



**Title VI Plan for
Minnesota Department of Transportation
Federal Highway Administration Subrecipient**

City of Red Wing

September 12, 2022

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Title VI Plan Revision Log

Date Month/day/year	Section Revised	Summary of Revisions
9/12/22	Plan established and approved	

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I. Introduction

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

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

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

II. Legal Authorities

The City of Red Wing's Title VI compliance program is governed by many legal authorities, including, but not limited to, the list below.

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

III. Title VI and Non-Discrimination Policy Statement

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

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

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

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

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

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

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



Kay Kuhlmann,
City Council Administrator

September 12, 2022

I. 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 City of Red Wing is required to include in bid solicitations or requests for proposal, contracts, and real estate agreements. The City of Red Wing is committed to ensuring the necessary language is used as prescribed in the assurances agreement.

In accordance with this requirement, the City of Red Wing has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is attached as Appendix A.

V. Organization, Staffing, and Structure

Red Wing's City Council Administrator is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents pursuant to 23 C.F.R. Part 200 and 49 C.F.R. Part 21.

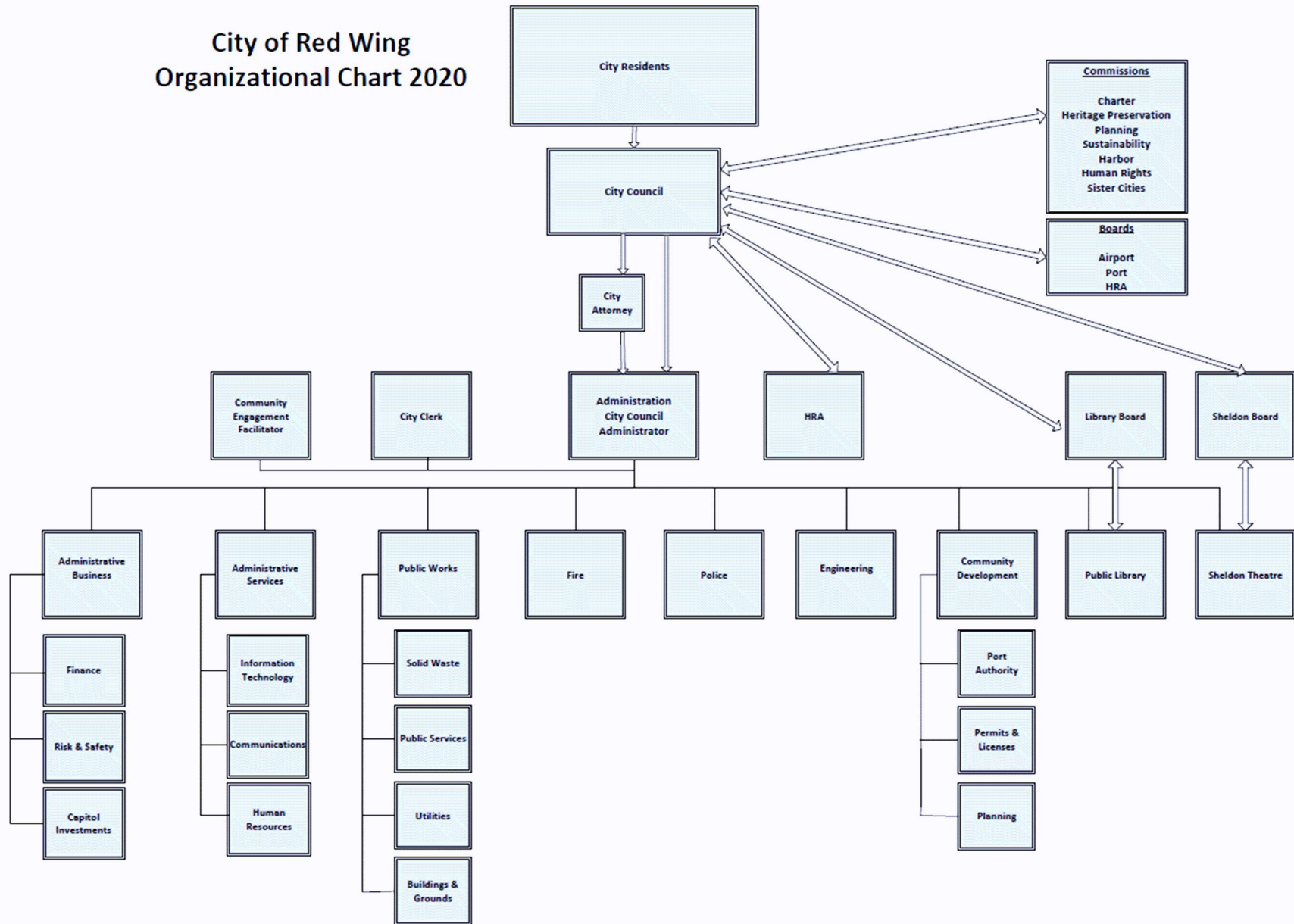
The City of Red Wing has assigned Michelle Leise, Community Engagement Facilitator, to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position of the Community Engagement Facilitator is within the Administration Department at City Hall. The Title VI Coordinator will be in communication with the City's Engineering Director/City Engineer, Public Works Director, and the City Council Administrator in this work.

