



Title VI Plan for MnDOT FHWA Subrecipient

Renville County Public Works

(Name of Agency and Department)

July 25, 2023

(Date Formally Approved)

Prepared by: Jeff Marlowe, Public Works Director/Highway Engineer

(Name and Job Title)

For specific Title VI Plan requirements, refer to [MnDOT's Title VI Requirements for FHWA Subrecipients](#).

Title VI Plan Revision Log

Date Month/day/year	Section Revised	Summary of Revisions
07/25/2023	Plan established and approved	

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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.

Renville County 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. Renville County Public Works acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

This plan explains how Renville County Public Works incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as reference for Renville County Public Works and an informational resource for the public. The plan will be updated **every three (3) years** to reflect changes in Title VI compliance operations.

II. Legal Authorities

Renville County Public Works 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 et seq.	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 et seq.	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 et seq.	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.

III. Title VI and Non-Discrimination Policy Statement

It is the policy of Renville County 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 Renville County Public Works as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

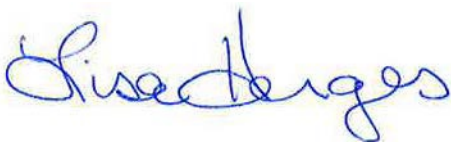
In addition, Executive Order No. 12898, 59 Fed. Reg. 7629 (Feb. 11, 1994) requires Renville County Public Works to ensure fair treatment and meaningful involvement of low-income populations in all programs and activities, and Executive Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000) requires agency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

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

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.



Lisa Herges, County Administrator
(Top Agency or Department Official)

4/27/2023

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 Renville County Public Works is required to include in **bid solicitations or requests for proposal, contracts, and real estate agreements**. Renville County Public Works is committed to ensuring the necessary language is used as prescribed in the assurance's agreement.

Bid Solicitation or Request for Proposal Language as specified on page 2, item 2 of Title VI Assurances Document:

"The Renville County Public Works Department, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in 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."

Contract language for Contracts covered under Appendix A and E:

Contractor agrees to comply with all applicable US DOT Standard Title VI/Non-Discrimination Assurances contained in DOT Order No. 1050.2A, and in particular Appendices A and E, which can be found at:

edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=11149035.

Real Estate Agreements:

Appendices B, C, and D are to be included in various types of real estate agreements defined on page 2 in the assurances document.

In accordance with this requirement, Renville County 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 **County Administrator (top agency official)**, 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.

