



# **Crow Wing County Highway Department**

## **Title VI Plan**

**February 2, 2024**

### Title VI Plan Revision Log

Date (month/day/year)	Section Revised	Summary of Revisions
06/10/2022	Plan established & approved	
2/2/2024	All sections	Data review and update

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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 program or activity involves federal funds. Taken together, these laws require recipients and sub-recipients of federal funds to ensure all programs and services are delivered to the public without discrimination.

Crow Wing County Highway Department, 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. Crow Wing County Highway Department acknowledges it is subject to and will comply with Federal Highway Administration Title VI Assurances.

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

## II. Legal Authorities

Crow Wing County Title VI compliance program is governed by many legal authorities, including, but not limited to, the list below.

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

### III. Non-Discrimination Policy Statement

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

In addition, Executive Order No. 12898, 50 Fed. Reg. 7629 (Feb. 11, 1994) requires Crow Wing County to ensure fair treatment and meaningful involvement of low-income populations in all programs and activities, and Executive Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000) requires agency programs to incorporate access for people with limited English proficiency.

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

The Minnesota Human Rights Act (MHRA) prohibits discrimination in the provision of public services based on 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; 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.

  
Timothy V. Bray, Crow Wing County Engineer

2/2/2024  
Date

#### **IV. Title VI Assurances**

The USDOT requires that federal financial assistance be provided on the condition that the recipient provides an assurance that its programs and activities will be conducted in compliance with Title VI of the Civil Rights Act of 1964. The requirement is located at 49 CFR 21.7(a). To support the implementation of this requirement, the USDOT provided an assurances agreement in USDOT Order No. 1050.2A that federal fund recipients and sub-recipients must sign as a condition of receiving federal financial assistance.

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

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

## **V. Organization, Staffing, and Structure**

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

Crow Wing County Highway Department has assigned the County Engineer to perform the duties of the Title VI Coordinator and ensure implementation of the agency's Title VI program. The position of the County Engineer is located within the Administration Division of the Highway Department.

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on Crow Wing County Highway Department's behalf;
- Ensuring relevant department staff receive necessary Title VI training;
- Developing procedures for the Highway Engineer's awareness of the processing and disposition of complaints;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting annual Title VI assessments of pertinent program areas; and
- Developing Title VI information for dissemination.



2/1/2024



## VI. Primary Program Area Descriptions & Review Procedures

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
County Road, Bridge, and Right of Way Maintenance	<p>Conduct yearly County Road, Bridge, and Right of Way (ROW) maintenance activities.</p> <p>Key areas of responsibility include:</p> <p>Maintenance Planning, Execution, and Administration, Snow Plowing, Permitting, Policy Establishment, Public Right of Way (ROW) management and permits for private and businesses and other maintenance activities.</p>	<p>Ensuring contracts and solicitations contain required nondiscrimination notification and appendices from the Title VI Assurances.</p> <p>County Road and Bridge Maintenance and Right of Way Management activities should not create unfair burdens for environmental justice communities.</p> <p>Collect data from public engagement activities regarding demographics of public participants. Providing language access as needed.</p>	<p>The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs.</p> <p>It is the policy of this Crow Wing County Highway Department to adhere to Equal Employment Opportunity/Affirmative Action and civil rights assurance policies, principles, and imperatives within the planning, development, and implementation of this program area.</p> <p>Review public engagement activities periodically to determine whether opportunities were offered to all communities. Document language access requests.</p>
County Road and Bridge Construction Management	<p>Planning of County Road and Bridge Construction projects related to reconstruction and new construction (versus preservation projects).</p> <p>Key areas of responsibility include:</p> <p>Coordinate public participation activities for project planning and development as well as relationship-building activities.</p>	<p>Ensure contracts and solicitations contain required nondiscrimination notification and appendices from the Title VI Assurances.</p> <p>County Road and Bridge Construction activities should provide for comprehensive public participation in project development and not create unfair burdens for environmental justice communities.</p>	<p>The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs.</p> <p>It is the policy of this Crow Wing County Highway Department to adhere to Equal Employment Opportunity/ Affirmative Action and civil rights assurance policies, principles, and imperatives within.</p>