The Title VI Coordinator is responsible for:

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

See the following page for the City of Red Wing's organizational chart.

City of Red Wing Organizational Chart 2020



VI. Training

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

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

The City of Red Wing will maintain records indicating that staff have received sufficient training on a periodic basis.

VII. Primary Program Area Descriptions & Review Procedures

The City of Red Wing engages in the following program areas:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Right of Way	<p>Issues public right of way permits for construction, transportation, business, and other activities.</p> <p>Coordinates relocation of citizens whose property has been acquired for a right of way.</p>	<p>Public right of way permits and relocations should not create unfair burdens for environmental justice communities.</p> <p>Collect demographic data from property owners who may be subject to right of way activities.</p> <p>Ensure property owners impacted by right of way activities are made aware of their right to be free from discrimination on the basis of race, color, or national origin under Title IV of the Civil Rights Act of 1964.</p>	<p>City will review permits and relocations to ensure nondiscrimination.</p> <p>City will begin planning how demographic data can be included in necessary right of way templates or forms.</p> <p>City will begin providing information about Title VI to property owners impacted by right of way activities.</p>
Contracting	<p>Develops and manages contracts and contracting opportunities, including specifications, bidding process, and contract execution.</p>	<p>Maintain an open and fair bidding process for all contracts.</p> <p>Ensure Title VI Assurances appendices are included in contracts as specified within the assurances document.</p>	<p>City will review contracts for necessary Title VI language.</p> <p>City will review contract recipients to ensure nondiscrimination in contracting.</p> <p>City will review bidding procedures to ensure nondiscrimination and equal opportunity.</p>
Planning	<p>Short-term and long-term planning of transportation projects</p>	<p>Use equity-based analysis as part of the planning process.</p>	<p>City will review its planning decisions through an equity lens to ensure nondiscrimination. City will use its Health, Equity, and Excellence in All Policies tool as a guide in its decision-making. (See Appendix C.)</p>

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Planning <i>(continued)</i>		<p>Ensure comprehensive public participation to meet environmental justice requirements.</p> <p>Collect demographic data from public engagement activities regarding demographics of public participants. Provide language access as needed.</p>	<p>City will review its public engagement activities periodically to determine whether engagement opportunities were offered to all communities.</p> <p>City will discuss how to collect more detailed demographic information on engagement participants. City will communicate the availability of interpretation services and provide services when needed. City will document language-access requests from the public.</p>
Public Engagement	<p>Coordinates public engagement activities for planning and project development, as well as relationship-building engagement activities.</p>	<p>Offer comprehensive public participation to meet environmental justice requires.</p> <p>Collect demographic data from public engagement activities regarding demographics of public participants.</p> <p>Provide language access as needed.</p> <p>Disseminate Title VI information to the public to ensure they are aware of their rights to be free from discrimination.</p>	<p>City will review public engagement activities periodically to determine if engagement opportunities were offered to all communities.</p> <p>City will discuss how to collect more detailed demographic information on engagement participants. City will communicate the availability of interpretation services and provide services when needed. City will document language-access requests from the public.</p> <p>City will post a copy of its Title VI Plan on its website, public notice board, and at public buildings.</p>
Maintenance	<p>Services roadways and right of ways, including, but not limited to, providing repair, signage, drainage, and snow and ice removal.</p>	<p>Ensure no communities are subject to a disparate lack of maintenance services based on a protected class.</p>	<p>City will review resources provided to the community and determine whether any protected class communities have disproportionately benefited or been harmed by the delivery of maintenance services.</p>

VIII. Data Collection

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

IX. Title VI Complaint Procedures

Scope of Title VI Complaints

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

The scope of Title VI covers all internal and external activities of the City of Red Wing.

