

Rochester-Olmsted Council of Governments

Title VI Non-Discrimination

and

Limited English Proficiency Plan



PREPARED BY: Rochester-Olmsted Council of Governments (ROCOG)

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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 Olmsted County Planning Department at:

2122 Campus Drive SE, Rochester, MN 55904-4744 <http://www.co.olmsted.mn.us>
http://www.planningweb@olmstedcounty.gov

Phone (507) 328-7100

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Introduction

Purpose

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.
- 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 through ROCOG's website and social media.

Statutory Authorities

Title VI / Non-Discrimination

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 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 follow:

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.

Limited English Proficiency

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*".

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 on the following web link:

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

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

Table 1: Matrix of Title VI of Civil Right 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

Table 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 / Non-Discrimination Assurances

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

The assurances agreement provides specific non-discrimination language the ROCOG is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The ROCOG is committed to ensuring the necessary language is used as prescribed in the assurance agreement.

In accordance with this requirement, the ROCOG has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances which are attached as **Appendix B**.

Relationship Between 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 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 Individual: means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Service Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved

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.

Subrecipient: an entity that receives Federal financial assistance through ROCOG as a primary recipient.

Subrecipient Oversight

In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, ROCOG must monitor their subrecipients for compliance with the regulations. Monitoring requires the ROCOG to do following:

Determine the scope of subrecipient's activities and the related Title VI responsibilities. Ensure subrecipient is aware of the identified Title VI responsibilities within the scope of its activities.

Ensure subrecipient's operations under its contract with ROCOG are carried out in accordance with ROCOG's Title VI Non-Discrimination Plan.

Contractors should agree to comply with all applicable US DOT Standard Title VI/Non-Discrimination Assurances contained in DOT Order No. 1050.2A, and in particular

Appendices C, D, and E, which also can be found at: [edocs-public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=11149035](https://public.dot.state.mn.us/edocs_public/DMResultSet/download?docId=11149035)

About ROCOG

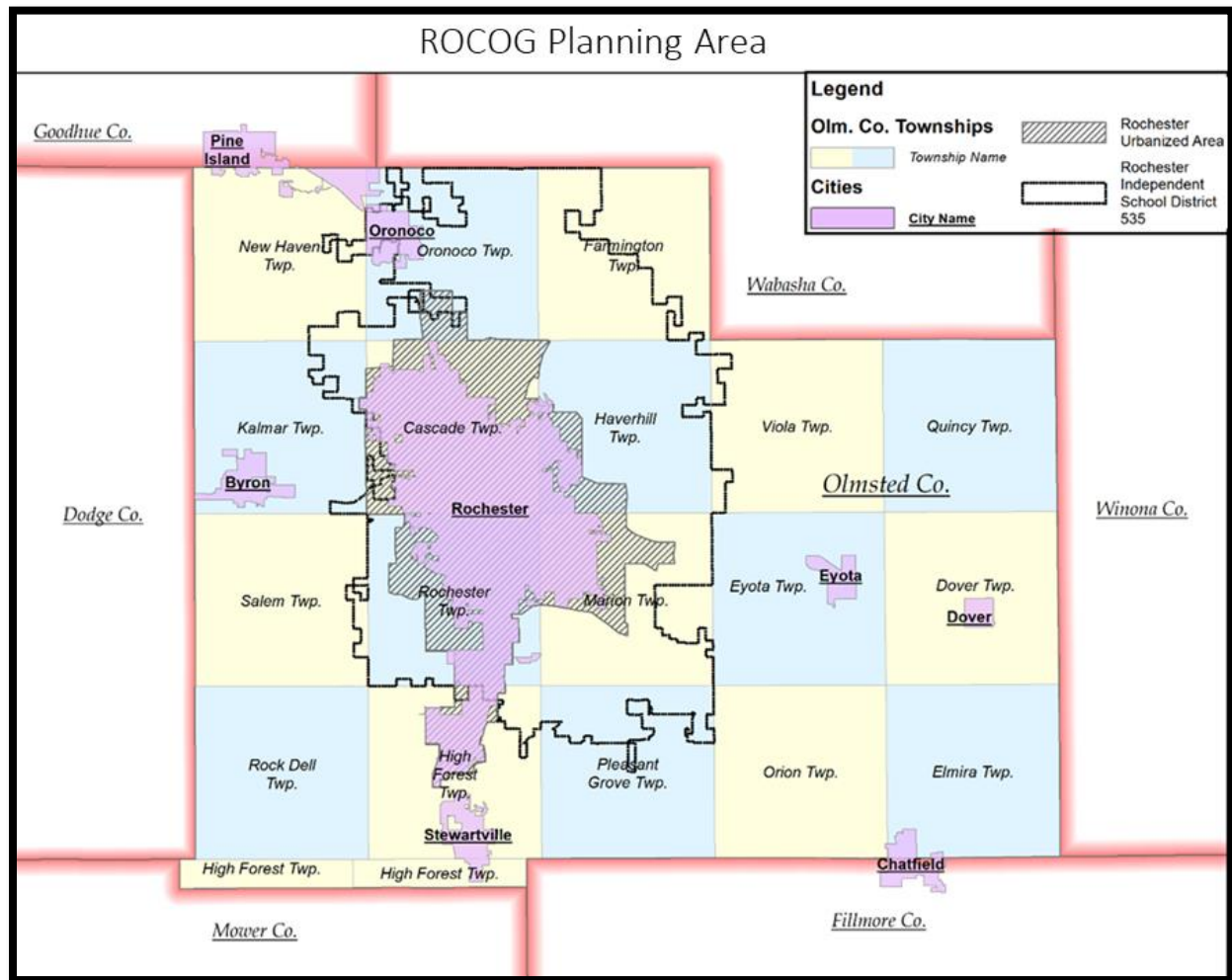
Establishment of ROCOG

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 Surface Transportation Assistance Act of 1973, which mandated the formation of MPOs, has implemented 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.

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.

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 MPA, responsibility for the implementation of specific transportation projects lies with MnDOT, and the local units of government as transportation providers. ROCOG's metropolitan planning area (MPA) includes the entirety of Olmsted County, as illustrated in Figure 1.

Figure 1: ROCOG Planning Area

ROCOG Title VI Governance and Organizational Responsibilities

Figure 2 provides an overview of ROCOG's organizational structure. The technical committee, executive committee, and staff provide recommendations to the Policy Board.

Leadership and oversight of the Rochester-Olmsted Council of Governments (ROCOG) is provided by the Policy Board with has representation from Olmsted County, the cities within Olmsted County, the townships within Olmsted County, the Rochester School District, as well as local citizen representatives.

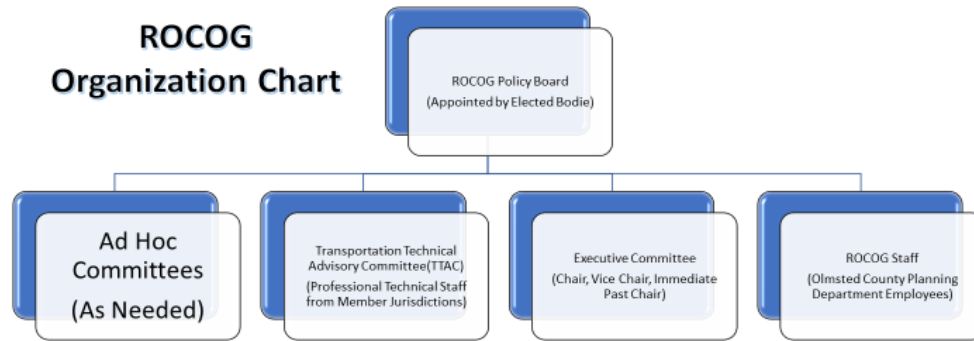
Figure 2: ROCOG Organizational Chart

Table 3 summarizes the membership of the ROCOG Policy Board:

Table 3: Membership of the ROCOG Policy Board

Membership	Representatives
City of Rochester / represented by 4 City Council members and the Mayor of Rochester	5
Olmsted County / represented by County Commissioners	3
Eighteen (18) Townships (represented by 2 members appointed by the Olmsted County Township Officers Association)	2
Cities of Byron, Chatfield, Dover, Eyota, Oronoco, Pine Island and Stewartville (represented by 3 members agreed to by ad hoc Small City discussion group)	3
Rochester Independent School District #535 (designated by the School District)	1
Community Representatives (selected by Policy Board)	2
MnDOT District 6 District Engineer, or designee (<i>ex-officio</i>)	(1)
Total	16

The ROCOG Policy Board has established an Executive Committee in its By-laws composed of the following membership:

- The Current Chair of the Policy Board
- The current Vice-Chair of the Policy Board
- The immediate past-Chair of the Policy Board or, if the past-Chair is no longer a member of the Board, a 3rd member selected by the Chair and ratified by the voting members.

The following three standing committees as shown in ROCOG Organization Chart provides advice on major transportation issues in ROCOG planning area. The Policy Board is supported by an Inter-governmental Technical Advisory Committee along with two urban planning area committees supported by the City of Rochester.

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's 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.

ROCOG also works closely with the City of Rochester's permanent advisory groups on transportation: the Citizens Advisory on Transit (CAT) and the Pedestrian and Bicycle Advisory Committee (PBAC). The data depicting membership of ROCOG board members, non-elected planning committees serving ROCOG and City of Rochester, and advisory councils/committees and ROCOG staff broken down by race and ethnicity is shown in Table 1.

Rochester Pedestrian Bicycle Advisory Committee (PBAC)

The PBAC consists of nine appointed individuals who have special interest in active living, public health, bicycling 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

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 Staff and Committee Composition

Leadership and oversight of ROCOG is provided by the Policy Board with representatives from local governmental jurisdictions, school board, and the local community through citizen representatives. 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. 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.

ROCOG encourages all citizens to participate in advisory committees through press and media. There are efforts made to recruit minority populations to participate in its permanent or project advisory committees through working with the Inter-Mutual Assistance Association (IMAA) and other minority organizations. Table 4 provides a breakdown of minority representation on staff, the Policy Board and committees that work with ROCOG.

Table 4: Minority Representation on ROCOG Board, Committees, and Staff

ROCOG Policy Board and Technical Committee								
	Total Population /Members	White	Latino	African American	Asian American	American Indian	Other Races	No Response
Population	162,847	126,764 (77.8%)	9,196 (5.6%)	11,113 (6.8%)	10,278 (6.3%)	696 (.4%)	4,036 (2.5%)	764 (.5%)
ROCOG Board	16	100%						
TTAC	18	89%			11%			
City of Rochester Committees								
	Total Population /Members	White	Latino	African American	Asian American	American Indian	Other Races	No Response
Population	121,395	88,892 (73.2%)	7,984 (6.6%)	10,794 (8.9%)	9,543 (7.9%)	600 (.5%)	3,557 (2.9%)	25 (0%)
Citizen Advisory on Transit (CAT)	7	100%						
Pedestrian and Bicycle Advisory	10	100%						
ROCOG Staff (5)								
	Staff Members	White	Latino	African American	Asian American	American Indian	Other Races	No Response
	5	4 (80%)			1(20%)			

Source: ROCOG, Rochester City and 2020 US Census

Part I – Title VI Non-Discrimination Plan

Introduction

ROCOG is committed to preventing discrimination and to fostering a just and equitable society and recognizes 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 last Title VI and the Limited English Proficiency Plan in October 2020. MPOs are required to update their Title VI and LEP Plan every three years.

Title VI/Nondiscrimination 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.

In addition to Title VI, there are other Nondiscrimination statutes, which include:

1. Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex);
2. Age Discrimination Act of 1975 (age), and
3. Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability).

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. ROCOG Title VI/Nondiscrimination Policy Statement is attached as **Appendix A**.

ROCOG Title VI Notice to the Public

Information must be 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 under the "ROCOG Title VI Notice to the Public" link on ROCOG website at rocogmn.org. The notice is also posted at the front desk of Olmsted County Planning Department Office, located at 2122 Campus Dr SE, Suite 100, Rochester, MN.

Figure 3 below is a reproduction of ROCOG's Title VI notice to the public.

Figure 3

ROCOG Title VI Notice to the Public

The Rochester Olmsted Council of Governments (ROGOC) operates its programs without regard to race, color, or national origin. If you believe you have been aggrieved by an unlawful discriminatory practice, or wish to request more information about ROCOG's obligations under Title VI of the Civil Rights Act of 1964, please contact us at the following address and telephone number:

Name: Ben Griffith
Title: ROCOG Executive Director
2122 Campus Drive SE
Rochester, MN 55904
Phone: 507-328-7100
Email: planningweb@co.olmsted.mn.us

A Title VI complaint may also be made by calling Minnesota Department of Transportation Office of Civil Rights at 651-366-3330 or submitting an online complaint form (<https://www.dot.state.mn.us/civilrights/nondiscrimination-complaint-form.html>).

Hard copy complaint forms are available in Spanish and Somali from MnDOT upon request.

Statement of Title VI Assurances

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

recipients and subrecipients must sign as a condition of receiving federal financial assistance.

The assurances agreement provides specific non-discrimination language the ROCOG is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The ROCOG is committed to ensuring the necessary language is used as prescribed in the assurance agreement.

In accordance with this requirement, the ROCOG has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances are attached as **Appendix B**.

Contractor should agree to comply with all applicable US DOT Standard Title VI/Non-Discrimination Assurances contained in DOT Order No. 1050.2A, and Appendices **C, D, and E**.

Title VI Complaint Procedure

Scope of Title VI Complaints

No person or groups of persons shall, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ROCOG, and its contractors on the grounds of **race, color, national origin, sex, age, disability, or low-income status**.

The scope of Title VI covers all internal and external activities of ROCOG. The following types of actions are prohibited under Title VI protections (See [49 C.F.R. 21.5](#)):

1. Excluding individuals or groups from participation in programs or activities
2. Denying program services or benefits to individuals or groups
3. Providing a different service or benefit or providing them in a manner different from what is provided to others
4. Denying an opportunity to participate as a member of a planning, advisory or similar body that is an integral part of the program

How to File a Formal Title VI Complaint

Any person(s) or organization(s) believing they have been discriminated against based on the protected classes state above by ROCOG or its contractors may file a Title VI complaint.

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

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

1. A written explanation of the alleged discriminatory actions.

2. The complainant's contact information, including, if available: full name, postal address, phone number, and email address.
3. The basis of the complaint (e.g., race, color, national origin, etc.).
4. The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated.
5. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
6. The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

Complainants are encouraged to submit complaints directly to MnDOT via its online complaint form available here:

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

Complaints can also be filed by completing and submitting to ROCOG Title VI Complaint Form available at ROCOG's web site or by sending an email or letter with the necessary information to ROCOG at:

Rochester-Olmsted Council of Governments
2122 Campus Dr. SE, Ste. 100
Rochester, MN 55904
rocog@co.olmsted.mn.us
[507-328-7100](tel:507-328-7100)

The complaint form is also available in hard copy at ROCOG's office. Language assistance is available for limited English proficient individuals. MnDOT has hard copy complaint forms available in [Spanish](#), [Somali](#), and [Hmong](#).

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

Complaints can also be filed directly with the following agencies:

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

Minnesota Department of Transportation
Office of Civil Rights

385 John Ireland Boulevard, Mail Stop 170
St. Paul, MN 55105

Online: [Complaint Form](#)

Fax: 651-366-3129

Phone: 651-366-3073

After submitting a complaint, the complainant will receive a correspondence informing them of the status of the complaint within ten (10) business days of ROCOG or other agency receiving the complaint. Complaints received by ROCOG's Title VI Coordinator are forwarded to the MnDOT Office of Civil Rights (OCR). MnDOT OCR will forward the complaint to the FHWA Minnesota Division Office, along with a preliminary processing recommendation. The FHWA Minnesota Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR).

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

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

Complaints are not investigated by ROCOG. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to MnDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). MnDOT OCR will have sixty (60) business days from the date the

investigation is delegated to prepare the ROI and send it to HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.

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

Title VI Complaint Recordkeeping

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

As of September of 2022, there have been NO Title VI investigations, complaints, or lawsuits filed with ROCOG.

To comply with federal requirements ROCOG maintains a Title VI Complaint Form which is included as **Appendix F**. To view a copy of the Complaint Log please see **Appendix G**.

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:

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. Also, we will make reasonable efforts to collect demographic data from public engagement participants and analyze the collected data to determine whether outreach demographics match local demographics.

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 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. 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. 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.

Part II – Title VI and Environmental Justice Considerations in the Planning and Programming Process

Introduction

ROCOG seeks to identify the mobility needs of minority populations during the transportation planning and programming process through early and continuing public outreach to minority populations to obtain their input, and through data and GIS analysis of the location of minority population concentrations relative to existing and planned jobs and services and their travel patterns. The following sections outline in more detail how Title VI and environmental justice considerations are incorporated into ROCOG's planning and programming process.

Title VI establishes that the mobility needs of communities of concern should be considered in the MPO planning process at the plan development, programming, and project level. ROCOG, as the metropolitan planning organization for the Rochester, MN, region, 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 primarily in the following ways:

Communities of concern are identified as those census block groups and Census Tract level 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 2016-2020 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.

Appendix H includes a series of maps based on American Community Survey Data 2015-2019 illustrating the geographic location and distribution of populations that are protected under Title VI and Environmental Justice related regulations established by the United States.

The general public, as well as Title VI, and Limited English Proficient populations, are engaged in the planning process through ongoing public outreach activities. The policy specifically recognizes the need for extra efforts in terms of outreaching under-represented groups and relies on the efforts of not only ROCOG committees but citizen involvement of its member jurisdictions, such as Rochester Citizen's Advisory on Transit,

to conduct outreach to communities of concern particularly in regard to public transit services and infrastructure projects.

Promoting Inclusive Public Participation

Public Participation Plan (PPP)

ROCOG's Public Involvement Plan (PIP), approved by ROCOG Board on May 25, 2022, provides a framework for engaging the public in the regional transportation planning and programming process. ROCOG recognizes that effective public involvement is inclusive of the needs of all transportation system users with an emphasis on traditionally underserved populations. The goals of the PIP include:

- Inform the Public and Engage Citizens in the Transportation Planning Process
- Facilitate two-way communication between the public and key decision makers
- Evaluate effectiveness of public participation strategies

The PIP identifies multiple stakeholders that are important participants in the transportation planning process. Further information regarding the PIP can be found on ROCOG's website at:

https://www.olmstedcounty.gov/sites/default/files/2022-06/final%20PIP%202022_0.pdf

Language Access Plan

Under Executive Order 13166, recipients of federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities for individuals who have a limited ability to read, write, speak, or understand English.

ROCOG seeks to ensure meaningful access for limited English proficient (LEP) individuals to the regional transportation planning process, information published by ROCOG, and ROCOG's programs by adhering to its Language Access Plan. The plan outlines the procedures and practices ROCOG uses to provide meaningful access to its programs and activities for LEP populations.

For more detailed information regarding ROCOG's Language Access Plan, please refer to Part III of this plan document.

Procedure for Conducting an Environmental Justice Analysis

ROCOG is committed to continuing efforts to enhance the analytical capability for assessing distributional impacts of transportation programs, policies, and projects in its transportation plans and the TIP. The objective of Executive Order 12898 on Environmental Justice is to ensure that Federal agencies and programs that receive Federal funding promote and enforce nondiscrimination as one way of achieving the overarching objective of environmental justice. FTA issued FTA Circular 4703.1 in 2012

to provide guidance on how recipients of Federal funding can integrate environmental justice principles into the transportation planning and programming process. This section provides a brief overview of the process that ROCOG follows to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.

An environmental justice (EJ) or community impact assessment is conducted for the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP). This includes a qualitative analysis in which planned or programmed roadway, transit, and bicycle projects are overlaid or superimposed on a map highlighting the areas with concentrations of minority populations and/or low-income populations to determine the extent to which these areas are negatively or positively impacted by projects. The EJ analyses of the MTP and TIP are conducted at the draft stage well before they are finalized in order to inform the MTP and TIP development process and address any disproportionate impacts if discovered.