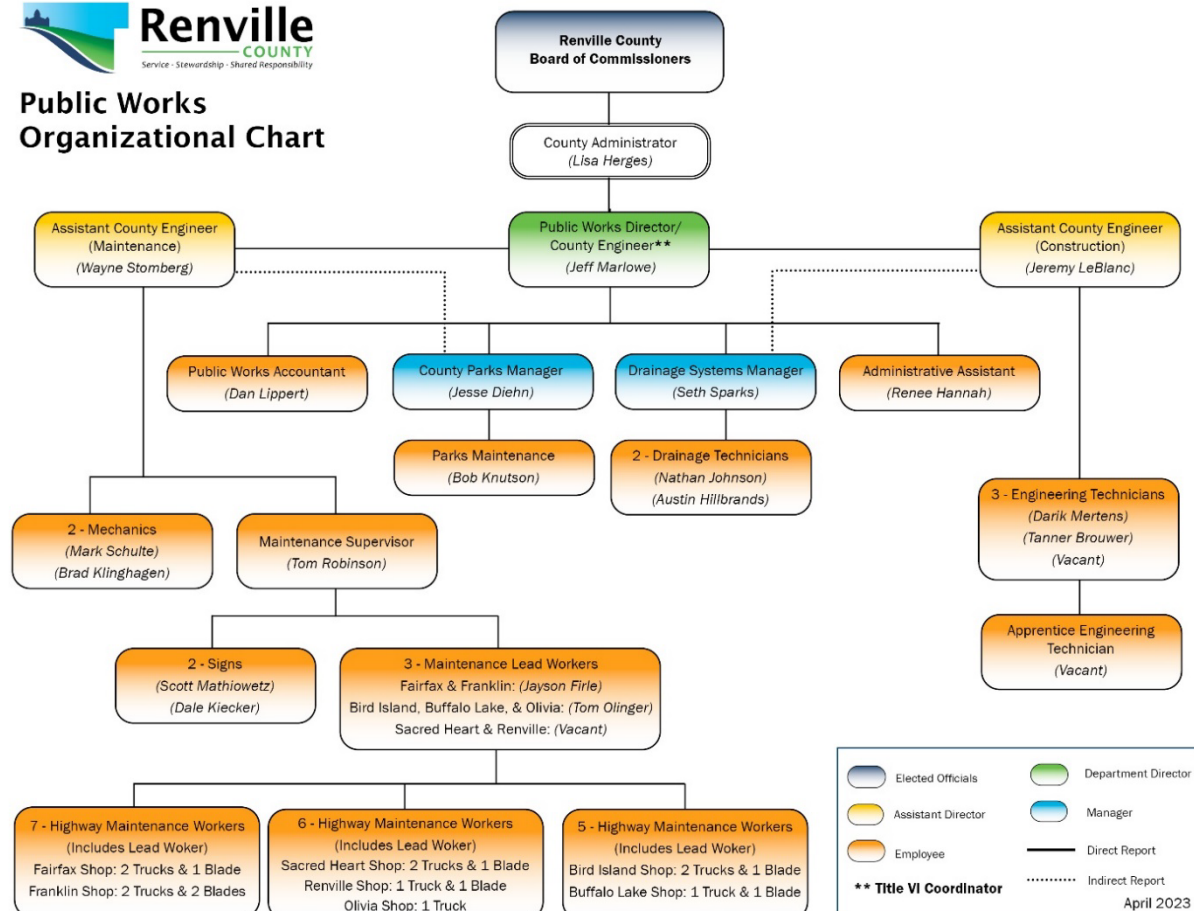
Renville County Public Works has assigned **Jeff Marlowe, Public Works Director/Highway Engineer**, to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position of **Public Works Director/Highway Engineer** is located within the **Public Works Department**.

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 the 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;



Public Works Organizational Chart



VI. Training

Renville County 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 Renville County 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

Renville County Public Works will maintain records indicating that staff have received sufficient training on a periodic basis.

VII. Primary Program Area Descriptions & Review Procedures

Renville County Public Works engages in the following program areas:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Right of Way	<p>Issues public right of way permits for construction, transportation, business, and other activities.</p> <p>Coordinates relocation of citizens whose property has been acquired for a right of way.</p>	<p>Public right of way permits and relocations should not create unfair burdens for environmental justice communities.</p> <p>Collecting demographic data from property owners who may be subject to right of way activities.</p> <p>Ensuring property owners impacted by right of way activities are made aware of their right to be free from discrimination on the basis of race, color, or national origin under Title IV of the Civil Rights Act of 1964.</p>	<p>Reviewing permits and relocations to ensure nondiscrimination.</p> <p>Ensure demographic data is part of necessary right of way templates or forms.</p> <p>Ensure Title IV notice is consistently provided to property owners impacted by right of way activities.</p>
Contracting	<p>Develops and manages contracts and contracting opportunities, including specifications, bidding process, and contract execution.</p>	<p>Maintaining an open and fair bidding process for all contracts.</p> <p>Ensure Title VI Assurances appendices are included in contracts as specified within the assurances document.</p>	<p>Reviewing contracts for necessary Title VI language.</p> <p>Reviewing any available data on contract recipients to ensure nondiscrimination in contracting.</p> <p>Reviewing bidding procedures to ensure nondiscrimination and equal opportunity.</p>

