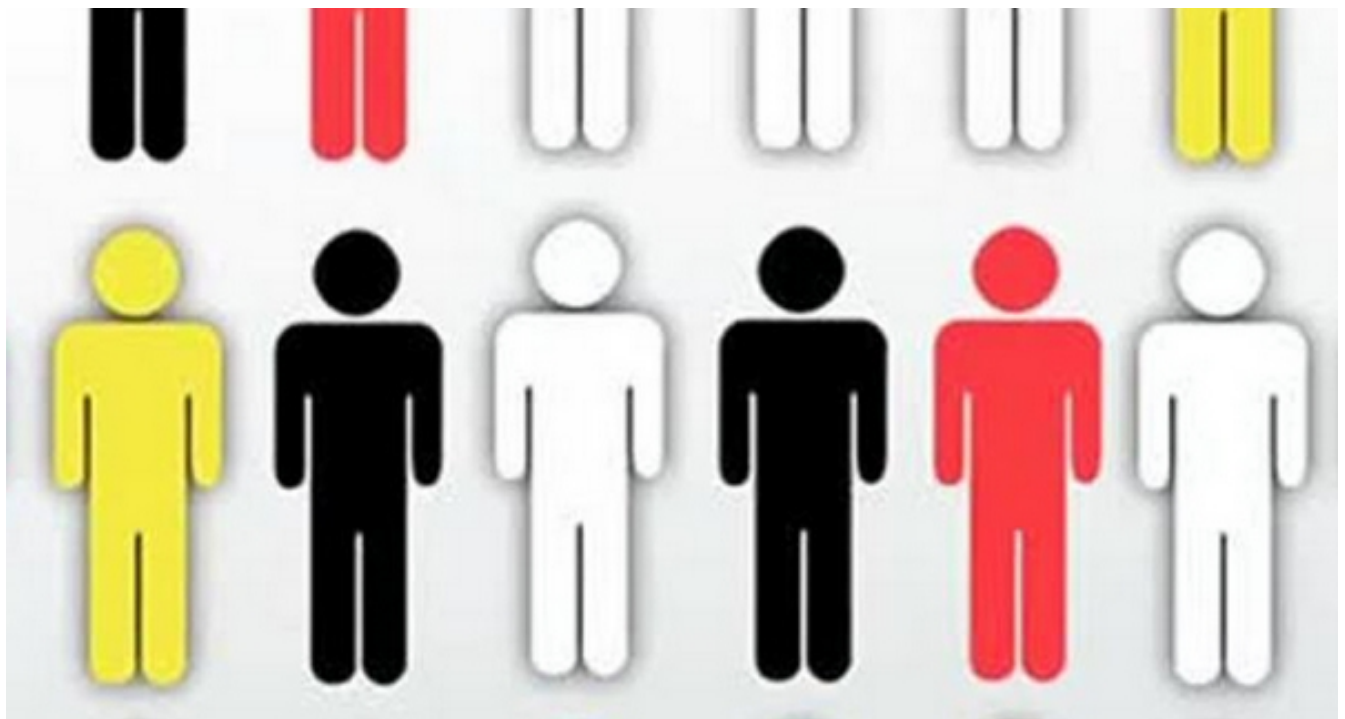


ROCOG Title VI and the Limited English Proficiency Plan 2020

Prepared by the Staff of the Rochester-Olmsted Council of Governments (ROCOG) in Compliance with FTA Circular 4702.1B

Revised and Updated October 2020



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Resolution Approving the Title VI Non-Discrimination and the Limited English Proficiency Plan 2020

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As a sub-recipient of federal funds administered, Rochester Olmsted Council of Governments (ROCOG) is required to comply with U.S. Department of Transportation (DOT) Title VI regulations (49 CFR part 21) and to integrate into its programs and activities considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005).

Section 508 is an amendment to the federal Rehabilitation Act of 1973. It ensures that people with disabilities have equal access to government information. Every reasonable effort has been made to make this document 508 Compliant. However, this document does contain complex data graphs, tables, and maps that might not be machine readable. If you need assistance reading this document, please call the Olmsted County Planning Department at (507) 328-7100.

The purpose of these regulations is to assure that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity administered by ROCOG. Any questions or comments regarding the content of this document should be directed to the Olmsted County Planning Department at:

2122 Campus Drive SE, Rochester, MN 55904-4744

<http://www.co.olmsted.mn.us/planning>

Phone (507) 328-7100

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Introduction, Statutory Authorities, and Definitions

This document will serve as the Title VI Nondiscrimination Plan and the Limited English Proficiency (LEP) Plan for the Rochester-Olmsted Council of Governments (ROCOG), to guide ROCOG in its administration and management of Title VI-related activities. The Limited English Proficiency (LEP) portion of the plan ensures that individuals with limited English proficiency have meaningful access to the transportation planning process.

The U.S. Department of Transportation's (USDOT) Title VI regulations require that all programs which receive funding from the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) must be compliant with Section 601 of Title VI of the Civil Rights Act of 1964, which states:

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 subjected to discrimination under any program or activity receiving Federal financial assistance.

Recipients of USDOT financial assistance are required to prepare a Title VI Program in accordance with the guidance contained in FTA Circular 4702.1B, with the objectives to:

Ensure that the level and quality of transportation facilities and services are planned for and provided in a nondiscriminatory manner;

Promote full and fair participation in transportation decision-making without regard to race, color, or nation origin; and

Ensure meaningful access to transportation planning-related programs and activities by person with limited English proficiency.

As a subrecipient of USDOT funding, the Rochester-Olmsted Council of Governments (ROCOG) is required to prepare a Title VI Program containing:

ROCOG's Title VI notice to the public;

Procedures for filing a discrimination complaint;

Listing of any public transportation-related Title VI investigations, complaints, or lawsuits filed against ROCOG;

Public participation plan;

Limited English proficiency (LEP) plan; and

Overview of minority representation on ROCOG's planning and advisory bodies.

ROCOG serves as the metropolitan planning organization (MPO) for the Rochester region. As an MPO, ROCOG is required to include a demographic profile of the metropolitan area that includes:

- Identification of the locations of minority populations in the aggregate
- A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
- Demographic maps that overlay the percent minority and non-minority populations and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes
- An analysis of any actions that could result in a disparate impact on the basis of race, color, or national origin

The Title VI program must be approved by the MPO Policy Board and submitted to the Minnesota Department of Transportation (MnDOT) every three years. ROCOG will ensure that members of the public within the ROCOG planning area are aware of Title VI provisions and the responsibilities associated with Title VI of the Civil Rights Act of 1964.

This document serves as the Title VI Non-Discrimination Plan and the Limited English Proficiency (LEP) Plan for ROCOG.

The following Title VI program was approved by the ROCOG on October 28, 2020.

Statutory Authorities

Section 601 of Title VI of the Civil Rights Act of 1964 states the following:

No person in the United States 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.

The Civil Rights Restoration Act of 1987 clarified the broad, institution-wide application of Title VI. Title VI covers all of the operations of covered entities without regard to whether specific portions of the covered program or activity are Federally funded. The term “program or activity” means all of the operations of a department, agency, special purpose district, or government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended, in the case of assistance to a State or local government.

The U.S. Department of Justice (“DOJ”) Title VI regulations can be found at 28 CFR § 42.401 et seq., and 28 CFR § 50.3. The U.S. Department of Transportation (“DOT”) Title VI implementing regulations can be found at 49 CFR part 21.

Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted that expand the range and scope of Title VI coverage and applicability. These include the following:

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.

The Federal Aid Highway Act of 1973 states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Section 504 of the Rehabilitation Act of 1973 states that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.

The Age Discrimination Act of 1975 states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.

The Civil Rights Restoration Act of 1987, P.L.100-209 amends Title VI of the 1964 Civil Rights Act to make it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.

The American Disabilities Act (ADA) of 1990 prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.

Section 601 of Title VI of the Civil Rights Act of 1964 declares it to be the policy of the United States that "No person in the United States 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". Consistent with this policy, and in accordance with section 602 of Title VI, codified as amended at 42 U.S.C. § 2000d-1, the Department of Justice promulgated regulations prohibiting recipients of federal funds from "utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin." 28 C.F.R. § 42.104(b)(2). The United States Department of Transportation later promulgated nearly identical regulations - see 49 C.F.R. § 21.5(b) (vii) (2).

To further clarify rights protected by Title VI, President William J. Clinton issued Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. Executive Order 13166 requires each federal agency to examine its programs and activities and to develop and to implement plans by which LEP persons can meaningfully access those programs and activities. That Executive Order includes the statement below.

Each Federal Agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.

More guidance is available about Title VI and LEP statutory requirement at the following web link:

<https://www.fhwa.dot.gov/pgc/index.cfm?ddisc=121&dsub=1547>

Figure 1 summarizes Title VI of the Civil Rights Act of 1964 and Limited English Proficiency Executive Order 13166. Figure 2 shows the key elements in Title VI, and E.O. 13166 that relates to transportation planning and laws, policies and considerations.

Figure 1: Matrix of Title VI of Civil Rights Act 1964 and Limited English Proficiency Considerations

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166
Federal Laws and Rules	Federal Policy
Enacted in 1964, 1970, 1973, 1975, 1987, and 1990	Promulgated in August 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight compliance review requirements
Provides protection based on race, color, national origin	Provides protection based on limited English language proficiency and national origin
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons with meaningful access to services using "four factors" criteria

Figure 2: Key Elements in Title VI, E.O. 12898 and E.O. 13166 That Relate to Transportation Planning

Key Elements	Title VI	Limited English Proficiency
Authorizing Directive	Civil Right Act of 1964 (42 USC 2000d et seq.)	E.O. 13166 (2000)
Required Populations	Race, color, and national origin	Individual with a limited ability to read, write, speak, or understand English
Applicable Agencies/Programs	Programs receiving federal assistance	Federally funded programs and activities
Regulations/Guidance	23 CFR Parts 200 and 450; FTA Title VI Circular 4702.1B (2012)	US DOJ guidance to federal financial assistance recipients regarding Title VI prohibition against national origin discrimination affecting Limited English Proficient Persons (2000)

Title VI and Environmental Justice

President Clinton issued Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” in 1994, which builds upon Title VI principles by including the consideration of low-income populations in addition to minority populations into the transportation planning and decision-making process. The principles of environmental justice (EJ) are to:

1. Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
2. Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Although Title VI and EJ intersect and are closely related, they each have their own distinct authorities and requirements. Title VI prohibits intentional discrimination or disparate treatment on the basis of race, color, and national origin and is enforceable in court, whereas environmental justice policies require that in addition to intentional discrimination disproportionately high and adverse effects of proposed decisions on low income and minority populations must be considered, but it provides no legal rights or

remedies. A series of orders have been issued by Federal agencies, including USDOT, requiring the incorporation of Environmental Justice principles into Federal programs and policies. FTA issued Circular 4703.1 in 2012 containing the EJ requirements and guidelines for MPOs.

ROCOG is committed to achieving the broader goal of environmental justice as part of its mission and has adopted a ROCOG's Transportation Infrastructure Environmental Justice Protocol. While this program primarily focuses on meeting the statutory requirements for Title VI and its prohibition of discrimination on the basis of race, color, and national origin, EJ considerations are also integrated in this program in order to promote equity and inclusion within the ROCOG area.

Definitions

The following are a selection of definitions applicable to the Title VI Program, which can be found in Chapter 1 of FTA Circular 4702.1B:

Discrimination: Refers to any action, or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

Limited English Proficiency (LEP) Person: Refers to a person for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

Low Income Person: A person whose median household income is at or below the U.S. Department of Health and Human Service poverty guidelines per FTA's Title VI circular

Low Income Population: USDOT, FHWA, and FTA define a low-income population as 1) any readily identifiable group of low-income persons who live in geographic proximity, or 2) geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

Metropolitan Planning Organization (MPO): The transportation policy-making organization created and designated to carry out the federally required metropolitan transportation planning process.

Minority Person: Includes the following:

American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black, or African American, which refers to peoples having origins in any of the Black racial groups of Africa.

Hispanic, or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Rochester-Olmsted Council of Governments

ROCOG serves as the metropolitan planning organization (MPO) for the Rochester region, serving Olmsted County as well as the eighteen (18) townships and eight (8) municipalities in Olmsted County. ROCOG was created in 1972 when Rochester's urbanized area population surpassed 50,000 after the 1970 Decennial Census.

A Metropolitan Planning Organization (MPO) is an agency created by federal law to provide local elected officials input into the planning and implementation of federal transportation funds to metropolitan areas with populations of greater than 50,000. The Federal-Aid Highway Act of 1962, which mandated the formation of MPOs, requires that MPOs must plan for regional transportation planning expenditures and are responsible for the 3C – continuing, cooperative, and comprehensive – transportation planning process for their urbanized area. Under federal law established in the 1973 Highway Act and the Urban Mass Transit Act, organizations in urbanized areas are designated by their governors to perform significant planning and programming of federally funded highways and transit projects. The policy leadership, committees, professional staff, and consultants, combined with the administrative capability to support MPO planning processes, constitute the core elements of MPOs activities.

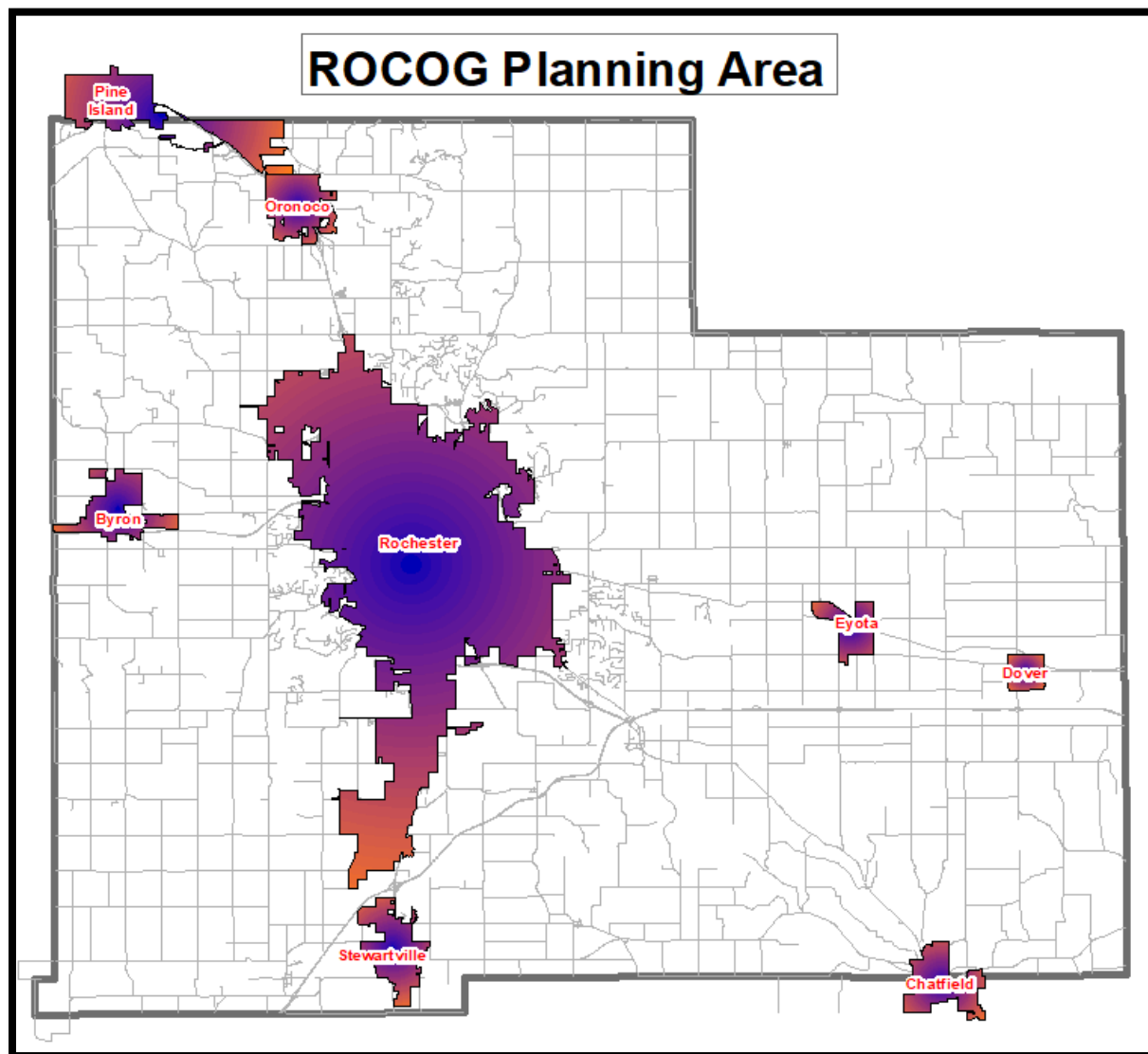
Federal transportation legislation in the 1990s, such as the Long-Range Transportation Program (LRTP) and the Transportation Improvement Program (TIP), have strengthened MPOs role in programming transportation projects by making MPOs responsible for approving significant expenditures of federal dollars. In addition, MPOs have become a more significant actor in regional transportation planning since they received additional resources and powers from the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the ensuing Transportation Efficiency Act for the 21st Century (TEA-21).