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Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
County Road and Bridge Construction Management (continued)		<p>Collect data from public engagement activities regarding demographics of public participants.</p> <p>Providing language access as needed.</p>	<p>Program planning, development, and implementation.</p> <p>Review project development disclosure through an equity lens to ensure non-discrimination.</p> <p>Review public participation activities periodically to determine whether engagement opportunities were offered to all communities.</p> <p>Document language access requests.</p>
Parks and Trails Construction, Maintenance, and Management	<p>Conduct yearly County Parks and Trails Construction, maintenance, and management activities.</p> <p>Key areas of responsibility include:</p> <p>Park and Trail Construction projects, Routine Maintenance, and Facilities Management, Permitting, Ordinances and Policy Establishment, Project Planning, Development, Execution, and Administration.</p>	<p>Ensure contracts and solicitations contain required non-discrimination notifications and appendices from the Title VI Assurances.</p> <p>Provide Comprehensive public participation when needed to meet environmental justice (EJ) requirements.</p> <p>Collect data from public engagement activities regarding the demographic of public participants.</p> <p>Providing language access as needed.</p>	<p>The nondiscrimination notification in the Title VI Assurance must be included in the bid solicitations and RFPs.</p> <p>It is the policy of Crow Wing County Highway Department to adhere to Equal Employment Opportunity/Affirmative Action and civil rights assurance policies, principles, and imperatives within the planning, development, and implementation of this program area.</p> <p>Review planning decisions through an equity lens to ensure nondiscrimination.</p>

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Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Parks and Trails (continued)			<p>Review public engagement activities periodically to determine whether engagement opportunities were offered to all communities.</p> <p>Document language access requests.</p>
Solid Waste, Household Hazardous Waste, and Recycling Program Management	<p>The County provides Solid Waste Disposal and Recycling activities in support of the County's Solid Waste Management Plan (SWMP)</p> <p>Key areas of responsibility include:</p> <p>Household Hazardous Waste Program management, Regulate Solid Waste Disposal Activities, manage recycling activities, oversee County recycling grant and clean-up programs.</p>	<p>Ensure contracts and solicitations contain required non-discrimination notifications and appendices from the Title VI Assurances.</p> <p>Assure that County's activities are accessible and do not discriminate based on race, color, national origin, sex, age, disability, LEP, or low-income status.</p> <p>Provide Comprehensive public participation when needed to meet environmental justice (EJ) requirements.</p>	<p>Provide Comprehensive public participation when needed to meet environmental justice (EJ) requirements.</p> <p>Include Environmental Justice (EJ) principals in all stages of program planning, development, and implementation.</p> <p>County's activities must be accessible and do not discriminate based on race, color, national origin, sex, age, disability, LEP, or low-income status.</p> <p>A language access plan is implemented to take reasonable steps to reduce language barriers for LEP persons.</p>
Permitting and Regulatory Enforcement	<p>Permitting transportation uses as required to operate on County Roads, Utility Permitting, Permitting Agriculture, Commercial and Residential uses on County Rights of way.</p> <p>Key areas of responsibility include:</p> <p>Issuance of permits for overnight and over-dimension loads, right-of-way uses public utilities.</p> <p>Administer regulatory compliance of Statutes and Ordinances related to the right of way uses.</p>	<p>Permitting and enforcement activities should not create unfair burdens for environmental justice (EJ) communities.</p> <p>Responsible to Limited English Proficient (LEP) Persons to take reasonable steps to ensure meaningful access to activities requiring permitting.</p>	<p>County's permitting activities must be accessible and do not discriminate based on race, color, national origin sex, age, disability, LEP, or low-income status.</p> <p>A language access plan is implemented to take reasonable steps to reduce language barriers for LEP persons.</p> <p>Environmental Justice (EJ) principles are included in all stages of program planning, development, and implementation.</p>