These analyses for the 2045 MTP and the annual TIP updates have concluded that the planned and programmed projects do not impose disproportionately high and adverse impacts on minority or low income communities. Additionally, the analyses identified the benefits of the recommended and programmed transportation projects and services are reasonably distributed to meet the needs of all populations in the metropolitan planning area. See Appendix F for how the 2023-2026 programmed Transportation Improvement Program projects overlap EJ population areas in the Rochester Urbanized Area.

Title VI and Environmental Justice in ROCOG Planning Documents

Listed in this section are some of the major ROCOG planning efforts that reflect Title VI and EJ issues most closely.

Metropolitan Transportation Plan (MTP)

The purpose of the metropolitan transportation plan is to set a policy direction and identify how the region intends to invest in the transportation system across all modes. The MTP ensures that transportation projects are coordinated between the various levels of government (municipal, county, state, and federal). The ROCOG 2045 Long Range Transportation Plan contains the coordinated vision for the region. MTPs must:

- Have at least a 20-year planning horizon that supports the ten Federal Planning Factors
- Be updated every 5 years

Goals of the ROCOG 2045 Long Range Transportation Plan that seek to improve equity for all users of the transportation system include

- Improve Safety through mitigation of high risk/high conflict locations & behaviors.
- Improve Bicycle and Pedestrian connections with and through Downtown Rochester.
- Provide neighborhood Bicycle and Pedestrian connectivity to urban trail and path networks and major activity hubs outside of area downtowns.
- Support Implementation of transit system enhancements to increase transit mode share.
- Provide convenient access to goods, services, jobs and recreation for all residents regardless of socio-economic status, physical ability or age.
- Support targeted areas of planned growth at transit supportive densities (TODs) with investment in transit and non-motorized infrastructure.
- Educate, motivate and reward people through programs and services that make it easier for commuters to travel by bus, carpool, walking or biking.
-

Transit Development Plan (TDP)

The Transit Development Plan (TDP) for the Rochester Urbanized Area is a short to medium range strategic plan intended to identify transit needs and proposed improvements and studies over a five-year planning horizon. Rochester Public Transit (RPT) is responsible for developing and maintaining the TDP. ROCOG works in close cooperation with RPT, funding partners, and the Citizen's Advisory on Transit to develop the plan. An Environmental Justice (EJ) analysis is typically conducted for the TDP, with the most recent analysis completed as part of the 2021-2022 TDP update.

Part III – Limited English Proficiency Plan

Introduction

The 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 2020.

Statutory Authorities

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.

Limited English Proficiency Plan Summary

The 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

Limited English Plan Preparation Procedure

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 five years ACS data from 2016-2020 to understand the size of populations speaking different languages for which translation services may be needed. ROCOG has also reviewed data on languages spoken at home from the 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 (2016-2020 ACS)

Table 5 shows the estimated population as per American Community Survey 2016-2020. It includes population over 5 years and estimated number of Limited English Proficient population in ROCOG area. There were 145,726 people over 5 years old and 5% of that population had Limited English Proficiency and requires some language assistance.

Figures 4 and 5 show population who speaks other than English and poverty status in Rochester Urbanize Area and ROCOG regional area by Census Tracts. There are a few census tracts in Rochester Urbanized area where more than 5% of the population over 5 years of age speaks other than English language at home. There are a few census tracts in urbanized area where high percentage of population belonging to below poverty status resides. The regional map shows 1-2% population who speaks languages other than English at home. The poverty status of population residing in the regional census tracts is relatively better than urbanized area.

Table 5: Estimated Limited English Proficient Population in ROCOG Area

Demographic Information*	Population	Percentage of Population
Total Population	156,446	
Population (5 years and over)	145,726	93.15%
Language Spoken at Home Other Than English	20,839	14.30%
Speak English Very Well	13,553	9.3%

Limited English Proficient Persons	7,286	5%
<i>*Limited English Proficient-Speaking or Speak English less than Very Well.</i> <i>*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</i> Source: American Community Survey 2016-2020		

Figure 4: Population Who Speaks Other Languages and Poverty Status in Rochester Area

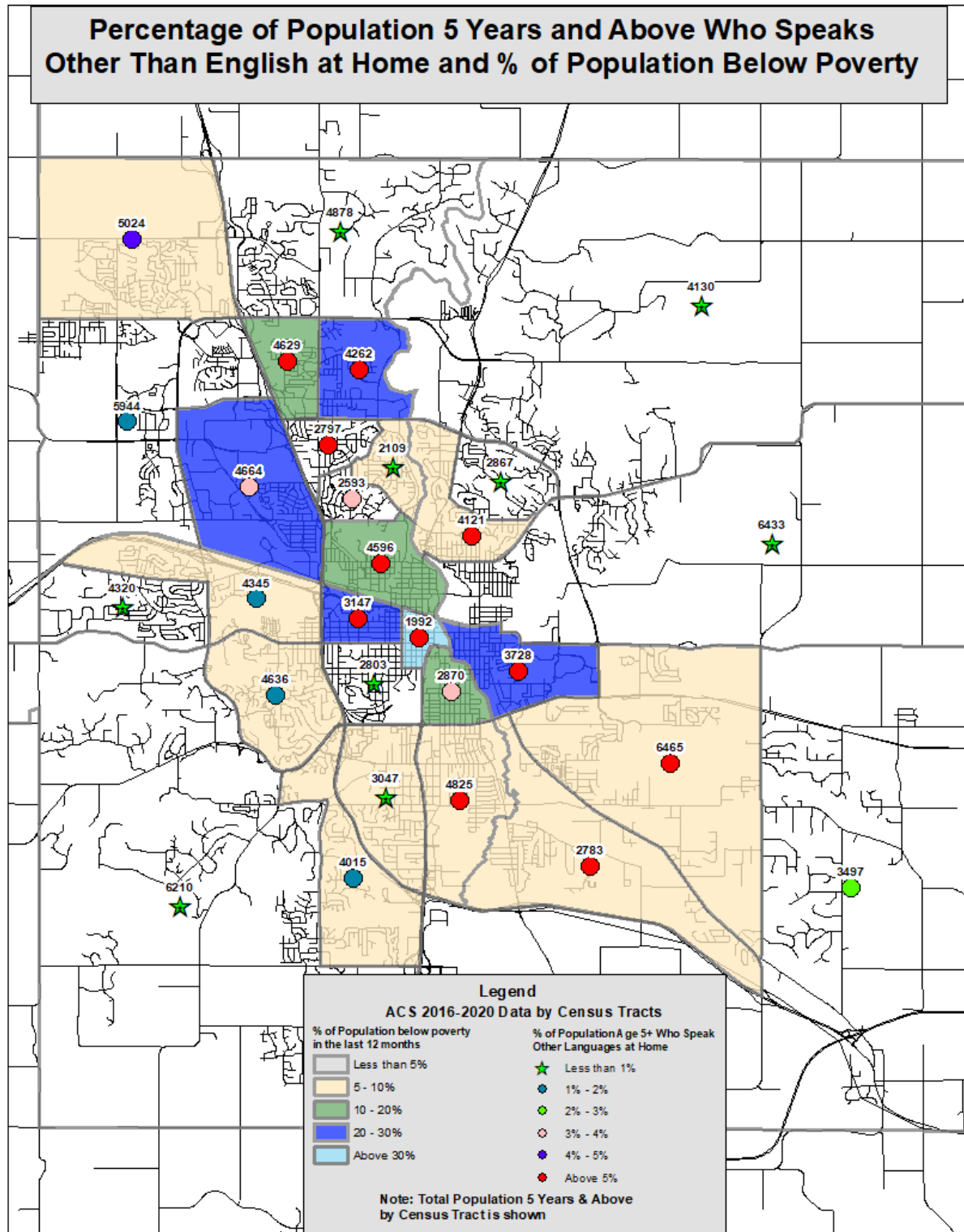
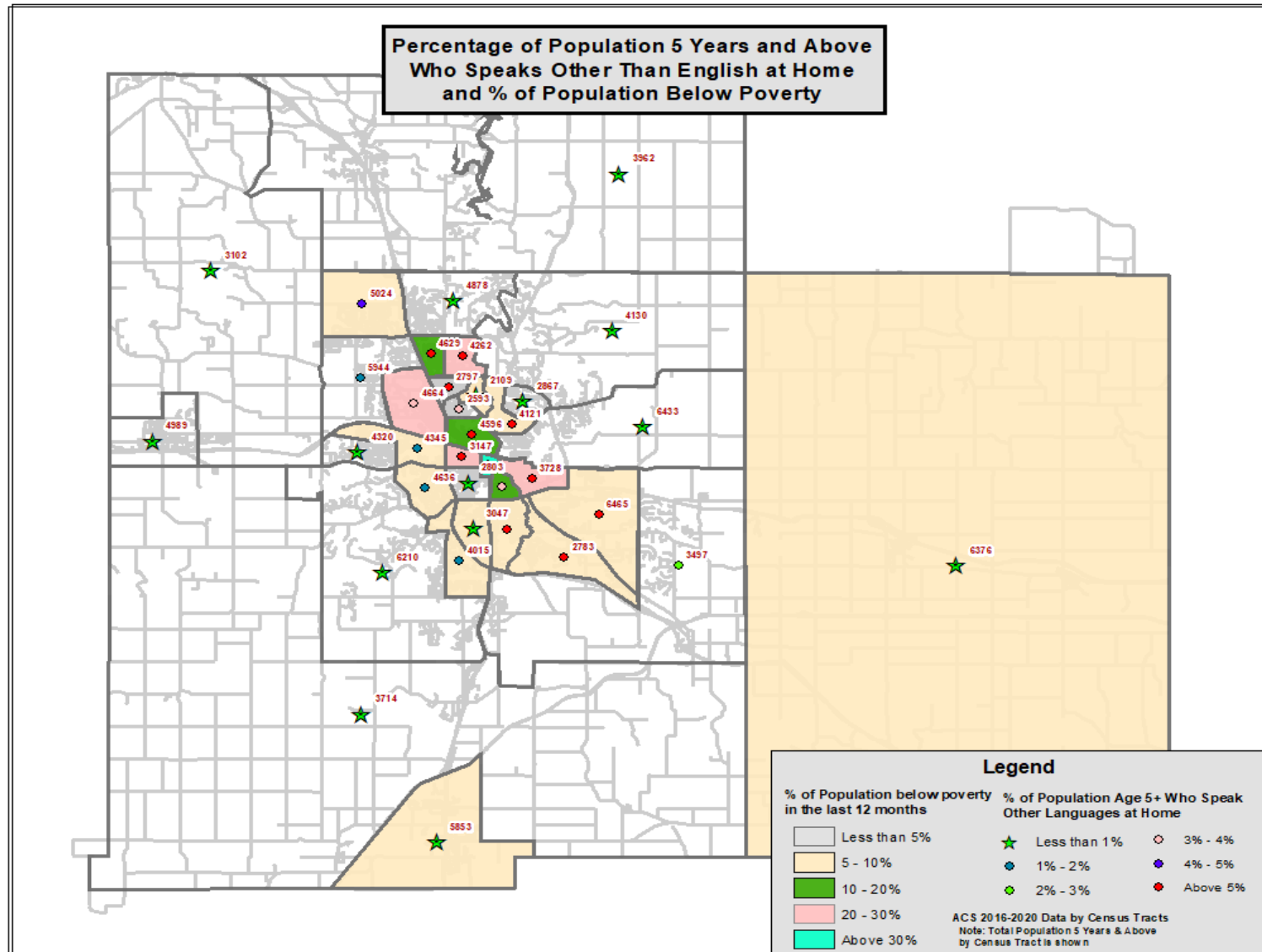


Figure 5: Language Spoken Other than English at Home and Poverty Status in ROCOG Area



School Systems Data on Language Spoken at Home

Table 6 shows 2021-2022 fall enrollment totals in the Rochester School District broken down by primary language spoken at home. There were 83 different languages reported as being the primary language in the households of children enrolled in 2021-2022. Approximately 24% 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.

Most commonly used or languages spoken at home in Rochester School District include:

1. Spanish (7.06%)
2. Somali (4.78%)
3. Arabic (2.45%)
4. Khmer / Cambodian (1.86%)
5. Chinese Mandarin (1.10%)
6. Vietnamese (1.02%)
7. Lao, Laotian (.67%)

Table 7 shows the primary languages spoken in small cities of Olmsted County, approximately 98% of the students come from families who speak English and only 2% families speak languages other than English at home. Predominant languages spoken at home in Small Cities in Olmsted County School District include:

1. Spanish
2. Khmer / Cambodian
3. Hmong
4. Russian
5. Chinese
6. Somali
7. Bosnian
8. French
9. German
10. Hindi

Table 6: 2021-2022 Primary Language Spoken at Home in the Rochester School District (Source: Minnesota Department of Education, 2021-2022)

Language Name	# Students	%	Language Name	# Students	%
English	12990	75.35	Hebrew	5	0.03
Spanish	1218	7.06	Icelandic	5	0.03
Somali	824	4.78	Igbo	5	0.03
Arabic	422	2.45	Ukrainian	5	0.03
Khmer, Cambodian	320	1.86	French, Creolized	4	0.02
Chinese, Mandarin	189	1.10	Tibetan	4	0.02
Vietnamese	175	1.02	Bulgarian	3	0.02
Lao, Laotian	115	0.67	Catalan	3	0.02
Dinka	114	0.66	Czech	3	0.02
Anuak	98	0.57	Fulah	3	0.02
Bosnian	79	0.46	Hungarian	3	0.02
Hmong	73	0.42	Italian	3	0.02
Amharic	48	0.28	Kannada	3	0.02
Japanese	39	0.23	Nepali	3	0.02
Korean	39	0.23	Acholi	2	0.01
Hindi	36	0.21	Danish	2	0.01
Swahili, Kiswahili	36	0.21	Grebo	2	0.01
Urdu	34	0.20	Greek	2	0.01
Telugu	33	0.19	Norwegian	2	0.01
French	32	0.19	Polish	2	0.01
Bengali	26	0.15	Romanian	2	0.01
Russian	21	0.12	Shona	2	0.01
Afrikaans	18	0.10	Slovenian	2	0.01
Filipino, Pilipino	15	0.09	Adangme	1	0.01
Herzegovnian, Montenegrin	13	0.08	Akan	1	0.01
English, Creolized	12	0.07	Armenian	1	0.01
Mandingo	12	0.07	Bari	1	0.01
Oromo, Afan Oromo, Oromiffa	12	0.07	Bassa	1	0.01
Farsi	11	0.06	Burmese	1	0.01
Tamil	11	0.06	Cantonese	1	0.01
Nuer	10	0.06	Ibibio	1	0.01
German	9	0.05	Kabyle	1	0.01
Tigrinya	8	0.05	Karen	1	0.01
Turkish	8	0.05	Kissi, Gissi	1	0.01
Gujarati	7	0.04	Kurdish	1	0.01
Marathi	7	0.04	Malagasy	1	0.01
Not Specific	7	0.04	Oriya	1	0.01
Cebuano,	6	0.03	Sinhala	1	0.01
Portuguese	6	0.03	Swedish	1	0.01
Sign Language, ASL	6	0.03	Vietnamese	175	1.02

Thai	6	0.03	Yombe	1	0.01
Yoruba	6	0.03			

Table 7 shows that outside the Rochester Urbanize Area, there are less than 2% students who come from households that speak a language other than English.

Table 7: Primary Language Spoken at Home in Small Cities

Small Cities School District	Language Name	Number of Students	%
BYRON PUBLIC SCHOOL DISTRICT	Bosnian	1	0.04
BYRON PUBLIC SCHOOL DISTRICT	Chamor	1	0.04
BYRON PUBLIC SCHOOL DISTRICT	Telugu	1	0.04
BYRON PUBLIC SCHOOL DISTRICT	Mina	1	0.04
BYRON PUBLIC SCHOOL DISTRICT	Hindi	2	0.09
BYRON PUBLIC SCHOOL DISTRICT	Lao, Laotian	2	0.09
BYRON PUBLIC SCHOOL DISTRICT	Russian	2	0.09
BYRON PUBLIC SCHOOL DISTRICT	Hmong	3	0.13
BYRON PUBLIC SCHOOL DISTRICT	Chinese, Mandarin	7	0.31
BYRON PUBLIC SCHOOL DISTRICT	Spanish	10	0.44
BYRON PUBLIC SCHOOL DISTRICT	English	2221	98.67
DOVER-EYOTA PUBLIC SCHOOL DISTRICT	Filipino, Pilipino	2	0.19
DOVER-EYOTA PUBLIC SCHOOL DISTRICT	Russian	3	0.28
DOVER-EYOTA PUBLIC SCHOOL DISTRICT	Spanish	10	0.93
DOVER-EYOTA PUBLIC SCHOOL DISTRICT	English	1057	98.60
STEWARTVILLE PUBLIC SCHOOL DISTRICT	French	1	0.05
STEWARTVILLE PUBLIC SCHOOL DISTRICT	German	1	0.05
STEWARTVILLE PUBLIC SCHOOL DISTRICT	Somali	1	0.05
STEWARTVILLE PUBLIC SCHOOL DISTRICT	Chinese, Mandarin	2	0.10
STEWARTVILLE PUBLIC SCHOOL DISTRICT	Khmer, Cambodian	3	0.15
STEWARTVILLE PUBLIC SCHOOL DISTRICT	Spanish	30	1.48
STEWARTVILLE PUBLIC SCHOOL DISTRICT	English	1989	98.13

Source: Minnesota Department of Education, School District Data 2021-2022

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 2016-2020 American Community Survey and found that there are an estimated that more than 5% of population 5 years or more residing in ROCOG area with a limited English-Speaking abilities and may require language assistance of one type or another, as reported in Table 2.

In using the latest data from the Minnesota Department of Education for School Districts within the ROCOG Planning Area including the small cities, 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 planning work.

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

ROCOG in-house research indicates historically there has been, 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 Olmsted County Government. In a number of Planning Department activities such as the Rochester Comprehensive Plan Update in 2018, 2023-2026 Transportation Improvement Programs and the ROCOG 2045 Long Range Transportation Plan 2045, 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 majority of minority populations reside 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 outreaching 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. Nature and importance of programs or services provided by ROCOG to the LEP population

ROCOG provides limited programs or services to the LEP population 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.

The ROCOG Policy Board, staff, consultants, or sub-recipients contact LEP individuals through public notices/meetings and other general public involvement opportunities. Inclusive public participation is a priority consideration in ROCOG plan, 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, and 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 do the best of its abilities, ensure that LEP persons have a meaningful opportunity to participate in the transportation planning process. In particular, Title VI notice will be translated, and services will be available in two vital languages Spanish and Somali. Limited service is also available to less commonly used languages in Rochester Urban area as follows:

- Arabic (2.45%)
- Khmer / Cambodian (1.86%)
- Chinese Mandarin (1.10%)
- Vietnamese (1.02%)
- Lao, Laotian (.67%)

Safe Harbor for Written Translations

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

The following actions are considered strong evidence of compliance with ROCOG's written-translation obligations:

(a) Providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 people, whichever is less, of the population of individuals eligible to be served or likely to be affected or encountered. Translation of non-vital documents, if needed, can be provided orally; or

(b) If there are fewer than 50 individuals in a language group that reaches the 5% trigger in (a), the vital written materials are not translated, but written notice of the right to receive free, competent oral interpretation of those vital written materials in the primary language of the LEP language group is provided.

After reviewing the available LEP data, ROCOG determined the following languages meet the safe harbor threshold in its service area:

1. Spanish
2. Somali

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 and contact information in ROCOG meeting agenda and other communications of LEP language assistance service available for population needing assistance in languages that 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](https://www.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 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:
 - a. Interpretive services, within reason, will be provided for public meetings if advance notice is provided to ROCOG and such services are readily available.
 - b. 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-need basis.
- 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 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.

Staff Training

USDOT require MPOs to engage Limited English Proficient population in their jurisdiction. USDOT also requires ***"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 is aware of USDOT LEP requirements and taking all necessary 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

Part IV: Demographic Profile of Communities of Concern

Introduction

Communities of concern and Title VI population were studied by ROCOG staff using the five years data from the American Community Survey (ACS 2016-2020, table S0601, table S0501). The first step was to identify minority population by two geographical areas i.e., ROCOG Planning Area and Rochester Urban Area. Table 5 shows the data for minority, limited English proficient and low-income populations in ROCOG planning area and Rochester Urban Area. According to 2016-2020 ACS data significant minority population reside in Rochester and ROCOG area. Similarly, large number of households in Rochester Urban area speaks languages other than English.

