



Waseca County Public Works Department

Title VI and Non-Discrimination Implementation Plan

July 11, 2022

Title VI and Non-Discrimination Implementation Plan - Revision Log

Date	Section Revised	Summary of Revisions
07/2022	Creation of Policy	

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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 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.

Waseca County Public Works Department (WCPWD), 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. WCPWD acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan explains how WCPWD incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for the WCPWD and an informational resource for the public. The plan will be updated from time to time to reflect changes in Title VI compliance operations.

Legal Authorities

MnDOT’s Title VI compliance program is governed by many legal authorities, including, but not limited to, the list below.

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

Non-Discrimination Policy Statement

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

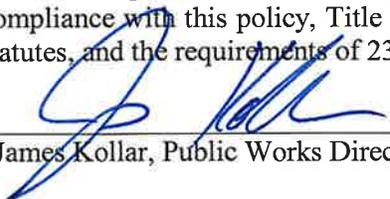
The Minnesota Human Rights Act (MHRA) prohibits discrimination in the provision of public services on the basis of race, color, creed, religion, national origin, sex, marital status, disability, gender identity, sexual orientation, and status with regard to public assistance

"Public service" means any public facility, department, agency, board or commission, owned, operated or managed by or on behalf of the state of Minnesota, or any subdivision thereof, including any county, city, town, township, or independent district in the state.

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; 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.



James Kollar, Public Works Director/County Engineer

7/19/22

Date

Title VI Assurances

The USDOT 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 USDOT provided an assurances agreement in USDOT Order No. 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 the WCPWD is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The WCPWD is committed to ensuring the necessary language is used as prescribed in the assurance's agreement.

In accordance with this requirement, the WCPWD has signed the USDOT Standard Title VI/Non-Discrimination Assurances. The document is attached as Appendix A.

Organization, Staffing, and Structure

The Public Works Director/County Engineer 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.

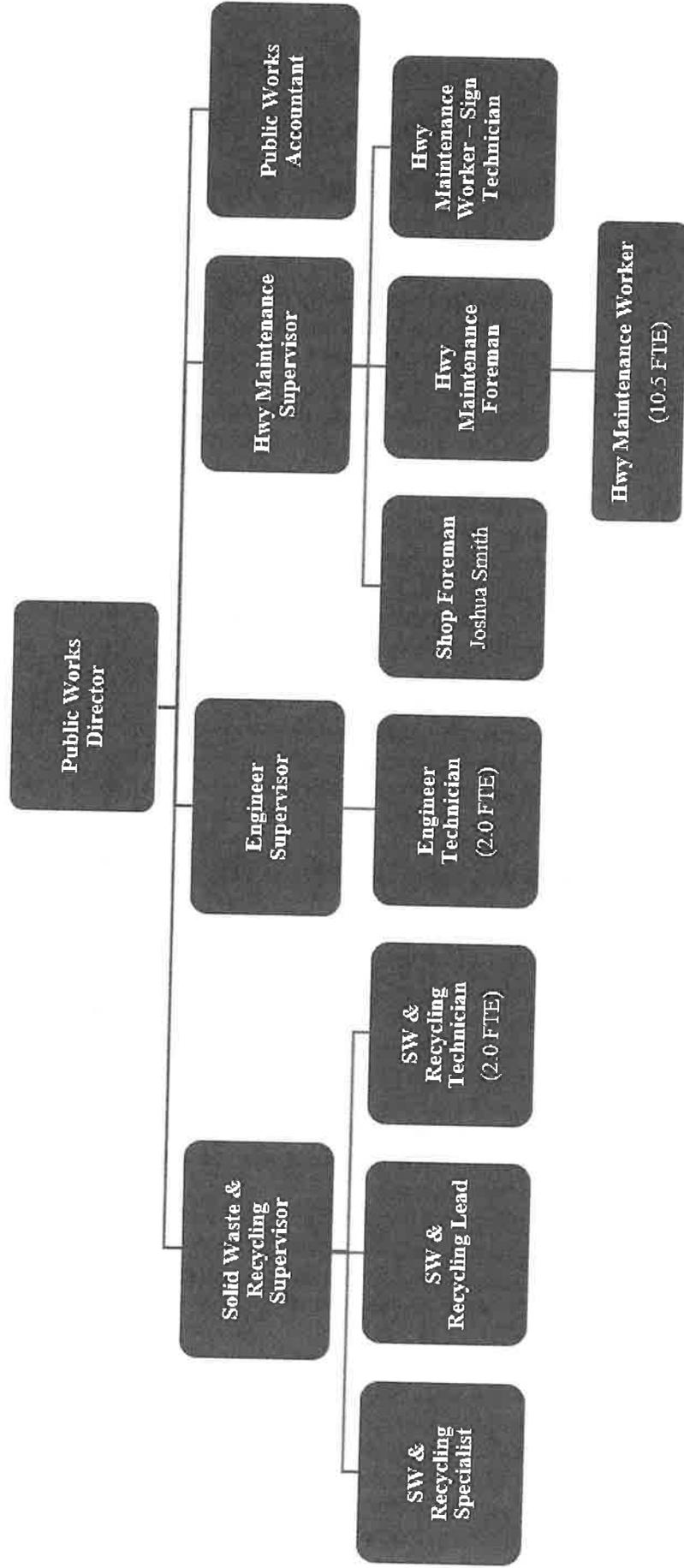
Waseca County Public Works Director has appointed the position of Human Resource Director to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of Human Resource Director is located within the Administration Division of Waseca County.

