public Works, and its contractors on the grounds of race, color, national origin, sex, age, disability, low-income status, creed, religion, marital status, sexual orientation, gender identity, or status with regard to public assistance.

The scope of Title VI covers all internal and external activities of Washington County Department of Public Works.

The following types of actions are prohibited under Title VI protections (See [49 C.F.R. 21.5](#)):

- Excluding individuals or groups from participation in programs or activities
- Denying program services or benefits to individuals or groups
- Providing a different service or benefit or providing them in a manner different from what is provided to others
- Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program
- Retaliation for making a complaint or otherwise participating in any manner in an investigation or proceeding related to Title VI of the Civil Rights Act of 1964

The complaint procedure below is available from the Minnesota Department of Transportation (MnDOT) in [Spanish](#), [Somali](#), and [Hmong](#).

How to File a Formal Title VI Complaint

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes state above by Washington County Department of Public Works or its contractors may file a Title VI complaint.

Discrimination complaints must be received no more than 180 days after the alleged incident unless the time for filing is extended by the processing agency.

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin, etc.);

- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

Complainants are encouraged to submit complaints directly to Minnesota Department of Transportation (MnDOT) via its online complaint form available here:

<https://www.dot.state.mn.us/civilrights/nondiscrimination-complaint-form.html>.

Complaints can also be filed by completing and submitting the Washington County Department of Public Works' Title VI Complaint Form available in Appendix B or by sending an email or letter with the necessary information to:

Washington County Department of Public Works

c/o Frank Ticknor, Title VI Coordinator

11660 Myeron Rd N, Stillwater, MN 55082

Email: frank.ticknor@co.washington.mn.us

Phone: 651-430-4330

The complaint form is also available in hard copy at The Washington County Department of Public Works building (11660 Myeron Rd N, Stillwater, MN 55082). Language assistance is available for limited English proficient individuals. MnDOT has hard copy complaint forms available in [Spanish](#), [Somali](#), and [Hmong](#). Other languages can be accommodated as needed.

If necessary, the complainant may call the phone number above and provide the allegations by telephone. The Title VI Coordinator will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.

Complaints can also be filed directly with the following agencies:

Federal Highway Administration
U.S. Department of Transportation Office of
Civil Rights
 1200 New Jersey Avenue, SE
 8th Floor E81-105
 Washington, DC 20590
 Email: CivilRights.FHWA@dot.gov
 Fax: 202-366-1599
 Phone: 202-366-0693

Minnesota Department of Transportation
Office of Civil Rights
 385 John Ireland Boulevard, Mail Stop 170
 St. Paul, MN 55105
 Online: [Complaint Form](#)
 Fax: 651-366-3129
 Phone: 651-366-3073

After submitting a complaint, the complainant will receive a correspondence informing them of the status of the complaint within ten (10) business days of the Washington County Department of Public Works or other agency receiving the complaint.

Complaints received by the Washington County Department of Public Works' Title VI Coordinator are forwarded to the MnDOT Office of Civil Rights (OCR). MnDOT OCR will forward the complaint to the FHWA Minnesota Division Office, along with a preliminary processing recommendation. The FHWA Minnesota Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR).

FHWA HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints. There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Minnesota Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Minnesota Division Office a written notice that it is dismissing the complaint.
- **Referral\Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

Complaints are not investigated by the Washington County Department of Public Works. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to MnDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). MnDOT OCR will have sixty (60) business days from the date the investigation is delegated to prepare the ROI and send it to HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.

For further information about the FHWA investigation process and potential complaint outcomes, please visit the [Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964](#).

X. Environmental Justice

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

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

Similarly, the Washington County Department of Public Works will institutionalize the same key components of DOT's environmental justice strategy and commitment to promote the principles of environmental justice in all Washington County Department of Public Works' programs, policies, and activities. These policies outline actions and factors to address environmental justice in order to identify and avoid discrimination and disproportionality high and adverse effects on minority and low-income populations:

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

The Washington County Department of Public Works supports environmental justice through every stage of the planning, construction and maintenance processes, consistent with the factors outlined above. This ensures the Washington County Department of Public Works gains input from the community that will help shape how Washington County Department of Public Works builds and maintains public infrastructure (e.g. roads, bridges, parks, and trails).