The lower half of Table 8 shows poverty status is based on income in the past 12 month in ROCOG and Rochester Urbanized areas. For the purposes of calculating the percentage of low income, the threshold of poverty status in the last 12 month is used to identify the areas where low-income population reside in ROCOG area. The following three categories are used as shown in the table:

1. Below 100% Poverty
2. Between 100-149% Poverty
3. At or above 150% Poverty

Two categories of poverty status are important for Title VI purposes, those who were below 100% poverty and those who were below 100-149% poverty level in the last 12 months. Combined total of those categories is 14-16% in ROCOG planning area are considered to be below poverty level. Poverty level is higher in the urban area than greater Olmsted County area.

Minority, Limited English Proficiency, Low-Income and people with disabilities populations are generally overlooked in the planning process. Therefore, it is important to identify those populations and provide an opportunity for them to be involved early in the planning process. The percentage of workers 16 years and over with no vehicle is also considered important for Title VI purposes. The share of the population without access to a vehicle is found to be 2.1% in ROCOG area. ACS 2016-2020 data analysis shows that majority of those without access to vehicle reside in the urban area and mostly walk or use transit to work. There are a few census tracts in southeast side and other parts of Rochester where some people without access to a vehicle reside and those areas are well served by public transit and active transportation facilities.

Table 8: Title VI Minority and Low-Income Population

Minority Population			
Geography	Total Population	Minority Population	Minority Population
ROCOG Planning Area	156,446	34,076	21.78%
Rochester Urban Area	117,134	31,743	27.09%
Minority Population and Limited English Proficiency			
	ROCOG Area	Rochester Urban Area	
Population (5 years and over)	145,726	108,710	
Language Spoken at Home Other Than English	14.30%	18.10%	
Speak English Very Well	9.3%	11.6%	
<i>*Limited English Proficient-Speaking or Speak English less than Very Well.</i>	5%	6.4%	
Poverty Status in the Past 12 Months			
Geography	Population 1 year and over and Poverty Status	Percentages of Poverty in the past 12 Moths	
ROCOG Planning Area	151,940		
Below 100% of poverty	12,194	8.02%	
100-149% of poverty	8,948	5.88%	
At or above 150% of poverty	130,798	86.05%	
Geography	Population 1 year and over and Poverty Status	Percentages of Poverty in the past 12 Moths	
Rochester Urban Area	113,343		
Below 100% of poverty	10,739	9.47%	
100-149% of poverty	7,256	6.40%	
At or above 150% of poverty	95,348	84.14%	
Geography	Noninstitutionalized Population	With any Disability	No Disability
ROCOG Planning Area	154,672	9.6%	94.4%
Rochester Urban Area	115,519	10.2%	89.8%

Source: ACS 2016-2020, Table S1601, S1101

Minnesota Department of Education Data on Race and Ethnicity

Data from Minnesota Department of Education (MDE) is another source of information that ROCOG reviews to understand the composition of the population relative to race and ethnicity.

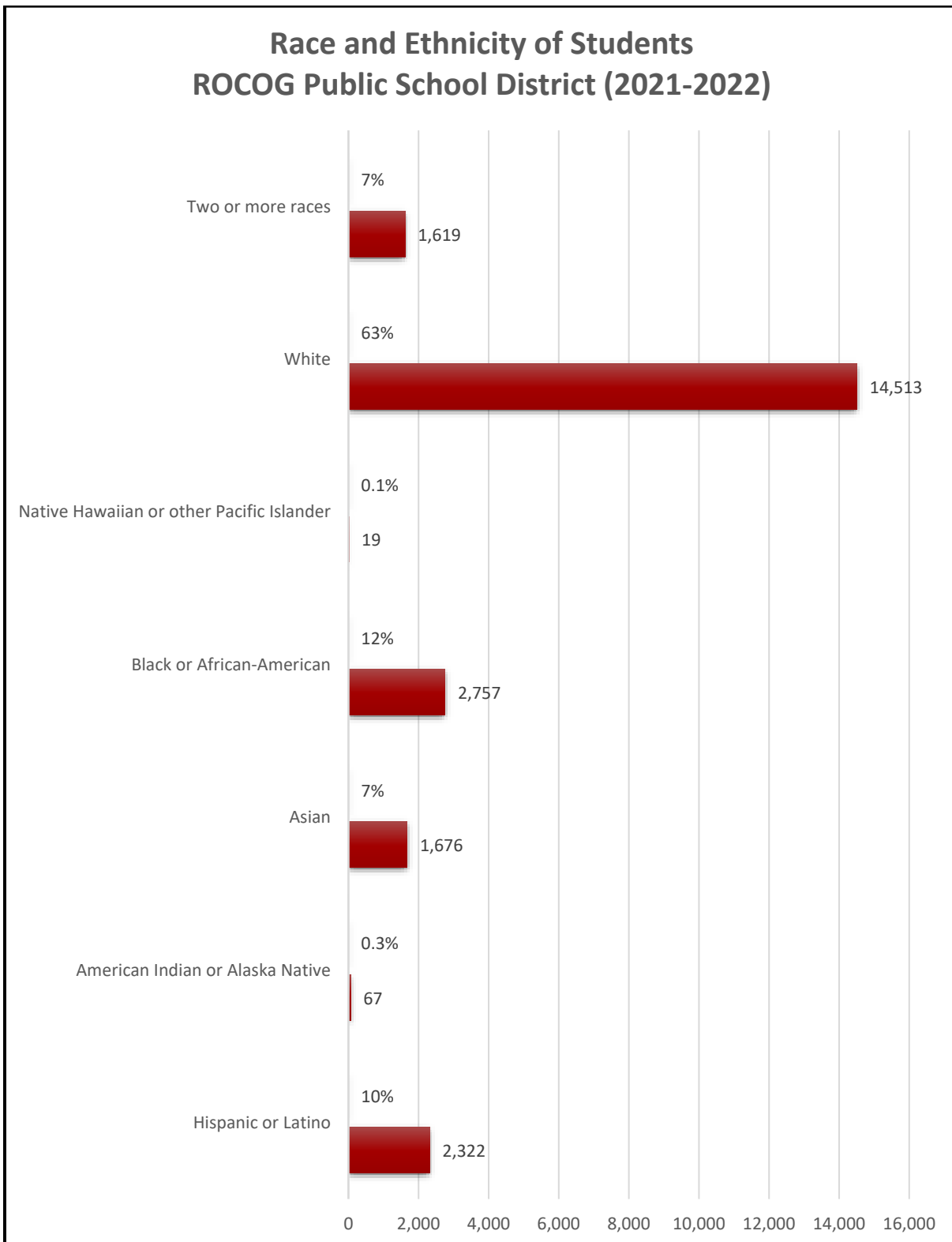
The public data available through MDE is accessible in its Data Center on their web site. Information is updated regularly; however, MDE cannot guarantee that the data on its website is always the most current data the department holds. For the purposes of Title VI assessments, ROCOG has used open enrollment data for 2021-2022 of students in ROCOG area by Special Populations and Enrollment by Ethnicity/Gender.

Figure 6 and 7 show race and ethnicity for school district populations in the Rochester Urbanize Area and ROCOG planning area. Figure 6 shows the race and ethnicity data for the ROCOG Planning area; it identifies 63% of students as white and the remaining 37% students are from diverse races. There are 22,973 total students in all grades in ROCOG Area School Districts, of whom 12% are Black/African American, 10% Hispanic, and 7% Asian American students. In addition, 7% of students belong to two or more races. This generally supports the results seen in the American Community Survey for the ROCOG Planning Area.

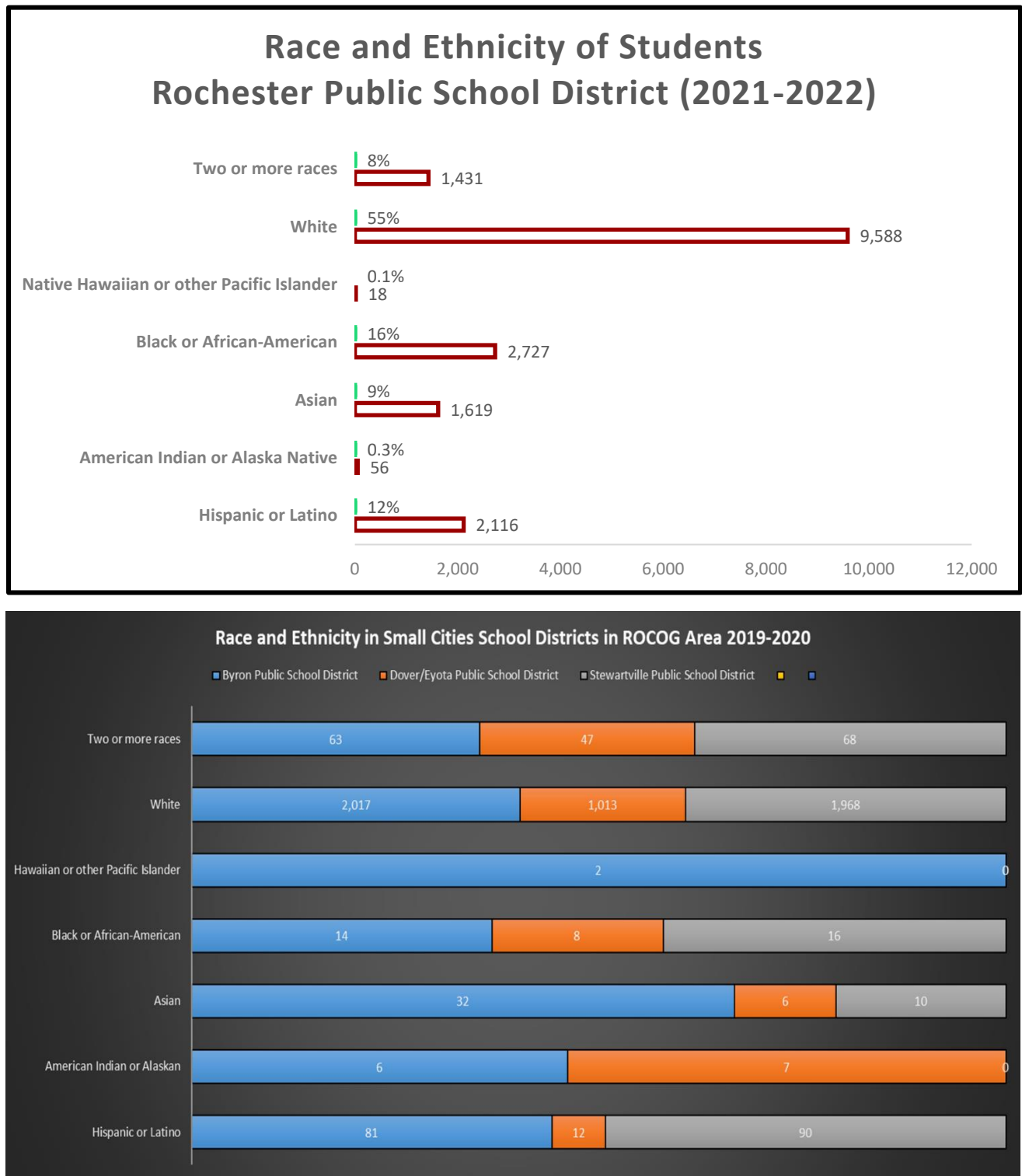
The Rochester School District represents the largest share of school age students in the planning area. Figure 7 shows the race and ethnicity data for Rochester School District. 55% of students are white and the remaining 45% students are from diverse races. There are 17, 555 total students in all grades in Rochester District, of whom 16% are Black/African American, 12% Hispanic, and 9% Asian American students. In addition, 8% of students belong to two or more races.

Lower portion of Figure 7 reports race and ethnicity data of the School Districts outside of the Rochester District service area. There are 5,418 total students in all grades in three School District outside of Rochester School District. In those three School Districts, 92% students are white and the remaining 8% of students are from diverse race and ethnicity, predominantly of two or more races and Hispanic or Latino race. Byron and Stewartville School Districts are comparatively more diverse than Dover/Eyota School District in ROCOG area

.

Figure 6: Races and Ethnicities in Entire ROCOG Area

Source: Minnesota Department of Education, School District Data 2021-2022

Figure 7: Race and Ethnicity in Rochester and Small Cities

Source: Minnesota Department of Education, School District Data 2021-2022

State/Federal Funding and Communities of Concern

During the ROCOG 2045 Long Range Transportation Plan update, ROCOG staff conducted outreach aimed at getting input from diverse groups within the community. 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, Community Action Partnership, Helping People Changing Life
- 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

Title VI and Environmental Justice in ROCOG's Planning

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 on the basis of race, color or natural origin. Further, the U.S. Department of Transportation identifies three fundamental Environmental Justice principles, which need to be addressed in the planning and programming of transportation projects:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

This section contains a series of map comparing the location of proposed projects or services in the ROCOG area with areas where Title VI and Environmental Justice populations reside in numbers greater than their areawide average. Proposed projects are reflective of programmed highway improvement projects in the proposed 2023-2026 ROCOG Transportation Improvement Program, and major transit and active transportation improvements identified in the ROCOG 2045 Long Range Plan. More specifically:

- Figures 8 and 9 illustrate future street and highway projects relative to two major minorities and their poverty status by census tract level in ROCOG area. Latest American Community Survey (ACS) is used for minority populations and poverty status in the last 12 months by census tract level. As we can see in figures, majority of minority African American and Hispanic populations are residing in the southeast, northwest and in and around downtown areas of Rochester Urbanized area. It is also witnessed some minority population also resides in the northeast and southwest side of Rochester.
- Figures 10-11 illustrate the location of Title VI populations relative to future public transit and bus rapid transit network. As shown in the figures, 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. Generally, all areas within the downtown and around downtown are well served with existing transit system and planned future transit and rapid transit bus network. 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 population.

- Figure 12 highlights the census tracts where high percentage of people with disabilities and below poverty level reside relative to the existing bus route. It is evident that those populations are well serviced by the current bus routes and future rapid transit network planned for Rochester Urbanized Area.
- Figures 13 and 14 reflect the existing and future active transportation projects in relation with minority populations in Rochester Urbanized Area and rural area of ROCOG. It is evident that both urban area and rural area plan recommend many active transportation improvements in and around the census tracts where minority populations reside.
- Figures 15 and 16 show the infrastructure projects in minority areas in the rural area of ROCOG. It is evident that less than 5% percentage of Black/African and Hispanic American population reside in the rural area of ROCOG. Other minorities are almost negligible in the rural area. Most of minority populations other Hispanic and Black are also found in the southeast and northwest side of the urbanized area of Rochester.
- Figure 17 shows the map of Regional Transit Service to the small cities and beyond in ROCOG area. Regional Hubs/Park 'n' Ride locations and Rolling Hills Transit Service that serves four major communities in ROCOG area. The regional service provides transit service to Byron, Stewartville, Dover and Eyota as shown in the map. It is important to note that very low percentage of minority population reside in the rural areas of ROCOG.

Figure 8: Future Roadway Projects and Below Poverty Level Areas in Black/African American Population

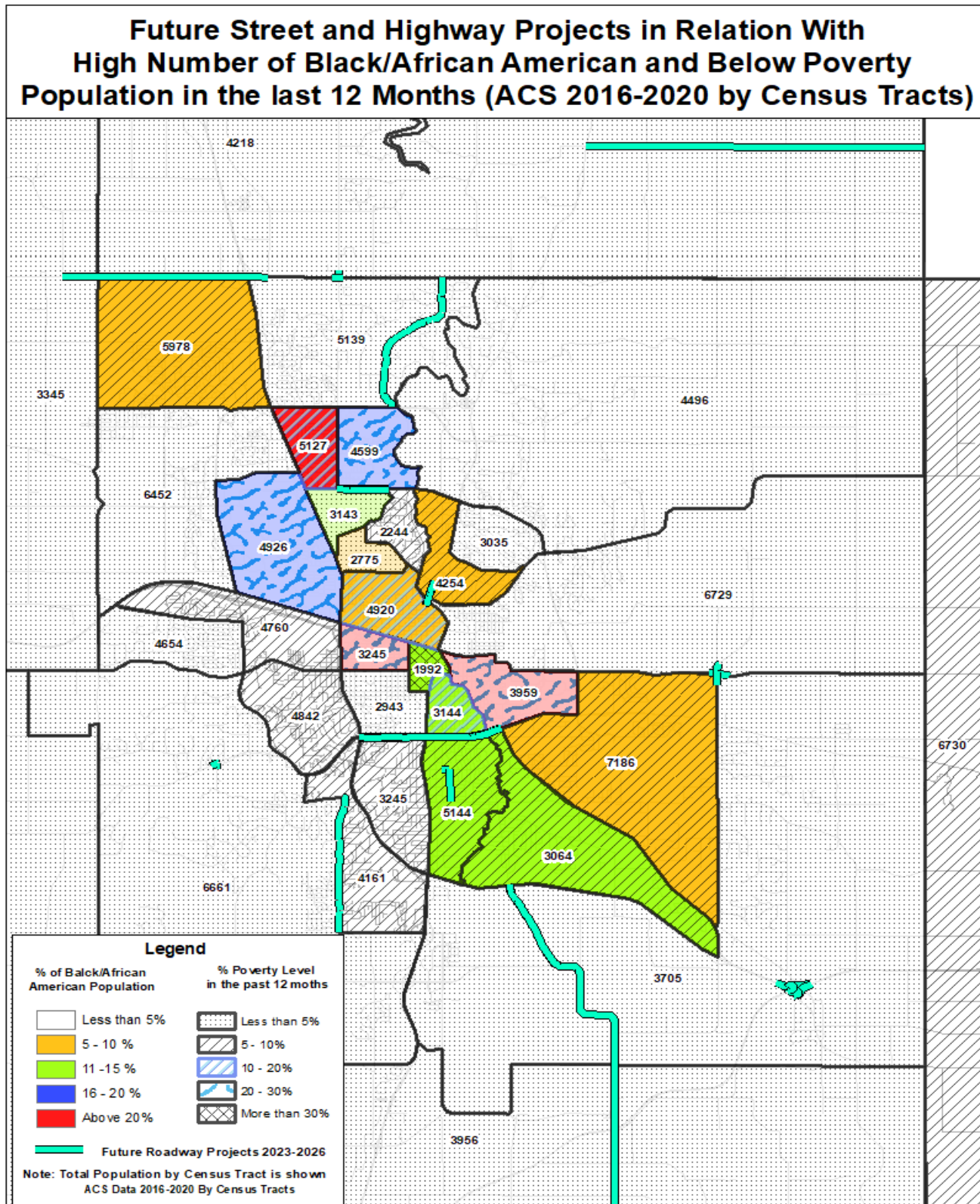


Figure 9: Future Roadway Projects and Below Poverty Level Areas in Hispanic/Latino American Population