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Planning	Short-term and long-term planning of transportation projects	<p>Using equity-based analysis as part of planning process.</p> <p>Ensuring comprehensive public participation to meet environmental justice requirements.</p> <p>Collecting demographic data from public engagement activities regarding demographics of public participants. Providing language access as needed.</p>	<p>Review planning decisions through equity lens to ensure nondiscrimination.</p> <p>Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities. Documenting language access requests.</p>
Public Engagement	Coordinates public engagement activities for planning and project development, as well as relationship-building engagement activities.	<p>Comprehensive public participation to meet environmental justice requirements.</p> <p>Providing language access as needed.</p> <p>Disseminating Title VI information to the public to ensure they are aware of their rights to be free from discrimination.</p>	<p>Reviewing public engagement activities periodically to determine whether engagement opportunities were offered to all communities.</p> <p>Documenting language access requests.</p>
Maintenance	<p>Services roadways and right of ways, including, but not limited to, providing:</p> <ul style="list-style-type: none"> • Repair • Signage • Drainage • Snow and ice removal 	Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.	Reviewing resources provided to the community and determining whether any protected class communities have disproportionately benefited or been harmed by the delivery of maintenance services.

VIII. Data Collection

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
Right of Way	Collecting demographic data from property owners who may be subject to right of way activities by including inputs for demographic data on the field title report form.	Ensuring right of way activities do not disproportionately affect individuals or groups based on a protected class status.
Contracting	Identifying contractors who are a: <ul style="list-style-type: none"> Disadvantaged Business Enterprise (DBE) by the Minnesota Unified Certification Program Targeted Group Business (TGB) by the Minnesota Department of Administration Veteran-Owned/Service-Disabled Business by the United States Department of Veterans Affairs 	Ensuring equal opportunity in contracting to all individuals and groups.
Planning	Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community.	Ensuring project impacts do not disproportionately impact any individuals or groups based on a protected class status.
Public Engagement	Reviewing data from the U.S. Census Bureau and other credible sources to determine demographic make-up of the local community. Providing demographic questionnaires to public engagement participants and including demographic questions in public surveys.	Ensuring communications and interactions with the public sufficiently reach all local demographics.
Maintenance	Reviewing maintenance activities by geography and demographic makeup of communities receiving the maintenance services	Ensuring no communities are subject to a disparate lack of maintenance services based on a protected class.

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 Renville County Public Works, 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 Renville County 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 Renville County 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 Renville County Public Works' Title VI Complaint Form available in **Appendix B** or by sending an email or letter with the necessary information to:

Renville County Public Works

105 – 5th Street South, Suite 319, Olivia, MN 56277

Email: jeffma@renvillecountymn.com

Phone: 320-523-3591

The complaint form is also available in hard copy at **105 – 5th Street South, Suite 319, Olivia, MN 56277**. 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 use 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 Renville County Public Works or other agency receiving the complaint.

Complaints received by Renville County 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 Renville County 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 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.

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

Some ways in which Renville County 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 processes 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

Describe your agency's processes for conducting public outreach. Your description should include answers to the following:

- *How does your agency identify underserved communities for outreach? (ex: demographic data, use of community liaisons, etc.)*
- *Have you identified people of color and low-income populations in your service area? If so, provide data identifying those communities, including any data indicating whether those communities are concentrated in certain geographic areas.*
- *How does your agency communicate with and conduct outreach to underserved communities? (ex: surveys, website, newsletters, public meetings, etc.)*
- *Explain how your agency considers input from underserved communities for decision making within its pertinent program areas.*
- *How does your agency record or track its public engagement activities?*

Renville County Public Works identifies underserved communities through the use of demographic data tools such as [Minnesota Compass](#), [EJScreen](#), and [Census/American Community Survey](#) and also through personal connections with community liaisons and city officials.

People of color and low-income populations have been identified, with 9.7% of our residents with income below the federal poverty threshold, 9.3% with income 100-149% of poverty, 9.3% with income 150-199% of poverty, and 71.7% with income 200% of poverty or higher. People of color make up 11.9% of the county's population. They live throughout the county and are not concentrated in one certain geographic area. (Source: Minnesota Compass).

Renville County Public Works communicates through a variety of mediums to conduct outreach to our underserved communities, including but not limited to three (3) yearly newsletters mailed to all residents in the county, website news feed, social media posts, surveys, and public meetings. Renville County Public Works' main public engagement takes place when the 5-Year Construction Plan is presented to the County Board of Commissioners. These are all public meetings, and they are tracked and recorded in the official board minutes. All federally funded projects are discussed and reviewed by the MnDOT District 8 Area Transportation Partnership (ATP). These meetings are open to the public.

