



# Carver County Public Works Department

## **Title VI Plan and Non-Discrimination Implementation Plan**

March 14, 2022

**Title VI and Non-Discrimination Implementation Plan - Revision Log**

<b>Date</b> Month/day/year	<b>Section Revised</b>	<b>Summary of Revisions</b>
8.26.2021		Creation of policy
2.18.22		Edits
3.14.22		Finalized

## Table of Contents

Title VI Plan Revision Log .....	2
I. Introduction.....	4
II. Legal Authorities .....	5
III. Non-Discrimination Policy Statement .....	6
IV. Title VI Assurances.....	6
V. Organization, Staffing, and Structure.....	8
VI. Primary Program Area Descriptions & Review Procedures .....	10
VII. Title VI Complaint Procedures .....	14
VIII. Data Collection.....	20
IX. Public Participation .....	21
X. Limited English Proficiency (LEP) & Language Access .....	22
XI. Environmental Justice.....	25
XII. Notice of Rights .....	27
USDOT Standard Title VI/Non-Discrimination Assurances - DOT Order No. 1050.2A ....	2 - 4
Appendix A - USDOT - Contractor Clauses .....	A
Appendix B - USDOT - Clauses for Deeds Transferring United States Property .....	B
Appendix C - USDOT - Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility or Program.....	C
Appendix D - USDOT - Clauses for Construction/Use/Access to Real Property Acquired Under the Activity, Facility or Program.....	D
Appendix E - USDOT - Pertinent Non-Discrimination Authorities .....	E
Appendix F - American Community Survey - Carver County - Language Spoken at Home Table.....	F
Appendix G - Carver County - Limited English Proficiency Analysis.....	G
Appendix H - Carver County - Title VI Public Participation Survey .....	H
Appendix I - Carver County – Public Notice of Title VI Program Rights.....	I

## **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.

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

This plan explains the how Carver County Public Works incorporates the requirements of Title VI and related legal authorities into its operations. The plan will be used as a reference for Carver County Public Works and as an informational resource for the public. The plan will be updated from time to time to reflect changes in Title VI compliance operations.

## II. Legal Authorities

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

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

## Non-Discrimination Policy Statement

It is the policy of Carver County Public Works that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of Carver County 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 Carver 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 Carver County Public Works, including its contractors and anyone who acts on behalf of Carver County Public Works. This policy also applies to the operations of any department or agency to which Carver County Public Works extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

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

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

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

  
\_\_\_\_\_  
Lyndon Colebrook-Robjent, Public Works Director

3/14/2022  
\_\_\_\_\_  
Date

### III. 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

## Carver County Public Works – Title VI and non-Discrimination Implementation Plan

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

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

In accordance with this requirement, the Carver County Public Works has signed the U.S. DOT Standard Title VI/Non-Discrimination Assurances. The document is attached as Appendix A.

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

The Public Works Director/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.

Carver County Public Works has created the position of Communications Manager to perform the duties of the Title VI Coordinator and ensure implementation of agency's Title VI program. The position of Communications Manager is located within the Program Delivery Department of the Public Works Division.

The Title VI Coordinator is responsible for:

- Submitting a Title VI plan and annual reports on the agency's behalf;
- Ensuring relevant agency staff receive necessary Title VI training;
- Ensuring prompt processing of complaints and maintaining a complaint log;
- 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;
- Developing Title VI information for dissemination;
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.





## V. Primary Program Area Descriptions & Review Procedures

Carver County Public Works engages in the following program areas:

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Program Delivery	The Program Delivery Department coordinates and delivers outstanding services to the Carver County Transportation System users, while preserving and enhancing the significant investment that Carver County entrusts upon us. We are dedicated to the delivery of quality, timely, cost effective design and construction of transportation projects through close collaboration with our partners and customers.	<ul style="list-style-type: none"> <li>• Inclusive and accessible public engagement during planning and project development.</li> <li>• Language access to critical communications for limited English proficient individuals</li> <li>• Collection of demographic data during public engagement activities</li> </ul> Removing or mitigating negative projects impacts or unfair burdens for environment justice communities.	The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs. It is the policy of CARVER COUNTY PUBLIC WORKS to adhere to Equal Employment Opportunity/ Affirmative Action and civil rights assurance policies, principals and imperatives within planning, development, and implementation of this program area. Review public engagement activities periodically to determine whether opportunities were offered to all communities. Document language access requests
Administration	The Administration staff manages administrative and financial resources of the Public Works Division and provides exemplary customer service to other departments and the	<ul style="list-style-type: none"> <li>• Language access to critical communications for limited English proficient individuals</li> </ul>	The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs. It is the policy of CARVER COUNTY PUBLIC WORKS to adhere to Equal Employment Opportunity/ Affirmative Action and civil rights assurance policies, principals and imperatives within planning, development, and implementation of this program area. Review public engagement