ROCOG provides regional coordination and approves the use of federal transportation funds within the metropolitan planning area (MPA). Responsibility for the implementation of specific transportation projects lies with MnDOT and the local units of government as transportation providers. ROCOG's MPA includes the entirety of Olmsted County, as illustrated in Figure 3.

ROCOG Committee Composition

Leadership and oversight of the Rochester-Olmsted Council of Governments (ROCOG) is provided by the Policy Board with representatives from the various governmental jurisdictions, school boards, and local citizen within Olmsted County. The Policy Board is supported by three advisory committees and ROCOG staff trained in the key elements of Title VI requirements related to transportation planning.

Figure 3: ROCOG Planning Area



ROCOG understands that diverse representation on the Policy Board and its committees helps result in sound policy reflective of the needs of the entire population. The Policy Board is comprised of elected officials from the communities within the Metropolitan Planning Area. Press and media releases encourage citizen and minorities to participate in advisory committees. However, there are no special efforts made to recruit minority populations to participate in its permanent or project advisory committees.

The following three standing committees provide advice on major transportation issues in ROCOG planning area:

Transportation Technical Advisory Committee (TTAC): TTAC consists of local and state planners, engineers, and transit operators from ROCOG area jurisdictions and the Minnesota Department of Transportation (MnDOT). TTAC reviews plans and programs

from a technical perspective and makes recommendations to the ROCOG Policy Board; recommendations are carried forward for consideration and final action by the ROCOG Policy Board.

It is important to note that ROCOG does not have any control over the racial and ethnic composition of the TTAC, as members are appointed by their jurisdiction.

Rochester Pedestrian Bicycle Advisory Committee (PBAC): The PBAC consists of nine appointed individuals who have special interest in active living, public health, bicycle, and pedestrian issues. Members are selected based on the following criteria:

Four members from the bicycling community

Two members representing pedestrian interests

Three members representing transit, transportation sustainability, public safety, and public health

Rochester Citizen's Advisory on Transit (CAT): The CAT provides advice and recommendations on public transit service in the Rochester urban area to Rochester Public Transit and the Rochester City Council. They review various transportation studies, plans, and projects from a citizen perspective.

ROCOG Title VI Organizational Responsibilities

The general responsibility for overseeing compliance with applicable nondiscrimination authorities in each transportation planning and programming area ROCOG is involved in resides with the Executive Director of ROCOG. The Executive Director or his/her designees will perform the duties of the Title VI Coordinator and ensure compliance with provisions of the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21, administering the Title VI complaint procedures, and insuring compliance with Title VI by recipients, sub-grantees, contractors and sub-contractors of ROCOG.

ROCOG has one permanent advisory committee, the Transportation Technical Advisory Committee (TTAC). Other than TTAC, ROCOG appoints project related committees as needed. ROCOG works closely with the City of Rochester's permanent advisory groups on transportation, CAT and PBAC. The data depicting membership of ROCOG board members, non-elected planning committees, and advisory councils/committees broken down by race and ethnicity is shown in Table 1.

Title VI Coordinator's Responsibilities

The Title VI Coordinator's primary responsibility is to lead efforts to identify, investigate, and work to eliminate discrimination when found to exist in ROCOG programs. The Coordinator is responsible for monitoring and ensuring ROCOG's compliance with Title VI regulations. In support of this, the Coordinator will conduct the following activities:

Table 1: Minority Representation on Committees and Councils by Race

Committee or Council	ROCOG Population/ Members	White	Latino	African American	Asian American	Native American/ Hawaiian	Other/Two or More Races	No Response
Population	153,065	81%	5%	6%	6%	.2%	3%	
CAT	7	86%			14%			
TTAC	7	100%						
PBAC	10	100%						
ROCOG Board	16	100%						

Source: Population of ROCOG area is based on ACS Data 2014-2018

- **Program Administration**

- ▶ Review ROCOG planning and programming processes for consistency with Title VI regulations and the assurances, policy, and program objectives included in this plan
- ▶ Periodically review administrative procedures to ensure they are effective, staffing is appropriate, and adequate resources are available to assure compliance and eliminate discrimination.

- **Complaints**

- ▶ Process Title VI Discrimination Complaints received by ROCOG.
- ▶ Establish procedures to promptly resolve identified Title VI deficiencies.
- ▶ Document remedial actions agreed to be necessary.
- ▶ Provide remedial actions within 90 days of identification of a deficiency.

- **Data Collection**

- ▶ Develop and maintain demographic profile data sufficient for meeting the requirements of Title VI program administration, including the most current and suitable statistical information pertaining to race, color and national origin.
- ▶ Make the demographic profile information publicly available to member jurisdictions and agencies via the ROCOG web site or by hard copy, if requested.

- **Training Programs**

- ▶ Coordinate with appropriate federal, state and local entities to periodically provide training opportunities on Title VI requirements and other related statutes for staff, contractors and sub-recipients of federal transportation funds.

- **Title VI Plan Update**

- ▶ In compliance with 23 CFR Part 200 and 45: FTA Title VI Circular 4702.1B (2012), ROCOG will update the Title VI and the Limited English Proficiency Plan that will include the analysis of the distribution of state/federal funds to the protected populations and analysis of the transportation system's investments that identifies and addresses any disparate impacts.

- **Complaint Report**

- ▶ The Coordinator will maintain and report to U.S.DOT as needed a list of all investigations, lawsuits and complaints filed.

- **Public Dissemination**

- ▶ Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- ▶ Post the Title VI Plan on the ROCOG website and notice of the Plan in public areas of the ROCOG Office.
- ▶ Assess communication strategies and address language needs for planning or program projects as provided for in the [ROCOG Public Involvement Policy](#) (PIP).
- ▶ Include a Nondiscrimination Notice to the Public in relevant press releases and on the ROCOG website.

- **Services**

- ▶ Provide services, upon adequate advance notice, for individuals with special needs such as deaf interpreters, translators and Braille documents for public meetings.

- **Consultant Contracts**

- ▶ Evaluate and monitor activities related to consultant contracts for compliance with nondiscrimination authorities to ensure inclusion of all applicable non-discrimination language in contracts and requests for proposals, and to ensure all consultants are compliant with applicable nondiscrimination authorities as per ROCOG Title VI Policy statement.
- ▶ Where a contractor is found not to be complying, the Coordinator and appropriate staff will work to resolve the deficiency.

- **Staff Training**

- ▶ ROCOG will take steps to ensure staff has appropriate training and resources available to assist minority populations to provide meaningful access to transportation information and services.
- ▶ ROCOG staff will attend training or workshop provided by MnDOT at MPO annual meeting and will make an effort to attend other training provided by FHWA.

Compliance History

During the previous three years and prior to that, ROCOG has not been found to be in noncompliance with any civil rights requirements including those of Title VI. The progress of Title VI compliance was discussed in the 2020 ROCOG mid-year review by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) and found to be in accordance with the Federal Title VI and Limited English Proficiency requirements.

Part I – Title VI Non-Discrimination Plan

ROCOG is committed to preventing discrimination and to fostering a just and equitable society, recognizing the key role that transportation facilities and services provide to the community. ROCOG assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100-259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

ROCOG further assures that every effort will be made to ensure nondiscrimination in all of its federally funded program activities.

ROCOG adopted its first Title VI Non-Discrimination Program in 2013. MPOs are required to update their Title VI program every three years.

On the following page is ROCOG’s official Title VI Policy Statement and ROCOG’s Title VI Assurances.

ROCOG Title VI Policy Statement

The Rochester-Olmsted Council of Governments (ROCOG) is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. ROCOG assures that no person or group(s) of persons 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 and all program, services, or activities administered by ROCOG, regardless of whether those programs and activities are federally funded or not.

Two Presidential Executive Orders place further emphasis upon the Title VI protections of race and national origin. Executive Order 12898 ensures nondiscrimination 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. E.O. 13166 directs recipients of Federal financial assistance that to ensure compliance with Title VI, they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

I, as Chair of the Policy Board of the Rochester-Olmsted Council of Governments (ROCOG), am personally committed to and support taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, 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 ROCOG, its recipients, sub recipients, and contractors. ROCOG will include Title VI language in all written agreements and will monitor for compliance.

The Executive Director of ROCOG or his/her designees is the appointed Title VI Coordinator. Thus he/she/they is responsible for initiating and monitoring Title VI activities, preparing reports, and other responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21, as is adopted.

Anyone who believes that he/she/they has been discriminated against should contact the Executive Director, Title VI Coordinator via mail, phone, or email.

Executive Director, ROCOG

Date

ROCOG, Board Chair

Statement of Title VI Assurances

ROCOG HEREBY AGREES that as a condition of receiving federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation.

ROCOG HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations. In this context, effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, means that to the end that in accordance with the Act, Regulations, and other pertinent directives, no person shall, on the grounds of race, color, 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 ROCOG receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration.

More specifically and without limiting the above general assurance, ROCOG hereby gives the following specific assurances with respect to programs and activities funded through the Federal-Aid Highway Program:

1. ROCOG agrees that each "program" and each "facility" as defined in subsections 21.23 (b) and 21.23 (e) of the Regulations, will be (regarding a "program") conducted, or will be (about a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. ROCOG shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made about the Federal-Aid Highway Program and, in modified form in all proposals for negotiated agreements:

"ROCOG, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, CFR, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation, issued pursuant to such Act, will notify all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to bid solicitations and will not be discriminated against on the grounds of race, color, and national origin in consideration for an award."

3. ROCOG shall insert the clauses of **Appendix A** of this assurance in every contract subject to the Act and the Regulations. It shows Title VI language to be

included in the Contractor's Agreement for compliance of contractors, its assignees and successors.

4. ROCOG shall insert the clauses of **Appendix B** of this assurance, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where ROCOG receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where ROCOG receives federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. ROCOG shall include the appropriate clauses set forth in **Appendix C**, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by ROCOG with other parties for (a) the subsequent transfer of real property acquired or improved under the Federal-aid Highway Program; or (b) the construction or use of, or access to space on, over, or under, real property acquired or improved under the federal-aid highway program.
8. That this assurance obligates ROCOG 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 ROCOG 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 ROCOG retains ownership or possession of the property.
9. ROCOG shall 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-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. ROCOG agrees that the United States has the right to seek judicial enforcement with regards to any matter arising under the Act, the Regulation, and this assurance.

This Assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date thereof to ROCOG by the U.S. Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, sub-grantees, subcontractors, transferees, successors in interest, and other participants in the Federal-aid Highway Program. The person or persons whose signature appears below are authorized to sign this assurance on behalf of ROCOG.

Executive Director, ROCOG

Date

ROCOG, Board Chair

Date

ROCOG Title VI Notice to the Public

Information is provided to the public regarding the recipient's obligations under U.S. DOT Title VI regulations and members of the public apprised of the protections against discrimination afforded to them by Title VI.

ROCOG's Title VI notice to the public is posted on ROCOG website. It will be posted at the front desk of the Olmsted Planning Department Office and the City of Rochester. The following Title VI notice to the public will be posted on the ROCOG website and in a prominent location in the Olmsted County Planning Department:

Per 49 CFR § 21.9(d), ROCOG shall advise the public of its Title VI responsibilities to provide service without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act and all related regulations and statutes, and shall inform members of the public of their rights to under Title VI if they believe they have been aggrieved by any unlawful discriminatory practice. The following statement will be included into all publications that are distributed to the public, including the Long-Range Transportation Plan (LRTP), the Transportation Improvement Plan (TIP) and the Unified Planning Work Program (UPWP).

The Rochester-Olmsted Council of Governments fully complies with Title VI of the Civil Rights Act of 1964 and its related statutes and regulations in all programs and activities. For more information or to obtain a Discrimination Complaint Form, you may call 507-328-7100; email planningweb@co.olmsted.mn.us, visit ROCOG's administrative office at 2122 Campus Drive SE, Rochester, MN, or write to the Olmsted County Planning Department, Suite 100, 2122 Campus Drive SE, Rochester, MN 55904. Further information on the ROCOG Title VI and Limited English Proficiency policies is also available at: [ROCOG Title VI and Limited English Proficiency Plan](#).

Title VI Complaint Procedure

Discrimination complaints can be based on race, sex, color, age, national origin, disability, limited English proficiency, and income status. The scope of Title VI covers all internal and external ROCOG activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Discrimination complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with ROCOG for the furnishing of goods and/or services.

Examples include:

- Advertising for bid proposals
- Prequalification or qualification
- Bid proposals and awards
- Selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Discrimination complaints can originate as a result of project impacts on individuals or groups. Examples may include:

- Social and economic hardships
- Traffic
- Noise
- Air quality
- Access
- Accidents
- Failure to maintain facilities

How to File a Formal Title VI Complaint

The ROCOG Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, income status, sexual orientation, and disability or handicap, 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 ROCOG, its recipients, subrecipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

Any person(s) or organization(s) believing they have been discriminated against on the basis of race, color, or national origin by ROCOG may file a Title VI complaint by

completing and submitting ROCOG's Title VI Complaint Form or by sending an email or letter with the necessary information to ROCOG:

Rochester-Olmsted Council of Governments

Attn: Title VI Complaint

2122 Campus Drive SE, Suite 100

Rochester, MN 55904

PH: 507-328-7100

Email: planningweb@co.olmsted.mn.us

A person may also file a complaint directly with the Federal Transit Administration (FTA), at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

Discrimination complaints addressed to ROCOG must be received no more than 180 days after the alleged incident. Filing times may be extended if deemed necessary. Once the complaint is received, ROCOG's Title VI Coordinator will review it to determine which agency has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our agency within ten (10) business days. The complainant has ten (10) business days from the date of the acknowledgement letter to send requested information to the investigator assigned to the case.

Discrimination complaints will be investigated within thirty (30) calendar days from the date the original complaint was received. If more information is needed to resolve the case, the city may contact the complainant.

Once the complaint is investigated, the investigator will issue either a letter of finding if a case of discrimination is found, or a closure letter if no discrimination is found. A copy of the letter will be sent to the U.S. Department of Transportation and Minnesota Department of Transportation. Every effort will be made to complete the investigation process and issue a letter within sixty (60) days of the complaint.

If the complainant wishes to appeal the decision, she/he/they has thirty (30) days after the date of the letter to do so.

ROCOG's complaint form and detailed procedures for investigating a complaint are posted on the agency's website. The complaint form is also posted at a prominent location at the Olmsted County Planning Department Office.

To view a copy of ROCOG's Complaint Form please see **Appendix D**. A complaint alleging discrimination must be filed within 180 days of the alleged discrimination or where there has been a continuing course of conduct, the date on which that conduct

was discontinued. At the discretion of the party alleging discrimination the complaint may be filed with the U.S. Department of Transportation, the Minnesota Department of Transportation, or ROCOG.

Once a completed complaint is received, ROCOG will review it to determine if its office has jurisdiction or if the complaint must be referred to another jurisdiction. The complainant will receive an acknowledgement letter informing her/him/them whether the complaint will be investigated by ROCOG or forwarded to another office for review and investigation. A sample Acknowledgement Letter is attached as **Appendix E**.

Title VI Investigation

All recipients of federal financial assistance are required to maintain a list of any complaints alleging discrimination on the basis of race, color, or national origin.

As of October 2020, there have been no Title VI investigations, complaints, or lawsuits filed with ROCOG.

In order to comply with federal requirements ROCOG maintains formal complaint procedure (**Appendix F**). To view a copy of ROCOG's Complaint Log please see **Appendix G**.

Part II – Limited English Proficiency Plan

Limited English Proficiency Plan

This Limited English Proficiency Plan has been prepared to address ROCOG’s responsibilities as a recipient of federal assistance as they relate to the needs of individuals with limited English language skills. This plan updates the previous one adopted in October 2017.

Executive Order 13166 required federal agencies to examine the services they provide, identify any need for services to those with Limited English Proficiency (LEP), and to develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

The United States Department of Transportation guidelines implementing EO 13166 require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals. The guidance explicitly identifies Metropolitan Planning Organizations (MPOs) as organizations that must follow this guidance. The Limited English Proficiency (LEP) Plan must be consistent with the fundamental mission of the organization, though not unduly burdening the organization.

Plan Summary

This plan outlines the procedures and practices ROCOG uses to provide meaningful access to its programs and activities for LEP populations within the Rochester Metropolitan Planning Area.