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on Waseca County Public Works behalf.
- Ensuring relevant Department staff receive necessary Title VI training;
- Developing procedures for the PW Director's awareness of the processing and disposition of complaints;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination;
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.



Public Works
Effective June 1st, 2021



Primary Program Area Descriptions & Review Procedures

The WCPWD engages in the following program areas:

Program Area: County Road, Bridge and Right of Way Maintenance

1. General Description: Conduct yearly County Road, Bridge and Right-of-Way (ROW) Maintenance activities.
 - a. *Key areas of responsibility include*: Maintenance Planning, Execution and Administration; Snow Plowing; Permitting; Policy Establishment; Public Right of Way (ROW) management and permits for private and businesses and other maintenance activities.
2. Title VI/Non-Discrimination Concerns & Responsibilities:
 - a. Ensuring contracts and solicitations contain required nondiscrimination notification and appendices from the Title VI Assurances.
 - b. County Road and Bridge Maintenance and Right of Way Management activities should not create unfair burdens for environmental justice communities.
 - c. Collect data from public engagement activities regarding demographics of public participants.
 - d. Providing language access as needed.
3. Review Procedures for Ensuring Non-Discrimination:
 - a. The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs.
 - b. It is the policy of this WCPWD to adhere to Equal Employment Opportunity/ Affirmative Action and civil rights assurance policies, principals and imperatives within planning, development, and implementation of this program area.
 - c. Review public engagement activities periodically to determine whether opportunities were offered to all communities.
 - d. Document language access requests.

Program Area: County Road and Bridge Construction Management

1. General Description: Planning of County Road and Bridge Construction projects related to reconstruction and new construction.
 - a. *Key areas of responsibility include*: Coordinate public participation activities for project planning and development as well as relationship- building activities.
2. Title VI/Non-Discrimination Concerns & Responsibilities:
 - a. Ensure contracts and solicitations contain required nondiscrimination notification and appendices from the Title VI Assurances.
 - b. County Road and Bridge Construction activities should provide for comprehensive public participation in project development and not create unfair burdens for environmental justice communities.
 - c. Collect data from public engagement activities regarding demographics of public participants.
 - d. Providing language access as needed
3. Review Procedures for Ensuring Non-Discrimination:
 - a. The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs.
 - b. It is the policy of this WCPWD to adhere to Equal Employment Opportunity/ Affirmative Action and civil rights assurance policies, principals and imperatives within program planning, development, and implementation
 - c. Review project development decisions through equity lens to ensure non-discrimination.
 - d. Review public participation activities periodically to determine whether engagement opportunities were offered to all communities.
 - e. Document language access requests

Program Area: Solid Waste, Household Hazardous Waste and Recycling Program Management

1. General Description: The County provides Solid Waste Disposal and Recycling activities in support of the County’s Solid Waste Management Plan (SWMP).
 - a. *Key areas of responsibility include*: Household Hazardous Waste Program management, Regulate Solid Waste Disposal Activities, manage recycling activities; oversee County recycling grant and clean-up programs.
2. Title VI/Non-Discrimination Concerns & Responsibilities:
 - a. Ensure contracts and solicitations contain required non-discrimination notifications and appendices from the Title VI Assurances.
 - b. Assure that County’s activities are accessible and do not discriminate based on race, color, national origin, sex, age, disability, LEP, or low- income status.
 - c. Provide for Comprehensive public participation when needed to meet environmental justice (EJ) requirements.
3. Review Procedures for Ensuring Non-Discrimination:
 - a. Provide for Comprehensive public participation when needed to meet environmental justice (EJ) requirements.
 - b. Include Environmental Justice (EJ) principles in all stages of program planning, development, and implementation.
 - c. County’s activities must be accessible and do not discriminate based on race, color, national origin, sex, age, disability, LEP, or low-income status.
 - d. A language access plan is implemented to take reasonable steps to reduce language barriers for LEP persons.