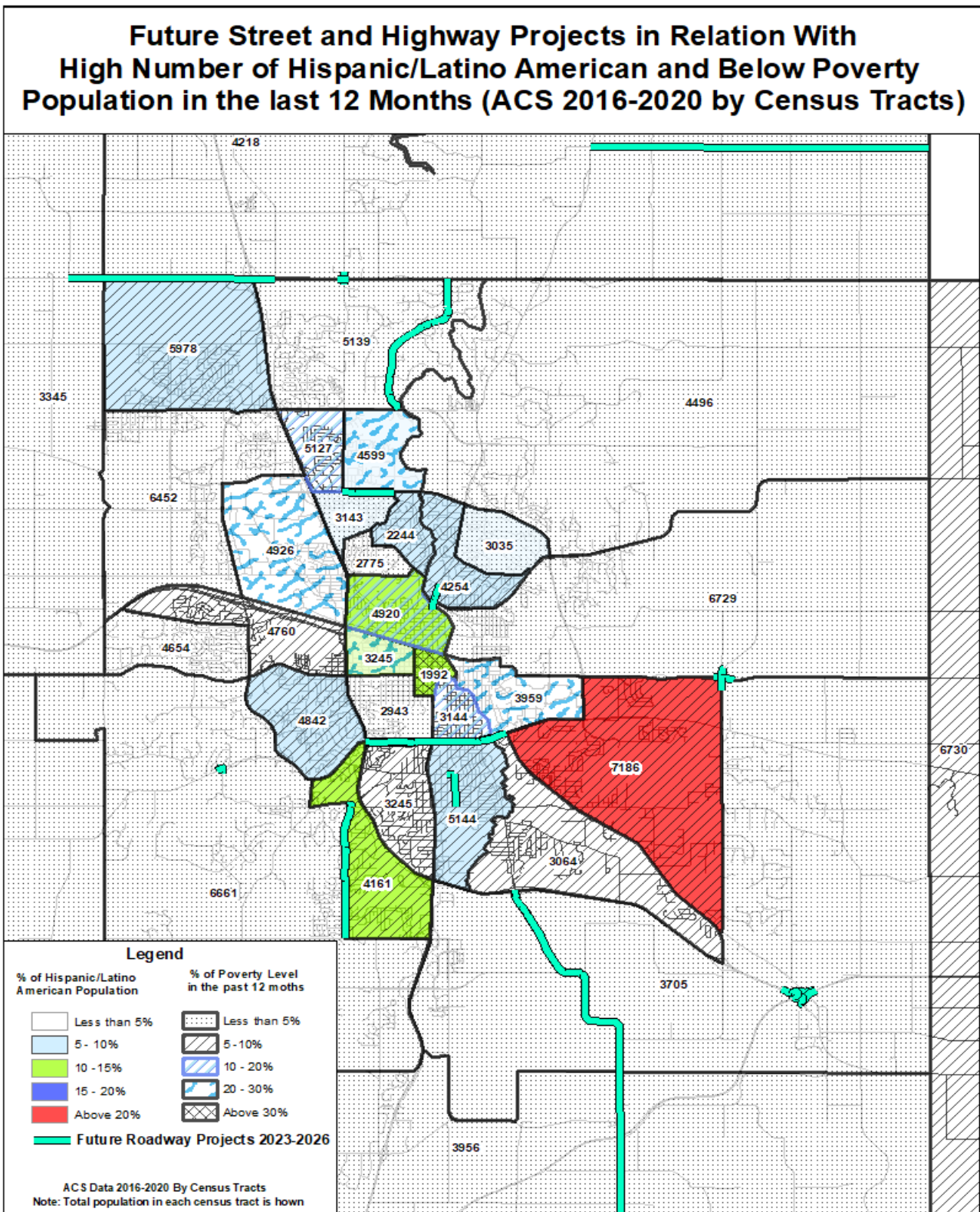


Figure 10: Title VI Populations and Future Public Transit and Bus Rapid Transit Network (Black/African American Population)

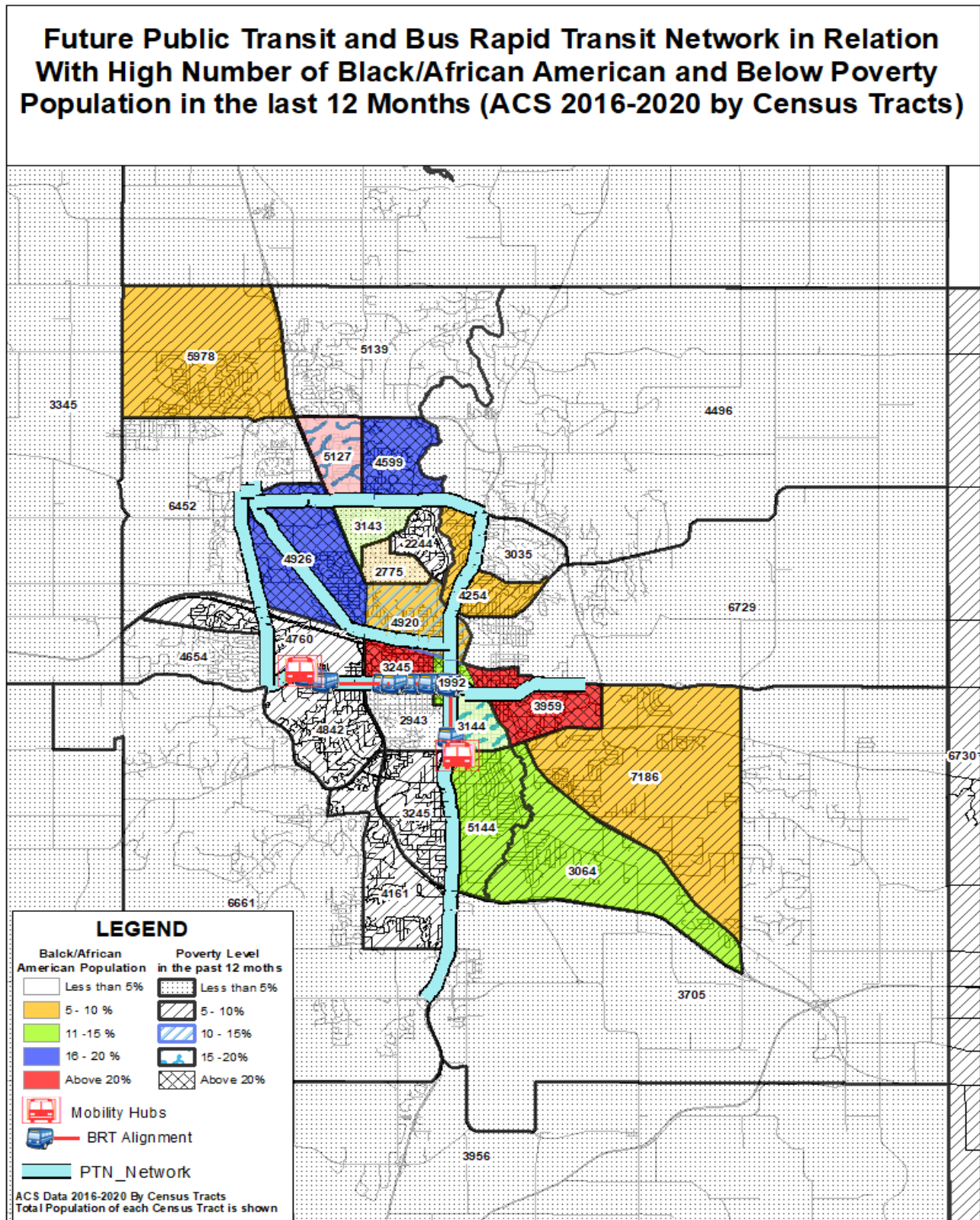


Figure 11: Title VI Populations and Future Public Transit and Bus Rapid Transit Network (Hispanic/Latino Population)

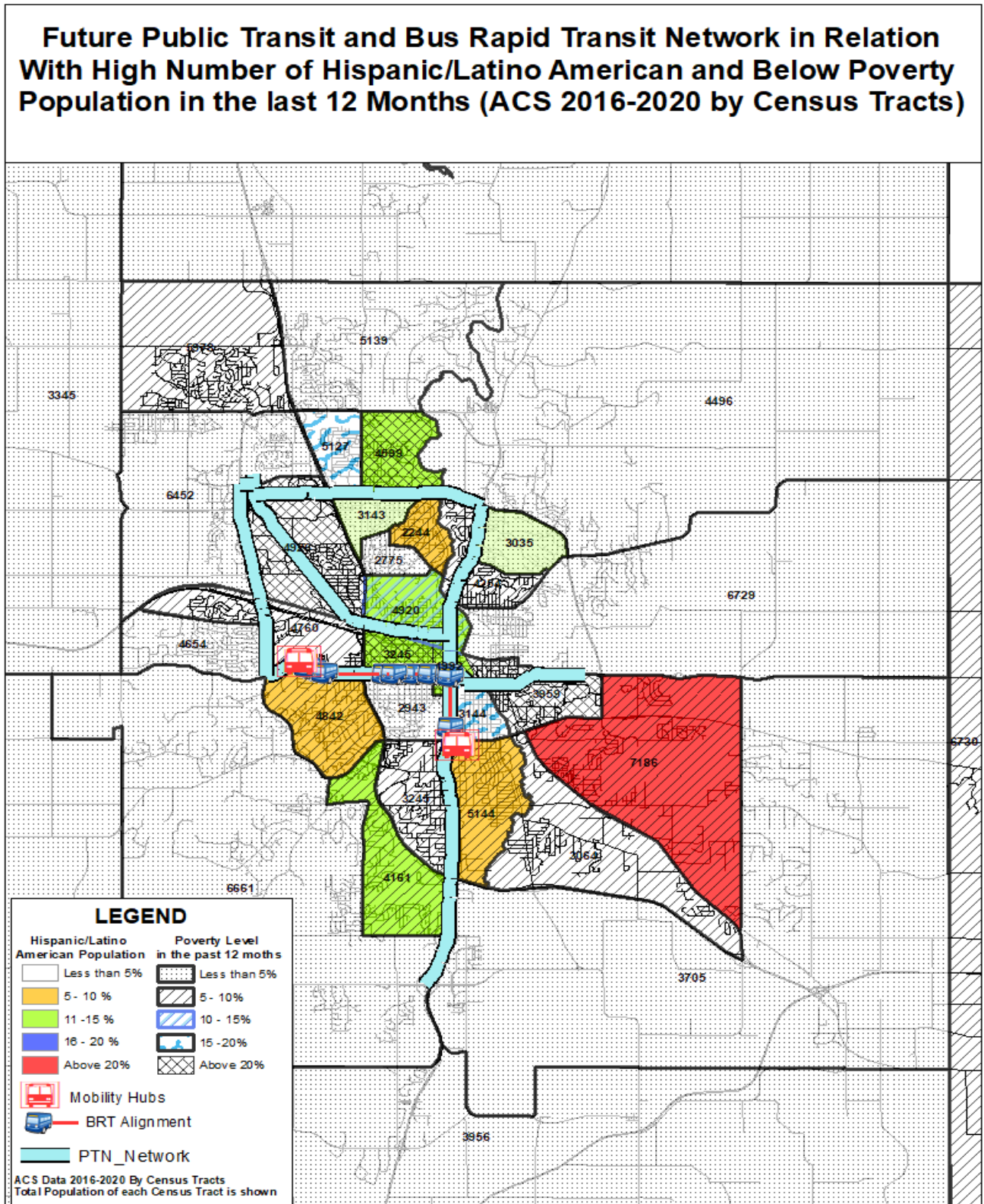


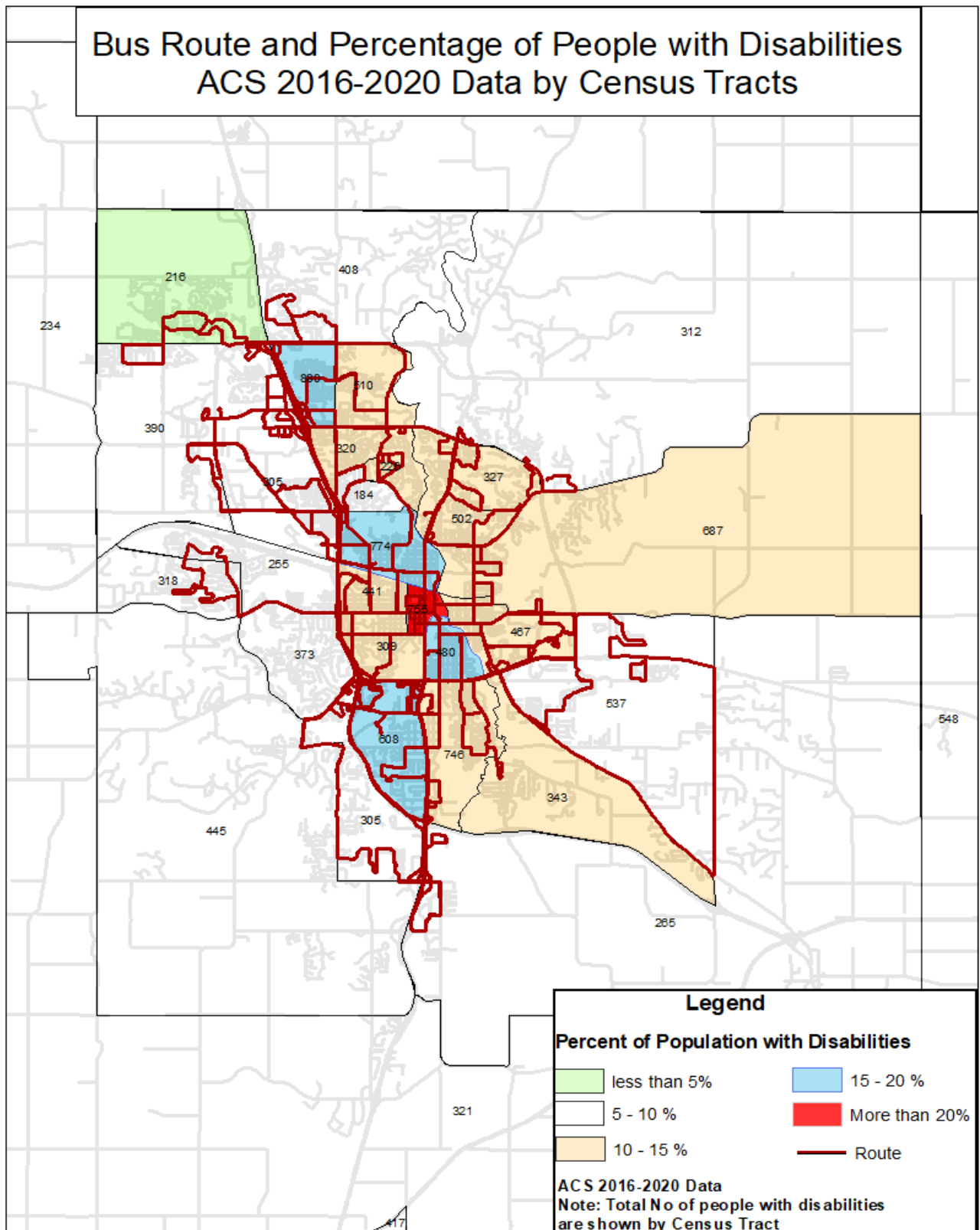
Figure 12: Bus Route and Population with Disabilities

Figure 13: Existing and Future Active Transportation Facilities in Rochester Urbanized Area

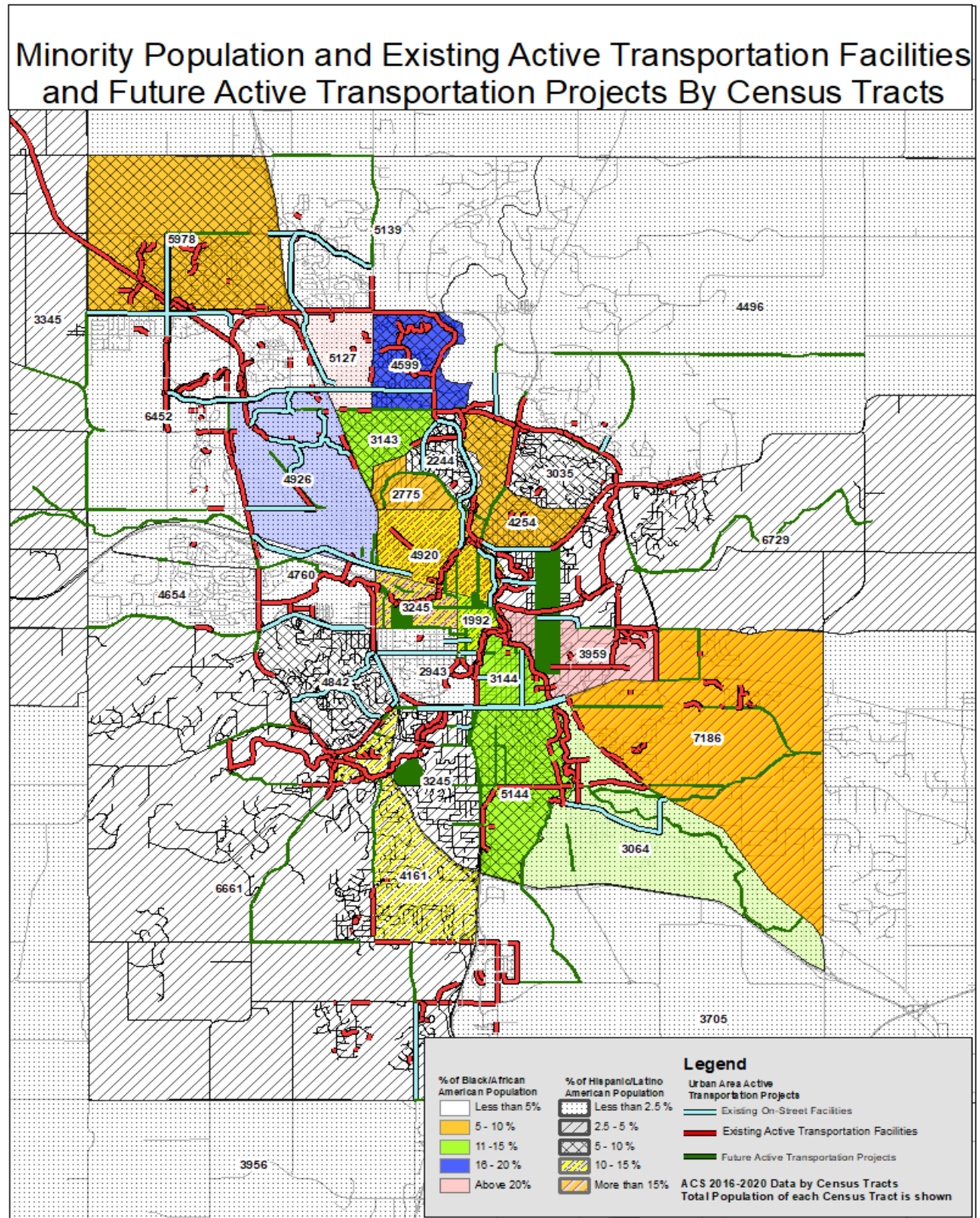


Figure 14: Existing and Future Regional Active Transportation Facilities in ROCOG Area

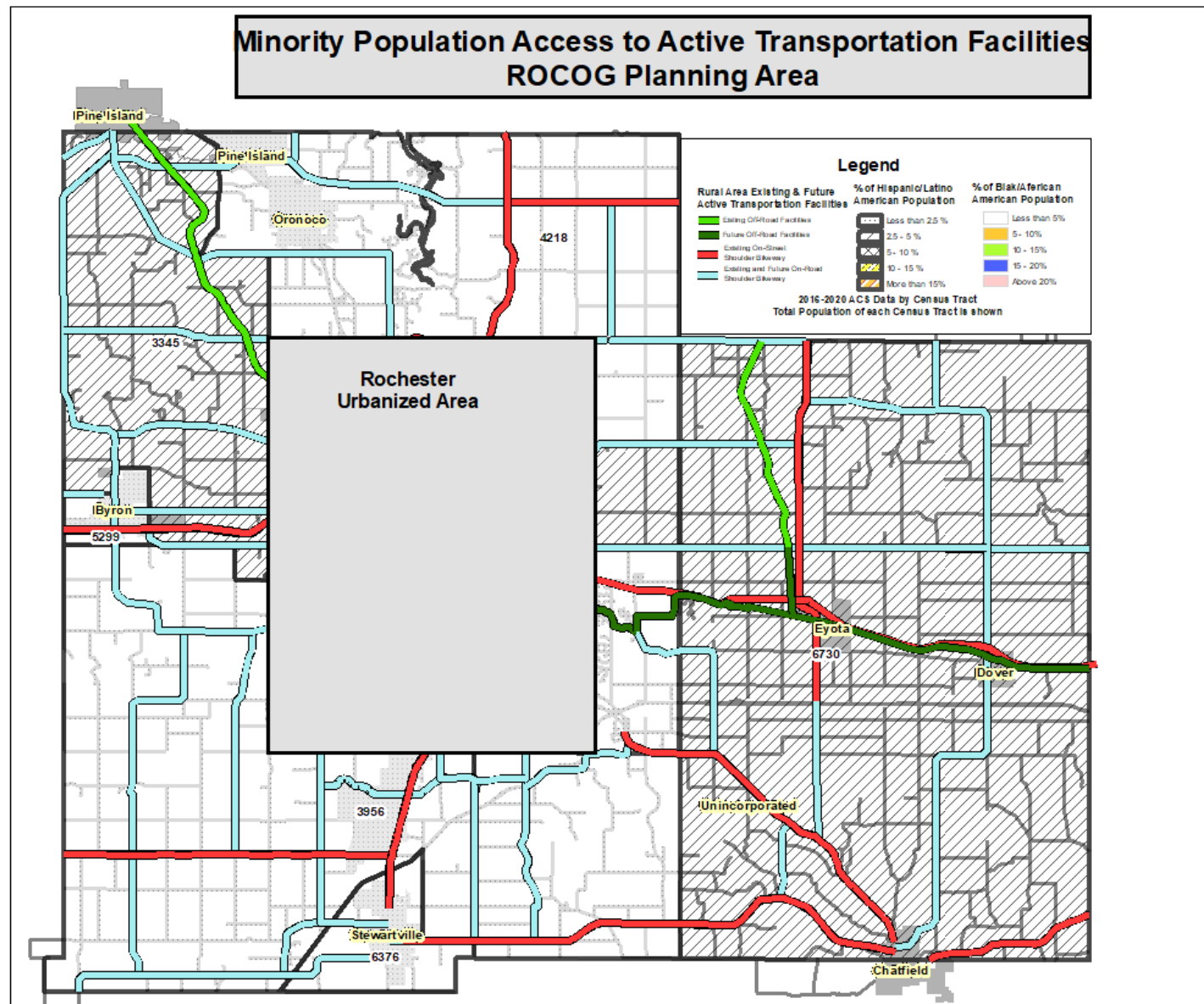


Figure 15: Future Roadway Projects in Minority and Below Poverty Population in ROCOG Area