The plan outlines the following elements:

- Meaningful Access: Four Factor Analysis
 - ▶ LEP Assessment, which includes the results of the Four Factor Analysis
 - ▶ LEP populations in the Rochester MPA
- Language Assistance
 - ▶ Language Assistance Services Provided
 - ▶ Translation of Documents
 - ▶ Public Outreach
 - ▶ Monitoring, Evaluating, and Updating the Language Assistance program

► Staff Training

Statutory Authorities

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, issued in 2000, clarified Title VI of the Civil Rights Act of 1964. It stated that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI in order to access public services or benefits for which they are eligible. It directed federal agencies to prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons consistent with LEP guidelines. Recipients of federal financial assistance are also required to implement LEP plans in accordance with guidelines of the federal agency from which the funds are provided.

The U.S. Department of Transportation published guidance in December 2005 concerning recipients' responsibilities to LEP persons. The guidance specifically identifies MPOs as organizations that must follow the guidance. In October 2012, the Federal Transit Administration (FTA) published Title VI Requirements and Guidance for FTA Recipients in FTA Circular 4702.1B, which provides guidance and instructions for carrying out U.S. DOT Title VI regulations and integrating into FTA recipients' programs and activities (the considerations expressed in the U.S. DOT's 2005 policy guidance).

The Executive Order 13166 applies to all state and local agencies, which receive federal funds, including ROCOG and its jurisdictions receiving federal grant funds.

Plan Preparation

ROCOG has developed its LEP Plan to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency (LEP) who wish to access services provided. Within its limited budget and capabilities, the Rochester-Olmsted Council of Governments pledges that it will, to the best of its abilities, ensure that LEP persons have a meaningful opportunity to participate in the transportation planning and decision-making process. The plan discusses how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be needed, and how to notify LEP persons that assistance is available.

Determining the Need

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be Limited English Proficient, or "LEP". For an LEP individual, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

The U.S. Census Bureau does not define limited English proficiency or limited English proficient populations. It reports data based on the four categories of English-speaking ability: very well, well, not well, and not at all. Title VI definitions (see Figure 2) state that “Persons with LEP” answered the Census Bureau question on English proficiency as either “less than very well (meaning well), not well, or not at all.

The DOT Policy Guidance gives recipients of federal funds substantial flexibility in determining what language assistance is appropriate based on a local assessment of the following four factors:

1. The number and proportion of LEP persons in the ROCOG planning area who may be served by ROCOG;
2. The frequency with which LEP persons encounter ROCOG programs;
3. The nature and importance of programs or services provided by ROCOG to the LEP population;
4. The interpretation services available to ROCOG and overall cost to provide LEP assistance in ROCOG’s jurisdiction.

The greater the number or proportion of eligible LEP persons, the frequency with which they have contact with a program, activity, or service, and the importance of that program, activity, or service, the more likely enhanced language services will be needed. Recipients of federal funds with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets. The intent of DOT’s guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

The first step towards understanding the population that could require LEP services is to review available data on languages spoken in the ROCOG service area. To identify the number of LEP persons ROCOG may encounter, the staff has reviewed Census data from the 2014-2018 ACS; to understand the size of populations speaking different languages for which translation services may be needed, ROCOG has reviewed data on languages spoken at home from school systems in the ROCOG area to develop an understanding of the potential size of the language-specific LEP populations.

LEP Population Metrics from American Community Survey

Table 2 shows the estimated population as per American Community Survey 2014-2018. It includes population over 5 years of age and the estimated number of Limited English Proficient population in ROCOG area. Over 24,000 people living in the ROCOG area are members of a minority population. There were 142,307 people over the age of 5; 5.1% of that population had Limited English Proficiency and required some language assistance. Most of the LEP population resides in the Rochester urbanized area.

Table 2: Estimated Limited English Proficient Population in ROCOG Area

Demographic Information*	Population	Percentage of Total Population
Total Population	153,065	
Population (5 years and over)	142,307	
Language Spoken at Home Other Than English	19,069	13.4%
Limited English Proficient (LEP)	7,258	5.1%

Source: ACS 2014-2018 Five Year Estimates

*Limited English Proficiency means a person who does not speak English as their primary language and who has limited ability to read, speak, write, or understand English

School Systems Data on Language Spoken at Home

Table 3 shows 2019-2020 fall enrollment totals in the Rochester School District broken down by primary language spoken at home. There were 81 different languages reported as being the primary language in the households of children enrolled in 2019-20. Approximately 20% of the students come from families who speak languages other than English at home, recognizing that households with multiple children in the district may create a slight overcount in these households in the data. Other predominant languages spoken at home in Rochester School District include:

- Spanish (6.85%)
- Somali (5.14%)
- Arabic (2.56%)
- Khmer / Cambodian (1.96%)
- Chinese Mandarin (1.36%)
- Vietnamese (1.06%)
- Lao, Laotian (.75%)

Table 3: 2019-20 Primary Language Spoken at Home in the Rochester School District (Source: Minnesota Department of Education, 2019-2020)

Language Name	Enrollment	%	Language Name	Enrollment	%
Afan Oromo	12	0.07	Kurdish	2	0.01
Grebo	2	0.01	Hindi	43	0.24
French, Creolized	4	0.02	Vietnamese	188	1.06
Shona	1	0.01	Burmese	2	0.01
Adangme	1	0.01	Russian	34	0.19
Oriya	1	0.01	Bulgarian	3	0.02
Tamil	14	0.08	Portuguese	6	0.03
Korean	35	0.20	Armenian	1	0.01
Nuer	10	0.06	Sign Language	9	0.05
Swahili, Kiswahili	37	0.21	Afrikaans	14	0.08
Akan	1	0.01	Chinese, Mandarin	240	1.36
Serbian, Herzegovinian	11	0.06	Swedish	1	0.01
English	13195	74.68	Mandingo	12	0.07
Cantonese	1	0.01	Cebuano,	9	0.05
Acholi	3	0.02	English, Creolized	8	0.05
Thai	9	0.05	Hmong	92	0.52
Tigre	1	0.01	Urdu	31	0.18
Lingala	1	0.01	Italian	3	0.02
Icelandic	4	0.02	Spanish	1211	6.85
Tigrinya	11	0.06	Farsi	8	0.05
Tulu	1	0.01	Polish	2	0.01
Czech	2	0.01	Hebrew	4	0.02
Telugu	39	0.22	Tibetan	5	0.03
Hungarian	4	0.02	Arabic	452	2.56
Igbo	1	0.01	Filipino,	15	0.08
Yombe	1	0.01	Samoan	2	0.01
Nepali	4	0.02	Arawak	1	0.01
Kabye	1	0.01	Romanian	4	0.02
Bengali	33	0.19	Somali	908	5.14
German	17	0.10	Basque	1	0.01
Dinka	83	0.47	Cambodian	347	1.96
Lebanese	1	0.01	Slovenian	2	0.01
Balinese	1	0.01	Marathi	4	0.02
Lao, Laotian	133	0.75	French	27	0.15
Not Specific	4	0.02	Kannada	5	0.03
Bari	1	0.01	Greek	2	0.01
Ukrainian	4	0.02	Bosnian	83	0.47
Fulah	1	0.01	Amharic	39	0.22
Japanese	39	0.22	Anuak	93	0.53
Turkish	7	0.04	Yoruba	9	0.05
Norwegian	7	0.04	Danish	1	0.01
Gujarati	8	0.05	Kurdish	2	0.01

Table 4 identifies fall enrollment totals in other school districts that primarily serve areas within the ROCOG Planning Area but outside the Rochester Urbanized Area. In this

regional planning area, it was found that only 1.3% of students come from households that speak a language other than English at home, indicating a very limited LEP population reside in these areas.

Table 4: 2019-20 Primary Language Spoken at Home in Small Cities of ROCOG Area

Small Cities School District	Language Name	Number of Enrollment	Percentages (%)
Byron Public School District	Lao, Laotian	3	0.14
Byron Public School District	Russian	2	0.09
Byron Public School District	Telugu	2	0.09
Byron Public School District	Chinese, Mandarin	5	0.23
Byron Public School District	Czech	1	0.05
Byron Public School District	Portuguese -Creole	1	0.05
Byron Public School District	Hmong	3	0.14
Byron Public School District	Mina	1	0.05
Byron Public School District	Spanish	8	0.37
Byron Public School District	English	2164	98.81
Total Students		2190	100%
Dover-Eyota Public School District	Spanish	9	0.82
Dover-Eyota Public School District	English	1080	98.99
Dover-Eyota Public School District	Filipino, Pilipino	2	0.18
Total Students		1091	100%
Stewartville Public School District	Russian	1	0.05
Stewartville Public School District	English	2085	98.44
Stewartville Public School District	Somali	1	0.05
Stewartville Public School District	Khmer, Cambodian	4	0.19
Stewartville Public School District	Spanish	25	1.18
Stewartville Public School District	German	1	0.05
Stewartville Public School District	Chinese, Mandarin	1	0.05
Total Students		2117	100%
Students Grand Total in Small Cities ROCOG Area		5,398	

Source: Minnesota Department of Education, School District Data 2019-2020

Four Factor Assessment

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-

dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. Number and proportion of LEP persons in the ROCOG area.

ROCOG staff reviewed data from the 2014-2018 American Community Survey and found that an estimated 5.1% of persons over five years of age who speak English “less than very well” and may require language assistance of one type or another, as reported in Table 2.

In using data from the Minnesota Department of Education for School Districts within the ROCOG Planning Area, as reported in Tables 3 and 4, ROCOG was able to identify that Spanish, Somali, Arabic, Khmer/Cambodian and Chinese Mandarin would be the primary languages which ROCOG might be likely to encounter in its work.

2. The frequency with which LEP persons encounter ROCOG programs.

ROCOG in-house research indicates there historically has been very limited contact with LEP persons, considering phone inquiries, office visits with staff, Policy Board contacts, or contacts with consultant/contractors working on ROCOG projects. ROCOG is staffed by the Olmsted County Planning Department which is part of the Olmsted County government. In a number of Planning Department activities, such as the Rochester Comprehensive Plan Update in 2018, and the ROCOG 2045 Long Range Transportation Plan in 2019-2020, staff infrequently had contact with persons of limited English proficiency, even though ROCOG used outreach procedures to facilitate those interactions by staging open houses in or near the neighborhoods where they reside and by using targeted focus groups to gathered input from these populations. Services provided by other agencies such as Rochester Public Transit, for which federal funding is programmed through the ROCOG Transportation Improvement Program, use similar approaches for outreach to LEP populations. While ROCOG has not received requests for interpreters or translation of ROCOG documents, it has in the past provided interpreter services at focus groups specifically convened for ROCOG-related planning activities and studies.

3. The nature and importance of programs or services provided by ROCOG to the LEP population.

ROCOG provides limited programs or services to the population of the ROCOG area as it is primarily a planning agency responsible for the preparation of the Metropolitan Transportation Plan and annual adoption of the Transportation Improvement Program (TIP). While funds programmed in the TIP do support facilities and services that are important to the LEP population, ROCOG is only responsible for programming about 2% of federal funds in the ROCOG area. The

remainder of projects or programs using federal funds are selected by MnDOT Divisions, such as the State Transit Office working with local transit providers, or by committees affiliated with or organized by MnDOT.

Further, the MPO does not conduct required activities such as applications, interviews, or other activities prior to participation in its programs or events. Involvement by any citizen with the MPO or its committees is voluntary.

The ROCOG Policy Board, staff, consultants, and sub-recipients are most likely to contact LEP individuals through public meetings and other general public involvement opportunities. Inclusive public participation is a priority consideration in MPO plans, studies and programs. The impacts of transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process; thus, assistance efforts need to be made available to make the planning process as inclusive as possible.

4. The interpretation services available to ROCOG and overall cost to provide LEP assistance in ROCOG jurisdiction.

Language/translator assistance is available upon request or on an as-needed basis for ROCOG through Olmsted County's affiliation with the local Intercultural Mutual Assistance Association (IMAA) providing language and translator services. ROCOG use and access to these services is reflected in the Indirect Cost element of its Unified Work Program. Given the small size of LEP population within the MPO planning area and financial constraints, full multi-language translations of large transportation plan documents, agenda packages, programs, and maps are not considered as warranted at this time. However, within its limited budget and capabilities, ROCOG pledges that it will, to the best of its abilities, ensure that LEP persons have a meaningful opportunity to participate in the transportation planning process. In particular, services will be available to serve the predominant languages that have been identified as follows:

- Spanish (6.85%)
- Somali (5.14%)
- Arabic (2.56%)
- Khmer / Cambodian (1.96%)
- Chinese Mandarin (1.36%)
- Vietnamese (1.06%)
- Lao, Laotian (.75%)

Providing Appropriate Language Assistance

In order to provide needed language assistance, it is necessary for ROCOG to be able to identify a LEP person and to provide reasonable measures to assist those individuals with their language assistance needs. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language, or translation, which means the written transfer of a message from one language into another language. Measures that ROCOG may use to assist in communication with an LEP person include:

- Post notice of the LEP Plan and of the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Posting signs at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services.
- Posting information regarding availability of language services on the ROCOG web site.
- Posting information in the public reception area of ROCOG offices.
- ROCOG staff will have access to ISPEAK flash cards developed by the U.S Census Bureau to assist in identifying the language interpretation needed if the occasion arises.
- Additional resources are available from the federal government through the Interagency Working Group on Limited English Proficiency (LEP) which created the web site LEP.gov in 2002. LEP.gov is maintained by the Federal Coordination and Compliance Section (FCS) in the Civil Rights Division of the United States Department.
- When ROCOG sponsors an informational meeting or event, advanced public notice of the event should include notice that translator services (for LEP individuals) or interpreter (sign language for hearing impaired) services are available upon request.

Once an individual for whom language services are needed is identified, a relevant point of contact will be notified to assess feasible translation or oral interpretation assistance. Although there is a low percentage of LEP individuals in the ROCOG area, ROCOG will strive to offer the following measures:

- ROCOG staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
- The following resources will be available to accommodate LEP persons:
 - ▶ Interpretive services, within reason, will be provided for public meetings if advance notice is provided to ROCOG and such services are readily available.

- ▶ ROCOG will make translated versions (or provide for the interpretation of relevant sections) of all documents/publications available upon request, within a reasonable time frame and if resources permit.
- ROCOG staff has access to City of Rochester and Olmsted County employees who can provide services in certain languages, and Olmsted County has a contract with Intercultural Mutual Assistance Association (IMAA) of Rochester to provide other language translator service on an as-needed basis.

Staff Training

USDOT require MPOs to engage Limited English Proficient population in their jurisdiction. **“Staff members should know their obligations to provide meaningful access to information and services for LEP persons, and all employees in public contact positions should be properly trained.”**

ROCOG will take steps to ensure staff has appropriate training and resources available to assist LEP individuals to provide meaningful access to transportation information and services. ROCOG staff will take the following steps to serve LEP persons:

- Properly trained and informed on the Title VI Policy and LEP responsibilities
- Provide staff with information on available language assistance services
- Provide staff with information on use of [“I speak” cards](#)
- Train staff on how to document language assistance requests
- Train staff on how to handle potential Title VI/LEP complaints
- Additional training is given to staff based on feedback from LEP population in ROCOG Area

Contractors/Consultants

All contractors or subcontractors performing work for ROCOG will be required to follow Title VI/LEP guidelines.

Translation of Documents

Given the expense of translating documents, the likelihood of frequent changes in documents and other relevant factors, ROCOG policy will be to consider the translation of documents (or portions thereof) on a case by case basis, as requested. The translation of the following vital documents in Spanish and Somali languages will be posted online, and in the public area of Olmsted County Planning Department and at public engagement events:

- Public Notice of Rights under Title VI
- Complaint Forms and Compliant Process

- Notice of Public Engagement Event

ROCOG can use Google's Translate program, located at the Olmsted County web site <http://www.co.olmsted.mn.us/Pages/default.aspx> to provide users with HTML content in other languages. This resource is an imperfect system but has a potential to provide enough information for an LEP individual or group to gain an initial understanding of ROCOG documents in response to an initial contact. Outside of those services, because ROCOG staff is small and does not possess in-house translation capabilities or expertise, ROCOG staff can only assist LEP persons but cannot accurately assess or guarantee the accuracy of translation services provided by others.

DOT LEP guidance is another resource that can provide information on vital documents.

Part III – Analysis of State/Federal Funding Distribution to Title VI Protected Population

FTA Circular 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*, discusses the need for MPO Title VI Plans to analyze the distribution of State and Federal funds in aggregate for transportation purposes and to identify any disparate impact based on the race, color or natural origin. The figures and tables on the following pages graphically illustrate the results of this analysis.

Minority Population Existing and Future Investment

The first step is to identify Title VI population in the community and then completing the assessment of the impact of proposed federally funded projects on Title VI populations. For the purposes of this assessment, ROCOG staff used data from the American Community Survey 5 year estimates for the period of 2014-2018 at the Block Group level to map areas of interest (<https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-data.html>). This analysis considered both minority populations and low income populations; results are mapped illustrating block groups where only a minority threshold population was identified, block groups where only a low income threshold population was identified, and block groups within which both minority and low income thresholds were identified. Once areas of interest are identified from a Title VI perspective, the next step is to determine the threshold values for identifying census block groups where Title VI populations reside.