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

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

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

How to File a Formal Title VI Complaint

Any person(s) or organization(s) believing they have been discriminated against on the basis of the protected classes stated above by the City of Red Wing 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 email. A complaint should contain the following information:

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

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

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

Complaints can also be filed by completing and submitting the City of Red Wing's Title VI Complaint Form available at Appendix B or by sending an email or letter with the necessary information to:

Michelle Leise
City of Red Wing
315 West 4th Street, Red Wing, MN 55066
Email: michelle.leise@ci.red-wing.mn.us
Phone: 651-385-3618

The complaint form is also available in hard copy at Red Wing's City Hall (315 West 4th Street), and the Red Wing Public Works and Engineering Office (229 Tyler Road North), Red Wing, MN 55066. Language assistance is available for limited English proficient individuals. MnDOT has hard copy complaint forms available in [Spanish](#), [Somali](#), and [Hmong](#). Other languages can be accommodated as needed.

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

Complaints can also be filed directly with the following agencies:

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

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

After submitting a complaint, the complainant will receive a correspondence informing them of the status of the complaint within ten (10) business days of the City of Red Wing or other agency receiving the complaint.

Complaints received by the City of Red Wing's Title VI Coordinator related to road and highway projects are forwarded to the MnDOT Office of Civil Rights (OCR). MnDOT OCR will forward the complaint to the FHWA Minnesota Division Office, along with a preliminary processing recommendation. The FHWA Minnesota Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR).

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

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

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

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

X. Environmental Justice

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

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

Similarly, the City of Red Wing will institutionalize the same key components of DOT's environmental justice strategy and commitment to promote the principles of environmental justice in all of the City of Red Wing's programs, policies, and activities. These policies outline actions and factors to address environmental justice in order to identify and avoid discrimination and disproportionality high and adverse effects on minority and low-income populations. Over time, the City of Red Wing will work to do the following:

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

The City of Red Wing supports environmental justice through every stage of the planning, construction and maintenance processes, consistent with the factors outlined above. This ensures the City of Red Wing gains input from the community that will help shape how the City of Red Wing builds and maintains roads, bridges, the local airport, riverfront, parks, and trails.

Some ways in which the City of Red Wing will make steps to accomplish this include:

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

XI. Public Participation

- *Data Collection:* The City of Red Wing creates and uses a Red Wing Report Card that collects and shares information in ten key categories. The Report Card is currently being updated and restructured into a digital format. This format also includes more detailed demographic and racially disaggregated data, when possible.
- *Identifying the Needs of Underserved Communities:* The City of Red Wing regularly collaborates with key nonprofits, local governments, and personal trusted sources in the community to reach our entire population. This includes strong partnerships with Prairie Island Indian Community, Hispanic Outreach, the Red Wing Youth Partnership, and our local Advisory Team on Government Policies and Practices.
 - *Demographics:* Based on the U.S. Census 5-Year Estimates (2016-2020), Red Wing's race and ethnicity demographics are as follows:
 - White Alone (not Hispanic/Latino): 87.1%
 - Hispanic/Latino (of any race): 6.1%
 - Two or More Races: 4.4%
 - Black/African American Alone: 2.5%
 - American Indian/Alaskan Native Alone: 1.5%
 - Asian Alone: 0.2%
- *Communicating with Underserved Communities:* The City communicates with its residents, including underserved populations, through its social media platforms (Facebook & Twitter), its online bi-monthly newsletter CityBeat, utility bill inserts, website, open meetings, community events, surveys at meetings and events, and neighborhood construction meetings.
- *Considering Input from Underserved Communities in Decision-Making:* The City of Red Wing has prioritized incorporating the concerns, input, and ideas from underserved communities in all facets of its work.
 - City Council regularly receives policy and practice recommendations from Red Wing's Advisory Team on Government Policies and Practices. This group represents a diverse group of residents who meet with staff and bring forward recommendations that will improve how government works for everyone in our community.
 - Elected leaders and staff implement actions in the Red Wing Strategic Racial Equity Action Plan, which was created with input from multiple populations across the city.
 - Red Wing has 14 volunteer resident boards and commissions that provide input to the City Council's decisions. This provides opportunities for more than 140 residents to give their ideas and feedback to proposals, plans, and policies.
 - Red Wing forms resident-input groups for major construction projects that give input into the vision and design

- The City of Red Wing uses a Health, Equity, and Excellence in All Policies tool to guide our decision-making and ensure our City staff, Council, boards, and commissions are reaching out to listen to the residents most affected by a policy or decision. That document is attached as Appendix C.

The City uses its Strategic Racial Equity Action Plan as a guide in strategies and engagement to underserved communities. This includes accountability measures from City departments and boards and commissions in ensuring the City of Red Wing is using inclusive practices in all areas of local government.

XII. Limited English Proficiency (LEP) & Language Access

Legal Background

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

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

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

Identifying Limited English Proficient Populations (Four-Factor Analysis)

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

FACTOR #1: THE NUMBER OR PROPORTION OF LEP INDIVIDUALS ELIGIBLE TO BE SERVED OR LIKELY TO BE ENCOUNTERED

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

population. This population will be program-specific and includes people who are in the program's geographic area.