Program Area: Permitting and Regulatory Enforcement

1. General Description: Permitting transportation uses as required to operate on County Roads; Utility Permitting, Permitting Agriculture, Commercial and Residential uses on County rights of way.
 - a. *Key areas of responsibility include*: Issuance of permits for overweight and over dimension loads, right of way uses, public utilities. Administer regulatory compliance of Statutes and Ordinance related to right of way uses.
2. Title VI/Non-Discrimination Concerns & Responsibilities:
 - a. Permitting and enforcement activities should not create unfair burdens for environmental justice (EJ) communities.
 - b. Responsible that enforcement activities are conducted fairly.
 - c. Responsible to Limited English Proficient (LEP) Persons to take reasonable steps to ensure meaningful access to activities requiring Permitting
3. Review Procedures for Ensuring Non-Discrimination
 - a. County’s permitting activities must be accessible and do not discriminate based on race, color, national origin, sex, age, disability, LEP, or low-income status.
 - b. A language access plan is implemented to take reasonable steps to reduce language barriers for LEP persons.
 - c. Environmental Justice (EJ) principles included in all stages of program planning, development, and implementation.

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 WCPWD, and its contractors on the grounds of **race, color, national origin, sex, age, disability, or low-income status**.

The scope of Title VI covers all internal and external activities of the WCPWD.

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

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 the WCPWD or its representatives 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 MnDOT via its online complaint form available here: <http://www.dot.state.mn.us/civilrights/nondiscrimination-complaint-form.html> Complaints can also be filed by completing and submitting WCPWD's Title VI Complaint Form available at [Public Works | Waseca County, MN](#), or by sending an email or letter with the necessary information to the WCPWD at:

Waseca County Public Works Department
ATTN: Public Works Director
1495 5th Street SE
Waseca, MN 56093
Fax: (507) 835-0669
Phone: (507) 835-0660

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The complaint form is also available in hard copy at the WCPWD building (address above).

Language assistance is available for limited English proficient (LEP) 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 MnDOT at the phone number listed below and provide the allegations by telephone. MnDOT 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 WCPWD or other agency receiving the complaint.

Complaints received by WCPWD's 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.

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- **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 WCPWD. 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.](#)



Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact the Language Line Solutions at 1-800-367-9559 for phone line service or the Bridge World Language Center at 320-259-9239 or 800-835-6870 for in person assistance.

Name: _____

Address: _____ City: _____ Zip: _____

Phone: Home _____ Work _____ Mobile _____

Email: _____

Basis of Complaint (circle all that apply):

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> Creed | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Sex | <input type="checkbox"/> Religion | <input type="checkbox"/> Public Assistance Status |
| <input type="checkbox"/> Age | <input type="checkbox"/> Disability | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Other |
| <input type="checkbox"/> Retaliation | <input type="checkbox"/> Low-Income Status | <input type="checkbox"/> Sexual Orientation | |

Who discriminated against you?

Name: _____

Name of Organization: _____

Address: _____ City: _____ Zip: _____

Phone: _____

How were you discriminated against? (Attach additional pages if more space is needed)

Where did the discrimination occur?

When did the discrimination occur?

Four horizontal lines for text entry.

Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

How would you like to see this situation resolved?

Four horizontal lines for text entry.

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who: _____ When: _____

Status (pending, resolved, etc.): _____

Results, if known: _____

Complaint or case number, if known: _____

If you have an attorney in this matter, please provide their contact information:

Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____

Signature

Date

Data Collection

The primary source of Data Collection for WCPWD will be the use of U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by WCPWD's projects. WCPWD's process for collecting and analyzing data on the race, color, national origin, low-income status, disability, age, and sex of participants and beneficiaries of the County's programs and activities will also use local survey data about Title VI requirements. Local survey data collection will include tracking the race/ethnicity, sex, and primary language of public participants in County Project development activities. Participant surveys of programs and activities in various program areas will also be used.