Carver County Public Works – Title VI and non-Discrimination Implementation Plan

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
	<p>public. We are dedicated to a technologically advanced environment characterized by accountability, continuous improvement, innovativeness, and sustainability with an emphasis on professionalism and teamwork.</p>		<p>activities periodically to determine whether opportunities were offered to all communities. Document language access requests</p>
<p>Asset &amp; Performance Management</p>	<p>The Asset and Performance Management (APM) Department provides data, analysis and forecasting that becomes the base of a systematic process of maintaining physical assets in a cost-effective manner. APM administers lead and support many enterprise software implementations in the areas of GIS, asset management and work management within the Public Works Division.</p>	<ul style="list-style-type: none"> <li>• Inclusive and accessible public engagement during planning and project development.</li> <li>• Language access to critical communications for limited English proficient individuals</li> <li>• Collection of demographic data during public engagement activities</li> </ul> <p>Removing or mitigating negative projects impacts or unfair burdens for environment justice communities.</p>	<p>The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs. It is the policy of CARVER COUNTY PUBLIC WORKS to adhere to Equal Employment Opportunity/ Affirmative Action and civil rights assurance policies, principals and imperatives within planning, development, and implementation of this program area. Review public engagement activities periodically to determine whether opportunities were offered to all communities. Document language access requests</p>

Carver County Public Works – Title VI and non-Discrimination Implementation Plan

Program Area	General Description	Title VI/Non-Discrimination Concerns and Responsibilities	Review Procedures for Ensuring Non-Discrimination
Operations	<p>The Operations Department staff strives to support and maintain Carver County’s assets through effective delivery of preventative care and timely response to customers. We are dedicated to the long-term service life and safety of the county transportation system and fleet through the innovative use of technology, effective budgeting, succession planning, and collaboration.</p>	<ul style="list-style-type: none"> <li>• Inclusive and accessible public engagement during planning and project development.</li> <li>• Language access to critical communications for limited English proficient individuals</li> <li>• Collection of demographic data during public engagement activities</li> </ul> <p>Removing or mitigating negative projects impacts or unfair burdens for environment justice communities.</p>	<p>The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs. It is the policy of CARVER COUNTY PUBLIC WORKS to adhere to Equal Employment Opportunity/ Affirmative Action and civil rights assurance policies, principals and imperatives within planning, development, and implementation of this program area. Review public engagement activities periodically to determine whether opportunities were offered to all communities. Document language access requests</p>
Parks	<p>The Parks Department provides a variety of quality recreational experiences, services and lands that meet the needs of the residents of Carver County and Carver County Regional Park users.</p>	<ul style="list-style-type: none"> <li>• Inclusive and accessible public engagement during planning and project development.</li> <li>• Language access to critical communications for limited English proficient individuals</li> <li>• Collection of demographic data during public engagement activities</li> </ul> <p>Removing or mitigating negative projects impacts or</p>	<p>The nondiscrimination notification in the Title VI Assurances must be included in bid solicitations and RFPs. It is the policy of CARVER COUNTY PUBLIC WORKS to adhere to Equal Employment Opportunity/ Affirmative Action and civil rights assurance policies, principals and imperatives within planning, development, and implementation of this program area. Review public engagement activities periodically to determine whether opportunities were offered to all communities. Document language access requests</p>

Carver County Public Works – Title VI and non-Discrimination Implementation Plan

<b>Program Area</b>	<b>General Description</b>	<b>Title VI/Non-Discrimination Concerns and Responsibilities</b>	<b>Review Procedures for Ensuring Non-Discrimination</b>
		unfair burdens for environment justice communities.	

## VI. 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 Carver County Public Works, and its contractors on the grounds of **race, color, national origin, sex, age, disability, or low-income status**.

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

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

### 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 Carver County Public Works or its representatives or contractors may file a Title VI complaint.

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

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

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

Complainants are encouraged to submit complaints directly to MnDOT via its online complaint form available here: <http://www.dot.state.mn.us/civilrights/titlevi-complaint.html>. Complaints can

## Carver County Public Works – Title VI and non-Discrimination Implementation Plan

also be filed by completing and submitting Carver County Public Works Title VI Complaint Form available at [Public Works | Carver County, MN](#) or by sending an email or letter with the necessary information to Carver County Public Works at:

Carver County Public Works  
ATTN: Communications Manager  
11360 US 212  
Cologne, MN 55322  
**Phone:** 952.466.5280  
**Email:** [srenney@co.carver.mn.us](mailto:srenney@co.carver.mn.us)

The complaint form is also available in hard copy at:

Carver County Public Works  
ATTN: Communications Manager  
11360 US 212  
Cologne, MN 55322

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

Complaints can also be filed directly with the following agencies:

Federal Highway Administration  
U.S. Department of Transportation Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-105  
Washington, DC 20590  
**Email:** [CivilRights.FHWA@dot.gov](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

## Carver County Public Works – Title VI and non-Discrimination Implementation Plan

After submitting a complaint, the complainant will receive a correspondence informing them of the status of the complaint within ten (10) business days of Carver County Public Works or other agency receiving the complaint.