Minority population for purposes of calculating the minority threshold represents the difference between the total population and the reported “Not Hispanic or Latino: White Alone” total population. For purposes of calculating the percentage of low income, the threshold represents the number of persons for whom “Poverty Status is determined based on income in the past 12 months”, divided by the total population. The Planning Area results chosen for selecting Title VI populations were block groups where minority population exceeded a threshold value of 19.4% and where low-income populations exceeded a threshold value of 8.8%. Separating the planning area into urban and rural areas had very limited impact on which block groups were identified.

A Title VI population threshold of 19.4% for minority populations and 8.8% for low income individuals based on analysis of the 2014-2018 American Community Survey at census block groups is shown in Table 5.

Table 5: Title VI Minority and Low-Income Population Thresholds

Minority Population			
Geography	Total Population	Minority Population	% Title VI Population
ROCOG Planning Area	153,065	29,766	19.4%
Rochester Urban Area	123,232	28,241	22.9%
Regional Area	29,833	1,525	5.1%
Low Income Population Calculation			
Geography	Total Population	Low Income Population	% Title VI Population
ROCOG Planning Area	153,065	13,490	8.8%
Rochester Urban Area	123,232	11,892	9.7%
Regional Area	29,833	1,598	5.4%

ROCOG Plan Development and Title VI Population

During the 2045 Long Range Transportation Plan update, ROCOG staff conducted outreach aimed at getting input from diverse groups of people in the Rochester area. Special efforts were made to reach out to low-income and minority populations by partnering with groups that work closely with these populations. ROCOG contacted the following organizations who helped organize outreach to Title VI communities, members of low-income and minority populations:

- Adult Learning Center - Brookside
- Community Learning Center
- Diversity Council
- Elder Network
- Hiawatha Homes
- Hope Coalition
- Intercultural Mutual Assistance Association
- Rochester Public Transit
- Rolling Hills Transit
- Semcac Family Planning
- Southeast Minnesota Area Agency on Aging

- Southeast Minnesota Center for Independent Living
- Southeast Minnesota Together
- Southern Minnesota Initiative Foundation
- Three Rivers Community Action
- Women's Resource Center

Figures 4 through 7 provide high-level mapping illustrating the location of potential federally funded projects relative to Title VI populations in the Rochester urban area. A more detailed assessment of potential impacts and mitigation needs relative to specific projects will be required during the project development phase when more detailed environmental assessment is completed relative to three modal plans on the following pages:

- Figure 4 illustrates transit bus routes and census block groups exceeding minority or low income or both minority and low-income populations in the ROCOG area.
- Figure 5 illustrates the location of Title VI populations relative to future transit services planned for development in the urban area of Rochester over the next 20 years along with proposed corridors for anticipated Bus Rapid Transit service, with 750' to 1000' route buffers mapped. Generally, all areas within the cities are well served with transit, although off peak frequency is generally limited to between 30- and 60-minute service. We can see that the minority populations live within reasonable distance of existing and future transit facilities and are provided with service that is comparable to that provided to majority populations.
- Figure 6 illustrates the location of Title VI populations relative to the future investment in active transportation projects identified in the ROCOG 2045 Long Range Transportation Plan in the next 20 years. The city of Rochester, with approximately 140 miles of existing infrastructure, provides most neighborhoods with a minimum level of access to the City trail and path system. Planned improvements corridors have been identified to fill in most of the network gaps currently found to exist, which will improve access for Title VI and Environmental Justice populations. Rochester's policy since the early 1990s has provided for sidewalks on all new streets, with most gaps existing in older areas originally developed in adjacent townships prior to annexation to the city; ROCOG prepared a study in 2016 looking at these areas and are recommending non-motorized infrastructure improvements to address this issue.
- Figure 7 highlights the future street and highways projects and infrastructure investments in relation to minority and low -income populations in ROCOG area. Many of the project locations are in urban fringe areas showing a high percentage of Title VI population in areas that are in fact sparsely populated suburban areas. The

dispersion of projects throughout the urbanized area has equally benefitted protected populations and majority population by improving safety and operations for all roadway users.

Figure 4: Title VI Populations and Bus Routes in ROCOG Planning Area

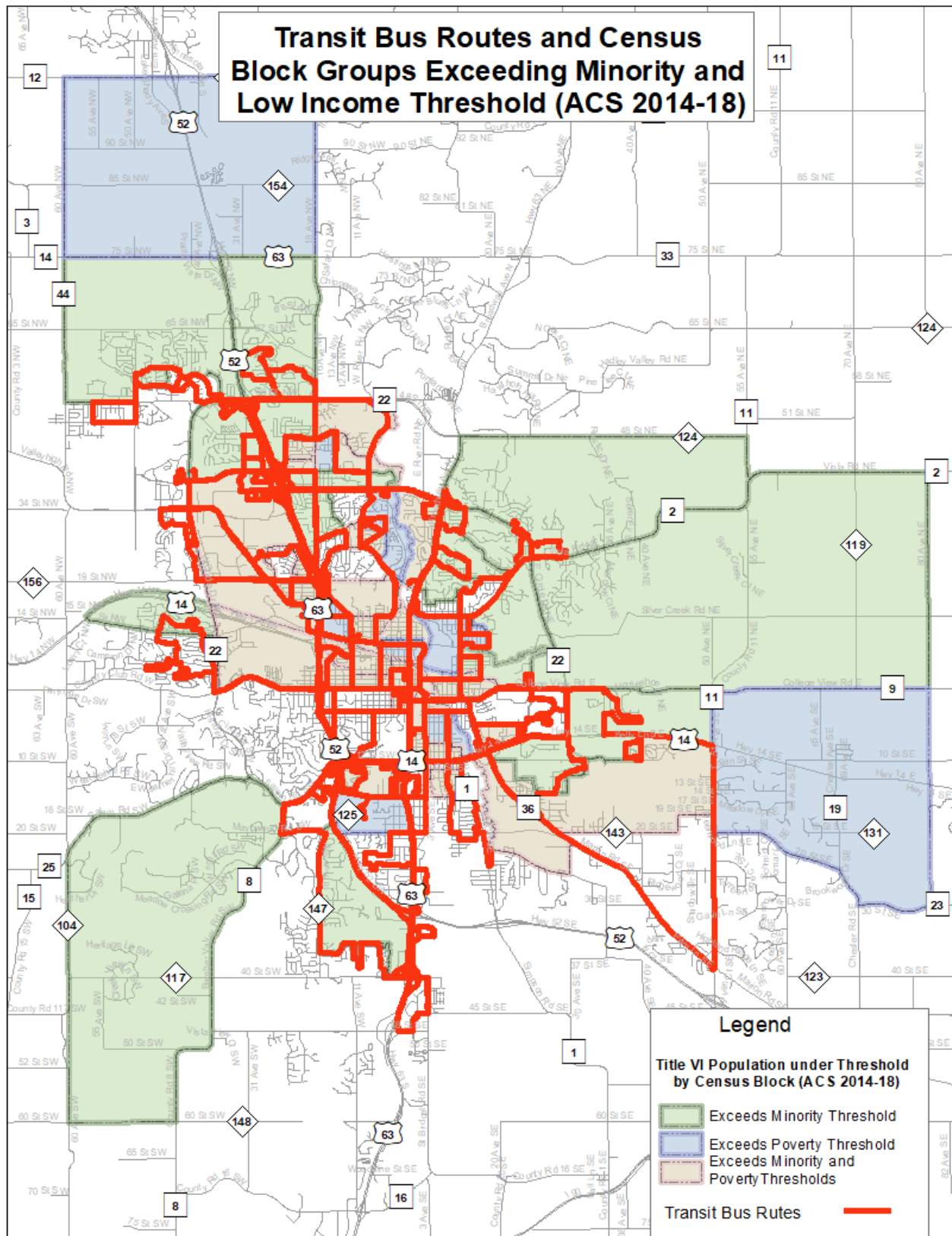


Figure 5: Title VI Populations and Future Public Transit Systems

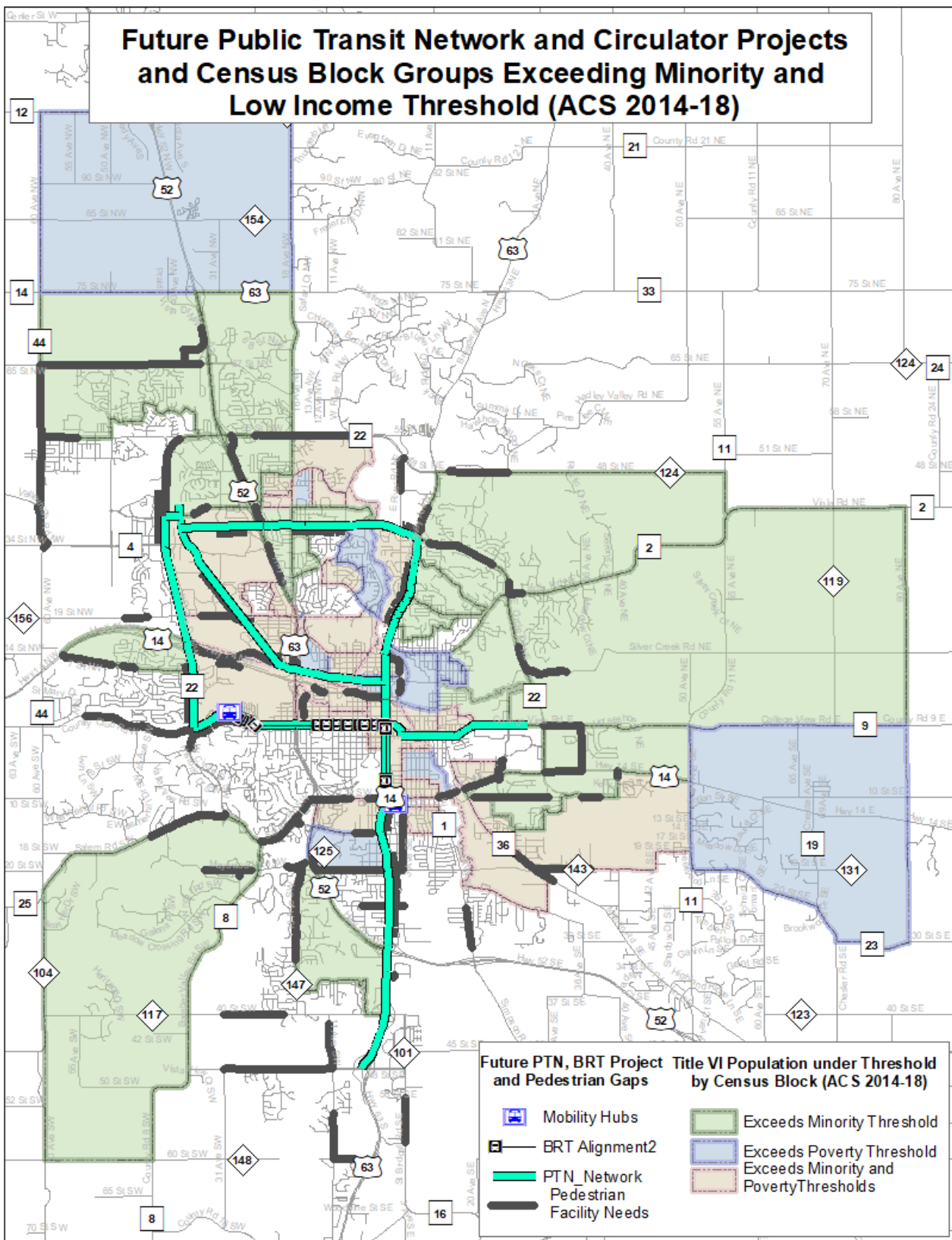


Figure 6: Title VI Populations and Future Active Transportation System

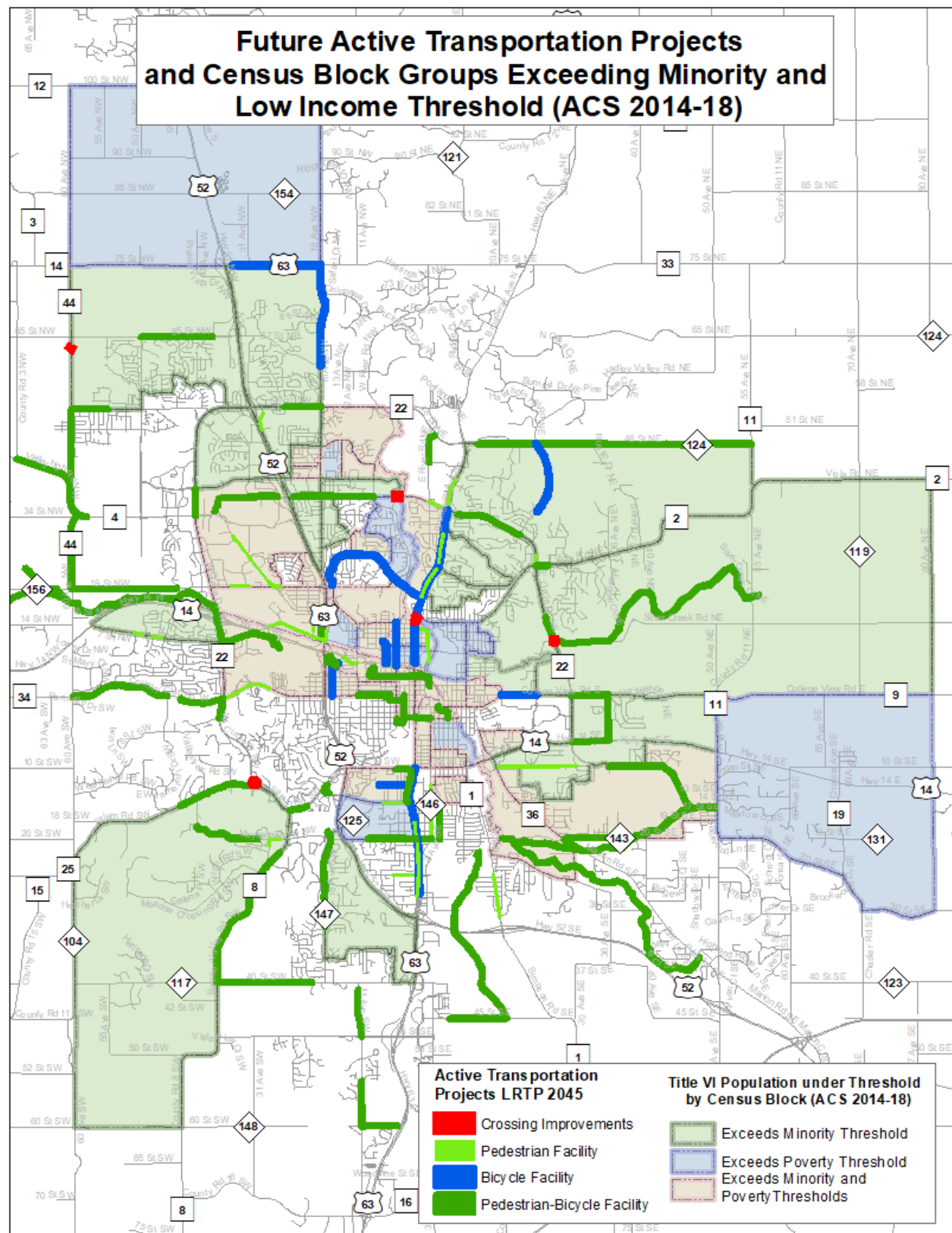
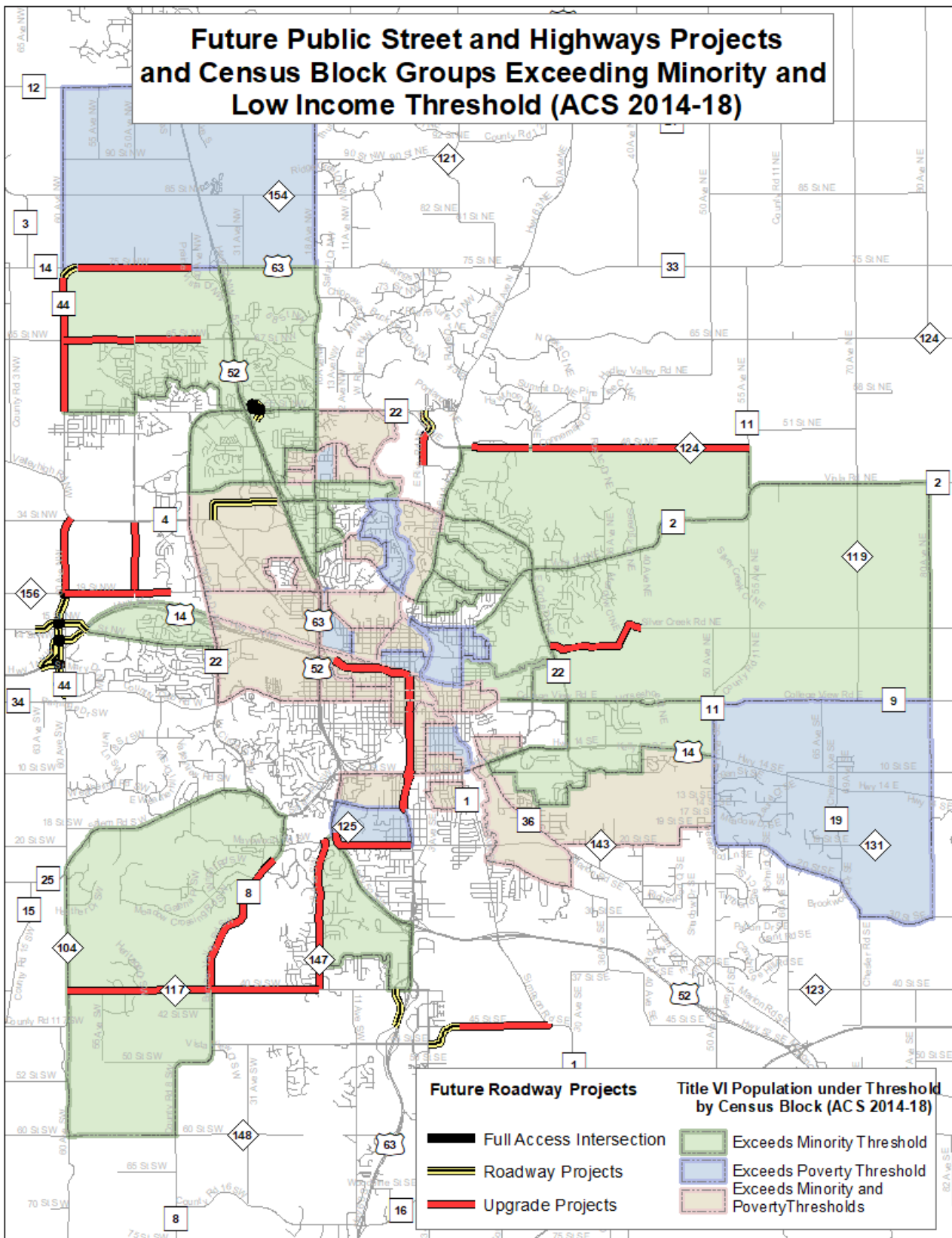