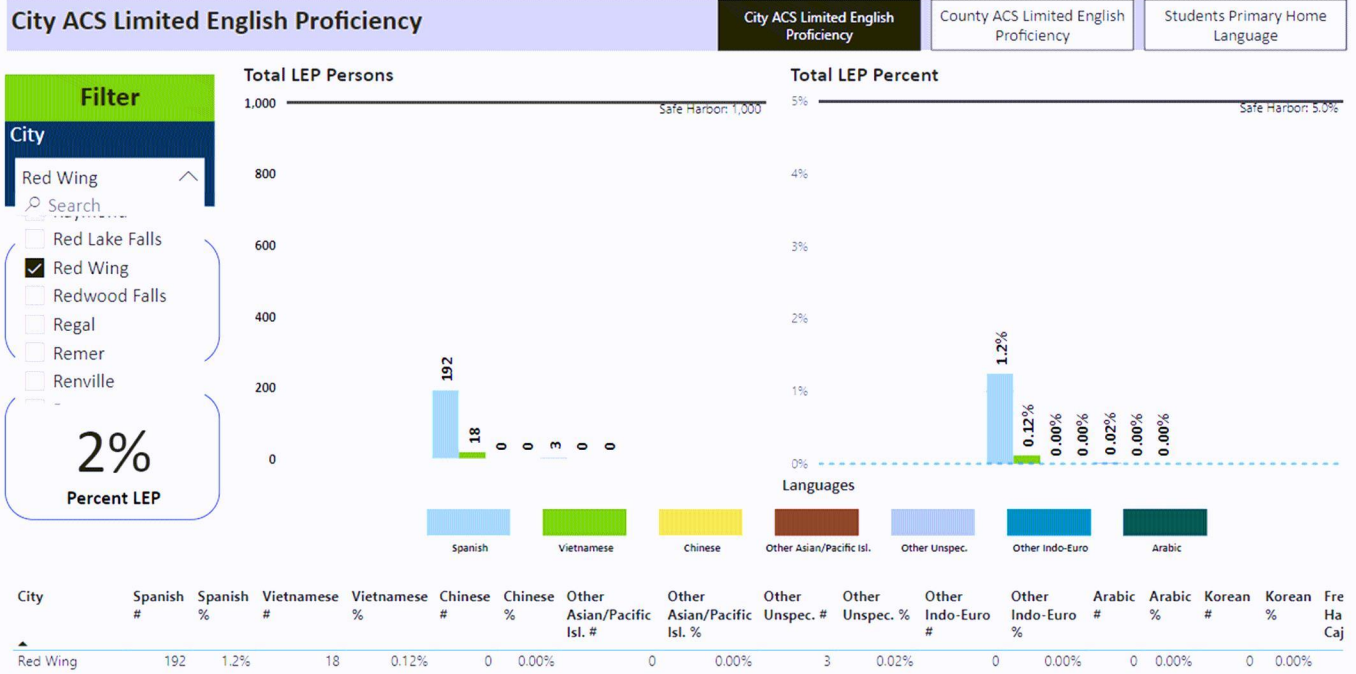
The City of Red Wing should first examine their prior experiences with LEP individuals and determine the breadth and scope of language assistance services needed. It is also important to include LEP populations that are eligible beneficiaries of programs, activities, or services but may be underserved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

Generally, the City of Red Wing will use reliable external data sources to determine the number or proportion of LEP individuals likely to be served or encountered.

The City of Red Wing, for this plan, used [MnDOT's LEP Data Tool](#) to provide the necessary data for its Title VI analysis. In the most recent American Community Survey's 5-Year Analysis, conducted in 2015-2019, the findings on the next two pages were documented. In the future, our city will also include data from the Red Wing Report Card, where we will be documenting this information, as well.

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

Limited English Proficiency Data Tool



Minnesota Department of Education: Primary Home Language for Students

Limited English Proficiency Data Tool

Students Primary Home Language
City ACS Limited English Proficiency
County ACS Limited English Proficiency
Students Primary Home Language