Program Area: County Road, Bridge and Right of Way Maintenance

1. Type of Data Collected & Process for Collecting:
 - a. Waseca County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Waseca County's maintenance projects.
 - b. Public participation data tracking of the race, color, origin, low-income status, disability, age and sex of members of the public participating in maintenance project development meetings.
 - c. Language access provided when needed
2. Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data):
 - a. Waseca County's programs and activities adhere to Title VI requirements.
 - b. Document the race/ethnicity of members of the public participating in public meetings and analyze data on populations potentially impacted by Waseca County's maintenance projects.
 - c. Determine whether engagement opportunities were offered to all communities and populations potentially impacted by Waseca County's maintenance projects.
 - d. Document language access requests

Program Area: County Road and Bridge Construction Management

1. Type of Data Collected & Process for Collecting:
 - a. Waseca County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Waseca County's construction projects.
 - b. Public participation data tracking of the race, color, origin, low-income status, disability, age and sex of members of the public participating in construction project development meetings.
 - c. Public participation data from public engagement activities regarding demographics of public participants.
 - d. Language access provided when needed.
2. Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data):
 - a. Waseca County's programs and activities adhere to Title VI requirements.
 - b. Document the race/ethnicity of members of the public participating in public meetings and analyze data on populations potentially impacted by Waseca County's maintenance projects
 - c. Determine whether engagement opportunities were offered to all communities and populations potentially impacted by Waseca County's construction projects.
 - d. Document language access requests.

Program Area: Solid Waste and Recycling Program Management

1. Type of Data Collected & Process for Collecting:
 - a. Waseca County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Waseca County's Solid Waste and Recycling Programs.
 - b. Volunteer data collection effort at organized events when appropriate. Collect survey data on race, color, national origin, low-income status, disability, age, and sex of participants of Waseca County's Organized Solid Waste and Recycling programs and activities.
 - c. Language access provided when needed.
2. Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data):
 - a. Waseca County's programs and activities adhere to Title VI requirements.
 - b. Document the race, color, national origin, low-income status, disability, age, and sex of members of the public participating in Waseca County Solid Waste and Recycling Programs and activities.
 - c. Determine whether engagement opportunities were offered to all communities and populations wanting to participate in use of Waseca County Solid Waste and Recycling programs and activities.
 - d. Document language access requests

Public Participation

WCPWD will use the U.S. Census data and/or State of Minnesota Demographer data and estimates to identify populations potentially impacted by WCPWD's projects. Surveys collecting the race, color, national origin, low-income status, disability, age, and sex of participants of WCPWD's programs and activities will be collected when appropriate. All Public Meetings and Civic Engagements opportunities are open to the public to participate. WCPWD uses several forums and avenues for public outreach. The WCPWD uses the Waseca County Board of Commissioners Meetings for County Engineer Report, WCPWD updates, project and activity approvals, and Public Hearings. The Board of Commissioners Meetings and Public Hearings are accessible by attending in person or virtual. A copy of a recorded Board of Commissioners meeting can be accessed by contacting Waseca County Administration. The WCPWD uses traditional means and methods of public outreach to include public notices and news items in the local newspaper. The WCPWD has a number of dedicated web pages on the Waseca County website ([Waseca County, MN | Official Website](#)) for each program area, and also includes Transportation project bids and associated links

The WCPWD conducts planning and informational meetings to provide for public participation on projects and activities when appropriate. These meetings would include any Title VI accommodations required. WCPWD adheres to Equal Employment Opportunity/Affirmative Action and civil rights assurance policies, principals and imperatives within program planning, development, and implementation. These policies are essential parts to bid documents and proposals.

The WCPWD produces fact sheets and informational flyers for specific areas of interest to the public. The WCPWD also uses additional Public Hearings, Planning Meetings, Open Houses, Task Forces and Steering Committees to engage the public for comprehensive and strategic planning endeavors, all of which are advertised public meetings. Waseca County and the WCPWD also uses website and manual contact forms and records to log issues and recommendations by the public, as well as to track the responses to Resident concerns.

Limited English Proficiency (LEP) & Language Access

WCPWD currently provides language access guidance as needed by the Title VI Coordinator.

WCPWD conducted a LEP four (4) factor analysis, which is outlined below. The results of the LEP four factor analysis will be reviewed annually to help identify the needs of the LEP populations served. (Appendix G)

Requirements to Provide Meaningful Access to LEP Persons

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

The LEP Four Factor Analysis

Factor #1: Demography

The demographic information outlined below was collected for County purposes. For each applicable program area, a specific analysis must be done to determine the number of LEP populations that may be affected. Demographic information was gathered from the United States Census Bureau. In 2019, the languages spoken at home by ability to speak English for the population 5 years and over less than "very well" are listed in the attached table, Appendix F.