Figure 7: Minority Populations and Future Street and Highway Projects



Part IV - Communities of Concern and the ROCOG Planning Process

ROCOG Planning Process

Title VI establishes that the mobility needs of communities of concern should be considered in the MPO planning process at the plan development, program, and project level. ROCOG, as the MPO for the Olmsted County area, is responsible for developing long and short-range transportation plans and programs and coordinates its planning and programming activities with the Minnesota Department of Transportation, local governments, area transit providers, as well as the FHWA and FTA. ROCOG facilitates consideration of communities of concern in its planning and programming activities described in the following sections.

Data Analysis and Dissemination

Communities of concern are identified as those census blocks or block groups where the identified minority group represents a percentage of the population equal to or greater than that of the planning or service area based on 2014-2018 ACS data. The use of census blocks versus block groups in an analysis will depend on the currency of the data, as new 1-year and 5-year block group data from the American Community Survey is released annually, while block data from the decennial census is only available every 10 years.

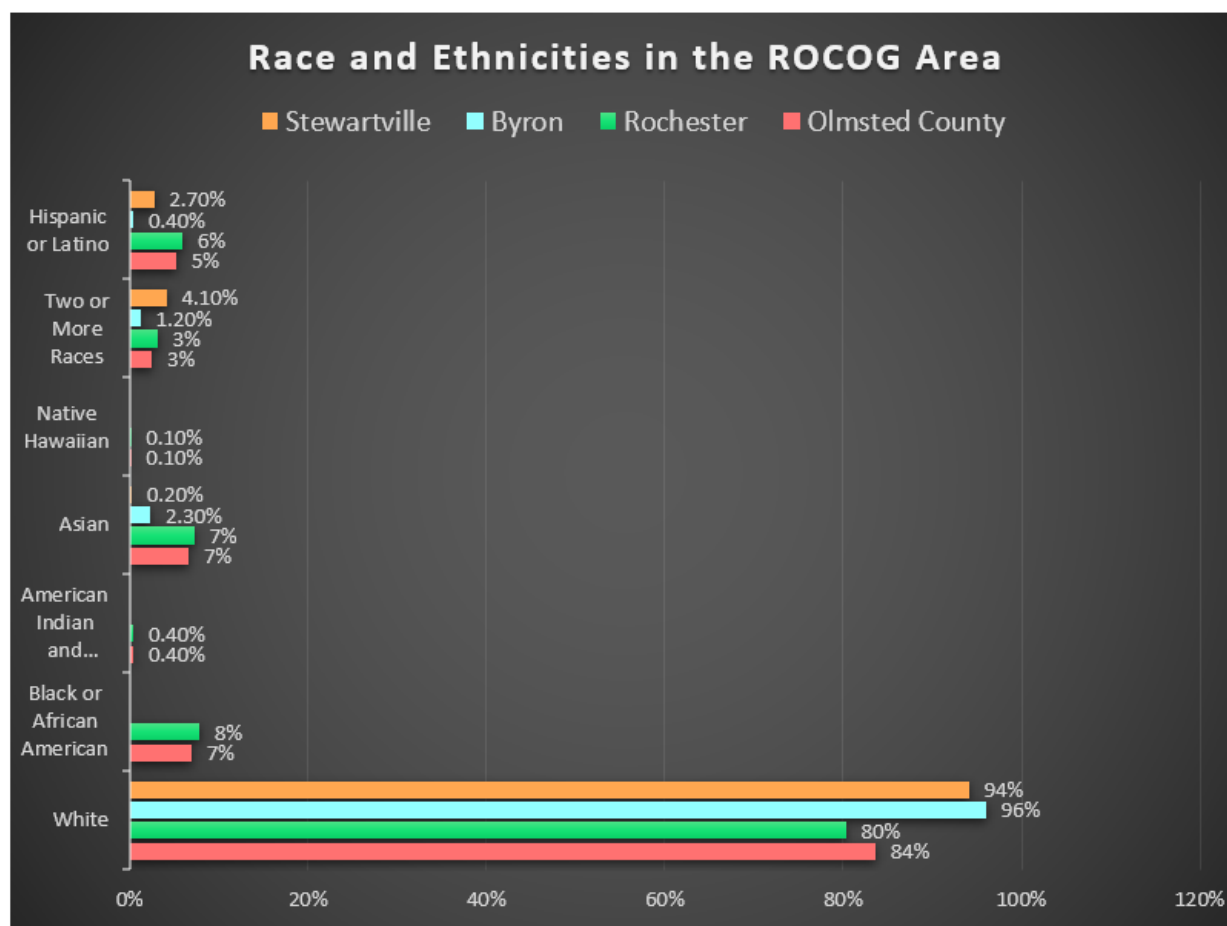
Two basic elements of the data analysis include identification of population thresholds for identifying significant concentrations of communities of concern, and mapping data using census geography to provide a quick visual of where communities of concern are located.

Population Thresholds

ROCOG develops population threshold data using the most current and suitable statistical information to identify communities of concern. ROCOG primarily utilizes data from the U.S. Census Bureau, including the decennial Census and the most current American Community Survey.

Figure 8 shows the percentage of individuals by race and ethnicity residing in ROCOG area as per American Community Survey 2014-2018. A high percentage of White population resides in small cities over 5,000 population in the ROCOG area. Six other predominant races and ethnicities are also shown in ROCOG area, predominantly in the city of Rochester.

Figure 8: Races and Ethnicities in ROCOG Area 2014-2018

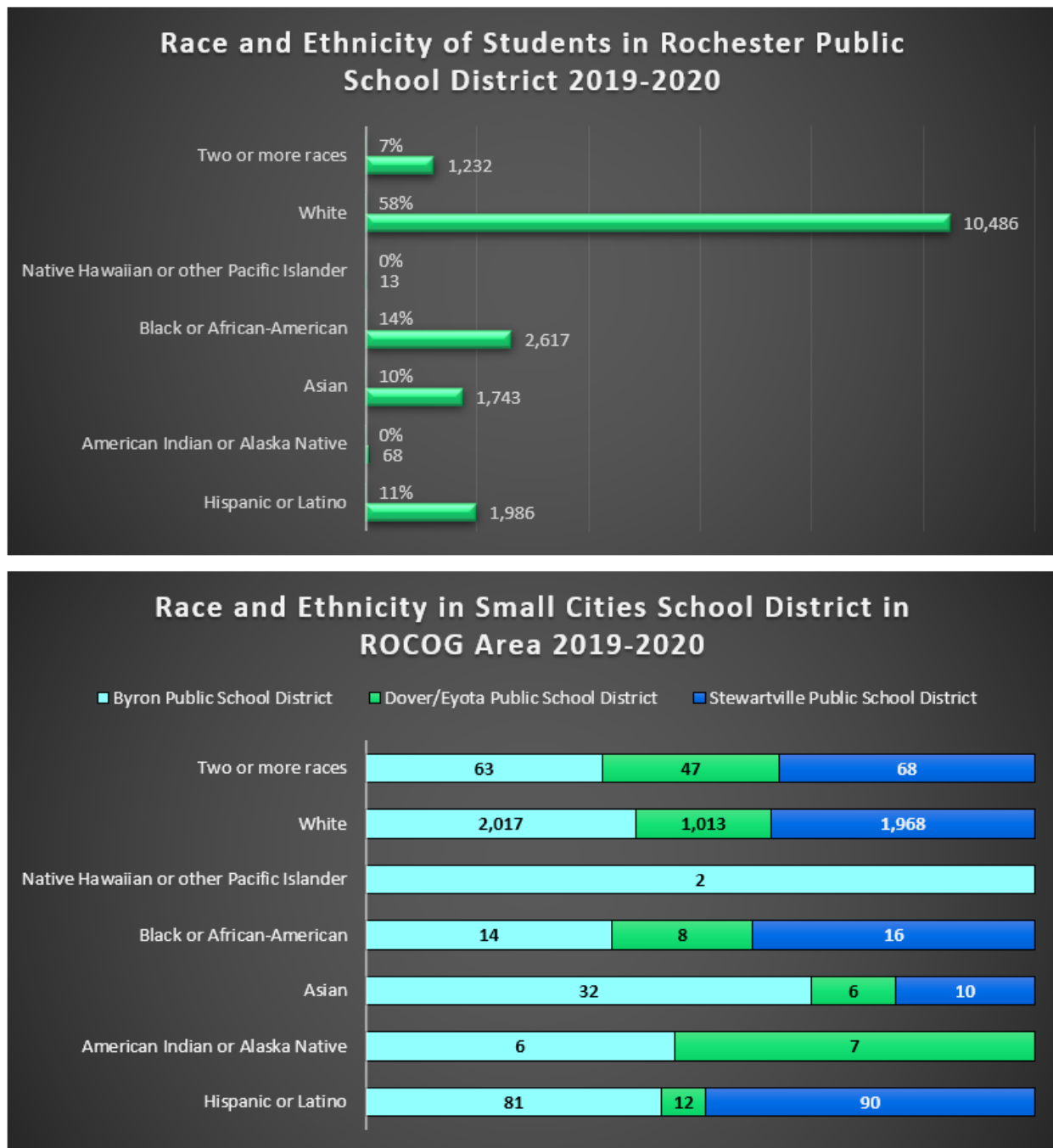


Source: American Community Survey 2014-2018 Cities over 5,000 Population

For purposes of comparison, Figure 9 shows race and ethnicity for school district populations in the ROCOG area. The Rochester School District is diverse from a racial and ethnicity point of view. Race and ethnicity data reflect that 58% of students are white and the 42% students are from diverse races. There are 18,145 total students in the Rochester Public School District, of whom 14% are African American, 11% Hispanic, and 10% Asian American students. In addition, 7% of students belong to two or more races. This is generally consistent with the results seen in the American Community Survey for Rochester.

The lower portion of Figure 9 represents race and ethnicity data of the school districts outside of Rochester whose boundaries are predominantly within the ROCOG Area. In these districts, 92% students are white and the remaining 8% of students are predominantly of two or more races and/or Hispanic or Latino, again largely matching the results from the ACS.

Figure 9: Race and Ethnicity in ROCOG Area 2019-2020



Source: Minnesota Department of Education, School District Data 2019-2020

Geographic Location

Appendix H include a series of maps based on American Community Survey Data 2013-2017 illustrating the geographic location and distribution of populations that are protected under Title VI and related regulations established by the United States.

Public Involvement Policy

The general public, as well as Title VI and LEP populations, are engaged in the planning process through ongoing public outreach activities. ROCOG has an adopted Public Involvement Policy, updated in 2019, that details how ROCOG will continue to involve the community in transportation planning decisions.

The policy specifically recognizes the need for extra efforts in terms of outreach to under-represented groups. It relies on the efforts of not only ROCOG committees, but also citizen involvement of its member jurisdictions, such as the Rochester Citizen's Advisory on Transit, to conduct outreach to communities of concern particularly in regard to public transit services. The ROCOG PIP is available at:

<https://www.co.olmsted.mn.us/planning/rocog/Documents/June%202019%20PIP%20508%20compliant.pdf>

Appendices

Appendix A: Covenant or Contractor's Agreement/Title VI 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:

Compliance with Regulations: The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

Solicitations for Subcontractors, 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 shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on grounds of race, color, or national origin.

Information and Reports: The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by ROCOG or the Minnesota Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to ROCOG or the Minnesota Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, ROCOG and the Minnesota Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- (a) Withholding of payments to the Contractor under the contract until the contractor complies, and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

Incorporation of Provisions: The Contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as ROCOG, the Minnesota Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for non-compliance provided, however, that, in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request ROCOG to enter into such litigation to protect the interests of ROCOG, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix B: Assurances Pertaining to Real Property, Structures or Improvements

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, ROCOG, as authorized by law, and upon the condition that ROCOG will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal-Aid for Highways and the policies and procedures prescribed by Federal Highway Administration of the U.S. Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 ROCOG 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 ROCOG 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 shall be binding on ROCOG, its successors and assigns.

ROCOG 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 shall on the grounds of race, color, 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 ROCOG shall use the lands and

* **Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964*

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 Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department of Transportation shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall 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.[†]

[†] **Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964*

Appendix C: Assurances Pertaining to Deeds, Leases, Permits or Similar Instruments

The following clauses shall be included in all deeds, licenses, leases, permits or similar instruments entered into by ROCOG pursuant to the provisions of Assurance 7.

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed 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 Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in any licenses, leases, permits, etc.] *

That in the event of breach of any of the above nondiscrimination covenants, ROCOG shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in any deed] *

That in the event of breach of any of the above nondiscrimination covenants, ROCOG shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of ROCOG and its assigns.

[The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by ROCOG pursuant to the provisions of Title VI Assurance 7.]

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 grounds of race, color shall be excluded from participation in, be 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 grounds of race, color, cap, national origin shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.] *

That in the event of breach of any of the above nondiscrimination covenants, ROCOG shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds] *[†]

That in the event of breach of any of the above nondiscrimination covenants, ROCOG shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of ROCOG and its assigns.

^{††} * *Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964*

Appendix D: ROCOG Title VI Complaint Form

Section I: COMPLAINANT INFORMATION (Print all items legibly)

Name: _____

Street Address / P.O. Box: _____

City _____ State _____ Zip _____

Telephone: _____ E-Mail Address: _____

Section II: Cause of Discrimination based on [Check all appropriate boxes]

☐ Race ☐ Color ☐ National Origin ☐ Limited English Proficiency

Section III: Third Party Representative Information

Are you filing this complaint on your own behalf? Yes _____ No _____

(If you answered "yes" to this question, go to Section IV)

If not, please supply the name and relationship of the person for whom you are filing a discrimination complaint:

Name: _____ Relationship: _____

Please explain why you have filed for a third party.

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. Yes _____ No _____.

Agency	Case Number or other Complaint Identification Information
U. S. Department of Transportation	
Minnesota Dept. of Transportation	
Department of Justice	
Equal Employment Opportunity Commission	
Local Governmental Jurisdiction	

Have you filed a lawsuit regarding this complaint? Yes _____ No _____

If yes, please provide a copy of the complaint form. (Note: This above information is helpful for administrative tracking purposes. However, if litigation is pending regarding the same issues, we defer to the decision of the Court as to whether to release this information).

Section VII: Verification

Complainant's Signature _____ Date: _____

Please mail or deliver your completed form to:
Rochester-Olmsted Council of Governments
Attn: Executive Director
Suite 100, 2122 Campus Drive SE
Rochester, MN 55904
507-328-7100

Appendix E: Sample Acknowledgement Form

Date

Address

Dear Ms./Mr.