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

FHWA HCR is responsible for all determinations regarding whether to accept, dismiss, or refer 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 Carver County Public Works. FHWA HCR is responsible for investigating all complaints. FHWA HCR may also delegate the investigation to MnDOT OCR, who would then conduct all data requests, interviews, and analysis and create a Report of Investigation (ROI). MnDOT OCR will have sixty (60) business days from the date the investigation is delegated to prepare the ROI and send it to HCR. HCR will review the ROI and compose a Letter of Finding based on the ROI.

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





## Title VI Complaint Form

Please complete this form to the best of your ability. If you need translation or other assistance, contact Sara Renney, Public Works Communications Manager.

Name \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
Phone: Home \_\_\_\_\_ Work \_\_\_\_\_ Mobile \_\_\_\_\_  
Email: \_\_\_\_\_

*Basis of Complaint (check all that apply):*

- Race
- Color
- Creed
- Gender Identity
- National Origin
- Sex
- Religion
- Public Assistance Status
- Age
- Disability
- Marital Status
- Other
- Retaliation
- Low-Income Status
- 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?*

\_\_\_\_\_  
\_\_\_\_\_

Carver County Public Works – Title VI and non-Discrimination Implementation Plan

When did the discrimination occur?

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Were there any other witnesses to the discrimination?

Name	Organization/Title	Work Telephone	Home Telephone

How would you like to see this situation resolved?

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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: Carver County Public Works is asking you to provide information in this complaint form which includes private and/or confidential information under the Minnesota Government Data Practices Act. Carver County is asking for this private/confidential information so that it can investigate and respond to allegations of discrimination. You are not legally required to provide this information. However, if you do not provide sufficient information, Carver County may not be able to properly investigate your complaint. The information you provide will be used by Carver County employees whose job assignments reasonably require access to the information. The following also have a legal right to access the information: exclusive

Carver County Public Works – Title VI and non-Discrimination Implementation Plan

representative for any Carver County 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 \_\_\_\_\_

## VII. Data Collection

Data collection for Carver County Public Works will be the use of U.S. Census data and/or State of Minnesota demographic data and estimates on populations potentially impacted by Carver County Public Works projects. Carver County Public Works’ 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.

<b>Program Area</b>	<b>Type of Data Collected &amp; Process for Collecting</b>	<b>Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data)</b>
County Road, Bridge Construction Management and Right of Way Maintenance	Carver County will use the U.S. Census data and/or State of Minnesota demographer data and estimates on populations potentially impacted by Carver County’s maintenance projects. Public participation data tracking of the race, color, origin, low-income status, disability, age and sex of members of the public participating in maintenance project development meetings. Language access provided when needed.	Carver County’s programs and activities adhere to Title VI requirements. Document the race/ethnicity of members of the public participating in public meetings and analyze data on populations potentially impacted by Carver County’s maintenance projects. Determine whether engagement opportunities were offered to all communities and populations potentially impacted by Carver County’s maintenance projects. Document language access requests.
Parks and Trails Construction, Maintenance, and Management	Carver County will use the U.S. Census data and/or State of Minnesota Demographer data and estimates on populations potentially impacted by Carver County’s Parks and Trails programs. Volunteer data collection effort via the Carver County Website established for Parks and Trails information. Collect survey data on race, color, national origin, low-income status, disability, age, and sex of participants of Carver County’s Parks and Trails programs and activities. Language access provided when needed.	Carver County’s programs and activities adhere to Title VI requirements. Document the race/ethnicity of members of the public participating in public meetings and analyze data on populations potentially impacted by Carver County’s maintenance projects. Determine whether engagement opportunities were offered to all communities and populations potentially impacted by Carver County’s maintenance projects. Document language access requests.

## **VIII. Public Participation**

Carver County Public Works will use the U.S. Census data and/or State of Minnesota demographic data and estimates to identify populations potentially impacted by Carver County Public Works projects. Surveys collecting the race, color, national origin, low-income status, disability, age, and sex of participants of Carver County Public Works' programs and activities will be collected when appropriate. All public meetings and civic engagement opportunities are open to the public to participate. Carver County Public Works uses several forums and avenues for public outreach. Carver County Public Works uses the Carver County Board of Commissioners Meetings, project and activity approvals, and public hearings. The Board of Commissioners Meetings are live and posted to the Carver County Public Works YouTube Channel. Carver County Public Works uses traditional means and methods of public outreach to include public notices and news items in the local newspaper and on the radio. Carver County Public Works has a number of dedicated web pages on the Carver County website ([Carver County, MN | Official Website](#)) for each program area.