For further information about immigration and language visit the Minnesota State Demographer's website, American Community Survey and U.S. Census Bureau.

Factor #2: Frequency

WCPWD is committed to assessing, as accurately as possible, the frequency with which LEP persons from different language groups encounter WCPWD programs and activities.

LEP persons interact in several ways with WCPWD, 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.

Factor #3: Importance

As provided in USDOT's LEP policy guidance, the more important the activity, information, service, or program, or the greater the possible consequences of the contact to LEP persons, the more likely language

services are needed. WCPWD is committed to assessing the services provided by each program area to determine the implications for an LEP person or community in order to ensure meaningful access.

Factor #4: *Resources*

WCPWD serves the entire County of Waseca, Minnesota. For each applicable program area analysis may be done to determine the most cost-effective means of delivering competent and accurate language services to LEP populations that are affected.

The Safe Harbor Provision

In order to ensure with greater certainty that recipients comply with the obligations to provide written translations in languages other than English, USDOT's LEP policy guidance outlines the circumstances in which providing a "safe harbor" can be utilized. A "safe harbor" means that if a recipient provides written translations under these circumstances, this will be considered strong evidence of compliance with the recipient's written translation obligations under Title VI. The Safe Harbor Provision for translation provides that WCDPW can show strong evidence of compliance by:

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

Waseca County Public Works Department Language Access Services

Because the LEP four factor analysis demonstrates that there may be a need for meaningful access to engage LEP populations, WCPWD works with the Language Line Services at 1-800-367-9559 for phone line service or the Bridge World Language Center at 320-259-9239 or 1-800-835-6870 for in person assistance.

How does your agency identify LEP communities for outreach?

- WCPWD currently provides language access guidance as needed.
- WCPWD conducted a LEP four factor analysis. The results of the LEP four factor analysis will be reviewed annually to help identify the needs of the LEP populations served.

What vendors or language access solutions does your agency provide for interpretation and translation services as requested?

- If customers and residents need translation or other assistance, WCPWD will advise and assist them in contacting the Language Line Services at 1-800-367-9559 for phone line service or the Bridge World Language Center at 320-259-9239 or 1-800-835-6870 for in person assistance.

How does your agency determine which documents are "vital" and therefore require translation?

- WCPWD uses personal contact. The County website and manual contact forms and records to log issues and recommendations by the public, as well as to track the responses to Resident concerns towards identifying "vital" documents requiring translation. Currently, the WCPWD has not identified any specific vital documents requiring translation.

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 practicable and permitted by law.

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

WCPWD will strive to achieve the same key components of DOT's environmental justice strategy and commitment to promote the principles of environmental justice in all WCPWD's 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 WCPWD 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 WCPWD 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.

WCPWD supports environmental justice through every stage of the planning, construction and maintenance processes, consistent with the factors outlined above. This ensures WCPWD gains input from the community that will help shape how WCPWD builds and maintains roads and bridges.

Some ways in which the WCPWD accomplishes this are:

- 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.

Notice of Rights

WCPWD disseminates the Title VI Policy notice using the County Website, where the Equal Opportunity and Civil Rights Policy can be found, coupled with Title VI information incorporated into Contracts for Bid. Currently, the WCPWD has not identified specific vital documents requiring translation.

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

WCPWD 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.

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:

Waseca County Public Works Department Contact:

James Kollar
Public Works Director
1495 5th Street SE
Waseca, MN 56093
Phone: (507) 835-0660
Jim.kollar@co.waseca.mn.us

A Title VI complaint may also be submitted to MnDOT online at:

<http://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

The United States Department of Transportation (USDOT)

**Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A**

USDOT Document Pages 2 through 4 and Appendix A through E to follow.

The United States Department of Transportation (USDOT)

**Standard Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A**

The Waseca County Public Works Department (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. 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);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 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);

Modal Operating Administration may include additional Statutory/Regulatory Authorities here.

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, or national origin, 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 nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Modal Operating Administration may include additional General Assurances in this section, or reference an addendum here.

Specific Assurances

More specifically, and without limiting the above general Assurance, 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 **FHWA Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Waseca County Public Works Department, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

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.

Modal Operating Administration may include additional Specific Assurances in this section.

By signing this ASSURANCE, Waseca County Public Works Department 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.