## VII. Data Collection

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

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
County Road, Bridge, and Right of Way Maintenance	<p>Crow Wing County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Crow Wing County's Maintenance projects.</p> <p>Public participation data tracking the race, color, origin, low-income status, disability, age, and sex of members of the public participating in maintenance project development meetings.</p> <p>Language access is provided when needed.</p>	<p>Crow Wing County's programs and activities adhere to Title VI requirements.</p> <p>Document the race/ethnicity of members of the public participating in public meetings and analyze data on populations potentially impacted by Crow Wing County's maintenance projects.</p> <p>Determine whether engagement opportunities were offered to all communities and populations potentially impacted by Crow Wing County's maintenance projects.</p> <p>Document language access requests.</p>
County Road and Bridge Construction Management	<p>Crow Wing County will use the U.S. census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Crow Wing County's maintenance projects.</p> <p>Public participation data tracking of the race, color, origin, low-income status, disability, age, and sex of members participating in construction project development meetings.</p> <p>Public participation data from public engagement activities regarding demographics of public participants.</p>	<p>Crow Wing County's programs and activities adhere to Title VI requirements.</p> <p>Document the race/ethnicity of members of the public participating in public meetings and analyze data on populations potentially impacted by Crow Wing County's maintenance projects.</p> <p>Determine whether engagement opportunities were offered to all communities and populations potentially impacted by Crow Wing County's maintenance projects.</p> <p>Document language access requests.</p>

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Program Area	Type of Data Collection & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)
	Language access is provided when needed.	
Parks and Trails Construction, Maintenance, and Management	<p>Crow Wing County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on the population potentially impacted by Crow Wing County's Parks and Trails programs.</p> <p>Volunteer data collection effort via the Crow Wing County website established for Parks and Trails data tracking of the race, color, origin, low-income status, disability, and sex of participants of Crow Wing County's Parks and Trails programs and activities.</p> <p>Language access is provided when needed.</p>	<p>Crow Wing County's programs and activities adhere to Title VI requirements.</p> <p>Document the race, color, national origin, low-income status, disability, age, and sex of members of the public participating in Crow Wing County Parks and Trails Programs and activities.</p> <p>Determine whether engagement opportunities were offered to all communities and populations wanting to participate in the use of Crow Wing County Parks and Trails programs and activities.</p> <p>Document language access requests.</p>
Solid Waste and Recycling Program Management	<p>Crow Wing County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on the population potentially impacted by Crow Wing County Solid Waste and Recycling Programs.</p> <p>Volunteer data collection effort at organized events when appropriate. Collect survey data on race, color, national origin, low-income status, disability, age, and sex of participants for Crow Wing County Solid Waste and Recycling Programs and activities.</p> <p>Language access is provided when needed.</p>	<p>Crow Wing County's programs and activities adhere to Title VI requirements.</p> <p>Document the race, color, national origin, low-income status, disability, age, and sex of members of the public participating in Crow Wing County Parks and Trails Programs and activities.</p> <p>Determine whether engagement opportunities were offered to all communities and populations wanting to participate in the use of Crow Wing County Parks and Trails programs and activities.</p> <p>Document language access requests.</p>

## **VIII. 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 Crow Wing County Highway Department and its contractors on the grounds of race, color, national origin, sex, age, disability, or low-income status.

The scope of Title VI covers all internal and external activities of the Crow Wing County Highway Department.

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.

### **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 stated above by the Crow Wing County Highway Department 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 filling is extended by the processing agency.

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

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

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>.

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Complaints can also be filed by completing and submitting Crow Wing County Highway Department's Title VI Complaint Form available in Appendix I or by sending an email or letter with the necessary information to:

Crow Wing County Highway Department  
ATTN: County Engineer  
16589 County Road 142  
Brainerd, MN 56401  
Email: [Tim.Bray@crowwing.gov](mailto:Tim.Bray@crowwing.gov)  
Phone: 218-824-1110

The complaint form is also available in hard copy at:

Crow Wing County Highway Department  
16589 County Road 142  
Brainerd, MN 56401

Language assistance is available for limited English proficient (LEP) individuals. MnDOT has hard copy complaint forms available in [Spanish](#), [Somali](#), and [Hmong](#). Other languages can be accommodated as needed.

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

Complaints can also be filed directly with the following agencies:

Federal Highway Administration  
U.S. Department of Transportation Office of Civil Rights  
1200 New Jersey Avenue, SE  
8<sup>th</sup> Floor E81-105  
Washington, DC 20590  
Email: [CivilRights.FHWA@dot.gov](mailto: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 Crow Wing County Highway Department or other agency receiving the complaint.