Renville County Public Works values input received from all sources, including those who live in underserved communities, and takes all input into consideration while making decisions.

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 Renville County 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 requires 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 requires Renville County 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 (5) 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.

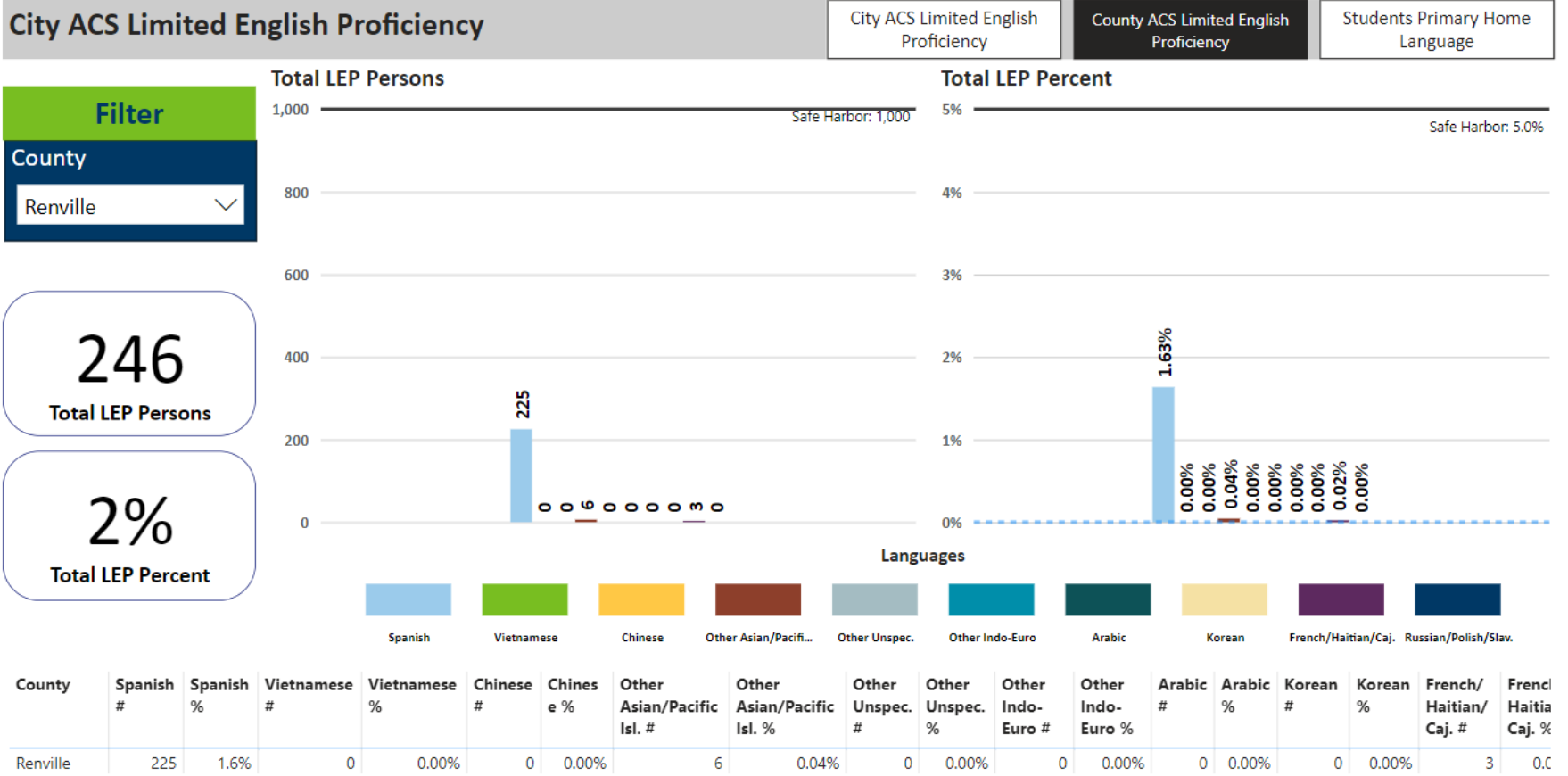
Renville County Public Works should first examine their prior experiences with LEP individuals and determine the breadth and scope of language assistance services needed. It is also important to

include LEP populations that are eligible beneficiaries of programs, activities, or services but may be underserved because of existing language barriers.