Waseca County Public Works Department 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 U.S. Department of Transportation under the FHWA. This ASSURANCE is binding on Waseca County Public Works Department, 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.

_____ Waseca County Public Works Department
(Name of Recipient)
By _____
(Signature of Authorized Official)
DATED 7/19/22

APPENDIX A

USDOT – Contractor Clauses

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 Non-discrimination 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. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin 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, 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, or national origin.
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 Nondiscrimination 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.

APPENDIX B

USDOT – 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 U.S. Department of Transportation as authorized by law and upon the condition that the Waseca County Public Works Department will accept title to the lands and maintain the project constructed thereon in accordance with the Regulations for the Administration of **Federal Highway Administration (FHWA)**, and the policies and procedures prescribed by the **FHWA** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. 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 Waseca County Public Works Department all the right, title and interest of the U.S. 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 Waseca County Public Works Department 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 Waseca County Public Works Department, its successors and assigns.

The Waseca County Public Works Department, 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, or national origin, 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 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, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. 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 U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].

APPENDIX C

USDOT – 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 Waseca County Public Works Department 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 U.S. 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, or national origin, 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, Waseca County Public Works Department 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 Waseca County Public Works Department 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 Waseca County Public Works Department and its assigns.

APPENDIX D
USDOT - 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 Waseca County Public Works Department 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, or national origin, 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, or national origin, 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, 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, will there upon revert to and vest in and become the absolute property of Waseca County Public Works Department and its assigns.

APPENDIX E

USDOT – Pertinent Non Discrimination Authorities

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:

Pertinent Non-Discrimination 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); and 49 CFR Part 21.
- 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, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- 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 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 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.*).

APPENDIX F

American Community Survey – Waseca County Language Spoken at Home Table

Language spoken at home by ability to speak English for the population 5 years and over.

Survey/Program: American Community Survey

Years: 2019 **Table:** B1601

<https://data.census.gov/cedsci/table?g=0500000US27161&tid=ACSS5Y2019.S1601>

Waseca County, Minnesota Estimated	
Total:	17660
Speak only English	16759
Spanish	631
Speak English "very well"	303
Speak English less than "very well"	328
Other Indo-European languages	50
Speak English "very well"	47
Speak English less than "very well"	3
Asian and Pacific Island languages	75
Speak English "very well"	45
Speak English less than "very well"	30
Other languages	145
Speak English "very well"	134
Speak English less than "very well"	11

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APPENDIX G

Waseca County Public Works

Limited English Proficiency Plan – Four Factor Analysis

Requirements to Provide Meaningful Access to LEP Persons

According to the Office for Civil Rights (OCR), in order to avoid discrimination on the basis of national origin against persons with Limited English Proficiency (LEP), recipients of federal financial funding from the U.S. Department of Transportation (USDOT) must take adequate steps to ensure that persons with LEP receive the language assistance necessary to allow them meaningful access to services, free of charge. This plan serves the purpose of meeting the legal obligation to provide meaningful access to person with LEP in compliance with: Title VI of the Civil Rights Act of 1964; Statutory Citation: 42 USC 2000d et seq. Regulatory Citation: 45 CFR Part 80. Administrative Citation: 65 Fed. Reg. 52762 (2000).

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

Waseca County Public Works Department (WCPWD) initial LEP four (4) factor analysis is outlined below. The results of the LEP four factor analysis will be reviewed annually to help identify the needs of the LEP populations served.

The LEP Four Factor Analysis

The WCPWD LEP Plan has been developed to serve its contractors, customers and interested members of the public who do not speak English or who speak limited English. A limited English proficient individual is an individual who has limited English proficiency where he/she/hir is unable to speak, read, write or understand the English language at a level that allows him/her/hir to interact effectively with WCPWD staff. People with LEP shall not be excluded from receiving information, or experience delays, denials, or termination of WCPWD services because of language barriers. An analysis was completed utilizing the American Community Survey for Waseca County to determine the number of LEP, minority, and low-income populations that may be affected. In 2015, the languages spoken at home by ability to speak English for the population 5 years and over less than "very well" was reconciled for the greatest potential LEP population. For further information about immigration and language visit the Minnesota State Demographer's website, American Community Survey and U.S. Census Bureau.