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Complaints received by Crow Wing County Highway Department's Title VI Coordinator are forwarded to the MnDOT Office of Civil Rights (OCR). MnDOT OCR will forward the complaint to the FHWA Minnesota Division Office, along with a preliminary processing recommendation. The FHWA Minnesota Division Office will forward the complaint to FHWA Headquarters Office of Civil Rights (HCR).

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

- **Accept:** If a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under the FHWA's jurisdiction, the HCR will send 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 procedures/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, 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 Crow Wing Highway Department, 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 [Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964](#).

## **IX. 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 their 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, Crow Wing County Highway Department will strive to achieve the same key components of DOT's environmental justice strategy and commitment to promote the principles of environment justice in all Crow Wing County Highway Department programs, policies, and activities. These policies outline actions and factors to address environmental justice to identify and avoid discrimination and disproportionality high and adverse on minority and low-income populations:

1. Identify and evaluate environmental, public health, and interrelated social and economic effects of Crow Wing County Highway Department 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 Crow Wing County Highway Department 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.

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

Some ways in which the Crow Wing County Highway Department accomplishes this are:

- Ensuring the full and fair participation by all potentially affected communities in the transportation decision-making process;
- Avoiding, minimizing, or mitigating disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;

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- Providing timely information to area residents and businesses affected by transportation plans and projects;
- Performing periodic reviews of the public involvement process to gauge effectiveness, making revisions as necessary; and
- Preventing the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

## **X. Public Participation**

Crow Wing County Highway Department will use the U.S. Census data and/or State of Minnesota Demographer data and estimates to identify populations potentially impacted by Crow Wing County Highway Department projects. Surveys collecting the race, color, national origin, low-income status, disability, age, and sex of participants of Crow Wing County Highway Department programs and activities will be collected when appropriate. All public meetings and civic engagement opportunities are open to the public to participate. Crow Wing County Highway Department uses several forums and avenues for public outreach. The Crow Wing County Highway Department uses the Crow Wing County Board of Commissioners meetings for County Engineer report, Highway Department updates, project and activity approvals, and public hearings. The Board of Commissioners meetings and public hearings are taped and televised on the Crow Wing County YouTube channel. The Crow Wing County Highway Department uses traditional means and methods of public outreach to include public notices and news items in the local newspaper and on the radio. There are daily news sheets distributed throughout the community and businesses by the local radio station, coupled with the information posted on the radio station's website, as well as announced as appropriate on their three (3) broadcasting radio stations. The Crow Wing County Highway Department has a number of dedicated web pages on the Crow Wing County website ([www.crowwing.gov](http://www.crowwing.gov)) for each program area, and also includes transportation project bids and associated links.

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

The Crow Wing County Highway Department produces fact sheets and informational flyers for specific areas of interest to the public. The Crow Wing County Highway Department also uses additional public hearings, planning meetings, open houses, task forces, and steering committees to engage the public for comprehensive and strategic planning endeavors, all of which are advertised in public meetings. Crow Wing County and the Crow Wing County Highway Department also use the website and manual contact forms and records to log issues and recommendations by the public, as well as to track the responses to resident concerns.

## **XI. Limited English Proficiency (LEP) & Language Access**

Crow Wing County Highway Department currently provides language access guidance as needed by the Title VI Coordinator.

Crow Wing County Highway Department conducted a LEP four (4) factor analysis, which is outlined below. The results of the LEP four-factor analysis will be reviewed every three (3) years to help identify the needs of the LEP populations served. (Appendix F)

### **Requirements to Provide Meaningful Access to LEP Persons**

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

### **The LEP Four Factor Analysis**

#### **Factor #1: Demography**

The demographic information outlined below was collected for County purposes. For each applicable program area, a specific analysis must be done to determine the number of LEP populations that may be affected. Demographic information was gathered from the United States Census Bureau. In 2020, the languages spoken at home by the ability to speak English or the population 5 years and over less than "very well" are listed in the attached table, Appendix F.

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

#### **Factor #2: Frequency**

Crow Wing County Highway Department is committed to assessing, as accurately as possible, the frequency with which LEP persons from different language groups encounter Crow Wing County Highway Department programs and activities.