Some ways in which Washington County Department of Public Works accomplishes this include:

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

XI. Public Participation

Public outreach processes at the Washington County Department of Public Works vary by division and program area and are specific to each project or initiative. The following section outlines Washington County Public Works' general approach to understanding which communities should participate and available tools or strategies to support the participation of underserved communities.

The majority of participation with the general public occurs through capital improvement projects as part of the Design and Planning Engagement program area. Demographics are identified and a project's area of influence is defined as part of project process. Subsequent engagement as part of several other program areas – including right of way and construction activities – are defined through initial project work.

Consultant Contracts and Procurement and Permitting and Regulatory Enforcement processes follow a more standardized process to ensure information is publicly available and often engages with individuals rather than specific demographic groups.

Generally, input for decision making from underserved communities is considered in the following ways:

- Public feedback is used throughout projects to inform and adapt process to best reach stakeholders; this may include the addition of public engagement activities to reach specific groups or providing clarifying information about specific topics.
- Feedback from public stakeholders is evaluated and balanced with technical considerations to identify context specific, publicly supported, and technically feasible project outcomes.

Identifying Population Demographics & Underserved Communities

The County's [Comprehensive Plan](#) outlines demographic data including age, gender, marital status, ethnic and racial diversity, and income and poverty. This information utilizes U.S Census, American Community Surveys (ACS), the Washington County Health Assessment, the Minnesota Department of Employee and Economic Development, the Minnesota Department of Education, and Metropolitan Council data to understand resident demographics. This information is updated regularly and provides a county-wide snapshot of demographics and the prevalence of underserved communities.

The Washington County Department of Public Works reviews available data for specific project areas to understand stakeholder demographics. This review provides a better understanding of underserved communities in a particular project area and informs public outreach strategies.

Communication Tools

Specific public outreach tools for each project or initiative are determined based on demographics of a project's area of influence and the intended participation level (inform; consult; involve; collaborate; empower). These tools include:

- **Public Meetings** (in-person or virtual): open house; pop-up events; listening sessions with specific groups/organizations (e.g. neighborhood meetings); work sessions; property-owner meetings; public hearings; City/Township Council/Board workshops and meetings
- **Digital Resources:** county website; project webpages; Notify Me subscription service; online surveys
- **Print Materials:** mailings (postcards, newsletters); display boards; public notices in local newspapers

Participation Tracking

Public participation tracking is completed on a project by project basis. For projects with public participation, project managers are responsible determining the best way to collect, track, and review participation levels and demographic information. Public Engagement Summaries are typically created following engagement events. These summaries include comments received and survey responses.

XII. Limited English Proficiency (LEP) & Language Access

Legal Background

[Executive Order 13166](#), “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121, August 16, 2000, directs each Federal agency to examine the services it provides and to develop and implement a system by which LEP individuals can meaningfully access those services. Federal agencies were instructed to publish guidance to assist states and local governments who receive federal funds with their obligations to LEP individuals under Title VI. The Executive Order states that federal fund recipients, like the Washington County Department of Public Works, must take reasonable steps to ensure meaningful access to their programs and activities for LEP individuals.

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Courts have interpreted Title VI’s prohibition of discrimination on the basis of national origin to include discrimination based on English proficiency. Under Title VI, recipients of federal financial assistance are required to provide LEP individuals with meaningful access to their programs and services.

The U.S. Department of Transportation (DOT) published [revised guidance](#) for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that U.S. DOT recipients take reasonable steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP individuals. Recipients use the DOT LEP Guidance to determine how best to comply with statutory and regulatory LEP obligations.