Factor #1: Demography

The demographic information outlined below was collected through information available from the United States Census Bureau *American Community Survey*. Each applicable program, project, service, or activity, received consideration and analysis, coupled with consult with and guidance from the MnDOT OCR. It was determined that it was reasonable to establish at this time, that there **is not** a particularly limited population and/or individuals living, working or interacting with the WCPWD who

have limited English proficiency where he/she is unable to speak, read, write or understand the English language at a level that **does not** allows him/her/hir to interact effectively with WCPWD staff. It has been recommended by the MnDOT OCR, that a reasonable recurring review be further conducted on a three-year basis to determine if a more comprehensive and applicable program review and analysis is warranted. Out of the estimated Total of 17,660 residents of Waseca County, 16,759 speak only English (94.9%).

Nevertheless, from the American Community Survey, for Waseca County, Minnesota (Estimated), the only moderately notable language of potentially increasing prominence is for the “Spanish or Spanish Creole” category at 631 (3.6 %), of which 303 speak English “very well” (48% of the overall language category), with the remaining percentage (52%) speak English (328) “less than ‘very well’” (1.7 % and 1.9% of the total estimated population respectively). All other categories listed were considered less significant than the “Spanish or Spanish Creole” category.

Similarly, when this population is compared to the “Safe Harbor Provision” thresholds, where recipients must comply with the obligations to provide written translations in languages other than English, to be considered in compliance and providing strong evidence of compliance with the recipient's written translation obligations under Title VI, the “Spanish or Spanish Creole” category is less than a quarter of the threshold required to provide translations of vital documents for each eligible LEP language group. That constitutes 5% (883) or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered when the overall population of the “Spanish or Spanish Creole” category is 378 in total. The 378 estimated individuals of this eligible LEP language group, does not reach the 5% trigger for the Safe Harbor Provision.

Factor #2: Frequency

WCPWD is committed to assessing, as accurately as possible, the frequency with which LEP persons from different language groups come into contact with WCPWD programs and activities.

LEP persons may interact in several ways with WCPWD, including but not limited to:

- Project-specific meetings, events, and discussions
- Community events
- Phone communications
- Walk-in requests for information
- Requests for permits, licenses or materials
- Public meetings
- Surveys for information
- Online engagement
- Customer service interaction
- Real estate transactions

The WCPWD **has not** noted a particularly limited population and/or individuals living, working or interacting with the WCPWD who have limited English proficiency where he/she is unable to speak, read, write or understand the English language at a level that **did not** allows him/her/hir to interact effectively with WCPWD staff. Additionally, in retrospect, any of the staff beyond a 3-year look back, have not encountered any individual interacting with the WCPWD where he/she/hir was unable to speak, read, write or understand the English language adequately as to interact effectively with WCPWD staff.

WCPWD will assess, as accurately as possible over the next 3-year period, the frequency with which LEP persons from different language groups come into contact with WCPWD programs and activities. This will be accomplished using the enclosed Waseca County Title VI Data Collection Form provided in Enclosure 1 to Appendix C. The Demography and Frequency of the offering to complete, and/or the completion of the WC Title VI Data Collection Form, will be accumulated, compiled and statistically interpreted on a yearly basis.

Factor #3: Importance

As provided in USDOT's LEP policy guidance, the more important the activity, information, service, or program, or the greater the possible consequences of the contact to LEP persons, the more likely language services are needed. WCPWD is committed to assessing the services provided by each program area or activity to determine the implications for an LEP person or community in order to ensure meaningful access.

The important Program Areas for WCPWD are *County Road, Bridge and Right of Way Maintenance; County Road and Bridge Construction Management; Solid Waste and Recycling Program Management; and, Permitting*. In reviewing procedures for non-discrimination, there are contrasting elements between with the four-factor analysis when it is applied in the WCPWD Program Areas. In the areas of County Road, Bridge and Right of Way Maintenance, County Road and Bridge Construction Management, the preponderance of interaction and higher frequency is with internal employees, the MnDOT, other County partners and Contractors, whereas there may be potential important interactions with individuals within the key areas of responsibility when addressing recommendations, concerns and issues of residents for Public Right-of-Way (ROW) management and permitting. This is an area of potential **higher importance** yet is generally of **lower frequency**. This is recognized and Data Collection efforts will be applied accordingly.

Conversely, the Solid Waste and Recycling Program Management, and Permitting may have a higher frequency of potential interaction, coupled with a lesser importance. This is recognized and Data Collection efforts will be applied accordingly.