LEP persons interact in several ways with Crow Wing County Highway Department, including but not limited to:

- Public meetings
- Community events
- Project-specific meetings, events, and discussions
- Online engagement
- Walk-in requests for information
- Phone communications

## Crow Wing County Highway Department – Title VI Plan

- Customer service interactions
- Surveys for information
- Requests for permits

### Factor #3: Importance

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

### Factor #4: Resources

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

### **The Safe Harbor Provision**

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

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

### **Crow Wing County Highway Department Language Access Services**

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

### **How does your agency identify LEP communities for outreach?**

- Crow Wing County Highway Department currently provides language access guidance as needed.

## Crow Wing County Highway Department – Title VI Plan

- Crow Wing County Highway Department conducted a LEP four-factor analysis. The results of the LEP four-factor analysis will be reviewed every three (3) years to help identify the needs of the LEP populations served.

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

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

### **How does your agency determine which documents are “vital” and therefore require translation?**

- Crow Wing County Highway Department uses personal contact, the county website, and manual contact forms and records to log issues and recommendations by the public, as well as to track the responses to resident concerns towards identifying “vital” documents requiring translation. Currently, the Crow Wing County Highway Department has not identified any specific vital documents requiring translation.

## **XII. Notice of Rights**

Crow Wing County Highway Department disseminates the Title VI Policy notice using the County website where the Equal Opportunity and Civil Rights Policy can be found, coupled with Title VI information incorporated into contracts for bid, currently, the Crow Wing County Highway Department has not identified specific vital documents requiring translation.

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

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

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

#### **Crow Wing County Highway Department:**

Timothy Bray, County Engineer

Crow Wing County Highway Department

16589 County Road 142

Brainerd, MN 56401

Phone: 218-824-1110

[tim.bray@crowwing.gov](mailto:tim.bray@crowwing.gov)

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

<https://www.dot.state.mn.us/civilrights/nondiscrimination-complaint-form.html> or use the contact information:

Minnesota Department of Transportation

Office of Civil Rights

395 John Ireland Blvd, Mail Stop 170

St. Paul, MN 55155

Phone: 651-366-3073

Fax: 651-366-3129



**The United States Department of Transportation (USDOT)**

**Standard Title VI/Non-Discrimination Assurances**

**DOT Order No. 1050.2A**

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

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, and 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 Operation 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 programs:

## Crow Wing County Highway Department – Title VI Plan

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 adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The CROW WING COUNTY HIGHWAY DEPARTMENT, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*
3. The Recipient will insert the clauses of **Appendix A and E** of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of **Appendix B** of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in **Appendix C and Appendix D** of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. The period during which the Recipient retains ownership or possession of the property.

Crow Wing County Highway Department – Title VI Plan

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 a 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 Operation Administration may include additional Specific Assurances in this section.***

By signing this ASSURANCE, CROW WING COUNTY HIGHWAY DEPARTMENT also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request of 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.

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

CROW WING COUNTY HIGHWAY DEPARTMENT

\_\_\_\_\_  
*(Name of Recipient)*

By   
*(Signature of Authorized Official)*

Dated 2/2/2024

## APPENDIX A

During the performance of this contract, for itself, its assignee, 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 lease of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for 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 include procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-Discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issues 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. Canceling, 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 lease of equipment, unless exempt by the Acts, the Regulations, and directives issues 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 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 CROW WING COUNTY HIGHWAY DEPARTMENT will accept title to the lands and maintain the project constructed thereon in accordance with the Regulations for the Administration of **Federal Highway Administration (FHWA)**, and the policies and procedures prescribed by the **FHWA** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the CROW WING COUNTY HIGHWAY DEPARTMENT all the right, title, and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests herein unto CROW WING COUNTY HIGHWAY DEPARTMENT and its successors forever, subject, however, to the covenants, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the CROW WING COUNTY HIGHWAY DEPARTMENT, its successors and assigns.

The CROW WING COUNTY HIGHWAY DEPARTMENT, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits or, 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 CROW WING COUNTY HIGHWAY DEPARTMENT 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.