Carver County Public Works 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. Carver County Public Works adheres to Equal Employment Opportunity/Affirmative Action and civil rights assurance policies, principals and imperatives within program planning, development, and implementation. These policies are essential parts to bid documents and proposals.

Carver County Public Works produces fact sheets and informational flyers for specific areas of interest to the public. Carver County Public Works 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 public meetings. Carver County and Carver County Public Works also uses 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.

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

CARVER COUNTY PUBLIC WORKS currently provides language access guidance as needed by the Title VI Specialist.

CARVER COUNTY PUBLIC WORKS conducted a LEP four (4) factor analysis, which is outlined below. The results of the LEP four factor analysis will be reviewed annually to help identify the needs of the LEP populations served. (Appendix G)

### **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 2015, the languages spoken at home by ability to speak English for 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

CARVER COUNTY PUBLIC WORKS is committed to assessing, as accurately as possible, the frequency with which LEP persons from different language groups encounter CARVER COUNTY PUBLIC WORKS programs and activities.

LEP persons interact in several ways with CARVER COUNTY PUBLIC WORKS, including but not limited to:

- Public meetings
- Community events
- Project-specific meetings, events, and discussions
- Online engagement
- Walk-in requests for information
- Phone communications
- Customer service interactions
- Surveys for information
- Requests for permits.

#### 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. CARVER COUNTY PUBLIC WORKS is committed to assessing the services provided by each program area to determine the implications for an LEP person or community in order to ensure meaningful access.

#### Factor #4: Resources

CARVER COUNTY PUBLIC WORKS serves the entire County of Carver, 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**

In order 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 /Carver County Public Works 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 right to receive competent oral interpretation of those written materials, free of cost.

### **Carver County Public Works Department Language Access Services**

Because the LEP four factor analysis demonstrates that there may be a need for meaningful access to engage LEP populations, CARVER COUNTY PUBLIC WORKS provides translation services. If needed, contact Sara Renney, PW Communications Manager.

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

- CARVER COUNTY PUBLIC WORKS currently provides language access guidance as needed.
- CARVER COUNTY PUBLIC WORKS conducted a LEP four factor analysis. The results of the LEP four factor analysis will be reviewed annually 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, Carver County Public Works 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?**

- Carver County Public Works 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, Carver County Public Works has not identified any specific vital documents requiring translation.



## **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, Carver County Public Works will institutionalize the same key components of DOT's environmental justice strategy and commitment to promote the principles of environmental justice in all Carver County Public Works' programs, policies, and activities. These policies outline actions and factors to address environmental justice in order to identify and avoid discrimination and disproportionality high and adverse effects on minority and low-income populations:

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

## Carver County Public Works – Title VI and non-Discrimination Implementation Plan

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

Some ways in which the Carver County Public Works 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;
- Providing timely information to area residents and businesses affected by transportation plans and projects;
- Performing periodic reviews of 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.

## **XI. Notice of Rights**

*Carver County Public Works 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, Carver County Public Works has not identified specific vital documents requiring translation.*

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

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

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

Lyndon Colebrook-Robjent  
Public Works Director  
County Engineer  
952.466.5200  
lrobjent@co.carver.mn.us

A Title VI complaint may also be submitted to MnDOT online at [www.dot.state.mn.us/civilrights/titlevi-complaint-form.html](http://www.dot.state.mn.us/civilrights/titlevi-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

Carver County Public Works – Title VI and non-Discrimination Implementation Plan

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A

USDOT Document Pages 2 through 4 and Appendix A through E to follow.

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

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

**DOT Order No. 1050.2A**

The Carver County Public Works (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

## Carver County Public Works – Title VI and non-Discrimination Implementation Plan

“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 Carver County Public Works, 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

Carver County Public Works – Title VI and non-Discrimination Implementation Plan

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, \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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.

\_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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

\_\_\_\_\_ Carver County Public Works \_\_\_\_\_, 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.

\_\_\_\_\_ Carver County Public Works \_\_\_\_\_

***(Name of Recipient)***

by \_\_\_\_\_

***(Signature of Authorized Official)***

DATED \_\_\_\_\_

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.

A



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 \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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 \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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 \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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 \_\_\_\_\_ Carver County Public Works \_\_\_\_\_, its successors and assigns.

The \_\_\_\_\_ Carver County Public Works \_\_\_\_\_, 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 \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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.)

B

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 \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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, \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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 \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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 \_\_\_\_\_ Carver County Public Works \_\_\_\_\_ 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.)

C

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 Carver County Public Works 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, Carver County Public Works 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, Carver County Public Works will there upon revert to and vest in and become the absolute property of Carver County Public Works 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.*).