This letter is to acknowledge receipt of your complaint against the Rochester-Olmsted Council of Governments (ROCOG) alleging _____ in the _____ program.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 507 328 7100, or writing to the following address:

Sincerely,

<Name>,

**Executive Director ROCOG or his/her Designee
Rochester-Olmsted Council of Governments,
Suite 100, 2122 Campus Drive, SE
Rochester, MN 55904**

Appendix F: Formal Title VI Complaint Procedure

ROCOG will use the following procedures for prompt processing of all Title VI complaints received directly by it:

1. Any individual, group of individuals, class or disadvantaged business enterprise that believes it has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended or any federal nondiscrimination authority, may file a complaint with ROCOG. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to ROCOG Title VI Coordinator for initial review and action.
2. Complaints shall be filed in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint (by telephone or in person) of discrimination to an officer or employee of ROCOG, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
3. The complaint should contain the following information:
 - a. The name, address and contact information of the complainant;
 - b. Name(s) and address(es) of the alleged discriminating official;
 - c. The nature of the incident that led the complainant to believe discrimination has occurred
 - d. The basis of the complaint, i.e., race, color, and national origin;
 - e. Date or dates on which the alleged act or event(s) occurred;
 - f. Other agencies where the complaint has been filed.
4. Within 10 days, ROCOG will send a certified letter to the complainant acknowledging receipt of the allegation and informing the complainant of the procedures to be followed and their rights under Title VI and related statutes and of other avenues of redress available, such as through the Minnesota Department of Transportation (MnDOT) or the USDOT. The same information will be submitted to the Title VI Coordinator of MnDOT. In general, the primary courses of action include:
 - a. Title VI complaints filed against ROCOG are referred to MnDOT for processing. MnDOT will notify the USDOT of the complaint.

- b. Title VI complaints filed against recipients (e.g., consultants, contractors, suppliers, vendors, universities, etc.) will be processed by ROCOG in accordance with USDOT approved complaint procedures, as required under 23 CFR Part 200.
- 5. For complaints against ROCOG recipients or sub-recipients, ROCOG will determine the appropriate process to pursue. ROCOG may determine and recommend to the USDOT, with a copy to MnDOT, to not proceed or continue with a complaint investigation if:
 - a. The complaint is, on its face, without merit.
 - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
- 6. If an investigation is to be initiated, ROCOG will determine the method of investigation and who will conduct the investigation. The investigation process shall be carried out within sixty (60) calendar days from the date the acknowledgment letter was transmitted to the complainant and shall include:
 - a. A copy of the complaint together with a copy of ROCOG's investigation report and recommendations to the USDOT.
 - b. A copy of the complaint together with a copy of ROCOG's investigation report and recommendations to MnDOT's Title VI Coordinator for informational purposes only.
 - c. A copy of the investigative report and recommendations to the complainant.
 - d. Upon receipt of the investigative report and recommendation, the USDOT Headquarters Office of Civil Rights makes the final agency decision.
- 7. If the allegations are not substantiated, the investigative report shall include a description of the allegations investigated, the scope of the investigation, the facts learned and a closing statement summarizing the basis on which the determination was made.
- 8. If the allegations are found to have merit, the investigative report shall include the results of the investigation, recommendations and a detailed plan of action as well as a means and time frame for follow-up to the recommendations. The complainant or his/her representative and MnDOT will be advised of each step of the process by ROCOG.

9. An Alternative Dispute Resolution (ADR) process is offered as an alternative for resolving Title VI complaints. During the investigative process, the investigator will make every effort to assist the parties with reaching a voluntary, negotiated resolution. During the initial interviews with the complainant and respondent, the investigator will request information regarding specifically requested relief and settlement opportunities. The attempts to resolve complaints using ADR are required by the Alternative Dispute Resolution Act of 1998.
10. As of September 2020, there has been no Title VI complaint filed against ROCOG.
11. All records and investigation of complaints will be maintained by ROCOG office for three years. A sample complaint log is attached as **Appendix F**.

Appendix G: ROCOG Title VI Complaint Log

Rochester Olmsted Council of Governments						
Case Number	Complainant		Date Filed	Basis	Status	Disposition
	Name	Address				

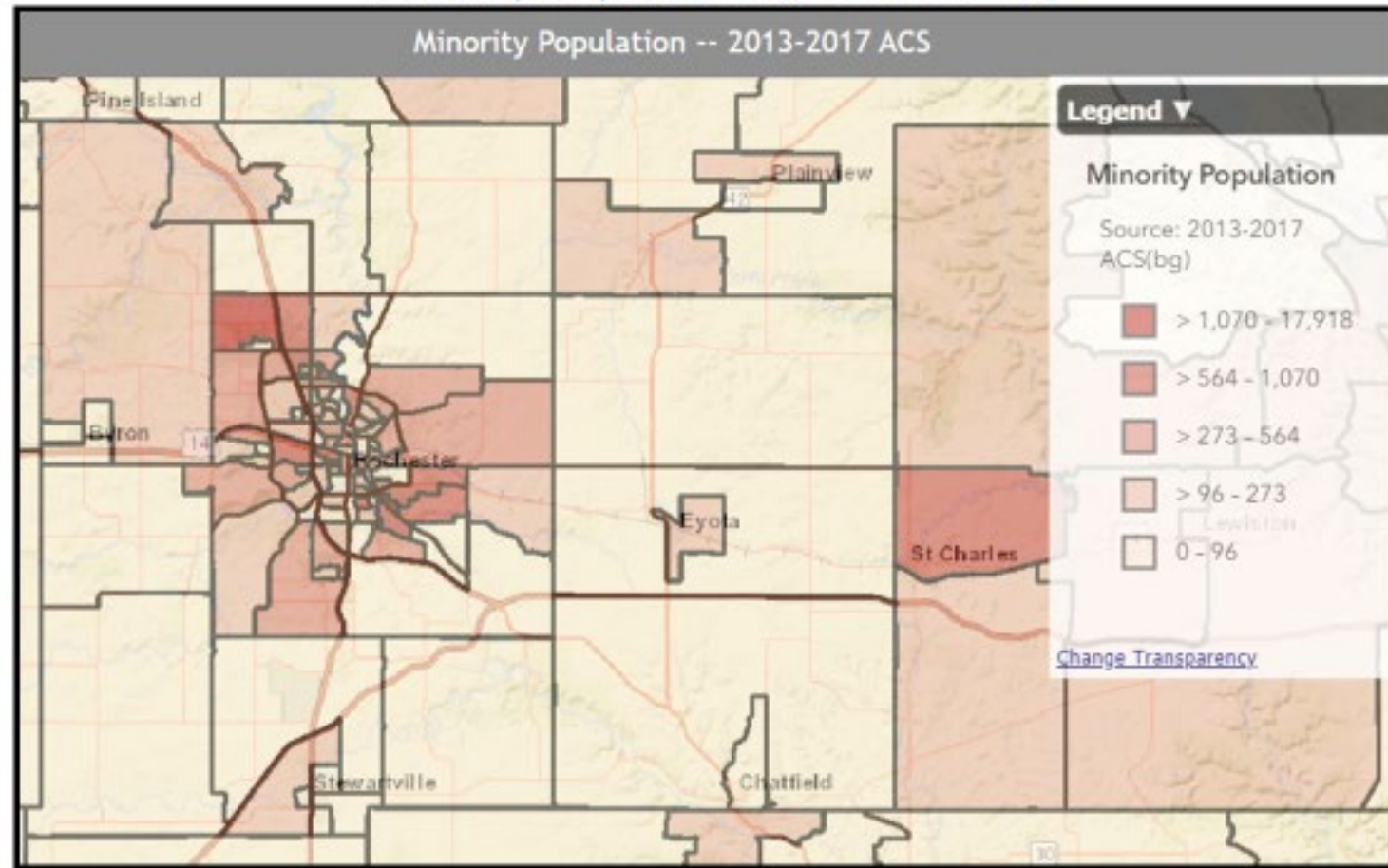
Note: As of October 2020, there have been no Title VI complaints filed against the Rochester-Olmsted Council of Governments.

Appendix H - Demographic Profile (EJScreen ACS 2013-2017)

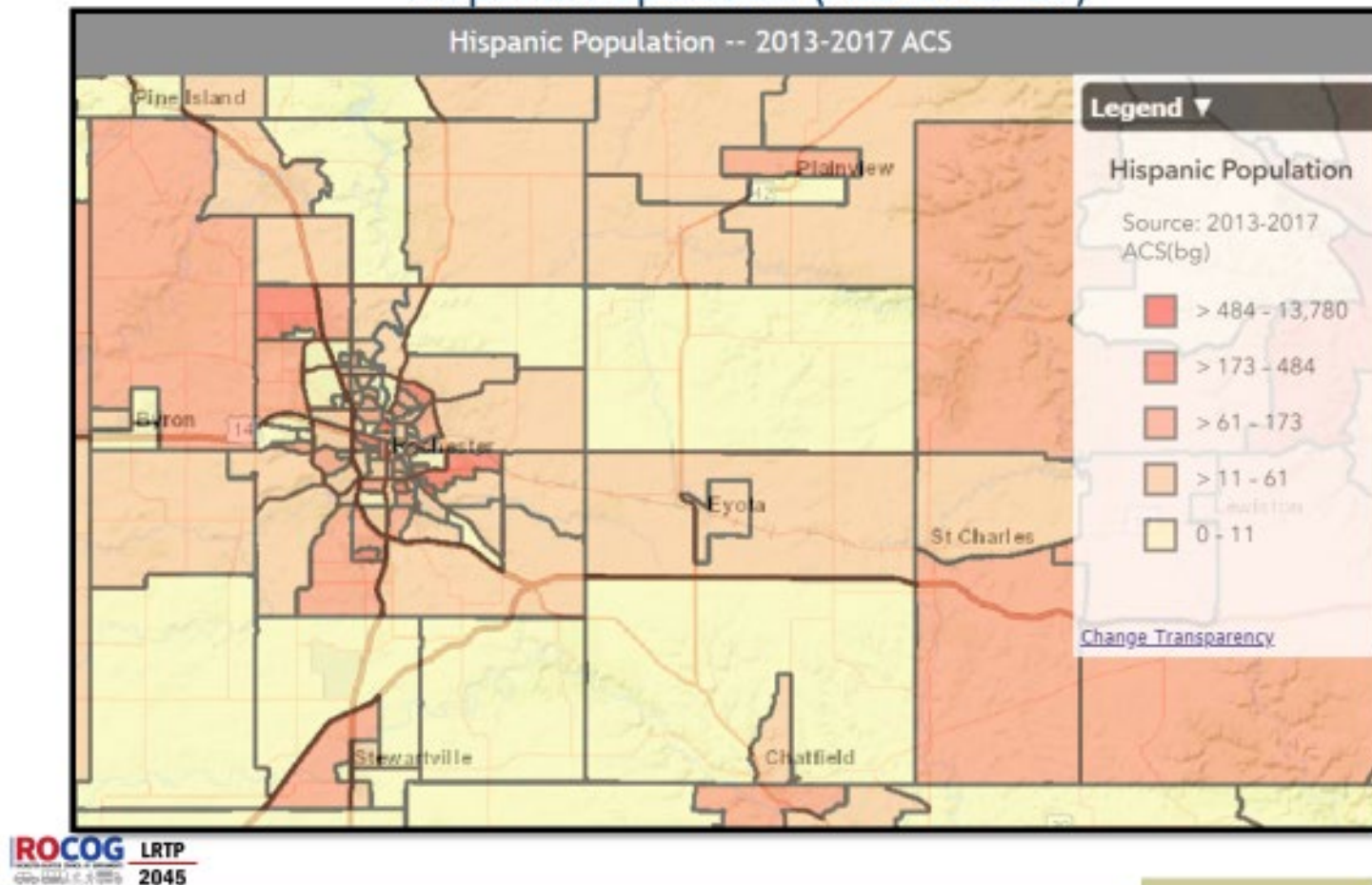
Appendix I provides maps analyzing the geographic location of the various communities of concern identified under Title VI and other federal non-discrimination statutes. This data is generated from the EJScreen website (<https://www.epa.gov/ejscreen>) available from the Environmental Protection Agency. All data is illustrated at the Block Group level. The table below provides a brief description of the information found on the maps:

Map Type	Page Number	Brief Description of the Map
Minority Population	72	Map showing Minority Population in ROCOG Area at Census Block Group level
Hispanic Individuals	73	The highest number of Hispanics live in the southeast and northwest areas of Rochester.
Black Individuals	74	The highest concentrations of Black individuals are found in the southeast and northwest areas of Rochester.
Asian American individuals	75	The largest concentrations of Asian-Americans are found in the northwest, northeast, and southeast areas of Rochester.
American Indian	76	The Native American population is small, exhibiting no concentration of this ethnic group. The most significant areas where they live is in Southwest and Southeast Rochester.
Two or More Races Individuals	77	Two or more races individuals were spread all over Rochester, mostly concentrated in Northwest, Southwest, and Northeast.
Persons who speak only English	78	People who speak only English are spread all over Rochester. High concentration is northwest and southwest of the city.
Individuals who speak other languages	79	The highest concentration of people who speak other than English mostly live in Northwest and Northeast Rochester.
Individuals who speaks English less than well	80	The highest concentration of people who speak English less than well live in downtown, and in all quadrants.
Persons who speaks English not at all	81	There are small number of people who speak English not at all. They are mostly living in Southeast and Northwest Rochester.
Linguistically Isolated Population	82	Linguistically isolated households in which no one over 14 years of age can speak "English Very Well".

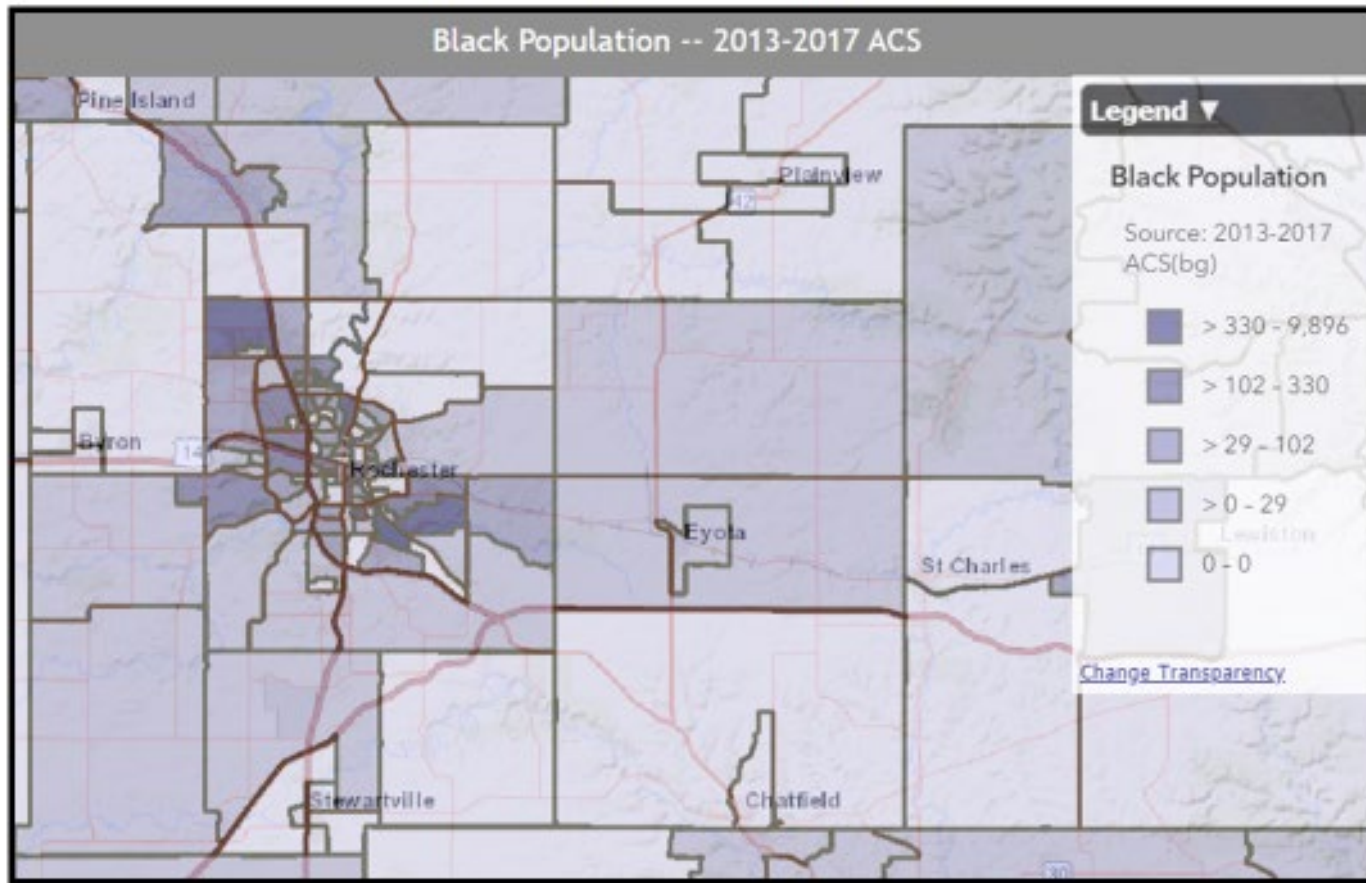
Demographic Profile of Protected Population in ROCOG Area Minority Population (ACS 2013-17)