Identifying Limited English Proficient Populations (Four-Factor Analysis)

Title VI and its regulations require the Washington County Department of Public Works to take reasonable steps to ensure meaningful access to its information and services. What constitutes reasonable steps to ensure meaningful access is flexible, fact-dependent, and contingent on a four-factor analysis established by the U.S. Department of Justice. The four-factor analysis is an individualized assessment that should be applied to determine what reasonable steps must be taken to ensure meaningful access for LEP individuals. The analysis below is updated at least once every five years.

FACTOR #1: The number or proportion of LEP individuals eligible to be served or likely to be encountered

The greater the number or proportion of LEP individuals from a particular language group served or encountered in the eligible service population, the more likely language assistance services are necessary. Ordinarily, “individuals eligible to be served or likely to be encountered” by a program or

activity are those who are in fact, served or encountered in the eligible service population. This population will be program-specific and includes people who are in the program's geographic area.

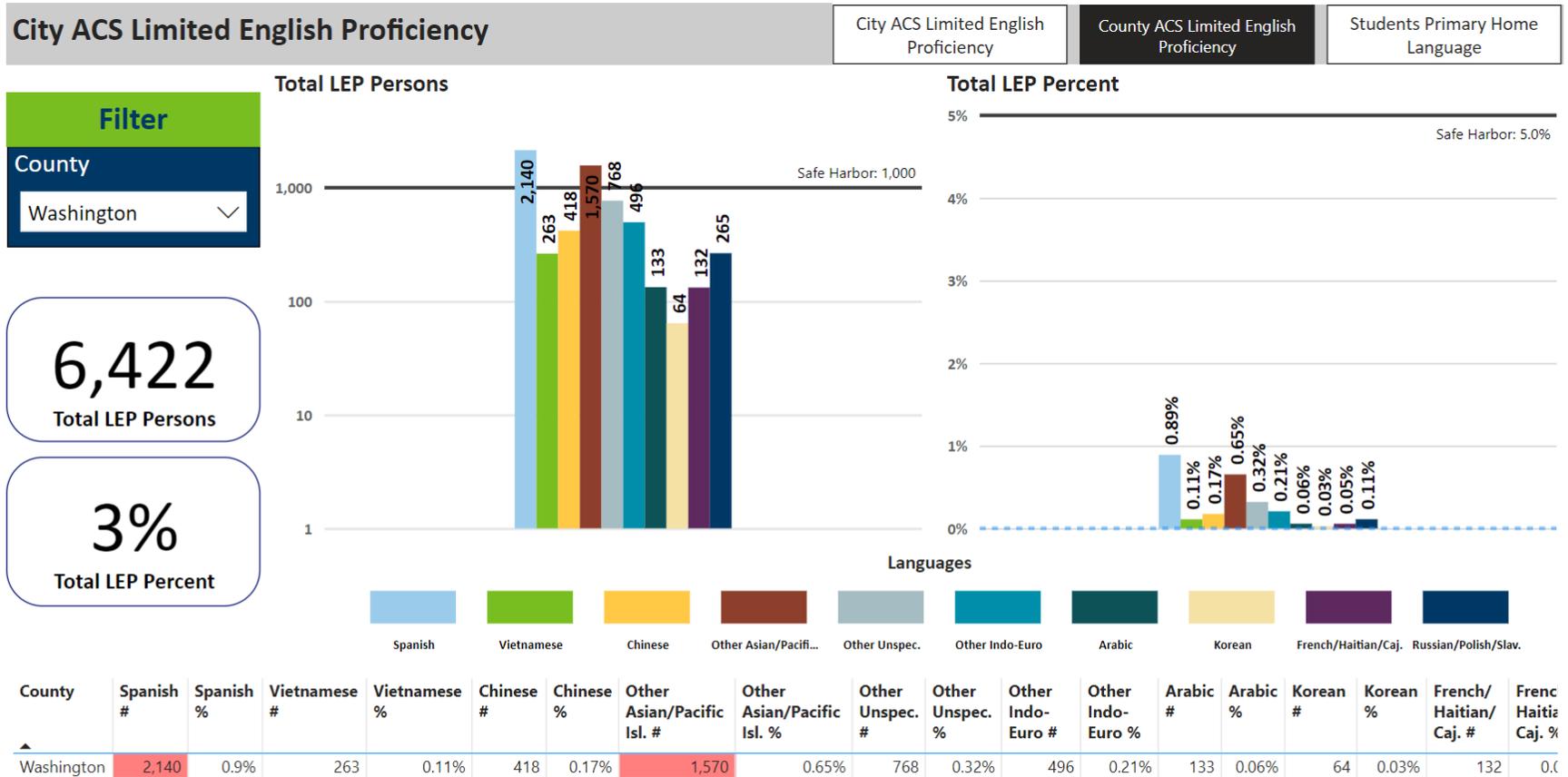
The Washington County Department of Public Works should first examine their prior experiences with LEP individuals and determine the breadth and scope of language assistance services needed. It is also important to include LEP populations that are eligible beneficiaries of programs, activities, or services but may be underserved because of existing language barriers.