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

Renville County Public Works relies on [MnDOT's LEP Data Tool](#) to provide the necessary data. **In the most recent analysis conducted in March 2023, the findings on the next two pages were documented.**

Limited English Proficiency Data Tool



Limited English Proficiency Data Tool

Students Primary Home Language

City ACS Limited English Proficiency

County ACS Limited English Proficiency

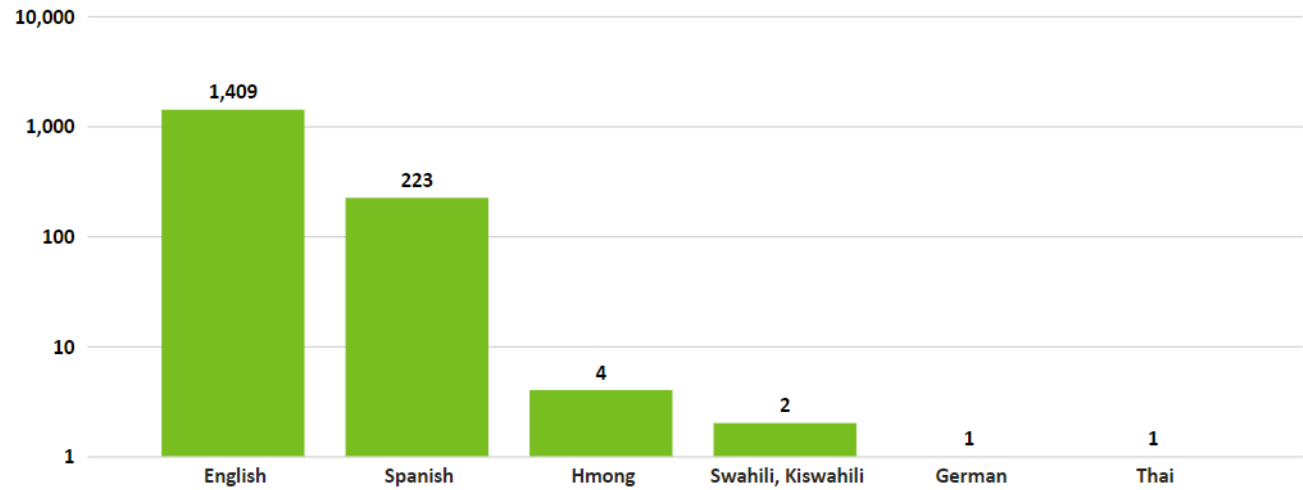
Students Primary Home Language

Filter

County
Renville

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 Renville County 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 is provided.

The above findings from the graphs on the preceding pages did not indicate any LEP language groups meet the safe harbor threshold. Therefore, Renville County Public Works will not proactively translate written documents at this time. However, efforts will be made to reasonably accommodate any language access requests that arise.

FACTOR #2: THE FREQUENCY WITH WHICH LEP INDIVIDUALS COME IN CONTACT WITH THE PROGRAM, ACTIVITY, OR SERVICE

Renville County 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, Renville County Public Works must be prepared to provide language assistance services to LEP individuals.

In applying this factor Renville County 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 Renville County 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 in April 2023, Renville County Public Works noted it has not had interactions with any LEP language groups in the past year.

Renville County 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 Renville County 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. Renville County 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.

Renville County Public Work specific programs and activities have a direct impact on the public including right of way interactions with LEP property owners, public surveys that impact local government decision-making, notice of public hearings, and permitting/licensing programs available to the general public

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.

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: *NOTE: This does not need to be included on documents if these language groups are not present in Renville County Public Works' service area.*

To request this document in another language, please send e-mail and attach document to jeffma@renvillecountymn.com.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a jeffma@renvillecountymn.com.

Yog xav kom muab daim ntawv no sau ua lwm hom lwm, thov sau ntawv nrog daim ntawv tuaj rau ntawm jeffma@renvillecountymn.com.