## 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 CROW WING COUNTY HIGHWAY DEPARTMENT pursuant to the provisions of ASSURANCE 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her, heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add “as a covenant running with the land”) that:
  1. In the event, that 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 the Regulations (as may be amended) such that no person on the grounds of sex, 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 a breach of any of the above Non-Discrimination covenants, CROW WING COUNTY HIGHWAY DEPARTMENT will have the right to terminate the (lease, license, permit, etc.) and 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 a breach of any of the above Non-Discrimination covenants, the CROW WING COUNTY HIGHWAY DEPARTMENT will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will thereupon revert to and vest in and become the absolute property of the CROW WING COUNTY HIGHWAY DEPARTMENT and its assigns.

## 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 CROW WING COUNTY HIGHWAY DEPARTMENT pursuant to the provisions of Assurance 7(b).

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her, heirs, personal representative, 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 sex, 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 be otherwise 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 a breach of any of the above Non-Discrimination covenants, CROW WING COUNTY HIGHWAY DEPARTMENT 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 if said (license, permit, etc., as appropriate) had never been made or issued.
- C. With respect to deeds, in the event of a breach of any of the above Non-Discrimination covenants CROW WING COUNTY HIGHWAY DEPARTMENT will thereupon revert to and vest in and become the absolute property of CROW WING COUNTY HIGHWAY DEPARTMENT and its assigns.

## 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, and 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 U.S.C. 471, Section 47123), as amended (prohibits discrimination based on race, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage, and acceptability of the 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 the programs or activities of the Federally funded or not);
- Titles II and III of the Americans with Disabilities Act prohibits 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. et 74087 to 74100);
- Title IX of the Education Amendments of 1972 as amended, prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).



## **APPENDIX F**

### **CROW WING COUNTY HIGHWAY DEPARTMENT**

#### **LIMITED ENGLISH PROFICIENCY (LEP) PLAN – FOUR-FACTOR ANALYSIS**

##### **Requirements to Provide Meaningful Access to LEP Persons**

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

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

Crow Wing County Highway Department (CWC Hwy Dept.) Initial LEP four (4) factor analysis is outlined below. The results of the LEP four-factor analysis will be reviewed every three (3) years to help identify the needs of the LEP populations served.

##### **The LEP Four Factor Analysis**

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

## Crow Wing County Highway Department – Title VI Plan

### *Factor #1: Demography*

The demographic information outlined below was collected through the information available from the United States Census Bureau **American Community Survey**. Each applicable program, project, service, or activity, received consideration and analysis, coupled with consult with and guidance from the MnDOT OCR. It was determined that it was reasonable to establish at this time, that there **is not** a particularly limited population and/or individuals living, working, or interacting with the Crow Wing County Highway Department who have limited English proficiency where he/she/heir is unable to speak, read, write or understand the English language at a level that **does not** allow him/her/heir to interact effectively with the Crow Wing County Highway Department staff. It has been recommended by the MnDOT OCR, that a reasonable recurring review be further conducted on a three-year basis to determine if a more comprehensive and applicable program review and analysis is warranted. Out of the estimated total of 63,180 residents of Crow Wing County, 61,849 speak only English (97.89%).

Nevertheless, from the American Community Survey, for Crow Wing County, Minnesota (Estimated), the only moderately notable language of potentially increasing prominence is for the “Spanish” category at 283 (0.45%), of which 157 speak English “very well” (55.48% of the overall language category), with the remaining 126 speaking English “less than very well” (44.52% of the overall language category). This is 0.25% and 0.2% of the total estimated population respectively. All other categories listed were considered less significant than the “Spanish” category.

Similarly, when this population is compared to the “Safe Harbor Provision” thresholds, where recipients must comply with the obligations to provide written translations in languages other than English, to be considered in compliance and provide strong evidence of compliance with the recipient’s written translation obligations under Title VI, the “Spanish” category is less than a quarter of the threshold required to provide translations of vital documents for each eligible LEP language group. That constitutes 5% (3,159) or 1,000, whichever is less, of the population of the “Spanish” category is 283 in total. The 283 estimated individuals of this eligible LEP language group, does not reach the 5% trigger for the Safe Harbor Provisions.