Filter

County & School District ▼

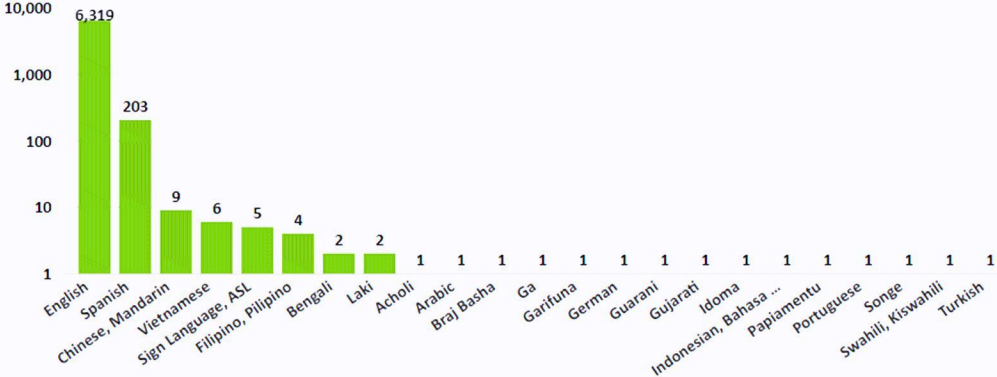
Red Wing +

Select All

Goodhue

Red Wing Public School Dis...

Top 10 - Enrollments by Language



Safe Harbor Provision (Written Documents)

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

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

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

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

The findings from the graphs on the preceding pages do not indicate any LEP language groups meet the safe harbor threshold. While the City of Red Wing is not obligated by the Title VI criteria to proactively translate written documents at this time, the City has prioritized language accessibility overall and, therefore, will make efforts to reasonably accommodate any language access requests that arise, including the translation of information when requested.

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

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

However, even if there are infrequent or unpredictable interactions with LEP individuals, the City of Red Wing must be prepared to provide language assistance services to LEP individuals.

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

LEP persons may interact in several ways with the City of Red Wing, including but not limited to:

- Public meetings
- Community events
- Project-specific meetings, events, and discussions
- Online engagement

- Walk-in requests for information
- Phone communications
- Customer service interactions
- Surveys for information
- Requests for permits, licenses, or materials
- Real estate transactions (i.e., right of way)

In its most recent review conducted in August 2022, the City of Red Wing noted it has had multiple interactions with the following LEP language groups in the past two years:

- Engaged in listening session with the Hispanic community – roughly 35 Hispanic residents attended.
- Held three meetings with leadership from our local Hispanic Outreach organization to discuss and finalize agreement for translation services.
- Conducted community-wide written survey mailed to all renters, including in Spanish, to access the needs and health concerns of tenants.
- Conducted two meetings with representative of the Hispanic community to plan ways the City of Red Wing can be more responsive and welcoming to LEP residents.
- Conducted numerous Advisory Team meetings about language accessibility.

The City of Red Wing will assess, as accurately as possible over the next 5-year period, the frequency with which LEP persons from different language groups come into contact with the City of Red Wing's programs and activities.

FACTOR #3: THE NATURE AND IMPORTANCE OF THE PROGRAM, ACTIVITY, OR SERVICE TO PEOPLE'S LIVES

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

Together with the leadership of Hispanic Outreach, the City of Red Wing has determined the most important documents to translate whenever reasonably possible are as follows:

- Right-of-way interactions with LEP property owners
- Community surveys that impact Council decision-making
- Notices of neighborhood meetings
- Notices of public hearings
- Translation of videos that relate important information to the community

Vital Documents

As part of its analysis, a district, office, or program may determine that necessary language assistance measures include the translation of vital documents into the language of each LEP group that is frequently encountered, eligible to be served, or likely to be affected. Vital documents are paper or electronic written material containing information that is (1) critical for

accessing programs, services, benefits, or activities, (2) directly and substantially related to public safety, or (3) required by law. Whether a document (or the information it solicits) is “vital” may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is neither accurate nor timely.

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

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

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

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

To request this document in another language, please send email and attach document to City Hall, 315 West 4th Street, Red Wing, MN 55066.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a City Hall, 315 West 4th Street, Red Wing, MN 55066.

While the City of Red Wing is not obligated by the Title VI criteria to proactively translate written documents at this time, the City has prioritized language accessibility overall and, therefore, will make efforts to reasonably accommodate any language access requests that arise, including making every reasonable effort to provide translations with these documents that have been listed in federal guidance:

- Public Notice of Rights Under Title VI
- Language assistance notice on public engagement invitations
- Language assistance notice on large public-facing documents

FACTOR #4: THE RESOURCES AVAILABLE TO THE CITY OF RED WING AND THE COST OF LANGUAGE ASSISTANCE

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

The four-factor analysis necessarily implicates a spectrum of language assistance measures. For instance, written translations can range from translation of an entire document to translation

of a short description of the document, and interpretation services may range from using telephone-based interpretation services to providing in-person interpretation at a public event. Language assistance measures should be based on what is necessary and reasonable after considering the four-factor analysis. The City of Red Wing will proactively identify how to provide language assistance services efficiently and cost-effectively while ensuring meaningful access to LEP individuals.