Si aad u codsato dukumeentigan oo ku qoran luqad kale, fadlan e-mail u soo dir oo ku soo lifaaq dukumiintiga jeffma@renvillecountymn.com.

Because no languages were identified as meeting the safe harbor threshold for translating vital written materials, Renville County Public Works is not, at this time, providing a list of documents considered vital. Should future analysis indicate an LEP group meets the safe harbor threshold, Renville County Public Works will evaluate its vital documents and provide translations in accordance with the analysis and federal guidance.

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

The resources available to Renville County 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. Renville County 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. Renville County 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.

Currently, Renville County Public Works has the following language services available:

- **Renville County employs five bilingual (English/Spanish) employees (as of April 2023) who are compensated for their translation and interpretation services. Staff are available in-person during regular county business hours and via telephone to assist in communicating effectively with LEP individuals.**

XIII. Notice of Rights

Renville County Public Works Notice of Rights Against Discrimination under Title VI of the Civil Rights Act of 1964 is posted on the third floor in the Renville County Government Services Center at 105 – 5th Street South, Olivia, MN 56277. It is also available on the Public Works department page of the county website (www.renvillecountymn.com).

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

Renville County 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.

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:

**Renville County Public Works
105 – 5th Street South, Suite 319
Olivia, MN 56277
320-523-3591**

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

Appendix A

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Renville 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 non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

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 Renville County Public Works Department, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) 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, Renville 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.

Renville 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

Renville 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.

Renville County Public Works Department

(Name of Recipient)

by Jeffrey S. Marlowe Digitally signed by Jeff Marlowe
Date: 2023.04.28 14:54:14 -05'00'

(Signature of Authorized Official)

DATED 04/28/2023

Appendix B

Title VI Complaint Form

The complaint procedure encourages complaints to be submitted directly to MnDOT, but local governments should have a hard copy form available upon request. MnDOT has fillable PDF complaint forms available [here](#).

Please complete this form to the best of your ability. If you need translation or other assistance, contact Jeff Marlowe, Public Works Director/Highway Engineer at jeffma@renvillecountymn.com or 320-523-3591.

Name _____
Address _____ City _____ Zip _____
Phone: Home _____ Work _____ Mobile _____
Email: _____

Basis of Complaint (select all that apply):

☐ Race ☐ Color ☐ National Origin ☐ Sex ☐ Age

☐ Disability ☐ Retaliation ☐ Low-Income ☐ Other

Who discriminated against you?

Name_____

Name of Organization_____

Address_____ City_____ Zip_____

Telephone_____

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

[illegible]

Where did the discrimination occur?

When did the discrimination occur?

Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

How would you like to see this situation resolved?

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

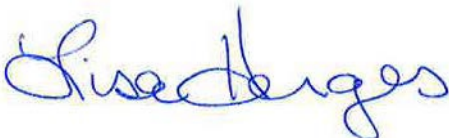
Who _____ When _____
 Status (pending, resolved, etc.) _____ Result, if known _____
 Complaint or case number, if known _____

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

Name _____ Phone _____
 Address _____ City _____ Zip _____

Privacy notice:

Renville County Public Works is asking you to provide information in this complaint form which includes private and/or confidential information under the Minnesota Government Data Practices Act. This private/confidential information is being requested so that all allegations of discrimination can be investigated and addressed properly. You are not legally required to provide this information. However, if you do not provide sufficient information, your complaint may not be able to be adequately investigated. The information you provide will be used by Renville County Public Works and Minnesota Department of Transportation and Federal Highway Administration employees whose job assignments reasonably require access to the information. The following also have a legal right to access the information: exclusive representative for any MnDOT or Renville County Public Works employee who becomes the subject of investigation in connection with your complaint; Renville County management members responsible for imposing resulting discipline; the arbitrator if discipline imposed on any such employee is appealed to arbitration; the MN Attorney General's Office; the MN Legislative Auditor's Office; law enforcement agencies and prosecutorial authorities; persons/entities named pursuant to court order; persons/entities whom you authorize; and any other person or entity authorized by state or federal law.

		
Signed		Date 7/25/2023