### *Factor #2: Frequency*

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

LEP persons may interact in several ways with Crow Wing County Highway Department, including but not limited to:

- Project-specific meetings, events, and discussions
- Community events
- Phone communications
- Walk-in requests for information
- Request for permits, licenses, and materials
- Public meetings
- Surveys for information
- Online Engagement

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- Customer service interaction
- Real estate transactions

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

Crow Wing County Highway Department will assess, as accurately as possible over the next 3-year period, the frequency with which LEP persons from different language groups come into contact with Crow Wing County Highway Department programs and activities. This will be accomplished using the Crow Wing County Title VI Data Collection Form. The Demography and Frequency of the offering to complete, and/or the completion of the Crow Wing County Highway Department Title VI Data Collection Form, will be accumulated, compiled, and statistically interpreted every year.

### *Factor #3: Importance*

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

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

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

## Crow Wing County Highway Department – Title VI Plan

### *Factor 4: Resources*

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

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

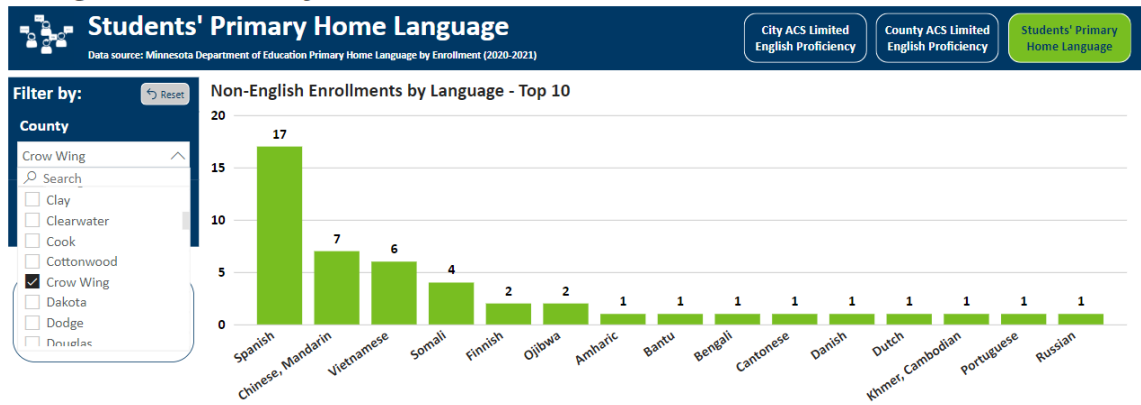
Finally, from the Crow Wing County Highway Department LEP Four Factor Analysis and recognizing that within Crow Wing County, there may be an unidentified and growing population of the Hispanic residents potentially impacted by Crow Wing County Highway Department's projects, Crow Wing County Highway Department will work with any known group that has the potential to represent LEP populations. Crow Wing County Highway Department will seek opportunities for outreach and education for LEP communities with regard to Crow Wing County Highway Department's adherence to MnDOT's Title VI program.

**AMERICAN COMMUNITY SURVEY (2022 5-YEAR, TABLE C16001)**

<b>LANGUAGE SPOKEN AT HOME FOR THE POPULATION 5 YEARS AND OVER</b>	
<b>Crow Wing County, MN</b>	<b>Estimated</b>
Total:	63180
Speak only English	61849
Spanish:	283
Speak English "very well"	157
Speak English less than "very well"	126
French, Haitian, or Cajun:	160
Speak English "very well"	72
Speak English less than "very well"	88
German or other West Germanic languages:	271
Speak English "very well"	197
Speak English less than "very well"	74
Russian, Polish, or other Slavic languages:	91
Speak English "very well"	70
Speak English less than "very well"	21
Other Indo-European languages:	40
Speak English "very well"	28
Speak English less than "very well"	12
Korean:	13
Speak English "very well"	13
Speak English less than "very well"	0
Chinese (incl. Mandarin, Cantonese):	46
Speak English "very well"	46
Speak English less than "very well"	0
Vietnamese:	48
Speak English "very well"	48
Speak English less than "very well"	0
Tagalog (incl. Filipino):	79
Speak English "very well"	12
Speak English less than "very well"	67
Other Asian and Pacific Island languages:	72
Speak English "very well"	34
Speak English less than "very well"	38
Arabic:	0
Speak English "very well"	0
Speak English less than "very well"	0
Other and unspecified languages:	228
Speak English "very well"	165
Speak English less than "very well"	63

MINNESOTA DEPARTMENT OF EDUCATION: PRIMARY HOME LANGUAGE FOR STUDENTS

Limited English Proficiency Data Tool



## APPENDIX G



### TITLE VI PUBLIC PARTICIPATION SURVEY

**(PLEASE USE DARK INK AND PRINT CLEARLY)**

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

To help with this, we ask that you respond to the following questions. You are not obligated to disclose the information requested in order to participate. Any information provided to Crow Wing County Highway Department will be retained solely to collect statistical data to ensure the inclusion of all segments of the population affected by transportation programs and activities.