Language Services

There are two types of language services:

- *Translation* is the replacement of a word, phrase, or text in one language (source language) with an equivalent-meaning word, phrase, or text in another language (target language). This is written language assistance.
- *Interpretation* is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. This is oral language assistance.

Currently, the City of Red Wing has the following language services available:

- Language Line provides telephone-based, on-demand access to language interpreters 24 hours a day, 7 days a week, year-round. The service assists staff in communicating effectively with LEP individuals.
- Translation and interpretation services as needed, provided through contacts with our local Hispanic Outreach of Goodhue County and/or others.

XIII. Notice of Rights

The City of Red Wing's Notice of Rights will be posted on the public notice board in City Hall and on the City's website. It will be provided in both English and Spanish.

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

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

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

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

Michelle Leise
City of Red Wing
315 West 4th Street,
Red Wing, MN 55066

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

Minnesota Department of Transportation
Office of Civil Rights
395 John Ireland Blvd, Mail Stop 170
St. Paul, MN 55155
Phone: (651)-366-3073
Fax: (651)-366-3129

APPENDIX A
TO THE TITLE VI PLAN FOR MN DOT FHWA SUBRECIPIENT

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The _____ City of Red Wing _____ (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

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

General Assurances

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

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

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FHWA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a

“facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **FHWA Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clauses of **Appendix A and E** of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of **Appendix B** of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in **Appendix C** and **Appendix D** of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance

under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

City of Red Wing gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FHWA. This ASSURANCE is binding on

City of Red Wing, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in its programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Red Wing

by



Kay Kuhlmann, City Council Administrator

DATED September 12, 2022

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration (FHWA)**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21. *[Include Modal Operating Administration specific program requirements.]*
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. *[Include Modal Operating Administration specific program requirements.]*
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **FHWA** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **FHWA**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **FHWA** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **FHWA** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the _____ City of Red Wing _____ will accept title to the lands and maintain the project constructed thereon in accordance with the Regulations for the Administration of **Federal Highway Administration (FHWA)**, and the policies and procedures prescribed by the **FHWA** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the _____ City of Red Wing _____ 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 _____ City of Red Wing _____ and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the _____ City of Red Wing _____, its successors and assigns.

The _____ City of Red Wing _____, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the _____ City of Red Wing _____ will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the _____ City of Red Wing _____ pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, _____ City of Red Wing _____ will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the _____ City of Red Wing _____ will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the _____ City of Red Wing _____ and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by City of Red Wing pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Red Wing will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Red Wing will there upon revert to and vest in and become the absolute property of City of Red Wing and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

APPENDIX B TO THE TITLE VI PLAN FOR MN DOT FWHA SUBRECIPIENT

Title VI Complaint Form

MnDOT has fillable PDF complaint forms available [here](#).

Please complete this form to the best of your ability. If you need translation or other assistance, contact Michelle Leise at the City of Red Wing at 651-385-3618 or michelle.leise@ci.red-wing.mn.us.

Name _____

Address _____ City _____ Zip _____

Phone: Home _____ Work _____ Mobile _____

Email: _____

Basis of Complaint (check all that apply):

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

Who discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

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

Where did the discrimination occur?

When did the discrimination occur?

Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

How would you like to see this situation resolved?

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

Who _____ When _____

Status (pending, resolved, etc.) _____ Result, if known _____

Complaint or case number, if known _____

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

Name _____ Phone _____

Address _____ City _____ Zip _____

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

Signed _____ Date _____

Título VI y otro formulario de queja por discriminación

Complete este formulario si cree que ha sufrido discriminación por parte del Departamento de Transporte de Minnesota (MnDOT), sus subreceptores, consultores o contratistas por motivos de raza, color, nacionalidad, sexo, edad, discapacidad, credo, religión, estado civil, orientación sexual, identidad de género, estado con respecto a la asistencia pública o estado de bajos ingresos en violación del Título VI de la Ley de Derechos Civiles de 1964 o leyes relacionadas. La queja debe presentarse a más tardar 180 días calendario después del presunto incidente discriminatorio.

Este formulario está disponible en inglés, español, hmong y somalí. Las solicitudes de idiomas adicionales deben dirigirse al Coordinador del Título VI, cuya información de contacto se encuentra al final de este formulario. Las solicitudes de formatos alternativos deben dirigirse a ADArequest.dot@state.mn.us o por teléfono al 651-366-4718 o TTY 800-627-3529.