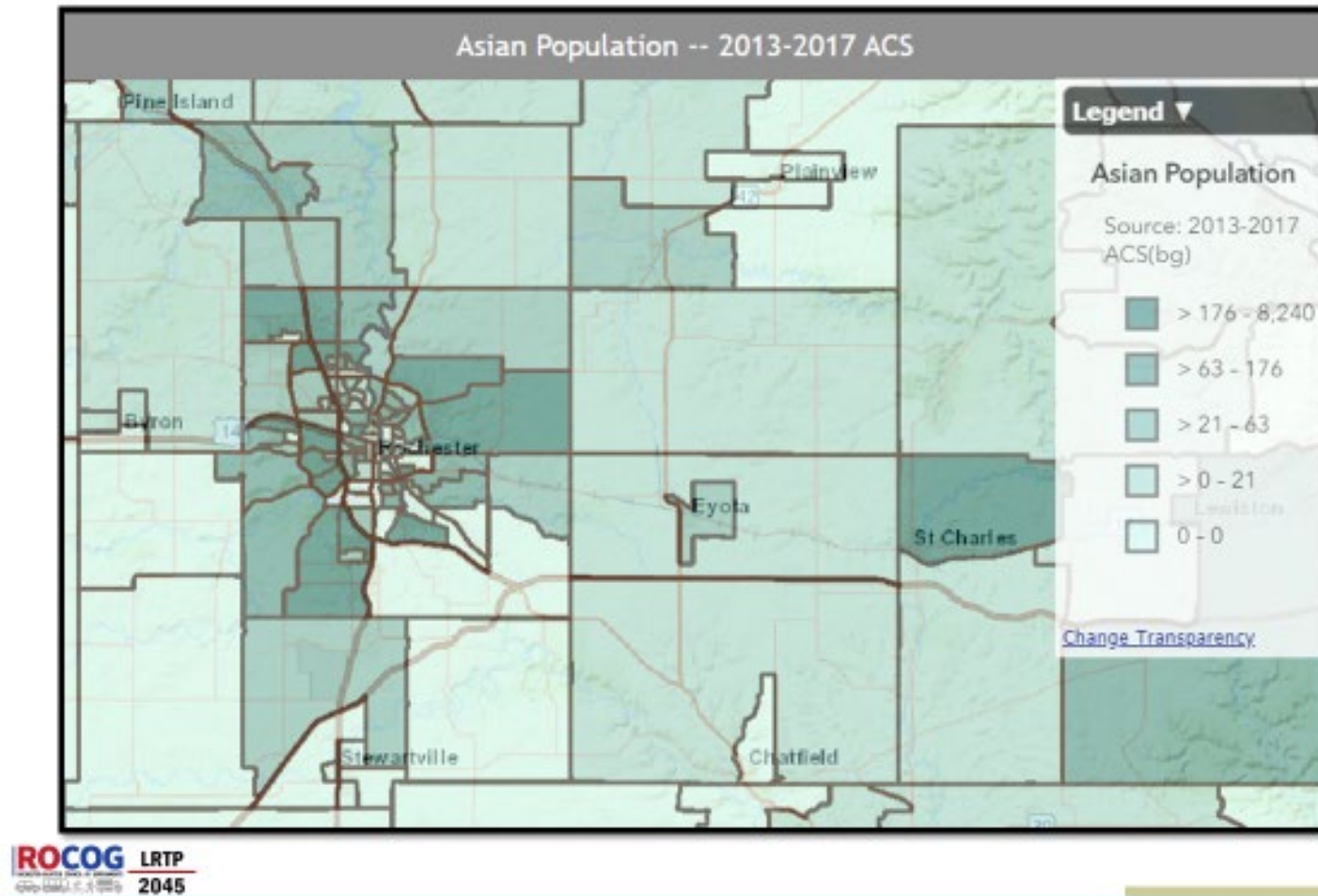
Demographic Profile of Protected Population in ROCOG Area Hispanic Population (ACS 2013-17)



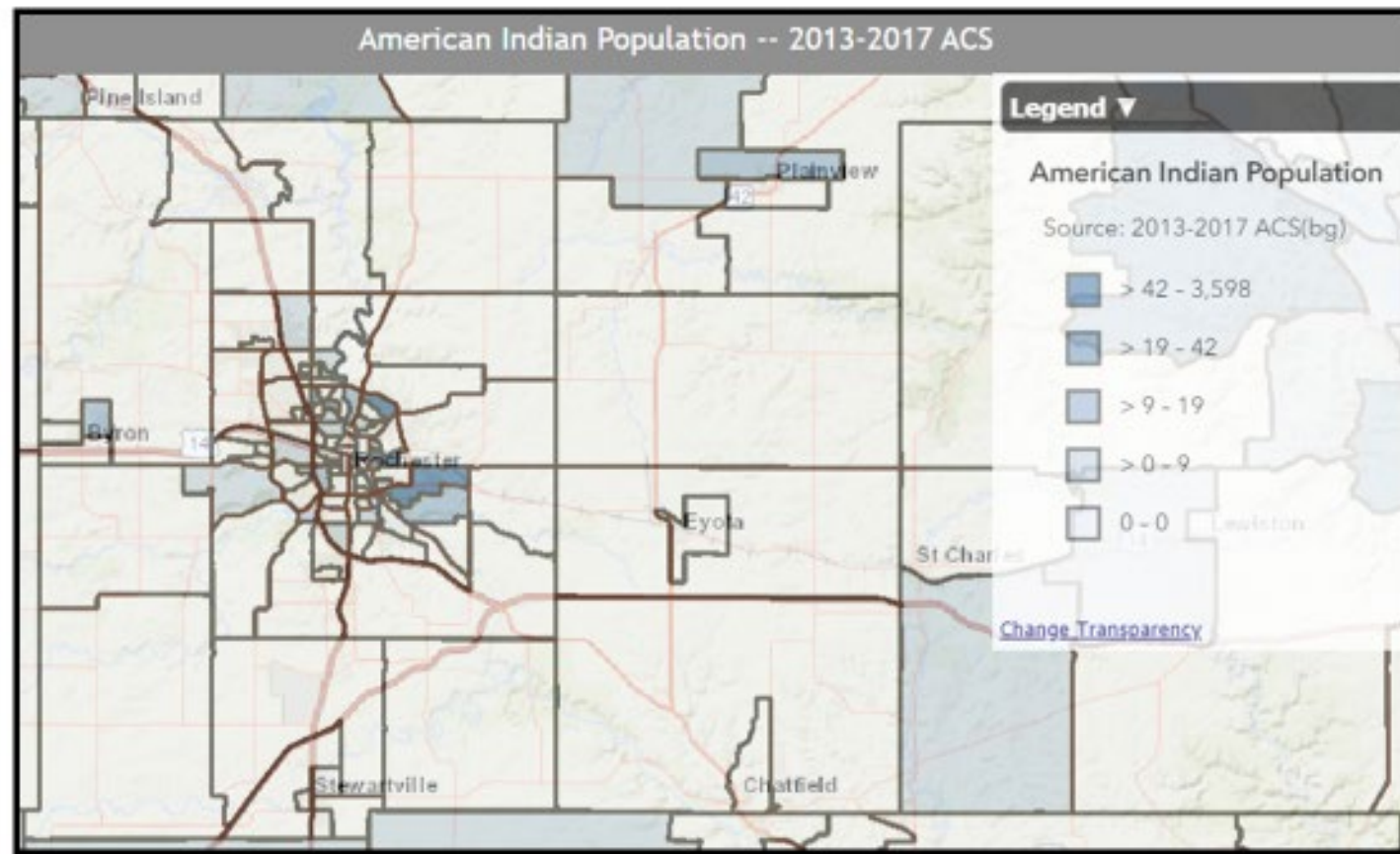
Demographic Profile of Protected Population in ROCOG Area African American (ACS 2013-17)



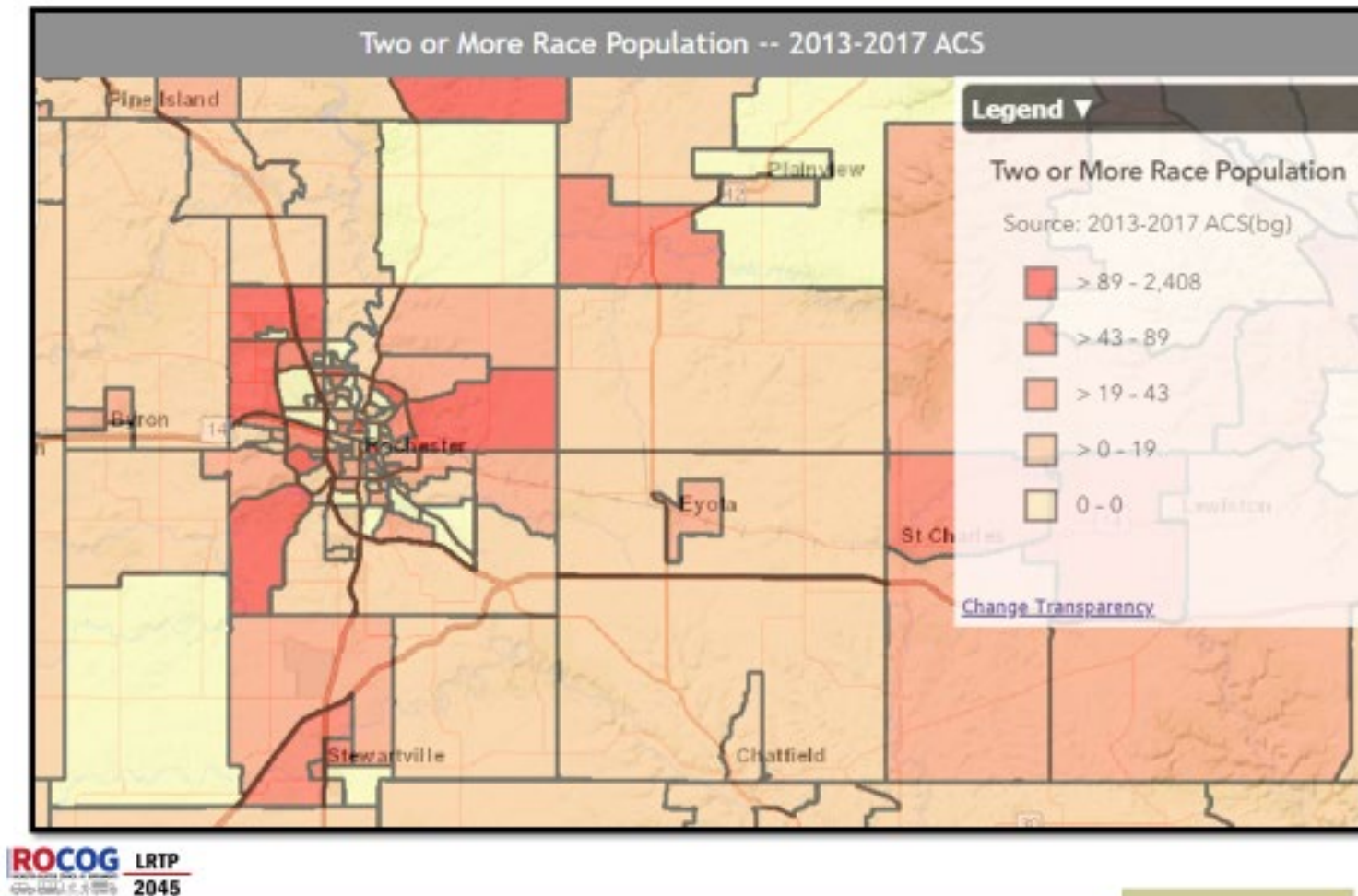
Demographic Profile of Protected Population in ROCOG Area Asian American Population (ACS 2013-17)



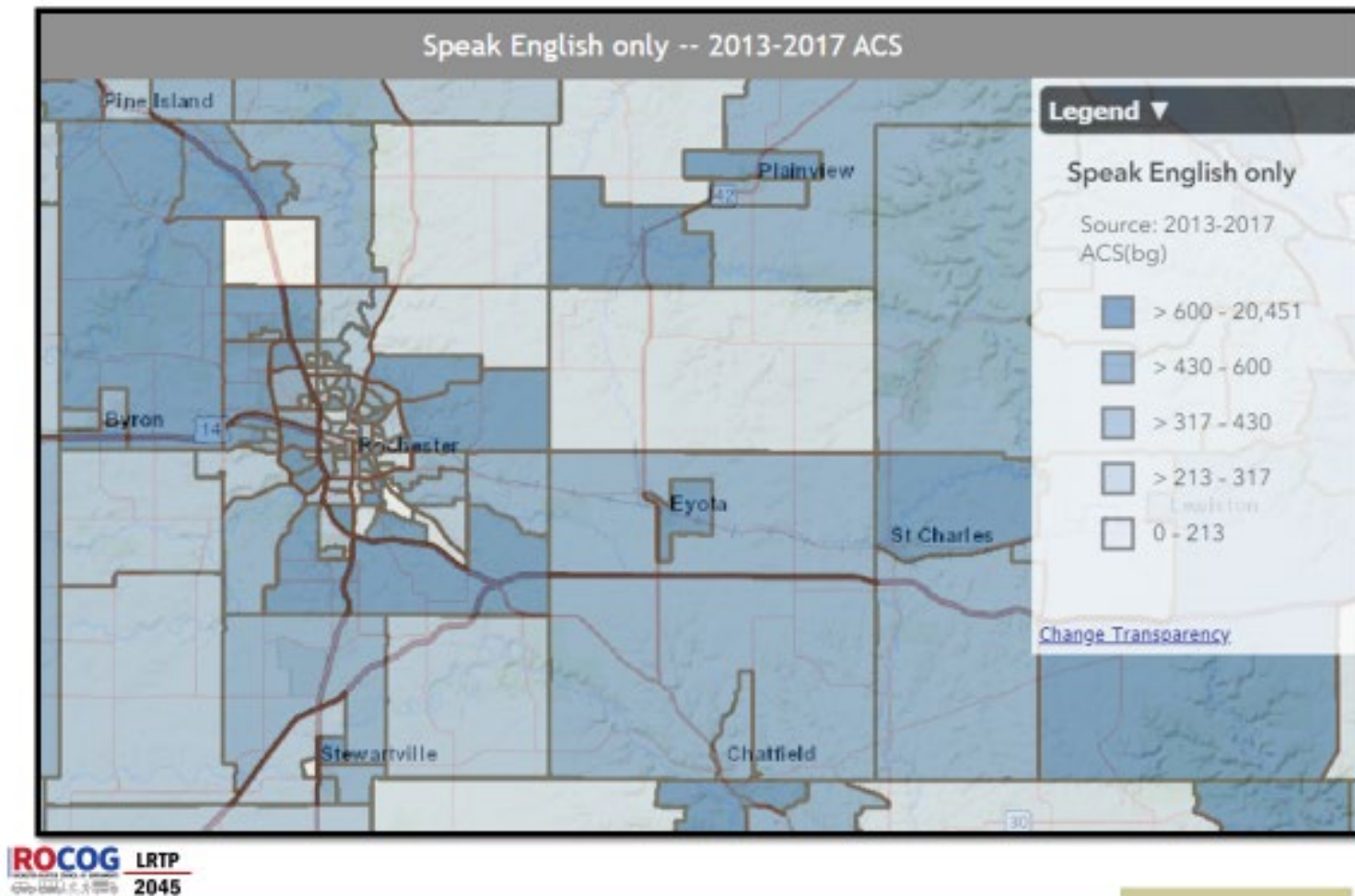
Demographic Profile of Protected Population in ROCOG Area American Indian Population (ACS 2013-17)