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

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

*Office Use Only:*

*Meeting Title:* \_\_\_\_\_

*Meeting Date:* \_\_\_\_\_

## APPENDIX H



### NOTICE TO THE PUBLIC: YOUR RIGHTS UNDER TITLE VI OF THE CIVIL RIGHTS ACT

The Crow Wing County Highway Department 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, or 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 authorities. Additionally, Crow Wing County is committed to ensuring that its programs incorporate access for people with limited English proficiency.

Any person who believes that they, individually, or as a member of any specific class of persons, have been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, or income status may file a discrimination complaint with Crow Wing County using the complaint form located on Crow Wing County Highway Department website. The complaint form and procedures are also available in hard copy, Spanish, Somali, Hmong, and additional languages upon request. Crow Wing County's Highway Department website is <https://www.crowwing.us/113/Highway>

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

If you need information translated into another language, or require information in an alternative format, please contact Amy Fischer, Human Resources Manager, 326 Laurel Street, Brainerd, MN [Amy.Fischer@crowwing.gov](mailto:Amy.Fischer@crowwing.gov) or Darcy Dwyer, Public Information Officer [Darcy.Dwyer@crowwing.gov](mailto:Darcy.Dwyer@crowwing.gov).

For more information about Crow Wing County's Title VI Program, please reference the *Crow Wing Title VI and Nondiscrimination Implementation Plan* located on Crow Wing County Highway Department website linked above.

Timothy Bray  
County Engineer  
Crow Wing County - Highway Department

2/2/2024

Date:



## APPENDIX I

### Crow Wing County Title VI and Other Discrimination Complaint Form



#### Title VI and Other Discrimination Complaint Form

Complete this form if you feel that you have experienced discrimination by Crow Wing County and its sub-recipients, consultants, or contractors on the basis of race, color, national origin, sex, age, disability or income status in violation of the Title VI of the Civil Rights Act of 1964 and related statutes. The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident.

Requests for additional languages should be directed to the Title VI Coordinator, whose contact information is listed 218-824-1067 or TTY 800-627-3529.

#### Personal Information

Today's Date:

Last Name:

First Name:

M:

E-mail:

Phone Number:

Address:

Apt or Unit:

City:

State:

Zip:

Preferred method of contact: Choose One

Best time to contact you:

#### Basis of the Discrimination

I believe I was discriminated against based on my (check all that apply):

☐ Race

☐ Color

☐ National Origin

☐ Age

☐ Disability

☐ Sex

☐ Income Status

☐ Other:

☐

☐

☐

Have you filed this complaint with any other governmental agency? Choose One

If yes, which agency?

What is the status of the complaint?

#### Information of Agency or Business that Allegedly Discriminated

Date discrimination occurred:

Most recent date of discrimination (if different from above):

Agency/Business Name:

Phone Number:

Address:

City:

State:

Zip:

Name(s) and job title(s) of individual(s) who allegedly discriminated:

**Tell Us What Happened**

*Please explain in detail what happened, who was involved, and how you or other persons were discriminated against.  
Attach additional sheets if necessary and provide a copy of written materials pertaining to your complaint.*

**What is your Desired Outcome?**

*Briefly explain how you would like this matter to be resolved.*

**Verification**

*In signing this complaint, I verify that, to the best of my knowledge, everything I have stated in this form is accurate and true.*

**Complainant's Signature:**

**Date:**

**Return the completed form to:**

Title VI Coordinator: **Timothy Bray**

Email: **tim.bray@crowwing.us**

Phone: **218-824-1110**

Mail: **Crow Wing County Highway  
16589 Co Rd 142  
Brainerd, MN 56401**

**Clear Entire Form**