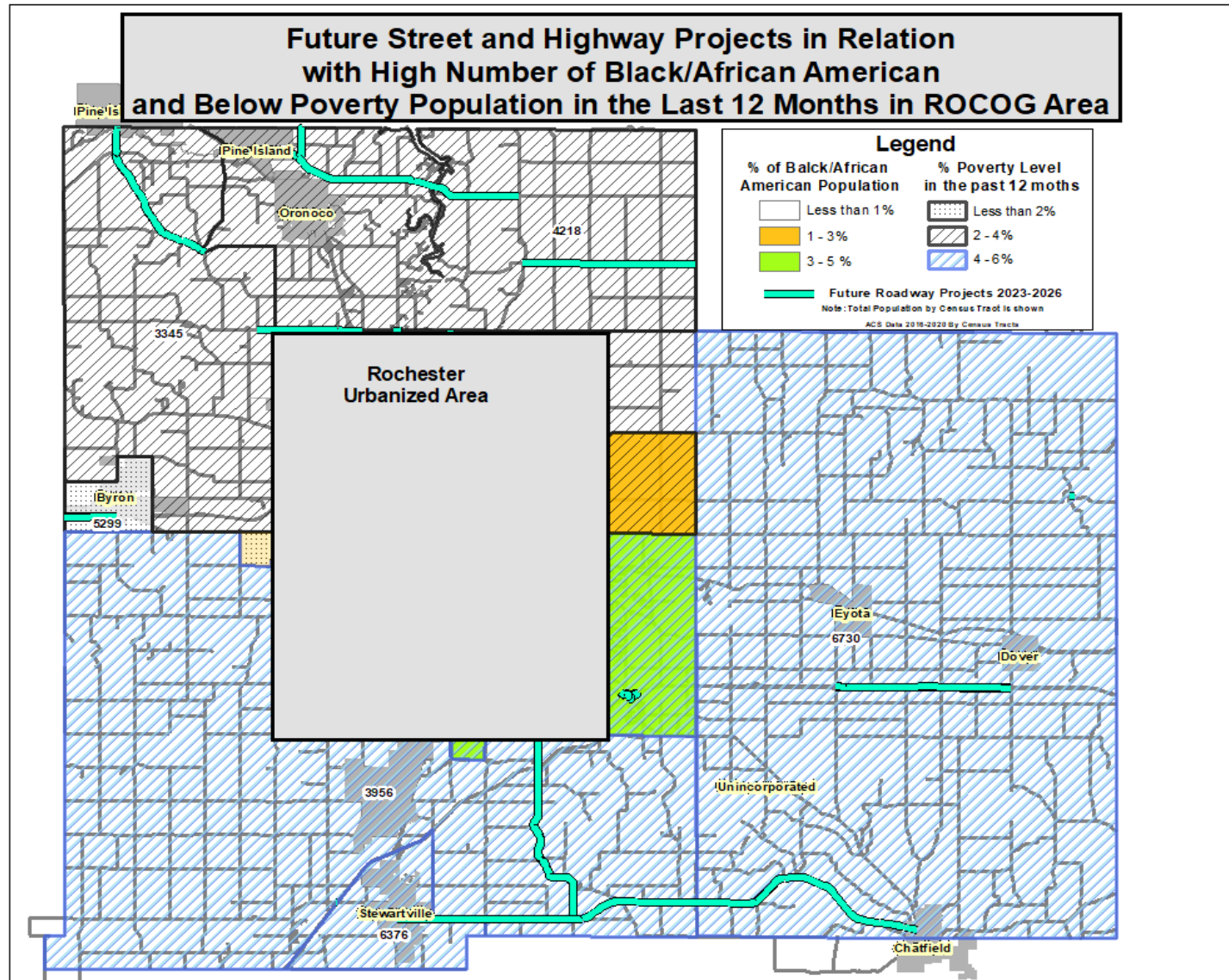


Figure 16: Future Roadway Projects in Minority and Below Poverty Population in ROCOG Area

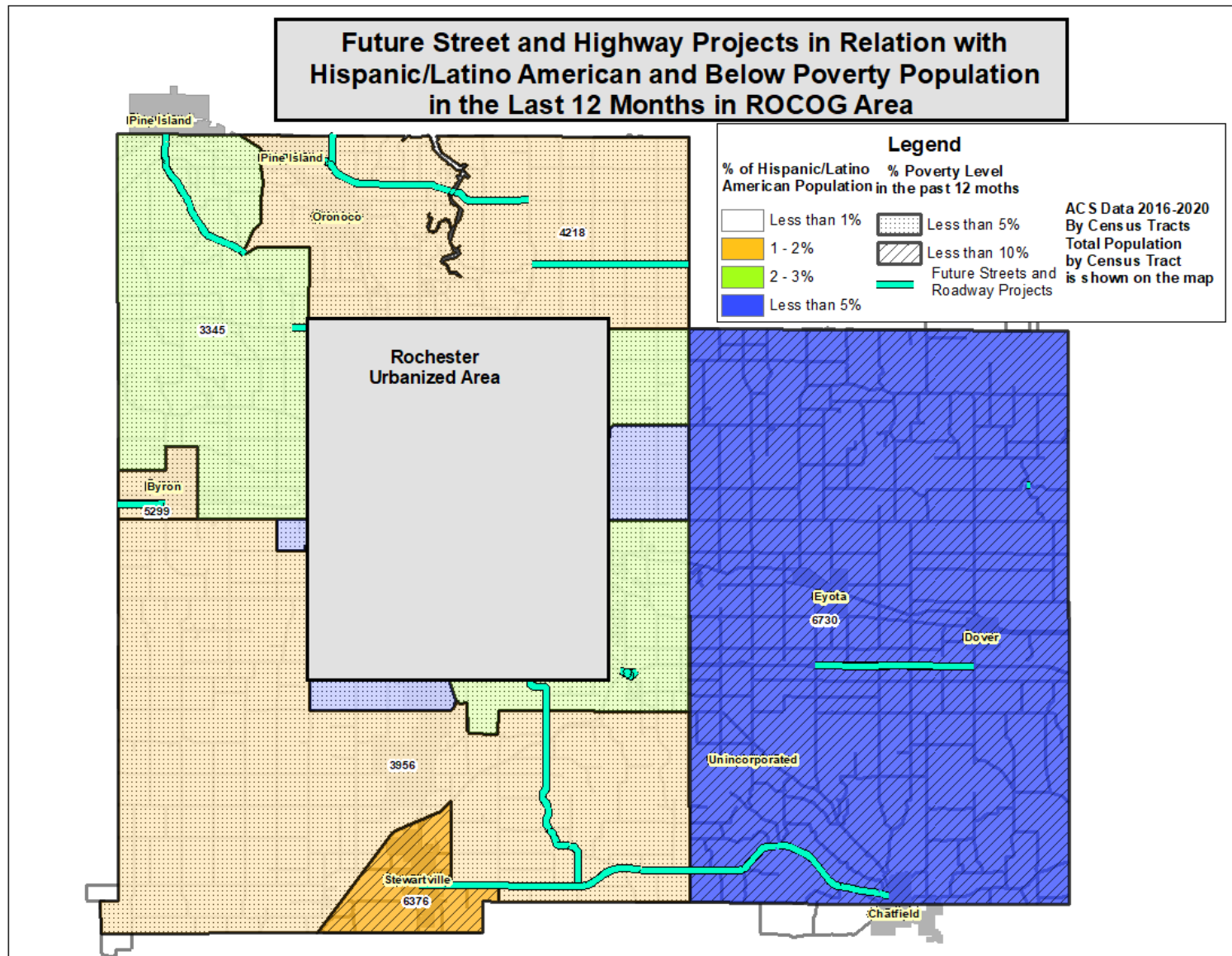
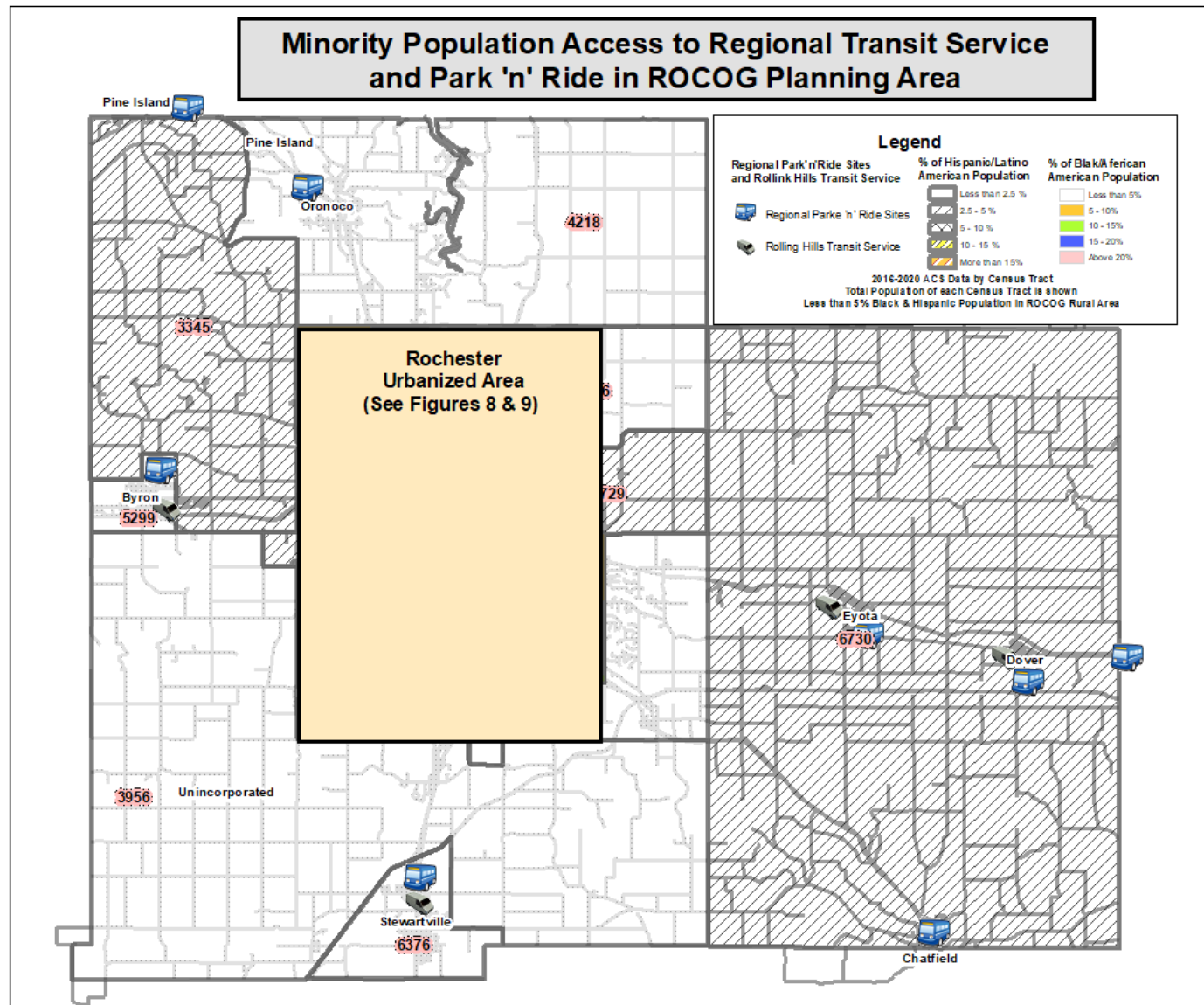


Figure 17: Regional Hub/Park and Ride Sites and Regional Transit Routes in ROCOG Area

APPENDIX

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Appendix A: ROCOG Title VI/Nondiscrimination Policy Statement

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 low-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 via mail, phone, or email. The Rochester Olmsted Council of Governments (ROGOC) operates its programs without regard to race, color, or national origin. If you believe you have been aggrieved by an unlawful discriminatory practice, or wish to request more information about ROCOG's obligations under Title VI of the Civil Rights Act of 1964, please contact us at the following address and telephone number:

Name: Ben Griffith

Title: ROCOG Executive Director

2122 Campus Drive SE

Rochester, MN 55904

Phone: 507-328-7100

Email: planningweb@co.olmsted.mn.us

Executive Director, ROCOG

Date

ROCOG, Board Chair

Date

Appendix B: ROCOG Title VI/Nondiscrimination Assurances

The U.S. DOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964.

This Assurance is given in consideration of and for the purpose of obtaining federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date thereof to ROCOG by the US 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.

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:

Statutory/Regulatory Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

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

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional wide scope and coverage of these non-discrimination statutes and

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

1. The Recipient agrees that each "activity, "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source: "The Rochester-Olmsted Council of Governments in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and D of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix D of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix E and Appendix D of this Assurance, as a covenant running with the land, in any future deeds,

leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods: f. 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 g. the period during which the Recipient retains ownership or possession of the property.
 9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
 10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Rochester-Olmsted Council of Governments also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. We also recognize that we must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. We must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, We must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

Executive Director, ROCOG

Date

ROCOG, Board Chair

Date

Appendix C: 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:

1. **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.
2. **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.
3. **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.
4. **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.
5. **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:

1. Withholding of payments to the Contractor under the contract until the contractor complies, and/or
 2. Cancellation, termination or suspension of the contract, in whole or in part.
6. **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 D: 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 E: 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 as described in Appendix B.

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 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 F: 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 G: ROCOG TITLE VI Complaint LOG

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

Note: As of September 2022, there have been no Title VI complaints filed against the Rochester-Olmsted Council of Governments.

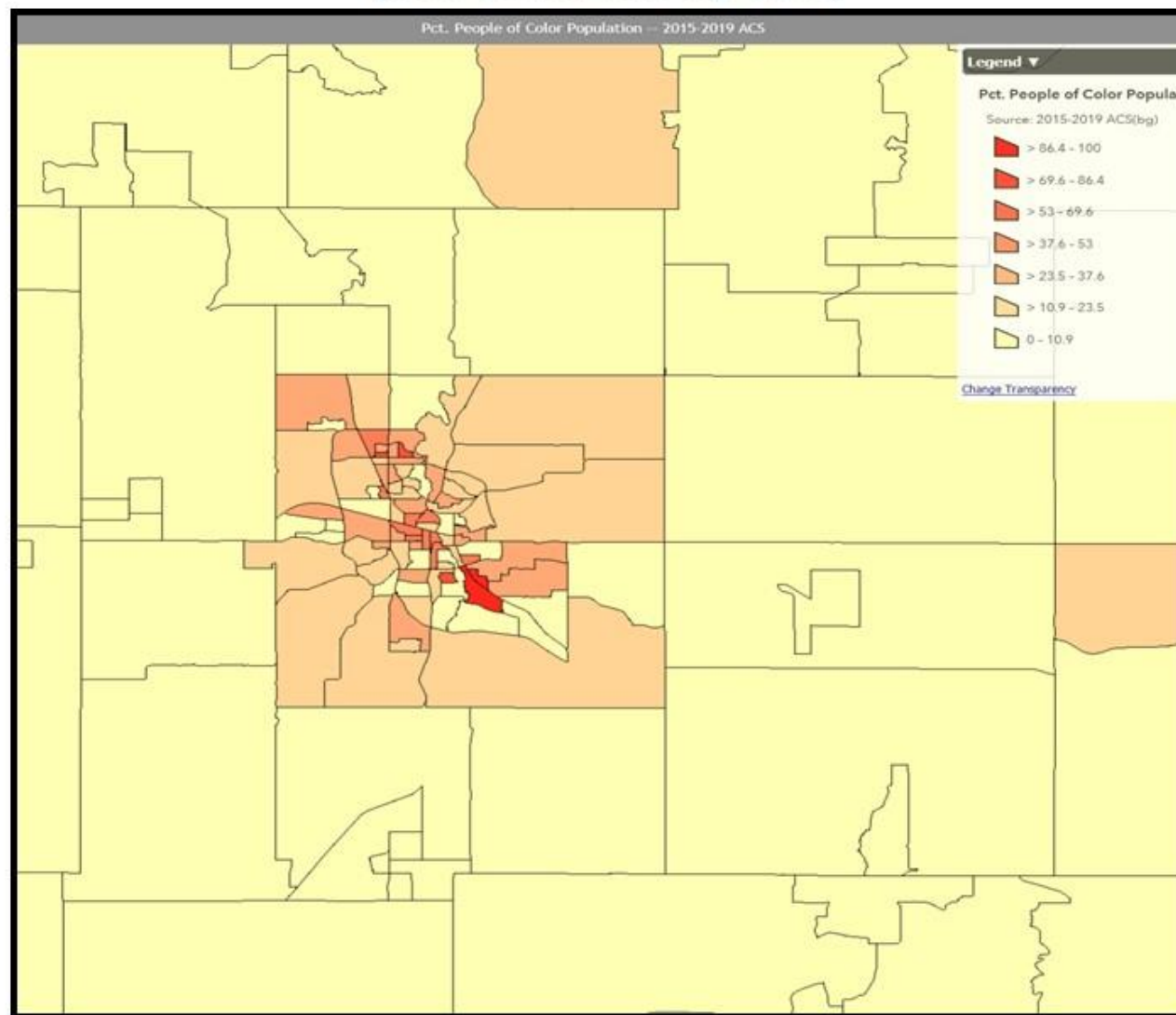
Appendix H - Demographic Profile (EJ Screen ACS 2015-2019)

Appendix H provides maps analyzing the geographic location of the minority, low income or poverty status, language spoken other than English at home and ratio of income to poverty level at Census Block Group (CBG). This analysis is conducted based on data available on Environmental Justice (EJ) Screening and Mapping Tool website (<https://www.epa.gov/ejscreen>). EJ Screen is an environmental justice mapping and screening tool that provides EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators. All data is illustrated at the Block Group level except for poverty status in ROCOG area. The table below also provides a brief description of the information found on the maps:

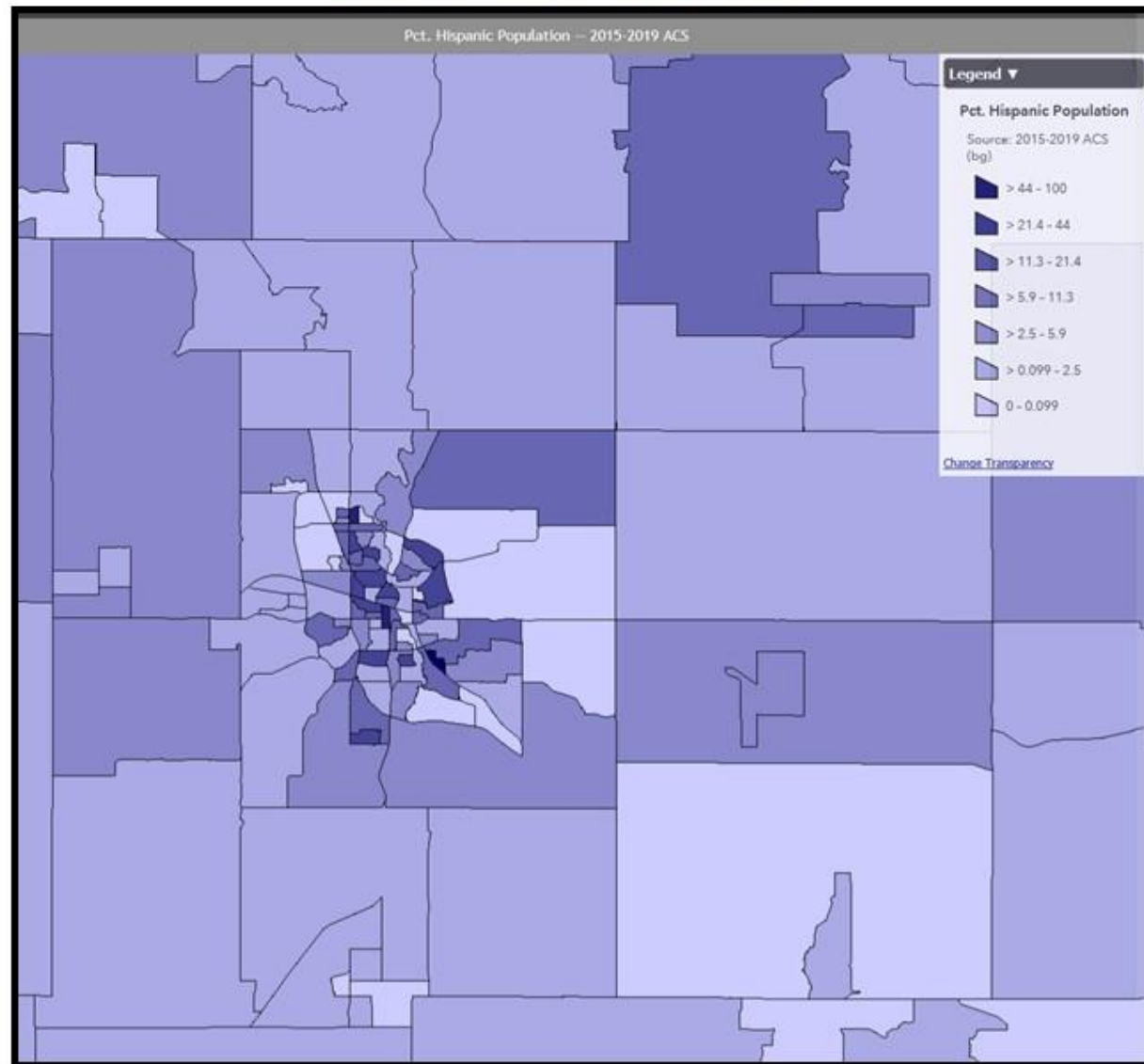
Map Type	Page Number	Brief Description of the Map
% of Minority Population	1	Map shows % of Minority Population in ROCOG Area at Census Block Group level. There are few CBG in southeast, northwest and CBD where over 50% population is from minority populations.
Hispanic Individuals	2	The highest number of Hispanics and Latinos live in the southeast and northwest areas of Rochester.
African American Individuals	3	The highest concentrations of African – American individuals is found in southeast and northwest Rochester.
Asian American individuals	4	The largest concentration of Asian-Americans is found in northwest, northeast and southwest of Rochester.
American Indian	5	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	6	Two or more race Individuals were spread all over Rochester mostly concentrated in Northwest, Southwest and Northeast side.
Individuals who speak other languages	7	The highest concentration of people who speak other than English mostly lives in Southeast, Northwest and Northeast of Rochester.

Individuals who speak English less than very well	8	The highest concentration of people who speak English less than very well live-in downtown, and in some CBG in southeast and northwest of Rochester.
Persons who speak English not at all	9	There are a few CBG where a small percentage of population does not speak English at all at their home. They are mostly living in southeast and some in northwest side of Rochester.
Linguistically Isolated Population	10	Linguistically isolated households in which no one over 14 years of age can speak "English Very Well". Mostly those households are in the southeast, downtown, and northwest of Rochester.
Population below poverty level	11	Above 15% population below poverty level reside in the southeast and some in northwest of Rochester. This data is shown at the census tract level.
African/Black population below poverty level	12	There are a few censuses tract where most of below poverty African/Black population resides. Those census tracts are in southeast and northwest side of Rochester.
Hispanic Population below poverty level	13	There are a few censuses tract where most of below poverty Hispanic population resides. Those census tracts are in the northwest, downtown and southeast side of Rochester.
American Indian population below poverty level	14	There is a very small percentage of American Indian in Rochester. Mostly below poverty American Indians reside in northwest and some in the downtown area.
Ratio of Income to Poverty Level .50-.99 by CBG	15	Poverty threshold by size of family and number of related children under 18 years is calculated by Census Bureau at \$31,661. Family Ratio of income to poverty level is shown at CBG. The map shows that CBGs with high percentage of ration of income to poverty are in the southeast, downtown and northwest of Rochester. Outside of urban area, very small % of population reside in ROCOG area.
Ration of Income to Poverty Level 2.00 and over.	16	High percentage of population based on ration of income to poverty level 2 and above reside in northeast, southwest, northwest of beyond 55 th Street NW, and north of Country Club Road of Rochester urban area.

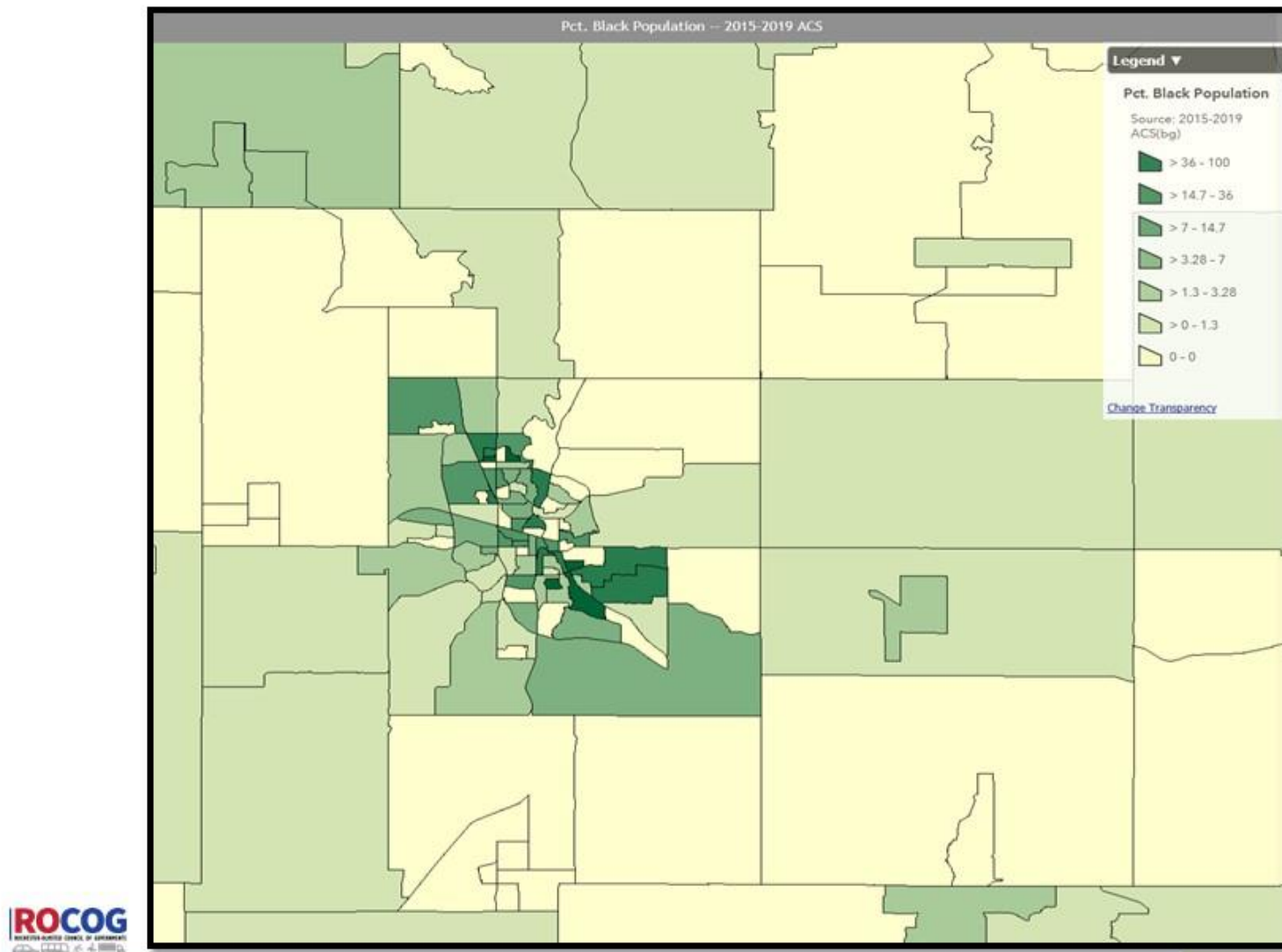
Percentage of Minority Population in ROCOG Area (ACS 2015-2019 by CBG)



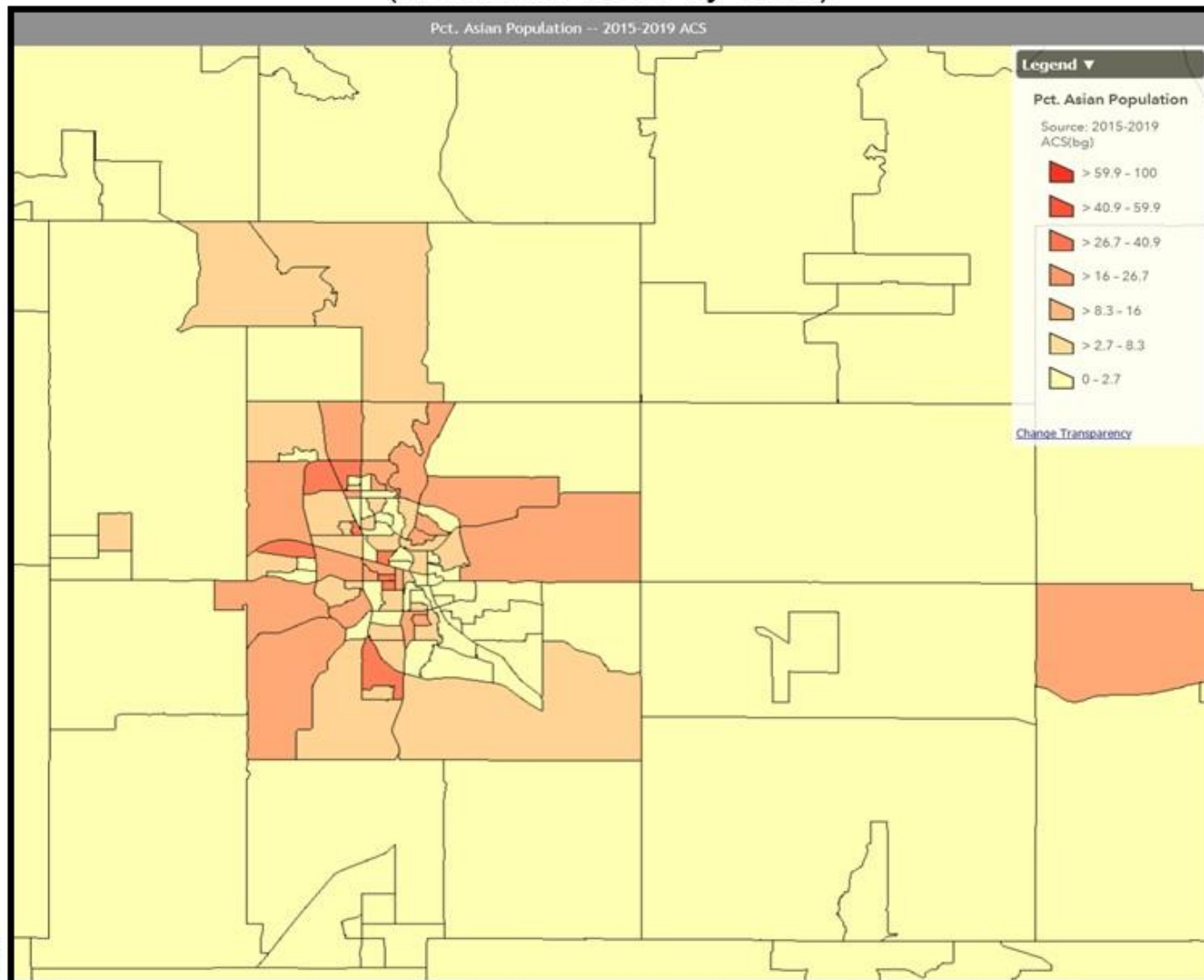
Percentage of Hispanic Population in ROCOG Area (ACS 2015-2019 by CBG)



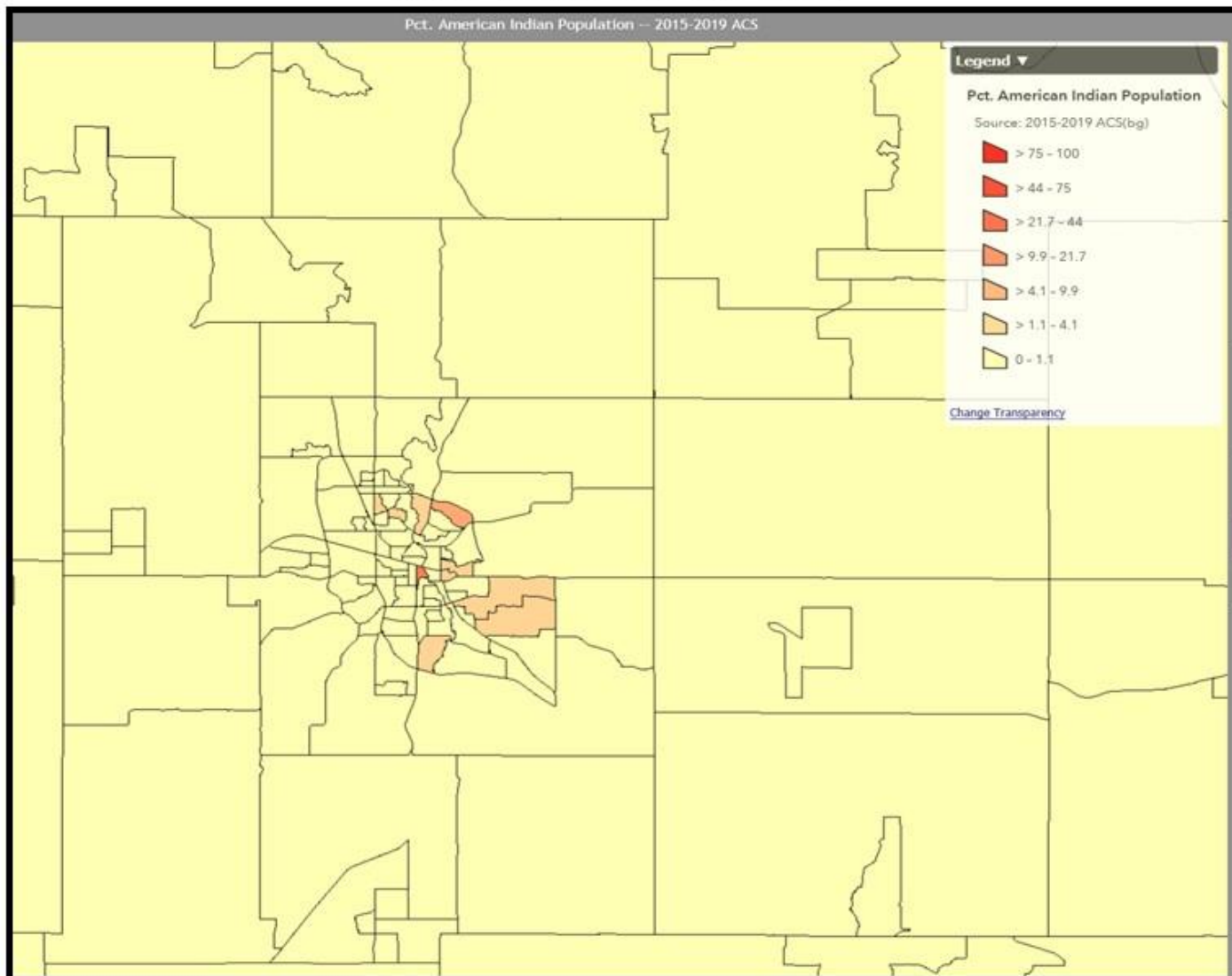
Percentage of African/Black Population in ROCOG Area (ACS 2015-2019 by CBG)



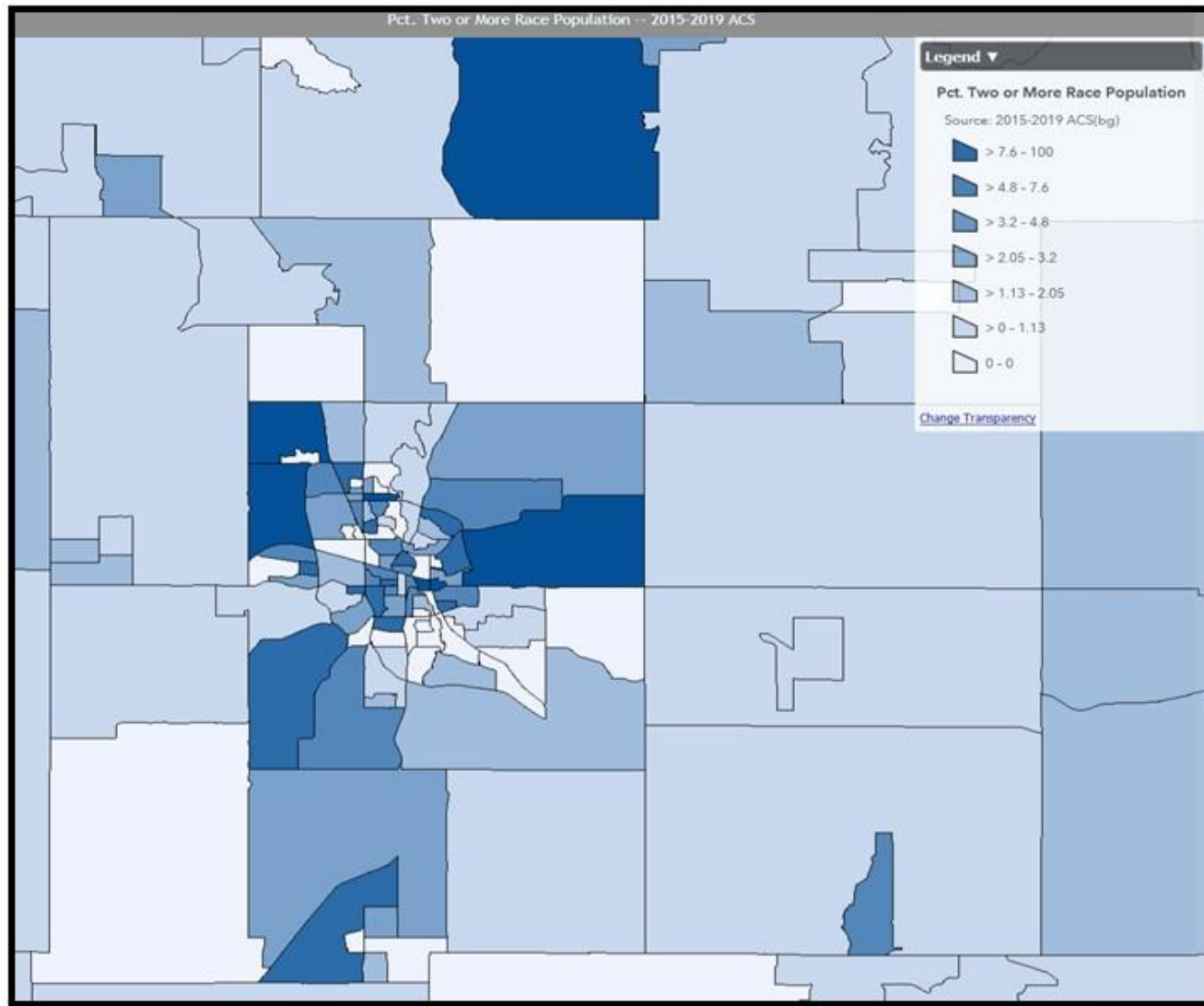
Percentage of Asian Population in ROCOG Area (ACS 2015-2019 by CBG)