Factor #4: Resources

WCPWD serves the entire County of Waseca, Minnesota. For each applicable program, project, service, or activity, analysis may be done to determine the most cost-effective means of delivering competent and accurate language services to LEP populations that are affected. Primarily in consideration of the assessment and analysis of the LEP Four Factor Analysis, Factors #1-3, will use the Data Collection Form as most appropriate interactions of the WCPWD staff. Additionally, Waseca County will use the **WC Public Works Department - Title VI and Non-Discrimination Implementation Plan** as the base resource and plan, and Section VI. Primary Program Area Descriptions & Review Procedures for reviewing procedures for ensuring non-discrimination, and Section VIII. Data Collection for the intended outcome of data analysis and the Title VI imperatives for collecting the data.

Because the LEP four factor analysis demonstrates that there may be a need for meaningful access to engage LEP populations, WCPWD works with the Language Line Services at 1-800-367-9559 for phone line service or the Bridge World Language Center at 320-259-9239 or 1-800-835-6870 for in person assistance.

Finally, from the WCPWD LEP Four Factor Analysis and recognizing that within Waseca County, there may be an unidentified and growing population of the Hispanic residents potentially impacted by WCPWD's projects, WCPWD will work with any known group that has the potential to represent LEP populations that LEP persons may interact WCPWD. Waseca County coupled with a Community specific initiative and resource who could or may represent this population and serve as a LEP specific resource, will seek these opportunities for outreach and education for LEP communities with regards to WCPWD's adherence to MnDOT's Title VI program.



APPENDIX H
Waseca County Public Works
Title VI Public Participation

PLEASE USE DARK INK AND PRINT CLEARLY

The Civil Rights Act of 1964 and related nondiscrimination authorities require the Waseca County Public Works Department to ensure everyone has the opportunity to comment on the transportation programs and activities that may affect their community.

To help with that, we ask that you respond to the following questions. You are not obligated to disclose the information requested in order to participate. Any information provided to Waseca County Public Works will be retained solely for the purpose of collecting statistical data to ensure inclusion of all segments of the population affected by transportation programs and activities.

Sex: <input type="checkbox"/> Female <input type="checkbox"/> Male		Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Age: 34 and younger 35-54 55 and older			
Race:			
<input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> Native Hawaiian/Other Pacific Islander		
<input type="checkbox"/> Asian	<input type="checkbox"/> White		
<input type="checkbox"/> Black/African American	<input type="checkbox"/> Other: _____		
<input type="checkbox"/> Hispanic or Latino			
Language most frequently spoken in your home:			
<input type="checkbox"/> Arabic	<input type="checkbox"/> Nepali	<input type="checkbox"/> Swahili	
<input type="checkbox"/> Bosnian	<input type="checkbox"/> Russian	<input type="checkbox"/> Turkish	
<input type="checkbox"/> Croatian	<input type="checkbox"/> Serbian	<input type="checkbox"/> Vietnamese	
<input type="checkbox"/> English	<input type="checkbox"/> Somali	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> German	<input type="checkbox"/> Spanish		
Do you receive public assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer Not to Answer			

After you have completed this form, please place it in the designated location.

Office Use Only:

Meeting Title:

Meeting Date: — —

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Public Works Director
County Engineer
James Kollar
Public Works Department
1495 5th Street SE | PO Box 487
Waseca, MN 56093
507.835.0661

APPENDIX I

Public Notice of Title VI Program Rights

The Waseca County Public Works Department gives public notice of its policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities. Title VI and related nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, low-income status or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding Waseca County Public Works Department's Title VI Program can read the [Title VI program plan](#) online at Waseca County's Website at www.co.Waseca.mn.us under the Public Works Department's web page, or contact the Title VI Coordinator – James Kollar, Waseca County Public Works Department, 1495 5th Street Southeast, Waseca, MN 56093, or at 507-835-0661.

If you need information translated into another language, or require information in an alternative format, please contact Melissa Sexton, Human Resource Director, 307 North State Street, MN, 56093, melissa.sexton@co.waseca.mn.us

Any person who believes She/He/Ze 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, low-income status or Limited English Proficiency (LEP) may file a complaint directly to MnDOT via its online complaint form available here: <http://www.dot.state.mn.us/civilrights/nondiscrimination-complaint-form.html>. The complaint form is also available in hard copy at the Waseca County Public Works Department office, 1495 5th Street SE, Waseca, MN 56093. Language assistance is available for limited English proficient individuals. MnDOT has hard copy complaint forms available in [Spanish](#), [Somali](#), and [Hmong](#).

Alternatively, a complaint may be directly filed with the Federal Highway Administration by mailing a complaint to the Minnesota Division Office, 380 Jackson Street, Suite 500, St. Paul, MN, 55101. Telephone: 651-291-6100.