Generally, the Washington County Department of Public Works will use reliable external data sources to determine the number or proportion of LEP individuals likely to be served or encountered.

The Washington County Department of Public Works relies on [MnDOT's LEP Data Tool](#) to provide the necessary county-wide data. **In the most recent analysis conducted in November 2022 the findings on the next two pages were documented.**

American Community Survey (5-Year Estimate 2015-2019, Table ID C16001)

County ACS Limited English Proficiency



Minnesota Department of Education: Primary Home Language for Students

Students Primary Home Language

Limited English Proficiency Data Tool

Students Primary Home Language

City ACS Limited English Proficiency

County ACS Limited English Proficiency

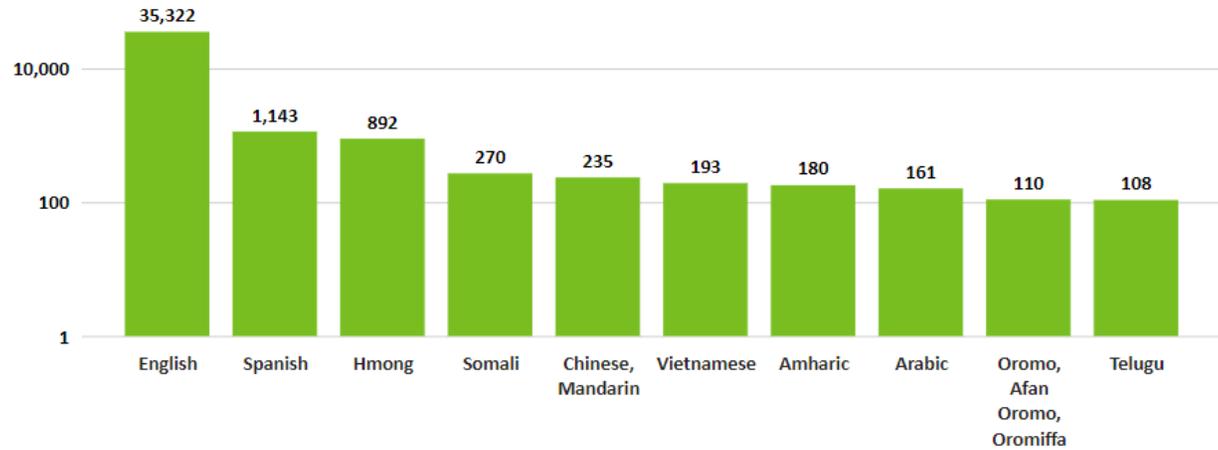
Students Primary Home Language

Filter

County
Washington

School District
All

Top 10 - Enrollments by Language



Safe Harbor Provision (Written Documents)

U.S. DOT LEP Guidance provides a “safe harbor” to help ensure greater clarity regarding whether the Washington County Department of Public Works is meeting its obligation to provide written translations. These safe harbor provisions only apply to the translation of written documents and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language assistance services are needed and reasonable.