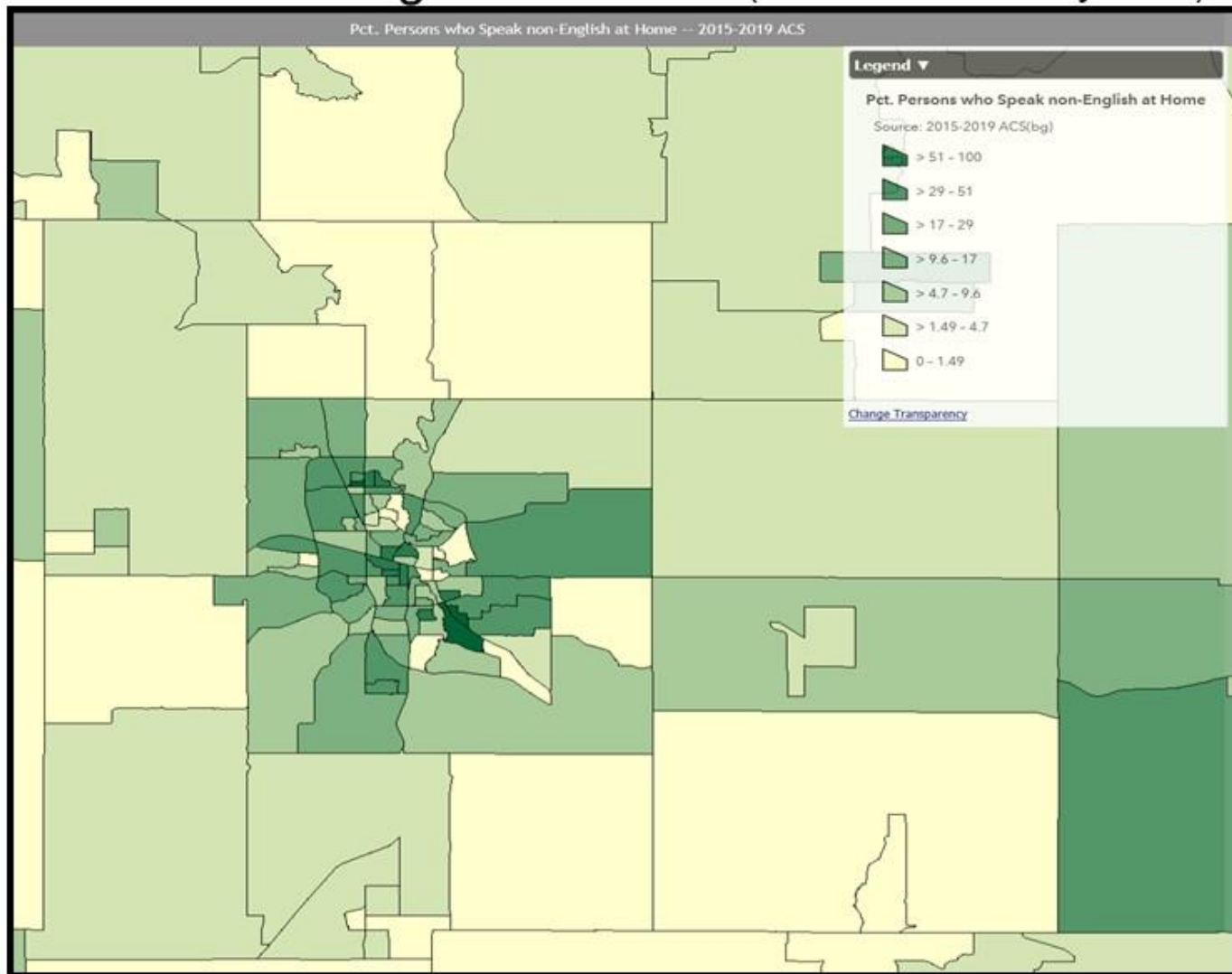
Percentage of American Indian's in ROCOG Area (ACS 2015-2019 by CBG)



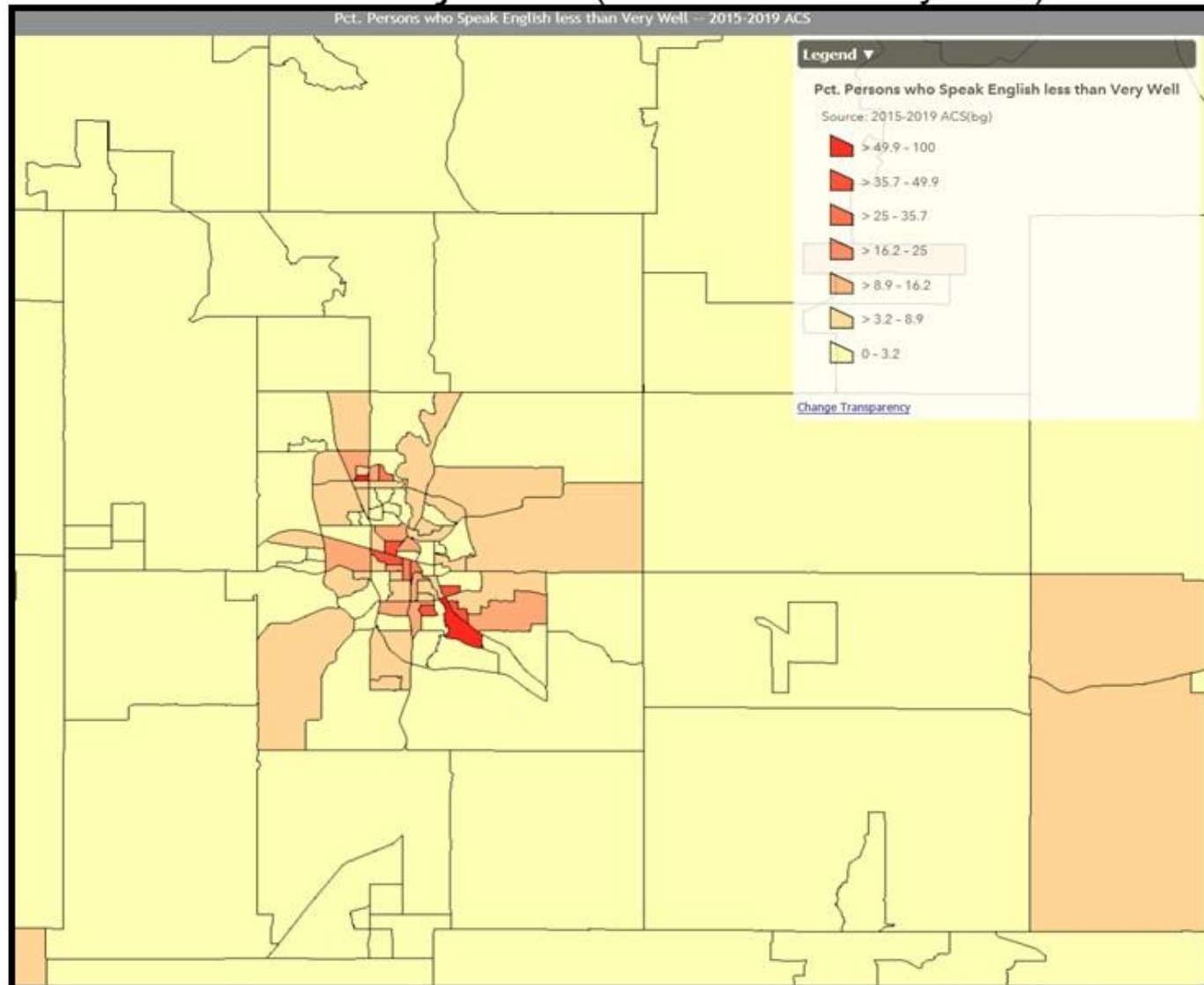
Percentage of Two or More Population in ROCOG Area (ACS 2015-2019 by CBG)



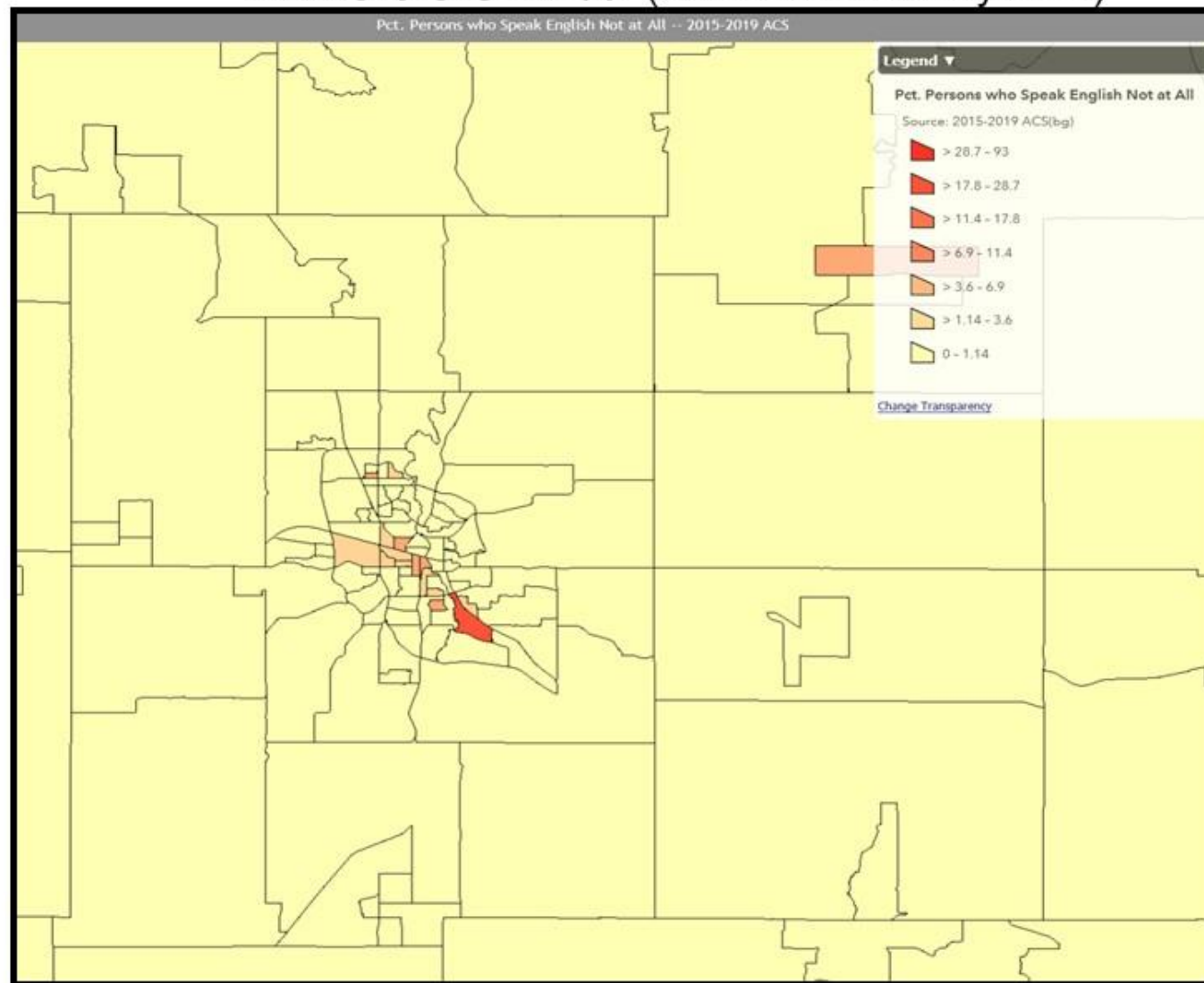
Percentage of Population Who Speaks Other Languages Than English At Home (ACS 2015-2019 by CBG)



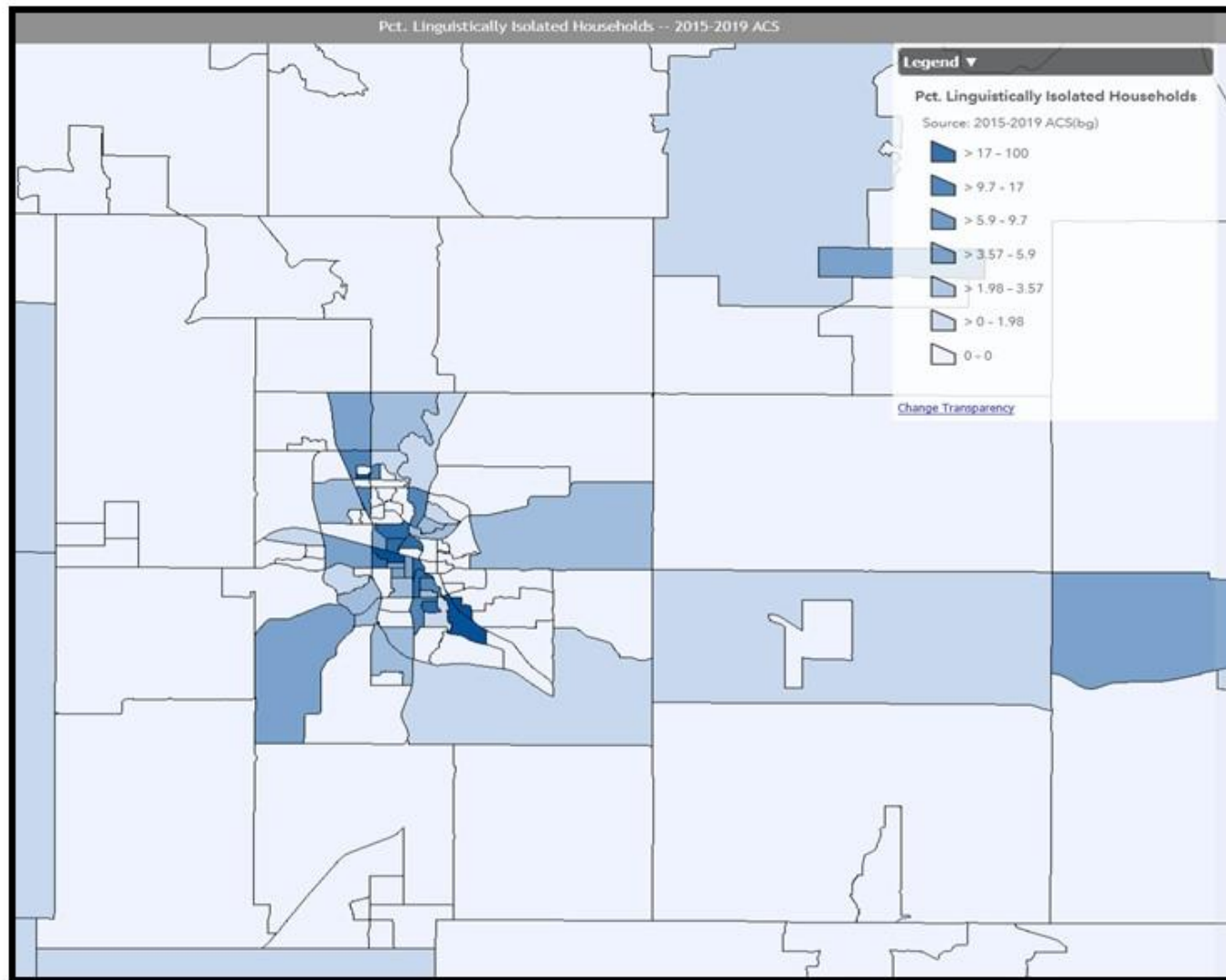
Percentage of Population Who Speaks English Less Than Very Well (ACS 2015-2019 by CBG)



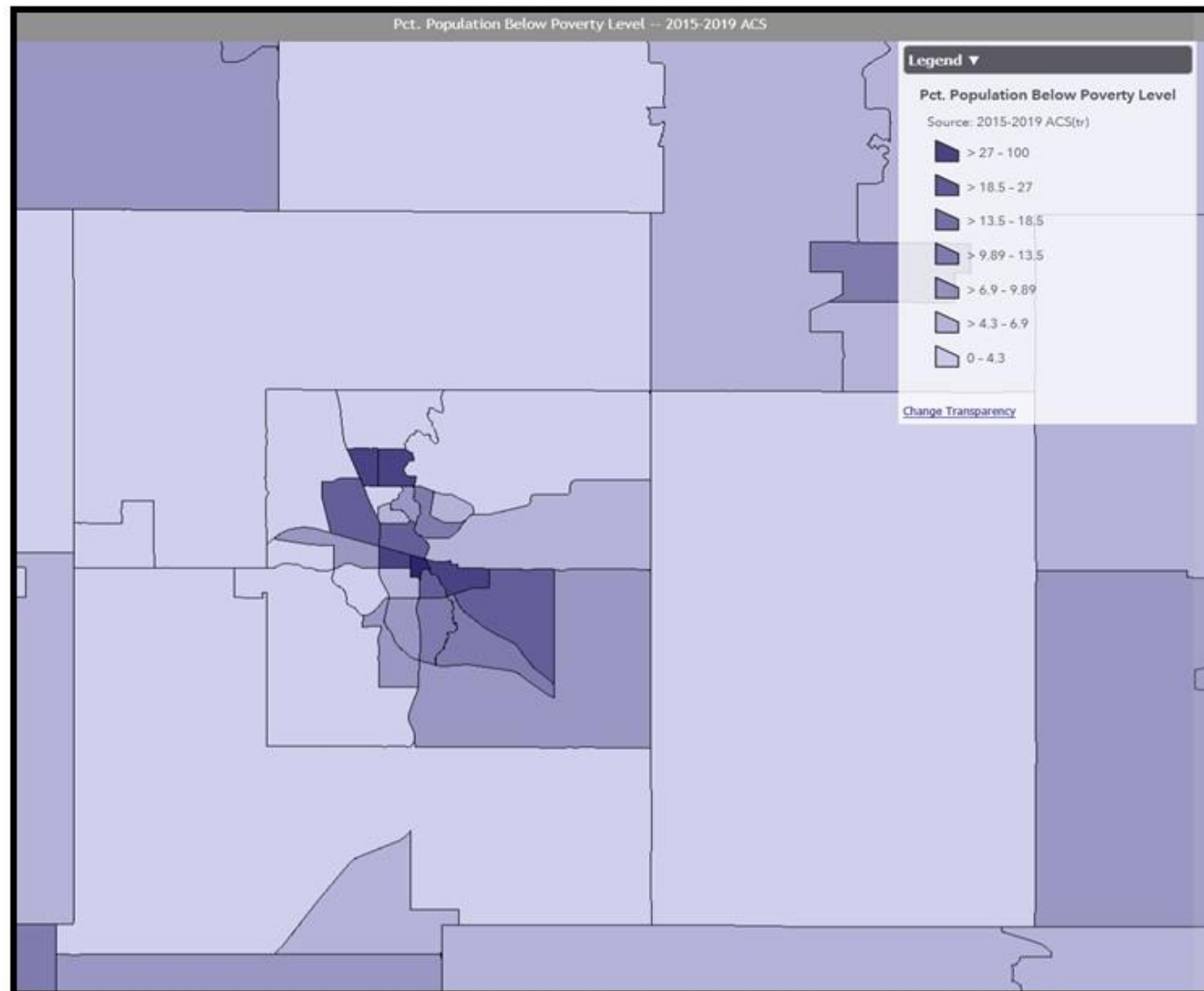
Percentage of Population Who Speaks English Not At All in ROCOG Area (ACS 2015-2019 by CBG)