Información personal

Fecha de hoy:

Apellido: _____ **Primer nombre:** _____ **Inicial del 2.º nombre:** _____
Correo electrónico: _____ **Número de teléfono:** _____
Dirección: _____ **Apt ama Guriga:** _____
Ciudad: _____ **Estado:** _____ **Código postal:** _____
Método de contacto preferido: Elija uno **Mejor hora para contactarle:** _____

Base de la discriminación

Creo que fui discriminado debido a mi (marque todo lo que corresponda):

Raza	Color	Origen nacional	Edad	Discapacidad	Credo
Religión	Estado civil	Orientación sexual	Identidad de género	Estado con respecto a la asistencia pública	
Sexo	Estado de bajos ingresos	Otro:			

¿Ha presentado esta queja ante alguna otra agencia gubernamental? Elija uno

Si es así, ¿qué agencia?

¿Cuál es el estado de la queja?

Información de agencia o negocio que presuntamente le discriminó

Fecha en que ocurrió la discriminación:

Fecha más reciente de discriminación (si es diferente a la anterior):

Nombre de la agencia/negocio:

Número de teléfono:

Dirección:

Ciudad: _____ Estado: _____ Código postal: _____

Nombre(s) y puesto(s) de trabajo de la(s) persona(s) que presuntamente le discriminaron:

Cuéntanos lo que sucedió

Explique en detalle qué sucedió, quiénes estuvieron involucrados y cómo usted u otras personas fueron discriminados. Adjunte hojas adicionales si es necesario y proporcione una copia de los materiales escritos relacionados con su queja.

¿Cuál es el resultado deseado?

Explique brevemente cómo le gustaría que se resolviera este asunto.

Verificación

Al firmar esta queja, verifico que, a mi leal saber y entender, todo lo que he declarado en este formulario es correcto y verdadero.

Firma del denunciante:

Fecha:

Devuelva el formulario completo a: Coordinador del Título VI: **Joe Castillo**

Correo: **MnDOT Office of Civil Rights**
395 John Ireland Blvd, MS 170
St. Paul, MN 55155

Correo electrónico: joseph.castillo@state.mn.us

Teléfono: **612-297-7441**

Fax: **651-366-3129**

Borrar todo el formulario

Título VI Procedimiento de Queja por Discriminación

La ley federal y estatal prohíbe la discriminación basada en la raza, el color, la nacionalidad, el sexo, la edad, la discapacidad, los bajos ingresos, el credo, la religión, el estado civil, la orientación sexual, la identidad de género, y su estado en relación con la asistencia pública. MnDOT se compromete a asegurar que ninguna persona en el estado de Minnesota esté excluida de la participación o se le denieguen beneficios o sea sometida a discriminación basada en estas clases protegidas en cualquier y todo programa, servicio o actividad administrado por el departamento y sus subreceptores y contratistas. Además, el MnDOT se compromete a asegurar que sus programas incorporen acceso para las personas con una fluidez de inglés limitada.

Quién puede presentar una queja por discriminación:

Toda persona que crea que ella, individualmente o como miembro de cualquier clase de personas específica, ha sido sometida a discriminación basada en la raza, el color, la nacionalidad, el sexo, la edad, la discapacidad, los bajos ingresos, el credo, la religión, el estado civil, la orientación sexual, la identidad de género o su estado en relación a la asistencia pública puede [presentar una queja de discriminación](#) al MnDOT. Todas las quejas recibidas por el MnDOT se enviarán de inmediato al coordinador del Título VI en la Oficina de Derechos Civiles.

Requisitos:

Las quejas serán una declaración escrita o electrónica, firmada por el demandante o representante de la organización querellante. Todas las secciones del *Formulario de Queja por Discriminación MnDOT Título VI* deben ser completado antes de su presentación.

Tiempo límite para la presentación de una queja por discriminación:

La queja debe ser presentada dentro de 180 días calendario desde la fecha del supuesto incidente discriminatorio.

Cómo enviar un formulario de queja de discriminación completado:

Los formularios de quejas pueden ser enviadas a la oficina de derechos civiles de MnDOT en cualquiera de las siguientes maneras:

1. **En línea a través de la Web de la oficina de derechos civiles:**
<http://www.dot.state.mn.us/civilrights/titlevi.html>
2. **Correo electrónico:** OCRformsubmissions.dot@state.mn.us
3. **Correo:** Departamento de Transporte de Minnesota
Oficina de Derechos Civiles, MS 170
395 John Ireland Blvd.
St. Paul, MN 55155
4. **Teléfono:** 651-366-3322
TTY: 800-627-3529

5. **Fax:** 651-366-3129

También puede presentar su queja de discriminación con las agencias federales siguientes:

1. Oficina de Administración de Carreteras
de Derechos Civiles
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590

Teléfono: 202-366-0693

Fax: 202-366-1599

TTY: 202-366-5132

Correo electrónico: CivilRights.FHWA@dot.gov

2. **Oficina de Administración Federal de
Tránsito
de Derechos Civiles**

Atención: Equipo de Denuncia
East Building, 5th Floor – TCR
1200 New Jersey Avenue SE
Washington, D.C. 20590

Teléfono: 1-888-446-4511

Como un recurso, también puede contactar a los siguientes organismos y oficinas de los derechos civiles locales para obtener información sobre sus formularios y procedimientos para la denuncia: Comisión de Oportunidad de Empleo Equitativo de EE.UU. (EEOC), Departamento de Derechos Humanos de Minnesota (MDHR), Departamento de Derechos Civiles de la Ciudad de Minneapolis, y la Oficina de Oportunidades Económicas Equitativas y de Derechos Humanos de St. Paul (HREEO).

Formatos e Idiomas Alternativos:

El formulario de quejas de discriminación de MnDOT título VI está disponible en inglés, español, hmong y somalí. Solicitudes de formatos alternativos o de otros idiomas del formulario de queja deben ser dirigidas a ADArequest.dot@state.mn.us o por teléfono al 651-366-4718 o 800-627-3529 TTY.

Si usted necesita ayuda completando el formulario, por favor llame o escriba un correo electrónico a la oficina de derechos civiles de MnDOT. Las denuncias de discriminación recibidas por fax o correo electrónico se reconocerán y se procesarán. Denuncias recibidas por vía oral por teléfono u otros medios serán producidas por escrito y proporcionadas al demandante para su aprobación.

Preguntas:

Para más información o preguntas sobre cómo presentar una queja, comuníquese con:

Joe Castillo

Coordinadora del Título VI
Oficina de Derechos Civiles de MnDOT
joseph.castillo@state.mn.us
612-297-7441

Sean Skibbie

Director
Oficina de Derechos Civiles de MnDOT
Sean.Skibbie@state.mn.us
651-398-1164

How We Plan & Evaluate Policies & Practices

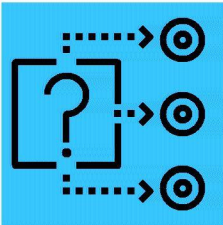
The HEEAP Sheet: Health, Equity, and Excellence in All Policies

The KEY THREE: If you have very little time, ask yourself these three questions:



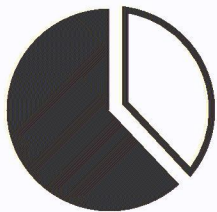
- What are the impacts of the policy or practice?
- Who will benefit and who will be burdened?
- What are the strategies to lessen any unintended or negative consequences?

Always start with the your desired *result* in mind. Then decide how you want to get there.



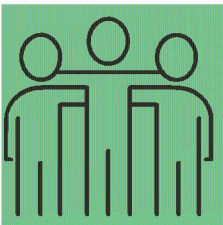
1. Identify Impacts

- What are the desired results you want in the community?
- What are the desired outcomes within the City of Red Wing organization?
- What is the policy or practice being considered to get to those results?
- What are all the things this proposal could have the ability to impact?



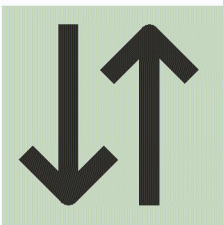
2. Collect & Analyze Data

- Will this impact a specific geographic area, neighborhood, or demographic?
- Do we have data on the area or the populations who may be most affected?
- Are there gaps in our data? How can we get better or updated data?
- Are there data on best practices or data that supports this proposal?



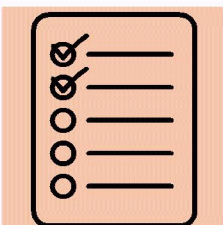
3. Engage the Residents Most Affected

- How have different populations been engaged? Can we expand that?
- How have we engaged the people most affected by the proposal/decision?
- What did we learn from that engagement? How will that affect this proposal?



4. Consider Positive & Negative Consequences

- Who benefits and who is burdened by this proposal?
- What are the potential unintended negative consequences of this proposal?
- What are the strategies to eliminate or decrease those negative consequences?
- Could we engage community partners for more positive impact?



5. Plan How to Get Things Done

- What is the plan for implementing the proposal and is that plan realistic?
- Do you have the proper funding and staffing?
- Are there resources for continuing to collect data, communicate and report to the public, and engage the community? How can this be accomplished?



6. Document and Evaluate

- Ask and document: "How much did we do? How well did we do it? Are people better off? Are we achieving the anticipated outcomes?"
- What do we need to do differently to get better outcomes going forward?
- How can we build relationships & partner to ensure the work is sustainable?