The following actions are considered strong evidence of compliance with the Department’s written-translation obligations:

- a) Providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 people of the population of individuals eligible to be served or likely to be affected or encountered. Translation of non-vital documents, if needed, can be provided orally; or
- b) If there are fewer than 50 individuals in a language group that reaches the 5% trigger in (a), the vital written materials are not translated, but written notice of the right to receive free, competent oral interpretation of those vital written materials in the primary language of the LEP language group of is provided.

The above findings from the graphs on the preceding pages indicate the following LEP language groups meet the safe harbor threshold: Spanish; Other Asian/Pacific Isl. (Hmong) Therefore, the Washington County Department of Public Works will prioritize written document translation of vital information into those languages.

FACTOR #2: The frequency with which LEP individuals come in contact with the program, activity, or Service

The Washington County Department of Public Works should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance. If LEP individuals access a program or service on a regular, consistent basis, then that program or service provider has greater language access duties than a program or service whose contact with LEP individuals is unpredictable or infrequent.

However, even if there are infrequent or unpredictable interactions with LEP individuals, the Washington County Department of Public Works must be prepared to provide language assistance services to LEP individuals.

In applying this factor the Washington County Department of Public Works should also consider whether outreach to LEP individuals could increase the frequency of contact with LEP language groups and remain mindful of the data analysis conducted under Factor #1 to identify the proportion of LEP population present in the service area.

LEP persons may interact in several ways with the Washington County Department of Public Works, including but not limited to:

- Public meetings
- Community events
- Project-specific meetings, events, and discussions
- Online engagement
- Walk-in requests for information
- Phone communications
- Customer service interactions
- Surveys for information
- Requests for permits, licenses, or materials
- Real estate transactions (i.e., right of way)

In its most recent review conducted for 2022, the Washington County Department of Community Services has documented 132 requests for interpreters (in-person and virtual) and document translation. Additionally, there were 80 requests for phone interpretations. Spanish and Somali were the two highest language requests for phone interpretations, with Mandarin, Arabic, Bosnian, and Hmong as the next most common requests.

The Washington County Department of Public Works will assess, as accurately as possible over the next 5-year period, the frequency with which LEP persons from different language groups come into contact with Washington County Department of Public Works programs and activities.

FACTOR #3: The nature and importance of the program, activity, or service to people's lives

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the greater the need for language assistance services. The Washington County Department of Public Works must determine whether denial or delay of access to services or information could have serious implications for the LEP individual. Generally, programs providing information and services related to accessing benefits, opportunities, or rights are considered high importance.

The Washington County Department of Public Works provides the following activities which may be considered of high importance:

- Land use and transportation permitting
- Right of way interactions
- Stakeholder engagement activities which influence project decision-making as it relates to planning and design including public notices, public hearings, project meetings, and surveys

Vital Documents

As part of its analysis, a district, office, or program may determine that necessary language assistance measures include the translation of vital documents into the language of each LEP group that is frequently encountered, eligible to be served, or likely to be affected. Vital documents are paper or electronic written material containing information that is (1) critical for accessing programs, services, benefits, or activities, (2) directly and substantially related to public safety, or (3) required by law. Whether a document (or the information it solicits) is “vital” may depend upon the importance of the

program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is neither accurate nor timely provided.

Examples of vital documents in the U.S. DOT LEP Guidance include:

- Emergency transportation information
- Notices of public hearings regarding proposed transportation plans or projects
- Notices advising LEP individuals of free language assistance
- Applications or instructions on how to participate in a program or activity or receive benefits or services
- Consent forms

Sometimes a large document may include both vital and non-vital information. For these documents, vital information may include providing notice in the necessary non-English languages explaining where an LEP individual can obtain an interpretation or translation of the document.