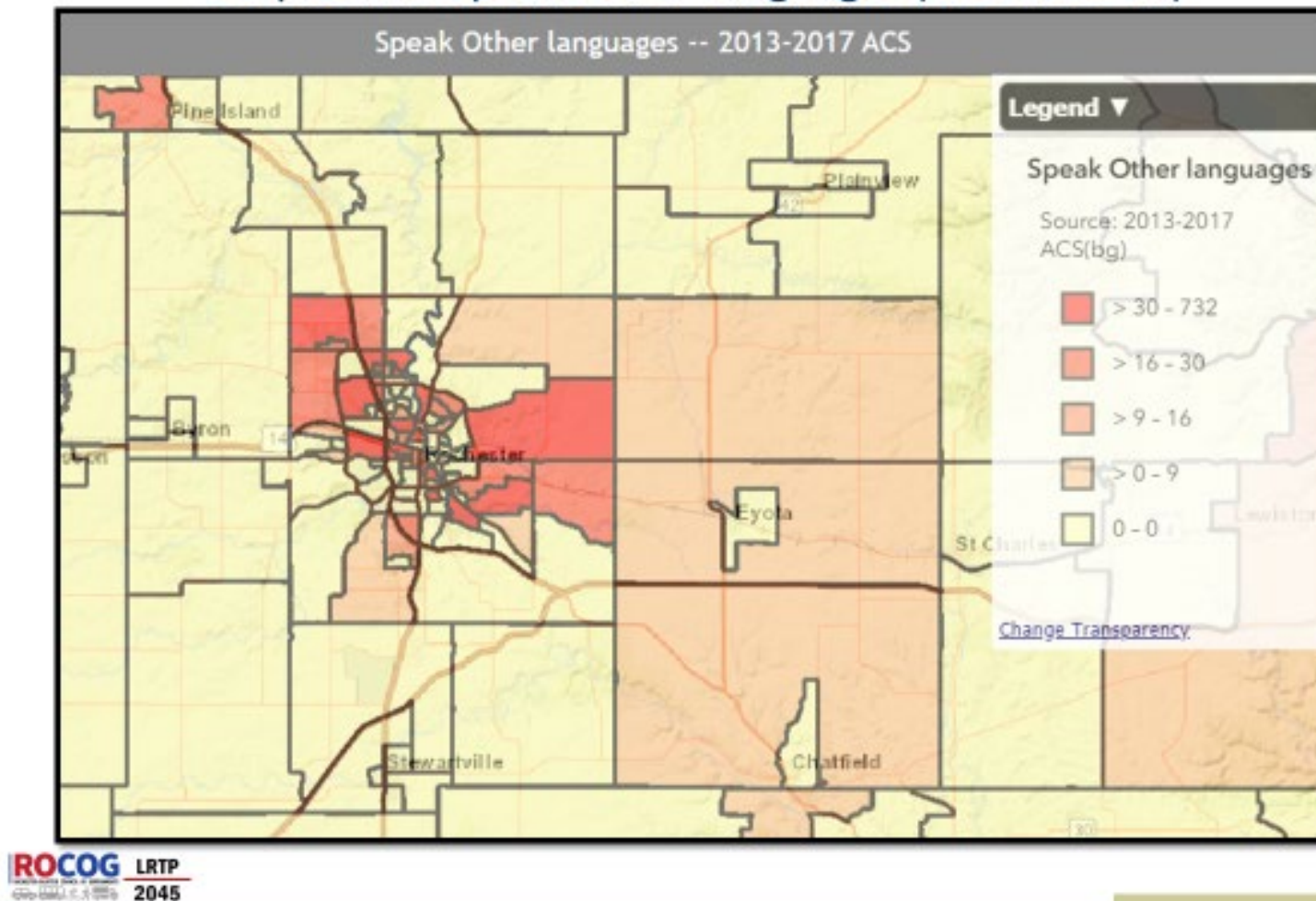
Demographic Profile of Protected Population in ROCOG Area Two or More Races (ACS 2013-17)



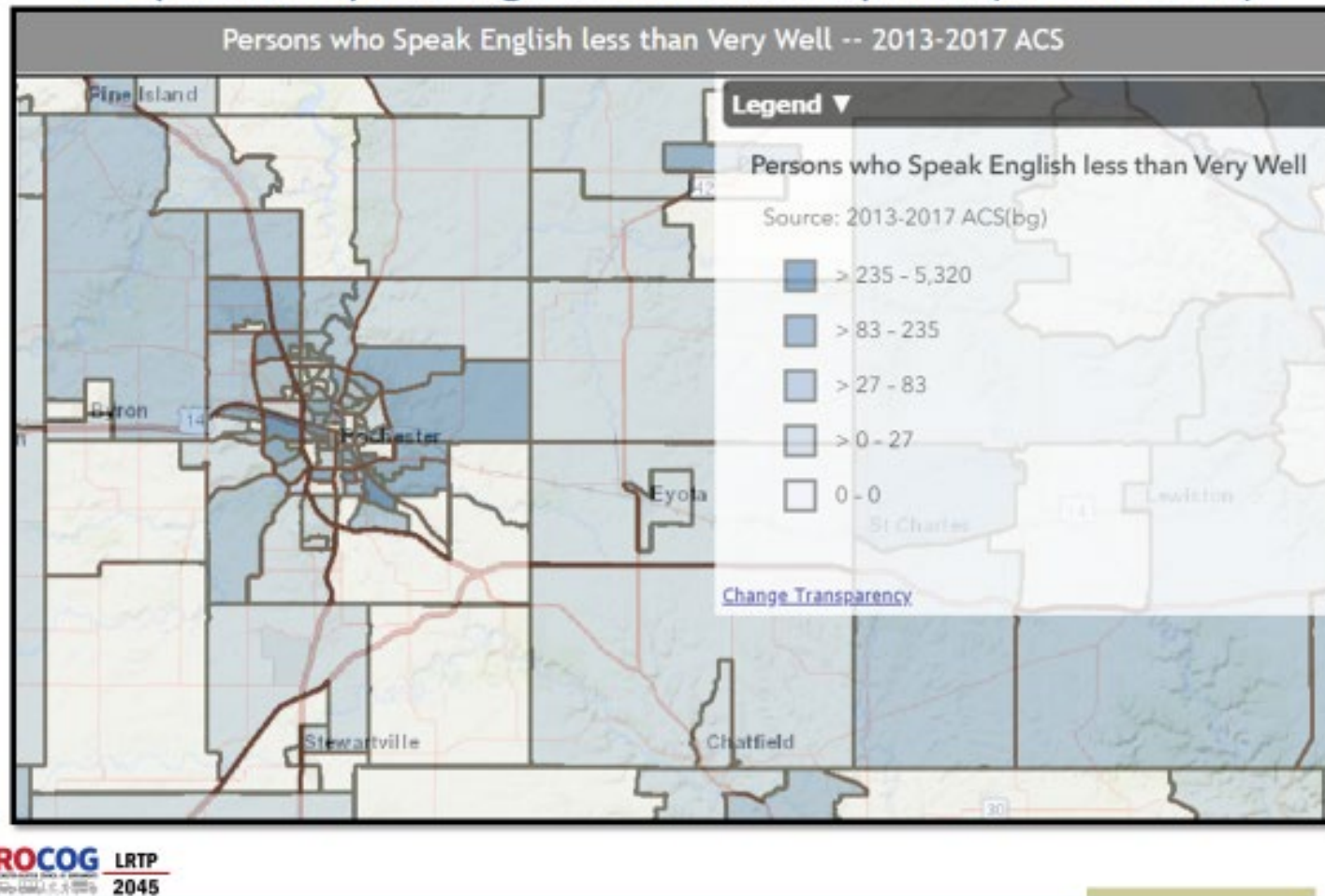
Demographic Profile of Protected Population in ROCOG Area People Who Speak English Only (ACS 2013-17)



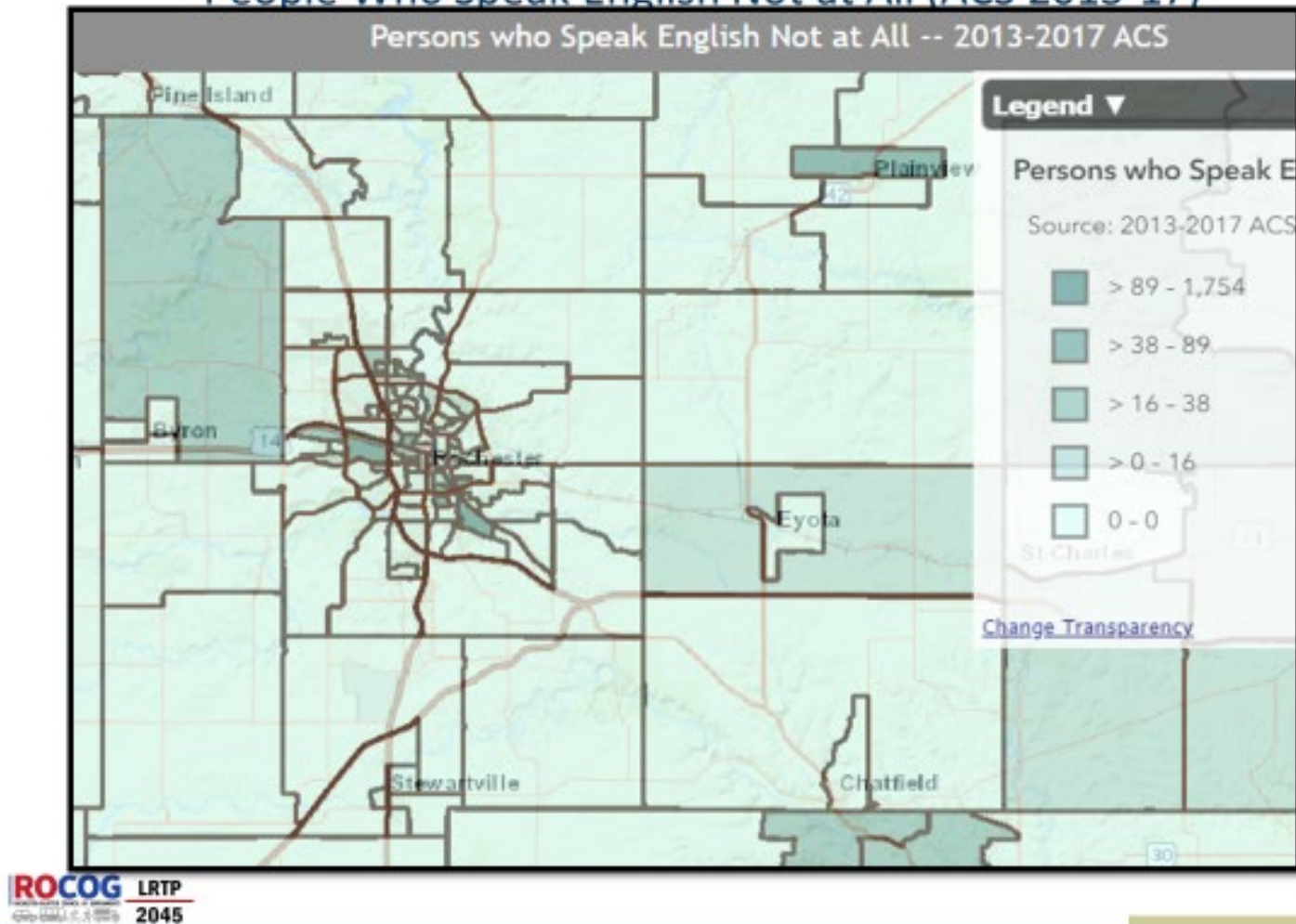
Demographic Profile of Protected Population in ROCOG Area People Who Speak Other Languages (ACS 2013-17)



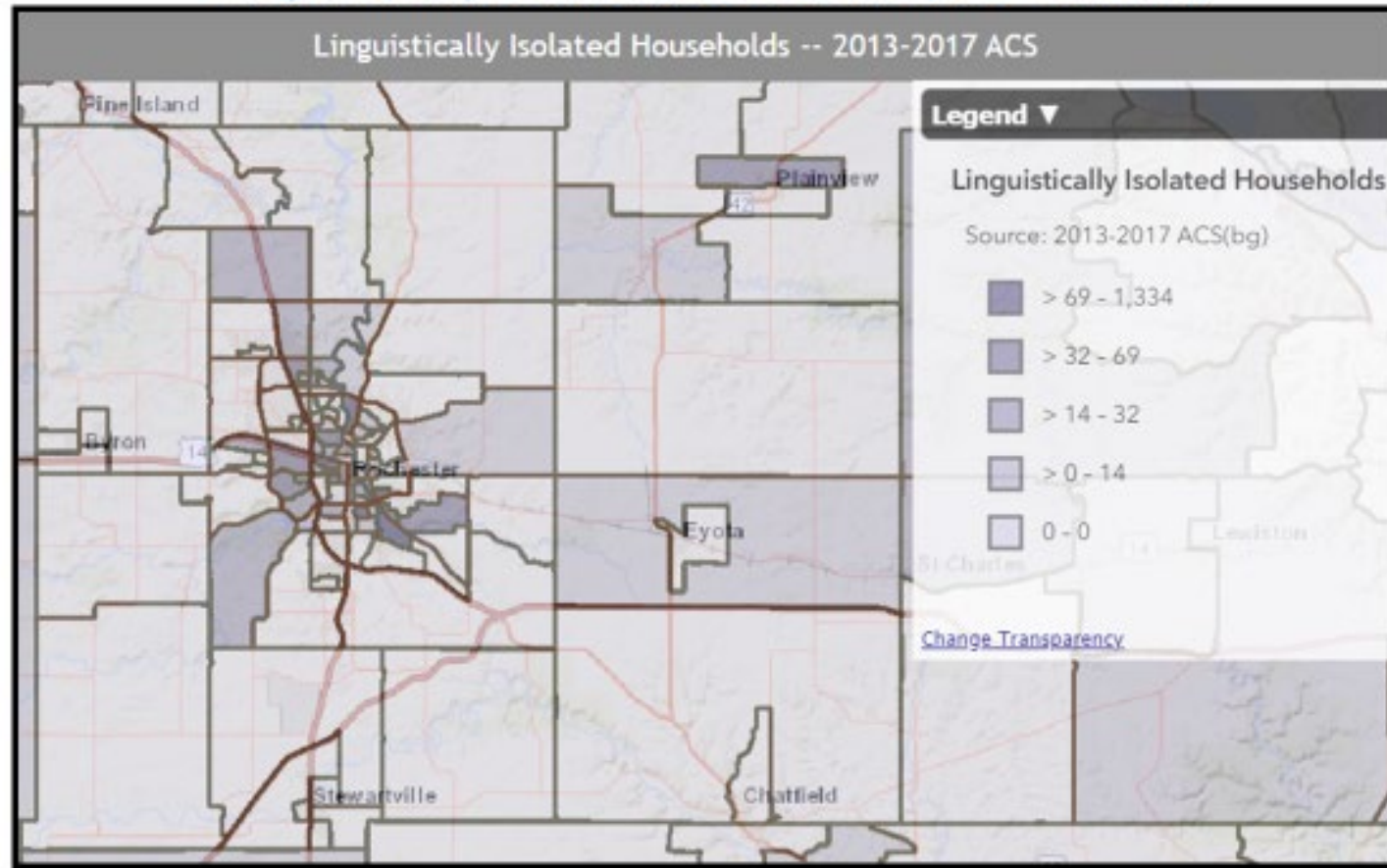
Demographic Profile of Protected Population in ROCOG Area People Who Speak English Less than Very Well (ACS 2013-17)



Demographic Profile of Protected Population in ROCOG Area People Who Speak English Not at All (ACS 2013-17)



Demographic Profile of Protected Population in ROCOG Area Linguistically Isolated Households (ACS 2013-17)



References

1. Title VI Requirements and Guidelines for Federal Transit administration recipients, [Circular FTA C 4702.1B](#) (October 1, 2012).
2. [Olmsted County Discrimination Complaint Procedure](#) under Title VI of the Civil Rights Act of 1964.
3. [Olmsted County Public Works Department ADA Transition Plan, December 2018.](#)
4. [Title VI Non-Discrimination Plan](#), Fargo-Morehead Metropolitan Council of Governments, 2020.
5. [Title VI Implementation Plan and Limited English Proficiency Language Assistance Plan](#) for the Evansville-Henderson Urbanized Area, 2018.
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8. [Title VI Non-Discrimination Program and Limited-English Proficiency Plan](#), Duluth Superior, Metropolitan Interstate Council, December 12, 2018.
9. [Title VI of the Civil Rights Act of 1964](#), as amended, 42 U.S.C. Section 2000d.
10. [Federal Transit Laws](#), Title 49, United States Code, Chapter 53.
11. [National Environmental Policy Act of 1969, as amended](#), 42 U.S.C. Section 4321 *et seq.*
12. [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended, 42 U.S.C. Section 4601, *et seq.*
13. [U.S. Department of Justice regulations, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs," 28 CFR part 42, Subpart F.](#)
14. [U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21.](#)
15. [Joint FTA/Federal Highway Administration \(FHWA\) regulations, "Environmental Impact and Related Procedures," 23 CFR part 771 and 49 CFR part 622.](#)
16. [Joint FTA/FHWA regulations, "Planning Assistance and Standards," 23 CFR part 450 and 49 CFR part 613.](#)

17. Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," Feb. 11, 1994, 59 FR 7629 (Feb. 16, 1994).
18. Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," Aug. 11, 2000, 65 FR 50121 (Aug. 16, 2000).
19. U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations, 62 FR 18377 (Apr. 15, 1997).
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