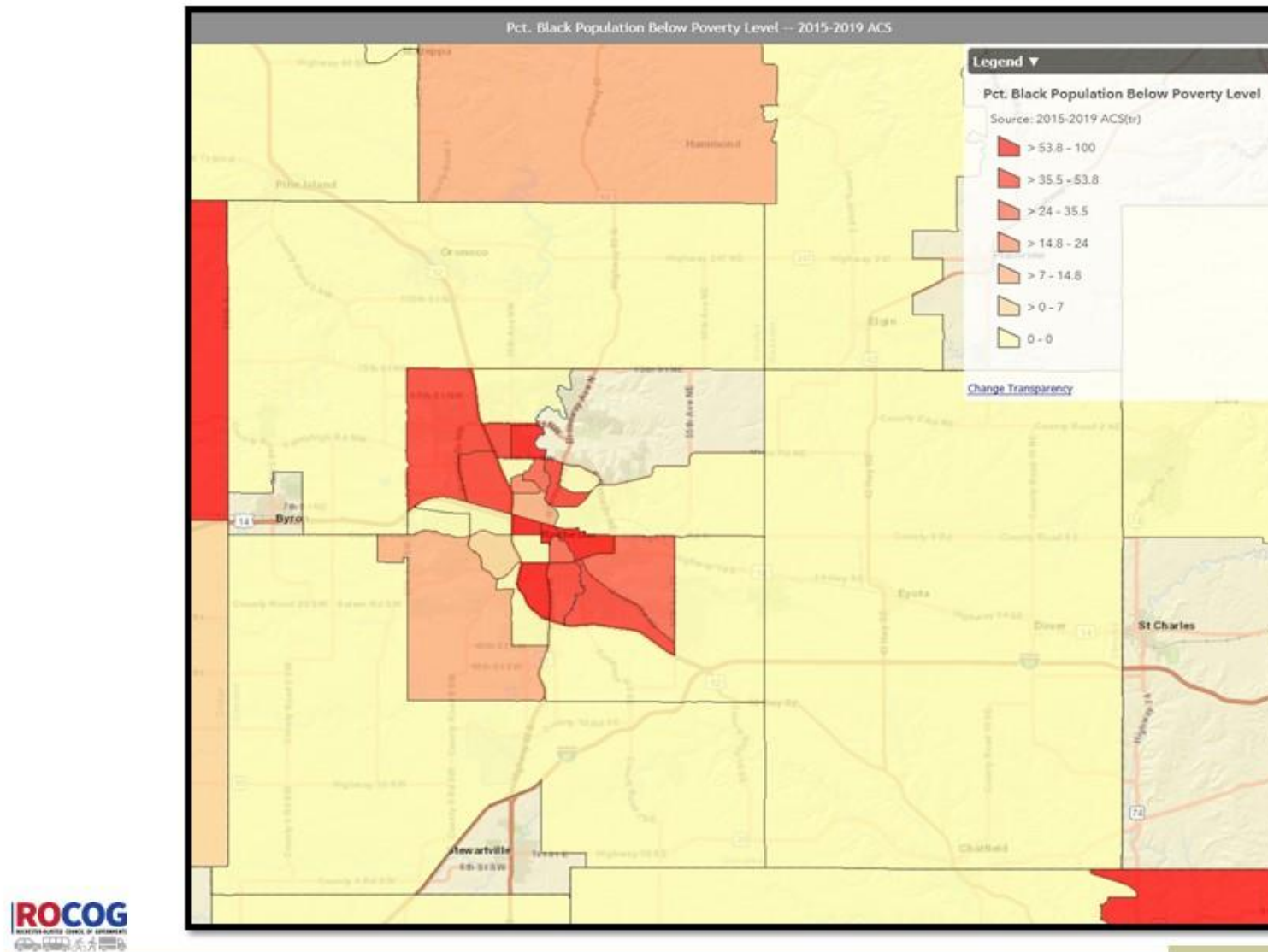
Percentage of Linguistically Isolated Households in ROCOG Area (ACS 2015-2019 by CBG)



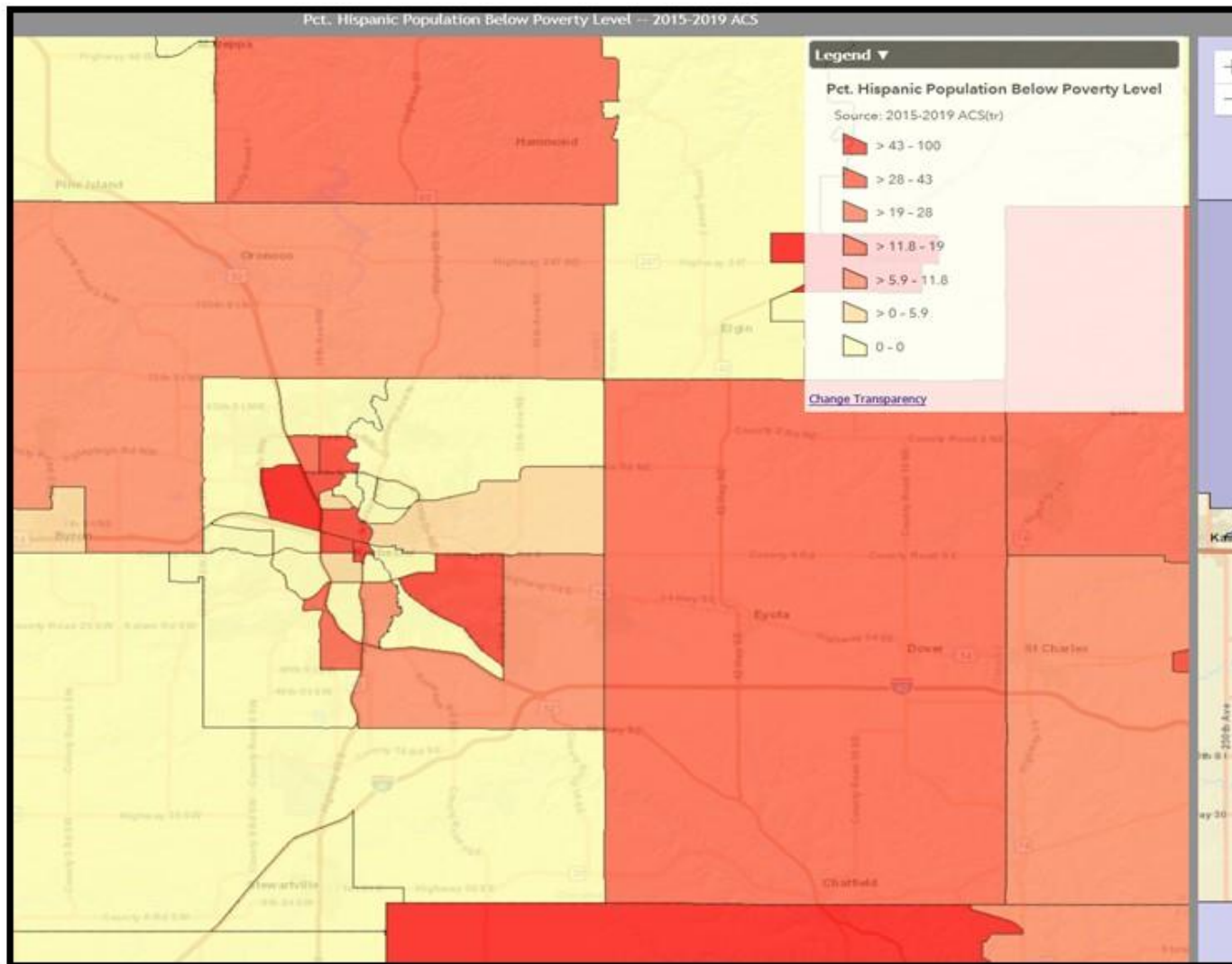
Percentage of Population Below Poverty in ROCOG Area (ACS 2015-2019 by Census Tracts)



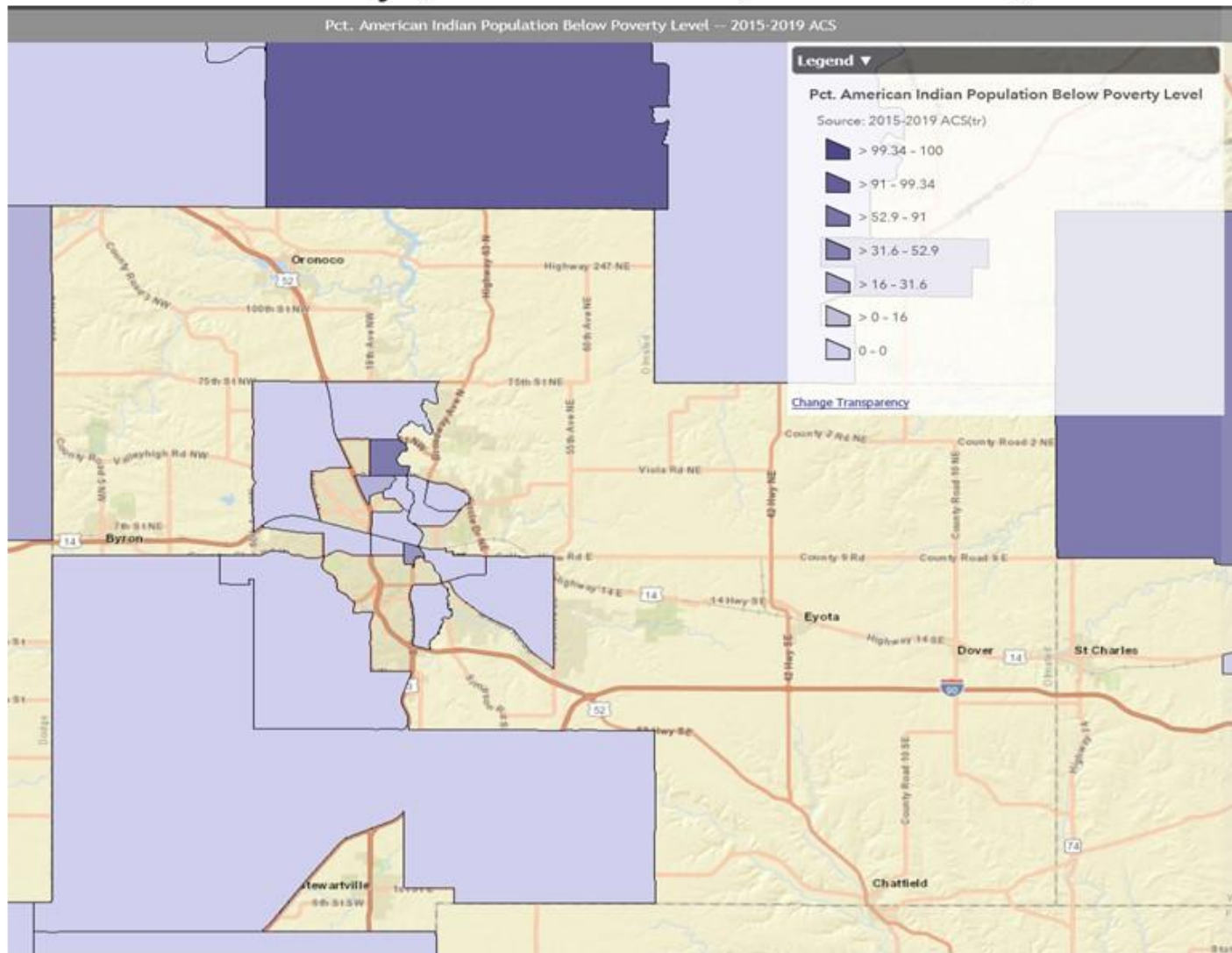
Percentage of African/Black Population Below Poverty (ACS 2015-2019 by Census Tracts)



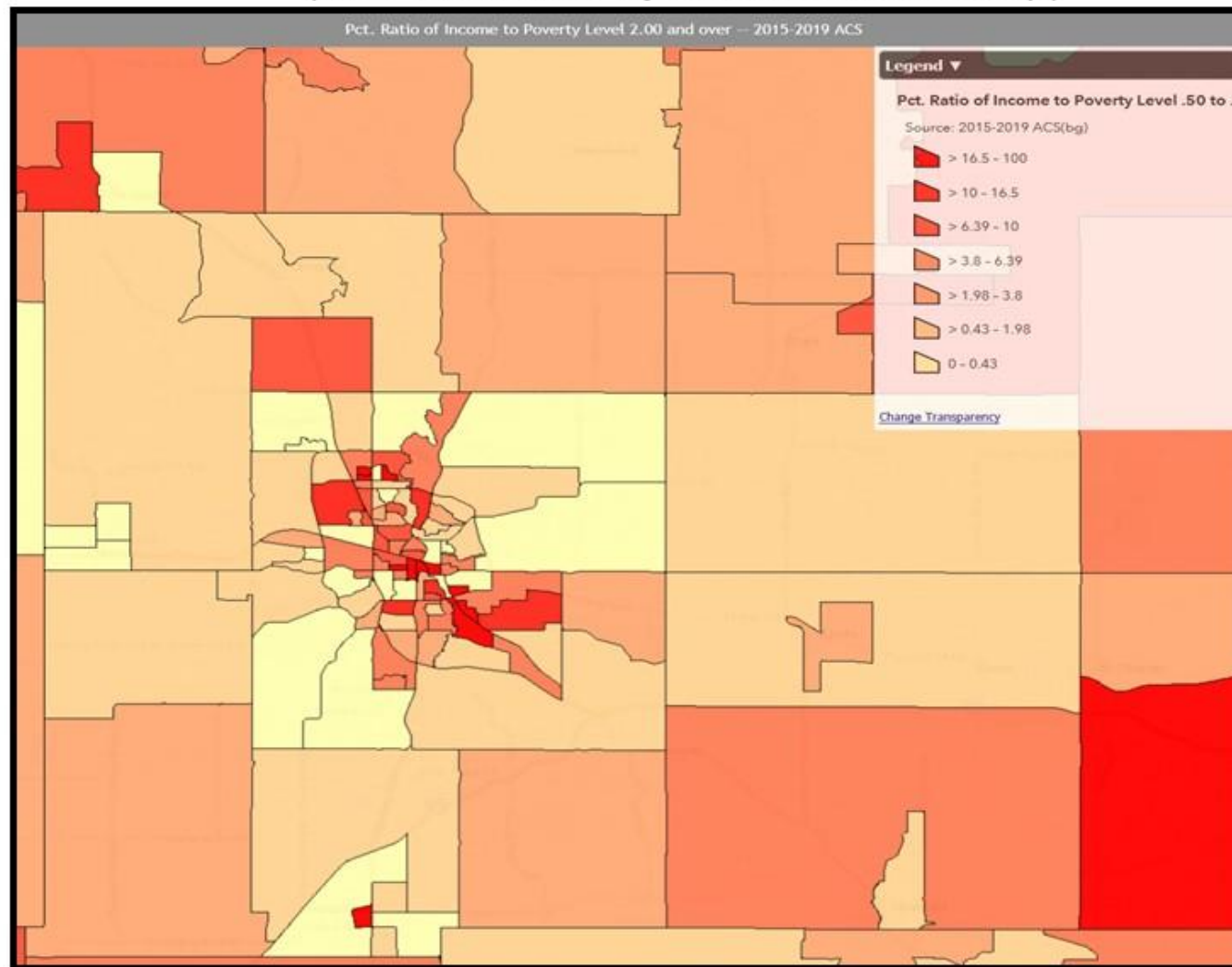
Percentage of Hispanic Population Below Poverty Level (ACS 2015-2019 by Census Tracts)



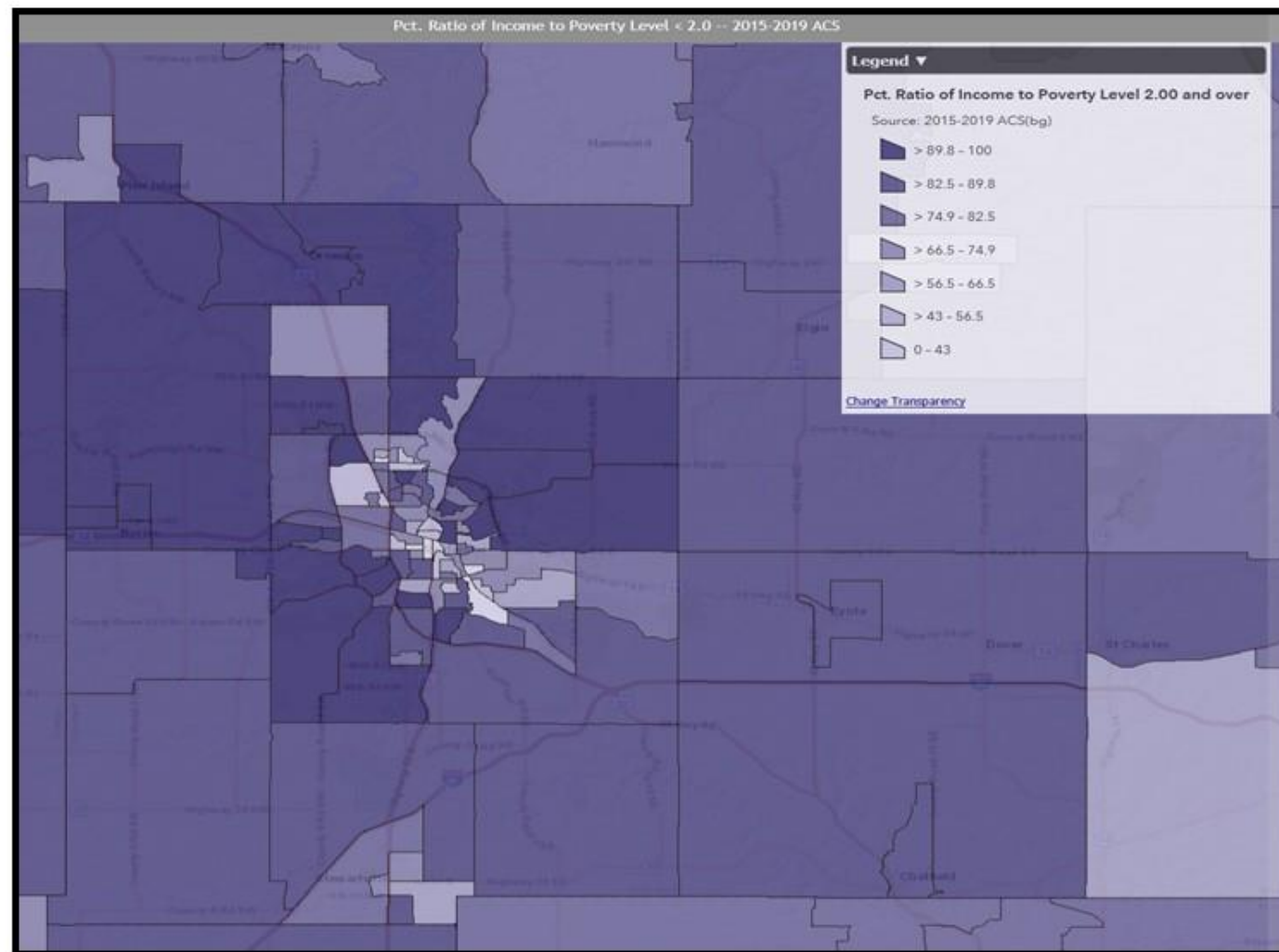
Percentage of American Indian Population Below Poverty (ACS 2015-2019 by Census Tracts)



Percentage Ratio of Income to Poverty Level .50-.99 in ROCOG Area (ACS 2015-2019 by Census Block Group)



Percentage of Ratio of Income to Poverty Level 2.00 & Above in ROCOG Area (ACS 2015-2019 by Census Block Group)



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14. [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970](#), as amended, 42 U.S.C. Section 4601, *et seq.*
15. [U.S. Department of Justice regulations, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs," 28 CFR part 42, Subpart F.](#)
16. [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.](#)
17. [Joint FTA/Federal Highway Administration \(FHWA\) regulations, "Environmental Impact and Related Procedures," 23 CFR part 771 and 49 CFR part 622.](#)
18. [Joint FTA/FHWA regulations, "Planning Assistance and Standards," 23 CFR part 450 and 49 CFR part 613.](#)

19. [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).
20. [Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency,"](#) Aug. 11, 2000, 65 FR 50121 (Aug. 16, 2000).
21. [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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