Below is a LEP notice that can be placed on the cover of large documents in English, Spanish, Hmong, and Somali.

To request this document in another language, please send e-mail and attach document to
INSERT EMAIL ADDRESS.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a
a INSERT EMAIL ADDRESS.

Yog xav kom muab daim ntawv no sau ua lwm hom lwm, thov sau ntawv nrog daim ntawv tuaj
rau ntawm INSERT EMAIL ADDRESS.

Si aad u codsato dukumeentigan oo ku qoran luqad kale, fadlan e-mail u soo dir oo ku soo lifaaq
dukumiintiga INSERT EMAIL ADDRESS.

As noted under Factor #1, the following languages meet the safe harbor threshold for translating vital written materials: Spanish; Other Asian/Pacific Isl. (Hmong). The following document types have been identified as vital and subject to translation in accordance with this analysis and federal guidance:

- Public Notice of Rights Under Title VI
- Language assistance notice on public engagement invitations
- Language assistance notice on large public-facing documents
- Language assistance notice on initial right-of-way property owner communications and brochure
- Vital construction notices on projects in areas with high concentration of LEP populations

FACTOR #4: THE RESOURCES AVAILABLE TO THE WASHINGTON COUNTY DEPARTMENT OF PUBLIC WORKS AND THE COST OF LANGUAGE ASSISTANCE

The resources available to the Washington County Department of Public Works and the costs of providing language assistance services may impact the steps taken to provide meaningful access to LEP individuals. Additionally, reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits. The Washington County Department of Public Works will determine on a case-by-case basis whether language assistance costs outweigh the benefits.

The four-factor analysis necessarily implicates a spectrum of language assistance measures. For instance, written translations can range from translation of an entire document to translation of a short description of the document, and interpretation services may range from using telephone-based interpretation services to providing in-person interpretation at a public event. Language assistance measures should be based on what is necessary and reasonable after considering the four-factor analysis. The Washington County Department of Public Works will proactively identify how to provide language assistance services efficiently and cost-effectively while ensuring meaningful access to LEP individuals.

Language Services

There are two types of language services:

Translation is the replacement of a word, phrase, or text in one language (source language) with an equivalent-meaning word, phrase, or text in another language (target language). This is written language assistance.

Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. This is oral language assistance.

The Washington County Department of Public Works has access to a county-wide service contract for interpreter and translation services with seven (7) vendors. Services include:

- Form Translation
- Telephone Interpreter Services – Non-English and Hearing Impaired
- Video Remote Interpreting (VRI) – Non-English and Hearing Impaired
- In-Person Interpreter Services

XIII. Notice of Rights

The Washington County Public Works Department disseminates Title VI information including this Notice of Rights as part of the most current Title VI Plan using the department website. Copies of the complete Title VI Plan are not currently provided in other languages.

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

The Washington County Department of Public Works is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of race, color, national origin, sex, age, disability, limited English proficiency or low-income status in any and all programs, activities, or services administered by the department in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination legal authorities.

In addition, the Minnesota Human Rights Act prohibits discrimination in the provision of public services on the basis of race, color, creed, religion, national origin, sex, marital status, disability, gender identity, sexual orientation, and status with regard to public assistance.

If you believe you have been aggrieved by an unlawful discriminatory practice, or wish to request more information about the department's obligations under Title VI, please contact us at the following address and telephone number:

Frank Ticknor, P.E. | Deputy Director
Washington County Department of Public Works
11660 Myeron Rd N
Stillwater, MN 55082

Email: frank.ticknor@co.washington.mn.us

Phone: 651-430-4330

A Title VI complaint may also be submitted to MnDOT online at <https://www.dot.state.mn.us/civilrights/nondiscrimination-complaint-form.html> or using the contact information:

Minnesota Department of Transportation
Office of Civil Rights
395 John Ireland Blvd, Mail Stop 170
St. Paul, MN 55155

Phone: (651)-366-3073

Fax: (651)-366-3129